

SECTION III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and a statement of its applicability to the Local Waterfront Revitalization Program in the Town of Poughkeepsie. Also included are additional local policies and an explanation of how both state and local policies relate to the local coastal area.

DEVELOPMENT POLICIES

POLICY 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

Explanation of Policy

Local, State and Federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provisions of tax incentives to businesses; establishment of enterprise zones, are all examples of governmental means of spurring economic growth. When such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

The Town of Poughkeepsie is fortunate that it does not have extensive amounts of deteriorated waterfront areas. To the contrary, much of the waterfront is actively used by a variety of industrial and institutional uses. Along with the historic hamlet of New Hamburg, some residential development and public and private recreational facilities, these uses form the mix of uses which characterize the Town's varied waterfront. The industrial and institutional users of the riverfront have been a major component of the Town's economy for many decades, and the state and local coastal policies support the continuance and fostering of industry and commerce along the river.

Only two significant sites are underutilized in the Town of Poughkeepsie. These are the dock at the Dutton Lumber Company, just north of the City line, and the land belonging to the Hudson River Psychiatric Center located west of NY Route 9.

Access to the Dutton Lumber site, half of which is in the City, is circuitous via several narrow industrial streets in the City. The site is actively used for lumber storage and distribution, although the deep water dock is no longer utilized as part of the commercial operation. Any future redevelopment or revitalization of the dock and waterfront parcel should give preference to a water dependent use. Use of the site for other purposes, while possible, would require major street improvement if such use generated very much traffic. The development of crew facilities by Vassar College on a portion of this site is consistent with this policy.

A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). In the past use of this land by the general public has been limited by the operational requirements of the Psychiatric Center, with public

access limited to special events approved by the HRPC. Recently it has become clear that this parcel is surplus to the requirements of the Psychiatric Center, offering opportunities for improved public access. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and NY Route 9. The waterfront parcel should be developed as a public park, with water dependent recreation facilities. Support facilities, such as car parking and trails should be provided on the upland portion. The size and character of the site between Route 9 and the railroad is such that additional public water enhanced uses may also be appropriate if developed in a manner that does not conflict with or impede access to water related recreation facilities. Prior to approval of any development plans for this entire area, a master development plan should be prepared which clearly delineates sites for specific uses and the layout and design of internal circulation patterns, parking to support waterfront uses and access routes to the waterfront. It should be noted that, in the recent past, proposals to close the entire HRPC facility have been put forth. If this were to happen, significant development opportunities would be vested which would have far reaching affects on the coastal area and should only be undertaken in accord with this and other policies herein.

An additional parcel of land in the waterfront area will offer future opportunities to restore, revitalize and redevelop a large area of waterfront. The active Trap Rock Quarry is expected to continue operations as a major producer of crushed stone for 30 to 100 years in the future. As one of the largest land holdings in the Town under single ownership, with more than two miles of river frontage, this 1,200 acre site offers a unique opportunity for cohesive, integrated and innovative planning. While the size, location and diversity of the site suggest a wide array of potential land uses, or a mixture of uses, may be appropriate, the site should be planned cohesively as a whole.

It is recommended that the Town and the New York Trap Rock Company should cooperatively plan for the post-mining future of the Trap Rock Quarry as soon as possible, and well in advance of the cessation of stone production. Restoration plans for the quarry should consider the after-use of the almost two miles of shoreline and the site's excellent docking facilities. The portion of the site between the river and the railroad should be used for water-dependent uses and/or water-enhanced uses, preserving the option of water-borne shipping and commerce. The shore-line also offers potential opportunity for active recreational use of part of the riverfront and for the provision of public access, and these should be considered as part of a restoration proposal, and through the site plan review process for new development.

See also Policies 2, 2a, 5, 19 and 20.

POLICY 2

Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

POLICY 2A

Preserve and retain existing water dependent uses in the coastal area.

Explanation of Policies

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify.

There is little available land on the Poughkeepsie waterfront; sites that have suitable access, topography and services to accommodate water dependent uses are scarcer yet. Therefore, these policies require that water dependent uses be given preference and, where possible, assistance in securing waterfront sites and that every effort be made to retain such existing uses and increase their use and access (see also Policies 19, 21 and 22).

Uses which are considered fully or partially water dependent and subject to these policies include Trap Rock Quarry, oil storage facilities in New Hamburg, the IBM plant, the Dutton Lumber yard, a variety of private recreational facilities and Town and City utility plants, and any others with the following characteristics:

The following uses and facilities are considered as water dependent:

- Certain uses which utilize the resources of the coastal waters (for example: fishing, mining);
- Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
- Uses involved in the sea/land transfer of goods (for example: docks, loading areas);
- Aids to navigation;
- Flood and erosion protection structures (for example: breakwaters, bulkheads);
- Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities);
- Uses requiring large quantities of water for processing and cooling purposes (for example: industrial plants);
- Uses that rely heavily on waterborne transportation of raw materials or products which are difficult to transfer on land (for example: bulk petroleum storage, quarries);
- Scientific/educational activities which by their nature require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities);
- Support facilities which are necessary for the successful function of permitted water dependent uses. Such facilities should be sited inland from the use they serve, if possible.

Sites for water dependent uses should be delineated based on the following guidelines:

1. In-place facilities and services: most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply;
 - b. Access to the area for trucks or rail, if heavy industry is to be accommodated, or boat trailers for marinas or boat launches;
 - c. access to public transportation, if a high number of person trips is to be generated.
2. Access to navigational channels: commercial shipping, commercial fishing and recreational boating require sites with a sheltered harbor, from which access to adequately sized navigational channels can be assured.
3. Compatibility with adjacent uses and the protection of other coastal resources: water dependent uses should be located so that they enhance, or at least do not detract, from the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. Water dependent uses must also be sited so as to avoid adverse impacts on significant coastal resources such as wetlands and scenic areas.
4. Providing for expansion: a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporates the coastline into the course design, are two examples of water-enhanced uses.

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses should be considered preferable to a non-water dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would be likely to be considered as "temporary" non-water dependent uses.

POLICY 3

The State Coastal Policy regarding development of major ports is not applicable to the Town of Poughkeepsie.

POLICY 4

The State Coastal Policy regarding the strengthening of small harbors is not applicable to the Town of Poughkeepsie.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

Explanation of Policy

This policy has limited applicability as most of the coastal area is served by the necessary public services and facilities. Areas of the coastal area currently not served by the public sewer system could be served by the expansion of the Tri-Municipal Wastewater Treatment Plant and Service Area, a proposal under consideration by the Town of Poughkeepsie. This proposal would include the hamlet of New Hamburg where in the past, economic and physical constraints have prevented connection to a central sewer system.

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large scale development in the Coastal area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography geology and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

- strengthen existing residential, industrial and commercial centers:
- foster an orderly pattern of growth where outward expansion is occurring:
- increase the productivity of existing public services and moderate the need to provide new public services in outlying area
- preserve open space in sufficient amounts; and
- where desirable, foster energy conservation by encouraging proximity between home, work and leisure activities.

For any action that would result in large scale development or an action which would facilitate or serve future development, determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

- Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
- Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
- Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
- Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- Development which, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development.
- Uses and/or activities which because of public safety consideration should be located away from populous areas.
- Rehabilitation or restoration of existing structures and facilities.
- Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and Federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken in the rich array of their other infrastructure components in promoting waterfront revitalization.

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Explanation of Policy

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

FISH AND WILDLIFE POLICIES

POLICY 7 *Significant Coastal Fish and Wildlife Habitats, as identified on the coastal area map, shall be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.*

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics:

- Are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- Support populations of rare and endangered species;
- Are found at a very low frequency within a coastal region;
- Support fish and wildlife populations having significant commercial and/or recreational value; and
- Would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would destroy or significantly impair the viability of a habitat.

Significant impairment is defined as reduction in vital resources (e.g. food, shelter, living space) or change in environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of parameters which should be considered in applying the habitat impairment test include:

- Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
- Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and

- Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. See Section II-B-4-a of the Inventory and Analysis Section for a detailed description of the two habitats located within the Town of Poughkeepsie.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair these habitats are listed below to assist in applying the habitat impairment test to a proposed activity.

1. Poughkeepsie Deepwater Habitat

- Fish and Wildlife Values (See Section II)
- Impact Assessment

Activities that would affect the water quality, temperature, turbidity, or freshwater to saline distribution may adversely impact on the estuarine community in this deepwater habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents, and agricultural runoff. Major reduction in overall depths along this deepwater trench may also have adverse effects on the endangered shortnose sturgeon utilizing the area. Of particular concern is a past practice of using portions of the deepwater trench as a dredge spoil dumping site. Activities such as this should be controlled to avoid interference with use of the area by shortnose sturgeon. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

2. Wappinger Creek

- Fish and Wildlife Values (See Section II)
- Impact Assessment

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperature in Wappinger Creek could adversely affect the fish and wildlife resources of this area. Any physical alteration of the habitat, through dredging, filling, or bulkheading, would result in a direct loss of valuable habitat area. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant adverse impacts on fish populations. However, efforts to control water chestnut may be desirable or necessary to maintain habitat quality in this area. Of particular concern in this major tributary are

the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Development of hydroelectric facilities or municipal water supplies should only be allowed with runoff river operations, and minimum flow restrictions, respectively. Barriers to fish migration, whether physical or chemical, would have significant impact on fish ovulations in the creek as well as in the Hudson River. Existing areas of natural vegetation bordering Wappinger Creek should be maintained to provide bank cover, soil stabilization, perching sites, and buffer areas. It is recommended that rare plant species occurring in the creek be protected from adverse effects of human activities. Development of public access to the creek may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

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.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (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, disposed or otherwise managed."

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

Other pollutants are those conventional wastes, generated from point and non-point sources and not identified as hazardous wastes, but controlled through other State regulations.

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 wild-life resources and considers other activities dependent on them.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing, trapping and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The primary obstacle to increased use of these resources is the lack of adequate access. Policies 19, 20 and 21A deal with this issue.

Any increased recreational use of these resources must ensure the protection of fish and wildlife resources and take into consideration other activities dependent on these resources. Such efforts must recognize existing State law and sound resource management considerations including biology of the species, carrying capacity of the resource, public demand, costs and available technology.

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

- Consideration should be given as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
- Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
- The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

POLICY 10

The State Coastal Policy regarding the further development of commercial finfish, shellfish, and crustacean resources in the coastal area is not applicable to the Town of Poughkeepsie because although commercial fishing takes place in the Poughkeepsie coastal waters, no support facilities exist in the coastal area.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

No coastal erosion hazard areas or coastal high hazard areas have been designated in the coastal area. The designated floodways are very narrow strips along the steep banks of the Casper and Wappinger Creeks. Therefore, although this policy applies, it is applicable only in several small areas and is implemented by the Town's participation in the National Flood Insurance Program.

POLICY 12

The State Coastal Policy regarding preservation of natural protective features is not applicable to the Town of Poughkeepsie because none of the protective features cited are present in the Poughkeepsie coastal area.

POLICY 13

The State Coastal Policy regarding the construction or reconstruction of erosion protection structures is not applicable to the Town of Poughkeepsie because no coastal erosion hazard areas have been identified in the Poughkeepsie coastal area.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas. (See Policy 37).

POLICY 15

Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Explanation of Policy

There is little natural beach material in the coastal area which is supplied to the adjacent land via natural coastal processes. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential. See also Policy 35.

POLICY 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of Policy

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 existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds for erosion protection measures.

POLICY 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (1) the set back of buildings and structures; (2) the planting of vegetation and the installation of sand fencing and draining; (3) the reshaping of bluffs; and (4) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this 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.

Application of the Flood Damage Prevention regulations, Best Management Practices (see Policy 14) and review of alternatives in accord with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where non-structural measures are not feasible, structural solutions will be required.

GENERAL POLICY

POLICY 18

To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Explanation of Policy

Proposed major actions may be undertaken in the waterfront 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, cultural, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation. Review under the SEQR process will allow a weighing of the costs and benefits of such actions.

PUBLIC ACCESS POLICIES

POLICY 19

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by the public in accordance with reasonably anticipated public recreation needs and protection of historic and natural resources. In providing such access priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

Explanation of Policy

There are no publically owned water-dependent recreation resources in the Town of Poughkeepsie coastal area which are available to the general public at this time. The only public lands are either inaccessible, occupied by non-recreational uses and/or not open to use by the general public. Only several street ends in New Hamburg provide limited access to the water's edge, although a recent proposal by Marist College to develop a waterfront park accessible to the general public may expand the opportunities for access considerably.

Implementation of this policy requires careful balancing of several factors: the demand for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and, the protection of natural and historic resources. Actions to increase access to new public water-related facilities are to be strongly encouraged. The particular water-related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements or offering potential for public access and the relative priority accorded to each are identified in the Town of Poughkeepsie's study "Access to the River," attached as Appendix C, and discussed in Section IV.

A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). The waterfront parcel contains recreational facilities, including a boat launch and dock space. Use of this land by the general public is limited to special events approved by the HRPC. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and Route 9. Providing increased access to this site to the general public is a major policy of this program. If the site remains in state ownership, access to the existing recreation facilities shall be expanded. If the site is disposed of by the state, first priority for acquisition shall be given to the Town and/or County for recreation and public access purposes. If sold to private interests, reservation of public access shall be included in the terms of sale.

The development of trails on the Hudson River Psychiatric Center property between Route 9 and the railroad, connection to the Marist complex south of the Center's waterfront complex, and the loop trail connecting Bowdoin Park, New Hamburg and the Audubon Society property shall be a priority. Connection of trails on both public and appropriate private property (such as the Rural Cemetery and Young-Morse Estate) shall be encouraged and facilitated wherever possible to create a continuous Greenway Trail from Mills Memorial State Park in the Town of Hyde Park to Locust Grove.

Public access by boaters to shorefront facilities shall be strongly encouraged since none presently exists. Such access at the Hudson River Psychiatric Center, Bowdoin Park and in New Hamburg will be encouraged.

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

1. The existing access from adjacent and/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.

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 the 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 systematic objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar linear facilities.
 - (4) There are substantial increases in the following: already 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; and/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.
- 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) Sale, lease or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.

- (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.
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.
 - C. The level of use and nature of the access does not adversely affect adjacent land uses, including historic resources, or the natural environment. Concerns of safety, security, liability and compatibility of the access with adjoining land use should also be considered.
3. The State 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.

Access to either active or passive water-related recreation resources will be considered on a case-by case basis if opportunities not foreseeable at this time are presented when properties become available, development plans are submitted or new rights-of-way established.

See also Policies 2, 9, 20, 21, 21A, 22 and 25, Section IV and Appendix C.

POLICY 20

Access to the publicly-owned foreshore and to the lands immediately adjacent to the foreshore or the waters edge that are publicly owned shall be provided in a manner compatible with adjoining uses. Such land will be retained in public ownership.

Explanation of Policy

The Town of Poughkeepsie has little or no recreation facilities providing specific public water-related recreational facilities. Access to the publicly-owned land of the coast at large should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the water. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the provision of access across transportation facilities to the waterfront, the improvement of vehicular access to the waterfront, and the promotion of mixed and multi-

use development. Public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety or the protection of fragile coastal resources. See also guidelines in Policy 19.

The nature of the Hudson River shoreline at Poughkeepsie is such that there is little, if any, foreshore that is safely useable except in conjunction with adjacent land. The only public land adjacent to and providing access to the foreshore is the lands of the Hudson River Psychiatric Center. Use of this land by the general public is limited to special events approved by the HRPC. The three acres between the railroad and the river contain recreation facilities accessible via an underpass, including a boat launch, dock space, a clubhouse and picnic facilities. The lands east of the railroad are largely undeveloped and wooded. The lands adjacent to the water shall remain in public ownership and access thereto made available to the general public to the maximum extent possible. The land between Route 9 and the railroad shall include, where possible, parking, trails and viewing areas which are open to the public. None of this latter land shall be disposed of in a way which diminishes access to the railroad underpass. This proposal is discussed further in Section IV and the study "Access to the River" attached as Appendix C. One additional opportunity to gain access along the waterfront is via joint use of the railroad right-of-way for walkways or other passive activities, where such use is safe and can provide access to or between other public lands. Such opportunities will be encouraged where appropriate.

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

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to 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.

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

- A. Access - the ability and right of the public to reach and use public coastal lands and waters.
- B. Public lands or facilities - lands or facilities held by the 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.

C. A reduction in the existing level of public access - includes but is not limited to the following:

- (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- (2) Pedestrian access is diminished or blocked completely by public or private development.

D. 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) Sale, lease or other transfer of public lands that could provide public access to public coastal lands and/or waters.
- (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. 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 development.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State and local municipalities 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.
5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - A. The level of access to be provided should be in accord with estimated public use. 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. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

Concerns of safety, security, liability and compatibility of the access with adjoining land use should also be considered.

See also Policies 2, 9, 19, 21, 21A, 22, and 25, Section IV and Appendix C.

RECREATIONAL POLICIES

POLICY 21

Water dependent and water enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by existing development.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming and fishing as well as certain activities which are enhanced by a coastal location and increases the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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

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

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shoreline should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public action should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

POLICY 21A

The development of public access to water-related recreation facilities at the Bowdoin park, Hudson River Psychiatric Center and Marist College waterfronts shall be a high priority of this program.

Explanation of Policy

These three parcels, located at each end of Town, require different solutions to achieve the same objective.

1. The waterfront of the Hudson River Psychiatric Center, including all land west of Route 9, is some 25 acres providing access under the railroad to a site that is already developed with a club house, picnic area and docking and launch facilities, plus the hospital's abandoned sewer and water supply plants. Although apparently underutilized it is available only to hospital employees and patients, with use of this land by the general public limited to special events approved by the HRPC. The lands east of the railroad are largely undeveloped and wooded. Actions to permit access to the waterfront and use of the recreation resources at this site by the general public are to be encouraged and shall be considered consistent with this policy and Policies 19, 20, 22, and 25. Construction of a bridge or similar facility, which obstructs physical or visual access to or recreational use of the existing facility shall be considered inconsistent with this policy.
2. Bowdoin Park includes over 300 acres of county land devoted to recreational use. Although the land includes Hudson River frontage, the water is cut off by the railroad tracks, thereby confining use to viewing only. Actions which will provide access across the tracks and via boat will be encouraged.
3. Marist's proposal to create a waterfront park including boating and recreation facilities available to the general public shall be supported and integrated with other public access proposals.

These proposals are discussed further in Section IV and the study "Access to the River" attached as Appendix C.

See also Policies 2, 19, 20, 22 and 25.

POLICY 22

Development when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Explanation of Policy

Certain waterfront developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever such developments are located adjacent to the shore they should, to the fullest 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.

The types of development which can generally provide water-related recreation as a multiple use include but are not limited to: parks, utility transmission rights-of-way, sewage and water treatment facilities, mental health facilities (Hudson River Psychiatric Center for example), schools and universities, nature preserves, restoration of mineral sites, large scale residential and mixed use development projects and maritime commercial uses. The type of water-related recreation which could be included in a multiple use proposal should be evaluated on a case-by-case basis, although in some cases it is likely to be limited to the more passive forms, such as trails, scenic overlooks or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation. In addition, the railroad right-of-way, which extends the entire length of the coastal area, offers the possibility to transform an existing barrier to the waterfront into an unusual recreation opportunity. A river walk along appropriate portions of the right-of-way will be considered and evaluated. Also, opportunities for multiple use of the Trap Rock lands, upon completion of quarrying, will be investigated.

Whenever a proposed development would be consistent with coastal policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore. See also Policies 2, 19, 20, 21, 21A and 25.

One site that holds promise for multiple use which includes water-dependent recreation is HRPC. A significant portion should be devoted to public recreational uses, especially those that are water related. Whether the State property is redeveloped in total or in part, the future redevelopment plans should include public access and recreation. The underutilized land will be redeveloped in accordance with Policy 1.

HISTORIC AND SCENIC 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.

Explanation of Policy

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

Individual sites in the Town of Poughkeepsie listed on the National Register of Historic Places include Locust Grove, Hudson River State Hospital's main building and three buildings on the Marist College Campus from the former Rosenlund Estate. Also listed are eight properties in the Hamlet of New Hamburg. As one of the few settlements between the railroad and the river, New Hamburg has both an historic coastal relationship and a unique setting in the Town. Actions to enhance water-related functions and preserve this mix of uses in this area will be encouraged by appropriate zoning techniques. The Cornell Boathouse on the Marist waterfront may be eligible for listing and should be preserved and protected. This policy shall also apply to all other properties determined to be eligible for listing on the National Register.

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

- 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 archaeological 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.

- Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building structure of earthwork.
- All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological 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 archaeological 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. With 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 normal maintenance, actions necessary to remove a threat to the public welfare, health or safety, or rehabilitation or restoration in accord with standards and design which do not adversely impact the significant features of the structure, district or site.

SCENIC QUALITY POLICIES

POLICY 24

Prevent impairment of scenic resources of statewide significance as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geologic forms, the destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Explanation of Policy:

Although no upland area in the Town has been designated as a Scenic Area of Statewide Significance (SASS), the Esopus/Lloyd SASS on the west side of the Hudson River extends from the northern Town line to a point opposite the northern end of the IBM campus. The Esopus/Lloyd SASS encompasses a seventeen-mile stretch of the Hudson River and its shorelands and varies significantly in width from 0.75 to 2 miles. The SASS extends from its northern boundary, which runs from Riverview Cemetery on NY Route 9W to the Hudson River, south of the hamlet of Port Ewen, to its southern boundary on Church Road in the hamlet of Milton. The SASS includes the Hudson River from the mean high tide line on the eastern shore, thereby including the river waters within the Town of Poughkeepsie. Three

sub-units of the Esopus/Lloyd SASS are opposite the Poughkeepsie Coastal Area: EL-4, Lloyd Bluffs; EL-5, Highland Bluffs; and EL-6, Blue Point. See Appendix B.

The Esopus/Lloyd SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a long stretch of bluffs along the Hudson River shorelands. While this is by far the most striking of topographical features, there are also extensive areas of rolling upland behind the western bluffs, exposed rock faces along the bluffs and tidal flats and shallows along the base of the bluffs.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the rolling uplands are interrupted by a combination of farmsteads, pastures and meadows orchards and vineyards, and landscaped estates, residences and religious institutions. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at Esopus Meadows.

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and
- a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

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

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

1. Siting structures and other development, such as power lines, and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
3. Incorporating existing historic structures into the overall development scheme.
4. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
5. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.
6. Using appropriate materials, in addition to vegetation, to screen unattractive elements.
7. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of statewide significance, but which contribute to the scenic quality of the coastal area.

Explanation of Policy

When considering a proposed action within the Town's upland area, although not included in a designated SASS, care should be taken to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., the modification of natural landforms, removal of vegetation, etc.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements will be pursued. Despite the considerable length of the Town's waterfront, there are relatively few opportunities to view the water, particularly from public streets or lands. Since direct access to the waterfront is so limited, actions which preserve or increase visual access from public property shall be encouraged.

Sites in public ownership where visual access exists and should be protected and improved, or where it can be created, as shown on Map 4, include:

- The Hudson River Psychiatric Center;
- The City of Poughkeepsie Waterworks;
- The Town's Fourth Ward Sewer District Plant;

- The Arlington Sewer District Plant;
- The Tri-Municipal Sewer District plant;
- Bowdoin Park;
- Various locations on streets in New Hamburg, including Water Street, Division Street, Point Street, River Road and Main Street.

Where opportunities exist for visual access from public lands they shall be preserved and enhanced, utilizing the guidelines outlined in Policy 24. For instance the selective maintenance and/or removal of vegetation in areas of Bowdoin Park and on public streets in New Hamburg would improve vistas of the Hudson River and its western shore.

Views across private lands from public lands will be protected and enhanced through the implementation of the Town's zoning and site plan regulations and by utilizing the guidelines outlined in Policy 24, except where it can be demonstrated that development proposals as permitted by the zoning regulations would be infeasible if the view corridor is retained. Opportunities for creating new vantage points from public land will be considered in the review of development proposals.

The scenic quality of the coastline can be viewed from the river and the western shore. These views do not reveal the extent of urbanized development of the coastal area and provide a natural scenic experience. This adds to the appeal of the river and should be preserved wherever possible. Review of development proposals in the coastal area shall consider and seek to minimize the impact of the changes that the landscape would undergo and the effect on views of the coastal area as seen from the river and the opposite shore. This will be achieved through the implementation of the Town's zoning and site plan regulations and by utilizing the guidelines outlined above.

In particular, any future development of the Trap Rock Quarry shall be planned in such a way as to screen views of the active quarry from the River to the extent reasonably practical. Review of plans for the post-quarry development of the Trap Rock site shall consider the protective effect of the existing escarpment on scenic views from the river and the opposite shore.

AGRICULTURAL LANDS POLICY

POLICY 26

The State Coastal Policy regarding the conservation of agricultural land is not applicable to the Town of Poughkeepsie because there are no agricultural lands in the Poughkeepsie coastal area.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27

Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Explanation of Policy

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

In consultation with the Town of Poughkeepsie, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant 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 Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

This policy shall also apply to facilities which generate energy as a major by-product, such as the resource recovery plant south of the IBM plant.

POLICY 28

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Explanation of Policy

Prior to undertaking actions required for ice management on the Hudson, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural

protective features. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29

The State Coastal Policy regarding the development of energy resources on the outer continental shelf is not applicable to the Town of Poughkeepsie.

WATER AND AIR RESOURCES POLICIES

POLICY 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, 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 the regional treatment system before reaching the State's waterways. State and federal laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways are necessary to ensure that all regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply existing monitoring and enforcement machinery and, where appropriate, to strengthen it.

POLICY 31

State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Explanation of Policy

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

The classification of the Hudson and other coastal tributaries, as set forth in Section II, is compatible with their present use and future objectives. Any action taken in the coastal

area which would lead to reduction of such classification will be considered inconsistent with these coastal policies.

POLICY 32

Encourage the use of alternative of 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

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive.

All of the coastal area is served by public sanitary sewer systems with the exception of the hamlet of New Hamburg. The relatively small size of the hamlet and high cost of connection to the existing sewer systems has precluded other than on-site systems. All means of providing sanitary sewage disposal for this area will be pursued and is of particular importance due to its singular location on the river and relationship to waterfront access and recreation.

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. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined systems with separate sanitary and stormwater collection systems) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. The standard set forth in Policy 14 will apply to all construction in the coastal area to control stormwater runoff and erosion.

POLICY 34

Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State Law. Priority should be given to the enforcement of this Law in significant habitats and beaches which need protection from contamination by vessel wastes. Specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657) and shall be strictly enforced. Plans for expansion or development of new marinas will be reviewed to determine if requirements for on-shore pump out facilities are appropriate and feasible.

POLICY 35

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state and federal permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

Due to the depth and breadth of the Hudson at Poughkeepsie, dredging of the main shipping channels is not required. However, maintenance dredging is appropriate near New Hamburg to maintain access to the recreational boating facilities there in accord with Policies 19 and 21, 21A, and at other existing or approved dock areas in the Town. The disposal of suitable dredge spoils may be appropriate in connection with the reclamation of the Trap Rock Quarry. The nature and use of the spoils must be studied prior to such use to determine if they are consistent with the policies herein and in no event shall such spoils contain contaminants known or suspected to endanger public health or facilities.

POLICY 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users of petroleum products and radioactive and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters

or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See also Policy 39.

POLICY 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. See also explanation of Policy 14.

New development on the steep slopes above the Hudson River could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Development plans in these areas will be required to include erosion protection plans to achieve the following objectives:

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

The Town has enacted an Erosion and Sediment Control Law to implement this policy.

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

Local groundwater supplies and surface water of the Hudson River must be protected. Since most of the coastal area draws its drinking water from the Hudson, the impact of an action on the quality of river water will be a major factor in planning and decision making. Such impacts include those resulting from construction activity, land use management, point and non-point pollution sources and direct actions on the water ways.

POLICY 38A

Actions which enable the salt front to move northward and, thereby, jeopardize the quality of drinking water drawn from the river will be prohibited unless adequately mitigated.

Explanation of Policy

Such actions include drawing of water from below the Poughkeepsie water plant and reduction of flows above the plant. Any such actions shall be evaluated in terms of their effect on the movement of the salt front. If contributing to its northward movement, such actions shall be deemed inconsistent with the policy. See also Policies 7, 7A, and 44.

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, recreation areas, and scenic resources.

Explanation of Policy

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when

improperly treated, stored, transported, disposed or otherwise managed.” 6 NYCRR Part 371 lists hazardous wastes.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling wetlands and littoral areas, atmospheric loading and degradation of scenic resources. Federal and State law provide a substantial base of regulation for waste disposal. The strict enforcement of these regulations is extremely important to protect the fish and wildlife habitats of the coastal area, and will be given priority.

POLICY 40

Effluent discharged from major steam generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Explanation of Policy

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. This policy shall also apply to other facilities which generate steam as a by-product.

POLICY 41

Land use or development in the coastal area will not cause federal 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.

POLICY 42

The State Coastal Policy regarding reclassification of land areas pursuant to the Federal Clean Air Act regulations is not included in this local program, however, it will continue to apply as set forth in the State Coastal Policy.

POLICY 43

The State Coastal Policy regarding generation of acid rain precursors is not included in this local program, however, it will continue to apply as set forth in the State Coastal Policy.

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Explanation of Policy

No tidal wetlands are delineated on the Hudson north of the Tappan Zee Bridge. There is one State designated freshwater wetland in the Poughkeepsie coastal area.

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

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

- habitat for wildlife and fish and contribution to associated aquatic food chains; (see Policy 7 and 7A);
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in developed areas.

In addition to the existing state laws that establish the basis for preservation of coastal resources and which will continue to be implemented by state agencies, accompanying local action can strengthen wetland protection. Zoning requirements, site plan review and the Town's Erosion and Sediment Control Law, discussed in Policy 37, shall be used to minimize the adverse effects of activities in the coastal area to designated and other freshwater wetlands and their associated drainage basins. Adverse effects, as used herein, shall include erosion, sedimentation, pollution or similar affects and changes in salinity due to movement in the salt front as set forth in Policy 38.