

The Town of Red Hook Waterfront Revitalization Program has been designed to be consistent with the State Coastal Zone Management Program and to emphasize and describe local conditions, policies and plans/projects.

The section on Policies is divided according to subject headings of the State Coastal Zone Management Program. Each Policy that is included in the State Plan is indicated by an arabic numeral. Additional policies that are relevant to local conditions and/or can strengthen the basic policy by local actions are indicated by a capital letter following the arabic number, e.g., 1A. In some instances, the original State Policy is not applicable to Red Hook and that statement is so indicated. However, all policies once included in the Town's LWRP and determined to be applicable, whether of State or local origin, become the Town's policies.

Following the policy statements are explanations of the policies and descriptions of criteria, standards or guidelines that will be used to evaluate compliance with a particular policy or policies. In general, Town decisions on public expenditures, land use decisions and review of private development plans will be measured in terms of compliance with the various policies.

In a number of instances where the basic policy covers local plans, projects or programs, the latter are incorporated into the explanation of how the policy is to be implemented.

A. DEVELOPMENTAL POLICIES

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

Explanation of Why Policy is not Applicable.

The Town does not have deteriorated and underutilized waterfront areas as such. A significant portion of the waterfront area is characterized as a scenic, historic, rural estate area paralleling the shore of the Hudson River. Preservation and enhancement of the estate area are discussed in Policies 23 and 24A. The Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve comprises another large portion of the coastal area. Preservation of this significant habitat area is presented in Policy 7. In addition, properties within the hamlet of Barrytown recommended for use as a Town docking area or areas to provide public access for water related activities are discussed in Policy 21A.

**POLICY 1A            ENCOURAGE GROWTH OF THE TOURISM SECTOR OF THE TOWN ECONOMY THROUGH: (1) PRESERVATION, ENHANCEMENT AND/OR REUSE APPROPRIATE OF AREAS AND STRUCTURES WITHIN THE LOCAL WATERFRONT REVITALIZATION AREA/HISTORIC SHORELANDS SCENIC DISTRICT AND (2) TAKING STEPS TO INFORM THE PUBLIC OF**

## **EXISTING AREAS OF HISTORIC, SCENIC, AND RECREATIONAL INTEREST.**

### Explanation of Policy

Efforts to promote recreational fishing and boating, cultural activities, marinas, water-related recreational facilities, historic preservation, natural resource preservation, the preservation of vistas and views, and other activities which will make the coastal area vital for residential, commercial and recreational usage and appealing for tourists in appropriate locations, will be pursued.

This will be accomplished through promoting the use of historic estates for cultural purposes, working with Conrail to secure access to lands on the west side of the railroad tracks, and creative use of low density zoning, clustering and scenic easements.

In addition, the development of adaptive re-use proposals compatible with the existing area and tourist-related enterprises such as bed and breakfast establishments at a limited scale will be encouraged as a means of revitalizing waterfront areas.

Tourism is a growing feature in the Town economy. Efforts such as preparation and distribution of a cultural resources map will be utilized to inform residents and visitors of local areas of historic, scenic and recreational interest and to sensitize them to the importance of preservation and enhancement of these sites.

(See Policies 2, 23, 23A, 24A, 25.)

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

### Explanation of Policy

The following uses and facilities are considered as water-dependent:

1.     Uses which depend on the utilization of resources found in coastal waters (for example: fishing);
2.     Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3.     Structures needed for navigational purposes (for example: beacons, lighthouses);
4.     Flood and erosion protection structures (for example: breakwaters, bulkheads);

5. Facilities needed to store and service boats (for example: marinas, boat clubs);
6. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
7. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use they should, as much as possible, be sited inland from the dependent use rather than on the shore.

The above list includes uses which are considered potentially compatible with the existing conditions and local planning objectives. Other water-dependent uses and activities such as the siting of "water-skimming" projects have not been included in the list because they were considered inappropriate in terms of Town planning objectives.

Expanding the utilization and/or area of existing water-dependent uses and attracting additional water-dependent uses and activities that are consistent with Town planning objectives is a priority. (See list of Hudson River Coastal Access Points in inventory section which includes several sites that could be developed for water-related recreation purposes and/or public access, e.g., the Barrytown Dock/Landing area and Heron Point/Barrytown minipark.)

Recreational uses such as trails, marinas and parks are allowed in shoreline zoning districts. These uses would provide public access to the waterfront.

The following guidelines will be utilized in promoting and facilitating water-dependent uses:

1. Water-dependent uses that are compatible with the natural and built environment and will not negatively impact the natural, scenic or historic resources of the Town will be favored when considering new developments.
2. If or when publicly-owned property within the LWRP area becomes available for re-use, water-dependent uses will be considered first. Water-enhanced uses will be given second priority.
3. Permit procedures for the development of water-dependent uses will be facilitated when consistent with Town planning objectives.
4. No water enhanced uses are allowed in the Waterfront Conservation District.
5. The following water enhanced uses are allowed in the Limited Development district: conference center; congregate care facility; day camps; bed and

breakfasts; and, by special permit, cultural facilities such as a library, art gallery, or museum.

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

1. **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. Water-dependent uses must also be sited so as to avoid adverse impacts on significant coastal resources. In addition, consideration should be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use could be sited in an area already oriented towards tourism. Thus, a marina, fishing pier or swimming area could enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities.
2. **Competition for Space** - competition for space or the potential for competition, should be indicated before any given site is promoted for water-dependent uses. The intent in matching water-dependent uses with suitable locations is to reduce conflicts between competing uses that might arise. The choice of a site for a water-dependent use should be made with some anticipated impact on the real estate market. The anticipated impact could be either the protection of existing water-dependent activities or the encouragement of new compatible water-dependent developments.
3. **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 public transportation.
4. **Access to Navigational Channels** - if commercial shipping, commercial fishing, passenger excursion vessels or recreational boating are planned, the Town should consider access to adequately sized navigation channels.
5. **Preference to Underutilized Sites** - the promotion of water-dependent uses should serve to foster compatible non-intrusive development on underutilized sites.

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

1. Favored treatment to areas for proposed compatible water-dependent use with respect to use of public investment. Particular priority will be given to the construction and maintenance of docking facilities, roads, railroad facilities, and public transportation within areas appropriate for comparable water-dependent uses.
2. Where areas suitable for water-dependent uses are publicly owned, favored leasing arrangements will be given to suitable or compatible water-dependent uses, if appropriate.
3. Where appropriate, consideration will be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Local planning and economic development agencies will work with the State to actively promote suitable water-dependent uses on appropriate sites.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to compatible water-dependent uses.

At this time, the primary publicly available site for water-dependent activities in the LWRP area is the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve and the privately available site is the Red Hook Boat Club and adjacent private bulkhead in Barrytown. They are currently used by recreational boaters and fishermen. There are no retail commercial or industrial uses located adjacent to the river.

(See Policies 20A, 21A, 22.)

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

Explanation of Why Policy is not Applicable

This policy is not applicable to Red Hook since the Town does not contain any of the State's existing major ports.

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

Explanation of Why Policy is not Applicable

This policy is not applicable to Red Hook since the Town does not have a harbor with a unique maritime identity.

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

Explanation of Policy

Development within the LWRP area will be encouraged to locate within or in close proximity to areas where infrastructure and public services are adequate or can easily be expanded, and where topography, geology and other environmental conditions are suitable for and able to accommodate development. Specifically, the policy is intended to:

1.     Strengthen existing residential, industrial and commercial centers;
2.     Foster an orderly pattern of growth where outward expansion is occurring.
3.     Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
4.     Preserve open space; and
5.     Where desirable, foster energy conservation by encouraging proximity between home, work and leisure activities.

Currently within the coastal area of the Town (excluding Tivoli) only Bard College has a water treatment and distribution system and a sewage treatment plant. Areas at the eastern edge of the LWRP area near Kelly Road and areas near the intersection of Routes 9G and 199 may in the future be served with utilities because of their proximity to existing water systems. Other portions of the coastal area of the Town are served by individual wells and septic systems.

The Barrytown Bridge is currently the only publicly used bridge in the Town which permits vehicular crossing of the railroad tracks. This bridge has recently been repaired and needs to be maintained (see inventory section on Coastal Access Points and Policy 20A) to permit continuing and increased use of waterfront parcels. It is desirable that bridges over the railroad at Mandara and Rokeby be repaired; it is possible that they may be used by the public in the future.

The five acre zoning and the ten acre zoning in the coastal area respond to the Town's desire to protect the natural features and historic landscapes and scenic assets of the area as well as to prevent intensive development in areas which lack utilities. When a single family housing is proposed for the WC district, structures must be located in an adjacent district if the parcel extends into the adjacent district and enough land exists in the adjacent district to accommodate the proposed development at 5 acres per unit. If structures cannot be located in the adjacent district, they may be located in the WC district at 10 acres per unit and are subject to site plan review. The Historic Landmarks Overlay District covers the large estates and encourages the preservation of the open estate-type settings.

In reviewing proposed uses or actions, and when assessing the adequacy of infrastructure and public service for proposed developments, the following guidelines should be considered:

1. Where water-dependent uses are to be located within portions of the coastal area that are not currently serviced or cannot easily be serviced, the type and intensity of such uses shall be consistent with the capacity of the land to accommodate such use and the compatibility of the proposed project with the existing natural and built environment of the community.
2. Utility systems constructed as part of new subdivisions or commercial projects must meet Town specifications for possible inclusion in future Townwide water or sewer systems.
3. Proposed development in coastal areas shall be limited to levels that will not burden roads or cause congestion or safety problems or require widening, regrading or realignment of scenic roads.

Priority will be given in allocation of funds for improvements and other public services to activities which promote compatible waterfront revitalization.

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

### Explanation of Policy

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

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

### **B. FISH AND WILDLIFE POLICIES**

**POLICY 7                    SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

**POLICY 7A                PROTECT THE AREAS IDENTIFIED AS SIGNIFICANT HABITAT AREAS BY THE DOS AS WELL AS THE CREEKS, KILLS, WETLAND AND COVE AREAS DRAINING INTO AND ADJACENT TO THE HUDSON RIVER FROM ALTERATION AND/OR POLLUTANT DISCHARGE BY RESIDENTIAL, COMMERCIAL, AGRICULTURAL OR INDUSTRIAL USES IN ORDER TO MAINTAIN THEIR VIABILITY AS HABITAT AREAS.**

### Explanation of Policy

There are three Significant Habitats in Red Hook, The Esopus Estuary, the Flats, and North and South Tivoli Bays.

The Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve encompasses Tivoli North and South Bays. This freshwater marsh area provides a diversity of habitat areas, for a variety of plant, fish, bird, and animal life including rare and endangered species (see inventory section on Significant Habitat Areas).

## **IMPACT ASSESSMENT**

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

destroy the habitat; or,

significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat or increases in runoff, erosion, sedimentation, or pollutants.

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

The tolerance range of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit ( a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone),

morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

## **NORTH AND SOUTH TIVOLI BAYS**

### **IMPACT ASSESSMENT**

It is essential that any potential impacts on North and South Tivoli Bays be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions. Any activity that impacts on the tidal flows in the bay and wetlands may have serious consequences for the fish and wildlife, since this parameters may significantly affect the vegetative composition. Additionally, changes in existing patterns of water quality, turbidity, temperature or depth would impact directly on the species using this freshwater wetland and bay complex.

Freshwater inflows from Stony Creek and the Saw Kill are especially important. Non-point source pollutants from the watershed including herbicides could have a detrimental effect on the fish and wildlife habitat. Elimination of wetland or shallow areas through dredging, filling, or bulkheading would result in a direct loss of valuable habitat. Activities that would subdivide this relatively large, undeveloped area into smaller fragments should be restricted. Extensive cutting of the forest vegetation surrounding the bays could adversely affect use of the area by many fish and wildlife species.

## **THE FLATS**

### **IMPACT ASSESSMENT**

Any activity that would substantially degrade water quality in The Flats would affect the biological productivity of this area and result in significant impairment of the habitat. Species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and

waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Oil and other hazardous substance spills are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Disruption of plant communities or benthos in the area through dredging or filling of plant communities or benthos in the area through dredging or filling (including dredge spoil disposal), would reduce its value as a fish and wildlife habitat; no new navigation channels should be cut through the area.

Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species; shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of eggs and larval stages.

## **ESOPUS ESTUARY**

### **IMPACT ASSESSMENT**

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, alter tidal fluctuations, or increase water temperatures in Esopus Estuary would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant adverse impacts on fish or wildlife populations. Of particular concern in this 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 run-of-river operations and appropriate minimum flow restrictions, respectively.

Clear water areas at the mouths of major tributary streams are important feeding areas for osprey during migration. Additional barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the creek as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Elimination of wetlands or significant human encroachment into the area, through dredging or filling, would result in a direct loss of valuable fish and wildlife habitats.

(See Policies 8, 9, 12, 17, 25, 30, 34, 35, 36, 37, 44.)

**POLICY 8                    PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH 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." A list of DEC-defined hazardous wastes can be found in 6 NYCRR Part 371.

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 which are generated from point and non-point sources and are not identified as hazardous wastes, but which also cause physiological or behavioral effects and mortality of fish and wildlife. Such pollutants are also controlled through other State regulations.

Fish and wildlife resources in the Hudson River (the source of drinking water for the Village of Rhinebeck and hamlet of Rhinecliff and a significant fish habitat and spawning area), the Saw Kill Creek (source of drinking water for Bard College) and Stony Creek (intermittent source of water for the Village of Tivoli) as well as in other creeks and kills of the Town, need to be protected.

Monitoring of streams, sewage treatment plants (Bard College and Village of Tivoli plants), and landfills will be used to identify pollutants from existing or past uses. The Dutchess County Environmental Management Council (EMC) named several closed landfills in the Town as suspected hazardous waste sites. The only site located in the coastal area is the Bard College landfill. Other sites identified by the EMC outside the coastal area that could potentially negatively impact ground and/or surface waters throughout the Town include: an old asbestos factory on Spring Lake Road in the eastern portion of the Town, the Red Hook Rod and Gun Club site on the west side of Freeborn Road in the north central part of the Town, a metal finishing company landfill on Route 199 just east of Red Hook village, a private dump used by a sanitation company on Metzger Road south of Red Hook Village and a sludge spreading site on Mill Road just north of a portion of the Saw Kill that is north of the Village of Red Hook. In addition, the former Town landfill site located north of Rokeby and east of Route 9G near the waterfront revitalization area boundary which is currently utilized by the State DOT for

storage of sand and salt needs to be monitored. This site has been identified as a potential hazardous waste site in the Mudder Kill watershed.

Zoning, land use controls, and site plan review procedures will be used to avoid the siting of industrial or manufacturing facilities or other uses within the LWRP area that could introduce hazardous wastes into air, ground and surface waters or other features of the environment and threaten fish, bird and wildlife resources or could be directly or indirectly toxic or dangerous to humans. Public utility facilities are allowed in the Institutional zoning district which includes Bard College and Annandale. Any development proposed in the coastal area must incorporate proper disposal plans in any submissions to avoid ground and/or surface water pollution that could accumulate in the food chain.

(See Policies 7A, 30, 33, 34, 36, 37, 39, 40).

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

#### Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting and non-consumptive uses such as wildlife photography, bird watching and nature study. Any efforts to increase recreational usage of these resources in or along Red Hook's kills and creeks, bays, cove areas and Hudson River shoreline must be made in a manner which does not negatively affect existing resources or activities. (See sections on Water-Related Uses and Coastal Access Points and Map 9 in Inventory.) Such efforts must be done in accordance with existing State law and in keeping with sound management practices. Consideration of proposed actions will include evaluation of information on the biology of an affected species, the carrying capacity of the resources, public demand, costs and available technology.

Currently the primary access to the existing fish and wildlife resources are through use of the privately held Red Hook Boat Club or the publicly-held Tivoli Bays State Preserve/National Estuarine Sanctuary and Research Reserve. Future efforts will be directed toward: (1) Development of a 1,000 foot interpretive walking trail in the Preserve/Sanctuary and Research Reserve, (2) provision of additional and/or improved access for recreational use of fish and wildlife resources to Cruger Island and other locations within the Preserve, consistent with effective protection of the resources; (3) utilization or acquisition of a parcel or parcels in the Barrytown hamlet area for use as a Town Dock/public boat launching area and mini-park area for direct entry to the Hudson River; and (4) acquiring access to the coastal waters at other locations identified in the inventory of Hudson River Coastal Access sites (Section II) through

various means including acquisition of parcels through gift, purchase or acquisition of easements or through subdivision and/or site plan review requiring provision of public access as part of the development plan.

The following additional guidelines shall be utilized to determine whether or not any proposed action is consistent with this policy.

1. Consideration shall be made as to whether an action will harm or impede existing or future utilization of the Town recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. 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.
4. Any public or private sector initiatives to supplement existing stocks or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be continued or expanded in accord with existing State and local laws.

(See Policies 19, 20, 21A, 22.)

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

Explanation of Policy

Creation of Town docking facilities in the Barrytown area may in the future increase commercial fishing opportunities which are currently limited by the fact that there is only one species, shad, that is commercially caught and legally sold (PCB concentrations limit sales of other species such as striped bass), by the fact that there are limited docking facilities in the Town and by the apparent waning of interest by Hudson River east bank fishermen. There are currently no

commercial shad fisherman who use docks in the Town, although in the past some shad fishermen utilized the Rokeby Dock and Red Hook Boat Club area. In addition, in Red Hook there was commercial scapping for herring, spearing suckers, and catching of eels. Shellfish and crustacean resources of significance are not indigenous to the area. As any additional marina facilities are built, facilities for docking and servicing of commercial fishing vessels will be encouraged. In addition, on-land aquaculture activities could be considered, if the operation could be compatible with existing uses, such as the agricultural uses.

Commercial fishery development activities must occur within the context of sound fisheries management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation. Sound resource management considerations include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and Federal governments, and the economic, political (use conflicts), and technological constraints to utilizing these resources.

The following additional guidelines should be considered in determining the consistency of a proposed action with the policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port.
3. An action should not impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

**C. 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**

The erosion aspects of this policy are not applicable, since there are no identified Coastal Erosion Hazard areas within the Red Hook Waterfront Revitalization area.

The flood hazard areas for 100 year floods in the Town of Red Hook as defined in the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency include

the Tivoli Bays and other tidal cove areas along the Hudson, as well as areas surrounding the Saw Kill and Stony Creek (draining southwestward toward the river) and the Mudder Kill (draining northwest toward the river), all specified in the inventory sections on Tidal Wetlands and Flood Hazard Areas and shown on Map 13. (In the future there will be some enlargement of the flood areas of the Town since the mean flood level of the Hudson River and its bays, coves and tributaries is rising.)

The Town of Red Hook has a Flood Damage Protection Local Law. Development within the flood hazard areas of the Town indicated above shall be restricted as follows:

1. Development within 100 feet of streams and wetlands and 1,000 feet of the Hudson River is subject to site plan review. A buffer 25 feet wide must be maintained along a streambank except where a water-dependent use must be located at the water's edge.
2. All new construction and substantial improvement of residential and non-residential development shall have the lowest floor, including basement, elevated to the level of the base flood elevation and/or shall have flood proofing of non-residential structures.
3. Development is limited within 1,000 feet of the shores of the Tivoli North and South Bays.

Stream bank erosion from tidal action or navigation on the Hudson is considered a moderate problem at this time. The fact that the railroad has elevated the tracks along the river and maintains its roadbed, lessens tidal erosion impacts on nearby areas; however, wave action and winter ice continue to rip away at the Rokeby dock, Edgewater wall, Red Hook Boat Club dock and Jenrette bulkhead north of the Boat Club. Moreover, the sloping to steep banks along the river are subject to slides and need to be protected.

In order to limit development along the riverbanks, the Land Conservation District encompasses a portion of the Town's Hudson River shoreline to include at a minimum both sides of the railroad corridor and all areas within reach of exceptionally high tides.

(See Policies 12, 14, 17.)

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

Explanation of Policy

Beaches, dunes and barrier islands as such are not found along the Hudson in the Town. Bluffs, wetlands, tidal shallows, mudflats and other natural protective features in Red Hook help

safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. A bluff is an earthen bank with a precipitous or rounded face adjoining a beach or body of water. Where there is no beach present (which is the case in Red Hook), the waterward limit is the mean low water of the Hudson River. The landward limit is 25 feet landward of the receding edge. The bluffs in Red Hook that rise from the river include areas of mixed clay and sand that form gently-to-steeply sloping erodible bluffs for much of the shoreline of the Town. Wetlands are discussed at Policy 44.

Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, can lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that any adverse actions are avoided or eliminated.

Many portions of the Town, primarily along the creeks, kills, and river, are subject to flooding; and other portions of the Town, particularly along the Hudson shore, are subject to erosion of slopes and exacerbation of dangerous slump areas. Development of large estates along the riverfront, establishment of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve, use of land for agricultural purposes and the availability of sufficient amounts of vacant, more easily buildable land, very low density residential zoning in the bulk of the coastal area and land conservation zoning in and along the bays and streams, as well as limited development pressures, all have helped to preserve the bulk of such flood and erosion-prone areas in their natural state. However, as further development is proposed, the issue of preservation of natural features to avoid flood and erosion hazards needs to be considered during site plan and subdivision review. Where appropriate, development will be clustered away from sensitive areas to further protect the natural features. In addition, the Waterfront Conservation District extended along the entire length of the Hudson River shoreline and is 1,000 feet deep, thus incorporating the bluffs along the river. It also includes land within 100 feet of the principal stream corridors. Maintenance of existing vegetation, and setbacks of at least 25 feet from the streams, is required; excavation and grading of and major landform changes to riverbank areas will not be permitted.

(See Policies 2, 11, 16, 17).

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

Explanation of Policy

The Town does not have a Coastal Erosion Hazard Area within its Waterfront Revitalization Area; therefore this policy has limited applicability to Red Hook.

This policy will help ensure the reduction of damage or loss from erosion protection structures (such as bulkheading that might be used to protect a dock area) that because of improper design, construction and maintenance standards fail to give the protection which they are presumed to provide. If proposed as part of the development of a parcel, the Town Planning Board or other agency will examine proposed structures through site plan and subdivision review processes. Otherwise, permit review will be consistent with this policy.

Within waters under Red Hook's jurisdiction, no person may construct or alter any erosion protection structures without:

1. Plans and a detailed explanation necessary to determine exactly what is proposed.
2. Evidence that the structure is not likely to fail and become a danger or obstruction to navigation.
3. Evidence that the structure will effectively control erosion for at least 30 years or that a maintenance program will be undertaken to ensure its continuation for that period.

(See Policies 2, 14, 16, 21A.)

**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: 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; and the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands.

Site Plan review and subdivision review will be used to monitor developments to ensure that actions will not be taken which may result in the damage to or loss of property and endangerment of human lives. Developments along the riverbank will be sited to avoid construction on clay soils and soils subject to erosion and the following best management practices will be utilized for construction in the coastal area:

1. The construction site, or facilities, should fit the land, particularly with regard to its limitations.
2. Natural ground contours should be followed as closely as possible and grading minimized.
3. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
4. 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 additional erosion problems.
5. Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
6. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
7. Runoff from upper watershed lands which would contribute runoff to areas subject to erosion should be diverted.
8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
9. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
10. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume and runoff resulting from facilities constructed.
12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
14. Rather than merely minimize damage, the opportunity should be taken to improve site conditions wherever practicable.

(See Policies 2, 11, 12, 13, 16, 21A.)

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

Explanation of Policy

Coastal processes, including the movement of beach materials or shoreline sediment by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials, can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining for sand and gravel deposits is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

At the present time there are no mining or excavation activities in Red Hook's waters. Any dredging, excavation or mining activities proposed will be accomplished in a manner that will not increase erosion or negatively impact significant habitat areas. All applicants for these activities must receive permits from the Army Corps of Engineers and NYSDEC which can only be issued if consistent with the local program.

(See Policy 35.)

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

Explanation of Policy

This policy recognizes the public need for the protection of human life and existing investments in development and for new development which may require a location in proximity to the coastal area or in adjacent waters to be able to function.

However, it also recognizes the potential adverse impacts of such activities on the rate of erosion and on natural protective features. It requires that careful analysis be made of such benefits and

long-term costs prior to expending public funds for erosion protection measures. (See Policies 2, 17, 21A.)

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

Explanation of Policy

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.

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

1.     the setbacks of buildings from steep riverbank and streambank areas;  
  
        Development within 100 feet of streams and wetlands and 1,000 feet of the Hudson River is subject to site plan review. A buffer 25 feet wide must be maintained along a streambank except where a water-dependent use must be located at the water's edge.
2.     the strengthening of coastal landforms by the retention or planting of appropriate vegetation and, where appropriate, by the installation of drainage systems to reduce runoff and internal seepage of waters which erode or weaken the landforms;
3.     whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and
4.     the flood-proofing of buildings or their elevation above the base flood level.

The installation of sand fencing, however, would generally not be appropriate for the Hudson River shoreline at Red Hook.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To find out whether or not an action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the character and purpose of the activity or development, and eliminate or reduce hazards. If non-structural measures are

determined to offer sufficient protection, then consistency with the policy would require the use of such measures.

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

The sloping to steep earthen banks along the river are subject to land slides and erosion and must be protected through site plan and/or subdivision review. Site plan review provides that natural or existing topographic patterns which contribute to the character of the development shall be preserved.

(See Policies 2, 11, 12, 14, 16, 20, 21A, 22.)

D. 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 AND MUNICIPALITY HAVE ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.**

Explanation of Policy

Proposed major actions may only be undertaken in the coastal area if they will not significantly impair valuable coastal waters and natural, cultural, scenic and historic resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and Town and its citizens in such matters that would affect natural resources, historic and scenic assets, water levels and flows, shoreline damage, hydro-electric power generation, and recreation. Any proposals to develop a power generating plant or major transmission lines, to withdraw water from the Hudson, or to construct a bridge across the Hudson, a limited access highway, an enlargement of the railroad right-of-way or operations, or to begin any other major project within the Town of Red Hook or adjacent towns or nearby areas including the west bank of the Hudson must be thoroughly examined and undergo Waterfront Consistency Review and Environmental Quality Review to determine that there will not be significant detrimental impacts on the Town's residents or resources. All local agencies and the Waterfront Advisory Committee will abide by this policy in their environmental and LWRP consistency review of major activities.

There is currently a proposal for a major energy facility to be constructed by Consolidated Edison in Columbia County or straddling the Columbia/Dutchess border. This proposed project has included use of auxiliary structures and lands within the Town of Red Hook to support such

a plant if it were constructed. For example, it is possible that a corridor currently owned by Central Hudson in Red Hook's coastal area, portions of which are surrounded by the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve, a significant habitat area, would be utilized for transportation of cooling water and/or fuel, as well as for the placement of power lines.

Any major energy facility would be considered by the Town as out of scale with the level, kind, and intensity of development currently existing in the coastal area of the Town and inconsistent with the significant environmental features and scenic and historic character of the Town.

It is the opinion of the Town of Red Hook that substantial local need without viable alternatives must be established before any proposals for new facilities should be reviewed or considered. If significant Town energy needs should be determined, decisions concerning the location, siting and construction of an energy plant shall be consistent with the projected demand, compatible with the environment and surrounding land uses, and shall reflect long range planning goals and objectives of the Town. A waterfront location shall be considered only if the facility must be water-dependent and the site chosen represents the best location available considering all need factors, physical characteristics of the proposed plant, protection of environmental features, protection of scenic and historic character and features, community values and restrictions and regulations.

#### **E. PUBLIC ACCESS POLICIES**

**POLICY 19            PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

#### **Explanation of Policy**

The Tivoli Bays area presently provides the only public waterfront areas in the Town. Two boat launching areas to serve car-top boats used in the North Bay and two car parking areas have been provided. Further improvements need to be undertaken to improve access to Cruger Island and to the Hudson River, consistent with protection of the natural and cultural resources of the Preserve/Sanctuary and Research Reserve.

Parking should be provided for users of the proposed Town dock area, possibly through utilization of a wide portion of Conrail-held land adjacent to the railroad tracks in Barrytown.

In the future, efforts should be made to increase the ability of residents and visitors to get to this recreation area by making necessary transportation improvements, e.g., providing bus routes to

the dock area. The dock will be used by excursion passenger vessels and special visitors like the Clearwater, in the interest of promoting education and the tourist economy.

The roadway of the vehicular bridge in Barrytown over the railroad tracks has recently been repaired. Structural repair and maintenance of the bridge is the responsibility of Conrail and must be assured.

Establishment of Montgomery Place as a museum/historic restoration will require development of a road from Route 9G to the site, construction of parking areas and provision of a shuttle bus to the estate house to limit use of the scenic River Road/Annandale Road.

This policy calls for a balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources.

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

1. The existing access from public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor should the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless there is a significant threat to public safety from a current or proposed use.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility.
  - c. The level or type of use shall be conditioned on the requirement of public safety.
3. State or Federal agencies 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.
4. The following activities will not be permitted unless the actions are found necessary for or to be of great benefit to or for the common good of Town residents.
  - a. 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.

- b. 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.
  - c. Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation or facility.
5. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

(See Policies 20, 20A, 21, 21A.)

**POLICY 20            ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

Explanation of Policy

Access to publicly-owned foreshore and adjacent land within the LWRP area shall be provided for water-related recreational activities requiring structural facilities, as well as for those activities which require only minimal facilities for their enjoyment. Examples of activities requiring access would include: boating, walking along the waterfront, the enjoyment of scenic resources, bicycling, birdwatching, photography, nature study, fishing and hunting.

In Red Hook there are two significant limitations to the extent of possible public access: (1) the railroad extends along the entire shoreline physically restricting safe and ready access to the foreshore and (2) several shorefront owners have been granted underwater rights to parcels west of and adjacent to the railroad (see Map 11). The major portion of the Town's foreshore that has remained in public hands is included within the State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve.

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

1. Existing access from public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding public benefit.

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

- (a) 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.
- (b) Pedestrian access is diminished or blocked completely by public or private development.

An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- (a) 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.
- (b) 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.
- (c) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.

2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where:

- (a) It is inconsistent with public safety or the protection of identified fragile coastal resources;
- (b) Adequate public or quasi-public 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 of and liability for the accessway.

3. The State or Federal government will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

4. 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.

(b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource.

5. While publicly-owned lands shall be retained in public ownership, traditional sales of easements on State lands under water to adjacent on-shore property owners could be 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 or the protection of fragile coastal resources.

Increased access to the foreshore for public use will be sought through review of proposed site plans and subdivision plans for waterfront parcels and possible negotiation with developers of proposed projects, particularly where coastal access sites have been identified (see Maps 9 and 11 and chart on Coastal Access Sites in Inventory). In addition, the establishment of scenic lookout/parking areas will also increase opportunities for passive and active recreational uses of the public foreshore areas.

**POLICY 20A            REASONABLE VEHICULAR ACCESS AND PEDESTRIAN ACCESS SHALL BE PROVIDED, WHENEVER FEASIBLE, TO THE PUBLICLY OWNED FORESHORE AND PUBLIC OWNERSHIP OR EASEMENT OVER ADJOINING LAND WILL BE PURSUED, WHERE APPROPRIATE.**

Explanation of Policy

Current access to the foreshore is extremely limited because of the location of the railroad relative to the shoreline and the evolution of estates lining the river, which have, for the most part, remained in private hands. For the future, there may be several methods of providing access in addition to the Tivoli Bays State Nature and Historical Preserve. These include: continued maintenance and any necessary repair of the Barrytown Bridge; the repair of privately-held bridges over the railroad tracks, e.g., those at Mandara and Rokeby; development of a waterfront trail system and possible acquisition and/or use of a site for a public dock in Barrytown (see Policy 21A); the provision of any additional access across transportation facilities to the waterfront; and the promotion of mixed and multi-use development.

Town, County and State officials need to work closely with Conrail to assure that the rail corporation maintains and repairs the bridges over the railroad. All of the above mentioned bridges should be usable, if possible as they form valuable elements in the Town's physical infrastructure. The private bridges could become publicly owned or publicly used facilities in the future.

(See Policies 2, 21A, 22.)

F. RECREATION POLICIES

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

Explanation of Policy

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

Since the railroad borders the entire shore of the Town, there are only limited opportunities for development or redevelopment of water-related recreation and/or public access to the water. These are included in the list of Coastal Access Sites in Inventory Section II.

Because of the sensitive environmental conditions along portions of the Hudson River in Red Hook, new development or activities should not be intensive. Bicycling, hiking, walking and other forms of passive recreation would be desirable in some locations and boating and ice boating facilities in others.

As part of the LWRP preparation, Red Hook's recreation areas and facilities and open space areas were inventoried and currently needed improvements were noted (see inventory section).

Efforts to improve recreation facilities shall be undertaken with priority given to consideration of the following factors including:

1.     Establishment of public waterfront areas and facilities, and provision of access to the same.
2.     Improvement of areas heavily utilized by youth for sports activities and ballgames.
3.     Improvement of areas used by very young children.

4. In general, encouragement of centralization of recreational facilities; however, where desirable and appropriate, in order to preserve environmentally sensitive areas and to provide a variety of passive and active recreational opportunities, sites throughout the Town shall be included in the recreation/open space network.
5. Where possible, the connection of recreation and open space areas through an off-road trail system.

In addition, in developing and reviewing specific recreation facility proposals, the community will need to consider the following factors:

1. The amount, location, type, condition and use of existing water-related recreation facilities and the demand for additional facilities.
2. The location and type of existing and proposed residential, commercial and industrial development, and the degree of pressure for additional development.
3. The development of water-related recreation must be 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.
4. If demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.
5. Ensuring that proposals for large scale development to be located on the waterfront contain water-related recreation facilities as multiple uses, whenever appropriate and practicable.
6. The extent of public and/or private financial resources available for acquiring lands for recreation purposes and developing specific facilities.
7. Priority for increasing water-related recreation opportunities shall be to those areas where access can be provided by new or existing public transportation and those areas where use of the shore is severely restricted by railroads.
8. The siting or any design of new development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.
9. Provision of adequate boating services to meet future demand is a priority 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 actions should avoid competition with private

boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities.

When reviewing subdivision proposals or site plans for development or redevelopment of parcels along the Hudson River, creeks and kills, the Planning Board will examine carefully proposals for those locations identified in the inventory as possible coastal access sites for possible public access to the water.

(See Policies 2 and 20A).

**POLICY 21A            UNDERTAKE EFFORTS TO ESTABLISH A TOWN DOCK AND PARK AREA OR AREAS IN BARRYTOWN TO PROVIDE PUBLIC ACCESS FOR WATER-RELATED RECREATION ACTIVITIES INCLUDING FISHING AND BOATING.**

Explanation of Policy

While the Tivoli Bays State Preserve/National Estuarine Sanctuary and Research Reserve offers some opportunities for boaters who wish to fish, hunt or observe scenic vistas in the bay areas, safe travel to the Hudson under the railroad bridges is possible only at low tide.

Efforts need to be made to establish and develop a Town dock or public boat launching facility in Barrytown for recreational boaters, excursion passenger vessels and the Clearwater, fishermen and/or ice boaters with direct access to the Hudson. Two sites have been identified in Barrytown, a parcel north of the Red Hook Boat Club and Heron Point, but the feasibility of Town acquisition and use of these parcels has not been established.

Since a proposed Town Dock area could provide resources and facilities including boat launching areas, fishing areas and a waterfront park, it should receive priority for Town, State and Federal funding opportunities.

(See Policies 2, 9, 20A, 22, 35, 44.)

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

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include but are not limited to:

- parks
- highways
- utility transmission rights of way
- sewage treatment facilities
- schools, universities\*
- nature preserves\*
- large residential subdivisions (50 units)

In determining whether compelling reasons exist which would make recreation inadvisable as a multiple use, public safety should reflect a recognition that some risk is acceptable in the use of recreation facilities.

Whenever a proposed development is compatible with the natural and built environments of the Town and consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore. Recreational uses such as trails are allowed in all the zoning districts along the coast. Such developments in Red Hook might include the reuse or redevelopment of the large waterfront estates along the Hudson such as Rokeby or Mandara which have existing bridges to waterfront lands, of dock areas in Barrytown (currently privately owned) or of properties along the creeks and kills of the Town. The provision of water-related recreation shall be encouraged and/or required, if appropriate, as a multiple use through review of site plans and subdivision plans. Moreover, if practicable, water-related recreation shall be available for public use.

Factors for consideration in examining recreational proposals listed in Policy 21 should be utilized for examining the recreation component of a proposed mixed use development.

(See Policies 2, 20A, 21, 21A.)

**G. HISTORIC RESOURCE POLICY**

**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

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

1. A resource which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
3. A resource in or nominated to be in the State Nature and Historical Preserve Trust.
4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.

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

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or 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. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making 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 resources. 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 the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. The policy shall not prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource.

In 1979 the Sixteen Mile Historic District was surveyed by Hudson River Heritage in an effort to document historic sites and facilitate the preservation of the area's riverfront estate properties. Buildings within the Sixteen Mile Historic District which encompasses much of the riverfront estate areas of Clermont, Tivoli, Red Hook, Rhinebeck and Hyde Park were placed on the National Register of Historic Places. In the Town of Red Hook, the Historic District is generally to the west of Route 9G, but excludes the hamlet of Barrytown. (See Map 13.) The Red Hook estates incorporated within the District are Teviot, Ward Manor, Cruger Island, Blithewood, Montgomery Place, Massena, Edgewater, Sylvania, Rokeby and Mandara (see Map 7). This historic district was later incorporated into the Mid-Hudson Historic Shorelands Scenic District (which is co-terminus with the Local Waterfront Revitalization area in the Town of Red Hook).

Most of these individual estates would meet the National Register criteria as distinctive architectural specimens and they assume additional importance from the roles that their occupants played in State and national history. However, the special significance of the area is derived from its location along the Hudson River. The views of the river and the Catskill Mountains add a scenic dimension which rivals and enhances its historic and architectural significance.

Over the past few years steps have been considered, planned and/or taken to upgrade several properties consistent with the above guidelines. For example, old concrete barns on the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve

need to be stabilized for future reuse. Careful restoration/preservation efforts and appropriate reuse of historic structures and estate buildings and grounds such as museum, conference center or educational facilities will continue to be encouraged, especially those visible from the Hudson River or major travelled roads. Well designed adaptive re-use plans which include means for crossing the railroad tracks and provision of facilities for water-related recreation will also be encouraged. Increased surveillance will be undertaken to prevent and/or limit illegal excavation of archaeological sites.

Most of the Waterfront Revitalization Area along the Hudson shoreline of the Town (except those areas designated Land Conservation including the North and South Bay areas and portions on both sides of streams in the coastal area) is zoned RD5 for Very Low Density Residential use, one dwelling unit permitted for each 5 acres. Utilization of this five acre category assists the Town in preserving its rural/low density qualities and appearance and in protecting the scenic, historic and natural features of the waterfront areas of the Town.

Permitted uses in the coastal area are agriculture and related activities; conservation uses such as wildlife preserves, outdoor recreation facilities and marinas, boat clubs, docks and ramps; Golf courses are permitted in the LD zoning district. Special permit uses are single-family dwelling and residential cluster development, hunting and fishing clubs, community services and facilities and conference centers.

The Historic Landmarks Overlay District (HL-O) covers the National Historic Landmark District which includes most of the coastal area. This district, along with the Environmental Protection Overlay District and the Scenic Corridor Overlay District achieve the purposes described below.

The HL-O district encourages the preservation, restoration and conservation of unique buildings and settings. The Town construes such activity as including both the improvement of existing buildings and other structures, e.g., stone walls, and the imaginative and unobtrusive siting of new uses and buildings within the estate-type settings. Any residential development, except for accessory residential uses, shall be undertaken as a residential cluster development. Nonresidential development, except for authorized agricultural and conservation uses, shall be carried out in accordance with an overall plan for the use, operation and management of the parcel and with the community standards set forth below.

The following community standards shall be applied to both residential and nonresidential use and development within the HL-O district.

- (a) The exterior of existing houses, barns and related structures shall be appropriately rehabilitated and restored whenever feasible. When evaluating a proposal for such rehabilitation or restoration, the Planning Board shall recognize original architecture and subsequent modifications to the structure(s), current condition, historic quality and overall relationship to the character of the overlay district.

- (b) Formal and informal landscaping shall be restored whenever feasible. When evaluating a proposal for such restoration, the Planning Board shall consider original design and subsequent modifications to the landscaping, current conditions, historic quality and overall relationship to the character of the overlay district.
- (c) Details such as stone walls and entrance gates shall be restored whenever feasible. When evaluating a proposal for such restoration, the Planning Board shall consider original design and construction of such features, along with subsequent modifications, current condition, historic quality and overall relationship to the character of the overlay district.
- (d) Any new construction shall complement the appearance of historic structures and development patterns.
- (e) Any new construction shall have a minimum impact on fields, meadows and woodlands. Soil erosion shall be minimized; substantial regrading or changes in topography shall not be permitted.
- (f) Unique natural areas and open spaces such as bays, streams, ponds, marshes, steeply sloped areas, woodlands, etc., shall remain forever wild.
- (g) All development shall be in harmony with the objectives of the Master Plan of the Town of Red Hook.

The Town conducted a community resource survey to identify historic and scenic resources worthy of preservation. Based on this survey, the Town Board has approved through adoption of the Town Master Plan the designation of certain locally significant historic and scenic resources. The location of each of these designated resources is noted on the Environmental Protection Overlay District Map and more specifically depicted on the Historic and Natural Resources Survey Map dated August 1992, a copy of which is on file in the Town Clerk's office.

The areas subject to regulation include all lands within 500 feet of an identified historic resource which are visible from the resource and specified on the EP-O District Map.

- (a) In order to grant site plan approval for a proposed structure or substantial exterior alteration of a structure visible within five hundred (500) feet of a mapped historic resource, the Town Planning Board must find that such structure or alteration is architecturally compatible with surrounding historic structures and that the important historic features of the site have been preserved in the site plan. The Planning Board may recommend, in its findings, the execution of a conservation easement to assure the maintenance of the historic character of the site.
- (b) To the extent practicable, all structures to be built on a tract of land that includes land within a mapped scenic viewshed shall be sited and clustered on their tracts in such a

way as to avoid occupying or obstructing views of lands in the delineated historic and scenic areas. Any structures to be built within such areas shall be reviewed for architectural compatibility with the existing landscape and surrounding architectural styles and the Town Planning Board must find that such structures will not detract from the scenic character of the area. The Planning Board may recommend, in its findings, the execution of a conservation easement to assure the protection of the viewshed.

The Hamlet (H) District also includes provisions to protect historic resources, including the establishment of a Hamlet Buildings Review Committee to provide specialized local input to the Planning Board in its consideration of any application for a certificate of appropriateness.

- (1) The recommendation reported to the Planning Board by the Hamlet Buildings Review Committee shall be based upon the following principles:
  - (a) Properties which contribute significantly to the overall character or integrity of the historic hamlet should be retained, with their historic features altered as little as possible.
  - (b) Any alterations of an existing property should be compatible with the historic character of that property, as well as with neighboring properties and the surrounding district.
  - (c) New construction should be compatible with the district in which it is located and particularly responsive to immediately neighboring properties.
- (2) Consideration of factors.
  - (a) In applying the principle of compatibility, the Committee shall consider the following factors in its recommendation to the Planning Board:
    - [1] The general design, character and appropriateness of the proposed alteration or new construction to the property.
    - [2] The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
    - [3] Texture, materials and color and their relation to similar features of other properties in the neighborhood.
  - (b) Visual compatibility with surrounding properties shall be encouraged, including concerns for the proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm or spacing of properties along the street or roadway, including consideration of setback and the treatment of yard areas.

- (c) The importance of historic, architectural or other features to the significance of the property shall be recognized as an integral element in the review process.
- (d) To the extent applicable to the specific proposal, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be consulted and employed as a desired guideline.

**E. Planning Board Determination.**

- (1) The Planning Board shall independently review the application for a certificate of appropriateness and consider both the recommendation of the Hamlet Buildings Review Committee and the record of the public hearing in its disposition of an application for the issuance of a certificate of appropriateness.
- (2) The Planning Board may withhold approval if the proposed alteration, construction or demolition for which a permit is sought would contravene the objectives of this subsection by either:
  - (a) Permitting the removal or substantial adverse alteration of a significant historic or archaeological site or architectural resource without full consideration and active pursuit of all feasible alternatives to the intended alteration or demolition; or
  - (b) Permitting new construction or the substantial adverse alteration of a significant historic or architectural resource that would be so dissimilar or inappropriate in relation to any other structure existing or proposed within three hundred (300) feet of the proposed site as to mar the beauty of the area, disturb its harmony of design and/or diminish real property values.
- (3) The Planning Board's determination as to either issue or withhold the requested certificate of appropriateness shall be made not more than forty-five (45) calendar days following receipt of a complete application or thirty (30) calendar days following conduct of the public hearing, whichever shall last occur.

In addition, use of the Waterfront Conservation Zoning District, serves to protect the natural features of the shoreline of the Hudson and the Tivoli North and South Bays plus a corridor 100 feet wide on both sides of the Town streams or kills. All development or alteration of land within 1,000 feet of mean high water of the Hudson River, within 100 feet of a DEC mapped freshwater wetland and within 100 feet of a pond, reservoir or other waterbody is subject to special permit.

Efforts of local and regional groups working to preserve and enhance the scenic and historic features of the Waterfront Revitalization Area, such as the Shorelands Task Force, Hudson River

Heritage, Inc., Heritage Task Force for the Hudson River Valley, Inc., Egbert Benson Historical Society of Red Hook, Hudson Valley GREEN and Scenic Hudson, Inc., will be supported.

(See Policies 19, 20, 21A, 22, 23, 23A and 24A.)

**POLICY 23A**      **CONSERVE, PROTECT, PRESERVE AND, IF APPROPRIATE, PROMOTE THE ADAPTIVE REUSE OF PLACES, SITES, STRUCTURES, VIEWS AND FEATURES IN THE COASTAL AREA OF THE TOWN OF RED HOOK OF SPECIAL HISTORIC, CULTURAL OR ARCHAEOLOGICAL SIGNIFICANCE OR WHICH BY REASON OF ASSOCIATION WITH NOTABLE PEOPLE OR EVENTS, OR OF THE ANTIQUITY OR UNIQUENESS OF ARCHITECTURAL AND LANDSCAPE DESIGN PARTICULAR SIGNIFICANCE TO THE HERITAGE OF THE TOWN.**

#### Explanation of Policies

A majority of the sites, structures, buildings and features in the coastal area of the Town which contribute to the historic and scenic character of the area, have been listed on the State or National Registers of Historic Places; however, additional buildings, sites, cemeteries and other features which need to be protected and preserved may be important locally and contribute to the historic and scenic qualities of the Town. The Town of Red Hook will contact the Division for Historic Preservation in the Office of Parks, Recreation and Historic Preservation to check whether any archeological sites are affected by specific development proposals.

Efforts will be undertaken to survey historic buildings outside the Sixteen Mile Historic District for possible inclusion in the National Register and to maintain and preserve the important assets of the area such as the stone walls lining many roads within the LWRP area including establishing of an education program on techniques and preservation and repair of stone walls.

Existing stone walls and specimen trees along roads shall also be protected through such measures as setting up a public/private maintenance program for wall repair and stabilization; working with highway/transportation departments to plan road improvements together with the protection of these walls and trees; and making saving stone walls and trees a priority in site plan and subdivision review; using scenic easements to protect areas along scenic roads.

(See Policies 1A, 2, 23, 24A, 24B.)

#### H. 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 VEGETATION, THE DESTRUCTION, OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND**
- (ii) **THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.**

**POLICY 24A          PREVENT IMPAIRMENT OF THE ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

Explanation of Policy

The Town of Red Hook coastal area is included in the Estates District Scenic Area of Statewide Significance (SASS). The Estates District SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in the SASS variety as well as unity of major landscape components and striking contrasts between lines, forms, textures and colors in the landscape. The collection of large estates with their designed landscapes, the many undisturbed natural features and the significant public historic sites and architectural treasures render the SASS unique in the Hudson River coastal area, the State and the nation. The Hudson River and its influence on the historical development of the area constitute the major unifying features. The SASS is generally free of discordant features.

Although private estates cover most of the eastern shore of the Hudson River, the Estates District SASS is publicly accessible to a great extent, both visually and physically, from the Hudson River, from public streets and highways and from significant national and State parks and sanctuaries. Because of the attraction these facilities create and because the SASS has been the subject of treatises and art works, surveys and designations at both the State and national level, the Estates District Scenic Area is well recognized by the public for its aesthetic values.

The section of the Estates District SASS within the Town of Red Hook is located within the following subunits:

- ED-1 Clermont Subunit
- ED-2 Clermont/Tivoli Estate Farmland Subunit
- ED-3 Tivoli Subunit
- ED-4 Montgomery Place/Blithewood Subunit

- ED-5 Tivoli Bays Subunit
- ED-6 Bard college Subunit
- ED-7 Annandale-on-Hudson Subunit
- ED-8 Barrytown Subunit
- ED-9 Astor Point Subunit
- ED-10 Astor Cove Subunit
- ED-11 River Road Subunit
- ED-12 Mount Rutsen Subunit

The scenic quality of these subunits is described more fully in the narratives contained in Appendix A.

**POLICY 24B            PREVENT IMPAIRMENT OF THE ULSTER NORTH SCENIC  
AREA OF STATEWIDE SIGNIFICANCE**

The Town of Red Hook coastal area is also included in the Ulster North SASS, limited to the area below the high water mark along the Town's shoreline. The Ulster North SASS encompasses the Hudson River and its western shorelands and shares a common boundary with the Estates District SASS.

The Ulster North SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in the SASS unusual variety as well as unity of major components, striking contrasts between scenic elements and a general lack of discordant features. The SASS is accessible to the general public and well recognized by the public for its scenic quality.

The Ulster North SASS is a highly scenic and valued portion of the Hudson River Valley, rich in natural beauty, cultural and historical features. Views from within the SASS are extensive and significant, often full and unobstructed. From much of the area, long and broad views of the river and its surrounding landscape are available. The Hudson River creates the foreground and middle ground for many of the views east to the Estates District SASS.

The section of the Ulster North SASS within the Town of Red Hook is located within the following subunits:

- UN-4 Saugerties Bluffs Subunit
- UN-5 Esopus Creek Subunit
- UN-6 Glasco Bluffs Subunit
- UN-8 Glasco Subunit
- UN-10 Turkey Point Subunit

The scenic quality of these subunits and actions which could impair their quality are described more fully in narratives contained in Appendix B.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve: (a) 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 (b) a review of the types of activities proposed to determine if they would be likely to impair the scenic quality of the Estates District SASS or the Ulster North SASS and, if so, whether the types of activities proposed would be likely to impair the scenic quality of the SASS. Impairment includes:

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

The following siting and facility-related guidelines are to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. These guidelines are further specified in the impact assessments contained in the narratives of the SASS and each of their subunits found in Appendices A and B.

- siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open spaces and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

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

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

**POLICY 25A      PREVENT IMPAIRMENT OF SCENIC RESOURCES  
INCORPORATED WITHIN THE MID-HUDSON HISTORIC  
SHORELANDS SCENIC DISTRICT.**

Explanation of Policy

The Town conducted a community resource survey to identify historic and scenic resources worthy of preservation. Based on this survey, the Town Board has approved through adoption of the Town Master Plan the designation of certain locally significant historic and scenic resources. The location of each of these designated resources is noted on the Environmental Protection Overlay District Map and more specifically depicted on the Historic and Natural Resources Survey Map dated August 1992, a copy of which is on file in the Town Clerk's office.

Subject to regulation are all land areas within a scenic viewshed that are either within 200 feet of a ridgeline or visible during winter conditions and located within 1,200 feet of public viewing areas specified on the EP-O District Map.

The Mid-Hudson Historic Shorelands Scenic District, which was designated by the Commissioner of Environmental Conservation in 1980 and which is co-terminus with the Local Waterfront Revitalization Area of the Town, contains historic resources noteworthy for their historic and scenic qualities. The historic aspects are discussed in the inventory section and under Policy 23.

The Sixteen Mile Historic District on the National Register of Historic Places contains a series of estates along the river which are scenic resources of great worth based primarily on the architecture of the structures, the landscaped grounds and open space areas surrounding the primary buildings and the scenic views of the Hudson River and the Catskill Mountains. (See Map 13.) These estates need to be protected and enhanced. Deserving of special mention for scenic resource preservation are the open and wooded lands of the westerly half of Mandara and Rokeby which are crucial to the scenic views from the Kingston-Rhine- cliff Bridge and from the Hudson River. (See Map 3 for location of scenic vistas.)

The following siting and facility-related guidelines will be used to review proposed development, redevelopment or re-use plans and should be included in the design of new projects to avoid impairment of scenic resources, recognizing that each development situation is unique and that guidelines will have to be applied accordingly:

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines, roadways or in other inconspicuous locations to maintain the attractive quality of these areas and to retain views to and from important resources;

2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form and vegetation, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation and appropriately pruning or trimming trees to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of important resources such as historic resources, open lands, the Catskill Mountains or the Hudson River;
7. Maintaining and enhancing landscaped grounds of estate areas;
8. Wherever possible, placing utility lines underground;
9. Maintaining and preserving stone walls and gateways or estates along roadways;
10. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.
11. Minimizing the effects, as much as possible, of facility operation (i.e. lighting, noise and odor).
12. Providing waterfront access whenever possible.

The Scenic District Handbook incorporating many of the above guidelines will be utilized in review of projects. In addition, identification and protection of existing trees of a significant size, that is over eight inches in diameter measured three feet above the ground, and of stone walls will be required through special permit, site plan and subdivision review requirements and in the landscaping requirement section of the Zoning Ordinance.

Signs are regulated to:

1. Assure that they will be appropriate to the land, water, building or use to which they are appurtenant, and
2. To assure that they will not be excessive for purposes of identification, protection or advertisement.

In protecting certain scenic and historic areas and other significant environmental resources, the town recognizes the need to extend particular concern to these lands that lie immediately adjacent to the town's designated scenic roadways.

The view experienced from these roadways contributes significantly to the overall rural character of the town, an attribute the community seeks to preserve and enhance while accommodating growth and change.

In furtherance of this objective, §143-5 of this chapter establishes the Scenic Corridor Overlay (SC-O) District in which the additional regulations set forth in this section supplement, but do not replace, the use and bulk regulations otherwise applicable to the underlying zoning district.

- (1) The minimum front yard, i.e., front setback requirement, set forth for the applicable zoning district in the Article IV District Schedule of Area and Bulk Regulations shall be doubled, i.e., increased by one hundred percent (100%) for all structures and parking areas located within the Scenic Corridor Overlay (SC-O) District.
- (2) The open space area defined by the required front yard should be managed in a way that preserves significant existing vegetation, plant specimens, landforms and water features; nurtures tree planting and other natural landscaping efforts; preserves stone walls and similar features; and ensures both the protection of visual buffers and the prominence of key scenic vistas, including views of historic properties and landscapes.
- (3) Any necessary intrusions within the open space area shall be reduced to the extent practicable by such measures as the employment of common driveways and shared utility services for building sites that may gain access from the scenic roadway.
- (4) As stated in § 143-33 of this chapter, clustering shall be the preferred residential land development technique for lands adjacent to or affecting the overall character of a designated scenic roadway.
- (5) As an alternative to the doubling of the required front setback on a site-specific basis, including in situations of existing noncomplying or irregularly shaped lots where doubling of the front setback might create practical difficulty in the reasonable development of the site, the front setback otherwise applicable in the zoning district may govern, provided that:
  - (a) All structures and/or parking are effectively screened on a year-round basis by existing landform and/or vegetation or by substantial new planting and berming from the public right-of-way, provided that such treatment does not diminish the prominence of key scenic vistas including views of historic properties and landscapes.

- (b) A conservation easement, satisfactory to the Planning Board, is granted by the landowner to the Town of Red Hook or similarly qualified entity to ensure that the screening will be properly maintained and managed or a similarly binding mechanism provided.

In addition, the west bank of the Hudson has been identified as a Scenic Zone (see Map 6). Efforts will be undertaken to protect the viewscape on the west bank of the river from significant alteration, as appropriate, since this area is in different municipalities.

(See Policies 23, 23A, 24B, 25.)

**POLICY 25B            PROTECT AND ENHANCE THE SCENIC QUALITIES OF ROADS  
IN THE TOWN DESIGNATED AS SCENIC ROADS.**

Explanation of Policy

The Heritage Task Force for the Hudson River Valley, Inc., established by the DEC in 1980, was responsible for the preparation of the study to nominate scenic highways in the Hudson River Valley and develop programs for their preservation and enhancement. These roadways, as well as some roadways nominated in the Scenic District Management Plan listed in the LWRP Inventory, Section II, are considered important cultural and scenic features in the landscape which provide a means of visual and physical access to the Hudson River. Four of these roads, River Road/Annandale Road, Sengstack Road, Stony Brook Street and Woods Road have been designated as State Scenic Roads by the New York State Department of Environmental Conservation.

The goals of the Scenic Roads Program are appropriate to this LWRP policy: preserve and enhance the appearance of the roadways and surrounding areas, provide opportunities for better viewing of scenic vistas, create a greater public awareness of the importance of the scenic resources and recommend preservation and enhancement measures.

Full appreciation of scenic roads and vistas is usually difficult because there are no pull-offs along roads where one can enjoy them; some roads are very narrow or in disrepair; important resources have not been well preserved; and vegetation and stone walls which give these roadways their unique character have not been well maintained. The development and continuation of programs dedicated toward protecting and enhancing these resources is important to preserving the unique character of Red Hook.

Various local and State agencies including the Town Board, the Town Highway Department, the County Department of Public Works and the State Departments of Transportation and of Environmental Conservation need to coordinate efforts to: (1) provide pull-offs to view scenic vistas at appropriate locations; (2) if necessary, improve conditions of scenic roads that may be very narrow or dangerous, e.g. River Road, without extensive widening or rebuilding of the road that could jeopardize specimen trees and stone walls; and (3) provide direct and/or indirect funding for preserving and enhancing significant features such as stone walls, gateways e.g., purchase of scenic easements and/or monies for maintenance.

In addition local boards, utilizing Scenic Roads Maintenance and Management Guidelines and the Scenic Roads Handbook, will work with the above mentioned highway, public works or transportation departments as well as local utility companies (Central Hudson Gas and Electric and Contel) to protect and enhance the scenic qualities of the scenic roads by minimal and careful trimming and pruning of trees along roads and by placing utilities underground whenever possible. County and State agencies will be encouraged to utilize the Guidelines and Handbook for work along scenic roads.

(See Policy 25A.)

The entire waterfront revitalization area of the Town is co-terminus with the Mid-Hudson Historic Shorelands Scenic District designated by the Department of Environmental Conservation. The entire Red Hook coastal area also lies within the Estates District Scenic Area of Statewide Significance designated by the Secretary of State. The area west of the mean high waterline is included in the Ulster North SASS.

(See Policies 24, 24A and 24B.)

## I. AGRICULTURAL LANDS POLICY

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

### Explanation of Why Policy is Not Applicable

This policy is not applicable because no agricultural lands have yet been identified by the Department of State as being of statewide significance.

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

### Explanation of Policy

Most of the land used for agricultural purpose within the Red Hook Waterfront Revitalization area can be found in the central and southern sections, i.e., between the hamlet of Annandale and the Rhinebeck/Red Hook boundary. Additional areas are found along Route 9G, north,, east and south of the Village of Tivoli. Soils classified as Prime and Unique and soils of Statewide Importance are found in Red Hook, including those in soil groups 1-4 and 6-9 of the Department of Agriculture's Classification System.

Many of the farms within the coastal area of the Town are included in the State agriculture district program (see Map 13, Major Development Considerations). Under this program, farmers grossing over \$10,000 in income from agricultural activity can benefit from reduced land assessments if they make a commitment to farming that land for at least eight years. This program alleviates some of the pressure for residential or commercial development because of increasing land values and rising taxes. By reducing some of the financial burden facing farmers today, the Town will promote the conservation of agricultural lands and the preservation of agriculture as a local industry.

Implementing a policy of promoting agricultural use of land must concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. Many factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a Statewide or national basis.

This policy requires a concern for the loss of any important agricultural land. Important agricultural land is defined as all land within an agricultural district or subject to an eight-year commitment which has been farmed within at least two of the last five years, or any land farmed within at least two of the five years in soil groups 1-4 as classified by the Land Classification System established by the New York State Department of Agriculture and Markets, or any land farmed within at least two of the last five years which is influenced by climate conditions which support the growth of high value crops. Additionally, agricultural land not meeting the above criteria but located adjacent to any such land and forming part of an on-going agricultural enterprise shall be considered important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands or whether it is likely to be harmful to the health of an agricultural area. In brief these determinations are as follows: First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped on the Coastal Inventory. (See Map 13 for lands within an agricultural district and Map 3 for prime agricultural soils.) If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with the policy on agriculture. If it is determined that the action would result in a loss of identified important agricultural lands but that loss would not have an adverse effect on the viability of agriculture in the surrounding area, then the action may also be consistent with the agriculture policy.

However, in that case the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability--its ability to continue to exist, to prosper, and even to expand--then the action is not consistent with this agriculture policy.

The following guidelines define what needs to be considered when determining the impact of a publicly-supported activity on agricultural lands.

- A. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
  1. The action would occur on identified important agricultural land and would:
    - a. Consume more than 10% of the land of an active farm containing such identified important agricultural lands. A farm is defined as an area of at least 10 acres devoted to agricultural production is defined in the Agricultural District Law and from which agricultural products have yielded gross receipts of \$10,000 in the past year.
    - b. Consume a total of 100 acres or more of identified important agricultural land.
    - c. Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation.
  2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
  3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
    - a. Public water or sewer facilities to serve non-farm structures.
    - b. Transportation improvements, except for maintenance of, and safety improvements to, existing facilities, that serve non-farm or non-farm related development.
    - c. Major non-agribusiness commercial development adjacent to identified agricultural lands.
    - d. Major public institutions.

- e. Residential uses other than farm dwellings.
  - f. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land.
- B. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
- 1. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.
  - 2. Agribusiness development which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
- C. In determining whether an action that would result in the loss of farmland is of overriding regional or Statewide benefit, the following factors should be considered:
- 1. For an action to be considered overriding it must be shown to provide significantly greater benefits to the Town, region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agricultural land to the region or State, consideration must be given to its social and cultural value, its economic availability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits.
    - a. An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to a significant degree economically interdependent. At a minimum, this area should consist of at least 500 acres of identified important agriculture land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the coastal boundary. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
    - b. In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
    - c. The estimate of the economic viability of the affected agricultural area should be based on an assessment of:

- (1) soil resources, topography, conditions of climate and water resources;
  - (2) availability of agribusiness and other support services, and the level and condition of investments in farm real estate, livestock and equipment;
  - (3) the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland;
  - (4) use of new technology and the rates at which new technology is adopted;
  - (5) competition from substitute products and other farming regions and trends in total demand for given products;
  - (6) patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use.
- d. The estimate of the social and cultural value of farming in the area should be based on an analysis of:
- (1) the history of farming in the area;
  - (2) the length of time farms have remained in one family;
  - (3) the degree to which farmers in the area share a cultural or ethnic heritage;
  - (4) the extent to which products are sold and consumed locally;
  - (5) the degree to which a specific crop(s) has become identified with a community.
- e. An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
- (1) the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife;
  - (2) the extent to which a farm landscape adds to the visual quality of an area;

- (3) any regional or local open space plans, and degree to which the open space contributes to air quality;
- (4) the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and Village or hamlet development.

D. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of the findings of an EIS, then the required minimization should be undertaken in the following manner:

1. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority;
  - a. prime farmland in orchards or vineyards
  - b. unique farmland in orchard or vineyards
  - c. other prime farm land in active farming
  - d. farmland of Statewide importance in active farming
  - e. active farmland identified as having high economic viability
  - f. prime farmland not being farmed
  - g. farmland of Statewide importance not being farmed
2. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

The following activities would be considered appropriate in pursuing this policy:

- a. Use of clustering to preserve areas suitable for agriculture and to allow for a critical mass of land area necessary for the continuation of agriculture.
- b. Support of the agricultural district program which reduces assessments on farmland within the district.
- c. Use of large lot, very low density zoning.

- d. Encouragement, e.g., through zoning, of a variety of agricultural activities including breeding of race horses and raising of fallow deer (for restaurant consumption) which will help maintain and/or strengthen the agricultural sector of the Town's economy.
- e. Use of scenic or conservation easements to protect significant portions of farms.

Agriculture and forestry management are allowed in all the coastal area zoning districts.

(See Policies 2, 22, 25).

## J. ENERGY AND ICE MANAGEMENT POLICIES

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

#### Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. That Article requires the preparation of a State Energy Master Plan. 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 Coastal Management Program.

In consultation with the town of Red Hook the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use of the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities

(other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with coastal policies.

(See Policies 2, 7A, 18, 30, 40.)

**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

Before taking any actions required for ice management, the potential effects of such actions will be carefully considered. If such actions have an adverse effect on the production of hydroelectric power; fish, wildlife or their habitats; flood levels and hazards; shoreline erosion; and/or other natural or protective features, adequate methods of mitigation or avoidance of potential negative effects will be utilized.

In addition, site plan review of any waterfront development shall consider prevention of damage from ice and methods to prevent icing of nearshore waters, such as use of bubbler machines, especially around docks and marinas, if appropriate. However, since ice skating and ice boating are popular winter sports in the Town, consideration will be given to leaving some or most coastal access areas in an undisturbed state to allow for enjoyment of these activities.

Any use of chemicals to inhibit ice formation will be considered environmentally detrimental and shall be prohibited.

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

Not applicable to Red Hook.

K.    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. Regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the waterways of the Town or State.

Implementation of this policy is primarily the responsibility of the State and Federal agencies administering water quality standards, and is mandated by the following laws: State Pollution Discharge Elimination System (Environmental Conservation Law, Article 17, Title 8), Industrial Hazardous Waste Management (ECL, Article 27, Title 9), Substances Hazardous to the Environment (ECL, Article 37) and the State Certification of Public Sewage Treatment Plant Operations (ECL, Article 3-0301, Public Health Law, Section 225).

Currently in the unincorporated area only Bard College has a sewage system and treatment plant; however, effluent from the Village of Tivoli sewage treatment system enters Stony Creek which enters Tivoli North Bay. All other development is served by individual septic systems.

Moreover, proposed new commercial and/or industrial developments within the LWRP area will be reviewed through site plan and environmental quality review to ensure the adequacy of the existing water and sewer system to support them and/or the adequacy of the individual system. Wherever possible, necessary improvements and expansions will be made in areas where the water or sewer system is inadequate. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River, its tributaries and other water resources.

(See Policy 7A, 33).

**POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

### Explanation of Policy

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

process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

The Saw Kill, which is used (with treatment) as a water source for Bard College, is the Town's only stream classified as a "B" stream, which permits primary contact recreation and other uses except as untreated water supply for drinking or food processing purposes. The Mudder Kill and Stony Creek are currently classified as "D" waters which permits use for fishing, but not swimming. The Hudson River in this area has been classified as "A" waters since it is used as a water supply by several municipalities. Whenever it is appropriate to change any of these classifications to better protect the streams, the Town will recommend or request reclassification of coastal waters to the State Department of Environmental Conservation to be consistent with the LWRP and Town planning objectives.

The Town is initially requesting upgrading the classification of the Saw Kill to the "AA" category and the Village of Tivoli is requesting upgrading of a portion of Stony Creek to "AA" in order to further protect the quality of the streams. The State's Stream Protection Act (ECL Article 15) is currently applicable to the Saw Kill and to the Hudson River.

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

Explanation of Policy

Alternative systems include individual septic tank systems and other subsurface disposal systems, small systems serving clusters of households or commercial establishments, and/or pressure or vacuum sewers. These types of systems are most often more cost-effective in smaller, less populated areas such as most of the unincorporated portions of the Town of Red Hook and in areas where the installation of conventional facilities is too expensive.

Plans for the use of alternative and/or innovative sanitary waste systems for developments in areas of the Town where construction of conventional facilities is not currently feasible or desirable will be encouraged and reviewed for suitability and effectiveness during site plan and/or subdivision review.

(See Policy 33.)

**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 sewer overflows.

Installation of new combination sanitary/storm water sewer systems are not permitted. All newly installed facilities must be separate. The construction of on-site retention basins or other on-site retention, settling or filtering facilities will be encouraged and/or required for new developments as necessary in order to maintain or reduce runoff to the Hudson or other water bodies. In addition, nonstructural approaches such as appropriate street cleaning and marginal use of road salt will be encouraged to reduce pollution of runoff. The Town Highway Department currently utilizes a mixture of 70% sand and 30% salt to combat icy road conditions.

(See Policies 14, 31 and 32.)

**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 (State Navigation Law §33-C provides for the regulation of disposal of sewage and litter in the waterways). Significant fish and wildlife habitats, swimming areas, and public water supply intakes need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards will be followed. The Hudson River along much of the shoreline of the Town serves as a significant habitat area for finfish including shad, striped bass, large mouth bass and other anadromous freshwater species and, south and west of the Town, also serves as the source of drinking water for the Village of Rhinebeck, the Hamlet of Rhinecliff and for the Port Ewen area of the Town of Esopus. The river areas need to continue to be protected by State regulation.

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

### Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. The Town shall refer all applicants for mining, dredging or excavation activities to the Army Corps of Engineers and NYSDEC for appropriate permits. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (Policies 7, 24, 15, 26 and 44). If dredging activities become necessary in connection with this program, all applicable standards and policies will be followed.

**POLICY 36                    ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

### Explanation of Policy

See definition of hazardous wastes in Policy 8.

Applicants for the development of non-residential uses will be required to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal.

Since storage of flammable liquids is permitted only in industrial zones and there are no industrial zones in the coastal area, the applicable portion of the Zoning Ordinance can protect the coastal area from impacts originating beyond its borders which could affect this area. No industrial uses are allowed in the coastal area except public utility facilities which are allowed in the institutional district covering Bard College and Annandale. The zoning includes standards for the handling and storage of hazardous materials.

(See Policies 8 and 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

Important fish and wildlife habitats, swimming areas, and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Actions to control surface drainage, minimize erosion and to encourage the use of alternative (organic) methods of fertilization and pest control will greatly minimize discharge hazards. By promoting such activities and providing information on organic methods, surface drainage control and erosion control, and by carrying out thorough site plan and subdivision review processes, natural habitats and resources, recreational areas and water quality of the Town will be maintained and/or protected. Environmental Quality Review Regulations will be used to ensure that best management practices will be used to mitigate construction impacts.

(See Policies 14, 33, 38 and 44.)

**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.**

**POLICY 38A**        **WORK TO RE-ESTABLISH AND MAINTAIN THE SAW KILLWATER QUALITY SURVEILLANCE PROGRAM.**

Explanation of Policies

Both surface and groundwater are the sources of drinking water in the Town and therefore must be protected. In the coastal area of the unincorporated Town, residents and the few existing commercial uses utilize individual wells for water needs except at Bard College which treats water from the Saw Kill for campus use. Likewise, with the exception of Bard College which has a sewage treatment plant, most residents and businesses in the coastal area of the Town use individual septic systems. The Hudson River already is the source of water for the Rhinebeck Water District which includes the Village of Rhinebeck, the hamlet of Rhinecliff and some limited portions of the Town of Rhinebeck as well as for the Port Ewen area of the Town of Esopus on the west bank. The River should be protected as a water supply to meet unknown future demands.

Large scale Hudson River water-withdrawal projects such as those utilized and proposed by the Corps of Engineers for New York City water (the flood-skimming project) and Exxon's "water-lifting" practices, however, seriously threaten the freshwater supply. These water-withdrawal projects may result in northward movement of the salt front.

The individual wells in the bulk of the coastal area must be protected from over pumping and contamination, particularly from septic systems, agricultural chemicals and industrial uses. In addition, where there are no sewers, zoning will be used to establish appropriate densities (at least one acre per residence, but in most of the coastal area, five acres per residence) and coverage to assure protection of groundwater.

The creeks and kills within the coastal area are important fishing locations and drain into the Hudson River. The Town is seeking funding sources to re-establish the water quality testing program on the Saw Kill to monitor water quality and to help identify sources of contamination.

Site plan review procedures and approval, and permit approvals for new or expanded industrial, energy, transportation, or commercial operations or facilities in or near the coastal area will require appropriate environmental approvals to examine possible impacts on water quality.

(See Policies 5, 7A, 8, 18 and 37.)

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

Explanation of Policy

See Policy 8 for definition of hazardous wastes.

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 and agricultural wastes, as well as unused biocides, paints, lubricants, fuels, etc. which may become more solid than liquid.

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

Efforts need to be continued and intensified to improve conditions at the Bard College landfill located near the Tivoli South Bay in order to protect groundwater supplies and surface waters in these environmentally sensitive portions of the coastal area.

Studies need to be undertaken to determine impacts of small landfills that have been used at farms and other locations in coastal area of the Town, as well as at manufacturing operations, e.g. food processing plants, and the former Town landfill east of Route 9G and north of Rokeby Road that are or were located just outside the coastal area, but can impact coastal ground and surface waters and other environmental features.

Applicants for proposed commercial and industrial uses shall be required through local site plan review procedures to identify hazardous wastes and "solid" wastes as described above. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. Only those actions that contain environmentally appropriate handling of wastes will be approved.

(See Policies 8 and 36.)

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

Explanation of Policy

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

(See Policy 7A.)

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

Explanation of Policy

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

There are currently no industrial districts located within the coastal areas of the Town; however, uses in industrial districts shall not cause air-related nuisances such as excessive smoke, odor, particulate matter or noxious gases that might affect uses in the coastal areas.

Site plan and special permit approvals in Red Hook shall be conditional upon appropriate County, State and Federal environmental approvals where air and water quality are concerned.

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

Explanation of Policy

The State air quality classification for the coastal areas of the Town of Red Hook is Level II which is used for areas of "predominantly single and two-family residences, small farms, and limited commercial services and industrial development." The coastal policies of Red Hook's LWRP will be considered if the State reclassifies the Red Hook land areas so that standards shall be equal to or more restrictive than current standards.

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

Explanation of Policy

Proposed or existing land use in the Town of Red Hook shall not cause the generation of significant amounts of nitrates or sulfates. The Town will utilize environmental quality review procedures to examine applications for proposed commercial and industrial uses and ensure that appropriate air quality permits have been granted before any project approvals are given to assist in the State's efforts to control acid rain. These efforts will enhance the continued viability of coastal fish and wildlife habitat areas, agricultural areas, historic and scenic resources and water resources.

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

Explanation of Policy

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

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

- habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space.

Wetlands are among the Town's most significant scenic and biological resources. The wetlands, found in the natural and railroad-created coves of the Town, support a variety of vegetation types and fish and wildlife habitats. Cove areas from north to south within the Town are: North Bay, Cruger Island South Marsh, South Bay, Mudder Kill Mouth, Rokeby Cove, and Mandara North Cove. (See description in inventory section and Map 4.)

It will be necessary to:

- (1) Avoid negative affects of various development factors including pollution of streams, e.g., by runoff from railroad and highway maintenance practices and agricultural uses.
- (2) Work with Conrail to ensure that the railroad stops particularly negative maintenance practices including:
  - (a) the spraying of the railroad bed and surrounding area with herbicides to limit the growth of vegetation near the tracks which may kill plant life in the cove wetland areas and threaten wildlife habitats;
  - (b) scattering of old railroad ties permeated with creosote or other wood preservatives that can both add chemicals to the coves and can block water passing through areas under railroad bridges interfering with tidal flow; and
  - (c) pushing vegetation into the coves which can increase the herbicide and nitrogen levels of the coves.

- (3) The Waterfront Conservation Zoning District protects the shoreline of the Hudson River and an area within 100 feet of a DEC mapped freshwater wetland. All development in this district is subject to special permit.
- (4) Utilize site plan and subdivision reviews and large lot/low density zoning to require adequate setback from the Hudson River shores.

In addition, Town assumption of the regulation of the Freshwater Wetlands Act will ensure enforcement of the provisions of the act for other than Class I Wetlands which will be regulated by the Department of Environmental Conservation.

(See Policies 2 and 7)