

Village of Piermont Local Waterfront Revitalization Program

Adopted:

Village of Piermont Board of Trustees, January 7, 1992

Approved:

NYS Secretary of State Gail S. Shaffer, February 18, 1992

Concurred:

U.S. Office of Ocean and Coastal Resource Management, May 27, 1992

VILLAGE OF PIERMONT
LOCAL WATERFRONT REVITALIZATION PROGRAM

Piermont Village Board

William B. Goswick, Mayor
Charles A. Berger
E. Donald Cocker
Pauline Levin
John Zahn

Planning Consultant

RPPW Inc.

The preparation of this report was financially aided through a Federal grant (Grant-in-Aid Award Number NA-82-AA-D-CZO68) from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Act of 1972, as amended. This report was prepared for the New York State Department of State.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

FEB. 18 1992

Honorable William B. Goswick
Mayor, Village of Piermont
478 Piermont Avenue
Piermont, NY 10968

Dear Mayor Goswick:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the Village of Piermont. The Village is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

Again, I would like to commend the Village for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail S. Shaffer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gail S. Shaffer

GSS:gn

VILLAGE OF PIERMONT

RESOLUTION OF THE PIERMONT
VILLAGE BOARD OF TRUSTEES
ADOPTING THE
PIERMONT LOCAL WATERFRONT
REVITALIZATION PROGRAM

Resolution offered by Trustee

John Zahn

WHEREAS, the Village of Piermont entered into a contract with the New York State Department of State, dated January 1, 1984 for preparation of a Local Waterfront Revitalization Program;

WHEREAS, a draft Local Waterfront Revitalization Program (DLWRP) was prepared under said contract with the guidance of the Village's Waterfront Revitalization Program Advisory Committee; and

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

WHEREAS, a DLWRP and the DEIS were referred to appropriate local, county, State, and federal agencies in accordance with State and federal requirements; and

WHEREAS, a public hearing was advertised and held by the Mayor and Village Board of Trustees on 12-19-89 to receive and consider comments on both the DLWRP, the DEIS, and the proposed LWRP Consistency Law (part of the DLWRP); and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared and accepted by the Mayor and Village Board of Trustees as complete on 12-17-91; and

WHEREAS, the Board reviewed the proposed SEQR Findings Statement attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby adopts the SEQR Findings Statement attached hereto and directs the Mayor to execute the Findings Certificate thereon; and

BE IT FURTHER RESOLVED, that the Piermont Local Waterfront Revitalization Program is hereby approved and adopted.

Resolution passed at a regular meeting of the Piermont Board of Trustees on January 7, 1992. The votes were as follows:

William B. Goswick, Mayor
E. Donald Cocker
Pauline Levin

yes
yes
yes

Anthony Riso
John Zahn

yes
yes

Acknowledgements

We wish to acknowledge the contributions of former Trustee Kathryn Smith, who started the Village on this project back in 1984, and of former Planning Board members Mary Bryan, Mildred Burck, Stanley Jacobs, Beverly Houghton, and Herbert Schlobohm, who did the preliminary groundwork; we also record our debt to the Village of Mamaroneck for their LWRP model, the first such available. We acknowledge the efforts of Thomas Mitchell, who wrote the early versions of the midsections of this document, focusing them on his concerns for the world of nature. His desires for marine dependent use of the riverfront, and for development of a commercial marina on Village-owned underwater lands concurrently with development of the privately held lands on the Erie Pier had to be modified, but were useful at the time. We thank Rod Johnson and the members of the Harbor Advisory Commission for their contributions to planning ideas and text, and former Trustee Margaret Grace for her many contributions.

We take special pleasure in expressing our gratitude to Loretta Simon, also of the N.Y.S. Department of State, who has edited, reorganized, and proofread this entire document, and made many helpful suggestions. Without her aid, particularly on the final sections, this document would never have seen the light of day.

Charles A. Berger, Trustee, Village of Piermont Liaison to the Planning Board

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SECTION I
THE COASTAL BOUNDARY

A. Introduction

The coastal area boundary initially designated by the NYS Department of State is based on a program of statewide coastal planning as an overall umbrella within which local communities are encouraged to establish their own boundaries, with approval by the Department of State, if local circumstances warrant a change in boundary.

According to a summary of the program "The Waterfront Revitalization Program and Coastal Resources Act gave the Coastal Management Program authority to advocate specific actions to meet or cope with coastal issues. The specific actions which the Coastal Management Program advocates include: promoting waterfront revitalization; promoting water-dependent uses; protecting fish and wildlife habitats; protecting and enhancing scenic areas; protecting and enhancing historic areas; protecting farmlands; protecting and enhancing small harbors; protecting and enhancing public access; providing research, data, and information for participation of government agencies and citizens concerned with the State's coastal area; and coping with erosion and flooding hazards."

After reviewing the State Coastal Management Program and Final EIS, and collecting and reviewing data for Tasks 2 and 3, the Village has concluded that the purposes of the program can best be met by the program boundary described below.

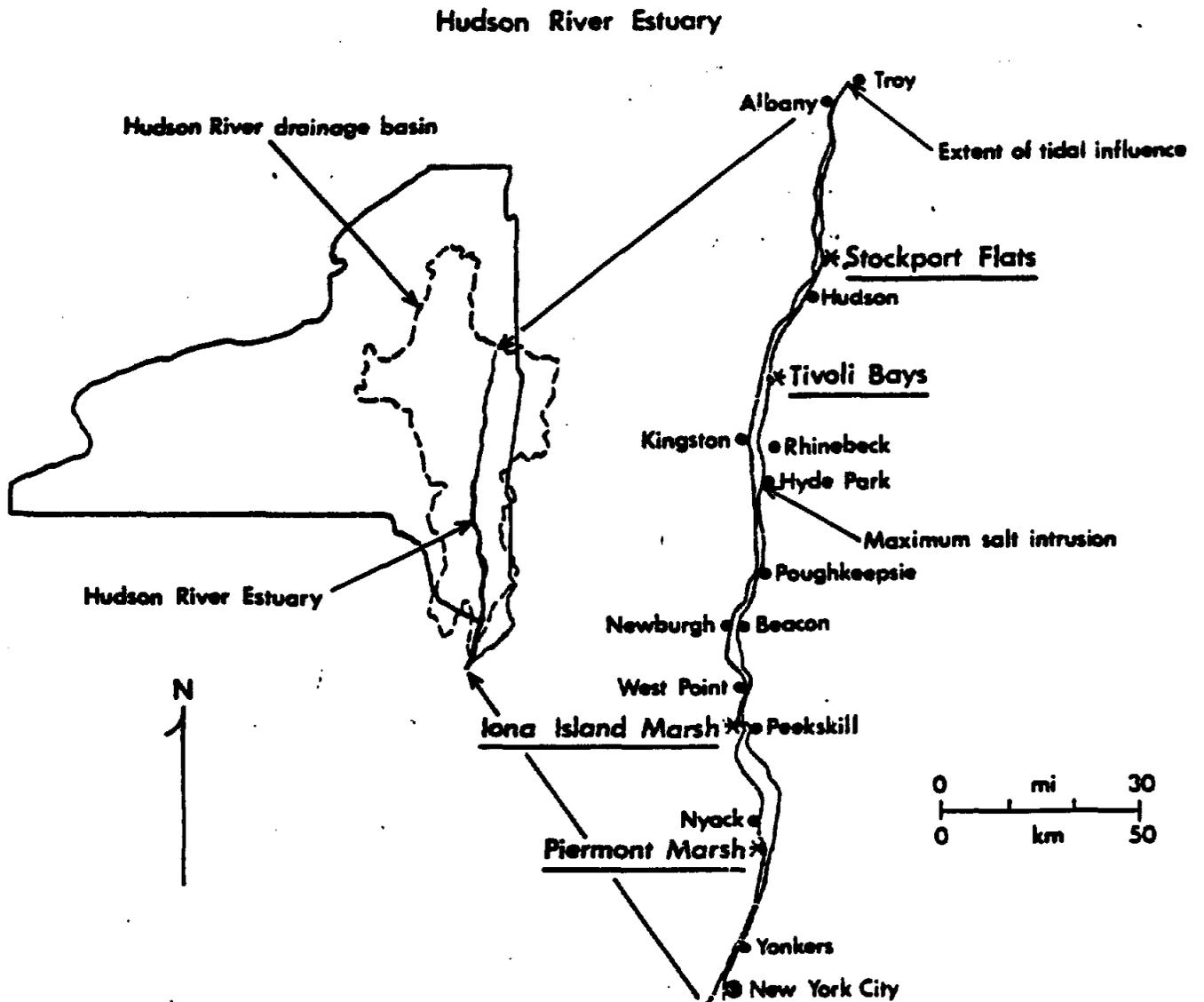
B. Coastal Area Boundary

The Coastal Area Boundary, as approved by the Secretary of State, begins at the point of intersection of the northern boundary of the Village of Piermont and the shoreline of the Hudson River at mean high water then westerly along that boundary to Route 9W; then southerly along Route 9W to Highland Avenue; then southerly along Highland Avenue and the Erie-Lackawana Railroad to the Village Boundary; then southerly and easterly along the Village boundary to the intersection of the Village boundary with the shoreline of the Hudson River at mean high water.

C. Village Waterside Boundary

The Village waterside boundary begins at the point of intersection of the northern boundary of the Village of Piermont and the shoreline of the Hudson River at mean high water, then runs southeasterly along the Village boundary, around the pier, then southwesterly to the intersection of the Village boundary with the shoreline of the Hudson River at mean high water.

Figure 1

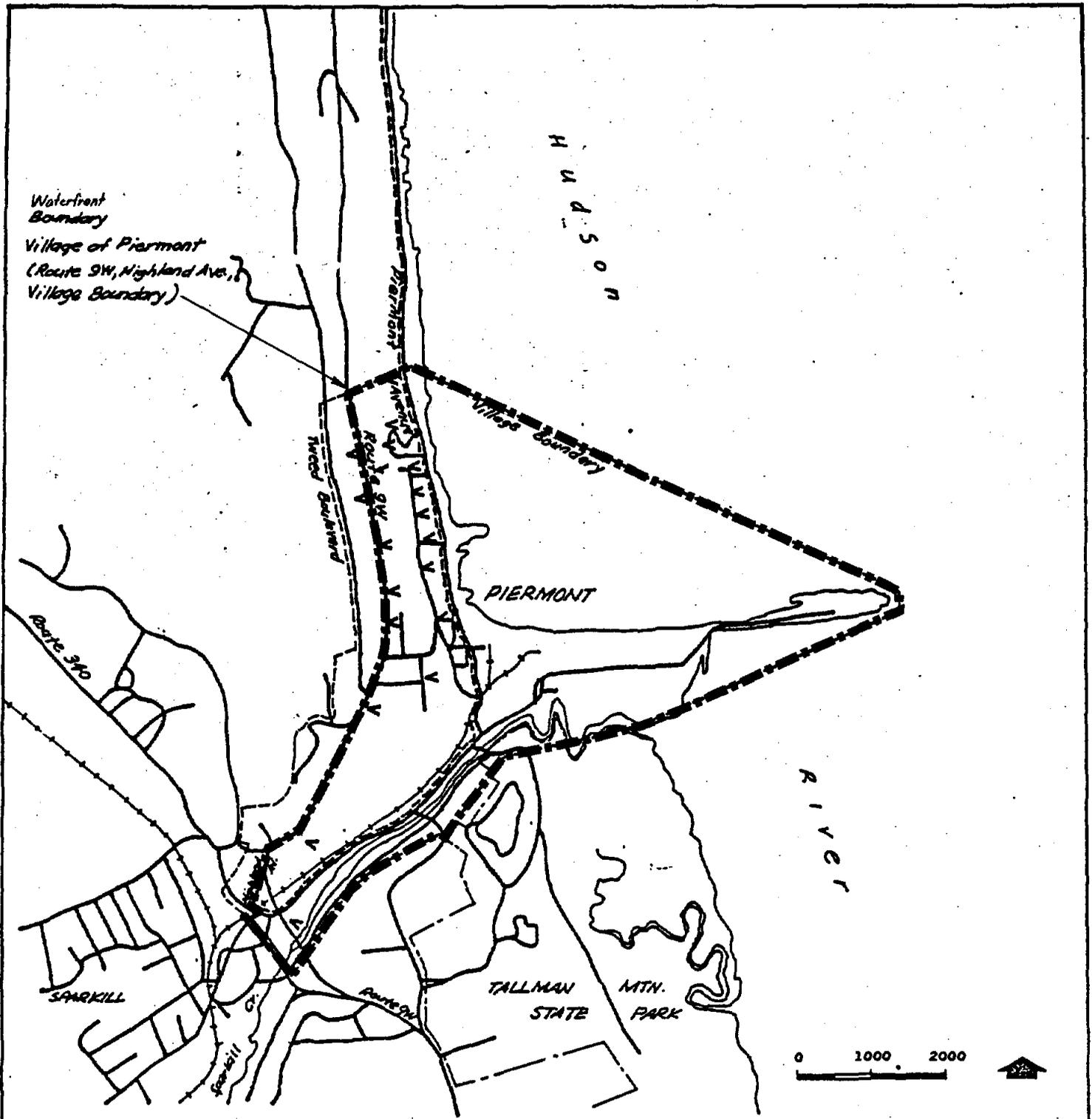


Stockport

19 mi 45 min	Tivoli		
67 mi 120 min	49 mi 75 min	Iona	
84 mi 160 min	66 mi 120 min	18 mi 45 min	Piermont

Source : Hudson River Estuarine Sanctuary Environmental Impact Statement.

Distances (airline miles) and approximate driving times (minutes) between sites.



◀ View of Hudson River or Sparkill Creek Valley from these points

The preparation of this map was financially aided through a Federal grant from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Act of 1972, as amended. This map was prepared for the New York State Department of State.

BOUNDARY MAP
Local Waterfront Revitalization Program
Village of Piermont, New York

Raymond, Parish, Pine & Weiner, Inc.
 Planning Consultants
 August 1984

SECTION II
INVENTORY AND ANALYSIS

INVENTORY & ANALYSIS

A. Existing Land Use

The Village of Piermont is a low-lying coastal community on the west shore of the Tappan Zee in the Hudson River estuary (see Figure 1). Situated approximately 25 miles north of the Battery end of Manhattan, the Village encompasses .7 square miles and has 2.5 miles of shoreline on the Hudson, 1 mile of frontage on the tidal portion of the Sparkill Creek and .6 miles on the freshwater Sparkill (see Figure 2). The Village has a combination of residential, retail sales, marine recreational, and light industrial development. The recreational opportunities for boating, fishing, and wildlife viewing are exceptional.

Land use in the Piermont LWRP Area can be divided into six subsections: residential riverfront, commercial waterfront, mixed use residential and commercial development, mid-river Village Park, tidal and freshwater creek, and upland viewshed (see Figure 10). A more detailed description of these LWRP subsections follows.

The narrow, winding and steep Village streets, in combination with limited access routes, preclude major development activity of the type that would attract large numbers of commuters, tourists, shoppers, or heavy trucks. Development would best be limited to the small scale of the historic village character.

Area I, from the northern boundary of the Village with Grand View, south to the Tappan Zee Marina, with .4 miles of shoreline, is residential in character and zoned for 1/4 acre density single family houses. The water-dependent use here centers on individual private moorings. (This use extends north from Area I along the entire Grand View shoreline.)

Area II, from the Tappan Zee Marina south to Parelli Park, with .3 miles of shoreline, is the existing commercial waterfront, which provides about 500 slips for recreational boating use. Area II also includes three commercial fishing operations for shad and blue crabs, a seaplane, two restaurants, a delicatessen, a bar, and a mix of residential dwellings. The Waterfront-2 zoning district here adds to special permit uses of the residential zone by including marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities (see Figure 11).

Area III, the former industrial site extending east from the base of the Piermont Pier with .6 miles of shoreline along the north side, is now being developed for mixed uses. Located in the middle of town opposite a block of 19th century Main Street buildings, the industrial operations were once central to the life of the Village for a century-and-a-half, in the 19th century as the Erie Railroad terminus and repair shops and in the 20th century as a paper manufacturing and boxboard printing complex. The paper and boxboard factories moved out in the early 1980's and the property became the object of

speculation. A used clothing recycling operation occupied a portion of the site, as did a small trucking business originally accessory to the factory operations. The zoning here has been changed to "River Front District" to reflect a newly approved mixed use development. Main Street retail stores adjacent to the factory lots are zoned "Business B."

The new RD zone will contain 257 residential units, of which 25 will be affordable rental units built and managed by the developer at cost. The total residential density will be 7.2 units/acre. There will also be 44,000 square feet of retail and office space (exterior dimensions, not usable space). Buildings 28 and 41 of the old factory complex will be retained. These were the only buildings deemed suitable for review in the Belle, Beyer, Blinder survey of 1984. Building 28 will be used for residences, residents' parking, and residents' storage space. Building 41 will be used for parking, vehicular access to Building 28, and winter boat storage and maintenance. The developer will repair the Village-owned north shore sea wall, construct a public walking path on the north shore connecting Parelli Park with Ferry Road at the dogleg, construct a square open to the river between Parelli Park and Building 28, provide 100 parking spaces to the Village, construct a truck delivery access road parallel to Main Street for use of stores on the east side of Main Street and an additional street parallel to Main Street to off-load Main Street, pay for filling the Village-owned drainage canal between Ferry Road and the road, deed the Plastifold building and associated land to the Village, and build a library and municipal building, at cost, on land abutting the new square. The commercial area will be laid out in a rectangular grid street pattern extending the village pattern and abut the village commerce area.

Area IV, the end-section of the Piermont Pier with .5 miles of shoreline on each side, is now a mid-river Village Park. It is the principal public access point to the Hudson River in Piermont. It is used year-round for fishing and wildlife viewing and simply walking along admiring the wide angle view of river, sky, and mountains. This narrow rock-fill construction was built in the 1840's to enable the Erie Railroad cars to reach deep draft boats. The dock at the end of the Pier is approximately 1 mile out into the Hudson east of Parelli Park and is used both by Columbia University's ocean going research vessels and by the Hudson River Sloop Clearwater to take on passengers for educational sails. On the north side of the end-section of the Pier is a marsh area that floods at high tide known as the "duck ponds" where swans have been known to nest. Motor vehicle access along Ferry Road is restricted by a permit system controlled by the Village. Along the south side of Ferry Road, the new Goswick Pavilion and ballfield has been well-utilized since its construction in 1984, including the annual Village Picnic and picnics sponsored by local civic organizations, the Village Summer Recreation Program, the Village Youth T-Shirt League, the volunteer firemen's softball league, and kite festivals. The reservation calendar for those willing to use the pavilion and field is filled far in advance. The Pavilion and ballfield area once contained the Village dump. This area has been tested (May, 1989) for a wide variety of toxics and found to pose no problems for use by residents and their children.

The end of the Pier has been owned by the Village since 1981 when it was acquired from the Continental Group through the Nature Conservancy. The Village is committed to keeping this area free from commercial development and has designated it as parkland.

Area V, the Sparkill Creek and marsh south of Ferry Road, includes .3 miles of marsh shoreline on the River, .9 miles of tidal water on the Sparkill, and .6 miles of freshwater Sparkill.

The character of Area V is mixed, beginning with undeveloped marshland of the National Estuarine Sanctuary at the mouth of the Creek, then a commercial fishing operation, a small boatyard and waterside park further in from the mouth, and on the freshwater portion including a nature sanctuary and a skating pond; but the predominant use along the Sparkill Creek is residential with density zoned at 1/4 and 1/6 acre single family houses. About a dozen boats are moored along the tidal portion of the Creek. Access at low tide is limited to shallow draft boats, such as rowboats, canoes, and sailboats with centerboards. The commercial fishermen use flat-bottomed aluminum workboats. Access at high tide is limited upstream by the low clearance under the historic drawbridge which is fixed in the down position. Canoeists often manage with some difficulty to put in from Tallman Park beside the Army Bridge at the fire road entrance.

Area VI is the upland viewshed of the waterfront, situated on the Palisades slope overlooking the River and Creek, with the west side of Route 9W as the uphill boundary. The area is zoned residential with density ranging from 1 acre single family to multiple occupancy buildings with 13.3 units per acre. Route 9W has been proposed for designation as a Scenic Road in recognition of the scenic vistas it offers. Area VI includes a lot with upwards of 30 undeveloped acres as part of the Tappan Zee Elementary School, which was closed in 1981. Area VI also includes the Erie Path, a former railroad right-of-way now a Village Park that overlooks the waterfront along a woodland walkway (see Figure 12).

B. Underwater Lands

The Village of Piermont owns extensive underwater rights in the Hudson River, immediately north of the Pier peninsula and east of Parelli Park. The Village also owns the coastal strip adjoining the underwater property. Development and use of these underwater rights to increase public access to the Hudson River and to generate revenue for the Village has been a goal of the Village since the coastal strip was deeded to the Village by Continental Can Corporation in 1973.

C. Existing Zoning

Piermont was incorporated in 1851, essentially at the behest of Eleazer Lord, President of the Erie Railroad. Incorporation enabled Piermont to provide services not available in the county itself, such as fire protection and sanitation law. Since the Village was the

eastern terminus of the Erie, and its residents were mostly dependent for employment on the Erie, it was easier for the Erie to dominate the Village than to dominate the county or even the township. (An early set of Village Board meetings shows the Board differing for weeks on deciding to fine Lord \$10 for running an open sewer ditch on one of his properties, finally mustering the courage to impose the fine, and then rescinding it the following week.)

Zoning was first imposed in Piermont in 1965. A major effort was made to conform the zoning to what in fact had developed in each locale. Naturally, since Piermont had grown freely and unchecked for the past 115 years, lot sizes, bulk, setbacks, etc., were fairly random, although more coherent in each neighborhood than one might have expected. Certainly the results were a great deal better than one would have guessed they'd be, providing both visual order and surprise, functional clustering of type, coherence of scale, arrangements that took sensible advantage of available land and were determined by convenience, suitability, and eye judgements. The Village has not always done as well (often worse) since zoning was introduced.

Part of the problem the Village has experienced with zoning has been the fact that the zoning categories are those considered in the 1960's as best suited for undeveloped land. These categories produced development tracts, such as those seen inland from Piermont. This is not the type of development desired by the people of Piermont.

Currently, zoning allows 1/4 acre density single family houses from the northern Village boundary to the Tappan Zee Marina (Area I). A Waterfront 2 district along the waterfront (Area II) adds to the special permit uses of the residential zone marinas; boatyards; clubs; wharves, docks, and pilings; and accessory fuel, supplies, and service facilities. Area III, the former industrial area, has been rezoned to allow mixed residential and commercial uses. Main Street retail stores adjacent to the factory lots are zoned "Business B"

The end-section of the Piermont Pier (Area IV) is now a Village park and the principal public access point to the Hudson River. It is zoned Riverfront District RD which allows for a planned mix of compatible residential and non-residential uses.

Area V, the Sparkill Creek and marsh south of Ferry Road, is zoned 1/4 and 1/6 acre density for single family homes.

Area VI constitutes the upland viewshed of the waterfront. It is zoned residential with density ranging from one acre single family to multiple occupancy buildings with 13.3 units per acre.

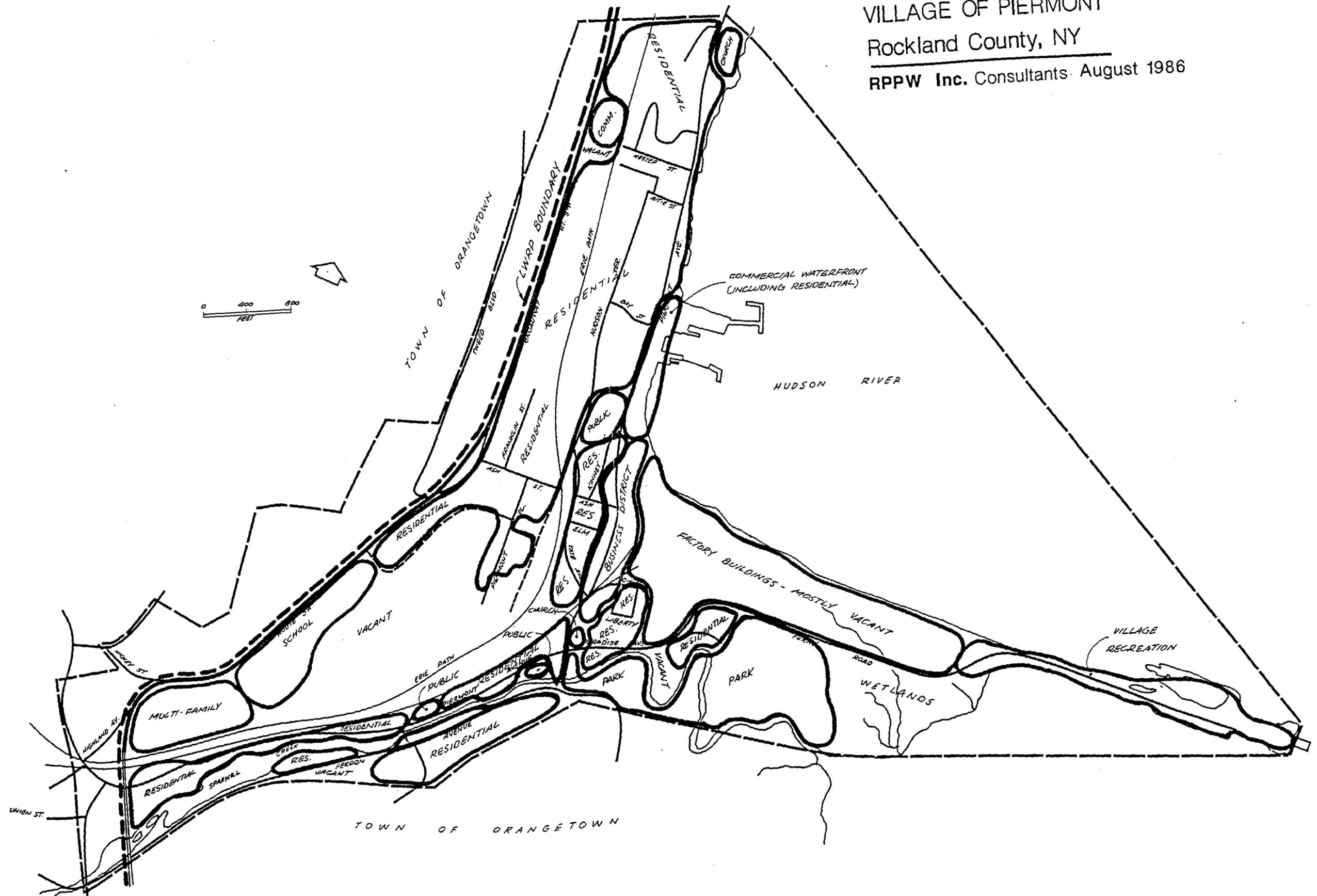
The Village has made erosion control and drainage control regulations in slope areas considerably more protective by introducing strict requirements governing impermeable surface areas, terracing, and land maintenance into slope zones.

EXISTING LAND USE

VILLAGE OF PIERMONT

Rockland County, NY

RPPW Inc. Consultants August 1986



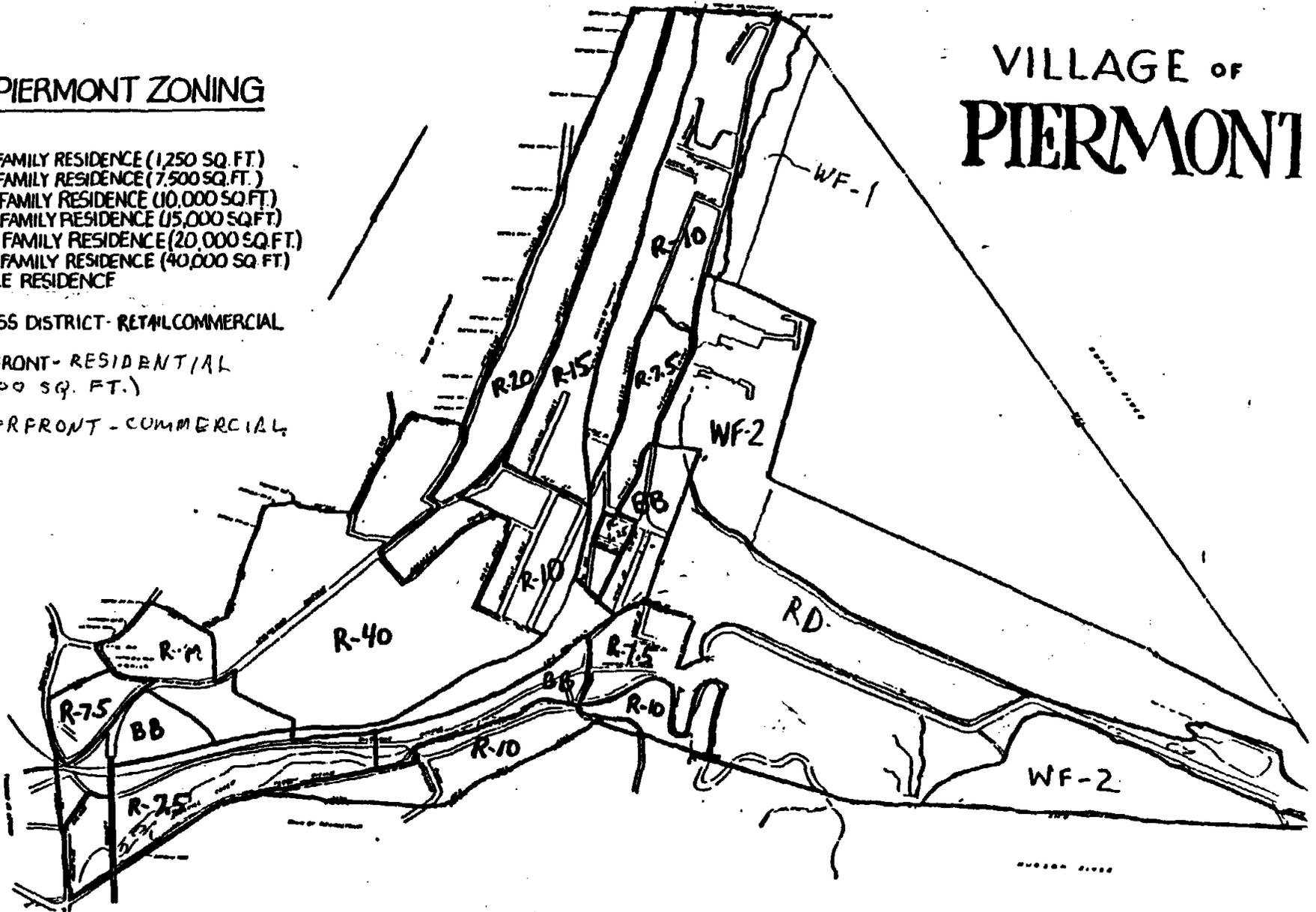
PIERMONT ZONING

R-1.25 - SINGLE FAMILY RESIDENCE (1,250 SQ. FT.)
R-7.5 - SINGLE FAMILY RESIDENCE (7,500 SQ. FT.)
R-10 - SINGLE FAMILY RESIDENCE (10,000 SQ. FT.)
R-15 - SINGLE FAMILY RESIDENCE (15,000 SQ. FT.)
R-20 - SINGLE FAMILY RESIDENCE (20,000 SQ. FT.)
R-40 - SINGLE FAMILY RESIDENCE (40,000 SQ. FT.)
R-M - MULTIPLE RESIDENCE

BB - BUSINESS DISTRICT - RETAIL COMMERCIAL

WF-1 - WATERFRONT - RESIDENTIAL
(10,000 SQ. FT.)

WF-2 - WATERFRONT - COMMERCIAL



VILLAGE OF PIERMONT

D. Flood-Hazard and Flood-Prone Areas

Much of the Village lies in flood plains -- both coastal and riverine. The Village lies at the bottom of the drainage basin of the Sparkill Creek and near the bottom of the drainage basin of the Hudson River where the incoming tide will back-up storm-water runoff. The Sparkill Creek watershed includes the area between the Hudson and Hackensack River systems in Orangetown in Rockland County and extends into northern Bergen County in New Jersey.

The Piermont waterfront along the Sparkill Creek is subject to frequent flooding, especially along the tidal portion, and high flood flows have resulted in extensive damage to residential properties. Damage in Piermont from a single storm in March 1984 was estimated to total nearly \$1 million, based upon filings from individual land owners, when Piermont was granted national disaster status. These flood-prone areas are covered by the provisions of the National Flood Insurance Program.

During flood conditions, the roadway of the historic drawbridge across the tidal Creek at Bridge Street is completely submerged. The frequent flooding also results in harbor siltation and significant degradation of coastal water quality. Residents who have experienced the need to file flood damage claims have received grossly inadequate recompense for their losses.

The Piermont Pier and the Tappan Zee shoreline to the north make a bight that protects Piermont Bay from storms out of the west and south. However, the bight is open to the northeast, and major storms blowing in from the northeast wreak havoc. Parelli Park, located at the center of the bight where northeasterly storm winds and waves are focused, has twice required major repairs to its bulkhead in the first decade since its construction. The proposed Village Landing expansion of Parelli Park must have protection from the northeast.

Ice in the river also causes extensive shoreline damage in the winter, particularly because Piermont is located along the brackish section of the estuary where sheets of ice form and break up with every change of the tide. Giant ice floes are in constant motion in the main channel and pile up along the shore, especially along the north side of the Pier on the outgoing tide. Northeasterly wind drives ice into the bight. As a result, bulkheads and seawalls along the shore require frequent repair and replacement. Placement of "dolphins" (open conical pilings), either in addition to the breakwater or as an alternative to the breakwater, would substantially decrease ice damage and consequently reduce bulkhead maintenance costs.

The shape of the Sparkill Creek watershed forms a kind of geological bottleneck. The upstream course of the Sparkill Creek and its tributaries drain 11.7 square miles as it meanders through a wide basin that geologists believe was once Hudson River bottom, but it passes through Piermont in a very narrow gorge formed by the only place the

Palisades ridge is cut through (see Figure 3). While this cut was the historic reason that early development of Rockland County began here, the current period finds a flood plain with historic houses built alongside the Creek where there is less than 600 feet between the 100 foot elevation lines on either side of the waterway. Every heavy rainfall quickly produces a dramatic rise in the level of the Sparkill Creek as it passes through Piermont. At exceptionally high flood stage the Creek actually reverses the direction of flow in the tributary Sparkill Brook which drains part of Bergen County, New Jersey, so that the Sparkill Brook flows back south into the Hackensack River drainage. Thus, only .7 square miles of the 11.7 square mile watershed of the Sparkill Creek is in Bergen County for purposes of flooding analysis.¹

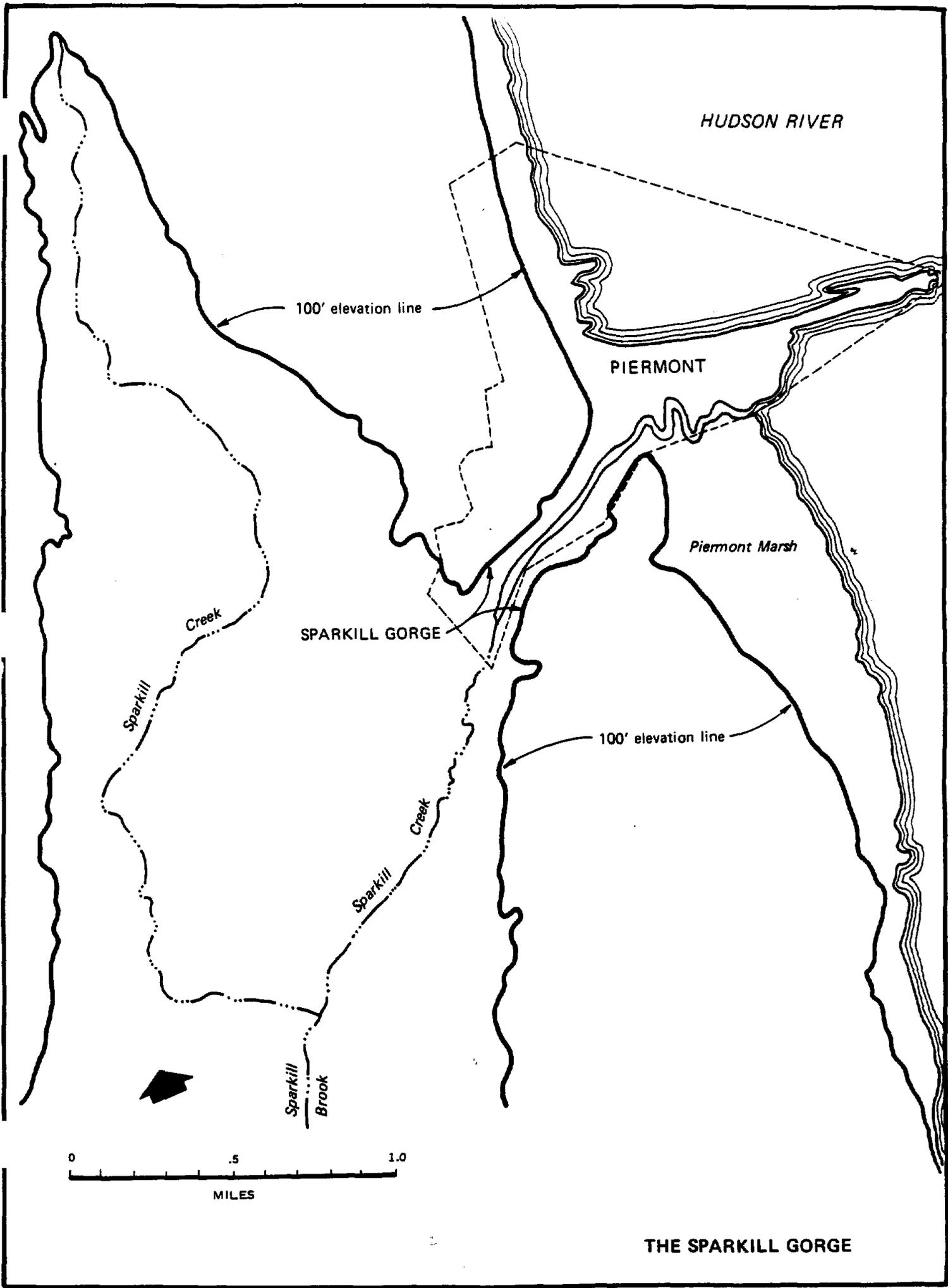
The most severe flooding area in the Village is along the tidal reach of the Sparkill Creek, which receives the increased runoff from the Sparkill Creek watershed caused by the intense development in the recent era combined with the tidal rise of four feet or more between low and high tide. When stormwater runoff from the freshwater Creek meets the opposing surge of a flood tide, the Creek overflows its banks. While communities upstream see the solution to their drainage problems in projects designed to increase the rate of stormwater runoff, this "solution" serves only to intensify the drainage problem downstream, exacerbating flooding in Piermont. The rapid runoff in the Creek erodes the stream banks and carries a large burden of silt into Piermont Bay, as well. The upstream areas must take responsibility for retaining and slowing additional runoff from any new development sites.

At the upstream boundary of the Village on the Sparkill Creek, the Valentine Avenue bridge with its stonework culverts has been characterized by the Town of Orangetown as a partial obstruction to the flow of the Sparkill Creek. In fact, any obstruction is caused primarily by the build-up of debris at the openings of the culverts.

E. Water and Sewer Service

Virtually the entire portion of the Village within the Waterfront area has water (Spring Valley Water Co.) and sanitary sewers, although a few individual homes may not be hooked up. Sewer service is not available at the end of the pier. The former factory area on the pier is served by larger sewer connections than are needed to serve the uses permitted in the new RD zone for the factory area. Additionally, the owners of that area obtained a contract with the Sewer District to accept their sewage, and this contract predates the current moratorium on new sewage connections in the Orangetown. The property is on the exempt list for new service established by the NYS Department of Environmental Conservation (DEC). As part of the negotiations leading to this contract,

¹ The Federal Flood Insurance Study for the Village of Piermont by the Army Corps of Engineers excludes the Sparkill Brook drainage area during flood stage of the Sparkill Creek.



HUDSON RIVER

100' elevation line

PIERMONT

Piermont Marsh

SPARKILL GORGE

100' elevation line

Creek

Sparkill

Creek

Sparkill

Sparkill
Brook



THE SPARKILL GORGE

Orangetown agreed to Piermont's status as a member of the Sewer District with the right to transmit sewage up to a maximum of 3,600 residents, a number derived from an old Master Plan. The only other area possibly subject to development at any scale is the Tappan Zee school property which has water and sewer service.

F. Sewer Overflows

Stormwater runoff enters the sanitary sewer lines leading to the Orangetown sewage treatment plant and the Rockland County Sewer District #1 treatment plant, which processes the liquid waste of the entire southern half of Rockland County. The stormwater infiltration over-burdens the treatment plants so that raw sewage is discharged into the adjacent Sparkill Creek and from the combined outfall line that terminates in the Hudson River just south of the end of the Piermont Pier, polluting the adjacent Piermont Marsh National Estuarine Sanctuary (see figure 4). The Orangetown system cannot handle the systemwide infiltration flow it receives during storms, and so, protects itself by shutting off flow from the Piermont line. The operators of the system illegally make use of the proximity of the Sparkill Creek to shed the flow. Both Orangetown and the DEC have ignored complaints for years. As a result, raw sewage is backed up during major storms, escapes from manholes along Ferdon Avenue, and flows untreated into the Sparkill Creek alongside the road. When this health hazard condition occurs, the Town of Orangetown routinely dispatches a pumper truck to discharge raw sewage directly from the Piermont pumping station into the Sparkill Creek, somewhat mitigating the health hazard. Orangetown plans to enlarge the capacity of the Sparkill pumping station in the near future, but the capacity of the Sparkill station is not the source of the problem. The problem is systemwide infiltration.

G. Sewer Outflow Line

The Orangetown/Rockland County Sewer District #1 outfall line presently terminates just south of the end of the pier and dispenses waste both upstream and downstream, depending on the stage of the tide. The outfall line has many leaks and the waste is often untreated, particularly when storm runoff infiltrates the sewerage system.

Over the past few years, the Board of Trustees has sought to have repairs made to the outfall line, located within the Village boundaries (and located within the National Estuarine Sanctuary) and has endeavored to have this outfall line extended westward so that the line discharges within the Hudson River Channel. The Rockland County Executive has intervened and supports these actions. It has been the concern of many that the increase in population caused by the Carlyle project will only have adverse effects on the Village and the environment. The Village Board believes that one positive effect will be the complaints of 227 families living in proximity to this outfall line will provide an important political spur to the responsible authorities to correct the situation. The new residents will be better situated to report, and thereby prevent, such activities

as disposal of old cars, refrigerators, and trash in the marsh and Village parklands, as well as provide pressure on more significant polluters.

The Sewer District repaired the line in the Spring of 1988, but the line broke again one month later just five yards from the south shore of the pier peninsula and discharges a portion of the effluent into the Estuarine Sanctuary. The New York State Department of Environmental Conservation, Region 3, has manifested continuous indifference to these problems.

H. Solid Waste

The collection and transport of solid waste from households in the Village is now performed by Village Highway Department employees, and most disposal is currently in the Clarkstown landfill. This is an improvement over the past practice when both the Village and Pier industries dumped in the marshland adjacent to the Sparkill Creek and Hudson River. However, the solid waste disposal problem has been moved out of sight rather than solved; and the present disposal location is not without leachate, capacity, and other problems. The Village should join any serious county-wide effort to improve solid waste handling and resource recovery procedures. The Village Conservation Commission in conjunction with the Piermont Civic Association and the Fire Department Ladies Auxiliary has run a voluntary paper recycling program, and this program has now expanded into a mandatory paper recycling program.

The Village maintains a compost collection site beyond the center field of the Goswick Pavilion ballfield, and this composting program has served well by reducing the volume of waste taken to the landfill, as well as by providing soil and mulch for the planting projects of the Village Parks Commission. However, the content of the compost material must be closely monitored since the compost site has the potential to impact the adjacent Sparkill Creek and Piermont Marsh if hazardous waste were to be placed there. Also, the continuing Village practice of storing demolition debris alongside Ferry Road for eventual use in building and maintaining Ferry Road needs careful review.

I. Transportation

Piermont has adopted the following standards for traffic capacity and allocation of that capacity:

1. In addition to requiring that traffic meet normal conditions for satisfactory flow as defined both nationally and in N.Y. State, the Village also insists that traffic flow through residential streets should not be at such volumes as to destroy their residential amenity.
2. In the developed areas of Piermont, it is impermissible to take land from residential lots to widen streets or create additional streets. It is also

impermissible to use the Conrail right of way to create a street parallel to the creek.

3. Upon determining the ability of the residential feeder streets to carry traffic at acceptable levels, the resulting noontime and rush hour flows are the maximum flows that can ever be allowed. During the SEQR proceeding on the RD district these maximum flows were determined for entrance and exit streets in the Village, and are tabulated in the SEQR Findings Statement. This capacity must be apportioned among all users, current and potential, in a fair way. For the downtown, "all users" means:
 - a) Existing traffic from local residences, residences in the Carlyle-Piermont development, and residences that may be created by infill on unbuilt lots under existing zoning.
 - b) Existing commercial and retail traffic, Carlyle's contribution to this, expansion of retail traffic due to revitalization consequent to the Carlyle project, and commercial infill under existing zoning.
 - c) Existing marina traffic and traffic generated by a maximum potential 700 slip Village owned marina.

Determination of the maximum permissible traffic levels on residential streets feeding the downtown was done during the SEQRA process for the Carlyle-Piermont proposal, and an allocation for Carlyle was determined.

It is apparent that Piermont's traffic needs even now call for some improvements, principally of entrances and exits to Rte. 9W. A list of these, and of other traffic mitigation measures required by the Carlyle project can be found in the Village's Findings Statement made under the State Environmental Quality Review Act review of the Carlyle project.

The Village has requested that the NYS Department of Transportation (DOT) widen Rte. 9W at the north fork of the intersection of Ash St. with Rte. 9W to permit southbound traffic to exit Piermont via the north fork. The DOT has agreed, and State funds are available for this improvement.

The Village has also requested signalization (active control during days of use) of the entrance to Tappan Zee Elementary School at Rte. 9W.

The vehicular crossing function of the historic drawbridge over the Sparkill Creek has been made redundant by construction of the adjacent Army bridge. Converting the drawbridge into a footbridge would eliminate a hazardous intersection and minimize maintenance. The County has also expressed concern about the safety of vehicular weight loads on the bridge.

J. Harbor Sedimentation

Soil, stripped of vegetation, washes into the Sparkill and ends up contributing to shoaling of Piermont Bay. Similarly, recent development in the Hudson River watershed, as well as agricultural activities has increased the burden of silt carried downstream. The Tappan Zee Bridge lowers water velocity, causing additional silt deposition in the Piermont Bay. The siltation in Piermont Bay has increased greatly in the past 30 years so that where native Piermonters dove into the Hudson above sandy bottom as youths, now as adults they see mudflats at low tide. This decrease in water depth jeopardizes the long-term survival of the established marine recreational use of Piermont Bay and the marinas that cater to this use. The commercial fishermen based along the shore are also hampered by inadequate low tide water depth.

A significant increase in the volume of storm water and silt runoff and flow down the Sparkill Creek may adversely impact the Piermont Marsh National Estuarine Sanctuary.

K. The Army Bridge

The Army Bridge linking Ferdon Avenue and Main Street at Kane Park, was built as a temporary wooden structure by the U.S. Army during World War II. It was used to transport troops from Camp Shanks in Tappan to the Army Dock at the end of the Piermont Pier. Over 1,000,000 U.S. soldiers debarked for Europe, primarily for the invasion of France, in this way.

The temporary bridge has so far lasted 45 years. Fire had damaged its underpinnings, and the wooden dock has been replaced by (still more) temporary metal plates. At this time, the bridge certainly requires repair, or perhaps even replacement. The bridge is owned and maintained by the County.

The position occupied by the bridge, which has a pedestrian walkway at its east side, affords a treasured view of the creek, the marsh, and Taliman Mountain. It provides a magnificent entry to downtown Piermont. Any change which degrades this view will be resisted fiercely by the Village.

Kane Park, a well-used, well-loved children's park, is immediately adjacent; Piermont and Orangeburg parents, enjoy this facility; children romp and parents chat in this delightful setting. This tiny park has been shown on national TV as the idyllic bucolic setting of the annual Bluegrass Fair, held in Piermont every Memorial Day weekend.

New York State builds small bridges according to a small set of pre-existing plans. None are appropriate for this location. The stereotyped plans, combined with the position of the modern (but landmarked) concrete abutment of the historic drawbridge would combine to force a fifteen foot encroachment on the boundaries of Kane Park, as it now sits. This would destroy the park.

L. Erosion and Drainage on the Slope

The Village now lacks legislation governing removal of trees on private property, or even to prevent clear-cutting and vegetation stripping on slopes. The Village has no legislation limiting the percentage of slope land that may be distorted in construction, or governing the amount of impermeable surface that may be disturbed in construction, or governing the amount of impermeable surface that may be created. In the past, the Village has depended on the good sense of residents to protect the land. Recently, a property owner in Orangetown, owning a two acre property located between the Erie Path Park and Route 9W, near the Piermont-Grandview borders, demonstrated the hazards of such activities, clear-cutting and stripping his property, eventing a desert in a paradisiacal spot, now actively eroding, subject to mudslides, creating siltation problems in the river, and landslide hazard on the slope. The wrecked property is now for sale.

Motivated by this debacle, the Village is now preparing protective slope legislation. This legislation has several features of interest.

1. Depending on the degree of overall slope, and earth, and on the size of the plats, the law will limit the permitted square footage of disturbed earth and impermeable surface. Proximity of disturbance to cliffs further reduces the permitted disturbed area. The permitted disturbed area is a function of the plat size, slope, and proximity to hazards.
2. In no case does the new limitation deprive the owner of use of the land. Further, it does not change conforming lots into non-conforming lots, but reverses the degree of non-conformance.
3. Portions of the property which were stripped of trees or vegetation, otherwise disturbed, or rendered impermeable prior to the application still will count as disturbed or impermeable where regrowth has occurred, or land partially cleared, the Planning Board may determine that such land is "partially disturbed". Thus, that Board may decide that a 50,000 square foot section is 40% disturbed.

M. Public Access and Recreation

The Piermont Conservation Advisory Commission has inventoried open space in the Village. The following locations serve for public access (see Figure 5).

1. Parelli Park, a "vest pocket" size park at the base of the Piermont Pier and the southern end of the existing marinas, was constructed by the Piermont Lions Club on land acquired by the Village and furnished with park benches and a flagpole with a plaque in memory of Frank Parelli.
2. The end of the Pier, the long narrow area to the east of the former industrial site

acquired by the Village in 1981, is used for passive recreational purposes, primarily fishing and wildlife viewing, with motor vehicle access regulated by a permit system. The Pier was originally constructed in the 1840's to provide access to deep water for the Erie Railroad terminus. The Village has received a grant from the Heritage Task Force toward the cost of constructing a boat launch in this area. However, the Harbor Advisory Committee and the Village Board have now decided that the increased traffic on Ferry Road and increased parking at the Pier make the site undesirable.

3. Northshore Public Walkway on Piermont Pier, a public walkway, will be constructed as part of the new development on the pier to ensure that public access to the Hudson River is maintained and enhanced. The walkway will be located along the entire length of the northern edge of the site.

An emergency vehicle lane will begin east of the firehouse and end at Ferry Road, east of the project and within the Village's pier parkland. The northernmost eight feet of this emergency vehicle lane will be surfaced in such a fashion as to permit wheelchair and pedestrian access along this newly formed riverwalk.

The site plan review shall ensure that the eastern end of the seawall and walkway shall be so designed as to maintain pedestrian access to the littoral at the dog-leg, and shall not interfere with valuable marsh species to the east of the dog-leg or in its vicinity.

The Village Code provides that up to 10 percent of the total area of a site may be required to be set aside for Village parks and recreation land. The land, from the inland side of the walkway, out to the Village lands on the river side, shall become Village owned parkland wherever it is not already Village land. If the seawall is reconstructed at its original location, these lands plus the re-created lands will be deemed to satisfy the 10 percent maximum requirement to be set aside by the new development.

If the walkway generates too much traffic within Piermont, or other problems arise, the Board of Trustees may, at its discretion, alter its normal policy and restrict its use. Use of the walkway may be limited at all times, or on certain days or hours. Fishing and picnicking are expressly forbidden.

4. Goswick Pavilion, the area south of the Ferry Road on the Pier just east of Paradise Avenue, is owned by the Village and is the site of a ballfield and pavilion constructed in 1984. Village recreational opportunities were greatly improved by the 1983-84 construction of the Goswick Pavilion and field with the provision of a full-size softball diamond, horseshoe pits, a volleyball area, and pavilion amenities including shelter from rain or shine, picnic tables, a kitchen,

and toilets. The Pavilion area serves as the principal public recreation site in the Village. The original plans for the facility proposed eventual upgrading of this resource by adding tennis courts. It is Village policy never to add lighting for night events.

5. Kane Park, a vest pocket park on the Sparkill Creek on land opened to the Village by the Macedonia Baptist Church, is equipped with recreational facilities popular with children, as well as a gazebo constructed by the Piermont Civic Association. It is the site of the annual Memorial Day Bluegrass Fair. This tiny park serves as a children's playground for residents of Grandview, Sparkill, Tappan and other areas around Piermont, as well. It is also a viewing point, proving a delightful entranceway to downtown Piermont. It is threatened by the N.Y.S. D.O.T. plans for reconstruction of the Army Bridge, which would take 15 feet from the park. The contemplated structure and barriers are completely inappropriate by the site, and would create a visual intrusion.
6. Skating Pond, a winter recreation facility administered by Orangetown and owned by the Spring Valley Water Company, serves as a stormwater retention basin. It was formerly used as a site for ice-making and as a mill pond for water power.
7. The Erie Path, a former rail line bed, was dedicated as a park by the Village in 1975 and is used for walking, jogging, and bicycling.
8. The Community Center Park is the site of a demolished high school building on the slope overlooking Piermont Bay. It has recreational equipment and playing space used by the Teen Center and Community Play Group daycare program located in an adjacent former elementary school building. The park includes a wooden steps walkway down to Main Street, and is furnished with picnic tables and plantings maintained by the Village Parks Commission.

N. Commercial and Sport Fishing

The existing marinas and boat clubs have been a major part of the identity of Piermont since the turn of the century when Fort Comfort was a popular summer recreational site. Commercial fishing has been a part of Village life since its first days, and several commercial shad and crab fishermen remain active today. The recreational fishing opportunities today continue to attract fishermen in all seasons for catfish, white perch, tomcod, eels, and menhaden. However, the marinas are unable on their own to undertake the channel dredging and maintenance project necessary to their long term economic viability.

Also, the commercial fishing operations are economically depressed by the ban on commercial stripped bass catching and need encouragement to survive until PCB levels are reduced enough to permit renewed commercial harvesting of the stripers.

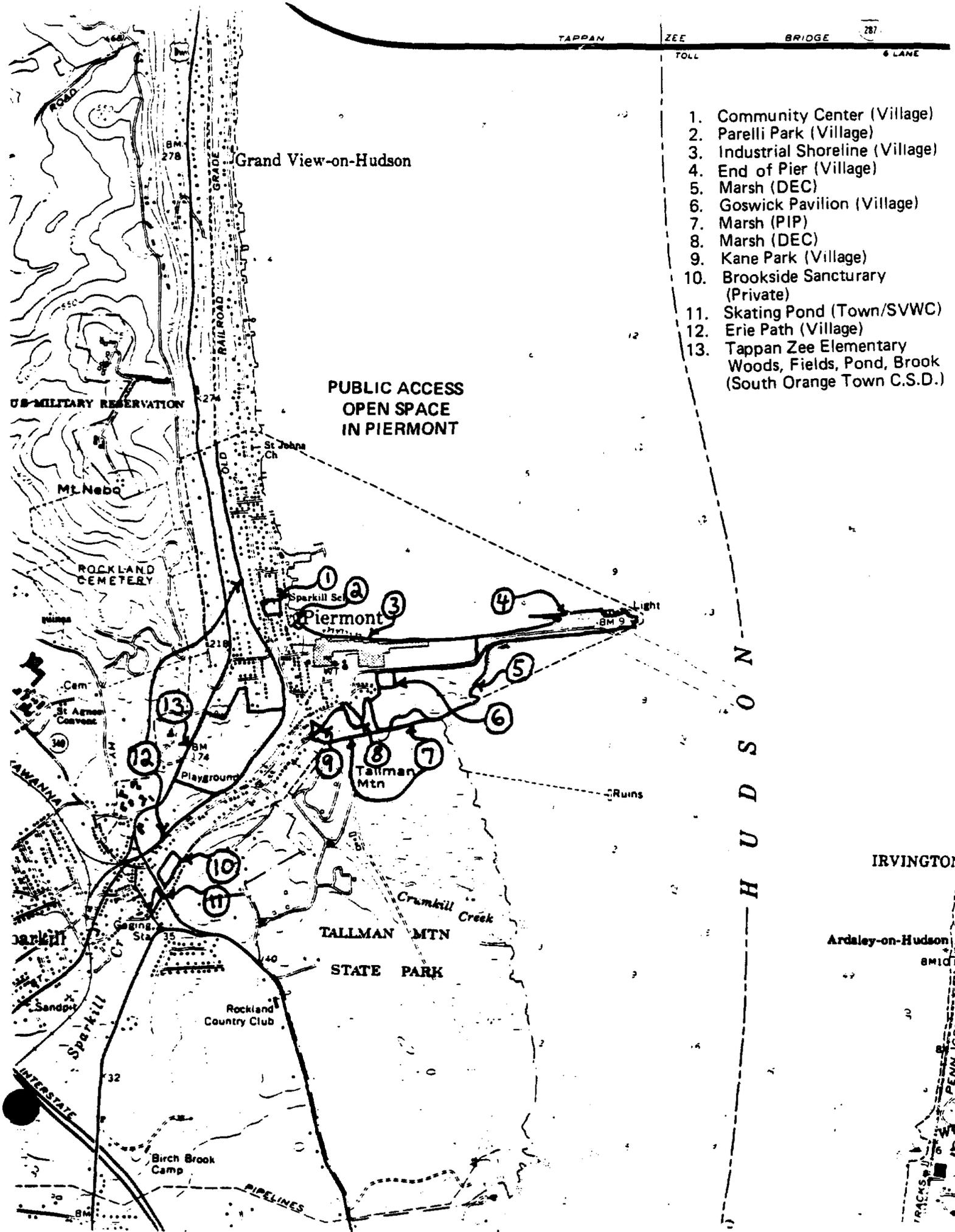
Fishing does take place along the pier and at the end of the pier. The tidal shallows adjacent to the Piermont Marsh, the tidal portion of the Sparkill Creek, and the shallow water of Piermont Bay are an important habitat for the fry of many species of fish that breed in the Hudson estuary.

O. Water-Dependent and Water-Enhanced Uses

Water-dependent uses in Piermont consist of:

1. Existing marinas
2. Potential Village-owned marina
3. Commercial fishing operations now in existence. At present, these are limited to shad because of PCB contamination in the river. Before this problem arose striped bass were also fished commercially. At one time, sturgeon existed in the river and were commercially fished.
4. Recreational and sport fishing. The current prevalent site is in the Pier Park. Fin fish and blue fin crabs are taken.
5. Recreational river viewing. Parelli Park and the Pier Park provide spectacular public river view sites. The new North Shore Public Walkway will provide 3300 ft. of river-edge viewing access.
6. Small, human-power craft on the creek and estuary. The bridge barrier at Bridge Street is to be eased (drawbridge raised, spans elevated). The Village is seeking to determine an appropriate site for launching car-top craft. The DEC canoe launch has no associated parking.
7. The winter boat storage and repair facility planned for the Carlyle projects will launch and retrieve craft directly from the river (avoiding Village roads) via a negative fork lift. At some future time, if a ramp is constructed at this launch point, the ramp will also be used for Village access.
8. Residential docks on the river and creek.

Virtually all commercial uses in Piermont are water-enhanced or water related. Such uses include restaurants, boat sales and showrooms, boat storage, boat repair, and sporting goods shops.



Grand View-on-Hudson

**PUBLIC ACCESS
OPEN SPACE
IN PIERMONT**

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2. Parelli Park (Village)
3. Industrial Shoreline (Village)
4. End of Pier (Village)
5. Marsh (DEC)
6. Goswick Pavilion (Village)
7. Marsh (PIP)
8. Marsh (DEC)
9. Kane Park (Village)
10. Brookside Sanctuary (Private)
11. Skating Pond (Town/SVWC)
12. Erie Path (Village)
13. Tappan Zee Elementary Woods, Fields, Pond, Brook (South Orange Town C.S.D.)

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US-MILITARY RESERVATION

Mt. Nebo

ROCKLAND CEMETERY

Piermont

TALLMAN MTN

STATE PARK

Rockland Country Club

Birch Brook Camp

PIPELINES

INTERSTATE

Sparkill

AWANNA

St. Agnes Convent

ROCKLAND CEMETERY

US-MILITARY RESERVATION

ROAD

RAILROAD GRADE

RAILROAD

OLD

Sparkill St.

Playground

Sparkill Cr.

Gaging Sta.

Sandy

BM

St. Johns Ch.

Sparkill St.

WT

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P. Harbor Management Needs

Access to the Piermont Bay marinas is difficult at low tide because navigation is obstructed by an offshore shoal and by shallow water at the docks (see Figure 13). The rapid loss of water depth due to siltation is a problem that has occurred in the past thirty years since the construction of the Tappan Zee Bridge and has reached the point that the long term viability of the marinas has been called into question. A natural channel that comes in along the north side of the Piermont Pier needs to be marked, deepened, and maintained. A sunken barge off the north end of the Pier near this channel needs to be removed. All along the developed shoreline, bulkheads, seawalls, and docks have been constructed; and these structures require periodic maintenance and renewal. The Carlyle Project will restore the North Shore Seawall and guarantee the North Shore Seawall maintenance for 25 years.

Upland disposal of dredge spoils is assumed because the cost of using barges to remove spoils is considerable, whereas the cost of upland disposal is minimal when the dredge spoil can be used as a landfill cover. At present, the Town of Orangetown is under contract to the Town of Clarkstown to provide landfill cover, and Orangetown will provide truck transportation gratis for removing dredge spoil material to be used as landfill cover.

Dredge spoil from Piermont Bay has already been approved by the Department of Environmental Conservation for use as landfill cover as part of the permit approval for dredging by one of the commercial marinas. This assumes that the Clarkstown landfill continues in operation.

There are several navigation hazards within the waterfront revitalization program area, but the primary hazard is a sunken barge just north of the Pier which is in line with the natural channel that the waterfront revitalization program proposes to dredge, mark, and maintain. This sunken barge is now marked by a buoy. In the context of the many tasks associated with maintenance of navigation in the Hudson estuary, removal of this hazard has not achieved priority status. However, in the context of establishing the Piermont Bay navigation channel, the logically connected project of removing this hazard should be included. Also, in connection with the Department of Environmental Conservation project to remove the abandoned ferry slip and other unnatural shoreline features from their property on the end of the Pier, it would be very cost-effective with the equipment already on site to include the immediate vicinity project of removing this sunken barge on the north side of the pier.

In addition, there are several sunken barges alongside the Pier that were abandoned by the Army at the end of World War II when the use of the Pier as an embark station point ceased. These barges are now disintegrating and releasing timbers that are a hazard to all boat traffic in the Hudson estuary. Their removal is also called for as part of the waterfront revitalization program.

The lowered drawbridge over the Sparkill Creek is an obstacle to further upstream navigation at high tide. Its original function in addition to providing a vehicular crossing was to permit boats to travel as far upstream as the silk mill. However, it has been fixed in the down position for many years, blocking the upstream passage of even low-clearance boats. The roadway is rendered impassable itself by flooding following every major storm. The vehicular crossing function of the drawbridge has been made essentially redundant by the adjacent Army bridge. Converting the drawbridge into a footbridge would eliminate an extremely hazardous intersection and minimize maintenance -- the County has already expressed concern about the safety of vehicular weight loads; and replacing the immobilized fixed section of the span with an arch would open the Creek to upstream small boat navigation at high tide and permit the upcoming adjacent Army Bridge replacement to cut the corner somewhat and thereby avoid encroaching on Kane Park.

The Sparkill Creek is subject to siltation from upstream runoff, especially at its mouth, so that access for motorboats is limited by the tide, while shallow draft boats can get in and out even at low tide. Except for boats moored along the creek, few motorboats now venture into the creek. More motorboats in the creek would be dangerous because as it reaches its mouth, the creek meanders through tall reeds in the Piermont Marsh National Estuarine Sanctuary, and the unwary motorboater here is a hazard to others who may be coming toward him unseen around a bend. Also, the wildlife would be disturbed by a marked increase in motorboat traffic, and dredging would be particularly damaging to aquatic life. Consequently, it is best to leave motorboat traffic in the creek at its existing level and leave the sediment at the mouth of the creek to be periodically washed away by the scouring action of the spring ice breakup.

Removal of debris that has collected in the tidal reach would improve navigation as well as drainage.

Any inadequacy of the capacity of the existing Valentine Avenue bridge culverts to carry storm runoff flow is a measure of the poorly-planned upstream development approved in recent years in complete disregard for its downstream impact. The solution is not replacement of the Valentine Avenue bridge with a new bridge designed to permit increased flow and increased flooding in Piermont. Rather, the upstream areas must cease approving new construction in wetlands and require any other developments to provide drainage retention areas on site.

Much of the upstream drainage area was originally wetlands. However, land development in wetlands and in the flood plain in both Orangetown and northern Bergen County has greatly reduced the absorption capacity of the watershed, especially in the last 30 years. As a result, floods have become higher and more frequent as more and more absorbent land is paved over and built upon. The efforts of areas upstream to speed stormwater runoff serve to exacerbate flood conditions in Piermont.

TAPPAN

ZEE

BRIDGE

287

TOLL

6 LANE

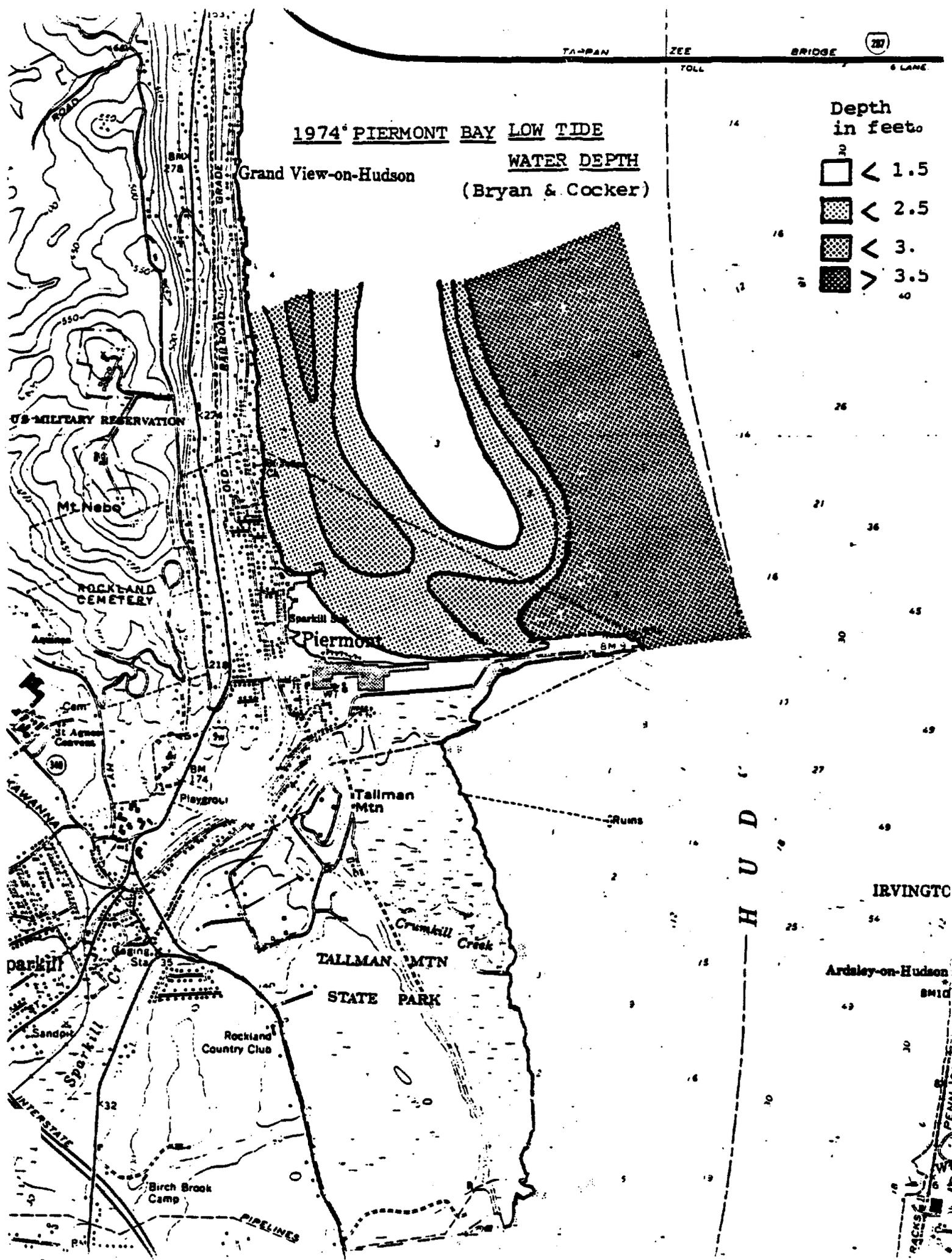
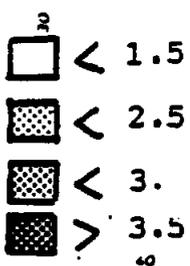
1974 PIERMONT BAY LOW TIDE

WATER DEPTH

Grand View-on-Hudson

(Bryan & Cocker)

Depth
in feet



THE NORTSHORE SEAWALL

The Village owns the coastal strip along the north shore of the Pier Peninsula. This strip varies from 4' to 20' in width and contains the seawall. The seawall is intact to the west, and is progressively more deteriorated to the east. The Village owns substantial lands at the east end, between the deteriorated seawall and the Carlyle property; and this area would be an extremely desirable one for a viewing park if the seawall were restored at its original location. The developer will repair or construct the northshore seawall from Parelli Park to the eastern end of the site; the details of the eastern end will be determined by the Village Board. (See also description of the North Shore Public Walkway on page II-18.) The Village Board will require that this seawall be constructed at, or close to, its original location, so as to improve public access to the northshore walkway and to separate the public use from the abutting new residential development, provided that approvals can be obtained from the appropriate permitting agencies. The Village will give the developer access over its lands to construct the seawall and to maintain it.

Maintenance at a level deemed suitable by the Village will be the responsibility of the developer or of his successor in ownership for 25 years. After that time the Village will create a special improvement district that will include the Village, the owner(s) of the Carlyle property and the owner/operator of the marina, if one is present.

Q. Piermont Marsh Significant Habitat

The Piermont Marsh is a designated Coastal Fish and Wildlife Habitat of Statewide Significance. It is also a part of the Hudson River National Estuarine Sanctuary and Research Reserve.

LOCATION AND DESCRIPTION OF HABITAT

Piermont Marsh is located on the west side of the Hudson River, at the southern edge of the Village of Piermont, in the Town of Orangetown, Rockland County (7.5' Quadrangle: Nyack, N.Y.). The fish and wildlife habitat is an approximate 725 acre area, encompassing a large, intertidal, predominantly brackish marsh, extensive tidal shallows (less than 6 feet deep below mean low water), and the mouth of Sparkill Creek. The marsh area is dominated by narrow-leaved cattail and common reed, with lesser amounts of salt-marsh cordgrass, salt-meadow cordgrass, saltgrass, and purple loosestrife; sparse growths of pondweeds are present in the shallows. Sparkill Creek and Crumkill Creek meander through the marsh, but account for a very limited amount of open water. Piermont Marsh is bounded on the north by a mile-long earthen pier, constructed in 1839 as the eastern terminus of the Erie Railroad. The western end of the pier is occupied by several factories, while the eastern end is a park area owned by the Village of Piermont. Most of Piermont Marsh and the land area to the west (predominantly steep, undeveloped, forestland) are within Tallman Mountain State Park, owned by the Palisades Interstate Park Commission. The south and east sides of the area open broadly to the Hudson River. The NYSDEC owns an approximate 70 acre parcel at the north end of the marsh.

FISH AND WILDLIFE VALUES

Piermont Marsh is one of the largest, undeveloped, wetland complexes on the Hudson River. It is the only sizeable intertidal brackish marsh within the Hudson estuary, and is exemplary of this ecological community type. For these reasons, Piermont Marsh has been designated as one of four sites comprising the Hudson River Estuarine Sanctuary, dedicated to environmental research and education.

Piermont Marsh is a productive wetland area, with minimal human disturbance. Consequently, it provides favorable habitats for a variety of fish and wildlife species. Probable or confirmed breeding bird species in the area include pied-billed grebe, green-backed heron, mallard, black duck, gadwall, wood duck, American woodcock, marsh wren, red-winged blackbird, and swamp sparrow. Other species that have been reported at Piermont, but were not documented breeding there since at least 1980, include American bittern, least bittern (SC), Virginia rail, sora, king rail, fish crow, and sedge wren (SC). Concentrations of herons, waterfowl, and shorebirds occur in the tidal flats and shallows during spring and fall migrations (March-April and September-November, respectively), but the extent of use by these birds has not been documented. Other resident wildlife species in the area include muskrat, mink, raccoon, diamondback terrapin (SC), snapping turtle, and northern water snake. Sparkill Creek and Crumkill Creek provide limited 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. Fiddler crabs are abundant in the marsh, and blue claw crabs occur regularly in the shallows.

The diversity and abundance of fish and wildlife species at Piermont Marsh are unusual in the lower Hudson River. Opportunities for birdwatching, fishing, and informal nature study, especially from Piermont Pier, attract a substantial number of Rockland County residents to the area. More importantly, however, is that designation of Piermont Marsh as an Estuarine Sanctuary will focus research and education activities in the Hudson Valley on this area.

The major adverse impact on the marsh is the biological enrichment of the marsh water from the Rockland County Sewage Outflow Line. Ideally, the outlet should be farther out, in deeper water, providing greater dilution before settling.

R. Critical Environmental Areas

There are three important wildlife habitats in Piermont, all of which were recognized by the Village Board in 1985 as Critical Environmental Areas. They are the Piermont Marsh and adjacent shallows, the Sparkill Creek, and the Tappan Zee Elementary School property and adjacent land that comprises the Palisades Slope area. (See Figure 6)

1. The Piermont Marsh is a designated Coastal Fish and Wildlife Habitat of Statewide Significance and constitutes the southernmost portion of the Hudson

River Estuarine Sanctuary and Research Reserve. (See description of the habitat in chapter Q. of the Inventory and Analysis.)

Since the Hudson estuary is quite narrow with few marshes and shallows, the Piermont area is especially important to the continued viability of estuarine wildlife. The Piermont marsh and the marshy area on the north side of the Piermont Pier, known as the "duck ponds", not only support many nesting birds; in addition, many thousands of birds migrating in the spring and fall along the Hudson flyway stop here to rest and feed.

An endangered species of fish, the shortnose sturgeon, has frequented the Hudson in the vicinity of Piermont. Six endangered species of birds listed by the Department of Environmental Conservation have been sighted near the Piermont Pier and marsh as documented in Appendix 4 of the Environmental Impact Statement prepared for the Hudson River Estuarine Sanctuary Program: bald eagle, golden eagle, peregrine falcon, least tern, roseate tern, and loggerhead shrike. Also, three threatened species have been sighted: osprey, red-shouldered hawk, and common tern. These species all have legal protection in New York State. In addition, Appendix 4 lists eight bird species categorized as special concern species in New York State: common loon, cooper's hawk, eastern bluebird, black tern, upland sandpiper, least bittern (nesting), vesper sparrow, and grasshopper sparrow. A ninth special concern bird species, the short eared owl, was sighted on the Piermont Pier on January 17, 1972, as reported in an article by Tony Amos in the July, 1976 "Piermont Newsletter."

2. The Tappan Zee Elementary School property, has reopened as an elementary school by the South Orangetown School District. The land is located on the slope of the Palisades above the Sparkill Creek and includes a large undeveloped area with a pond, brook, wetlands, woodlands and fields. This undeveloped portion of the school property may be crucial to certain species of wildlife that use it as a corridor for passage between Tallman Mountain Park and Clausland Mountain Park. Both deer and foxes have been seen there, and loss of this woodland corridor would isolate wildlife in two much smaller areas instead of the combined habitat of Tallman Mountain and Clausland Mountain.

The South Orangetown Central School District would like to sell some 20+ acres of its property not needed for school use. At present, the property is zoned R-40. It would be desirable to cluster development on the southwest portion, and even more desirable for the Village to acquire the property if funds could be obtained.

3. The tidal portion of the Sparkill Creek is an important habitat for the fry of many species of fish that breed in the Hudson estuary and for all forms of wildlife that feed on the fry. (See Figure 7.)

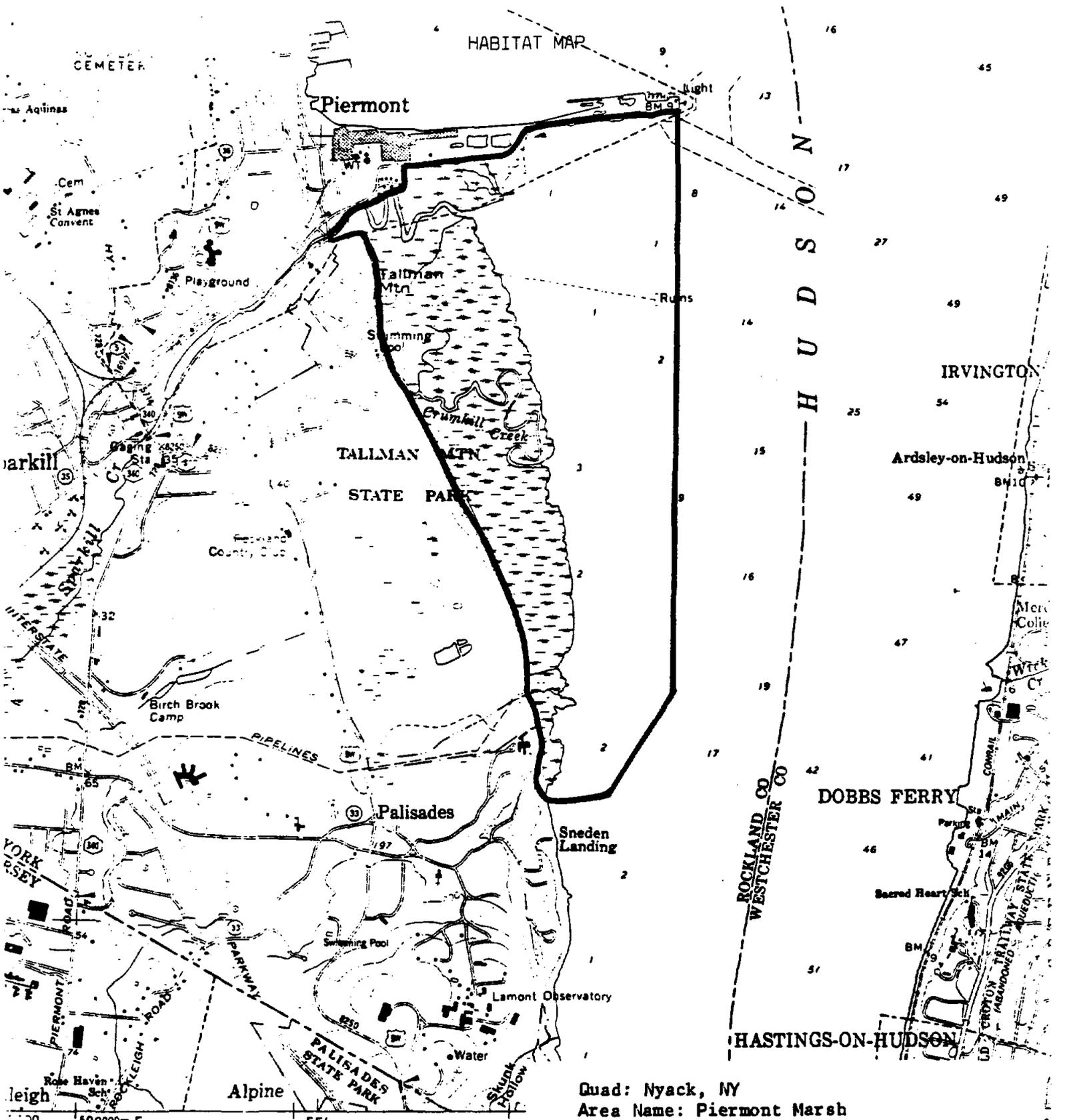
The freshwater wetlands in and around the Brookside Sanctuary on the Sparkill Creek support a great variety of wildlife, particularly waterbirds. The Brookside Sanctuary is private property and remains a sanctuary at the pleasure of its owner. The water quality is Class "C", and trout stocking has been done each spring for several years. The area is a popular fishing spot.

S. Conservation Areas

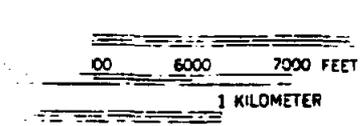
1. Drainage Ditch on Piermont Pier.

As part of the new pier development, the drainage ditch, located on Village-owned property, south of the project site will be returned to its pre-industrial state and will be revegetated. A small section of the ditch at the east end will be rebuilt as a lagoon for nature study. Thus, the ditch site will continue as a food source and refuge for ranging waders. We note that extensive alternate sites exist in the marsh. At present, the B.O.D. of sewage from the leaking county outflow line has killed off the crab population, and the mill ditch has not served ranging waders during the past three years. The current water classification is "SB"; suitable for recreation and any other use except for the taking of shellfish for market purposes. The size of this lagoon will be dictated by considerations of landscape buffering and by CZM policy. The applicant will be responsible for filling the ditch and for solving any drainage problems caused by filling the ditch. The Village will undertake the replanting of this filled area or may allow it to revegetate naturally.

- 2. The Palisades Interstate Park Marsh -- area to the south of the Sparkill Creek owned by the Palisades Interstate Park and part of Tallman Mountain State Park.**
- 3. Paradise Avenue Department of Environmental Conservation Marsh -- lot(s) fronting on Paradise Avenue targeted for acquisition by the Department of Environmental Conservation as part of the Hudson River Estuarine Sanctuary.**
- 4. The Department of Environmental Conservation Marsh -- area to the south of Ferry Road on the Pier acquired by the Department of Environmental Conservation in 1981, part of which is former landfill.**
- 5. Brookside Sanctuary -- privately-owned wetland parcel on the freshwater portion of the Sparkill Creek, habitat for many species of waterbirds and popular fishing spot.**
- 6. Parts of Piermont Bay, in particular, the "duck ponds," and the marshy area on the north side of the Pier, are frequented by rafts of waterbirds, especially in winter. They support many nesting birds, and during spring and fall thousands of birds migrating along the Hudson flyway stop there to rest and feed.**



Quad: Nyack, NY
 Area Name: Piermont Marsh
 Habitat Boundary: **_____**
 Page 1 of 1



American datum.
 Transverse Mercator grid.
 Zone 18 of the Universal Transverse
 Mathematical extensions of Zone 18.

INDEX TO
 1:9600 (1" = 800')
 MAP COVERAGE



ROADS:
 Touring Route markers:
 Interstate..... 87
 U. S. 20

Divided highways and streets:
 Wide mall.....
 Narrow mall or barrier.....

.....
 Incorporated Village.....

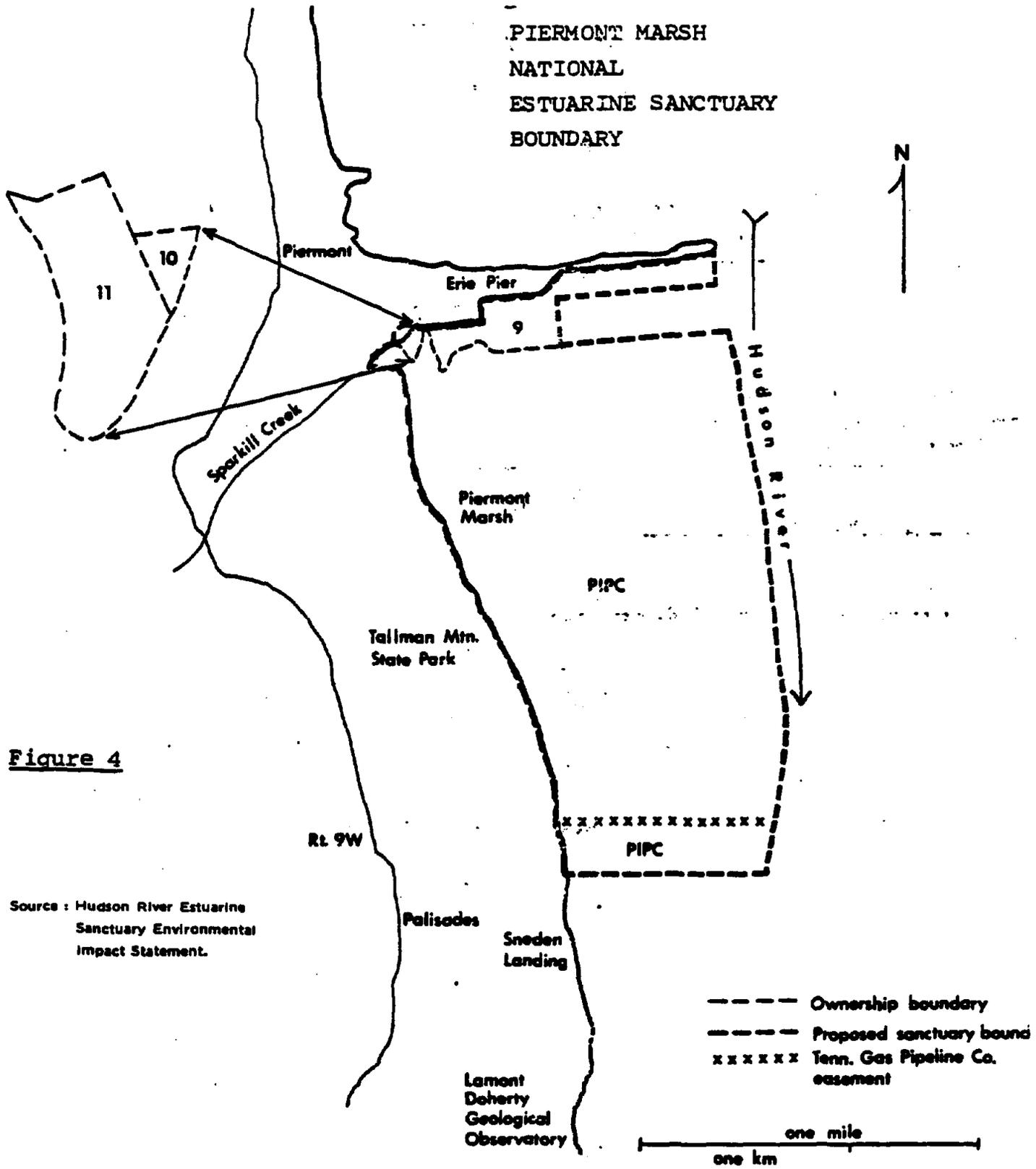


Figure 4

Source : Hudson River Estuarine
Sanctuary Environmental
Impact Statement.

(Adapted from USGS Nyack, N.Y. - N.J. quadrangle.)

T. Scenic Resources

There are numerous scenic vistas to be seen from the upland area from the several roads and paths that are terraced on the slope of the palisades ridge rising above the Tappan Zee waterfront. The most exceptional views are presented at the following sites: (1) along Route 9W at the northern end of the Village from the parking lot of the Hudson Terrace restaurant, a panoramic aerial-like view of the entire Tappan Zee including the Piermont Pier and marsh, the Piermont marinas, the Tappan Zee Bridge and the Westchester County shoreline and hills; (2) along Route 9W at the southern end of the Village from the viaduct over the Sparkill Creek, an aerial-like view of the Sparkill Creek valley including the Brookside Sanctuary and Tallman Mountain with the Hudson River and Tappan Zee Bridge in the distance; (3) along the Erie Path a little south of Ash Street from an overlook where the Sparkill Creek valley opens out onto the Hudson River, an aerial-like view of the tidal portion of the Sparkill Creek including the Piermont marsh and Tallman Mountain, the dwellings along Paradise Avenue dating from c. 1800, the base of the Piermont Pier, the end of the Piermont Pier, and the Tappan Zee across to Irvington and Dobbs Ferry; (4) along the Erie Path from an overlook a little upstream of the Silk Mill bridge, an aerial-like view of the freshwater Sparkill Creek and dwellings including some dating from c. 1700 with Tallman Mountain in the background; and (5) along Hudson Terrace by the Community Center park and from the walkway down to Piermont Avenue, a view of the Piermont waterfront including the marinas provided with several benches and floral plantings. There are lovely views from many other sites along Route 9W, the Erie Path and Hudson Terrace, as well as from Ash Street, Tate Street, Kinney Street, Bay Street, Ritie Street, Orchard Terrace, Hester Street, and Stevenson Street; and many views open up considerably for the six months or so when the deciduous trees are bare.

The 19th century Main Street buildings have a special charm recognized by Woody Allen, who used Main Street as a backdrop in "The Purple Rose of Cairo."

Tappan Zee Scenic District

Piermont has joined Upper Nyack, Nyack, and Grand View-on-Hudson in requesting a designation of their coastal area as the Tappan Zee Scenic District under Article 49 of the Environmental Conservation Law. Piermont and Nyack are the only communities in the District which provide riverfront parkland that affords panoramic views of the Hudson River shorelands.

Piermont also has a children's park, Kane Park, which is pleasantly situated on the Sparkill Creek at the edge of the marsh, and a community park on the site of the old high school, extending from Hudson Terrace to Piermont Avenue, and affording views of the river. However, the upland park most relevant to the goals of the proposed Scenic District is the Erie Path walking park, following the Erie from South Nyack to the Hoboken commuter line right-of-way. In Piermont, it extends from the Sparkill border northwards to the Grandview line, with only a brief interruption at Ash Street. The path affords views of Sparkill Creek, Tallman Park,

the marsh, and the Hudson River. In most places in Piermont one traverses the Erie Path through areas of unspoiled natural beauty. Poor planning has resulted in despoliation of the entrance to the Park at Ash Street, heading south into the park, and creation of severe environmental hazard by threatening the integrity of the mountain slope east of the path in its northern section. The Village is now attempting to deal with these unnecessary problems. Fortunately, both are limited in nature.

To prevent more extensive diminishment of the scenic value of the walking path in Piermont, the Village Board is now considering zoning legislation that would require a 100 foot setback from the centerline of the Erie Path to the west (uphill side) and a 50 foot setback from the centerline to the east.

Conrail is in the process of abandoning its spur from Sparkill into old factory properties. The spur parallels the commuter line Erie Path from Sparkill until it crosses Main Street at Tate Avenue. The Village, if it can afford acquisition or obtain grants for acquisition, should acquire this remaining railroad land, and adjoin it to the current Erie Path, primarily to maintain the integrity of the cliffside below the Erie Path. Some of the property closest to existing residential sites will probably be made available for purchase by those homeowners, since the rail line itself is only a few feet from many homes. As a result of its closeness to the park, such land should only be sold covenanted against construction. There are only a very few spots along the way which are viable as building lots and will not impact the park negatively.

Plans are being developed for the creation of a Scenic District Park Authority in each governmental jurisdiction along the River within the district. The Authority would acquire comments on riverine land to preserve visual integrity along the River's edge.

In particular, the Park Authority could acquire easements on underwater land rights permanently covenanting the underwater lands against structures higher than current standards for docks and piers as a viewshed protection measure.

U. Historic Resources

The Piermont Architectural Review Commission surveyed much of the Village for sites of architectural and historic interest in 1984, and many sites were noted in its preliminary report. The oldest buildings are along the Sparkill Creek, where settlement began in the 17th century. Many fine examples of 19th century architecture are found on the Main Street block that was built during the heyday of the Erie Railroad and many grandly-styled residences at the north end of the Village were built near the turn of the century. (See Figure 8) These sites and others are described in some detail in The Piermont Walking Guide & Shopping Directory, published by the Piermont Civic Association in 1984. Two structures were placed in the National Register of Historic Places in 1985 - the 1874 drawbridge and the c. 1800 Sneden House along the Sparkill Creek -- and many more structures merit listing. Prehistoric and historic archeological remains may potentially exist in the Village, as well, although none have been specifically identified. Some of the historic buildings shown on Figure 8 are in the flood hazard area.

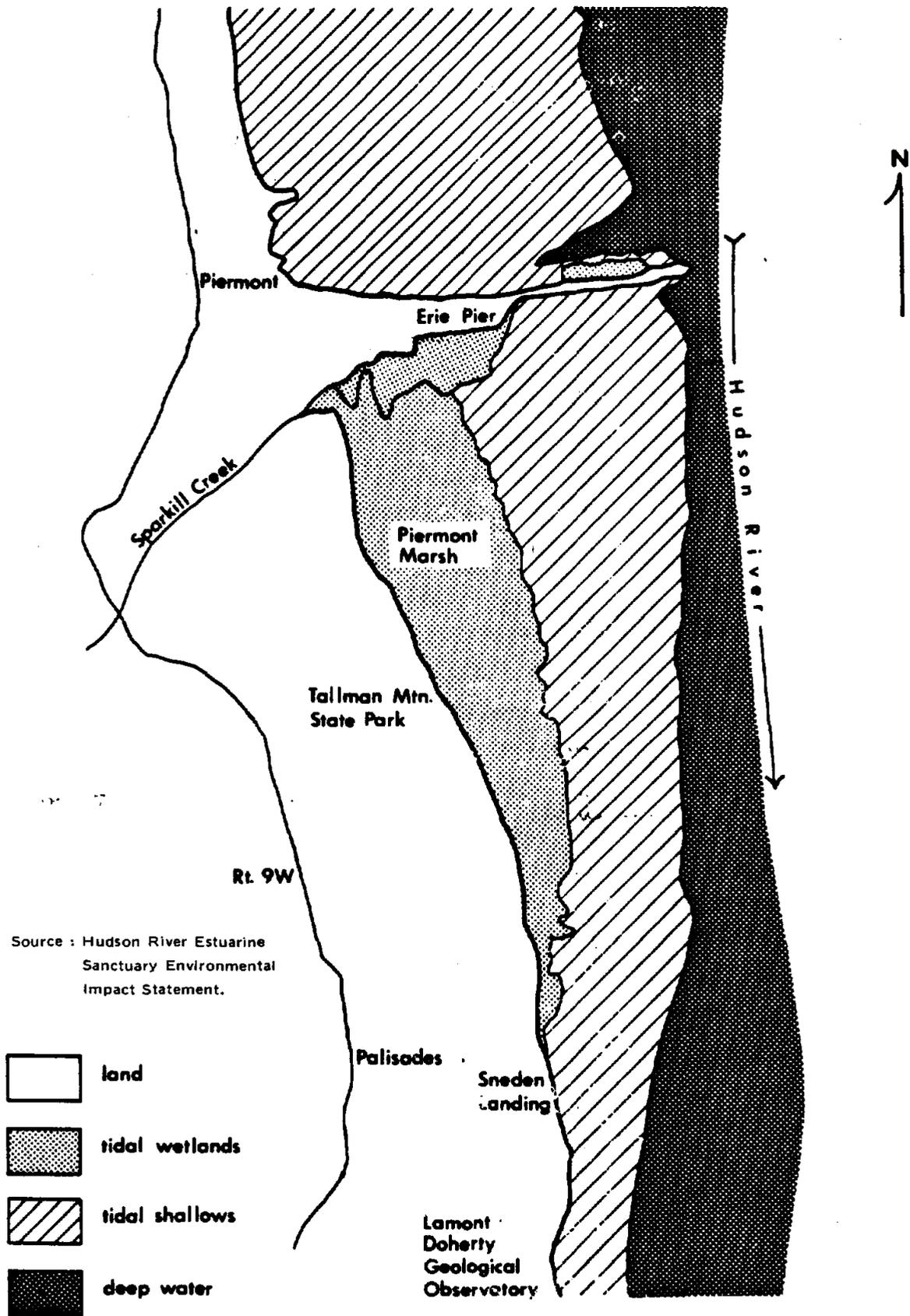
The John Moor(e)/William Ferdon upper mill site adjacent to the present skating pond on the Sparkill Creek is particularly noteworthy because Moor(e), one of the first early industrialists in the area, was black. Indeed, the remnants of a community of freed Blacks along the Creek that dates from the 18th century remains today. The foundations of the upper mill (as opposed to the lower mill that was located near the Silk Mill dam) are located on property owned by the Spring Valley Water Company, the local water utility, and used as a Town Park and skating pond by Orangetown. It would be a simple matter for these entities to take note and mark this historic site.

The period in the middle of the 19th century when Eleazor Lord made Piermont the eastern terminus of the first long line railroad in the United States put Piermont on the map as an incorporated Village and developed the base of the Pier for its subsequent use as an industrial site in the 20th century. The importance of the Erie Railroad in the life of Piermont should be noted with a historical marker.

The Village and the Clevepak Corporation commissioned a study by the firm of Beyer, Blinder and Belle of the potential for adaptive reuse of the buildings on the Pier at the former Clevepak site. An inventory of the buildings and their classification according to architectural significance showed more than 40 structures (see Figures 9A and 9B). Buildings 28, 41, and the Plastifold Building are being retained in the Carlyle development plan. The Plastifold building is being dedicated by the Village. All but these three have been demolished.

PIERMONT MARSH AREA

TIDAL WETLANDS AND SHALLOWS



Source : Hudson River Estuarine
Sanctuary Environmental
Impact Statement.

-  land
-  tidal wetlands
-  tidal shallows
-  deep water

one mile
one km

Piermont Marsh Area.
(Adapted from USGS Nyack, N.Y. - N.J. quadrangle.)
(Areas shown as 'tidal wetlands' and 'tidal shallows' are
both considered tidal wetlands under the State
Tidal Wetlands Act.)

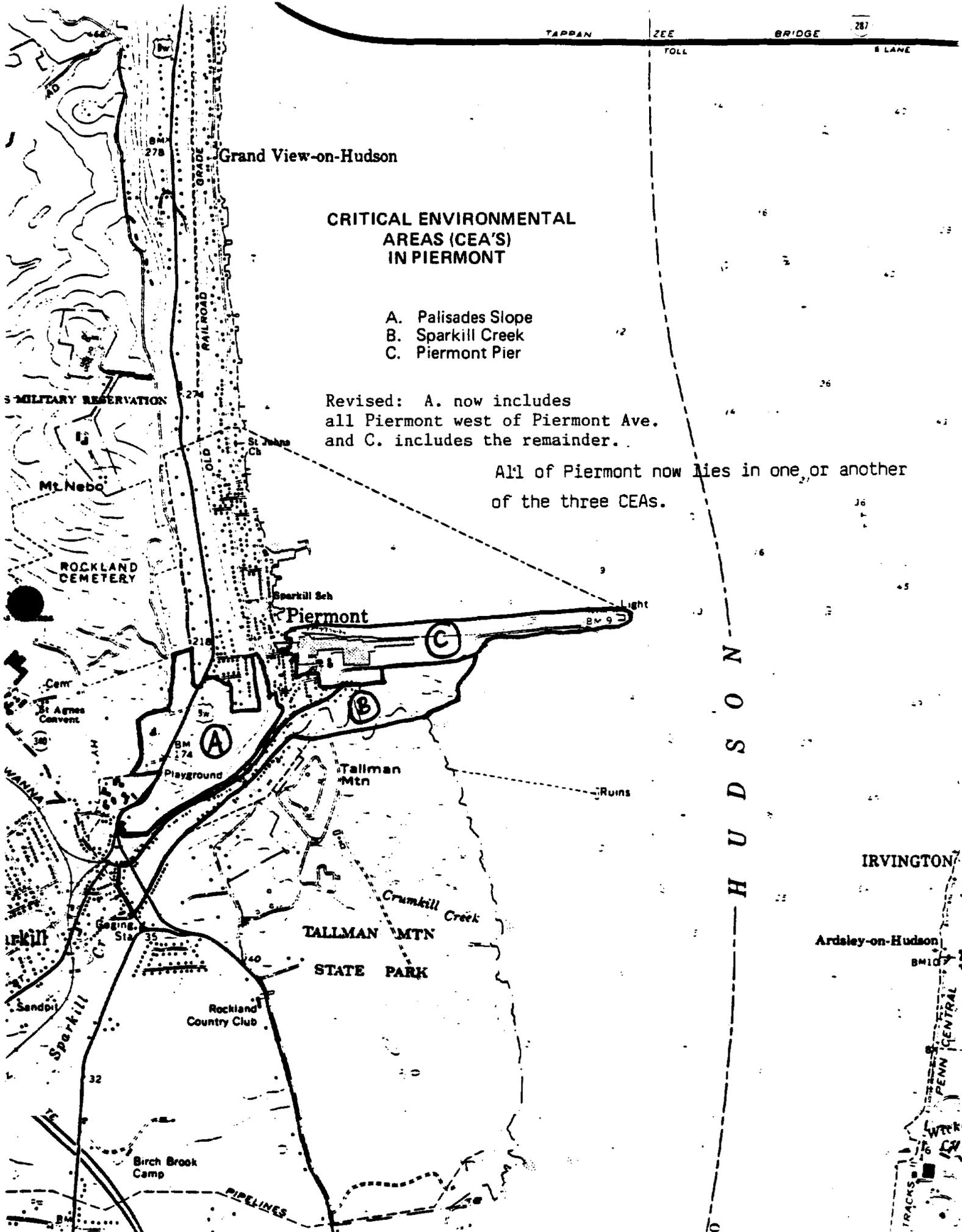
Grand View-on-Hudson

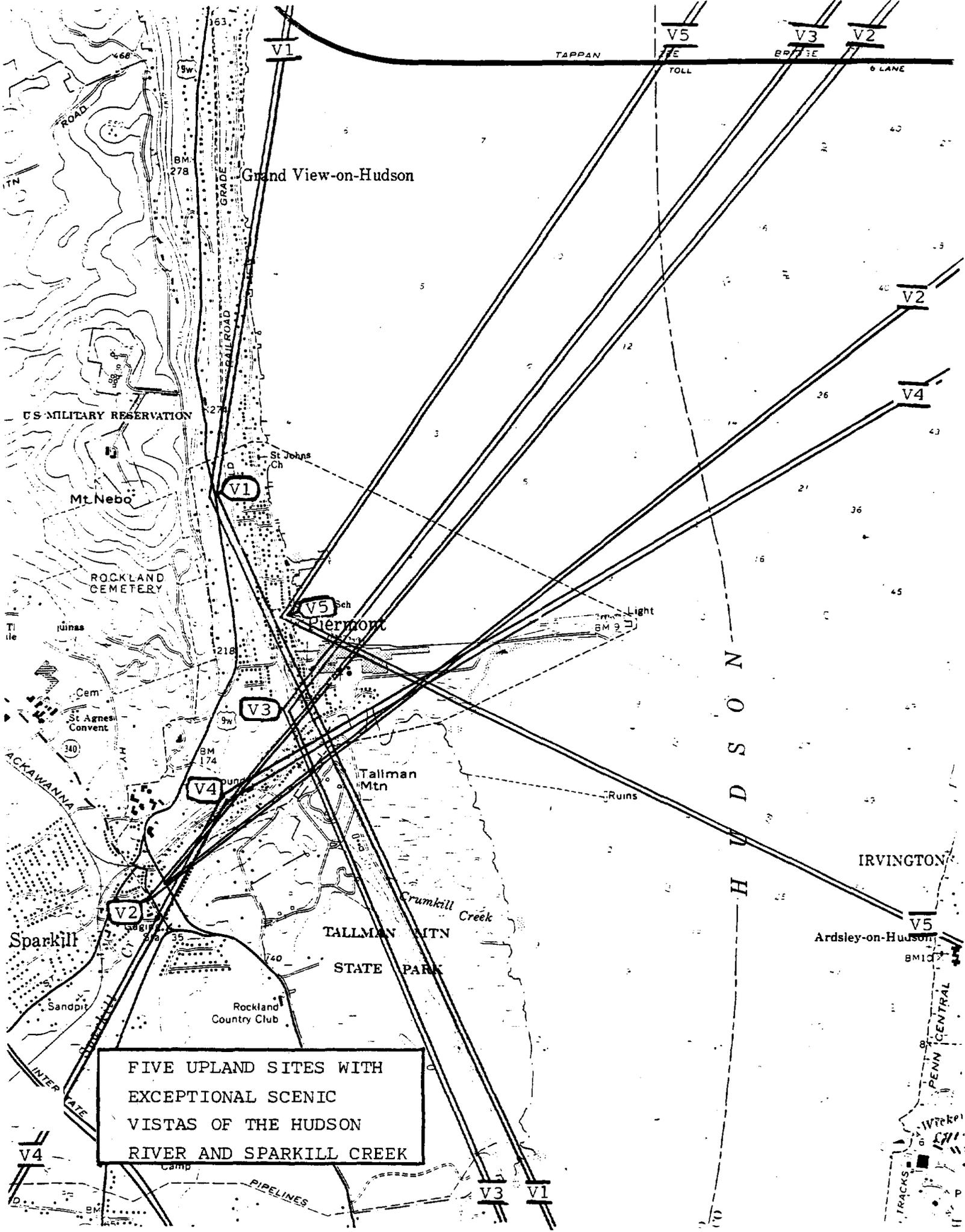
CRITICAL ENVIRONMENTAL AREAS (CEA'S) IN PIERMONT

- A. Palisades Slope
- B. Sparkill Creek
- C. Piermont Pier

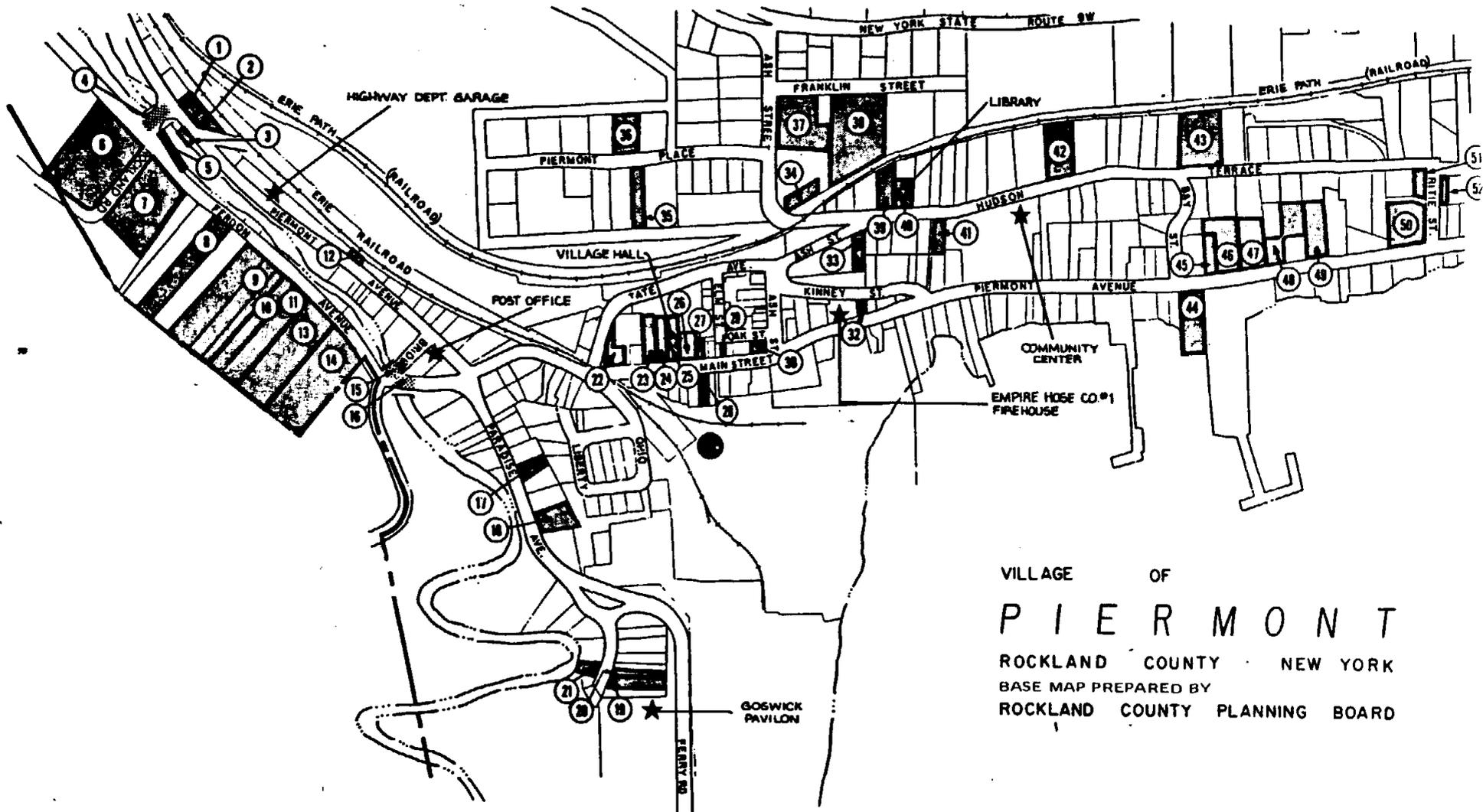
Revised: A. now includes all Piermont west of Piermont Ave. and C. includes the remainder.

All of Piermont now lies in one, or another of the three CEAs.





FIVE UPLAND SITES WITH
EXCEPTIONAL SCENIC
VISTAS OF THE HUDSON
RIVER AND SPARKILL CREEK



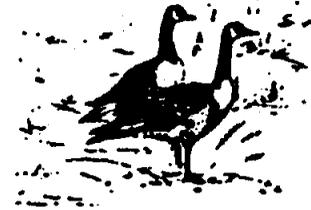
VILLAGE OF
P I E R M O N T
 ROCKLAND COUNTY · NEW YORK
 BASE MAP PREPARED BY
 ROCKLAND COUNTY PLANNING BOARD

Source : PCA Walking Guide

ARCHITECTURAL/HISTORICAL SITES

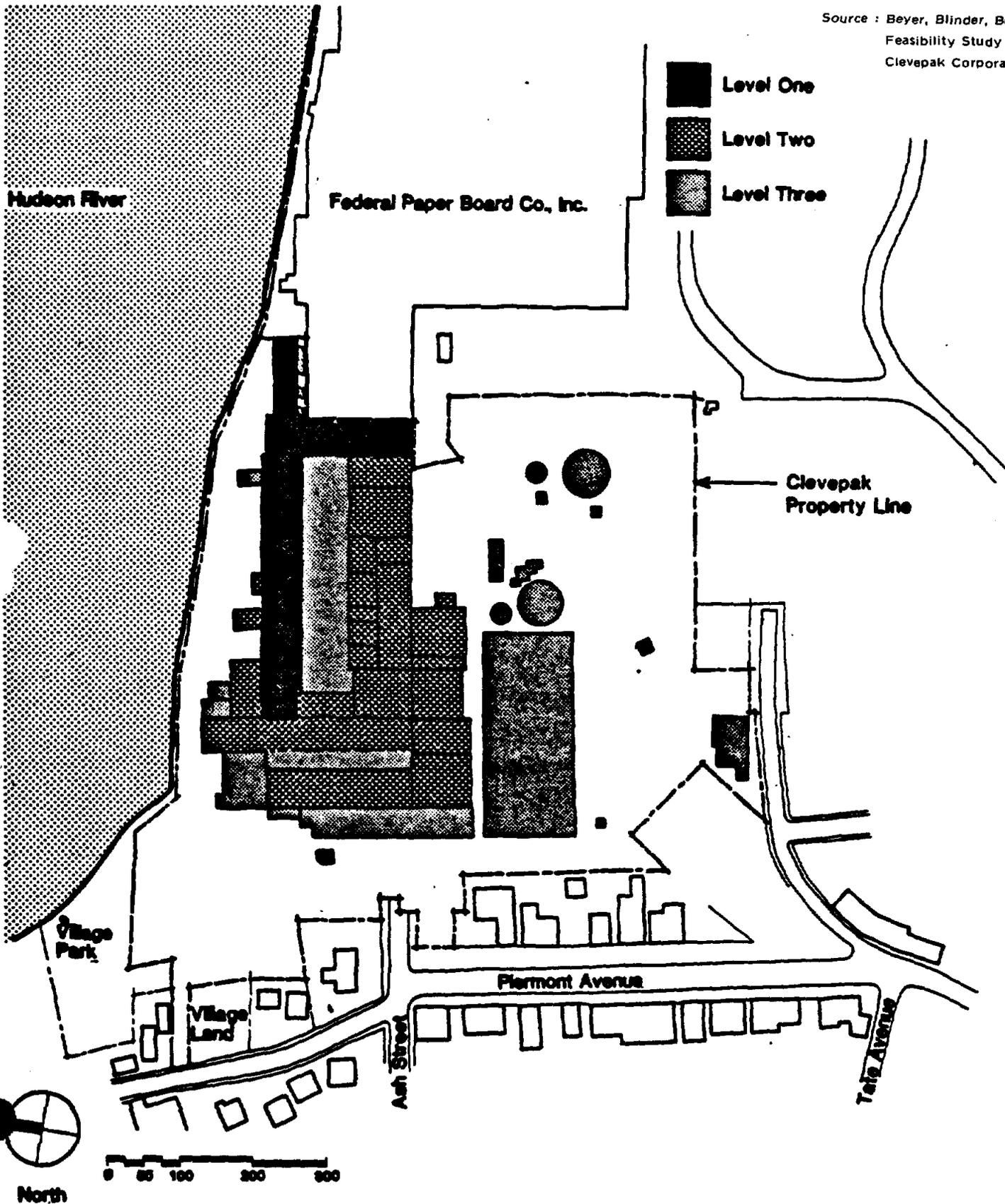
BETWEEN THE MILL DAM AND THE ONDERDONK HOUSE
NOTED BY THE ARCHITECTURAL REVIEW COMMISSION

1. 264 Piermont Avenue, c.1785, formerly an inn
2. 272 Piermont Avenue, c.1731, formerly a tavern, Dutch sandstone; by tradition once host to George Washington
3. 269 Piermont Avenue, pre-1854; believed to have been the first firehouse
4. Silk Mill Bridge, large stone arch, one of the oldest in Rockland County
5. 290 Ferdon Avenue, the Silk Mill, c.1875; originally built as an emporium and meeting hall for Roger Haddock, later converted to war ribbon factory, now residential
6. 277 Ferdon Avenue, the Ferdon House, c.1840, Greek Revival
7. 20 Rockland Road, c.1850, Victorian; original Lawrence House, later home & lab for Sparhawk, renowned chemist & perfumist
8. 321 Ferdon Avenue, c.1875, built by Roger Haddock for his family
9. 335-337-339-341-345 Ferdon Avenue, c.1842; believed to have been built as housing for Erie Railroad workers
10. 355 Ferdon Avenue, First Dutch Reformed Church, similar in appearance to the original which was nearly 100 years old when it burned in the 1940's
11. 361 Ferdon Avenue, Manse for the Dutch Reformed Church
12. 354 Piermont Avenue, c.1749
13. 369 Ferdon Avenue, c.1835
14. 379 Ferdon Avenue, c.1850; built for the children of the owner of #369
15. Drawbridge, 1874, site of earlier sloop and barge traffic to landing at Haddock Hall
16. Army Bridge built to accomodate WWII infantry marching to embarkation point at the end of the pier
17. 38 Paradise Avenue, Federal, c.1800, with gambrel roof
18. 54. Paradise Avenue, Victorian Gothic, c.1838
19. 120 Paradise Avenue, built by Captain Potter c.1800
20. 118 Paradise Avenue, built for Potter's son-in-law, Peter Bogart, c.1820
21. 117 Paradise Avenue, warehouse for #118, converted to a house c.1843
22. 454 Piermont Avenue, pre-1854, former Chamberlain Hotel
23. 468 Piermont Avenue, pre-1854, former Dellmare Hotel
24. 474 Piermont Avenue, pre-1854
25. 478 Piermont Avenue, Village Hall, 1938; built on site of Baptist Church dedicated in 1879
26. 482 Piermont Avenue, 1853
27. 486 Piermont Avenue, pre-1854
28. 489 Piermont Avenue, Victorian with mansard roof, 1853; built by Cornelius Blauvelt
29. 500 Piermont Avenue, pre-1854
30. 516 Piermont Avenue, pre-1854
31. 525 Piermont Avenue, site of Erie Railroad roundhouse and repair shops, Robert Gair and successors paper mill
32. 556 Piermont Avenue, 1810, well-preserved
33. 62-64 Ash Street, Victorian brick, c.1850
34. 50 Ash Street, Victorian, former Piermont Station on the Northern Railroad of New Jersey
35. 46 Piermont Place, early 20th Century Craftsman style
36. 57 Piermont Place, Federal, c.1790, well preserved
37. 6 Franklin Street, Greek Revival, Whiton residence
38. 26 Franklin Street, Victorian
39. 143 Hudson Terrace, Greek Revival, pre-1854
40. Piermont Library, Greek Revival, brick, classic example
41. 170 Hudson Terrace, c.1840
42. 211 Hudson Terrace, Queen Anne/Jacobean Revival
43. 259 Hudson Terrace, Shingle style, c.1880
44. K of C, Piermont Avenue, Victorian with mansard roof
45. 680 Piermont Avenue, 3-story brick Greek Revival
46. 688 Piermont Avenue, early 19th century Greek Revival
47. 696 Piermont Avenue, early 19th century Greek Revival with two giant Ionic columns supporting the pediment
48. 712N-720N Piermont Avenue, pudding stone gate posts and crenelated curved battlement and towers, part of the landscaping of the Fort Comfort/Villa Pierre resort
49. 730 Piermont Avenue, Greek Revival with "Mississippi Steamboat" decorations added
50. 758 Piermont Avenue, the Onderdonk House, red sandstone Dutch Colonial, 1737; site of meeting May 6, 1783 between George Washington and Lord Carleton to arrange for the final evacuation of British troops at the end of the Revolutionary War.
51. 25 Ritle Street, Board & Batten, Carpenter Gothic Victorian
52. 20 Ritle Street, c.1800, related to the Onderdonk House



Architecturally Significant Clevopak Structures

Source : Beyer, Blinder, Belle
Feasibility Study of
Clevopak Corporation.



SECTION III
LOCAL AND STATE POLICIES

A major task of the Local Waterfront Revitalization Program is to determine the applicability of the various State coastal policies to Piermont's objectives and then to express relevant Village policies as they may apply to the various State policies.

The State policies are stated first, and additional relevant local policies are listed with capital letters. The policies of the State Coastal Management Plan form the basis of the local program. Where a State policy is not applicable, it is so stated.

A brief explanation of policies and the criteria guidelines or standards that are or will be used to evaluate compliance is incorporated into the policy discussion.

The policy statements reflect either policies, plans or programs that are already in place or are a basis for future projects or programs. In assessing each of these policies, the Piermont Planning Board, the Village Agency that prepared the LWRP in close consultation with the Village Board and in conjunction with a planning consultant, considered the following guidelines:

1. What specific local application does this policy have?
 - a. affected sites
 - b. local concerns

2. What specific local policies and/or legislation affect this policy?
 - a. land use policies
 - b. local ordinances
 - c. others

3. What additions and/or changes should be proposed to enhance this policy?
 - a. local policies
 - b. local procedures
 - c. local ordinances

4. What facilities should be proposed to augment this policy?
 - a. private
 - b. public

DEVELOPMENT POLICIES

- POLICY 1** RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- POLICY 1A** REVITALIZE THE EXISTING COMMERCIAL WATERFRONT FROM THE TAPPAN ZEE MARINA TO PARELLI PARK BY RESTORING AND MAINTAINING ADEQUATE LOW TIDE WATER DEPTH FOR BOATS USING THE MARINAS AND BOAT CLUBS.
- POLICY 1B** ENCOURAGE THE IMPROVEMENT FOR RECREATIONAL USE OF EXISTING UNDEVELOPED LAND ALONG THE SHORELINE, WITH USE INTENSITY DEPENDENT UPON LOCATION AND TYPE OF LAND. SEE ALSO POLICY 7.
- POLICY 1C** REMOVE SUNKEN BARGES AND OTHER OBSTACLES TO NAVIGATION.

Explanation of Policies

The survival of the existing commercial waterfront with marinas and yacht clubs providing slips for close to 500 boats is threatened by the ongoing rapid siltation and shoaling of Piermont Bay experienced in the period following construction of the Tappan Zee Bridge. In order to maintain access for medium draft boats throughout the tidal cycle, the natural channel created by the flow along the north side of the Piermont Pier needs to be marked and maintained by periodic dredging. This is the top priority objective of the Village waterfront policy.

The industrial site at the base of the Pier has historically been the economic heart of the Village and its continued vitality in the center of the Village is important. The changing nature of industrial operations is such that the site is no longer suited for industrial purposes. The Village has approved a zone change for a mixed use development.

In considering the planning and design of the Village and the project, the following areas of concern have been identified:

1. Population growth, and attendant possible changes in economic mix and diversity, the need to maintain a sense of community within the Village, the need to absorb new population and organizations, requirements for services, increased traffic demands.
2. Commercial growth, leading to revitalization of existing commercial area, creation of a logical extension of our old downtown into vital new squares and blocks, maintaining and

opening up new river views, and adding life and diversity to the downtown. The size of the new commercial areas must be limited by traffic considerations and by the need to develop a balance between commercial and residential aspects.

- a. Additional structures that do not add population or increase external traffic could well be acceptable in commercial areas. Examples of such uses include municipal or public buildings, or other uses consistent with the other coastal policies.
 - b. The only residences in the new commercial area on the Pier are the 25 second story affordable rental units. More residential units would improve the balance, and extend the amenity of village life in the old downtown to the new area. Nevertheless, demographic considerations govern overall population growth, and an overall density of 7.5 dwelling units/acre, is the maximum allowed.
3. Vistas and screening. Views identified as valuable by the community shall not be degraded. At the eastern end of the pier, screening and viewshed considerations mandate that no additional structures, beyond those now approved, permitted at any time east of Buildings 28 and 41. Such additions would only be harmful and visual impacts could not be mitigated.
 4. Interaction with the natural environment.

New construction will comply with all Village, Town, County, State and Federal environmental regulations and statutes regulating activities related to air quality, water quality and land use. These regulations are particularly relevant because of the proximity of the project to the Hudson River and the Hudson River Estuarine Sanctuary.

5. The critical constraints on new development include traffic and parking for commercial uses, demographic growth for residential uses, the need to meet viability of the commercial area, and the need to comply with Village and State goals on waterfront redevelopment and concern for the natural environment.
6. Viability of the retail/commercial sector. It is important for Village goals that problems involving empty storefronts and potential hardship applications do not arise from excessive new commercial development and that new retail/commercial development be economically viable. There are several aspects of viability that must be considered.
 - a. Winter boat storage and boat servicing and repair. A survey of the market for such a facility shows there is sufficient demand, and insufficient alternate winter storage facilities. The factors guarantee viability of this use as a profitable operation.

- b. **Rental of Office Space.** There is a shortage of office space in Piermont and in this section of the river area. Studies show that there is enough need for quality office space to make that use viable.

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

POLICY 2A EVALUATE THE IMPACT ON THE VILLAGE OF LARGE SCALE WATER-DEPENDENT USES TO DETERMINE WHETHER THE SCALE OF VARIOUS IMPACTS IS BEYOND THE LEVEL APPROPRIATE FOR PIERMONT, OR IS BEYOND THE LEVEL APPROPRIATE FOR PIERMONT.

Explanation of Policies

The traditional method of land allocation (i.e., the real estate market, with or without land use controls) offers little assurance that uses which require waterfront sites will, in fact, continue to be accommodated on the Village's waterfront or will be able to expand their operations.

The Village of Piermont owns extensive underwater rights in the Hudson River, immediately to the north of the Pier Peninsula and east of Parelli Park. The Village also owns the coastal strip adjoining this underwater property. Development and use of these underwater rights, to increase access to the Hudson and to generate revenue for the Village, has been a goal of the Village since the coastal strip was deeded to the Village by Continental Can Corporation in 1973.

It is estimated that the water properties can accommodate approximately 700 slips. The Village has commissioned an economic feasibility study of a marina of various size levels, and various modes of operation. The full report is not yet complete, but preliminary data already dictates certain conclusions discussed below, along with various development, economic, social, and quality of life factors.

A. Development Requirements.

- (1) A new marina will have to support its own dredging costs, which will be substantial. Dredging will be required to clear the natural channel that runs parallel to the Pier Peninsula.
- (2) Breakwater and/or dolphins will be required. Finger piers and an east-west floating walkway must be provided. Each slip should be provided with an umbilical with lines for power, water, cable, and communications.
- (3) Given the heavy infrastructure costs, economic analysis indicate that a marina can only make financial sense as a top-scale, full-service, luxury marina. Thus, there must also be a marine fuel station and a pump-out station. The Village of

Piermont is now working on legislation requiring craft that dock at the Piermont Pier to keep a log sheet showing date of last pump-out.

B. Ownership and Operation

The economic analysis provided by the Village's consultant shows that the heavy infrastructure costs preclude operation of a marina, at any size up to 700 slips, on an annual slip rental basis. The marina operation does make economic sense if it is organized as a "dockominium". The Village is unwilling to sell its water-shed rights outright, so the dockominium purchaser would actually be purchasing a long-term lease made to bearer, and thus saleable or otherwise assignable.

The Village would operate the marina in partnership with a commercial marina operator. Revenues to the Village would derive from lease sales and a share in ongoing operations.

The Village Board has determined that no attempt to create a marina on Village owned land or water rights will be made before:

- (1) The Carlyle project is in full operation. This will give the Village residents and government a clear idea of the base level of commercial activities the marina would then add to.
- (2) A referendum is held and the majority of villagers voting decide to pursue the feasibility of the marina.

Of course, once a decision to investigate a marina possibility is made, a SEQRA process will be opened to conduct the investigation.

C. Environmental Concerns

- (1) Water Impacts.

It is obvious that approval of such a marina would require an extensive environmental study. Permits for dredging, breakwaters, dolphins, and river use would be required.

- (2) On-Land Impacts.

The most important on-land impact of the marina would be traffic. All traffic to and from the marina must traverse residential streets whose ability to tolerate traffic without destroying residential character is even lower than their limited traffic-bearing capacity. The marina would be located at the heart of the downtown commercial area, adjacent to the principal business district and to the Carlyle property. In conducting the SEQRA study for the Carlyle project, the

Village required Carlyle to study the total long-term traffic growth of the Village, not just Carlyle's contribution. Since it was a cardinal principle of governance of the Carlyle development that it could not preclude a Village Marina at maximum possible numbered ships, the Carlyle study had to consider the combined traffic load due to:

- a) Existing residential development
- b) Carlyle's residential development
- c) Additional residential development due to infill on unbuilt lots in the Village under existing zoning
- d) Existing commercial development
- e) Carlyle's commercial development
- f) Growth in intensity of usage of existing commercial development due to commercial revitalization in presence of Carlyle project
- g) Commercial infill on unbuilt lots zoned commercial
- h) Operation of a 700 slip Village Marina.

Further, the allowed traffic level shall meet criteria involving the preservation of residential amenities on the streets it flows through, as well as meeting standard flow criteria. Such analysis must be made as a maximally conservative basis. ITE flow generation standards were employed for each use, and the assumption made that each use generates independent trips. That is, each car arriving brings its passengers to a single destination. A visitor arriving for a day at the marina who also eats at a restaurant must be counted as two trips.

Parking, however, can be apportioned on a shared basis, again using standard ITE data. It is contemplated that, at some point, Carlyle will be required (either by its own imperatives, or mandated by the Village) to charge for its parking (which would be free for village residents and patrons of the businesses). Carlyle will have enough summertime parking so as not to preclude marina operations up to a 700 slip launch. (The number 700 is an estimate of maximum possible number of slips. No attempt has been made to set an actual number.) Use of the number 700 meant that the Carlyle EIS had to deal with maximum potential impacts.

The Village will continue to own its underwater rights even though the Village Board may decide against investigating a marina at any particular point in time. The traffic allowances for a marina should be reserved as long as the potential for a marina exists.

D. Relation to Carlyle Project

As a condition of the Carlyle project, Carlyle is required to re-use the sound and adaptable factory structures. (They were previously identified as a survey jointly paid for by the Village and the Clever Park Corporation). This requirement is motivated by

a desire to preserve a link to the Village's past, both historically and visually. Two major structures, Building 28 and Building 41, were so preserved.

Building 28 shall be used for residents, parking, and accessory storage. Building 41, originally a 125,000 square foot one story warehouse, shall be reduced to 90,000 square feet, and used for winter boat storage generated by other Piermont marinas, by marinas in the area outside the Village, and for boat maintenance and repair. Many of the boats that will use it will be launched and re-berthed by a negative fork lift at the seawall, eliminating the need to move them through Village streets. Winter boat storage produces only several car trips per year per boat, and so produces only a tiny traffic impact. Further, the interior space shall be used for parking during the boating season, since the space will then be available, and Piermont experiences more commercial traffic during that season.

Easements across Carlyle property needed for the Village marina will be incorporated into the site plan as stated in the Findings Statement for the Carlyle zone change SEQRA review.

E. Decision Procedure on the Village Marina.

The Carlyle project has now received its zoning change, but is still about three years from completion. It will result in a 25% growth in population in the village and a 100% increase in commercial activity. Naturally, all villagers are concerned about this impact; and, as thorough as the studies were, studies necessarily produced only estimates of impact, and no one in Piermont yet knows what the results will be like to live with in actual experience. Thus, there is great reluctance to authorize a final go ahead on any scale of a Village marina until the actual impact of the Carlyle project is known. The marina project shall not be built unless it is approved by the voters in a referendum.

F. Water-Dependent uses for the Commercial Avenue Adjacent to the River

The following uses are considered available for commercial riverfront areas.

1. Commercial fishing activities;
2. Boat clubs and marinas;
3. Boat docks, slips, piers and wharves for recreational or commercial use;
4. Boat building, storing, repairing, sales and servicing facilities, including accessory uses such as sales offices for marine equipment and products, dockside facilities for fuel dispensing, pumping out of marine holding tanks, waste oil collection, parking, and restroom and laundry facilities;

5. Boat and marine engine sales and display, yacht broker, marine insurance broker; and
6. Retail sale or rental of boating, fishing, diving and bathing supplies and equipment;
7. Structures for navigational purposes;
8. Flood and erosion protection structures;
9. Scientific/educational activities which, by their nature, require access to coastal waters;
10. Support facilities necessary for successful functioning of permitted water dependent uses such as parking lots, snack bars, etc.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, although 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.

POLICY 3 THE STATE COASTAL POLICY REGARDING MAJOR PORTS IS NOT APPLICABLE TO PIERMONT.

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.

POLICY 4A THE TRADITIONAL USES OF PIERMONT BAY SHALL BE PROMOTED INCLUDING COMMERCIAL MARINAS, RECREATIONAL BOATING AND ACCESSORY SERVICES, COMMERCIAL FISHING AND CRABBING, AND RECREATIONAL FISHING, AND SHALL FACILITATE CHANNEL MAINTENANCE, THE REMOVAL OF NAVIGATION HAZARDS, AND BREAKWATER/BULKHEAD/ DOCK CONSTRUCTION AND REPAIR.

Explanation of Policies

The Village of Piermont established a Harbor Advisory Commission to develop and administer a Management Program. The Harbor Management Program will detail the uses, projects, and procedures outlined in the LWRP, which is designed primarily to further the traditional uses found in Piermont's harbor area. In addition, the Harbor Management Program will detail plans for channel dredging and maintenance depths, bulkhead and dock reconstruction techniques, and specific navigation hazards to be removed, including the sunken barge off the north end of the Pier.

The Carlyle commercial buildings hold the potential for water-dependent uses such as boat sales, boat storage, marine hardware, boatmaking and sailmaking as part of the multiple use redevelopment of the site. The end of the Pier is unsuitable for intensive development because it has no nearby sewer hookup and no septic capacity, has extremely limited road access, is a poor site for petroleum storage for boats and is furthest removed from the existing commercial waterfront. The area of the pier east of the Carlyle property offers a magnificent long range view to the north, upriver, impaired only by the Tappan Zee Bridge. Marina slips north of this section of the pier would change the nature of this view significantly. Any increase in vehicular traffic on Ferry Road is another negative to be avoided. Thus, a marina should be restricted to the section north of the pier and west of the dog leg on Ferry Road.

(See also Policy 2.)

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

POLICY 5A ENCOURAGE DEVELOPMENT NEAR THE EXISTING COMMERCIAL WATERFRONT WHERE SERVICES AND FACILITIES ARE IN PLACE AND CONSIDERABLE MUNICIPAL PARKING CAN BE ACQUIRED. DISCOURAGE INTENSIVE DEVELOPMENT AT THE END OF THE PIER OR ALONG THE SPARKILL CREEK WHERE SERVICES AND FACILITIES ARE NOT IN PLACE.

Explanation of Policies

The Parelli Park area and continuous areas on the north side of the pier are best suited for waterfront development in terms of existing services and facilities, particularly existing sewer lines, parking and marine services, as well as utility hookups and fire protection. The Sparkill Creek passes through a residential area and into the Piermont Marsh National Estuarine

Sanctuary, and neither the residents nor the sanctuary wildlife would benefit from a large influx of boat traffic; neither can the adjacent streets accommodate much additional parking.

**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 in areas suitable for such development, the Village, federal, and State governments will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government; and if necessary, legislative and/or programmatic changes will be recommended.

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

The Harbor Management Commission will help to coordinate permitting activities, particularly with respect to assisting individual property owners.

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.**

**POLICY 7A PROTECT THE PIERMONT MARSH SOUTH OF THE PIER AND
THE SPARKILL CREEK BY SEVERELY RESTRICTING IT TO
PASSIVE RECREATIONAL USES.**

Explanation of Policies

The Piermont Marsh/Sparkill Creek has been designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State and constitutes the southernmost portion of the Hudson River National Estuarine Sanctuary.

It is described as one of the largest, undeveloped, wetland complexes on the Hudson River. It is the only sizeable intertidal brackish marsh within the Hudson estuary, and is exemplary of this ecological community type. Its characteristics are more fully described in the Inventory and Analysis section.

IMPACT ASSESSMENT:

It is essential that any potential impacts on Piermont Marsh be evaluated with respect to the research and management program of the Estuarine Sanctuary, and the need to maintain natural or controlled experimental conditions. Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce freshwater inflows, or alter tidal fluctuations in Piermont Marsh, would adversely affect fish and wildlife species in the area. Discharges of sewage, stormwater runoff, or industrial wastewater, could severely impair the quality of this productive wetland. Elimination of marsh or shallow water areas, through dredging, filling, or bulkheading, would result in a direct loss of valuable fish and wildlife habitats. Activities that would subdivide this relatively large, undisturbed area into smaller fragments should be restricted. However, limited habitat management activities, including expansion of open water areas in the marsh, may be designed to maintain or enhance populations of certain fish or wildlife species. Existing undisturbed areas bordering Piermont Marsh should be maintained to provide cover, perch sites and buffer zones; significant human encroachment into adjacent areas could adversely affect certain species of wildlife. Strict management of public access may be necessary to ensure that the various human uses of fish and wildlife resources in the area are compatible.

The freshwater, as well as the tidal, stretch of the Sparkill Creek and the Palisades Slope area draining into the Sparkill Creek have been designated as Critical Environmental Areas by the Village of Piermont under the State Environmental Quality Review Act in recognition of their importance as significant and important habitats, among other criteria.

The Orangetown/Rockland County Sewer District #1 outfall line presently terminates just south of the end of the Pier and disperses waste both upstream and downstream, depending on the stage of the tide. The outfall line has many leaks and the waste is often untreated, particularly when storm runoff infiltrates the sewerage system. Sealing the leaks and extending the terminus of the outfall into the main channel would mitigate the impact of these incidents when raw sewage is discharged.

In order to protect and preserve significant habitats, land and water uses or development shall be undertaken only if such actions are consistent to the maximum extent practicable with the intent and purpose of this policy. When the action significantly reduces a vital resource (e.g. food, shelter, living space) or changes environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to significantly impair the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity; changes in community structure (food chain relationships, species

diversity); reduced productivity; and/or increased incidence of disease and mortality. The range of physical, biological and chemical parameters which should be considered include:

- a. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
- b. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns, and migratory patterns;
- c. chemical parameters such as dissolved oxygen, carbon dioxide, Ph, dissolved solids, nutrients, organics, salinity, pollutants. When a proposed action is likely to alter any of the biological, physical or chemical parameters as described above beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

See also Policy 33.

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 CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

POLICY 8A THE INTENTIONAL DUMPING OF OIL OR OTHER POLLUTANTS INTO WATERWAYS AND CATCH BASINS CAN BE HARMFUL TO FISH AND WILDLIFE/RESOURCES, AND SUCH ACTIONS WILL BE PROSECUTED.

POLICY 8B THE ROCKLAND COUNTY SEWER OUTFALL LINE SHOULD BE EXTENDED TO DEEPER, FASTER FLOWING WATER. THE OUTFALL LINE SHOULD BE REBUILT TO MAINTAIN ITS INTEGRITY.

Explanation of Policies

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 [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial

present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." The list of DEC-defined hazardous wastes is provided in 6NYCRR Part 371.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

The Village of Piermont in 1981 was the first governmental body in Rockland County to institute a voluntary waste oil recycling program, both on the waterfront and for motor vehicle operators; and this program has collected several hundred gallons of oil which might have otherwise been improperly disposed of. This program will be continued.

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

POLICY 9A PRESERVE THE SECTION OF THE PIER EASTWARD FROM THE LAST CURVE IN THE ROAD FOR ACCESS FOR SHORELINE FISHING, BIRDWATCHING AND NATURE STUDY. FOREGO MARINA ON-WATER CONSTRUCTION NORTH OF THE PIER AND EAST OF THE FORMER FACTORY PROPERTY.

Explanation of Policies

Any efforts to increase recreational use of fish and wildlife resources will be made in a manner which ensures the protection of these resources in marine coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be carried out in accordance with existing State law and in keeping with sound management considerations, which include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guidelines will be considered by Village, State and federal agencies as they determine the consistency of a proposed action with this policy:

- a. consideration should be made by the Village, State and federal agencies as to whether an action will impede existing or future utilization of the Village's fish and wildlife resources;

- b. efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat.
- c. the impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting with the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

Shoreline fishing from the end of the Pier has been drawing an increasing number of fishermen throughout the year as access to this productive fishing location has been opened since 1981, when the Village acquired the property. The Rockland Audubon Society conducts frequent field trips here, sighting a great variety of birds, including rare and endangered species.

The primary obstacle to increased recreational fishing use of the shoreline is concern over pollution, since commercial fishing for most species is banned. The Village strongly supports all efforts to clean up the Hudson in general and to remove PCB's in particular. The Department of Environmental Conservation advises recreational fishermen to consume no more than one meal per week of fish taken from the Hudson; and since few fish more frequently, a notice of this advisory posted on the Pier would inform the few and allay the fears of most.

Provisions for increased boating access indicated in the section of Development Policies and Policy 21 will also serve to increase recreational fishing and wildlife viewing.

The Village does not permit hunting on the Pier and the Palisades Interstate Park does not permit hunting in the Piermont Marsh.

The blue crab attracts many recreational crabbers, most casting traps from the dock at the end of the Pier. Since the crabmeat is nearly free of PCB contamination, it is particularly desirable to develop this resource, which was abundant in the memory of many but now occurs in smaller numbers. A study should be undertaken by a State or regional organization to propose ways to restore the blue crab population.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Construction of limited, as yet unidentified on-shore commercial fishing facilities is part of the Development Policies of this program in conjunction with the construction of a Village Landing. Because of current pollution levels in the Hudson River, commercial fishing is very minor in comparison to its potential. Perhaps a dozen fishermen are now active. That major potential could be realized before the end of the decade if the levels of PCB's in striped bass netted here continue to decline at the rate experienced in the past few years.

The Village is not aware of any mariculture activity along this section of the Hudson, but it is not inconceivable that blue crabs could be managed to some degree. Both catfish and carp are abundant and have been harvested in aquaculture elsewhere. Oysters were abundant here until the silt from the construction of the Tappan Zee Bridge decimated the population. Commercial fishermen report that a remnant population exists off the north side of the Pier near the navigation buoy and conceivably oysters could be reintroduced and cultivated.

FLOODING AND EROSION HAZARD 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.

POLICY 11A EXTEND EXISTING CRITICAL ENVIRONMENTAL AREA DESIGNATIONS AND PROTECT VULNERABLE AREAS NOT COVERED BY FLOODING AND EROSION REGULATIONS.

Explanation of Policies

Local, State and federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas, and floodways; the importance of these regulations to Piermont cannot be over-emphasized. Flooding and erosion that accompanies it is a major hazard along the Village waterfront, as evidenced by the March, 1984 storms that resulted in a federal disaster area designation. Major flooding episodes occur primarily with easterly winds and unusually high tides. The Hudson River and tidal Sparkill Creek inundate roads, destroy docks and boats, erode property and flood basements and the first stories of some houses. The lowland areas of the Village are covered by the National Flood Insurance Program. Design of new construction must address flooding and erosion hazards and the 100 year flood plain, and appropriate measures must be taken to avoid structural damage and danger to human lives.

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

Natural protective features help safeguard coastal lands and property from damage, as well as reduce danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or similar actions which fail to recognize their high protective value lead to diminishing or destruction of those values. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments which could impair their flood-reducing capacity. The crescent-shaped shoal parallel to the shoreline north of the Pier also affords some protection from storm-induced wave damage. Minimizing motorboat traffic in the Sparkill Creek will minimize damage to tidal wetlands from gasoline and oil and from propeller and bow wave wash. Diverting the sewer outfall into the main channel currents will disperse the material and minimize nutrient loading of the tidal wetlands.

See also Policies 7, 37 and 44.

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 30 YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

Erosion protection structures are often needed to stabilize riverbanks to mitigate the accumulation and transport of silt, which can diminish river carrying capacity and/or increase harbor siltation. This policy is not directed at temporary structures erected to control siltation during construction projects. New construction will meet all current standards. Adequate bulkheading will protect the shoreline from erosion and wave damage, or mitigate the worse effects of severe storms. A suitable breakwater or "dolphins" near the commercial waterfront would extend the life-time of bulkheads and lessen the problems of storm erosion and channel maintenance. All bulkheads, seawalls, docks and piers have limited life-times, so periodic

maintenance and eventual replacement is to be expected. The Harbor Commission shall develop standards for construction of erosion protection structures.

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.

POLICY 14A OPPOSE ANY INCREASE IN THE SIZE OF CULVERTS ALONG THE SPARKILL CREEK, CHANNELIZATION OF THE CREEK OR THE INTRODUCTION OF RIP-RAP TO NEW AREAS ALONG THE BANKS; RATHER, SUPPORT A PROGRAM OF REGULARLY CLEARING DEBRIS FROM THE EXISTING CULVERTS AND FROM THE STREAMBED AND OF MAINTAINING THE EXISTING WOODEN BULKHEADS, STONE RETAINING WALLS AND RIP-RAP.

Explanation of Policies

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

Plans to replace the Valentine Avenue Bridge at the upstream boundary of the Village on the Sparkill Creek and construct enlarged culverts, as well as to channelize the Creek in order to facilitate more rapid runoff of stormwater, have been opposed by the Village for many years because of the severe erosion threat to the shoreline along the Sparkill Creek in Piermont and the impact of increased flooding downstream. Dredging would undermine soil retention structures along the banks of the Creek. Rather, it is incumbent upon the Town of Orangetown and the Rockland County Drainage Agency to construct upstream retention basins to mitigate the runoff from upstream development that has been sanctioned by these governmental agencies in the past and to regulate all further development so that there is no additional runoff permitted. It would be in the best interest of the Village to develop legislation on regulation of the Sparkill Creek and to intervene in proceedings related to new development in the Sparkill watershed with the assistance of the Rockland County Environmental Management Council and the force of law provided by the Village's designation of its Sparkill Creek area as a Critical Environmental Area under SEQR. The objective would be to keep Sparkill Creek flooding from worsening.

The culverts on the Valentine Avenue bridge tend to accumulate debris which restricts the flow of water. Debris in the streambed also restricts the flow of water, thereby increasing siltation and reducing the floodwater carrying capacity of the Creek. A program of regularly clearing debris would help considerably in permitting stormwater to make its way downstream.

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.**

POLICY 15A **ANY DREDGING THAT MAY BE NECESSARY MUST BE UNDERTAKEN ONLY DURING CALENDAR PERIODS THAT WILL MINIMIZE ANY NEGATIVE IMPACT ON AQUATIC LIFE FORMS AND MUST USE THE BEST AVAILABLE TECHNOLOGY TO MINIMIZE THE DISPERSION OF ANY SILT THAT MAY BE RELEASED. UPLAND DISPOSAL OF DREDGE SPOIL INVOLVING TRUCKING MUST BE UNDERTAKEN ONLY DURING CALENDAR PERIODS THAT WILL MINIMIZE WEAR AND TEAR ON THE VILLAGE ROADS AND DURING DAYS OF THE WEEK AND HOURS OF THE DAY THAT WILL MINIMIZE THE IMPACT ON THE RESIDENTIAL PEACE AND TRANQUILITY OF THE VILLAGE. TO THE EXTENT THAT THE OPTIMUM CALENDAR PERIOD FOR DREDGING AND THE OPTIMUM CALENDAR PERIOD FOR TRUCKING OUT SPOILS DO NOT COINCIDE, PROVISION MUST BE MADE FOR A SITE FOR INTERIM STORAGE OF DREDGE SPOILS ADJACENT TO THE DREDGING AREA. THE TOTAL VOLUME OF DREDGING IN ANY PERIOD MUST BE LIMITED TO THE CAPACITY OF THE INTERIM DREDGE SPOIL STORAGE SITE.**

Explanation of Policies

Dredging or other mining of river bottom materials would be undertaken primarily for channel maintenance. Wherever such dredging takes place near docks, bulkheads or an unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on the adjacent lands and will not cause a reduction of supply, and thus an increase of erosion, to shorelands.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and investment in existing or new development which requires a location in proximity to the coastal area or in adjacent waters in order to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protection features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

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

Explanation of Policy

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

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, the use of minimum setbacks as provided for in Section 34-108.
2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard areas, and (b) the flood-proofing of buildings or their elevation 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 ascertain consistency with

the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

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.

POLICY 18A NEW DEVELOPMENT SHALL BE DESIGNED TO MINIMIZE IMPACT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND ON THE EXISTING CHARACTER AND CULTURAL RESOURCES OF PIERMONT.

Explanation of Policies

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

A concern of the LWRP is to minimize the social dislocation among the long-term Piermont residents caused by the rapid escalation of rents, partly in anticipation of the redevelopment of the Pier industrial site and partly reflecting the general appreciation of property values along the Hudson shoreline, particularly in proximity to New York City. The notion of including a limited number of "affordable and handicapped accessible rental units, including but not limited to senior citizen housing, as part of the Pier redevelopment" was aired at the April 8, 1986 public information hearing called by the Trustees to hear several proposals for the Pier. It was recognized that it is not possible to provide moderate rental housing for all deserving people and that an overall limit on the maximum residential density be set first with the lower cost units

constructed as a fraction of the overall total. Accordingly, the overall residential density should be 7 units per acre total with the "affordable" housing included. This permissible density should yield at least 25 "affordable" units.

At present, Piermont's irregular boundaries even exclude points on the southeast end of the pier that can only be policed by Piermont with any efficiencies. Piermont is the only municipality south of Haverstraw in Rockland County with the ability to do emergency rescue under or on water, fight fires from the water, and police the water in the area. Piermont has 500 commercial slips, and that is heavy recreational craft use in the area.

The Village Board may vary these numbers consistent with the goals of the LWRP to accommodate a specific development proposal.

Piermont At An Historical Crossroads.

Piermont would have preferred to continue into the 21st century as a factory town. The deindustrialization of the Northeast, lack of large enough land area, difficult traffic access, and elevated real estate values caused by the beautiful location on river, mountain, and creek, just 15 miles from N.Y.C., all combined to prevent this. Nevertheless, we cling to our historic memories as best we can.

The following is an excerpt from the Carlyle Findings Statement, and a resolution passed by the Village Board after adopting the Pier area zone change.

AFFORDABLE HOUSING

In recent years, the availability and supply of affordable housing in the New York metropolitan area has become a major concern. It is also the concern of Piermont residents that escalating housing costs are pushing out many of its long-term residents. Piermont residents are also concerned that the proposed project will create housing that is not within financial reach of many Village residents. To alleviate this concern and address this problem, the developer will build 25 not-for-profit rental units as part of the project. These units will remain on a not-for-profit basis during the life of the structures of the project.

CPC will actively pursue the possibilities for obtaining subsidies for affordable rental housing. The acceptability of such subsidies will be determined by the Board of Trustees at its discretion. Criteria for eligibility for occupancy will be determined by the Village Board.

Looking Forward, Looking Back

A Resolution

Piermont is a tradition minded community - an old railroad and factory town, a typical American small town. We sit here, on the shore of the Hudson River, on our hills and creek, surrounded

by suburbs, by bedroom communities that lack all sense of community, and try to preserve our sense of values. We are 15 miles from New York City, in this tranquil and beautiful place. We lost our factories; the whole region, whole states lost their factories. Suburbanization, a land shortage, and a baby boom have so escalated home prices that very, very few of us could afford to come here if we did not already own our homes -- very, very few of us could afford to buy-in using income and savings. Our children cannot afford to buy here.

We have no power to stop or even to slow these changes. The new extension of our community that will be built on the Pier is not the cause of these changes, just a piece of it. The new people who move in there will be no richer than the people who now buy our homes throughout Piermont. Actually, most of us who own homes here can afford to buy-in downtown if we sell our old homes, and it is expected that most of the purchasers will be Rocklanders making just such a swap.

Nevertheless, a way of life has been passing, and the new project is a significant marker, a symbol of the change.

We on this Board have done our best to make the new area a continuation of our existing commercial district, to use it to revitalize our downtown, to provide new park and recreation facilities, to preserve views, to reduce demands for municipal services, to minimize its impact on our natural environment, to preserve links to our historic past, to govern its scale and its traffic impact, consistent with our powers under N.Y. State law.

It is our deepest wish that Piermont retain its economic vitality, its small town feel, its sense of community. Piermont will certainly continue to change, but we would like to pass on our sense of community, as a legacy to the Piermont of the Future.

To this end, we endorse the offer of the Carlyle Piermont Corp. to provide a "time capsule", to contain letters and petitions, photos, audio and video cassettes, presented by present villagers, containing reminiscences, histories, testimony, suggestions for the future governance of this project and of the Village as a whole. The time capsule is to be opened April 12, 2013, which will be the 25th anniversary of the adoption of the Statement of Findings for the CPC project, and every 25th year thereafter. At each opening, the letters, tapes, and photos of 25 years earlier will be read, played, or displayed for the current Village Board and Village. The older letters and material shall also be made available for public examination, and current residents shall add their testimony, to be opened in turn 25 years later. The time capsule shall bear the Latin inscription "Non etiam a morte linguae nostrae stupabuntur." (Not even death shall stop our tongues.)

Let the Present tell the Future what we loved in this village of ours, what we hoped to preserve, to improve, to pass on.

A possible site of a major action is the 37 acre parcel surrounding the Tappan Zee elementary school now again open and serving South Orangetown as an elementary school. The Village has included this lot in the Palisades Slope Critical Environmental Area, which will ensure that any development meets careful planning requirements. The school district has proposed to retain 8 acres and sell the remainder for development. Any development should be clustered along Route 9W adjacent to the existing multiple residence district The Whiton Brook and Cowboy Fields portion of the site should be preserved for drainage, habitat and public access open space.

PUBLIC ACCESS POLICIES

- POLICY 19** **PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED 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** **MAINTAIN AND PRESERVE THE ENTIRE SHORELINE ON THE NARROW END OF THE PIER EAST OF THE FORMER FACTORY LOTS FOR FISHING ACCESS.**

- POLICY 19B** **CONSTRUCT A WALKWAY FROM THE VILLAGE LANDING OUT ALONG THE NORTH SIDE OF THE PIER ADJACENT TO THE FORMER INDUSTRIAL SITE.**

- POLICY 19C** **SEEK TO DEVELOP A BOAT BASIN OR "HARBOR OF REFUGE" ADJACENT TO THE OUTERMOST LOT OF THE FORMER INDUSTRIAL SITE ON THE NORTH SIDE OF THE PIER.**

- POLICY 19D** **PLAN COASTAL REDEVELOPMENT SO THAT LOCAL ROADS DO NOT BECOME UNSAFE OR OVERBURDENED BY TRAFFIC CONGESTION, SO THAT THE WATERFRONT IS ACCESSIBLE TO PEDESTRIANS, FISHERMEN, BOATERS AND CYCLISTS (SEE POLICY 19), AND SO THAT PARKING LOTS ARE APPROPRIATELY SCALED, SITED FOR MULTIPLE USE, NOT FLOODED AT HIGH TIDE AND NOT A DETRIMENT TO LOCAL NEIGHBORHOODS.**

POLICY 19E **ANY SITING OF PARKLAND OR ANY PUBLIC BUILDING OR PUBLIC ACCESS FACILITY, WHETHER BY THE VILLAGE OR OTHER GOVERNMENTAL LEVEL OR AGENCY, OR ANY NOT-FOR-PROFIT, OR PUBLIC BENEFIT GROUP OR AGENCY, OR ANY CHURCH, SHALL SATISFY THE SAME REQUIREMENTS FOR PARKING AND FOR PERMISSIBLE TRAFFIC GENERATION, THAT WOULD APPLY TO A COMMERCIAL DEVELOPMENT AT THAT SITE.**

Explanation of Policies

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State and Village will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

Further, it is understood that in their plans and programs for increasing public access to public water-related resources and facilities, public agencies shall give priority in the following order to projects located: within the boundaries of Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary and not served by public transportation.

Access to the end of the Pier by motor vehicles at all tides is necessary for public access to the park and the water-dependent and water-enhanced recreational activities that take place along the pier. The Village has raised Ferry Road above the high tide level to improve access by eliminating flooding of the road. Ferry Road will be maintained at this level. Nevertheless, it is recognized that vehicular traffic, including truck, cars, motorcycles, and bikes interfere with the use and enjoyment of Ferry Road east of the Village ballfield. Motorized vehicles are only permitted on this portion of Ferry Road by special permit. Bicycles can be a hazard to pedestrians. Trucks are present for maintenance purposes, and trucks and buses also serve the Lamont-Doherty Oceanographic vessel and the Clearwater. Buses also bring class groups. Except where these vehicles are necessary to transport the handicapped, buses should be discouraged. Able-bodied individuals may walk.

Use of cars should be monitored, and the issuance of permits to cars not registered to Village residents can be reduced or eliminated if car use increases beyond acceptable levels.

Local streets are generally capable of handling the volume of traffic now present. Because of steep grades and sharp curves, travel speeds are often slow. Parking in the business district of the Village is often tight and will be improved with the anticipated development by Carlyle. The anticipated replacement of a bridge over the Sparkill Creek will allow vehicles to move more smoothly, and should be so designated as to improve water-front access to and from the Creek, and not to impinge on Kane Park. The new bridge will have a pedestrian walkway.

The Village Landing and also the boat basin on the north side of the former industrial site are dependent on a properly maintained channel. The Village Landing also presumes municipal parking in the adjacent parking lot now owned by the Carlyle Corporation. The boat basin presumes the use of the Clevepak lot now occupied by aeration basins for accessory parking and structures. The restriction on the Sparkill Creek boat launch to non-motorized boats is necessary both to minimize impact on the Piermont Marsh National Estuarine Sanctuary and to minimize the danger to boaters negotiating the twists and turns of the Creek with vision obstructed by tall fragmites reeds.

Incompatible water-dependent uses and facilities are those that are inconsistent with the policies expressed in this section of the LWRP. For example, a commuter ferry terminal

would be considered incompatible because of the traffic and parking burden associated with it. Also, siting of such region-serving facilities as a nuclear electric power plant or comparable scale conventional power plant or a municipal solid waste processing facility is likewise considered incompatible because of the substantial heavy trucking involved and because of the significant negative impact on the Pier and Sparkill Creek designated Critical Environmental Areas and the adjacent Piermont Marsh National Estuarine Sanctuary and Significant Habitat. A trans-Hudson bridge is incompatible because of the same considerations. These examples of incompatible uses and facilities are by no means an exhaustive list.

The Village has determined maximum permissible traffic flows (consistent with preservation of residential amenity) for all streets providing access and entry or exit to Piermont. Any public facility stimulating traffic must share the maximum permissible flow, and must also provide parking to accommodate that flow, once arrived.

The following is an explanation of the terms used in the above guidelines:

- a. Access--the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities--all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities--lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossing required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

- (4) There are substantial increases in existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary, or admission fees to such a resource or facility and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State-government-established poverty level.
 - (5) Pedestrian access is diminished or blocked completely by public or private development.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sales, lease, or other transfer of public lands that could provide public access to public water-related recreation resources or facilities.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
4. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
- a. A reduction in the existing level of public access includes, but is not limited to, the following:
- (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.

See also Policies 7 and 44.

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

With the public acquisition of the entire perimeter of the Piermont Pier, a major portion of the Village shoreline on the Hudson River and tidal Sparkill Creek is now under the public ownership of the Village, the Department of Environmental Conservation and the Palisades Interstate Park. The following guidelines will be used in determining the consistency of a proposed action, including any action proposed at the above existing sites, with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
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, military security, or the protection of identified fragile coastal resources; or (b) adequate access exists within a reasonable distance, generally a 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 accessway.

All coastal access in Piermont is inherently limited by availability of parking and the requirements of maintaining residential amenity along access routes, all of which are residential. Restriction of access within the limits these imply is not a reduction of access; levels of use are now below these limitations. Such restriction is an inherent limit.

While this primary LWRP objective for future use of the light industrial zone on the Pier was for continued commercial activity, the second choice was for a mixed-use water-dependent redevelopment that would include a limited number of commercial and residential units. Accordingly, with such mixed-use development, the base density of residential units over the entire zone should be 7 units per acre total. The project must be so structured as to provide for a Village-owned marina on the north shore and must provide a shoreline walkway included as part of the development. These projects are presumed since they will increase the value of the adjoining residential development in

excess of their construction costs. Also, at minimum, any project must provide parking for Main St. and for Parelli Park. Thus, there must be mixed use parking for Main Street stores in addition to facilitating the use of Parelli Park. If the project creates a boat ramp for their own use, this will be available for a Village boat launch facility.

The development of any new boating facilities requires the availability of adequate parking. Parking in Piermont is very limited and needs to be sited for multiple use. The Clevepak parking lot adjacent to Main Street, Parelli Park and the commercial waterfront gets multiple use now in its quasi-municipal status. New development on the Pier will be required to provide 100 parking spaces for Main St., Parelli Park, and several village uses connecting in to Main Street and Parelli Park. The core buildings are already subdivided into small to medium-sized units so that they represent a collection of modest "raw" spaces in structurally sound buildings that might be used for marine accessory businesses, including storage, sales, boat repair and construction, sailmaking, marine hardware, etc. Siting the Village Landing adjacent to these buildings will promote their use for marine activities.

At present, trails in Tallman Park lead to Ferdon Avenue near the Army bridge. Pedestrian access is possible to the end of the Pier along Ferry Road from near Paradise Avenue. Development of the pier will include a walkway along the north side of the pier, providing additional public access. A marked bicycle path now follows Ferdon Avenue and Piermont Avenue and access to the end of the pier is available via Ferry Road. At present, a rail siding extends into the former industrial site, and as part of the redevelopment of the Carlyle proposal, this track will be removed, and a major access point to the development will be built approximately at this location.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATIONAL OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

POLICY 21A **THE VILLAGE OF PIERMONT SHALL PROVIDE FOR LAUNCHES AND LANDINGS ON PUBLIC WATERFRONT LAND FOR INCREASED RECREATIONAL USE OF THE HUDSON RIVER.**

POLICY 21B **ALL VILLAGE-OWNED LAND ON THE PIER, INCLUDING THE SHORELINE ON THE NORTH SIDE OF THE FORMER INDUSTRIAL SITE, SHALL REMAIN AS PARKLAND IN PERPETUITY FOR RECREATIONAL USE, INCLUDING SHORELINE FISHING, BIRDWATCHING, PICNICKING, AND UNOBSTRUCTED VIEWING OF THE TAPPAN ZEE PANORAMA.**

POLICY 21C **THE HIDDEN "PUBLIC ACCESS" CANOE LAUNCH FACILITY ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON THE FORMER MCMURRAY PROPERTY SHOULD BE CLOSED, AND A CANOE LAUNCH SHOULD BE CREATED ON THE RIVER OFF TALLMAN PARK.**

Explanation of Policies

Boat Landing

At various times, the Village has considered, or even thought itself committed to constructing a boat launch at various locations. These have included: Parelli Park South east end of Pier, after exchange of land with the DEC; and the Carlyle property, at northwest corner of Building 28.

These have all been eliminated or deferred, at the recommendation of the Piermont Harbor Advisory Commission. There are two categories of boat launch, and they should be considered separately. They are for a.) car-top boats (canoes,etc.) and b.) trailered boats

Car-top boats should be launched on the south side of the Pier Peninsula. Currents at the north east end of the pier are too strong and too dangerous for such craft. The ideal site for launching car-top boats is from within Tallman Park, near the parking lot used by visitors to the swimming pool. The Village permits but would prefer to discourage, automobiles on Ferry Road or parked at the end of Ferry Road.

No parking is available adjacent to the DEC canoe launch. It is not a major problem only because it is hidden, unknown, unsigned, and unadvertised, marked only by a rusty chain from which yellow plastic anti-freeze containers hang. Canoeists using the facility now park opposite residences, or illegally, or trespass on a Carlyle parking lot. A site at Tallman Park would be more appropriate and would avoid problems as use of the sanctuary increases.

Trailer-carried boats are best launched at Building 28. At present Carlyle plans to have no ramp at that point. Winter-stored boats will be launched or landed at that point using a negative fork-lift during a brief period in Spring and Fall, and the fork-lift will not be available at other times.

The Piermont Board of Trustees retains the option to require Carlyle Piermont Corporation or successors to have public boat launch facilities for Piermont residents at a future time.

The Army Dock On The Piermont Pier.

The Army Dock, located at the east end of the Village Pier Peninsula Park, is the only place in Piermont where sizeable craft can dock. Currently, it is mainly used by the Clearwater, owned by the Hudson River Sloop Clearwater, Inc; and the Conrad, owned by Columbia University and Lamont-Doherty Observatory.

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, or non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.

Water-dependent and water-enhanced recreation that will be encouraged are the Village Landing and the Village marina (if feasible and approved by referendum), boat ramps, fishing and viewing opportunities. The marina would be located on Village-owned under water lands north of the pier and west of the dogleg on Ferry Road. The Village launch would be accessory to a ramp built immediately west and north of Building 28. The DEC has provided a Canoe launch at the former MacMurray lot. A site adjacent to Tallman Park, utilizing parking adjacent to the Tallman pool would be more appropriate. Since the only potential population increase of any significance within the Village is the construction of the Carlyle proposal, the added recreational opportunities are believed to be adequate.

The Village has provided a memorial to the one million troops who embarked for Europe from the Piermont Pier in World War II at the embarkation site.

At present, trails in Tallman Park lead to Ferdon Avenue near the Army bridge. Pedestrian access is possible to the end of the Pier along Ferry Road from near Paradise Avenue. Development of the pier shall include a walkway along the north side of the pier, providing additional public access. A marked bicycle path now follows Ferdon Avenue and Piermont Avenue. Access to the end of the pier is available via Ferry Road. At present, a rail siding extends into the former industrial site, and as part of the redevelopment of the Carlyle property, this track will be removed, providing, at least psychologically, an improved pedestrian access to the western end of the pier.

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 they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. Shore development can include the Carlyle property, private marinas and the Village Landing, as well as the public portion of the Pier. The development approval of the Carlyle proposal includes provision for a shoreline walkway on the north side of the property, as well as a public boat launch. Other facilities will be provided with other resources.

POLICY 23 **PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.**

POLICY 23A **THE ARCHITECTURAL REVIEW BOARD SHALL REVIEW APPLICATIONS FOR BUILDING PERMITS INVOLVING STRUCTURES IDENTIFIED AS BEING ARCHITECTURALLY SIGNIFICANT OR STRUCTURES ADJACENT TO BUILDINGS OR SITES IDENTIFIED AS HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT.**

WHENEVER CONSTRUCTION ENTAILS RISK TO IMPORTANT ARCHEOLOGICAL RESOURCES THAT MAY BE PRESENT, INCLUDING DISTURBANCE OF SOIL, THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION WILL BE CONTACTED TO VERIFY WHETHER THESE RESOURCES ARE LIKELY TO BE DISTURBED.

POLICY 23B **PLACE MONUMENTS AND MARKERS ON STRUCTURES AND AT SITES IMPORTANT TO THE HISTORY OF THE VILLAGE OF PIERMONT.**

Explanation of Policies

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

Historic resources identified by the Piermont Architectural Review Board are listed and mapped in the Inventory and Analysis.

The Village of Piermont will contact the Division for Historic Preservation in the Office of Parks, Recreation and Historic Preservation to check whether any archeological sites are affected by specific development proposals.

History of Pier Industrial Site.

Carlyle Piermont Corporation will display various industrial memorabilia related to the history of the site, including pre-Bessemer process wrought iron track dating from the 1850's, which now lies on Village lands along the littoral, and a large fly-wheel used in an electric generator in the paper mill.

An historical archive will be created containing photographic documentation of the industrial site, the railroad and old-time Piermont. It will include extensive supplementary material gathered by CPC prior to and during demolition. It shall also include full records of the SEQR procedure necessitated by this project.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation comprise the following resources:

1. A resource which is in a federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State Nature and Historic Preserve Trust.

4. An archeological resource which is on the State Department of Education's inventory of archeological sites.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved Local Waterfront Revitalization Program.
6. A resource that is a significant component of an Urban Cultural Park.

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, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement 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. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified

as being imminently dangerous to life or public health. Nor shall the policy be construed to 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 which does not involve a significant adverse change to the resource, as defined above.

See also Policy 18.

SCENIC QUALITY POLICIES

- POLICY 24** **THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO PIERMONT.**
- POLICY 25** **PROTECT, RESTORE AND ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATE-WIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.**
- POLICY 25A** **PROHIBIT ANY WIDENING OF PIERMONT AND FERDON AVENUES ALONG THE SPARKILL CREEK OR PIERMONT AVENUE ALONG THE HUDSON RIVER SHORELINE TO PREVENT IMPAIRMENT OF THESE SCENIC RESOURCES AND TO MAINTAIN PROPERTY VALUES.**
- POLICY 25B** **NEW DEVELOPMENT IN THE TAPPAN ZEE SCENIC DISTRICT SHALL BE EVALUATED REGARDING THE NATURE AND EXTENT OF ITS POTENTIAL VISUAL IMPACTS ON THE SCENIC RESOURCES OF THE SCENIC DISTRICT.**
- POLICY 25C** **NO NEW DEVELOPMENT WILL BE PERMITTED THAT WOULD GENERATE SIGNIFICANT NEGATIVE VISUAL IMPACTS BY BLOCKING VIEWS OR INTRODUCING STRUCTURES OF A SCALE OR BULK INCOMPATIBLE WITH EXISTING NEIGHBORHOOD CHARACTER.**
- POLICY 25D** **THE VIEWSHED PARK AUTHORITY SHALL OBTAIN EASEMENTS, BY GIFT OR PURCHASE, FROM RIVERFRONT PROPERTIES IN PIERMONT, TO PROTECT AGAINST CREATION OF STRUCTURES ON THE RIVER WHICH WOULD BE TALLER OR OTHERWISE MORE VISUALLY INTRUSIVE THAN THE EXISTING DOCKS IN COMMERCIAL SLIP AREAS, OR THE PRIVATE DOCKS IN RESIDENTIAL AREAS OF THE VILLAGE.**

POLICY 25E NO ENCROACHMENT BY ROADWAY OR BRIDGE SHALL BE PERMITTED INTO KANE PARK. ANY AREA MAPPED AS ROADWAY, BUT NOW USED AS PARK SHALL NOT BE ADDED TO ACTUAL ROADWAY, BUT SHALL REMAIN AS PARK.

POLICY 25F THE PREFERRED MAINTENANCE OPTION FOR THE ARMY BRIDGE IS REPAIR, RATHER THAN REPLACEMENT. IF AND WHEN REPLACEMENT IS NECESSARY, THE BRIDGE AND ANY ASSOCIATED STRUCTURES SHALL NOT BE MADE MORE VISUALLY DOMINATING THAN EXISTING STRUCTURES. THE CONCRETE ABUTMENTS SERVING THE HISTORIC DRAWBRIDGE ARE MODERN, AND SHOULD BE REMOVED.

Explanation of Policies

As noted in the Inventory and Analysis and on the Boundary Section Map, the Upland Viewshed is noteworthy for its many scenic views. The scenic quality of the Piermont area is recognized by the Heritage Task Force the Hudson River Valley, which has proposed designating Route 9W as a Scenic Road under Article 49 of the Environmental Conservation Law. Piermont Avenue and Ferdon Avenue along the Sparkill Creek and Hudson River were also cited by the Heritage Task Force. Both streets have low scale, primarily residential development overlooking the Creek. Route 9W overlooks the Tappan Zee and the Piermont Pier and is the proposed boundary of the Piermont LWRP area. While the Village appreciates the recognition of its scenic resources by the Heritage Task Force, it is opposed to official scenic road designation in Piermont since there are no possible sites for roadside pullovers and since the existing and anticipated traffic volume is already cause for concern without the addition of scenic road tourists.

At the request of the Villages of Piermont, Upper Nyack, Nyack, and Grand View-on-Hudson the Tappan Zee and its western shorelands up to the ridge line is a designated Scenic District under Article 49. (See the Inventory and Analysis for the description of the district and location of significant views.)

The Army Bridge adjacent to Kane Park, provides a noted local viewing point and stands at an especial scenic entrance to downtown Piermont. Any change which degrades this view is impermissible.

Kane Park itself is a much used, much needed children's park, serving both Piermont and visitors from throughout other areas. It is a tiny park, and cannot be narrowed without losing beauty and utility. Any replacement bridge should be sited closer to the historic drawbridge, and should not intrude into the park.

Aside from its location on the widest part of the Hudson River estuary, Piermont is unique in having a long, manmade pier that extends half way across the Tappan Zee. This scenic resource provides a way for the non-boating public to obtain a sailor's view of the west shore from Hook

Mountain to the State Line and of Westchester County from Tarrytown to Yonkers. The large open space expanse of Piermont Bay to the north of the Pier and the Piermont Marsh to the south is remarkable in a metropolitan area otherwise marked by dense development. The designation by the Village of much of these areas as Critical Environmental Areas will allow a substantial measure of protection.

Main Street has a preponderance of 19th century buildings of a low scale and variety which contributes to a small town architectural feeling, almost frozen in time except for some relatively modern additions.

The commercial waterfront area with its mix of recreational boating, commercial fishing and low density residential is picturesque and should be maintained in its present character. From the viewpoint of many residents, the most serious scenic quality problem arises when a new manmade structure blocks a former view of the waterfront. Greater care must be taken to limit this practice wherever possible, with particular attention to building heights and renovated structures.

When considering a proposed action which would affect a scenic resource, agencies shall undertake to ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality include:

1. the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. the addition of structures which because of siting or scale will reduce the 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 are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

1. siting structures and other development such as roads, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. removing deteriorated and/or degrading elements;

5. maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. 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;
7. using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

A necessary tool in realizing the goals of the Scenic District is a means of objectively determining the visual impact of a proposed structure from various viewing points.

A Methodology for Visual Assessment

The following methodology will be used to address the question of the determination of the visual impact of a structure or of an object in a landscape, in so far as the impact is due to the scale or size of the object. Typically, such an assessment requires an evaluation from specific viewing points of the apparent scale of the object in relation to its surroundings. Photography and sketches provide important tools for such assessments. An unbuilt structure may be sketched to scale on a photograph.

Photography necessarily involves projective representation. A three dimensional object is rendered on a two dimensional surface. The major weakness of this approach is that such projective representations embody no absolute determinations of scale. This is particularly important if there is no nearby object of comparable size whose scale is known to the viewer with perceptual sureness. In an urban setting, there will usually be other structures nearby with which viewers will be familiar, and which provide a sense of scale and of fitness of size. In a rural, natural, or isolated setting, no such comparables will usually be available. In the absence of such a reference comparison, the impression created by the photograph or photograph with sketch may be manipulated by advocate or opponent simply by changing the focal length of the lens. The availability of such manipulations reduces the photo with sketch technique to a tool for creating debates, not resolving them.

Solutions to this problem include the following:

1. Inclusion of an object of known size. The obvious choice is the human figure. This fails because
 - i) The small size of the human figure makes it unsuitable for judging the scale of large structures. It does not help in distinguishing the impacts of an eight- and a twelve- story building.

- ii) **The large variability in human adult heights makes this reference subject to manipulation.**

Unfortunately, no other reference object is as compelling as the human figure. No reference objects of 20, 40, or 80 feet suggest themselves as compelling or suitable.

- 2. **Inclusion of the data on focal length. This contradicts the entire rationale for using photography. The photographic image is intuitive. Almost no one will be able to evaluate focal length data.**
- 3. **Provision of size data. Again, this does not utilize the intuitive aspect of photography. Even worse, it bears little relation to how things appear from a particular viewing point.**

Criteria for an acceptable solution include the following:

- 1. **The solution should be photographic, or photo with sketch, but should be immune to focal length manipulation.**
- 2. **It should provide comparison to a standard based on human biology that has intrinsic intuitive meaning, and that is suitable for comparisons with larger or smaller objects. The comparison should point the way to a decision as to whether the object is visually significant because of size.**
- 3. **The standard should be representable upon the photo with sketch in a simple, intuitive, and visual way. It should not need numerical data to interpret it when viewing the photograph.**

The human eye sees objects within a central cone of vision sharply; outside the cone, resolution falls off, objects are less sharp, more blurred. The boundary rays of this cone make an angle of 5 degrees with the central ray. An acceptable solution to the visual assessment problem is to provide, on the photo with sketch, the boundary of the central cone as it meets the plane of the structure. An object that fills out and spills over the central cone is truly significant. It is not just a detail in the landscape. The eye moves over it and scans it as an object of individual attention.

The central cone as reference satisfies all of criteria A, B, C, D, below:

- A. **The solution is purely pictorial. Change in focal length does not change the relation between the central cone and the structure. The circle will appear on the structure where the cone meets the structure.**
- B. **The standard is a human biological reference standard. It is the part of the visual field that is seen most clearly. This has an intrinsic meaning, and it is intuitive. It can be used with large or small objects, and determines whether the object is a significant element of the landscape from the chosen viewing point.**

- C. The representation is entirely visual and pictorial, and is simple. The viewer need not be provided with supporting numerical data for its interpretation.
- D. Even so, numerical data can be deduced from the picture. For example, the area of the object in its frontal plane is 85% of the area of the central cone in that plane. Or, the apparent length of the ski trail is twice the diameter of the central cone. Such numerical comparisons can be discussed objectively, and can be used to yield simple criteria for visual significance.

If an object fills or is larger than the central cone, the object is scanned by the eye with multiple fixations, the eye moving about the object. It is then a significant entity in the visual field; it is an object of separate attention. If an object is quite small with respect to the central cone, it cannot ordinarily be an object of separate attention. It is not scanned. It is merely a detail in the visual field. (It could still be annoying. Think of a bright light source.)

Objects of intermediate scale with respect to the central cone may present classification difficulties. It would be helpful to do psychological field studies of people's responses to existing structures of intermediate scale with respect to the central cone. Such studies would make the tool even more useful, but are beyond the scope of the LWRP. In the case of the view of the Carlyle Piermont site from Westchester or from the Tappan Zee Bridge, the conclusions are clear. The new construction is only a detail in the visual field; new objects of visual significance have not been created.

It should further be noted that even apart from the advantages listed in A, B, C, and D, this technique is more conservative, and so, more protective, than the less sophisticated technique of visual assessment advocated by Scenic Hudson in Assessing the Impact of Development on Scenic Resources of the Hudson River. In that handbook, the photo with sketch technique is advocated, and comparison objects are not provided. Thus, the object is implicitly compared to the entire visual field. The entire visual field is vastly larger than the central cone, and so, an object that is large compared to the central cone may seem small compared to the visual field. Nevertheless, by the above criteria, that object will have significant impact.

For the convenience of anyone wishing to use this method, the following paragraph describes how to draw the central cone on a frontal plane of the structure. One must first determine a scale for the sketched building. (See Scenic Hudson's handbook for how to do this.)

Let L be the distance in feet from the viewing point to the structure. Let d be the length, in inches on the sketch, corresponding to one foot on the actual structure. Set the point and stylus of a compass W inches apart, where $W = (d)(L) .0875$. Draw circle with the center at the point seen when one looks head on.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LAND IS NOT APPLICABLE TO PIERMONT.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Piermont, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under State law and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the coastal area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

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

POLICY 28A ICE MANAGEMENT TECHNIQUES SUCH AS THE PLACEMENT OF "DOLPHINS" IN PIERMONT BAY WILL BE USED TO CONTROL ICE BUILD-UP AND DAMAGE TO THE PIER, DOCKS AND BULKHEADS.

Explanation of Policies

Ice in Piermont Bay is very destructive to the existing docks, bulkheads and erosion-protective structures along the shoreline; and this damage greatly shortens the life-times of these structures. Ice forms rapidly because the sheltered water in the Bay is calm and then breaks up and moves with the tidal currents, tending to accumulate under pressure along the base of the Pier and the commercial waterfront. The proposal to construct "dolphins" or tepee-like structures of large poles, would help considerably to break up ice jams, and these structures would not damage significant fish and wildlife habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power. The Village will consult with the appropriate State and federal agencies when designing and siting "dolphins" or similar structures.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF OFF-SHORE ENERGY RESOURCES IS NOT APPLICABLE TO PIERMONT.

WATER AND AIR RESOURCES POLICIES

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

POLICY 30A THE VILLAGE SHOULD NOT SERVE AS A CONDUIT AND DUMPING GROUND FOR SEWAGE THAT FREQUENTLY DOES NOT CONFORM TO STATE AND NATIONAL WATER QUALITY GUIDE-LINES, AND SOMETIMES NOT EVEN TO MINIMAL PUBLIC HEALTH STANDARDS. THE POLLUTION OF THE NEARSHORE AREAS OF THE HUDSON RIVER AND THE SPARKILL CREEK FROM DISCHARGE OF SEWAGE EFFLUENT MUST BE ELIMINATED. PROPER MAINTENANCE OF THE ROCKLAND COUNTY SEWER OUTFLOW LINE WILL BE UNDERTAKEN TO AVOID LEAKAGE OF EFFLUENT IN NEARSHORE AREAS.

Explanation of Policies

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

Piermont has the dubious distinction of being the recipient of liquid sewage waste from the entire southern half of Rockland County, which discharges into the Hudson just south of the Piermont Pier. The Town and County treatment plants in Orangetown are overburdened, infiltration is a problem, the sewer lines that run through the Village periodically stink or overflow into the streets or Sparkill Creek, and the outfall (which reportedly leaks where it passes through the Piermont Marsh National Estuarine Sanctuary) does not extend far enough out into the River to keep effluent away from the shoreline and is currently broken about five yards from the south shore of the Piermont Peninsula. Over the past several decades, numerous small private outfalls which had emptied directly into the Creek and River have been connected to the sewer system, often at considerable initial expense and with continuing maintenance costs to homeowners. It rubs salt in old wounds to have one's sewage make a round trip of several miles to Orangetown, then end up still untreated, in the street or eddying along the shoreline. It is pointless to instruct people outraged by these larger insults in the niceties of controlling pesticide runoff from their rosebushes.

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, 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 standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The Hudson from the Bronx line to the Bear Mountain Bridge is classified SB, suitable for primary and secondary contact recreation and any other use except for the taking of shellfish for market purposes. Completion of the North River Sewage Treatment Facility in Manhattan will improve the water quality south of the Tappan Zee Bridge in Piermont Bay. The section of the Sparkill Creek from the Hudson River to the mill pond is classified as B - suitable for primary contact recreation and any other uses except as a source of water supply for drinking, culinary

or food processing purposes. The section to the Valentine Avenue Bridge is classified as C - suitable for fishing. The land and water uses proposed in this LWRP are consistent with this policy, and the water quality classifications are appropriate for the uses proposed. See also Policies 7,8,9,10,and 21.

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.

Explanation of Policy

Most of Piermont is served by the municipal sanitary sewer system, including almost all of the LWRP area below Route 9W. However, on those sites where the soil is very thin and no sewer hook-ups are available, site plan review applicants to the Planning Board should be informed of alternative systems.

Alternative systems include small systems serving clusters of households or commercial users, pressure and vacuum sewers and composting toilets.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, there is considerable infiltration of the Town and County sanitary sewer systems from stormwater runoff, although it is not a combined system. This results in overloading the secondary sewage treatment plants in Orangetown and the bypassing of untreated sewage, which is then discharged into the Hudson River and along the Piermont shoreline on an incoming tide. The Village has inspected its system and all the Village laterals are modern. Therefore, a relatively small percentage of this infiltration probably originates in Piermont.

Structural methods to control stormwater runoff and sewer overflows include the construction of stormwater retention basins and the replacement of deteriorated sewer mains. Nonstructural methods include best management practices and watershed management planning on a regional basis. Best management practices include a policy that new development or construction should provide adequate stormwater runoff retention facilities so that the peak rates of discharge are not increased beyond pre-development or preconstruction levels. This is referred to as the "zero increase" policy. (See Policies 7 and 37.) In Piermont, sanitary and stormwater lines have long been separated. Storm sewers drain into the Hudson.

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 NO CRAFT SHALL BE PERMITTED TO DOCK AT THE PIERMONT PIER, EXCEPT IN AN EMERGENCY, UNLESS THE CRAFT HAS RECEIVED A PERMIT FROM THE VILLAGE BOARD.

Explanation of Policies

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft or marinas into Piermont Bay or the waters within its coastal jurisdiction is regulated by federal and State laws. Priority will be given to enforcement of this policy in areas proximate to tidal wetlands, significant fish and wildlife habitats, and public parks on the shoreline. Facilities for pumping out of marine sanitation devices will be promoted and encouraged at any public, commercial or club marine facility in Piermont Bay and will be required at new marinas.

The following requirements govern, in part, whether a vessel can receive a permit to dock in Piermont:

1. The craft must contain holding tanks for sanitary wastes, and have hose connections and fittings enabling the holding tanks to be pumped out at any standard pump-out station. The owner/operator shall file an initial certificate attesting to the presence of such facilities and fittings, and describing them, including capacity of tank(s). The owner/operator shall also provide an estimate of the number of days of intensive use the tank(s) can handle before requiring a pump-out. The Village will have the right to inspect the craft.

The Village will determine a pump-out interval for the craft.

2. At each docking, the captain of the craft shall present to the Village receipts for pump-out, or display the craft's log, showing that the sanitary tank(s) have been pumped out within the time interval specified in 3.
3. For craft spending a prolonged lay-over at the Piermont Pier, periodic pump-out at the specified interval shall be required.

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 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 (Policies 7, 24, 15, 26 and 44).

Dredging and maintenance of the channel along the north side of the Pier into the commercial waterfront area is essential for waterfront revitalization. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Through careful timing which is based on environmental considerations and on design of the dredging operation, it is often possible to mitigate these potential adverse effects.

Dredging in Piermont Bay designed to preserve the viability of the existing marinas and establish access to a Village Landing, boat launch and possible new marina or "harbor of refuge" will require State Department of Environmental Conservation and/or Army Corps of Engineers permits, preceded by thorough plans defining maintenance areas to be dredged and the methods of removal, relocation, storage, transfer, disposal, and funding. All dredging must be undertaken at times during the year when significant fish habitats will be protected and wetlands not overloaded with silt. Any weakened or undermined stream banks and bulkheads must be repaired as part of these projects. No dredging south of the Pier in the Sparkill Creek or Estuarine Sanctuary is contemplated as part of the LWRP.

Within the past several years, one of the marinas successfully completed a dredging project and was able to place the spoil in the Clarkstown sanitary landfill. It is expected that the same practice will be followed.

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

In addition to coastal waters, this policy also includes the Sparkill Creek which drains into the coastal waters of the Village. 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 when improperly

treated, stored, transported or otherwise mismanaged." The list of Department of Environmental Conservation-defined hazardous wastes is provided in NYCRR Part 366. The activities related to the shipment and storage of hazardous materials are regulated by federal and State laws, and it is highly desirable that this policy be implemented thoroughly. See also Policies 30 and 39.

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

Explanation of Policy

Stormwater runoff carries large quantities of silt, particularly in the Sparkill Creek, but also in other areas where slopes are unprotected by vegetation or terracing, where runoff bypasses storm drainage and where construction projects are improperly managed. Best management practices used to reduce nonpoint sources of pollution and erosion include, but are not limited to, soil erosion control practices, surface drainage control techniques, and organic pest management practices where feasible (particularly with regard to mosquito control in tidal wetlands). Direct control over runoff from slopes and streets will be achieved by insisting upon sound landscaping practices, careful site reviews and proper placement of storm drainage improvements. Efforts to enlarge Sparkill Creek conduits and channelize its banks must be resisted. Upstream communities must share the expense of clearing debris from the conduits and streambed and meet the expense of any necessary flood control measures upstream at the source of the runoff if the flooding from the Sparkill Creek is to be abated. Any proposals for new construction on wetlands within the Sparkill Creek watershed must be prohibited.

Through the use of the Village Code and site plan review provisions, best management practices will be used to reduce non-point sources of pollution. 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 efforts 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. The construction site, or facilities, should fit the land, particularly with regard to its limitations.
3. Natural ground contours shall be followed as closely as possible and grading minimized.
4. Areas of steep slopes, where high cuts and fills may be required, should be avoided.

5. Extreme care should be exercised to locate artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
6. Natural protective vegetation shall 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 shall be limited.
8. The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.
9. A ground cover shall be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
10. Runoff from a site shall be collected and detained in sediment basins to trap pollutants which 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 shall be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
13. The length, as well as the angle, of graded slopes shall be minimized to reduce the erosive velocity of runoff water.
14. Rather than merely minimize damage, take the opportunity to improve site conditions, wherever possible.

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

Explanation of Policy

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected. A few private wells exist in the Village, and with the rapidly escalating rates charged by the Spring Valley Water Company, others are thinking of converting back to private wells. The Village will not allow hook-ups of private wells to the public system and will discourage their use as a source of potable water. It should be noted that east of Main Street,

or east of Piermont Avenue north of Main Street, groundwater can never be a source of potable water because of salinity and dissolved contaminants.

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.**

POLICY 39A **ANY COUNTY-WIDE EFFORT TO IMPROVE SOLID WASTE HANDLING AND RESOURCE RECOVERY PROCEDURES, INCLUDING SUPPORT OF THE RECYCLING PROGRAMS SPONSORED BY THE VILLAGE CONSERVATION COMMISSION AND THE PIERMONT CIVIC ASSOCIATION, WILL BE SUPPORTED.**

Explanation of Policies

The definitions of the 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 sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes. Hazardous wastes are defined in the explanation of Policy 36. 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.

Former storage sites for hazardous materials from the industrial operations do not pose problems. A 1.25 acre site is listed as Class 4, "no hazard to human health".

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

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

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

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area. Local land uses and planning standards must conform to national and State air quality standards.

Piermont is in a Level III category, as is much of Rockland County. Locally, air quality should not deteriorate because of new development on the pier. In fact, the former factories burned fuel to generate electricity and air-vented toluene. The change from manufacturing to residential and commercial will eliminate these sources of air pollutants. At their peak, the factories employed 1,500 workers and moved supplies by truck and diesel train. The peak traffic load under the zone change is less than with factory operations, and the heavy truck and train traffic have been eliminated.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

Explanation of Policy

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

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

Explanation of Policy

Acid rain caused by the combustion by-products released principally by heavy industry, power plants and motor vehicles is causing serious damage to the environment by destroying fish and amphibian populations, stunting forest growth and damaging building exteriors. The air quality performance standards in Piermont will be consistent with this policy.

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

POLICY 44A THE PIERMONT MARSH SHOULD BE PROTECTED FROM POLLUTANTS THAT WOULD ADVERSELY AFFECT THE ECOLOGY OF THE MARSH.

Explanation of Policies

The Village's tidal and freshwater wetlands will be preserved and protected to the maximum extent possible consistent with the need for channel deepening and maintenance of shoreline erosion protection structures.

Currently, breaks in the outfall line occur in shallow waters, close to the shore, the Village Park along Ferry Road, and within the marsh. Sewage from the broken line has destroyed the crab population in these areas; and marsh birds, such as egrets, no longer forage in Piermont. They did, as recently as three years ago.

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetlands areas are officially delineated on the DEC's Tidal Wetlands Inventory Map and are also identified on the coastal resources map entitled "Natural Resources Inventory." The most notable tidal wetlands in the Village is the Piermont Marsh.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. The Brookside Sanctuary on the Sparkill Creek and the Whiton Pond drainage on the shoulder of the Palisades slope are notable freshwater wetlands in Piermont.

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

- a. 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;
- b. erosion, flood and storm control;
- c. natural pollution treatment;
- d. groundwater protection;
- e. recreational opportunities;
- f. educational and scientific opportunities; and
- g. aesthetic open space in many otherwise densely developed areas.

The existing sewer outfall line must be repaired to eliminate leaks and should be extended out to the main channel. The end of the outfall line is within the current shadow of the pier, and currents sweeping around the pier carry that part of the effluent which manages to reach the end of the outfall line back into the marsh. An extended (and intact) outfall line, reaching deeper water and faster currents, would permit much greater dilution of sediments before they settle. The BOD (Biological Oxygen Demand) would also be reduced by dilution, and by the fact that the oxygen demand would be partly satisfied during the longer period before the material reached shallower waters downstream. Some parts, of course, would then never reach shallow waters.

See Policies 7 and 30.

SECTION IV

PROPOSED LAND USES AND PROPOSED PROJECTS

PROPOSED LAND USE

With the exception of the former industrial site, the uses are to remain of the same character as currently exist along the shoreline: Area I will be residential with private individual moorings; Area II will be commercial with marinas, boat clubs, accessory services and commercial fishing; Area III will become a mix of low density residential and low intensity commercial water-related uses with continued public ownership of the foreshore; Area IV will continue as a mid river Village Park; Area V will continue with the mix of uses along the Sparkill Creek that is predominantly residential; and Area VI will remain residential with its priority on Hudson River views.

The former industrial site will be rezoned to Riverfront District (RD). The district will provide for a variety of uses and encourage mixed-use development. Permitted uses are detached and attached single family units, multi-family housing, boat and marine sales, commercial and office uses, restaurants, boat storage, public buildings, parks and public walkways. Multi-family dwellings above commercial uses; automotive supplies, excluding gasoline, tires, and repairs; and auctions are allowed by special permit. Permitted accessory uses are tennis courts, indoor swimming pools, recreational and exercise facilities, parking, and a variety of auxiliary service facilities for permitted uses.

PROPOSED PROJECTS

Within the framework of the overall land use plan, several projects are proposed to achieve specific LWRP objectives. Justification for, and general discussion of, these projects appears in Section III. Most projects would require engineering studies in various degrees of detail, a source of funding, and SEQRA evaluation. They are interrelated and should be compatible if undertaken at the appropriate scale.

These projects will be integrated through a Harbor Management Program that will provide specific guidelines for channel location and depth, techniques for bulkhead repair and replacement, and siting of new water-dependent facilities, including the Village Landing, boat launching ramps, a breakwater and accessory facilities for commercial fishing and the Piermont Underwater Rescue Unit.

The proposed projects and actions can be grouped into the following categories:

- A. Navigation
- B. Commercial Revitalization
- C. Storm and Ice Damage
- D. Recreation and Public Access
- E. Historical and Cultural
- F. Public Awareness

This chapter presents an overview of the various projects indicated in the policy section, followed by a listing of possible grant sources for project funding.

A. Navigation

1. One of the objectives of the Village is to dredge, mark and maintain a navigation channel in a generally east- west direction above the north side of the Piermont Pier, extending to the commercial waterfront. This channel will follow the existing contour of the bottom, taking advantage of the natural flow along the shoreline in order to minimize the scope of initial dredging and the frequency of maintenance dredging. An examination of the inventory section map of the existing bottom depth shows that this channel should take the form of a figure "7" as seen from an aerial view, leading in from the end of the Pier towards the Tappan Zee Marina and then extending to Parelli Park and the proposed Village Landing. The specifications for the channel will be determined by the Harbor Management Program.
2. A companion project is the removal of navigation hazards in the harbor area. This project should be undertaken at the same time as the dredging of a navigation channel, since equipment will be available.
3. The conversion of the historic drawbridge on Ferdon Avenue to a footbridge would improve access for rowboats to Sparkill Creek. Inappropriately, the concrete structure at the east end, which is modern, was included in the historic designation; and this fact prevents proper siting of any replacement for the Army Bridge, now deteriorated, which lies between the drawbridge and Kane Park.

B. Commercial Revitalization

1. Creation of a Village Landing along the north shore of the Pier is proposed. The Village Landing is envisioned as a site with facilities for commercial fishing, for the Piermont Underwater Rescue Unit boat, for boat launching and for mooring of transient boats. Accessory services could be provided both from the existing adjacent commercial waterfront and from the development of the adjacent vacant industrial site. The proximity of parking, Main Street retail shops, marine services, and a site for potential expansion using the existing factory structures all combine to make the development of the Village Landing a project that would benefit a wide range of interests within the Village, as well as furthering the State goal of increasing public access to the Hudson River.

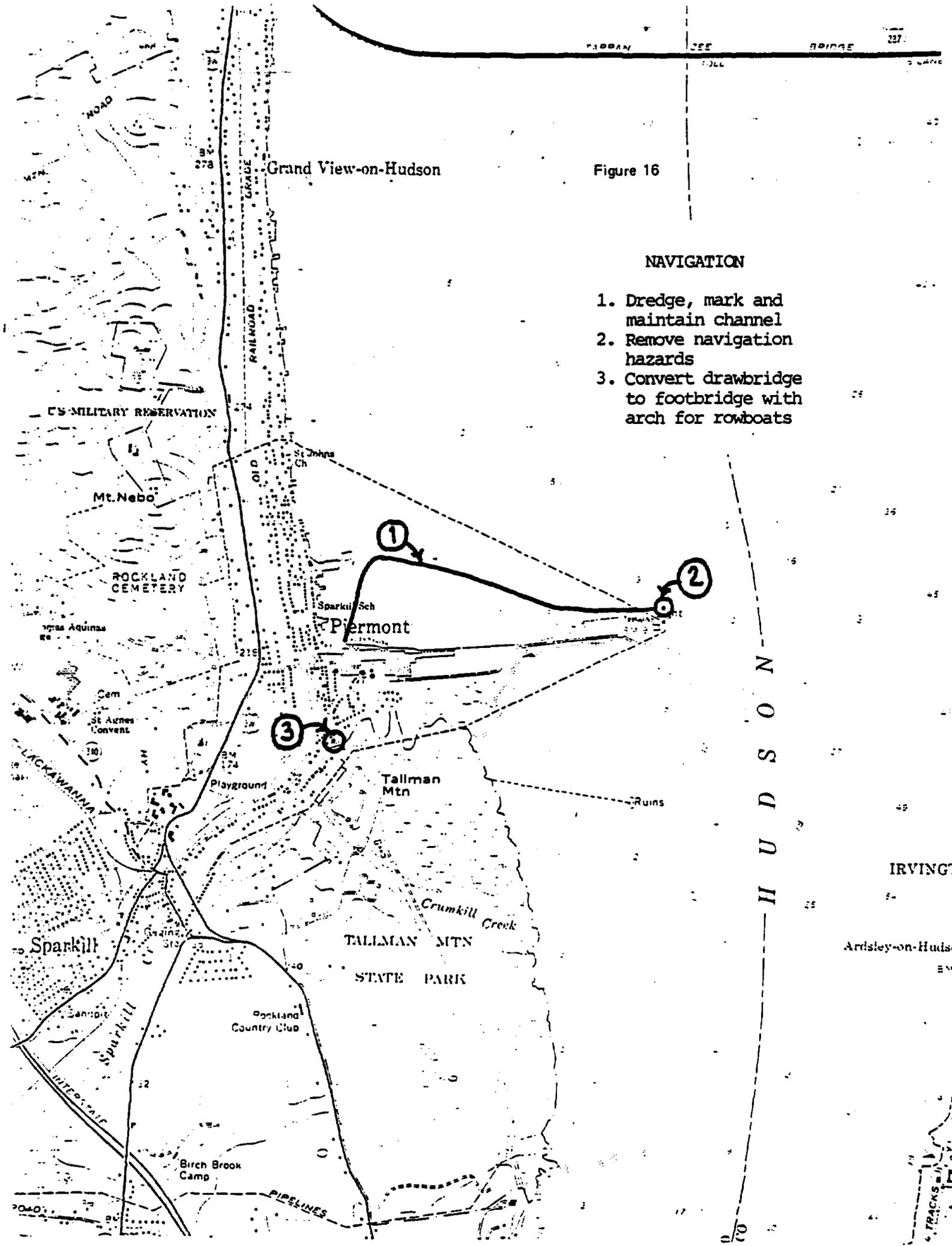
The goal of constructing a Village Landing has been widely publicized in the Village and enjoys an effective consensus of support. This activity will invigorate both the Main Street and marine commerce businesses and encourage the siting of water dependent uses nearby. Technical problems arise, however, in

Grand View-on-Hudson

Figure 16

NAVIGATION

- 1. Dredge, mark and maintain channel
- 2. Remove navigation hazards
- 3. Convert drawbridge to footbridge with arch for rowboats



H U D S O N

IRVING

Artisley-on-Hudson

TRACKS

Figure 17

COMMERCIAL REVITALIZATION

1. Construct village landing
2. Enact industrial performance standards
3. Seek water-dependent use of vacant buildings
4. Site for new boat basin/marina
5. Acquire parking

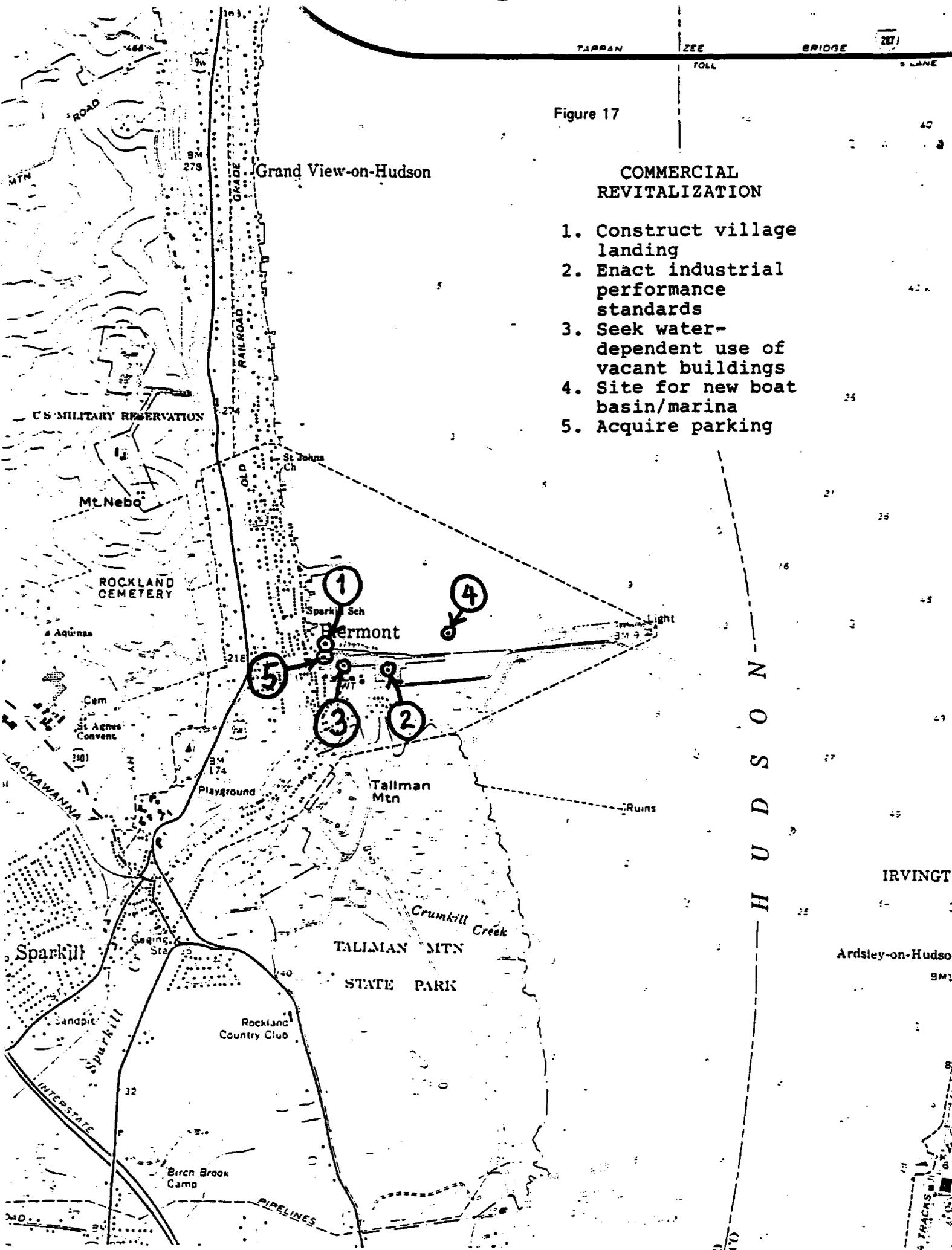


Figure 18

STORM AND ICE DAMAGE

1. Construct dolphins or breakwater
2. Potential harbor of refuge site
3. Repair bulkheads and seawalls
4. Clean debris from Sparkill Creek
5. Limit additional upstream runoff
6. Review federal flood insurance
7. Extend sewer outfall

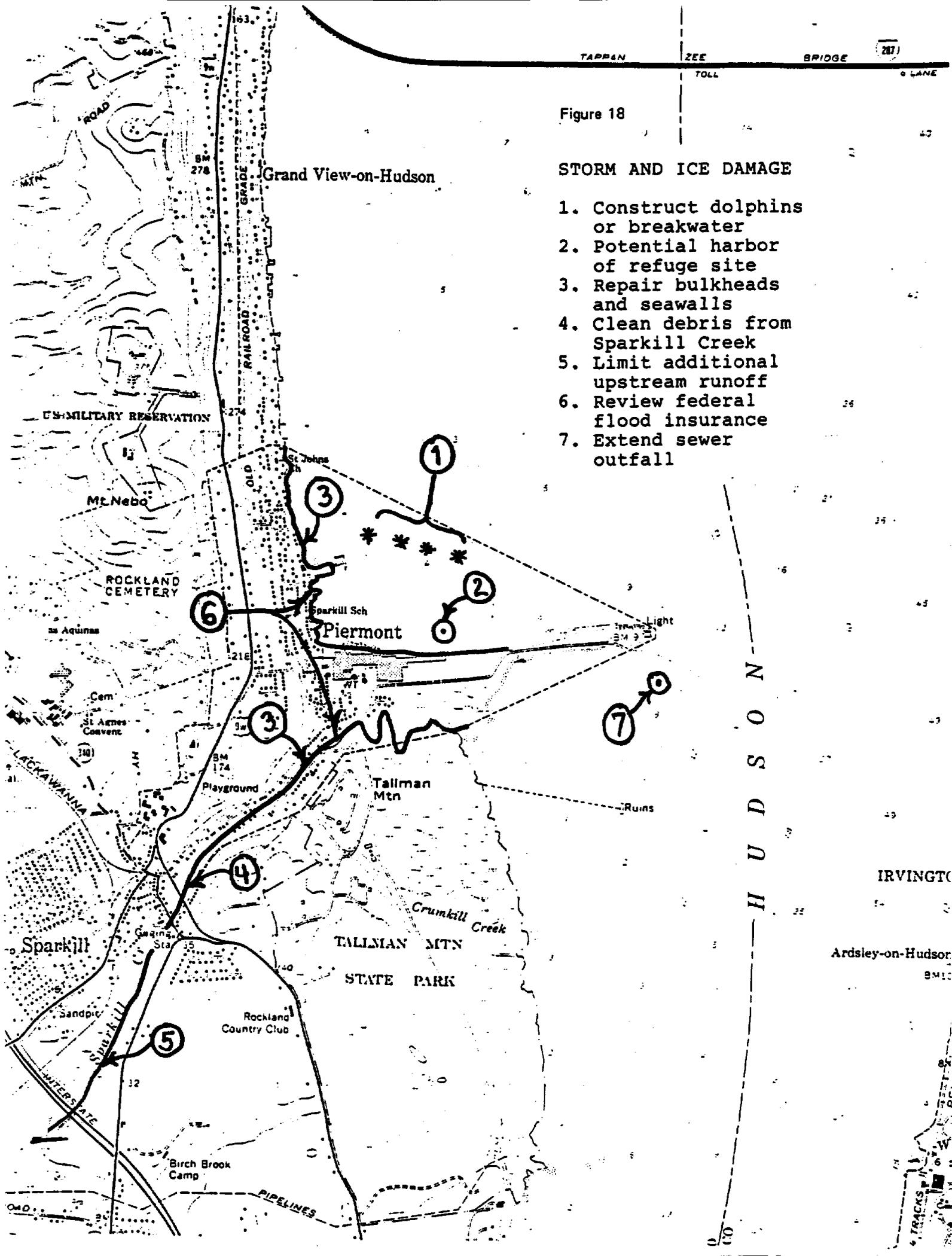
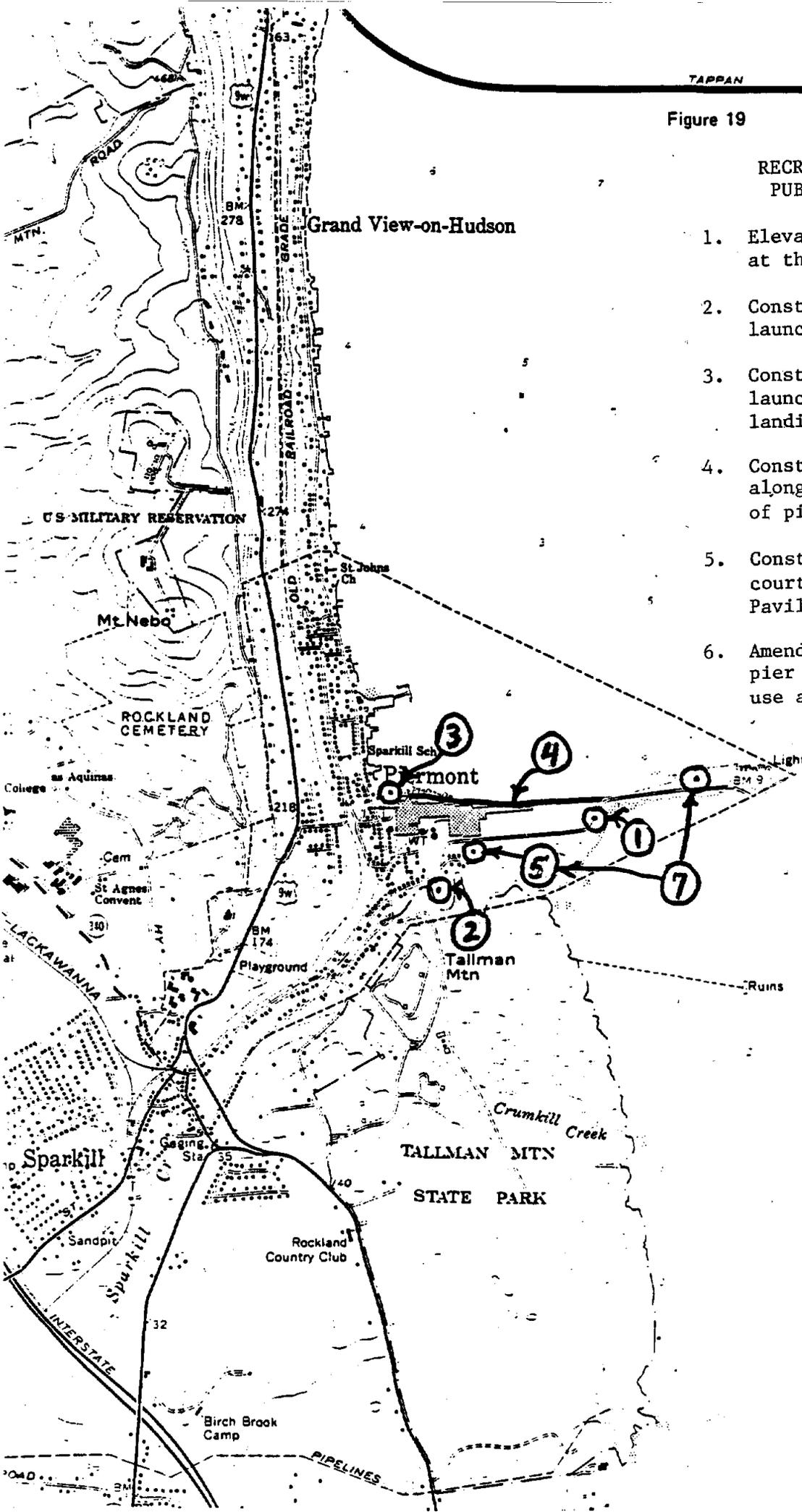


Figure 19

RECREATION AND PUBLIC ACCESS

1. Elevate Ferry Road at the bend
2. Construct canoe launch on Creek
3. Construct boat launch at village landing
4. Construct walkway along north side of pier
5. Construct tennis courts at Goswick Pavilion
6. Amend zoning for pier recreational use areas



H U D S O N

IRVINGT

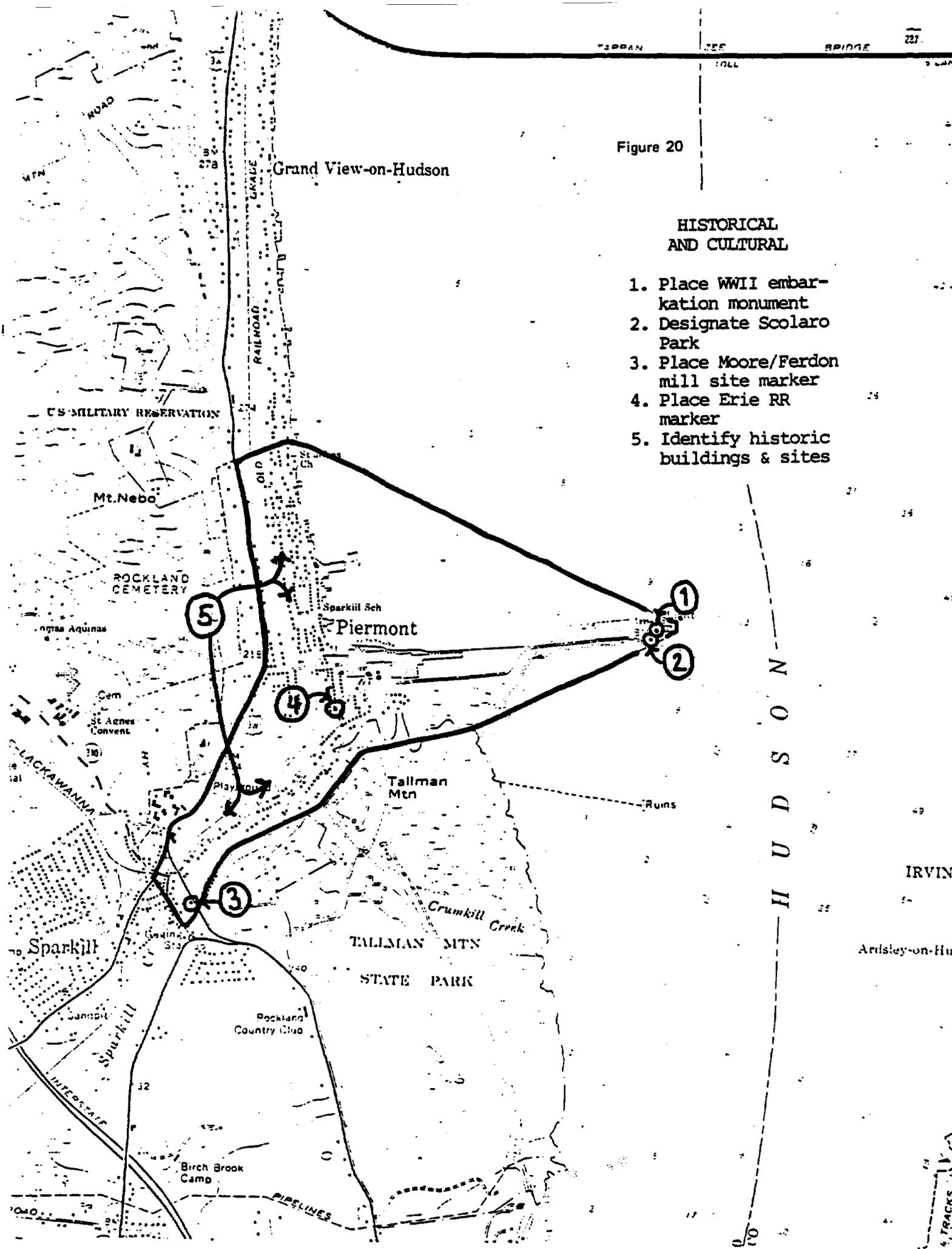
Ardsley-on-Hudson

TRACKS

Figure 20

HISTORICAL AND CULTURAL

1. Place WWII embarkation monument
2. Designate Scolaro Park
3. Place Moore/Ferdon mill site marker
4. Place Erie RR marker
5. Identify historic buildings & sites



SECTION V

LOCAL TECHNIQUES FOR IMPLEMENTING THE PROGRAM

A. Local Laws and Regulations Necessary to Implement the LWRP.

1. Existing Local Laws and Regulations

There are several existing local laws and regulations to implement the LWRP, as follows:

a. Zoning Law

This is the primary local regulatory device controlling the manner in which land may be used, the intensity of such use, and the conditions of use.

Several categories of zoning are found in the LWRP Area. Area I, from the Grand View line south to the Tappan Zee marina is zoned for single family homes on lots of at least 1/4 acre. This area is about .4 miles in length, and is bounded on the west by Piermont Avenue.

Area II extends about .3 miles from the Tappan Zee marina to Parelli Park and along the north shoreline of the pier. The WF-2 Waterfront zoning district includes single family development and, by special permit, allows marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities.

Areas III and IV are primarily zoned RD - Riverfront District, which permits residential and commercial uses. Up to 257 residences are permitted in this district, including 25 affordable rental units, and 44,000 square feet (external dimensions, not usable space) of commercial uses. Uses must not create excessive traffic flow, according to prescribed standards, and are allowed by special permit.

Area III includes part of the Business B-Retail Commercial District at the center of the Village, which allows single family homes on 7,500 square foot lots, retail and personal service businesses, offices, funeral parlors, art studios, art galleries and antique shops, restaurants, and public safety buildings.

A small area of Waterfront-2 zoning is found at the southeastern end of the pier. Most of this area is within the estuarine sanctuary and is not subject to development.

Much of the area along the south side of the Sparkill Creek to just west of the silk mill is zoned R-10, allowing single family homes on lots of at least 1/4 acre. The area north of the Creek along Piermont Avenue to just

west of the silk mill is zoned Business B, although much of it is developed residentially. A zone change which would allow existing commercial uses to continue as conforming uses, but which would prohibit increases in total plat square footage devoted to commercial use, is contemplated. The balance of the area along both sides of the Creek to the Village boundary is zoned R-7.5 allowing single family homes on lots of at least 7,500 square feet.

The balance of the area within the LWRP boundary, with one small exception, is zoned for single family homes on lots of 7,500, 10,000, 15,000 or 40,000 square foot minimum. The exception is a small area of Business B which is already developed with multi-family units in the Diplomat development.

The zoning law implements the policies concerned with encouraging water-dependent, and water-enhanced uses and those concerned with the reuse and revitalization of unproductive, inappropriate, deteriorated or abandoned uses (Policies 1,2,4,11,19,21,22).

b. Site Development Plan Regulations

These regulations are found within the Zoning Law, and require that all site development plans be approved by the Planning Board prior to the issuance of a building permit. The Village will develop uniform application standards and filing requirements for building permits and other approvals so as to lessen confusion.

Site Development Regulations are important to achieve several LWRP objectives: proper location of buildings to preserve vistas and views; appropriate location of development, especially on large scale developments, with respect to provision of access and utilities and supporting improvements, particularly parking; expediting permit procedures; activities undertaken in coastal erosion and flood hazard areas, controlling storm water runoff; minimizing non-point discharge into coastal waters; protection of wetlands, steep slopes or other sensitive environmental features.

c. Subdivision Regulations

These regulations adopted by local law, specify how land can be divided into separate lots. The regulations contain procedures for submitting plans; the manner in which streets and lots are to be laid out; how utilities are to be provided; and how drainage and road improvements are to be implemented.

Subdivision regulations serve to implement several LWRP policies, including: appropriate location of development with regard to public services and facilities; expediting permit procedures; activities undertaken in coastal erosion and flood hazard areas; controlling storm water runoff; minimizing non-point discharge into coastal areas; protection of wetlands, steep slopes; or other environmentally sensitive areas; and preservation of views.

d. Floodplain Regulations

These regulations were separately adopted by the Village Board, and regulate development within the Flood Hazard Area defined on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

The regulations help to implement LWRP policies concerned with prevention of flood damage to new development. The law implements the LWRP by assuring that "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 ..." [Policy 11] and recommending that non-structural means to minimize damage to property from flooding include "the setback of buildings and structures ... and the floodproofing of buildings or their elevation above base flood level."

See also Policy 17

e. Critical Environmental Area Regulations

Adopted under the provisions of SEQR in 1985, three areas in Piermont were identified as being CEA's that are of exceptional or unique character, including (a) a benefit or threat to the public health or safety, (b) a natural setting, (c) a location having social, cultural, historic, archaeological, recreational or educational importance or (d) an inherent ecological, geological or hydrological sensitivity to change.

The three areas in Piermont identified as being exceptional and unique are: the Palisades slope, the Sparkill Creek, and the Pier. (see Figure 6)

The Critical Environmental Areas Law of the Village of Piermont includes the following provisions:

- (1) All actions within the CEA shall be deemed Type 1 unless excluded by paragraph 3 below.

- (2) All Type 1 actions shall require the filing of a long Environmental Assessment Form (EAF).
- (3) Excluded actions in connection with residential development or use include: uses permitted by right involving not more than four dwelling units; area variances involving not more than four dwelling units; construction or installation of minor structures accessory to residential uses; actions designated as Type 2 in Section 617.13 of SEQR.

These regulations help to implement several LWRP policies, including the protection of significant coastal fish and wildlife habitats; siting of buildings to minimize damage to property and the endangering of human lives caused by flooding and erosion; minimizing damage to natural resources from flooding and erosion; protect, maintain and increase access to water-related resources and facilities; protection of historic or archeological sites or structures; prevent the impairment of scenic resources; protection of tidal and freshwater wetlands. The entire village is now a CEA.

f. Architectural Review Commission

The Piermont Historic Preservation and Landmarks Ordinance provides the vehicle for identifying and protecting structures of architectural or historic merit, but so far only the drawbridge over the Sparkill Creek has been so designated. In 1984, the newly-formed Village Architectural Review Commission began a survey starting with the northern end of the Village. The Commission noted 52 significant architectural and historic sites just between the Silk Mill dam at the tidal limit of the Sparkill Creek and the Onderdonk House a little north of the commercial waterfront, including several 18th century structures with roles in the American Revolution and many 19th century buildings. These, and other sites, were incorporated into "The Piermont Walking Guide and Shopping Directory," published by the Piermont Civic Association and included in the reference material with the LWRP.

In June 1985, a residence along the tidal Sparkill Creek, constructed during the 18th century, was listed on the National Historic Register of Historic Places. Many other structures in the Village merit this designation. In order to preserve at least the outward appearance of such historic buildings, the Village may determine to create a historic district. In order to further the goal of preservation of exteriors, it would be advisable to reconstitute the Architectural Review Commission as a board.

This Village agency was established to formalize an on-going effort to identify buildings, structures and sites of local architectural, historic, or social importance. The Commission has substantially completed an inventory of Village resources. The next step will be to establish, through a local law, the procedure for formal designation of those buildings, structures or sites deemed worthy.

g. Harbor Management Commission

The Village established a formal harbor management program with a Harbor Advisory Commission drawn from interested groups and individuals. It will be the objective of this Commission to promote the survival and expansion of water dependent uses of the Village shoreline. The local law establishing this program was adopted in 1986. In summary, the Commission has several responsibilities in the harbor:

- i. develop detailed site plans for LWRP projects, including engineering and cost proposals;
- ii. consult with and advise the Board of Trustees on operation of watercraft; construction of marine structures and dredging; mooring of vessels; pollution; ecology; recreational activities;
- iii. recommend long range plans;
- iv. recommend adoption of regulations or taking other official actions
- v. recommend whether the Village should support or oppose applications to U.S. Army Corps of Engineers or New York State Department of Environmental Conservation;
- vi. consult with Chief of Police and Fire Chief on matters of public safety;
- vii. review development applications as referred by Village agencies and to make recommendations;
- viii. maintain liaison with other governmental agencies;
- ix. submit an annual report;
- x. assist individuals in making application to government agencies.

2. Additional Local Laws and Regulations Adopted

a. Zoning Law

Several zoning changes have been made to implement the LWRP objectives:

- i. The end of Paradise Avenue has been rezoned from Business B to R7.5, to recognize the residential character of the area and to protect the adjacent estuarine sanctuary.
- ii. A new Riverfront District (RD) has been created for the former industrial site developed by the Carlyle Piermont Corporation.
- iii. Any reuse or redevelopment of the former Clevepak and federal properties shall provide continuous pedestrian access via a promenade along the north boundary of the pier.
- iv. Coastal erosion protection is required to be included in site plans for all buildings on the water.
- v. Zoning districts and geographic areas have been in which there are incentives for provision of public access or maintenance of views.

b. Site Development Plan Regulations

The Site Development Plan regulations have been amended to more fully set forth requirements intended to implement the LWRP. These include:

- i. Specific reference to preserving existing vistas and views toward the Hudson River and the Sparkill Creek.
- ii. Specific reference to creating vistas and views toward the Hudson River and the Sparkill Creek.
- iii. Specific provisions directed toward retaining access to the Hudson River and Sparkill Creek.
- iv. Specific provisions directed toward providing access to the Hudson River and Sparkill Creek.

v. Specific provisions directed toward integrating new large scale developments, especially on the pier, into the fabric of the Village, and encouraging mixes of uses, parking, and access.

c. Stream Control Regulations

Legislation has been developed for regulation of the Sparkill Creek by the Village under New York State Village Law Section 4-412-3(1) to minimize flooding, erosion and siltation.

d. Slope Development Regulations

The Village has developed legislation to control development on slopes. This control takes the following form: the square footage of a property that can be disturbed shall be limited according to the size of the property, the steepness of the overall slope, and the proximity of construction to cliffs. The square foot limitation is designed to avoid erosion and drainage hazards, while not depriving the owner of reasonable use. Further, to avoid artificial inequities, square footage allowed should be continuous with slope and with size of property. Finally, land that has been clear-cut or otherwise disturbed prior to application to the Planning Board can be included in the list of already disturbed areas by the Planning Board. The extent of disturbed footage so determined by the Planning Board will be based on the current degree of disturbance. For example, 10,000 square feet of clear-cut land that has partly revegetated might be counted as 5,000 square feet of disturbed land.

B. Other Public and Private Actions Necessary to Implement the LWRP

1. Local Government Actions Necessary to Implement LWRP

a. Acquire parking

One of the objectives of the LWRP is to obtain for public use the westernmost Clevepak parking lot. It is anticipated that this will be achieved as part of any development approval.

b. Limit additional upstream runoff

Through careful monitoring of upstream policies and developments, and through adoption of local regulations if necessary, the Village will make an effort to influence and control upstream runoff.

c. Review National Flood Insurance Program

After completion of the LWRP, the Board of Trustees will examine the value of this program to the Village and its residents, and will formulate recommended amendments or modifications which will be forwarded to elected representatives for review.

d. Construct tennis courts at Goswick Pavilion

This activity will be undertaken by the Village as funds become available.

e. Designate Scolaro Park

This small picnic area at the easterly end of the pier is expected to be designated as a Village park prior to adoption of the LWRP. The ownership of the site appears to be in the hands of the New York State Department of Environmental Conservation; discussions are underway between the Village and Department of Environmental Conservation.

f. Rectify Village boundaries

Rectify Village boundaries so that the Village line includes Hudson River lands now outside the Village. The Village will request funding from New York State Department of State for any necessary title surveys, searches, and engineering survey costs.

g. Designate Village land on pier as parkland

Zone all Village-owned land on the Pier, including the foreshore on the north side of the former industrial site, Scolero Park at the end of the Pier and the Goswick Pavilion, to reflect their existing recreational use.

h. The Riverside Viewshed Park

The Riverside Viewshed Park is proposed as a project furthering the goals of the Tappan Zee Scenic District. It is designed to preserve the open views to and from the Hudson's west bank that we now enjoy. The rules setting up the park facilitate the permanent protection of views. The park will not create public access where such access does not now exist. One should think of the TZVP as a mechanism for creating an entity analogous to a "forever wild" watershed, or viewshed.

An outline of some rules and operating principles for the TZVP are presented below. Some of the ideas require legal research and

verification. All these ideas are to be regarded as merely a draft proposal; the whole plan will be improved as it is worked on by a committee of broader expertise and experience.

Rules and Operations of the Tappan Zee Viewshed Park

I. Governance and Legitimacy.

Each municipality participating in the Tappan Zee Scenic District may, at its own discretion, create a Local Viewshed Park and a Local Viewshed Park Board, under its powers in N.Y. State Village or Town Law, and pursuant to the goals of the Tappan Zee Scenic District. These municipalities, acting in coordination, shall set up a consultative body, the Tappan Zee Viewshed Park Council, and shall appoint delegates to it.

II. Local Designations.

Each municipality, or its Local Viewshed Park Board, shall designate those portions of its riverine territory eligible for inclusion in its Local Viewshed Park.

III. Land Acquisition.

Shoreline property owners in the designated areas will be permitted to make a deed or gift of a narrow strip of riverine land, from mean high tide mark to some short distance inland, extending parallel to the shore, whether with underwater, surface, and riparian rights extending outward from the strip.

A. The conditions of the transfer are as follows:

1. In all cases, after transfer, the Local Viewshed Park Board shall covenant the deed to prohibit any construction by the Board or by any due course holder. Also, the covenant will ban any access not now provided by general law on riparian rights.
2. The donor, or the owner in due course of the adjoining upland parcel, shall receive an easement permitting access to and over the deeded property. That owner shall have no right to place any structure on that property, except as provided in 3. of this section.
3. There shall be an easement permitting the owner of the upland property to build and maintain bulkheads and seawalls to protect the upland property. The Local Viewshed Park shall have no responsibility to build or maintain such structures. The owner of

the upland parcel shall also have the right to build and maintain dock structures for personal use. The size, extent, and appearance of these structures will be limited by general rules, previously formulated by the Local Viewshed Park Board, and specifications pursuant to these rules shall be incorporated in the deed.

4. In case the above conditions are violated, or the covenants in the deeds are voided, the deeds of gift shall be nullified and the deeded properties revert to the owner in due course of the adjacent upland properties.
5. The value of the gift shall be assessed by the Local Viewshed Park Board or its agents, and certified to the donor.

IV. Viewshed Easement Acquisition

This possibility is less radical than that envisioned in III, above. Here, the owner gives the Riverside Park Authority an easement prohibiting visually intrusive construction on the owner's underwater rights.

A. The conditions of the easement are:

1. In areas not zoned for commercial marinas, no structure shall be built larger or more intrusive than a usual private dock or pier.
2. In no areas, larger or more intrusive than a commercial dock or pier of a kind now in Piermont.

Incentives to Owners

Incentives for property owners to donate lands to the Local Viewshed Park include the following:

1. **Altruism.** The owner will have protected his or her portion of the view for everyone, for the foreseeable future.
2. **No personal sacrifice.** In most areas that are designated as eligible sections of the Local Viewshed Park, the owner will give up no right now enjoyed. Additionally, the Local Viewshed Park imposes no burden of unwelcome use upon its neighbor, the donor.
3. **Income Tax.** The assessed value of the deed of gift certified to by the Local Viewshed Park Board may be used to claim a charitable

donation for Federal and State tax purposes. For a donor in the top Federal bracket of 38% and N.Y. State bracket of 12.5%, this may be substantial.

4. **Property Tax.** The Orangetown assessed value of the remaining upland property should be reduced by precisely the assessed value of the severed coastal property, since both assessments are at 100% of market value.
5. **Secure enjoyment.** It is much more difficult, politically and legally, for a State agency to confiscate dedicated parkland than to confiscate private property. This will serve to protect the riverine homeowner's littoral, the homeowner's house and grounds adjoining the littoral, and homeowner's entire community.

Costs to Municipalities

The costs to participating municipalities will be quite low, consisting of the cost of providing occasional office space and secretarial service to the Local Viewshed Park Board and to the Viewshed Park Council, legal costs for developing a model deed of gift, filing and legal costs for each transfer, and the cost of each assessment.

Should a State agency ever attempt to acquire a section of the littoral by eminent domain, the affected municipality would incur the legal costs involved in fighting such an action. At present, the legal contest would be between the State agency and the homeowner; and the municipality would have no standing in the case. The advantage of having the municipality enter the fray with legal rights stronger than those of the homeowner are an advantage to the entire community.

2. Other Government Actions Necessary to Implement the LWRP

a. Dredge, mark and maintain channel

This activity is intended to be undertaken by the U.S. Army Corps of Engineers and the U.S. Coast Guard as a comprehensive project in the Village.

b. Remove navigation hazards

This one-time activity is intended to be undertaken by the U.S. Army Corps of Engineers, the U.S. Coast Guard and/or the New York State Department of Environmental Conservation.

c. Convert drawbridge to footbridge with arch for boats

This activity will be undertaken once a funding source has been successfully identified and after the Army Bridge is replaced, since the arch will connect to the replacement roadway.

d. Construct Village Landing

This is a high priority activity and may be carried out in one of several ways: by private developers as part of the pier redevelopment; by a private-public partnership; with pre-construction funding from the NYSDOS.

e. Construct dolphins or breakwater

This is a high priority activity and is to be undertaken as part of several other activities, i.e., the dredging and maintaining of the channel, and the construction of the Village landing. While the funding source of this activity has not been determined, it may be a combination of public and private sources, including those public agencies with an interest in and responsibility for boating and navigation, and by private interests in the boatyard and marina industry. It is anticipated that the Harbor Commission will coordinate this effort.

f. Potential harbor of refuge site

While there is a substantial amount of recreational boating on the Tappan Zee, there is no Coast Guard officially designated "harbor of refuge." As a primarily safety related feature, its construction and maintenance should be the responsibility of the U.S. Coast Guard if, after investigation, it is found to be feasible.

g. Clean debris from Sparkill Creek

In order to improve the flow of the stream and eliminate blockages, the Sparkill Creek needs to undergo a thorough cleaning, and then to be maintained periodically. This should be a responsibility of the Town of Orangetown.

h. Limit additional upstream runoff

The Town of Orangetown and the upstream New Jersey communities have the primary legal authority to control upstream runoff, utilizing best management practices during construction and providing for post-

construction handling of runoff. This action is necessary to eliminate the addition of soil to the stream caused by careless construction practices, and to control the rate of flow and volume of water entering the stream. The Village is asserting its authority to regulate upstream runoff through the provisions of the General Municipal Law and the application of Critical Environmental Areas legislation, both directed toward off site actions which impact on the Creek.

i. Extend sewer outfall

This action is necessary to ensure that sewer plant effluent is discharged at a point further into the river, to decrease the incidence of effluent finding its way back into the mouth of the Creek and into the marsh, and possibly reduce Piermont Bay siltation.

j. Extend the Critical Environmental Areas

1. Clausland Slope Critical Environmental Area The boundary shall be the center-line of the existing Conrail track from the Orangetown border to the point where the center-line reaches Tate Ave. and Main St., along the west side of Main St. - Piermont Ave. to the Grandview border, westerly along the north border of Piermont to the west border, then southerly along the west border to the south border, continuing along the Orangetown border to the starting point.
2. Erie Pier Peninsula and Waterfront Critical Environmental Area. All land and water areas within Piermont which lie north of the Main St. Conrail crossing and east of Main St. - Piermont Ave. from that point north to the Grandview line shall be adjoined to the existing Erie Pier Peninsula Critical Environmental Area and given the name in 2.
3. Sparkill Creek Critical Environmental Area. This area shall consist of land and water not in the first two areas.

The environmental justification of these areas under the State law is the same as that for these areas with their original boundaries.

The circumstances under which an action in these areas shall be considered Type 1, mandating a SEQRA review shall be the same as before. However, in the Clausland Slope Critical Environmental Area, additional triggering criteria should be

established related to earth movement, removal of trees and ground cover, and creation of impermeable surfaces.

k. Construct canoe launch on Creek

This activity is also of high priority, and is of minimal cost. It is anticipated that the Palisades Interstate Park Commission or the NYSDEC would have complete, or almost complete, responsibility and jurisdiction for this activity.

l. Construct boat launch at Village Landing

This high priority activity is expected to be undertaken as part of the entire Village Landing proposal. It is anticipated that a combination of public and private support will be needed, and that funds will be sought from the NYSDOS for pre-construction costs such as project and site planning; engineering; feasibility and environmental analyses. See also item 2.d. above.

m. Construct walkway along north side of pier

This is a high priority project, but may be undertaken in one of two different ways. If a source of public funding is available, the activity can be undertaken in the near future. If such a source cannot be found, this activity would be undertaken as part of the revitalization of the Clevepak and Federal properties.

n. Place Moore/Ferdon Mill site marker

The placement of such an historical marker is of nominal cost, and an invitation will be extended to the Town of Orangetown and the Spring Valley Water Company, on whose property the site is located, to underwrite the cost. If these sources decline, the NYS Historical Association will be asked for funding. As a last resort, the Village would fund this activity.

o. Place Erie Railroad marker

This activity of nominal cost, is one that the Village will request be funded by the NYS Historical Association.

3. Private Actions Necessary to Implement the LWRP

Several of the actions necessary to implement the LWRP have been identified above as being possibly joint public-private activities. These are noted in a. below, with activities not previously mentioned following.

a. Acquire parking

Construct Village Landing
Construct dolphins or breakwater
Construct boat launch at Village Landing
Construct walkway along north side of pier
Create Riverside Viewshed Park

b. Site for new boat basin/marina

It is expected that private development of this facility will come about as part of the overall revitalization effort of the waterfront of the Village. Any financial or technical assistance, such as support for IDA financing, that the Village can assist in providing, will be made available.

c. Repair bulkheads and seawalls

This is an activity that must be undertaken by individual owners. At the present time, some properties are more in need of restorative work than others. One of the functions of the Harbor Advisory Commission will be to monitor the condition of bulkheads and seawalls and to advise and assist owners to obtain all necessary permits to properly maintain these essential facilities. The bulkhead on the north shore to the pier, which is on Village property, will be rebuilt by Carlyle.

d. Review fine schedule for illegal parking on the pier for effectiveness in enforcing the permit system.

C. Management Structure Necessary to Implement the LWRP

1. The Chairman of the Harbor Advisory Commission is the local official responsible for the LWRP.
2. Specific Responsibilities for Implementation and Management - all Village boards, commissions and staff retain their present responsibilities. The Harbor Advisory Commission will exercise its advisory capacity to review and make recommendations to the Village Board on any matters within its jurisdiction.

The Harbor Advisory Commission has the authority to develop detailed site plans for projects identified in the LWRP.

The Planning Board will continue to review and approve any site or subdivision plans or proposals within the coastal area, including the review of uses affecting tidal and freshwater wetlands.

The Village Board has the authority to approve and fund (or secure funding for) specific improvements necessary to implement the LWRP.

The Harbor Advisory Commission will consult with other Village agencies on all appropriate matters relating to conservation, development or regulations in the Waterfront Revitalization Area and where appropriate make recommendations to responsible agencies to assure consistency with the LWRP.

- 3. Procedures to Assure Local Actions Comply with LWRP-Any agency, private group or individual proposing an action within the coastal area will be asked to refer the proposal to appropriate agencies to ensure that the Harbor Advisory Commission has an opportunity to review the proposed action. This procedure will assist the Commission to determine whether or not proposed actions are consistent with the Village's coastal policies as presented in the LWRP. Actions that are consistent with the LWRP will be recommended to the Planning Board, Board of Appeals and/or Village Board or other responsible agency for approval and those that are inconsistent will be so indicated and recommended for modification or disapproval unless:**
 - a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance to the achievement of such policies;**
 - b. The action will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and**
 - c. The action will advance one or more of the other coastal policies; and**
 - d. The action will result in an overriding local, regional or statewide public benefit.**

Each Village agency, including the Village Board, has been issued a copy of the LWRP is will be instructed to refer all development, regulatory, review or public improvement actions within or affecting the coastal zone to the Harbor Advisory Commission.

The Harbor Advisory Commission will review actions for consistency with the LWRP and comment to the initiating agency within a designated period (approx-

mately 30 days - short enough not to impede action, but long enough for the Commission to receive and consider necessary information).

4. **Procedures to Review State Actions for Consistency with LWRP**

a. **Notification Procedure**

1. **When a State agency is considering an action as described in '3' above, the State agency shall notify the Harbor Advisory Commission.**
2. **Notification of a proposed action by a State agency:**
 - i. **Shall fully describe the nature and location of the action;**
 - ii. **Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;**
 - iii. **Should be provided to the chairman of the Harbor Advisory Commission as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action.**
3. **If the proposed action will require the preparation of a draft environmental impact statement, the Village shall be advised as early in the process as possible and will be a participant in mandatory scoping sessions. This participation shall serve as the State agency's notification to the local government.**

b. **Local Government Review Procedure**

1. **Upon receipt of notification from a state agency, the Commission will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP.**
2. **If the Commission cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the Village's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.**

3. If the Commission does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
4. If the Commission notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the State agency shall not proceed with the action for a period of 90 days or until the identified conflicts have been resolved. The Village shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

c. Resolution of Conflicts

1. The following procedure applies whenever the Village has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - i. Upon receipt of notification from the Village Board, under the advisement of the Harbor Advisory Commission, that a proposed action conflicts with the approved LWRP, the State agency should contact the local LWRP official (the Chairman of the Harbor Advisory Commission) to discuss the content of the identified conflicts and the means for resolving them. A meeting of the State agency and the Harbor Advisory Commission may be necessary to discuss the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government. The Harbor Advisory Commission shall report back to the Village Board for approval of any proposed resolutions.
 - ii. If the discussion between the Harbor Advisory Commission and the state agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600. The Village Board, under the advisement of the Harbor Advisory Commission, shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.

- iii. If the Village Board and the State agency cannot resolve the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- iv. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and local government.
- v. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
- vi. The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received or, 90 days from the date a notification of a conflict was received from the local government.

D. Summary Chart of Actions Implementing Policies

Policy 1 Implemented or Enforced by:

- Environmental Quality Review Regulations
- Zoning Law with modifications to encourage water-dependent/water-enhanced uses and industrial performance standards
- Community Development, IDA, or similar financing of water-dependent/water related economic development activities
- Public and private restoration of bulkheading
- Private development of a marina; referendum on marina
- Development of public marina facilities, fishing and walking areas along the north side of the pier
- Use of site plan review authority to achieve maximum site development standards

Policy 2 Implemented or Enforced by:

- **Environmental Quality Review Regulations**
- **Zoning Law with modification to encourage water-dependent/water-related uses along river, and to reflect residential development along Sparkill Creek**
- **Community Development, IDA or similar financing of water-dependent/water-related economic development activities**
- **Referendum as Village water-rights marina**

Policy 3 Not Applicable

- Policy 4**
- **Private Development of marina/boat basin along north side of Pier**
 - **Zoning Law with modifications noted in Policy 1**
 - **Community Development or IDA or similar financing of water-dependent/water-related economic development activities**
 - **Development of Village Landing at Parelli Park; with prospective facilities for commercial fisherman, recreation boaters, and pedestrians**

- Policy 5**
- **Zoning Law with modifications noted in Policy 1, and establishment of lowest density residential zones on the Village-owned parkland at the end of the Pier and residential zone on the Creek at the end of Paradise Avenue.**
 - **Use of Community Development and IDA funds in the coastal area to finance water-dependent/water-related economic development activities**

- Policy 6**
- **Assign responsibility for coordinating and reviewing overall coastal area development to the Harbor Advisory Commission**
 - **Make all agencies aware of LWRP and consistently review procedures as basis of expediting review**

- Policy 7**
- **Environmental Quality Review Regulations**
 - **Critical Environmental Areas Regulations**
 - **Protection of marsh and estuary through public education, governmental regulations**

- Policy 8**
- **Environmental Quality Review Regulations**
 - **Review of proposals through land use permitting procedures included in Zoning Law and site plan regulations**
 - **Examine possibility of enactment of legislation forcing adequate maintenance of the sewage outfall line**

- Policy 9 -- Provide walkway along north side of Pier
 -- Install canoe launch ramp along Sparkill Creek
- Policy 10 -- Zoning Law modifications noted in Policy 1 including
 provisions for limited accommodation of commercial fishing craft
 near Parelli Park
 -- Use of Community Development and IDA funds to encourage
 marina and fishing facilities as part of economic development
 program
 -- Sponsor annual shad festival.
- Policy 11 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 12 -- Environmental Quality Review Regulations
 -- Critical Environmental Area Regulations
 -- Site Plan and Subdivision Regulations
- Policy 13 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 14 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 15 -- Environmental Quality Review Regulations
- Policy 16 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 17 -- Environmental Quality Review Regulations
 -- Site Plan Subdivision Regulations
 -- Zoning Law
- Policy 18 -- Same as Policy 17
 -- Obtain legislative extension of the Village boundary
 -- Enact speed, noise, and sanitary regulations for craft
- Policy 19 -- Development of public and private marina facilities
 -- Public and private improvements to access to the river from the
 Pier
 -- Provide launching ramp at end of Pier
 -- Provide launching ramp along Sparkill Creek
 -- Construct Village Landing
 -- Dedicate Village owned land on the Pier as parkland

- Modify local laws on traffic generation and parking to make public use requirements for traffic and parking the same as those for commercial uses
- Policy 20 -- Same as Policy 19
- Policy 21 -- Environmental Quality Review Regulations
- Zoning Law modifications to encourage water-dependent/water related uses
- Raise Ferry Road (done)
- Also same as Policy 19
- Designate picnic area near end of Pier as Scolaro Park
- Policy 22 -- Zoning Law
- Site Plan and Subdivision Regulations
- Policy 23 -- Environmental Quality Review Regulations
- Landmarks Preservation effort of the Architectural Review Commission
- Place marker at Moore/Ferdon mill site
- Place marker recognizing role of Erie RR in history of Village
- Policy 24 -- Not Applicable
- Policy 25 -- Designation of architecturally and historically important buildings
- Enact Riverside Viewshed Park Legislation
- Communicate with Historic Preservative Office regarding boundaries of Drawbridge historic site
- Enact local law remapping boundary between Kane Park and Ferdon Avenue
- Explore possibility of regulations by law of broken sewer outfall line
- Policy 26 -- Not Applicable
- Policy 27 -- Not Applicable
- Policy 28 -- Environmental Quality Review Regulations
- Construct dolphins or breakwaters
- Policy 29 -- Not Applicable
- Policy 30 -- Environmental Quality Review Regulations
- Zoning Law, including industrial performance standards

- Local Law Regulating Noise (Done)
- Extend Sewer Outfalls
- Require Clean-up of Clevepak and Federal Properties (the underground storage tanks formerly located on the Federal/Feder property have been removed at the direction of the Village). (Done)
- Explore possibility of regulations by law of broken sewer outfall line, and of lawsuit.

- Policy 31 -- Site Plan and Subdivision Regulations

- Policy 33 -- Environmental Quality Review Regulations
- Site Plan Subdivision Regulations of the Village and upstream communities
- Zoning Law
- Clean Sparkill Creek of debris

- Policy 34 -- Pump out facilities will be required for new marinas/boat basins

- Policy 35 -- Controlled by Coast Guard permitting

- Policy 36 -- Environmental Quality Review Regulations
- Zoning Standards Law, including industrial performance
- Site Plan and Subdivision Regulations

- Policy 37 -- Same as Policy 33

- Policy 38 -- Environmental Quality Review Regulations
- Site Plan and Subdivision Regulations
- Policy 39 -- Environmental Quality Review Regulations
- Zoning Law

- Policy 40 -- Environmental Quality Review Regulations
- Zoning Law, including industrial performance standards

- Policy 41 -- Same as Policy 40

- Policy 42 -- Not Applicable

- Policy 43 -- Same as Policy 40

- Policy 44 -- Environmental Quality Review Regulations
- Zoning Law
- Site Plan and Subdivision Regulations

SECTION VI

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

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

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

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

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
2.00 Rural Development Program
3.00 Farm Worker Services Programs.
4.00 Permit and approval programs:

4.01 Custom Slaughters/Processor Permit
4.02 Processing Plant License
4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:

1.01 Ball Park - Stadium License
1.02 Bottle Club License
1.03 Bottling Permits
1.04 Brewer's Licenses and Permits
1.05 Brewer's Retail Beer License
1.06 Catering Establishment Liquor License
1.07 Cider Producer's and Wholesaler's Licenses
1.08 Club Beer, Liquor, and Wine Licenses
1.09 Distiller's Licenses
1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
1.11 Farm Winery and Winery Licenses
1.12 Hotel Beer, Wine, and Liquor Licenses
1.13 Industrial Alcohol Manufacturer's Permits
1.14 Liquor Store License
1.15 On-Premises Liquor Licenses

- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)

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

NEW YORK STATE BRIDGE AUTHORITY

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesale of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to

the management of lands under the jurisdiction of the Department.

- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

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

Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
9.30 Underground Storage Permit (Gas)
9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

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

Regulatory Affairs

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

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)

- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
 - 11.00 Preparation and revision of Continuous Executive Program Plan.
 - 12.00 Preparation and revision of Statewide Environmental Plan.
 - 13.00 Protection of Natural and Man-made Beauty Program.
 - 14.00 Urban Fisheries Program.
 - 15.00 Urban Forestry Program.
 - 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

2.01 Approval of Completed Works for Public Water Supply Improvements

2.02 Approval of Plans for Public Water Supply Improvements.

2.03 Certificate of Need (Health Related Facility - except Hospitals)

2.04 Certificate of Need (Hospitals)

2.05 Operating Certificate (Diagnostic and Treatment Center)

2.06 Operating Certificate (Health Related Facility)

2.07 Operating Certificate (Hospice)

2.08 Operating Certificate (Hospital)

2.09 Operating Certificate (Nursing Home)

2.10 Permit to Operate a Children's Overnight or Day Camp

2.11 Permit to Operate a Migrant Labor Camp

2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer

2.13 Permit to Operate a Service Food Establishment

2.14 Permit to Operate a Temporary Residence/Mass Gathering

2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach

2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions

2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)

2.02 Housing Development Fund Programs

2.03 Neighborhood Preservation Companies Program

2.04 Public Housing Programs

2.05 Rural Initiatives Grant Program

- 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

INTERSTATE SANITATION COMMISSION (regional agency)

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.

- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF SOCIAL SERVICES

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

DEPARTMENT OF STATE

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.

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

DIVISION OF SUBSTANCE ABUSE SERVICES

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

NEW YORK STATE THRUWAY AUTHORITY

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Barge Canal
 - (e) Rail facilities
- 3.00 Financial assistance/grant programs:

- 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branchlines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
 - 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing

facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Areawide Water Quality Management
Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants
66.600 Environmental Protection Consolidated Grants Program Support Comprehensive
Environmental Response, Compensation and Liability (Super Fund)

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

a. U.S. Army Corps of Engineers

The derelict barges and other vessels along the Piermont Pier contribute debris which is a navigational hazard in the Hudson River. Piermont lies

in the marine district. The Corps of Engineers should arrange for the removal of the abandoned barges and vessels.

2. State Actions and Programs Necessary to Further the LWRP

a. Office of General Services

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

b. Department of Environmental Conservation

Channelization of streams upstream from the coastal area exacerbates already dangerous flood conditions in the Sparkill Creek. DEC should not issue any more permits to the Rockland County Drainage Agency or municipal agencies for channelization, but rather should require that runoff be directed away from the Sparkill, that land use controls prohibit additional impermeable surfaces along the banks of the Creek, and that runoff be controlled through protection of existing wetlands, construction of catch basins and holding areas, and use of best management practices to reduce runoff.

c. Department of Environmental Conservation

The sewer outfall line presently terminates just south of the end of the Piermont Pier and dispenses wastes both upstream in the Sparkill Creek and downstream, depending on the stage of the tide. The line also leaks and dispenses untreated waste when storm runoff infiltrates the sewer system. DEC should require that the outfall line from the Orangetown/Rockland County Sewer District #1 be repaired and extended to discharge into the Hudson River Channel. The problem of combined sewer overflows from infiltration of stormwater must also be corrected.

d. Department of Transportation

Traffic impacts from new development may require assistance from DOT in determining appropriate level of service and designing mitigation measures, particularly where Village streets and State Route 9W intersect.

SECTION VII

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

A. Other Communities

Planning for the LWRP in the Piermont area can be affected by other communities along the Hudson (waterfront) particularly Grand View-on-Hudson and communities upstream from Sparkill Creek such as Sparkill, Orangetown, and communities in northern Bergen County, New Jersey. In the case of Piermont, the Sparkill Creek tidal reach watershed is the area in which consultation is most important. There have been and will be consultations with these communities relating to implementation of the LWRP. These include Orangetown, particularly the Orangetown Planning Board, on developments that increase flow into the Sparkill Creek, and on development on Clausland Mountain that produces erosion, silt, and mudslides threatening Piermont.

The Orangetown Town Board will be requested to approve an eastward extension of the Piermont's boundary. The area in question now is part of Orangetown.

B. Rockland County

The primary consultation with Rockland County has been with respect to the reconstruction of the bridge over the Sparkill Creek, since this is a county responsibility. As appropriate, there will be additional consultations with County officials. Correspondence with the North Rockland Sewer District #7 on outfall line problems has been continuous and unproductive. Rockland County would also be involved with the policies on Kane Park and the Army Bridge, and on maintenance of the Sparkill Creek Waterway.

C. State of New York

The Village has maintained contact with the Coastal Management staff at the Department of State since the inception of the program. The NYSDEC in identifying Piermont marsh as a significant coastal fish and wildlife habitat has studied the area in great detail. In addition, contact has been made over potential designation of Route 9W as a scenic highway; and with respect to the boat launch at the end of the pier, with the Palisades Interstate Park Commission concerning a canoe launch along the Creek.

Assistance has been requested from the NYS DEC in regard to extension and repair of the sewer outfall line. The DEC has not yet responded to the concerns of the Village in this matter.

D. Federal Agencies

The Village has made application to the Army Corps of Engineers to restore the seawall on the north shore of the Erie Pier at its original location at the east end, west of the dogleg of Ferry Road. Erosion there has largely destroyed the structure, and mean high tide line is now inland from the original location. The restored reserved land will be a focal point of a Viewshed Park.

E. Conflict Resolution

Where differences have arisen over specific projects, continuing discussions have been the rule.

No conflicts between the LWRP and the policies or programs of the municipalities or agencies above are known to the Village staff. The nature of the consultations that have gone on should help to resolve any conflicts that may arise.

F. 60 day Review

The completed draft LWRP (and Draft Environmental Impact Statement) were accepted by the Village Board of Trustees and forwarded to the Secretary of State for review by State and federal agencies, adjacent waterfront communities, and Rockland County. Review comments on the draft LWRP and DEIS were also received at the public hearing held on December 19, 1989, and/or in writing were analyzed by the Village Board, the Harbor Advisory Committee and DOS staff. Upon receiving all comments the Village, as lead agency, prepared and excepted a Final Environmental Impact Statement (FEIS) which provided responses to all comments. Based on the FEIS, the final LWRP was prepared.

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SECTION VIII

OBTAINING LOCAL COMMITMENT

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VIII. OBTAINING LOCAL COMMITMENT

The LWRP has been given an extraordinary level of local commitment. Several examples follow.

- a. Sections I, II, III, in earlier versions, were adopted by the Board of Trustees in January 1986.
- b. Sections IV and V, in earlier versions, were adopted by the Board of trustees in May 1986.
- c. A temporary boat launch has been built.
- d. The Ferry Road has been elevated.
- e. Demolition has begun at the Carlyle site.
- f. A memorial to military personnel has been constructed at the end of the Pier.
- g. The Village is reviewing the Carlyle proposal, which includes many of the program elements referred to in the LWRP. An early version of the LWRP was used by Carlyle to structure their project in its conceptual stage.
- h. The Village has rejected State plans for the reconstruction of the Army Bridge because of encroachment on Kane Park.
- i. The entire Village is now encompassed by three Critical Environmental Areas designated under the State Environmental Quality Review Act.
- j. Slope protection legislation has been proposed and is now being worked on jointly by the Village Board and the Planning Board.
- k. Maximum traffic standards for entrance routes to Piermont have been developed.
- l. The Village has become a part of the Tappan Zee Scenic District.