

## V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section describes the local techniques -- legal, administrative, managerial and financial -- required to carry out the LWRP.

### A. LOCAL LAWS AND REGULATIONS

The following laws and regulations are used by the Town to regulate or review land use and development activity in the coastal area.

#### 1. Zoning Regulations (See Map No. 7)

- a. Waterfront Zoning Districts: The Town recently enacted two Waterfront Zoning Districts (WD1 and WD2) which will assist in the implementation of the purposes and policies of the LWRP. By setting up two waterfront districts the Town has recognized that the Hudson River waterfront should be divided into two categories with distinct land use characteristics.

1. Waterfront District 1 (WD1) covers the areas of waterfront adjacent to low intensity uses.

Permitted uses in the WD1 include: recreation facilities which utilize the waterfront for active or passive recreation use; community centers when part of coastal public access or public recreational access; scientific, cultural, historic, artistic, and educational activities and uses which by their nature, require access to coastal waters; mariculture and aquaculture activities; Infrastructure and facilities to provide access across the railroad tracks between the WD1 and upland locations; support facilities and temporary or moveable structures necessary for successful functioning of above uses; structures needed for flood protection and navigational purposes; sewage disposal and water treatment facilities.

Uses allowed by special use permit in the WD1 include marinas and related uses.

2. Waterfront District 2 (WD2) covers the areas of waterfront adjacent to intensive industrial and commercial activity. The WD2 includes the frontages of the Tri-Municipal Wastewater Treatment Plant, Trap Rock, IBM and the Dutton Lumber Company.

Permitted uses in the WD2 include: uses which require water transportation for transfer of goods or products; infrastructure and facilities to provide access across the railroad tracks between the WD2 and upland locations; uses, facilities and infrastructure, accessory to adjoining upland uses which are dependent on access to the waterfront for effective operation; accessory or support facilities; all permitted uses allowed in the WD1; marinas.

Application: These two zoning districts support the implementation of Policies 1, 2, 2A, 5, 7, 7A, 19, 20, 21, 21A, 25, 33, 34 and 37.

- b. 1993 Zoning Changes: The Town adopted a new Zoning Law in 1993 which establishes land use and density controls, in designated districts, based on a comprehensive plan. There are eight residential districts, four commercial districts, four office/industrial districts plus a special quarry district.

The districts are drawn to limit land uses to those areas which are most appropriate. Business activities are limited to Route 9, which is capable of accommodating heavy traffic volumes. Residential uses are located mostly in areas buffered from Route 9 and streets. Heavy industrial uses are confined to sites with adequate facilities and access to accommodate such uses. The Quarry District limits such use under specific controls, to the location of the existing resource.

- c. New Hamburg zoning district: This district was enacted in 1989 with the intent of maintaining and preserving the traditional mix of residential and business uses which are part of the hamlet's historic development pattern.
- d. Cluster Zoning: The Town's zoning regulations include a section on "cluster subdivisions" which authorizes the Planning Board to require the use of clustering, where it is deemed appropriate. The new provisions also require that at least 30% of the gross area of a cluster subdivision "be composed of land which is used for recreation purposes and/or preserved as open space."

Application: The land use controls are essential tools for implementation of the Development Policies (1, 2, 2A, and 4). These controls will also support Historic and Scenic Resources. Policies (23 and 25).

## **2. Subdivision Regulations**

These regulations enable the Planning Board to (i) establish standards for the division of land into building lots and the design and construction of improvements and (ii) require approval of plans and specifications prior to subdivision.

Application: These regulations are important to orderly development and particularly Flooding and Erosion Policies (14 and 17) and Water and Air Resources Policies (32, 33, 38, and 44).

## **3. Flood Damage Prevention Regulations**

These regulations set standards for the type and location of construction in flood hazard areas designated by the Federal Emergency Management Agency. By enacting such legislation, the community enables property owners to be eligible for flood insurance and is entitled to federal aid in the event of a flood related disaster.

Application: This law applies to the goals established in the Fish and Wildlife Policies (7 and 7A), Flooding and Erosion Policies (14 and 17) and Water and Air

Resources Policies (33, 35, 37, and 44).

**4. Environmental Quality Review**

This law requires compliance with the State Environmental Quality Review Act by all Town boards and agencies.

Application: Adherence to SEQR procedures allows an agency to identify possible significant impacts of proposed actions on any aspect of the physical environment at the earliest possible stage and to recommend or require appropriate mitigating measures. This review will support Public Access Policies (19 and 20) and Historic and Scenic Resources Policies (23 and 25).

**5. Erosion and Sediment Control Law**

The Town has enacted an ordinance, based on a model developed by the Dutchess County Soil Conservation Service to incorporate "best management practices" for construction related activities and stormwater management.

Application: This ordinance implements Fish and Wildlife Policies (7 and 7A); Flooding and Erosion Policies (14 and 17); and Water and Air Resources Policies (33, 37 and 44).

**6. Local Consistency Law**

A local law was enacted by the Town to require that the actions of all boards, agencies, commissions and departments are consistent with the policies established in the LWRP. For text of this local law see Appendix D.

Application: This action relates to the entire LWRP.

**B. OTHER ACTIONS**

1. As part of the preparation of the LWRP the Town of Poughkeepsie undertook a study to examine further the potential for public access to the Hudson River. "Access to the River" provides a detailed analysis of the feasibility of providing access to the waterfront at each of the potential sites identified in the LWRP. The study put forward an action program for each site, examining the legal and physical steps necessary to provide access, preliminary design of park facilities, estimates of land and construction costs and recommended priorities. The study, "Access to the River," is included in Exhibit C.

Application: This study supports the implementation of the Public Access Policies 19 and 20.

2. Also recommended in this LWRP is the preservation of historic properties in New Hamburg. Historic preservation of eligible properties by listing on the National Register of Historic Places and preservation of the traditional character and mixture of uses in the entire hamlet is important to the economic present and cultural past of this unique part of the Poughkeepsie coastal

area. While the LWRP supports this objective through the establishment of policies to which local, state and federal agencies must conform, further study of the historic resources is necessary, prior to a consideration of the need for an Historic Conservation Zone or Overlay.

Application: This effort supports Development Policies 2A and 4; and Historic and Scenic Policies 23 and 25.

3. The need for a Harbor Management Plan, as provided under Article 42 of the Executive Law, was considered during preparation of the LWRP. While not deemed appropriate at this time, a detailed study of the need for and benefits of such a plan are an activity which should be undertaken in the future.

### **C. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM**

No existing Town body had the responsibility to deal with the wide range of issues and actions affecting the coastal area. As a result, a Local Waterfront Advisory Committee was created to undertake the drafting of the LWRP. The Committee -- with members representing the Planning Board, Town Board and Conservation Commission among others -- has developed an overview of the problems and possibilities facing the coastal zone.

In the future, under legislative authority of the Town Board, as set forth in the Local Consistency Law, the Town Board, Planning Board and Zoning Board of Appeals will carry out the on-going functions related to implementation of the LWRP. See Appendix D for the text of the LWRP Consistency Law which more fully sets forth the local review process.

### **D. LOCAL REVIEW OF STATE AND FEDERAL ACTIONS**

The Town will review proposed state and federal actions within the waterfront area in accordance with guidelines established by the New York State Department of State. Such guidelines are set forth in Appendix F.

### **E. FINANCIAL RESOURCES TO IMPLEMENT THE LWRP**

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. Although the list of physical projects has been intentionally limited to those of highest priority, several may be beyond the normal financial capacity of the Town.

Section VI indicates various State and Federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited as to both amounts and recipients. The Town has completed a study examining further the potential for public access to the Hudson River. "Access to the River" puts forward estimates of land and construction costs for each first priority proposal. The study is attached as Appendix C. Set forth below are possible sources of funds.

#### **Hudson River Psychiatric Center Joint Use**

- New York State DEC

- New York State OPRHP
- New York State DOS
- Dutchess County

**Marist College**

- New York State DEC
- New York State OPRHP
- New York State DOS
- Marist College
- Hudson River Improvement Fund
- Greenway Conservancy
- Greenway Council

**Bowdoin Park Development**

- New York State OPRHP
- Dutchess County

**New Hamburg Greenway**

- New York State OPRHP
- New York State DEC
- New York State DOS
- Hudson River Improvement Fund
- Greenway Council
- Greenway Conservancy



