

Town of Red Hook  
Town of Red Hook  
Local Waterfront Revitalization Program

Adopted  
Red Hook, Town Board, May 2, 1995

Town of Red Hook, Town Board, May 2, 1995

Approved  
Alexander F. Treadwell, September 20, 1995

NYS Secretary of State Alexander F. Treadwell, September 20, 1995

Coastal Resource Management, October 2, 1995  
Concurred:

U.S. Office of Ocean and Coastal Resource Management, October 12, 1995

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this LWRP into the New York State Coastal Management Program as a Routine Program Implementation action has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this LWRP was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of LWRPs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, Albany, New York 12231.



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL  
SECRETARY OF STATE

SEP 20 1995

Honorable John J. Gilfeather  
Supervisor  
Town of Red Hook  
Town Hall  
109 South Broadway  
Red Hook, NY 12571

Dear Supervisor Gilfeather:

It is with great pleasure that I inform you that I have approved the Town of Red Hook Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program which promotes the balanced preservation, enhancement, and utilization of the valuable resources of the coastal area.

I will notify State agencies shortly that I have approved your Local Waterfront Revitalization Program and advise them that their activities must be undertaken in a manner consistent with the program, to the maximum extent practicable.

I look forward to working with you in the years to come as you endeavor to revitalize and protect your waterfront.

Sincerely,

Alexander F. Treadwell

AFT:gn



CM/SS km  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

OCT 12 1995

George Stafford  
Director  
Division of Coastal Resources  
and Waterfront Revitalization  
162 Washington Avenue  
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Town of Red Hook Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a routine program implementation (RPI) change. We received comments from seven Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, federal consistency will apply to the Town of Red Hook LWRP after you publish notice of our approval.

Sincerely,

*for James R. Benoit*  
Jeffrey R. Benoit  
Director

DEPARTMENT OF STATE  
COASTAL PROGRAMS  
OCT 23 1995  
RECEIVED



# TOWN OF RED HOOK

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May 11, 1995

Mr. Alexander F. Treadwell  
Secretary of State  
State of New York  
Department of State  
162 Washington Avenue  
Alabny, NY 12231

Re: Town of Red Hook Local Waterfront Revitalization Program

Dear Sir:

The Town Board of Red Hook has reviewed the revised LWRP and on May 2, 1995 passed the enclosed resolution.

We respectfully request your approval and adoption of this final version of the LWRP.

Very truly yours,

  
John J. Gilfeather  
Supervisor

JJG:dfm

DEPARTMENT OF STATE  
COASTAL PROGRAMS  
MAY 25 1995  
RECEIVED

RESOLUTION AUTHORIZING THE SUBMISSION  
OF REVISED LOCAL WATERFRONT REVITALIZATION PROGRAM  
DATED 1994 TO THE SECRETARY OF STATE

Whereas, the Town Board of Red Hook has reviewed the 1994 revisions to the LWRP, adopted September 8, 1987; and

Whereas, it has determined that these changes reflect the zoning changes made by the Town pursuant to the new townwide Master Plan, and;

Whereas, it has determined that a SEQR review on these revisions is not necessary since the changes are not of major significance and have been the subject of SEQR at the time of the adoption of the revised zoning code.

NOW, THEREFORE BE IT RESOLVED that the revised (1994) LWRP will be submitted by the Town of Red Hook to the Secretary of State for adoption.

Resolution offered by: John J. Gilfeather  
Seconded by: James Ross  
Vote: Unanimous

Date: May 2, 1995

## INTRODUCTION

The waterfront revitalization area of the Town of Red Hook presents many opportunities to maintain and improve the economic, social and environmental well-being of the Town and the surrounding areas. Over the years, the citizens of Red Hook have recognized the special value of the Town's natural, historic, agricultural, scenic and recreational resources and have been involved in many efforts to preserve, enhance and make wise use of these resources.

Much of what has already been accomplished in Red Hook forms the basis of the Local Waterfront Revitalization Program (LWRP) for the Town. Preparation of the LWRP gives Red Hook an opportunity to take previous efforts a significant step further and to create a cohesive and vital program to guide the future of its waterfront area.

This Local Waterfront Revitalization Program (LWRP) provides the Town of Red Hook (excluding the Village of Tivoli) with an opportunity to establish objectives and specific projects and implementation steps as part of its planning and development process that will further opportunities to preserve and enhance the scenic and historic qualities of the Town, promote the beneficial use of coastal resources, avoid the impairment of these resources and establish a system to manage major activities that may substantially affect coastal resources. The Waterfront Revitalization Area boundary for Red Hook has been amended to be co-terminous with the Mid-Hudson Historic Shorelands Scenic District in order to continue and expand upon a variety of efforts already undertaken, including those discussed below, to protect and enhance the riverfront/coastal areas.

The Waterfront Revitalization Program for the Town of Red Hook has been developed in response to and consistent with national and state objectives as embodied in the Federal Coastal Zone Management Act of 1972, the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42, Executive Law) and the Coastal Erosion Hazard Areas Act of 1981 (Article 34, Environmental Conservation Law) and as presented in the State of New York Coastal Management Program and Final Impact Statement of August 1982.

The New York State Coastal Management Program describes the State's implementation of Federal coastal policies and regulations. It includes a series of forty-four policies outlining appropriate approaches to coastal land and water use activities. The State's Coastal Management Program has been designed to address important coastal issues by advocating specific types of actions enumerated in the summary of the Program:

...promoting waterfront revitalization; promoting water dependent uses; protecting fish and wildlife habitats; protecting and enhancing scenic areas; protecting and enhancing historic areas; protecting farmlands; protecting and enhancing small harbors; protecting and enhancing public access; providing research, data and information for participation of government agencies and citizens concerned with the State's coastal area; and coping with erosion and flooding hazards.

The Red Hook LWRP includes: a description of the waterfront revitalization area of the Town; an inventory and analysis of existing conditions in the coastal area including discussions of important coastal resources and major issues and opportunities apparent in the waterfront revitalization area; statements and descriptions of local and State policies addressed in the Town program coupled with descriptions of criteria or standards that will be used to evaluate compliance with the policies; description of proposed land and water uses and proposed public and private projects within the Town revitalization area; and a discussion of techniques for local implementation of the program including local laws and regulations and public and private actions. In addition, the Town's Waterfront Revitalization Program identifies Federal and State actions that should be undertaken consistently with the Local Waterfront Revitalization Program and those Federal and State actions that are likely to affect the implementation of this program. The LWRP describes consultation activities that the Town has carried out with adjacent municipalities and appropriate Federal, State and regional agencies and local activities that have been and are being undertaken to obtain commitment and support for the Waterfront Revitalization Program. The final section of the LWRP is a draft generic environmental impact statement assessing possible impacts of the Town's adoption of the program.

Moreover, while the Waterfront Revitalization Program for Red Hook concentrates attention on the Waterfront Revitalization Area of the Town, in some instances sites within the whole Town or issues affecting the entire Town exclusive of the Village of Tivoli are examined since some elements within the Coastal Area are parts of integrated Town systems. Where this is the case, e.g., in examination of recreation sites, the text will specify the area under consideration. In all other cases not so specified, the study area will be the area within the coastal boundary.

## TABLE OF CONTENTS

### **SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY**

WATERFRONT BOUNDARY . . . . .	I-3
-------------------------------	-----

### **SECTION II INVENTORY AND ANALYSIS**

A. OVERVIEW . . . . .	II-3
1. Agriculture . . . . .	II-5
2. Higher Density Residential . . . . .	II-5
3. Rural/Estate Residential . . . . .	II-5
4. Vacant . . . . .	II-6
5. Commercial . . . . .	II-6
6. Public/Quasi-Public . . . . .	II-6
7. Recreation . . . . .	II-6
8. Water-Related Uses . . . . .	II-6
9. Water-Enhanced Uses . . . . .	II-7
10. Analysis of Existing Land Use . . . . .	II-8
a. Preservation of the rural/low density qualities of the Town . . . . .	II-8
b. Water-Related and Water-Enhanced Uses . . . . .	II-11
C. PHYSICAL FEATURES . . . . .	II-11
1. Geology, Topography and Soils . . . . .	II-11
2. The River . . . . .	II-12
3. Islands . . . . .	II-15
4. Freshwater Wetlands Affected by Tides . . . . .	II-15
5. Freshwater Buffer . . . . .	II-16
6. Freshwater Wetlands/Standing Water Areas . . . . .	II-19
7. Streams/Kills . . . . .	II-19
8. Forested Areas . . . . .	II-20
9. Significant Coastal Fish and Wildlife Habitats . . . . .	II-20
10. Flood and Erosion Hazard Areas . . . . .	II-29
11. Air Quality . . . . .	II-30
12. Analysis of Physical Features . . . . .	II-30
a. Protection of Ground and Surface Water . . . . .	II-30
b. Protection of Environmentally Sensitive Areas . . . . .	II-33
D. HISTORIC AND SCENIC FEATURES . . . . .	II-34
1. Scenic Areas of Statewide Significance (SASS) . . . . .	II-35
2. Analysis of Scenic Areas of Statewide Significance . . . . .	II-38

3.	Architectural Sites, Structures and Features and Archaeological Sites . . . . .	II-38
4.	Analysis of Architectural Sites, Structures and Features and Archaeological Sites. . . . .	II-38
5.	Landscape Distinction . . . . .	II-39
6.	Analysis of Landscape Distinction . . . . .	II-40
7.	Stone Walls . . . . .	II-40
8.	Analysis of Stone Walls . . . . .	II-47
9.	Street Trees . . . . .	II-47
10.	Analysis of Street Trees . . . . .	II-47
11.	Scenic Roads . . . . .	II-47
12.	Scenic Vistas . . . . .	II-49
13.	Analysis of Scenic Roads and Scenic Vistas . . . . .	II-49
E.	ZONING . . . . .	II-50
1.	Zoning Districts . . . . .	II-50
2.	Overlay Districts . . . . .	II-51
3.	Residential Uses . . . . .	II-51
4.	Water Dependent Uses . . . . .	II-52
5.	Agriculture and Open Space Uses . . . . .	II-52
6.	Analysis of Zoning . . . . .	II-52
F.	RECREATION AND OPEN SPACE AREAS . . . . .	II-55
	Analysis of Recreation and Open Space Opportunities . . . . .	II-55
G.	COASTAL ACCESS POINTS . . . . .	II-56
	Analysis of Coastal Access Opportunities . . . . .	II-61
H.	UTILITIES . . . . .	II-61
1.	Water Supply . . . . .	II-61
2.	Sewer System . . . . .	II-62
3.	Other Utilities . . . . .	II-62
4.	Analysis of Utilities . . . . .	II-62
I.	TRANSPORTATION . . . . .	II-62
1.	Highways, Roads and Streets . . . . .	II-62
2.	Analysis of Transportation/Traffic Situations . . . . .	II-63
	INVENTORY AND ANALYSIS APPENDIX . . . . .	II-75
	SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM	
	A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM . . . . .	II-78
	North and South Tivoli Bays . . . . .	II-79
	Esopus Estuary . . . . .	II-85
	The Flats . . . . .	II-91

**SECTION III**  
**WATERFRONT REVITALIZATION PROGRAM POLICIES**

A.	DEVELOPMENTAL POLICIES . . . . .	III-3
B.	FISH AND WILDLIFE POLICIES . . . . .	III-10
C.	FLOODING AND EROSION HAZARDS POLICIES . . . . .	III-17
D.	GENERAL POLICY . . . . .	III-24
E.	PUBLIC ACCESS POLICIES . . . . .	III-25
F.	RECREATION POLICIES . . . . .	III-30
G.	HISTORIC RESOURCE POLICY . . . . .	III-33
H.	SCENIC QUALITY POLICIES . . . . .	III-40
I.	AGRICULTURAL LANDS POLICY . . . . .	III-48
J.	ENERGY AND ICE MANAGEMENT POLICIES . . . . .	III-54
K.	WATER AND AIR RESOURCES POLICIES . . . . .	III-55

**SECTION IV**  
**PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS**

	INTRODUCTION . . . . .	IV-3
A.	PROPOSED LAND AND WATER USES . . . . .	IV-4
B.	PROPOSED PUBLIC AND PRIVATE PROJECTS . . . . .	IV-7
	1. Proposed Public Projects . . . . .	IV-7
	2. Private Projects . . . . .	IV-11
	3. Joint Public/Private Projects . . . . .	IV-11

**SECTION V**  
**TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM**

A.	LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP . . . . .	V-3
	1. Existing Town Laws and Regulations . . . . .	V-3
	2. New Local Laws and Regulations . . . . .	V-11
B.	OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP . . . . .	V-12
	1. Local Government Actions Necessary to Implement the LWRP . . . . .	V-12
	2. Private or Not-for-Profit or Joint Public/Not-for-Profit Efforts Necessary to Implement the LWRP . . . . .	V-14
C.	MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP . . . . .	V-15
	1. Local Actions . . . . .	V-15
	2. State Actions . . . . .	V-16

3.	Procedures for Department of State and Town of Red Hook Review of Federal Actions for Consistency with the LWRP . . . .	V-20
D.	FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP . . . . .	V-23
E.	SUMMARY CHART OF ACTIONS IMPLEMENTING LOCAL POLICIES . . . . .	V-23
F.	Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect . . . . .	V-32
G.	PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS . . . . .	V-36

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

A.	State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP . . . . .	VI-4
1.	STATE AGENCIES . . . . .	VI-4
2.	FEDERAL AGENCIES . . . . .	VI-19
B.	STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP . . . . .	VI-28
1.	State Actions or Programs . . . . .	VI-28
2.	Federal Actions or Programs . . . . .	VI-28

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

A.	IDENTIFICATION OF AGENCIES WHOSE PARTICIPATION OR ASSISTANCE IS ESSENTIAL TO THE IMPLEMENTATION OF THE LWRP . . . . .	VI-3
B.	CONSULTATION MECHANISMS . . . . .	VI-3

**SECTION VIII**  
**LOCAL COMMITMENT**

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE APPENDIX -135

ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE . . APPENDIX -263

## LIST OF MAPS

Map 1	Waterfront Revitalization Area Boundary . . . . .	I-5
Map 2	Existing Land Use . . . . .	II-9
Map 3	Natural Resources Inventory . . . . .	II-13
Map 4	Streams/Creeks & Coves . . . . .	II-17
Map 5a	Tivoli Bays Significant Coastal Fish and Wildlife Habitat . . . . .	II-23
Map 5b	Esopus Estuary Significant Coastal Fish and Wildlife Habitat . . . . .	II-25
Map 5c	The Flats Significant Coastal Fish and Wildlife Habitat . . . . .	II-27
Map 5d	Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve . . . . .	II-31
Map 6a	Scenic Areas of Statewide Significance . . . . .	II-41
Map 6b	Mid Hudson Historic Shorelands Scenic Area Map . . . . .	II-43
Map 7	Hudson River Estates . . . . .	II-45
Map 8	Zoning . . . . .	II-53
Map 9	Major Coastal Access points . . . . .	II-65
Map 10	Location of Facilities at Tivoli Bays . . . . .	II-67
Map 11	State Underwater Lands . . . . .	II-69
Map 12	Major Transportation Routes . . . . .	II-71
Map 13	Summary of Major Development Considerations . . . . .	II-73
	North and South Tivoli Bays Habitat map . . . . .	II-83
	Esopus Estuary Habitat map . . . . .	II-89
	The Flats Habitat map . . . . .	II-99
Map 14	Proposed Land Use . . . . .	IV-5
Map 15	Proposed Public and Private Projects . . . . .	IV-13
	Estates District Map 1 . . . . .	APPENDIX -207
	Estates District Map 2 . . . . .	APPENDIX -209
	Estates District Map 3 . . . . .	APPENDIX -211
	Ulster North Map 1 . . . . .	APPENDIX -297
	Ulster North Map 2 . . . . .	APPENDIX -299

**LIST OF CHARTS**

**Chart I**      **Town of Red Hook (excluding Village of Tivoli)**  
**Inventory of Hudson River Coastal Access Points**  
**Including Docks and Landings (see Map 9) . . . . . II-57**

**Chart II**      **Recreation/Open Space Inventory . . . . . II-59**

**Chart III**      **Proposed Public Projects . . . . . IV-9**

***SECTION I***

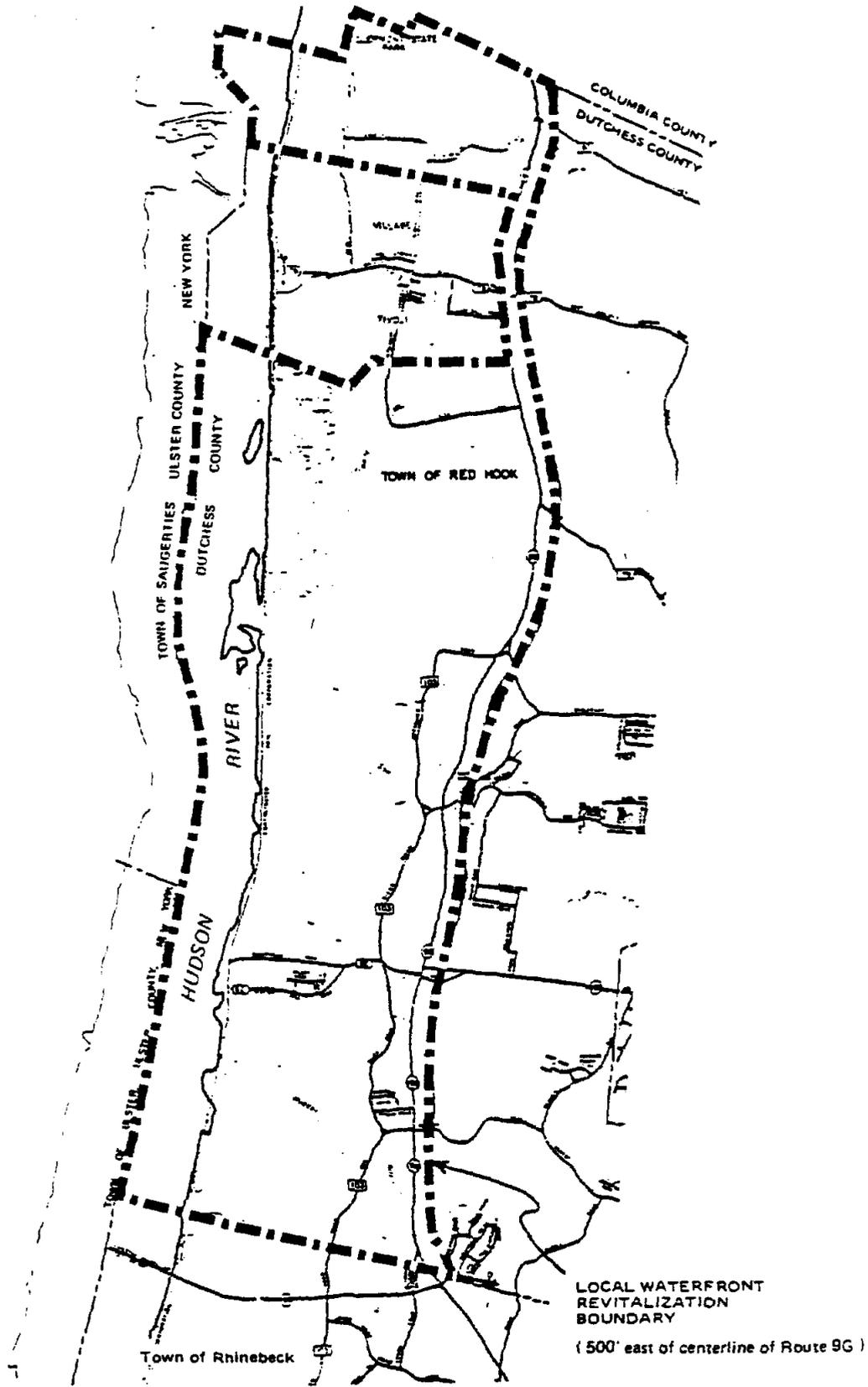
***WATERFRONT REVITALIZATION AREA BOUNDARY***

## **WATERFRONT BOUNDARY**

The Local Waterfront Revitalization Area of the Town of Red Hook is co-terminous with the Mid-Hudson Historic Shorelands Scenic District. This revitalization or coastal area extends from the Dutchess/Ulster County boundary in the Hudson River to a line 500 feet east of the centerline of Route 9G, excluding the area within the Village of Tivoli.

The Mid-Hudson Historic Shorelands Scenic District boundary was placed 500 feet east of the centerline in order to provide a mechanism that could be used to protect the scenic qualities of the area and to assist in control of development of properties on both sides of this scenic road. Use of this boundary as the Waterfront Revitalization Area Boundary would continue and expand upon preservation and enhancement efforts undertaken in the Mid-Hudson Historic Shorelands Scenic District.

This boundary line is consistent with the State Boundary Criteria by including a land use with impacts on the scenic character of the Coastal Area and which constitutes a specially designated management area.



# BOUNDARY

## Local Waterfront Revitalization Program

Town of Red Hook, New York



**SECTION II**  
**INVENTORY AND ANALYSIS**

## **A. OVERVIEW**

Nestled in the historic Mid-Hudson Valley, with some seven miles of shoreline along the magnificent river that gives the valley its name and character, the western portion of the Town of Red Hook is an area of unique natural and man-made beauty. This natural beauty has been admired for centuries and has inspired many from all walks of life to settle here and leave their stamp upon the landscape. These ranged from Dutch and Palatine farmers and businessmen who built sturdy farmhouses to financial magnates who oversaw the construction of large riverfront estates with extensive landscaped grounds in the romantic style.

The attractiveness of the juxtaposition of the active farms with the open and wooded areas, the interest and beauty of the historic buildings--particularly residences in portions of Barrytown and Annandale hamlets and the large estates bordering the river--and the views of the majestic Hudson River itself and west bank--including vistas of the Catskill Mountains--have all long been recognized as worthy of preservation.

Historically the Town of Red Hook has been a rural area intermixed with some more intensive residential and commercial activity which is focused in and around the Villages of Red Hook and Tivoli. Farms devoted to vegetable and fruit growing, raising of cattle and milk production, and to horse breeding are important features in the economic life of the Town. In addition, the visual and scenic appeal of these farms provides a sense of desirable openness and well-being to residents, business people and tourists.

Until the very recent past, the Town had been on the periphery of areas where major development had occurred. Largely because of economic activity spurred by the success and expansion of IBM in the Kingston area, Poughkeepsie and southern Dutchess County, residential and commercial growth had centered in those areas. While the Kingston-Rhinecliff Bridge brought increasing numbers of people to and through the Town and Red Hook met the residential needs of many IBM employees, growth in the Town of Red Hook was relatively slow.

The population of the Town including the Villages of Red Hook and Tivoli increased from about 7,550 in 1970 to 8,350 in 1980. Since the population of the Village of Red Hook increased by less than 20 people and the population of Tivoli decreased slightly during this ten year period, the bulk of the growth was in the unincorporated area of the Town. In the last several years, the unincorporated area of Red Hook has been experiencing more intense development pressures. These development pressures have included current and proposed projects on both sides of the river that could directly or indirectly impact local residents.

Currently the only large scale residential development proposal in the coastal area of the Town is a proposed subdivision on a 50+ acre parcel at the northeast corner of the intersection of Routes 199 and 9G. Conventional subdivision has increased on Town

parcels outside of the coastal area in recent years. Also of concern are several other large parcels of land in Red Hook that could be subject to development pressures, a proposed Dutchess County landfill site located outside the coastal area which could have an impact on the Stony Kill and Tivoli North Bay and the expanded programming at the County Fairground in Rhinebeck that has attracted increasing numbers of visitors to the Towns of Red Hook and Rhinebeck.

Town residents and officials have repeatedly voiced concern about plans for proposed projects in the area which they feel could be detrimental to Red Hook from environmental and scenic points of view. These include a proposed coal port in the Kingston area, a Hudson River water skimming plan, a proposed Con Edison power plant on the Columbia/Dutchess border, and a hazardous waste disposal facility.

Town residents and officials are particularly concerned about the Consolidated Edison power plant proposed for the Columbia/Dutchess border. While it is uncertain whether the plant itself, if constructed, would be built in Columbia or Dutchess County or straddling the border, it is possible that rights-of-way currently owned by Central Hudson in Red Hook's coastal zone would be utilized for transportation of cooling water and/or fuel as well as for the placement of power lines.

Fortunately, Red Hook has a rich history of citizens and officials caring about their community. Since the 1970's, several groups have been formed, studies have been undertaken and efforts have been made to preserve and enhance the natural and man-made environments of Red Hook and adjacent towns in the Mid-Hudson Valley and to respond in a coordinated manner to what were considered development pressures and threats to the area's scenic, historic and environmental resources. A list of these groups, studies and efforts are included in the Appendix under Major Initiatives Undertaken. The preparation of the Local Waterfront Revitalization Program represents the latest in this series of steps.

The following portion of Section II is composed of various inventory subsections relating to current conditions within the Town and an analysis of issues or areas of concern, problems and opportunities. Some of the issues presented are of a general nature and others express more specific concerns.

## **B. EXISTING LAND USE**

The coastal area of the unincorporated portion of the Town of Red Hook is primarily a rural and estate area, separate from the commercial and higher density residential areas that have been centered in the villages of Red Hook and Tivoli. The small hamlets of Annandale and Barrytown provide areas of somewhat more dense residential development.

Barrytown was once a bustling landing area. Its dock, businesses including ice houses, and railroad station attracted residents, tradespeople and travellers. Most commercial activity was brought to a halt in the early twentieth century with a fire in the waterfront area. Annandale was the location of an early church which became the site of Bard College. It included a few commercial uses over the years which are now within the Montgomery Place restoration area.

1. Agriculture

The agriculture in the coastal area of the Town is significant as an important economic resource for the community and as an important visual resource for both residents and visitors (see Map 2, Existing Land Use). Currently the primary agricultural activities in the Town are fruit and vegetable production, raising of cattle and milk production, and horse breeding.

Many of the farms within the coastal area of the Town have been included within the state agricultural districting program (see Map 13, Major Development Considerations). In this program, enrolled farmers annually grossing over \$10,000 in agricultural activity are able to benefit from reduced land assessments, and thereby a reduction in taxes, in return for a multi-year (at least eight year) commitment to remaining in farming. In addition, some owners of horse farms have been able to obtain tax benefits from horse breeding.

2. Higher Density Residential

Residential uses--including homes on relatively small lots, i.e., homes on generally less than one-half acre in the category designated as Hamlet --are found primarily within the hamlets of Barrytown and Annandale, as well as in areas adjacent to the Village of Tivoli. The Village and hamlet areas are quite clearly defined because of the extent of relatively undeveloped (i.e., agricultural or vacant, wooded or wetland) areas surrounding the built-up areas.

3. Rural/Estate Residential

The Rural/Estate Residential category on the Existing Land Use map shows large estates lining the river, generally west of River Road. The Land Use map shows the location of the house and accessory building(s) and some surrounding land in the residential designation, but the major portion of the estate properties are shown as vacant/wooded or agricultural. Scattered houses away from Tivoli and the hamlets, but along Route 9G, are also included in this category.

4. Vacant

More than fifty percent of the land in the coastal area of the Town is considered vacant. The vacant areas include, wooded lands, wetland and old fields areas. These vacant, wooded and wetland areas serve as important visual resources complementing the agricultural areas, the historic structures and the beauty and open space provided by the Hudson River. Many of these areas, particularly those within the Tivoli Bays Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve are used or studied for research and educational purposes. In addition, they serve an important ecological function in providing watershed areas and habitats and breeding areas for plants, fish and wildlife. Maintained in their natural state, the brush, wooded and wetland areas serve to assist in flood and erosion control, air quality amelioration and noise absorption.

5. Commercial

Most commercial uses in the Town are found within the Villages of Red Hook and Tivoli; however, five commercial sites, located along Route 9G, have been identified within the coastal area.

6. Public/Quasi-Public

Public/quasi-public uses form another major land use in the coastal area of Red Hook. Portions of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve and the lands of Bard College, Montgomery Place and the Unification Church that are not wooded or wetland areas or in agricultural use are shown in the public/quasi-public category. Also shown in this category are functioning churches, cemeteries and the Barrytown Post Office.

7. Recreation

Only two sites in the coastal area of the Town are listed as recreation sites: the Red Hook Boat Club in Barrytown and a portion of Clermont State Park at the northern edge of Red Hook. Other properties with recreational facilities listed on the Recreation and Open Space Inventory are included in public/quasi-public or commercial categories.

8. Water-Related Uses

At this time, the primary publicly available locations for water-related uses are the landing areas within the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. The DEC has constructed two small landings for the hand-launching of boats, primarily for

research, education and non-consumptive nature recreation, as well as for fishing and duck hunting, with small adjacent parking areas, both on the east side of North Bay: one near Cruger Island Road and the other near Ward Manor Road. At low tide, boaters can go under railroad bridges to get to the river. While most of these smaller, hand-launched boats are not suitable for extended river stays, some canoes are used for river travel.

A primary private water-related use is the Red Hook Boat Club in Barrytown. Facilities are available here for docking, launching and on-land storage of power boats, primarily for recreational use. One commercial fisherman has utilized this launch site for spring sand fishing and ice boaters use it in the winter.

Recreational fishermen with and/or without specific permission fish off the shores of the Saw Kill and other streams at a variety of locations and enter the areas primarily across private property. Moreover, fishermen and duck hunters utilize many cove areas under similar conditions. The Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve site is available to fishermen and duck hunters who have acquired the appropriate State fishing and hunting licenses and who comply with State area use regulations (soon to be promulgated), without specific permission; however, off-road vehicles cannot be used except on roads. A legal, but nonfunctioning grade crossing exists on Cruger Island Road since the railroad bed has been raised significantly above the level of the road.

Property owners of landing sites included in the inventory subsection on Coastal Access Points may launch or dock boats at those locations for private recreational use, but these activities are generally limited by the need to cross the railroad tracks at grade level except in Barrytown where the Barrytown Bridge gives access to land west of the railroad tracks. Bridges are also located at two estates in the southern portion of the coastal area, the pedestrian bridge at Mandara and the vehicular bridge at Rokeby; however, these bridges are presently in states of disrepair. (Town residents may also use a functional grade crossing in the Village of Tivoli. In addition, a legal, but non-functional, grade crossing exists at Sycamore Point in Tivoli.)

#### 9. Water-Enhanced Uses

All properties not dependent on the water but located adjacent to and with views of the Hudson River or any of its tributaries can be considered water-enhanced uses. The largest percentage of land adjacent to the river remains in estate properties. Most of the estates are currently in residential use; however, some are in institutional uses such as Bard College and the Unification Theological Seminary. Montgomery Place has been acquired by Sleepy Hollow Restorations which plans to open the mansion and grounds for public viewing.

10. Analysis of Existing Land Use

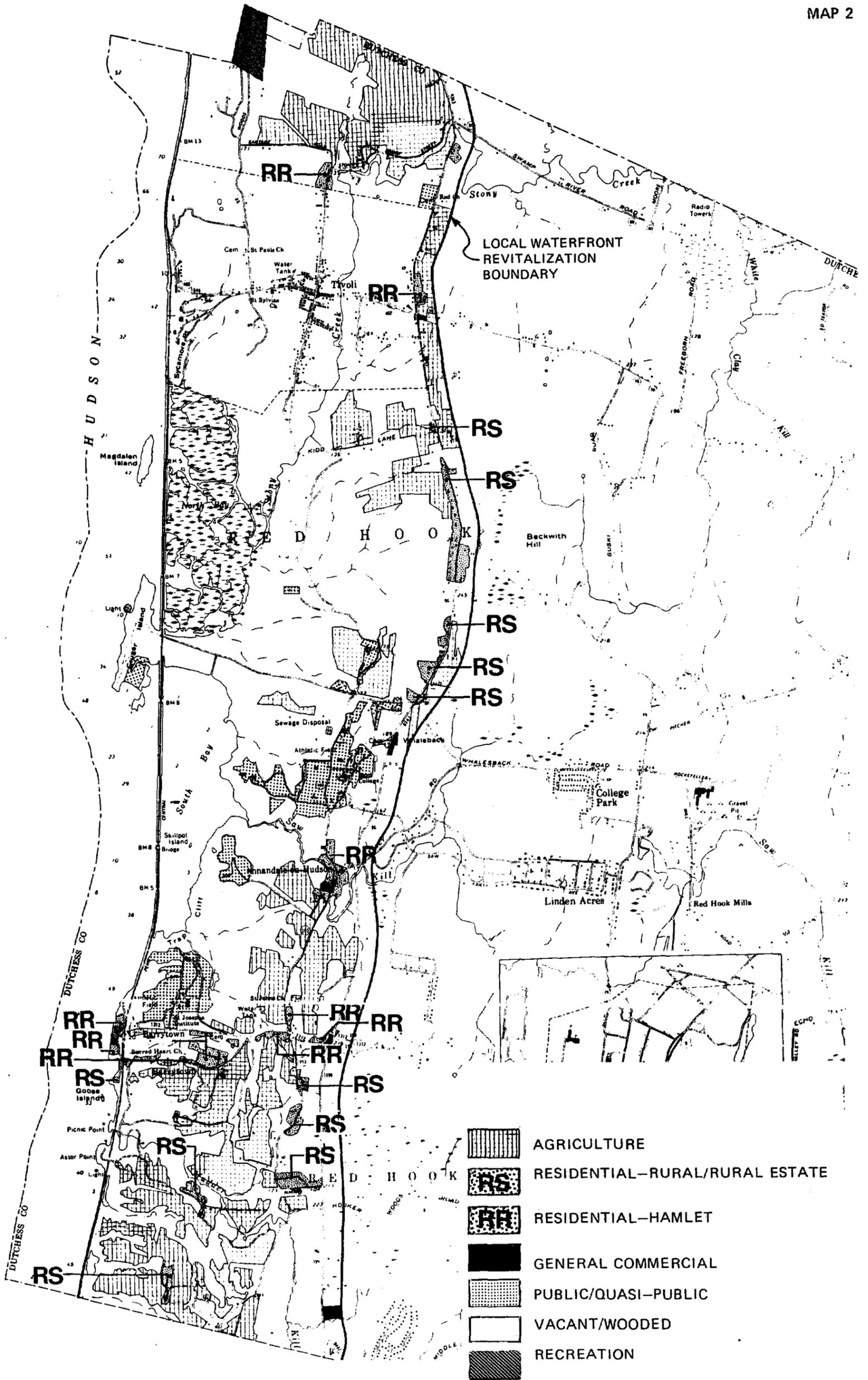
- a. Preservation of the rural/low density qualities of the Town. Preservation of agriculture within the coastal area of Town is important from an economic perspective, as a means of protecting an open space resource and as a scenic resource. In order to insure the continuation of an important element in the Town's economy and to preserve the rural qualities of the Town, it is important to have viable agricultural activities. However, local and national economic conditions have raised doubts as to whether or not these activities can be successful through the uninhibited operation of the free market system. Currently the agricultural district program (preferential assessment) provides some financial relief to farmland owners and farmers in the Town. (See Map 13, Development Considerations, showing lands in Agricultural Districts.)

Several Red Hook farm owners have renewed participation in or joined the County Agricultural District, signing up for a multi-year commitment to agricultural activities. As land values increase, and as taxes on agricultural land rise and pressure for residential and/or commercial development increases, it may become more and more difficult to keep land in agricultural uses. Rollback penalties which are part of the agricultural districting program may serve as a deterrent but not as a bar to development. In the recent past, some newer agricultural activities in the coastal area such as raising horses appear to be adding other positive dimensions to the viability of agriculture in the Town and need to be encouraged.

The rural/low density appearance and qualities of the Town could be threatened by proposals for development on estates and large parcels of land. How, when and where the parcels are developed, how much land will be preserved for agriculture and/or open space, how development is sited on a property relative particularly to road frontage and preservation of natural features and whether an agricultural and/or open space greenbelt will be maintained around the Village cores will all affect the rural open space appearance and qualities of the Town and Village.

Because of the creation of the Tivoli Bays State Nature and Historical Preserve and the inclusion of this site with the Hudson River National Estuarine Sanctuary and Research Reserve, a significant portion of the land in the coastal area of the Town will be preserved in its natural state; however, much of this area is currently not visible from public roads.

While there has been historically a significant difference between the level of development within the hamlet and villages and the land in the

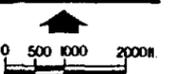


# EXISTING LAND USE

## Local Waterfront Revitalization Program

Town of Red Hook, New York

Raymond, Parish, Pine & Weiner, Inc.—Planning & Development Consultants—Tarrytown, New York



remainder of the coastal areas of the Town, the distinction between the more rural and Town/hamlet areas may become more difficult to maintain.

Increased pressure over time for residential and commercial development in the Town will make it necessary to take deliberate steps to maintain the rural open appearance of the Town and to continue the concentration of more intense uses in or near the villages and hamlets.

b. Water-Related and Water-Enhanced Uses

At this time publicly-available water-related uses are limited, particularly for boat docking and launching and ice boating (see also discussion under Coastal Access Points). Future proposals for development of estate properties and/or landing sites by public or private interests may include plans for water-enhanced uses and some water-related uses. An important consideration is retaining, enhancing and creating water-related uses such as marinas and maintaining, enhancing and/or creating public access to and use of any new or existing facilities particularly for use of recreational and commercial boaters and fishermen and ice boaters. Facilities should be developed for launching of non-power boats directly into the river.

C. **PHYSICAL FEATURES**

1. Geology, Topography and Soils

Bedrock in the coastal portion of the Town is Austin Glen graywacke and shale. The Austin Glen formation consists of coarse, dark gray sandstone or fine-grained conglomerate composed of firmly-cemented, rounded fragments. The prominent cliffs that rise at Astor Point are mostly sandstone. Elevations in the coastal area of the Town generally range from mean tide level to 200 feet above mean tide level, with much of the area at elevations between 50 and 150 feet.

Most of the coastal area of the Town consists of soils with a high water table because the clay component is impermeable and the water sits on top of it. This necessitates limitations on allowable development densities without the provision of central sewer and water (see Map 13). Soil materials are comprised of glacial deposits including till, lake clay and terrace sand as well as recent deposits of alluvium, tidal marsh sediments and fill. Many of the soils in the Town are suitable for various types of agriculture (see Map 3, Natural Resources). Moreover, the Hudson clay and sand soils tend to intermix near the river forming sloping bluffs which are highly erodible and often subject to slumping and sliding. Fill has been utilized to form the railroad bed. The bulk of the coastal area is composed of lacustrine deposits, generally less than fifty feet thick. These

deposits are stratified sediments consisting primarily of silt and clay that had been deposited in glacial lakes. The permeability of the lacustrine deposits is low, and water yields from these deposits is also low. In these areas, water supplies must be obtained from deep wells into underlying bedrock.

A very small portion of the coastal area near the hamlet of Annandale contains thick sand and gravel outwash deposits which could yield more water than lacustrine deposits.

## 2. The River

The Hudson River is a 315 mile river that flows from the Adirondack Mountains in the northern part of the State to New York City. Below Troy, the Hudson is a large tidal river (estuary) which is navigable at sea level and its flow reverses with the phase of the tide. Tidal freshwater is available in Red Hook. The river, in fact, serves as the water source for the Village of Rhinebeck, the hamlet of Rhinecliff and some other properties in the Town of Rhinebeck and the Port Ewen area of the Town of Esopus, but it is currently not used as a water source in Red Hook.

The western boundary of the Town is the mid-line of the Hudson River. This river provides many opportunities for residents and visitors. The Hudson offers a unique and an essential open space as well as a scenic area that is a major visual focus within the westernmost coastal portions of the Town and the hamlet of Barrytown. The scenic attributes of the river are further discussed in the sections on historic and scenic features and scenic roads and scenic vistas. Its presence is both overpowering and calming and the benefits to residents of the Town are manifold, although sometimes insufficiently appreciated, primarily because in most locations in Red Hook it is difficult to gain views of and/or access to the river. The Hudson provides a travelway for long and short distance commercial and recreational boating and fishing. At this time, the primary boat docking site in Red Hook is a private boat club in Barrytown, but possible public acquisition or use of a landing area or areas in Barrytown may increase opportunities for recreational boating and fishing activity and excursion boat tourism in the Town.

The Hudson, within the coastal area of the Town, also provides a deep water estuary system unique in the northeastern United States. It serves as a habitat area for the short nose sturgeon (an endangered species) and as a spawning, nursery and feeding area for the American shad, striped and largemouth bass. Two deep water areas within the Town portion of the river have been categorized as significant habitat areas by the New York Department of Environmental Conservation. (See Inventory section on Significant Habitats.)



3. Islands

Two sizable islands and some smaller islands are found offshore in Red Hook.

The major island, Cruger Island, contains some 32 acres (or more if you include the marsh areas discussed below) plus the smaller South Cruger Island (2.2 acres) and is publicly held and included within the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. It is undeveloped, but used primarily for recreational and educational purposes by hunters, fishermen, birdwatchers, boaters, hikers, picnickers and researchers.

Cruger Island is valuable ecologically. It contains intertidal marshes, tidal swamp areas and deciduous forest areas, and is an outstanding bird and wildlife habitat. The island is known for warbler migrations and as a breeding area for cerulean warblers.

The Island has been connected to the mainland by a causeway since the early 1800's. A road crossing railroad tracks can be traversed on foot. The property was purchased by New York State DEC from Central Hudson Gas and Electric Company which retained a corridor along Cruger Island Road.

Magdalen Island is an island of more than eight acres adjacent to the North Bay which recently became part of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. It contains deciduous woods and wildflower populations.

The smaller islands include: Goose Island, a small, thickly vegetated, privately owned island southwest of Barrytown which is not used; Chandler Island, a small privately owned island south of Astor Point used by the Coast Guard as a site for a permanent navigation beacon; and Skillipot Island, a privately-owned rock outcropping in the middle of Tivoli South Bay.

4. Freshwater Wetlands Affected by Tides

These habitats are among the Town's most significant scenic and biological resources. The wetlands are found in the natural and railroad-created coves of the Town, supporting extensive and varied vegetation and animal life.

In his 1978 report Hudson River East Bank Natural Areas, Clermont to Norrie, Erik Kiviat lists the following cove areas from north to south within the Town (see Map 4): Tivoli North Bay, Cruger Island South Marsh, Tivoli South Bay, Mudder Kill Mouth, Rokeby Cove and Mandara North Cove. Of these, the Tivoli Bays Coves and Cruger Island South Marsh area, which have been largely

acquired by the New York State Department of Environmental Conservation or are held by the Office of General Services as the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve, are considered the most ecologically significant freshwater wetland areas in the Town as well as in Kiviat's study area.

The Tivoli Bays area has also been designated as an Experimental Ecological Reserve by the privately-held Institute of Ecology in Arlington, Virginia, which studies areas suitable for long term ecological research. It has been designated as a Significant Natural Area by the Dutchess County Environmental Management Council and as a Significant-Habitat Area by the New York State DEC (see Inventory section on Significant Habitats). It is under consideration by the U.S. National Park Service as a potential National Natural Landmark.

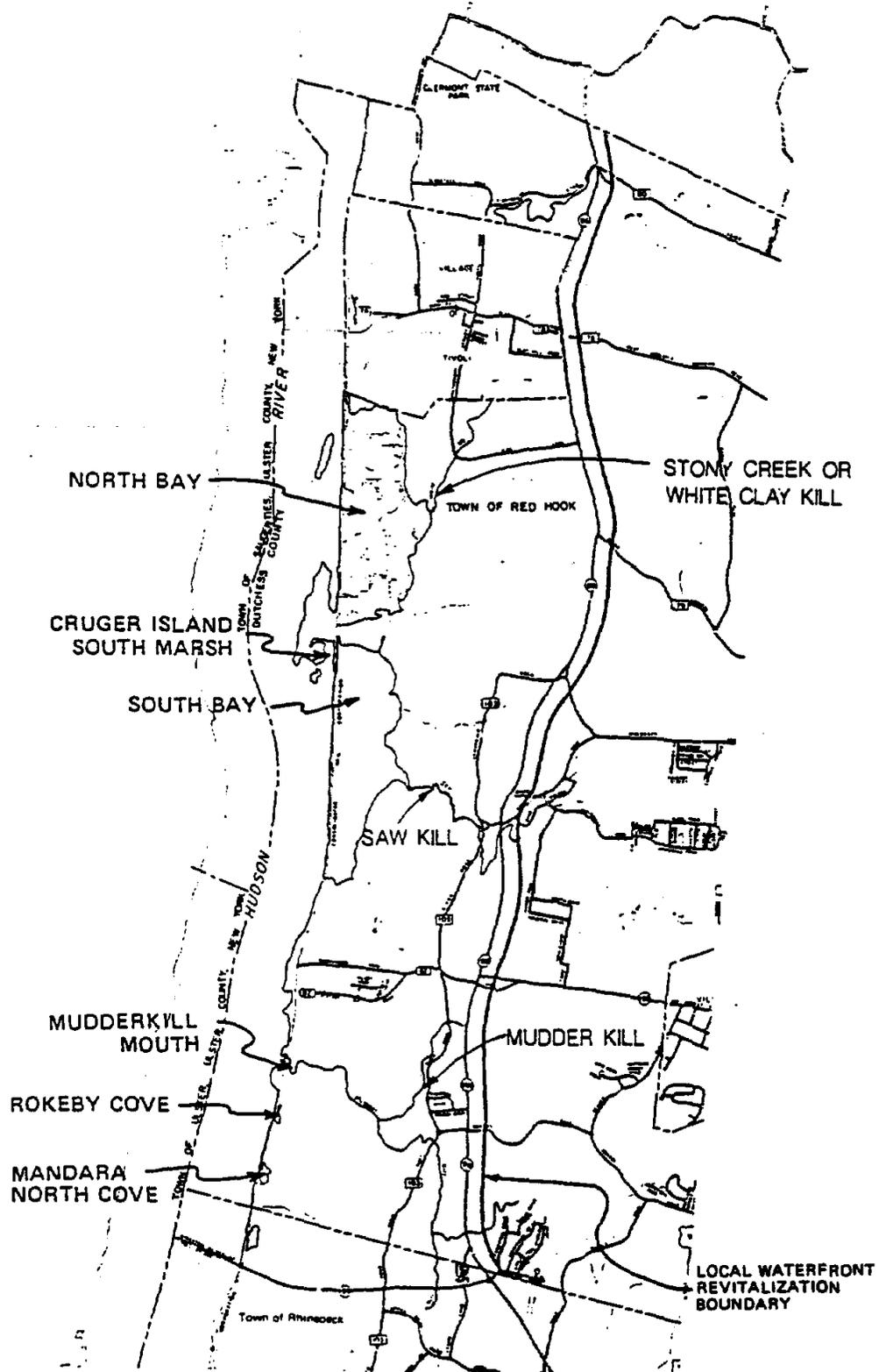
The 1982 designation of the Tivoli Bays area as one of four Hudson River National Estuarine Sanctuary and Research Reserve areas by the Federal Office of Coastal Resource Management, Division of Marine and Estuarine Management in the U.S. Department of Commerce, underscores the significance of this high quality wetland area. The State of New York currently owns 751 upland acres, with an additional 728 acres in publicly owned underwater lands and a 53 acre easement. The Department of Environmental Conservation is responsible for management of the Preserve/Sanctuary and Research Reserve. (See Inventory section on Significant Habitat areas for further description of Tivoli Bays wetlands.)

Development within the estuarine area will be minimal, in keeping with the preservation, research and education purposes of the Preserve/Sanctuary and Research Reserve. Two boat launches with nearby parking areas have been constructed and a 1,000 foot interpretive walking trail will be developed. DEC contributed funds to renovate the Bard College Field Station on South Bay for shared use as the research center for the Preserve/Sanctuary. Renovations were completed in 1986.

The Mudder Kill mouth wooded swamp needs protection from changes in its watershed area including the Kill itself and Snyder Swamp in Rhinebeck. Rokeby Cove and Mandara North Cove are tidelands, chiefly of local interest.

5. Freshwater Buffer

Extending up from the river, wooded areas with steep slopes form a framework around the freshwater wetlands (see Map 13). This area, called the freshwater buffer, is here and there cut with streams and drainageways. Much of this area



**STREAMS/CREEKS AND  
COVES/FRESHWATER-TIDAL WETLAND AREAS**

**Local Waterfront Revitalization Program**

Town of Red Hook, New York



is underlain with clay or sand soils that are subject to slumping and sliding if vegetation is removed. The forested/vegetated slopes provide habitat for wildlife. There are also some portions of the buffer areas that are highlighted with cliffs and promontories such as those found at Astor Point. Forested areas will be further discussed in a following subsection.

6. Freshwater Wetlands/Standing Water Areas

Many isolated wetlands exist throughout the coastal area of the Town (see Map 3). The open water areas surrounded by varied wetland vegetation and in some cases wooded areas are valuable from ecological and scenic points of view. Annandale Millpond was identified in Kiviat's 1978 report as a freshwater wetland of special value. The pond, some four acres in size, was formed by damming a portion of the Saw Kill during the past 250 years (see Map 3).

7. Streams/Kills

Three primary streams, the Stony Creek, the Saw Kill and the Mudder Kill flow across the coastal area of the Town (see Map 4). Stony Creek, which flows into the Tivoli North Bay is rich in fish species. It receives treated sewage from the Tivoli Sewage Treatment plant and sometimes is nearly dry in the summer. The Village of Tivoli was given permission to periodically withdraw water from Stony Creek.

The Saw Kill is classified as a Class B stream which indicates that the waters are usable for "primary contact recreation and any other uses except as an untreated water supply for drinking, culinary or food processing purposes. As a Class B stream, the Saw Kill is currently the only stream in the Town subject to Stream Protection Act regulations (ECL Article 15). It is also rich in fish species and upper sections serve as a duck habitat. Bard College uses water from the stream (with treatment) for its water supply and the lower section of the stream has been used for fishing and swimming. The Town is requesting that the DEC reclassify the Saw Kill to a Class "AA" stream and the Village of Tivoli is requesting that DEC reclassify a portion of the Stony Creek "AA" in order to further protect the water quality of these streams.

The Mudder Kill, which rises in Snyder Swamp in Rhinebeck, is a small perennial stream that recedes to a trickle in dry summer. It has been classified by the DEC as a "D" stream. The Dutchess County Environmental Management Council has named the Mudder Kill, together with Snyder Swamp and Ferncliff Forest located in Rhinebeck as significant natural areas. This Kill was included in Kiviat's 1978 report and was the subject of a 1982 Kiviat study, The Mudder Kill and Snyder Swamp.

8. Forested Areas

Many stands of mature hardwood trees are dispersed throughout the Town. Among the most significant of the forested areas are the north and south woods in the vicinity of the South Tivoli Bay that contain valuable hemlock and hardwood forests (see Map 13). These forests, which have not been substantially logged since the 1700's, may have some protection from their nearness to the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. The Montgomery Place North and South Woods which include about 100 acres, generally within the estate purchased by Sleepy Hollow Restorations, contain important habitats for "old growth" plant and animal species. According to the Dutchess County Environmental Management Council, the forested areas which they named (together with the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary) as Significant Natural Areas are recognized as the oldest forestland in Dutchess County.

9. Significant Coastal Fish and Wildlife Habitats (see Map 3.)

North and South Tivoli Bays. North and South Tivoli Bays encompass approximately 1,200 acres on the eastern shore of the Hudson River, one half mile south of the Village of Tivoli in the Town of Red Hook, Dutchess County (7.5' Quadrangle: Saugerties, N.Y.). The habitat area includes tidal freshwater marsh, flooded woodland, bays, shallows, two streams, and adjacent uplands dominated by hardwood forest and fallow fields. The fish and wildlife habitat also includes Cruger and Magdalen Islands. Much of the upland area is owned by the New York State Department of Environmental Conservation as a Wildlife Management Area; the wetland and riverine areas are under the jurisdiction of the State Office of General Services.

The North and South Tivoli Bays habitat is ecologically unique as the largest freshwater tidal influenced bay and wetland complex surrounded by undeveloped land on the Hudson River. This area is one of four components of the Federally designated Hudson River Estuarine Sanctuary. A tremendous variety of fish and wildlife are found in the area, including a large number of relatively uncommon species.

Tivoli Bays are important to a variety of fish species in the Hudson River as feeding, spawning and nursery areas. Several commercially important fish species use the bays and the mouths of Stony Creek and the Saw Kill for spawning and feeding. These include striped bass, alewife and blueback herring. Common freshwater species using the bays include largemouth bass, smallmouth bass, white perch and various minnows. Species that appear to be regionally rare that have been found in the bays include American brook lamprey, central mudminnow, northern hogsucker and bridle shiner. The shortnose sturgeon (E)

may feed in the tidal channels and river shallows, but this has not been confirmed. An extremely large population of snapping turtles exists in North Tivoli Bay.

Tivoli Bay supports breeding populations of least bittern (SC), American bittern, Virginia rail, marsh wren (formerly long billed marsh wren), and in some years, sora rail, common moorhen (formerly common gallinule), and occasionally king rail. Many species of waterfowl use the area during the spring and fall migration periods for resting and feeding, including both dabbling ducks in the marshes, and diving ducks in the river shallows. The osprey (T) was reportedly nesting in the area in the late 1950's, and is regularly seen here during migration. The Museum of the Hudson Highlands is planning to construct experimental nest platforms for osprey in this area. The bald eagle (E) is an occasional visitor. Spotted turtle (SC) and map turtle are also found in the area.

Several rare plant species occur in Tivoli Bays wetland complex. These include the heartleaf plaintain (proposed for Federal endangered status), golden club, ovate spikerush, Parker's pipewort, Eaton's bur-marigold, and estuary beggar-ticks.

Waterfowl hunting and muskrat trapping have been traditional outdoor recreational activities at Tivoli Bays for years. Fishing for striped bass and large and smallmouth bass in the bay area is enjoyed by the local populace. Birdwatchers from throughout the Hudson Valley region visit this area. These activities in combination with nature study produce an estimated North and South Tivoli Bays 6,600 days of wildlife related recreational use each year. In addition, scientific research conducted on estuarine ecology at Tivoli Bays is of State significance.

Under New York State Department of Environmental Conservation management, it is anticipated that proposed access improvements and trail development will increase the recreational use in the area. Ongoing ecological research at Tivoli Bays (Bard College Field Station and Experimental Ecological Reserve) has attracted scientists and students from throughout the State. (Refer to Inventory and Analysis Appendix).

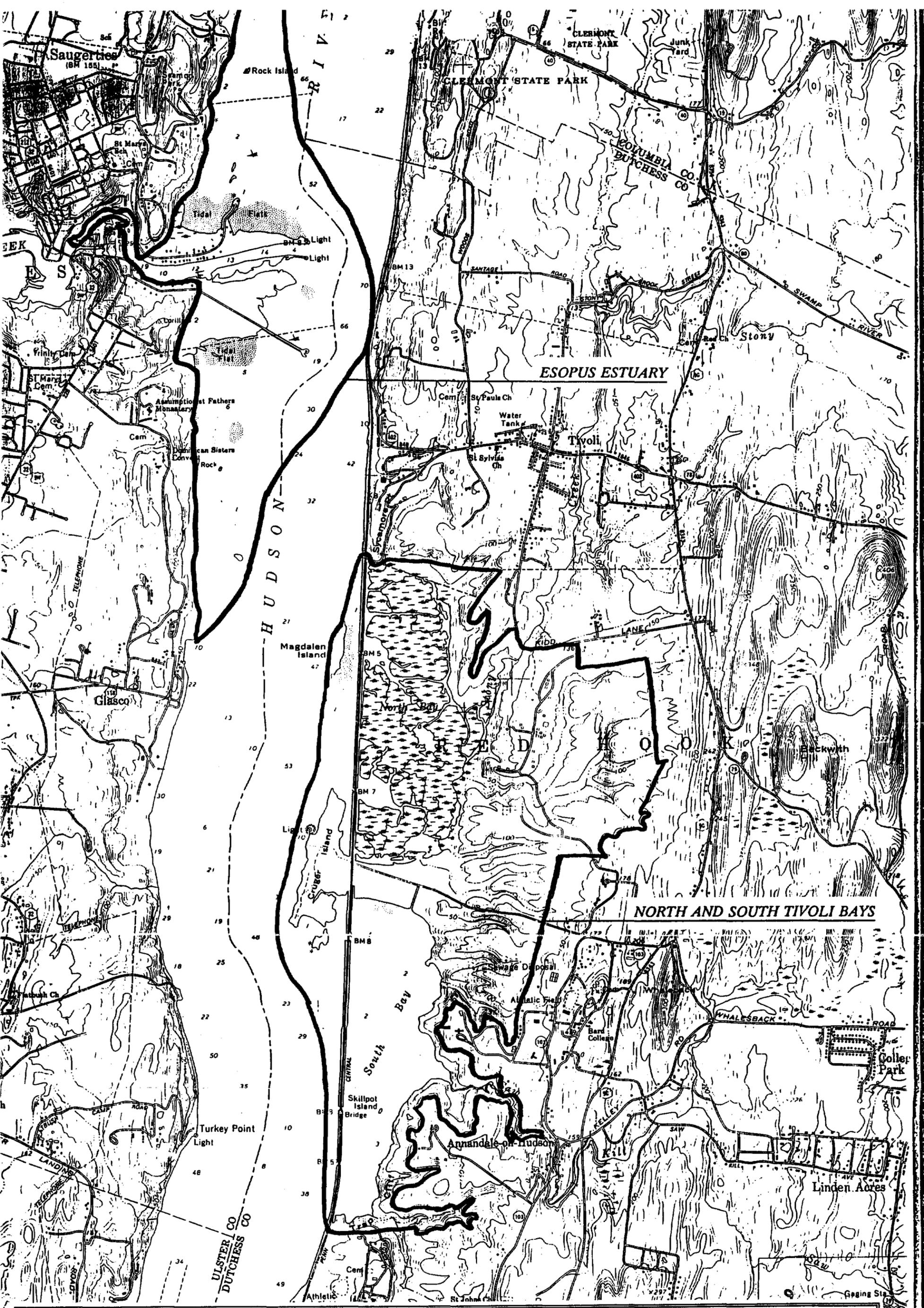
Esopus Estuary. Esopus Estuary is located just east of the Village of Saugerties in the Town of Saugerties, Ulster County and in the Town of Red Hook, Dutchess County (7.5' Quadrangle: Saugerties, N.Y.). Esopus Estuary is an approximate 700 acre area that includes: the lower portion of Esopus Creek; tidal marsh and littoral zone areas; and a deepwater section of the Hudson River. The tidal portion of Esopus Creek is heavily developed on both banks. The developments include residences, marinas, and industries.

Esopus Creek is one of the primary freshwater tributaries of the Hudson River. Esopus Creek, while minimal in accessible mileage to Hudson River fish, is extremely important to the fisheries resource. The creek, from the mouth to the first impassable barrier (1.3 miles), serves as a spawning ground, nursery area, and feeding area for striped bass, white perch, shad, alewife, blueback herring, smelt, and many resident freshwater species including largemouth and small mouth bass. The littoral zone of the Hudson River adjacent to the creek mouth is also an important spawning ground for shad, and serves as spawning, nursery, and feeding areas for striped bass, white perch, herring, smelt, and most of the resident freshwater species. The adjoining deepwater area of the Hudson serves as post spawning and wintering habitat for shortnose sturgeon (E).

Fishing pressure is heavy on Esopus Creek during the entire season. Several blackbass (smallmouth and largemouth) fishing tournaments are held here each summer, with participation from residents throughout the Hudson Valley. There is also important recreational fishing for striped bass in the area. Tidal marshes and shallows in the estuary also provide resting and feeding areas for migrating waterfowl, including black ducks and mallard. This results in significant hunting pressure from residents of the lower Hudson Valley region. (Refer to Inventory and Analysis Appendix)

The Flats. The Flats is located in the middle of the Hudson River, roughly between the hamlet of Barrytown and the City of Kingston, in the Town of Ulster and City of Kingston, Ulster County, and the Towns of Red Hook and Rhinebeck, Dutchess County (7.5' Quadrangle: Kingston East, N.Y.). The fish and wildlife habitat is an approximate four and one-half mile long underwater ridge, most of which is shallow (less than 10 feet deep at mean low water), freshwater, intertidal mud flats, and subtidal aquatic beds (predominantly wild celery and Eurasian water milfoil). The Flats is bordered to the west by the Hudson River navigation channel, resulting in potential habitat disturbance from periodic maintenance dredging. The Flats is one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River. Areas such as this are extremely valuable fish and wildlife habitats, and are not found in other coastal regions of New York State.

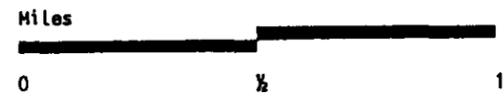
The Flats is one of the primary Hudson River spawning grounds for American shad. Between mid-March and June, adult shad concentrate between Kingston and Coxsackie, and spawning occurs primarily on extensive flats, shoals, sandbars, and shallow areas near the mouths of tributary creeks. These fish may move into adjacent deeper areas while tidal currents are strong. Reproduction by shad in The Flats area supports much of the commercial gillnet fishery for this species on the Hudson River, which is one of the largest such fisheries in the U.S. The importance of the Flats is highlighted by the fact that it is the only area on the Hudson where commercial fishing is prohibited during the shad spawning period. The Flats also serves as spawning, nursery, and feeding habitat for



**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

**North and South Tivoli Bays /  
Esopus Estuary (In part)**

Map 5a





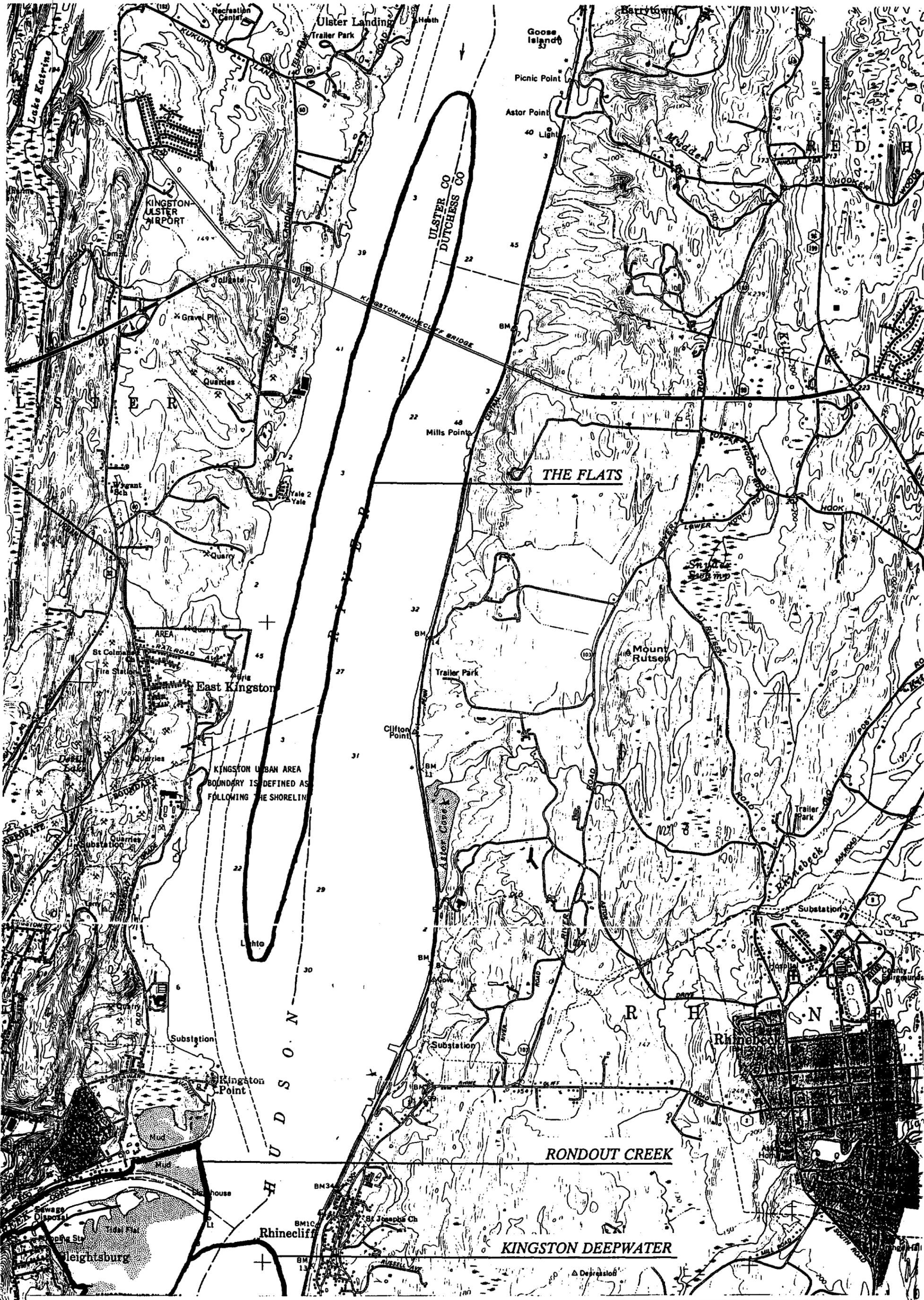
**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

Map 5b

Esopus Estuary / Germantown-Clermont Flats (in part) /  
North and South Tivoli Bays (in part)

Miles

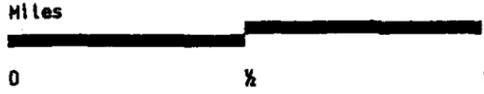




**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

Map 5c

The Flats / Kingston Deepwater (In part) / Rondout Creek (In part)



striped bass, white perch, and various resident freshwater species. Concentrations of the early developmental stages of several anadromous species occur in this area. Shortnose sturgeon (E) and Atlantic sturgeon may also use the area to feed (especially during slack water in late spring and summer), or as a resting area during riverwide movements, or as a slightly preferable habitat when water temperatures are warmer than in adjacent deeper waters (i.e., in early spring and fall). High catches of shortnose sturgeon occur in channels adjoining the Flats, particularly on the east side. The abundant fisheries resources in this area provide an excellent recreational fishery, attracting anglers from nearby portions of Ulster and Dutchess Counties.

Significant concentrations of waterfowl also occur in the Flats area. Dense growths of wild celery provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September-early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in the Flats. During calm weather, this open river area is also used by dabbling ducks, including mallard, black duck, and blue-winged teal, and provides a refuge from hunting pressure in shoreline areas.

10. Flood and Erosion Hazard Areas

The flood hazard areas for 100 year floods in the coastal area of the Town as defined in the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency include all the freshwater-tidal cove areas along the Hudson referred to in the above subsection on freshwater tidal coves as well as the major portion of Cruger Island (with only a few higher portions on the island listed out of the 100 year flood zone) and the outer edges of Magdalen Island (with the center area of the island considered of minimal flooding risk). (See Map 13.) The areas along several creeks are also shown in the flood hazard zone including: (1) areas surrounding Stony Creek in the northern part of the Town which flows from the unincorporated area into the Village of Tivoli and then empties into Tivoli North Bay, and (2) areas adjacent to the Saw Kill which empties into Tivoli South Bay, and adjacent to one of its tributaries which flows southward into the Saw Kill parallel to Route 9G.

Stream bank erosion from tidal action or navigation on the Hudson is not considered a serious problem in Red Hook at this time, although it is elsewhere along the River and may be doing injury to seawalls and piers at Barrytown. The fact that the railroad has elevated the tracks along the river and maintains its roadbed, lessens tidal erosion impacts on other areas. However, the sloping to steep soils along the river bank are subject to slides or slumping and need to be protected.

11. Air Quality

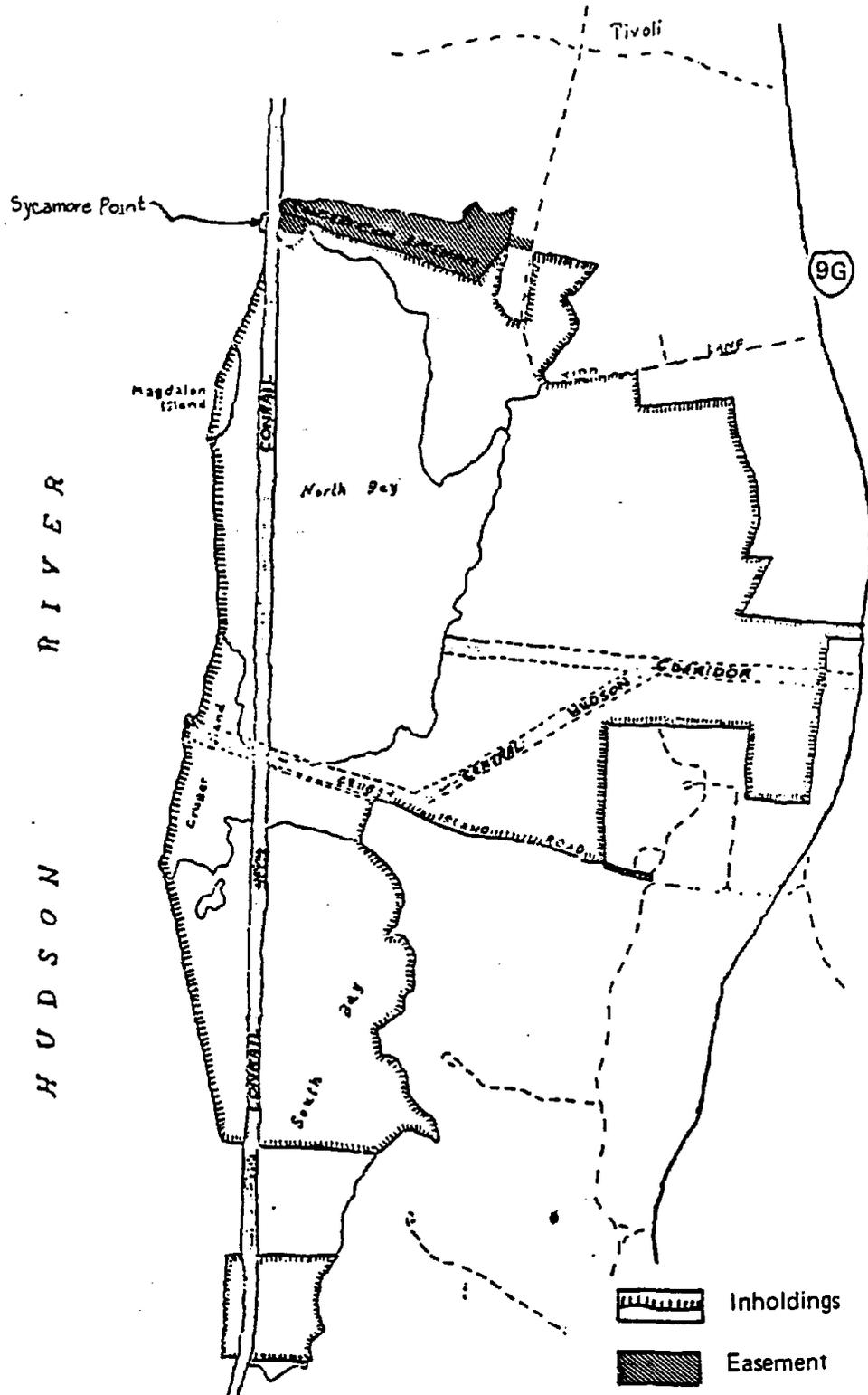
Air quality in the coastal areas of Red Hook has been classified as Level II as defined by 6 NYCRR Part 272.3, which is used for areas of "predominantly single and two-family residences, small farms and limited commercial services and industrial development." Although current monitoring stations are in Poughkeepsie, all results indicate that the air quality of the coastal portions of the Town conforms to all applicable standards.

12. Analysis of Physical Features

- a. Protection of Ground and Surface Water. It is important to protect the Town's ground and surface waters against pollution from a variety of residential, commercial and industrial sources both within and outside the coastal area. These include contamination and runoff from inadequate septic systems, road salting and the use of herbicides, pesticides and/or fertilizers by farmers, home gardeners and railroad maintenance crews.

The Dutchess County Environment 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 Road 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 just north of Rokeby Road and east of Route 9G near the coastal boundary which is now used as a sand and salt storage area by the State DOT needs to be monitored.

Any negative impacts on streams tend to affect coves and ultimately the river as well. Moreover, since the Saw Kill, Stony Creek and Hudson River serve as sources of drinking water as well as important ecological habitats, all efforts to protect and improve the quality of the water should be encouraged and activities which could threaten the quality of the water should be discouraged. The water quality of the Saw Kill had been monitored for many years by interested individuals and groups and there is much current interest in reestablishing public financial support for the program. Monitoring of the Saw Kill will attempt to examine several concerns of officials and residents including:



**TIVOLI BAYS STATE NATURE AND HISTORICAL PRESERVE/TIVOLI BAYS NATIONAL ESTUARINE SANCTUARY AND RESEARCH RESERVE**

Source : Draft Management Plan for Tivoli Bays Unique Area 1984 New York State Department of Environmental Conservation; DEC Survey Map 1985; Information from W. Aldrich and B. Blair.

**Local Waterfront Revitalization Program**

Town of Red Hook, New York



What are the impacts of the outfall from the Bard College sewage treatment plant and of the backwash from the Bard College water treatment plant?

Do the former asbestos processing plant landfill and other present or former landfill sites continue to impact groundwater and surface waters?

To what extent is effluent from septic systems in the vicinity of Bard College impacting the stream?

Recently the Department of Environmental Conservation initiated a reclassification of all surface waters in the State. The Town and State will review classifications to determine ways to best protect streams in the Town. Initially, the Town is recommending reclassifying the Saw Kill to a Class "AA" stream.

- b. Protection of Environmentally Sensitive Areas. Environmentally sensitive areas of the Town need to be retained and protected from alteration and pollution.

Among the Town's most valuable natural resources are the various coves and freshwater wetlands affected by tides, particularly the Tivoli North and South Bay cove areas (see Impact Assessments for Significant Habitat areas), which are all being threatened to some extent by various development factors including pollution of streams, e.g., by runoff from road maintenance practices and agricultural uses, but they are particularly threatened by railroad maintenance practices. These include: (1) 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 fish, animals and bird life and habitats; (2) the scattering of old railroad ties permeated with creosote or other wood preservatives which can both add chemicals to the coves that can harm plant, fish and animal life within the cove, and can block water passing through areas under railroad bridges thus interfering with tidal flow, and affecting plant, fish and wildlife in the cove areas, and (3) the pushing of vegetation from near the tracks into the coves which also may add to the herbicides or nitrogen levels of the coves.

Some concern also exists about leachate from the Bard College land fill, treated sewage from the College and pesticide and fertilizer run-off from neighboring farms.

While the Tivoli Bays area is protected from much alteration by its Preserve/Estuarine Sanctuary and Research Reserve status, it is still, unfortunately, subject to pollution from activities beyond its borders and along its interface with the railroad. In addition, since Central Hudson Gas and Electric Corporation retains a corridor which it owns in fee simple along Cruger Island Road, there is great concern that this road might be used to implement operations for a proposed power plant near the Dutchess-Columbia County border, e.g., as a route for providing or returning cooling water or for carrying fuel to, or electricity from, the site. Such activity would have a very detrimental effect on the natural environment of the Preserve/Sanctuary and Research Reserve.

The freshwater wetland standing water areas of the Town also need to be protected against pollution and encroachment or alteration, as do the several creeks, kills and forested areas of the Town.

#### **D. HISTORIC AND SCENIC FEATURES**

The beauty and value of Red Hook's historic and scenic assets cannot be overstated. The uniquely attractive visual character of the Town of Red Hook results from the combined impact of natural and manmade settings.

The historic and scenic features have inspired both residents and visitors for centuries. Contributing to this effect are the majesty of the Hudson River and the adjacent land forms, including the Catskill Mountains, cliffs and vegetated areas such as forests and wetlands; contributing as well are the scale and grandeur of the riverfront estates, with their architecturally interesting structures and expansive landscaped grounds. The riverfront estate areas have been complemented by rural historic structures and attractive farm fields. Since the 1970's several steps have been taken to recognize officially the historic and scenic features of the coastal areas of the Town of Red Hook and surrounding communities and to make efforts to enhance and preserve the natural and manmade environments. Some of the major steps that were undertaken are listed briefly below and others are included in subsequent subsections. A listing of major initiatives undertaken, i.e., goals and agendas formulated, actions taken and studies completed, is included in the Appendix.

The Hudson River Shorelands Task Force was established in 1976 with representatives from Hyde Park, Rhinebeck, Red Hook and Tivoli to act as a liaison between private property holders, institutional property owners and local, County, State, and Federal governments. Funding through private and public grants was obtained to gather additional data to continue documentation of the scenic and historic features of the area and to develop plans to aid in restoration and maintenance as well as to protect the visual environment. Working with local governments, State and Federal regulatory agencies

and private interests, the Task Force has strived to interpret the unique environment for the benefit of the Historic District, the Scenic District and the region as a whole.

The Hudson River Study Bill passed by the New York State Legislature in 1978 resulted in the report, Hudson River Valley-A Heritage For All Time. This in turn initiated the designation of the area in 1980 as the State's first Scenic District by the Commissioner of Environmental Conservation. The Mid-Hudson Historic Shorelands Scenic District, so designated, included not only the Sixteen Mile Historic District (discussed below) and the Clermont Estates Historic District, but also the river landings and pastoral lands connecting the river and the major state road paralleling the river. A Management Plan for the District was completed in 1983.

The scenic quality of the Scenic District is greatly enhanced by views across the Hudson River. The Scenic District Management Plan included a description of the Scenic Zone which encompasses the river west of the centerline and the river frontage extending 2,000 feet west of the high tide line (see Map 6). Thus portions of the Towns of Esopus, Kingston, Ulster and Saugerties, the City of Kingston and Village of Saugerties in Dutchess County and the Town of Catskill in Greene County are considered part of the viewscape of communities in the Scenic District (sections of the Town and Village of Saugerties and the Town of Esopus are directly across the Hudson from Red Hook).

1. Scenic Areas of Statewide Significance (SASS)

The Town of Red Hook coastal area is included in the Estates District Scenic Area of Statewide Significance (SASS). Red Hook also lies within the Ulster North SASS and constitutes the middle ground of its viewshed.

a. Estates District SASS

The Estates District SASS is approximately 27 miles long, extending from Cheviot Landing in the Town of Germantown, Columbia County, south to just south of the Franklin D. Roosevelt Home in Hyde Park, Dutchess County. 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. Complementing the estates is extensive farmland of open fields, pastures and orchards. Some of these pastoral landscapes form gracious entrance ways to estates in the American Romantic landscape tradition, while others are more utilitarian and support cash crops more typical of working farms.

The Hudson River and its influence on the historical development of the area constitute the major unifying features. The river's shoreline configuration changes throughout the SASS. Creeks, such as Stony Creek and Bard Rock Creek, cut deep ravines and waterfalls. Where they enter the Hudson, they add interest to the shoreline, along with the coves, marshes and scattered islands, such as Cruger Island. The rich variety of vegetation gives a textural diversity to the SASS and enhances both its scenic character and its ecological value.

The SASS is generally free of discordant features. Some of the estates suffer from neglect and inappropriate bulky additions, but the landscape is generally well kept and its integrity maintained.

As its name implies, the Estates District SASS is dominated by major and minor historic estates and the Hudson River toward which they are oriented. The beauty of the region's landscape, including views of the Hudson and the distant Catskill Mountains, has been celebrated for generations, most notably in the paintings of the Hudson River School, the first indigenous art movement in the United States. The estates and manor houses were designed by renowned architects and landscape architects. In Red Hook, Alexander Jackson Davis designed the enlarged Montgomery Place, Blithewood's hexagonal gatehouse at Bard College, the Sylvania Chapel in Barrytown and two semi-octagonal gatehouses at Edgewater. Others contributing to the development of estates in Red Hook were architects Stanford White and Charles Platt and landscape gardeners H. J. Ehlers and the Olmsted Brothers.

Ruins of docks and ice houses are evident along the Hudson River, and dry laid stone walls and rows of mature trees line Woods Road. Barrytown still exhibits its historical connection to the Hudson as a river landing. Paths and carriage roads along the shores of the Hudson, some overgrown, indicate favored recreational activities that continue today. "The Poet's Walk" connecting Rokeby with Mandara and Sylvania is reputed to have been visited by Washington Irving.

Although the private estates cover most of the Hudson River, shore, 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. Views from the SASS focus on the Hudson River and distant Catskill Mountains. Internal views

range from intimate glimpses of estate edges and streetscapes to broad sweeps of pasture. Winding rural roads reveal new compositions at each bend.

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

Together the subunits constitute a landscape of national and international significance which evolved through the development of a rich cultural heritage in an outstanding natural setting.

b. **Ulster North SASS**

The Ulster North SASS encompasses the Hudson River and its western shorelands and overlaps the Estates District SASS along the Hudson River. 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 the surrounding landscape in Red Hook are available. The Hudson River creates the foreground and middle ground for many of the views east to the Estates District SASS. The forested shorelands and the major estates in the Estates District contribute significantly to the scenic quality of the Ulster North SASS. The SASS is accessible to the general public and well recognized by the public for its scenic quality.

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

2. Analysis of Scenic Areas of Statewide Significance

The scenic components of both SASS and actions which could impair their scenic quality are described more fully in the narratives contained in Appendix A.

3. Architectural Sites, Structures and Features and Archaeological Sites

In 1979 the Sixteen Mile Historic District was surveyed by Hudson River Heritage, Inc., a local non-profit membership organization, in an effort to document historic sites and to facilitate the preservation of the area's riverfront estate properties. Buildings within this historic district encompassing the riverfront estate areas of the Towns of Clermont, Red Hook, Rhinebeck and Hyde Park were placed on the National Register of Historic Places; in the Town of Red Hook the Historic District area is almost entirely west of Route 9G, but excludes most of the hamlet of Barrytown (see Map 13). The estates incorporated within the District include (from north to south) Teviot, Ward Manor, Cruger Island, Blithewood, Montgomery Place, Massena, Edgewater, Sylvania, Rokeby and Mandara (Steen Valetje). (See Map 7.) Rose Hill, The Pynes, and Tivoli House (Callendar House) are located in the Village of Tivoli.

These magnificent estates were built along the Hudson's eastern banks in the eighteenth and nineteenth centuries, representing the architectural and social history of the times. They included the residences of New York's wealthy families, from the early landlords to the later financial magnates.

Individually, most of these estates would meet the National Register criteria as distinctive architectural specimens and many 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.

Several archaeological sites have been identified within the Town, but will not be listed in the LWRP to protect the sites from illegal looting.

4. Analysis of Architectural Sites, Structures and Features and Archaeological Sites.

Residents of the Town of Red Hook are interested in and concerned about the preservation of historic structures, sites, gardens and other features. As mentioned above, many steps have already been taken in designating historic

structures and sites in the Sixteen Mile District. Surveys of historic properties in the portion of the coastal area that is not included in the Sixteen Mile District need to be undertaken.

One such property is the masonry barns within the Tivoli Bays Preserve/Sanctuary and Research Reserve. This complex of farm buildings have fallen into disrepair and should be stabilized and used in a manner consistent with the Sanctuary management plan and program.

At this time and for the future, community (public and private) efforts must focus on restoration, preservation and enhancement of existing historic sites, structures, gardens and other features such as stone walls and street trees and on creation of opportunities for adaptive re-use of historic structures. An issue that arises in connection with historic properties is the means for and extent of providing information to the public regarding the characteristics and location of the site/structure/feature. Privacy and security are key aspects to this. Moreover, the issue of gaining full or limited public access to historic properties also needs to be considered. Some properties may be open to the public on a regular basis, some may be available only on specific non-profit or commercial tours, and others may be viewed as a result of their institutional or commercial re-use. Others are absolutely closed to the public. Another area of concern is the encouragement of development that is compatible with existing historic development and discouragement of development that is incompatible. This new development need not be architecturally identical to existing structures, but it should not present a discordant, jarring appearance to already developed areas or to more open rural settings or to estate environments.

The several sites of archaeological interest in the Town need to be further protected against illegal looting and destruction of artifacts.

#### 5. Landscape Distinction

The Mid-Hudson Historic Shorelands Scenic District Management Plan highlights four categories of landscape distinction that contribute to the scenic character of the Town: (1) Estate Landscape Gardens/Grounds, (2) Pastoral Countryside, (3) Parkland and (4) Landscape Appurtenances including stonewalls and tree lined roads. A discussion of parkland can be found in the subsection on Recreation and Open Space Areas.

The Hudson River estates within the Town have been noted not only for their architectural interest discussed above but also for the significance and interest of their landscaped gardens. The Historic Shorelands Scenic District Management Plan indicates that there are twelve estates in the Town of Red Hook and the Village of Tivoli that are important "for their common design themes and date of

construction as identified in the American Romantic Landscape Style," i.e. primarily during the period 1820 to 1880. These include those previously mentioned in the discussion of the Sixteen Mile Historic District under Architectural Sites, Structures and Features, (from north to South): Teviot, Ward Manor, Cruger Island, Blithewood, Montgomery Place, Massena, Edgewater, Sylvania, Rokeby and Mandara (Steen Valetje). Rose Hill, The Pynes and Tivoli House (Callendar House) are located in the Village of Tivoli.

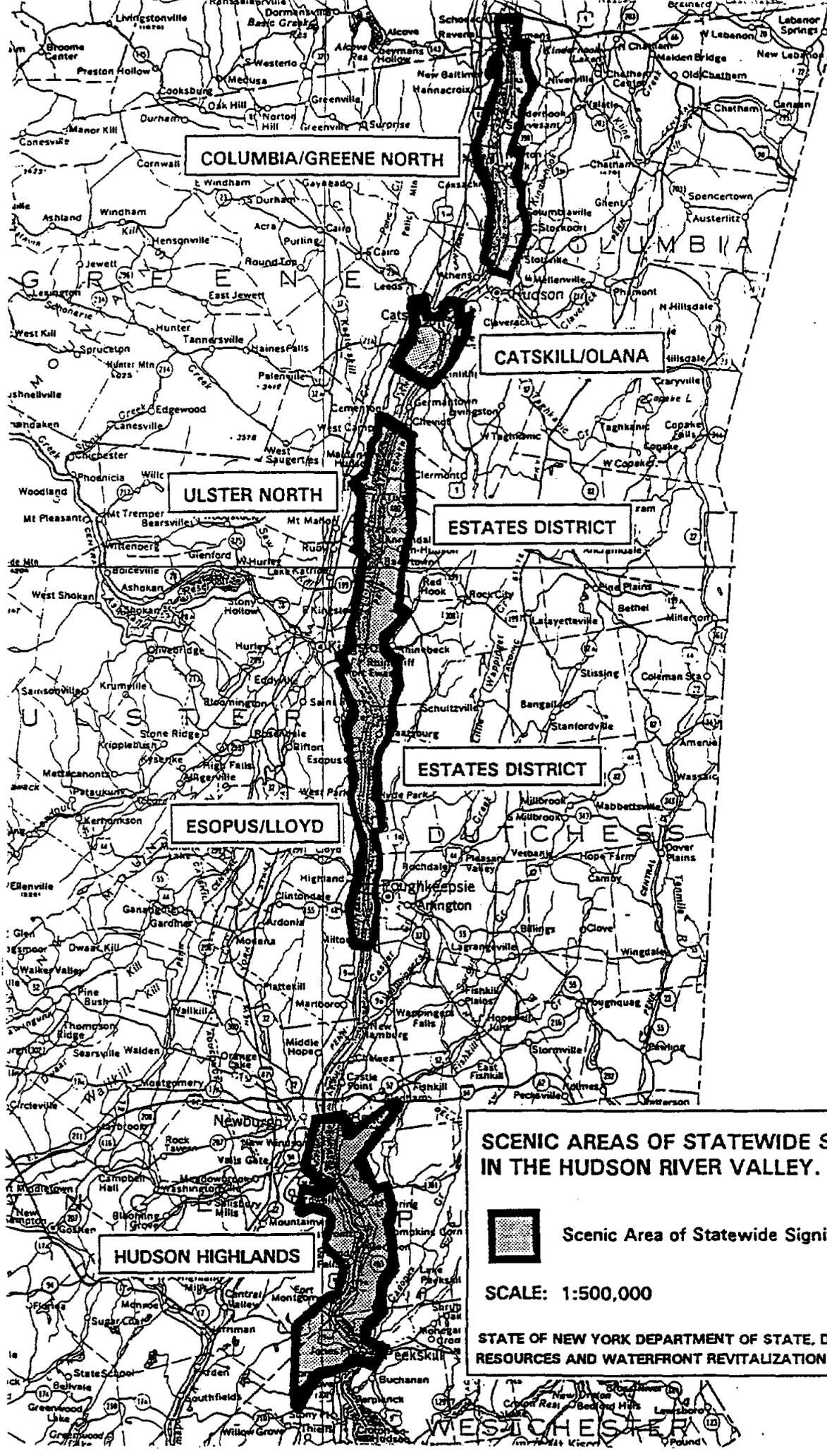
The pastoral countryside refers to a combination or an interweaving of visual components familiar in the rural areas of the Town: wooded areas, pastures, cropland, orchards and vineyards, irregularly placed residences and farmsteads. Within the pastoral countryside, several properties have been included in an agricultural district under the state agricultural and marketing laws, which helps to encourage the protection and maintenance of substantial areas of the Town in agricultural/open space use. (see discussion on agriculture above in Existing Land Use subsection.)

#### 6. Analysis of Landscape Distinction

The need and value of protecting and restoring estate grounds to maintain and enhance the scenic beauty of the Town needs to be addressed. The landscape planning as well as the architectural design of the major structures are important from a historic point of view, but they are also very important as they contribute to the landscaping, vegetation and open space appearance of the Town. The design of estate grounds should be a major consideration in any plans to restore and renovate existing estates and/or plans to further develop or subdivide properties. In addition, prudent development of properties and preservation of vegetation is necessary to protect the shoreline from erosion and to prevent the loss of the "wilderness character" of the Tivoli Bays.

#### 7. Stone Walls

Of the landscape appurtenances mentioned in the Mid-Hudson Historic Shorelands Scenic District Management Plan, stone walls were determined to be the most significant. These stone walls fronting on many of the estates have great value as historic and scenic resources. Stone walls are representative of an earlier period in the history of the Town when labor was relatively inexpensive, personal pride in one's work was high and the quality of craftsmanship was important. Many are currently in a state of disrepair and others are threatened by highway improvements. A 1980 report, Hudson River Stone Walls prepared by the Preservation Partnership for Hudson River Heritage, Inc., described these masonry walls, their preservation problems and solutions.



**COLUMBIA/GREENE NORTH**

**CATSKILL/OLANA**

**ULSTER NORTH**

**ESTATES DISTRICT**

**ESTATES DISTRICT**

**ESOPUS/LLOYD**

**DUTCHES**

**HUDSON HIGHLANDS**

**SCENIC AREAS OF STATEWIDE SIGNIFICANCE  
IN THE HUDSON RIVER VALLEY.**



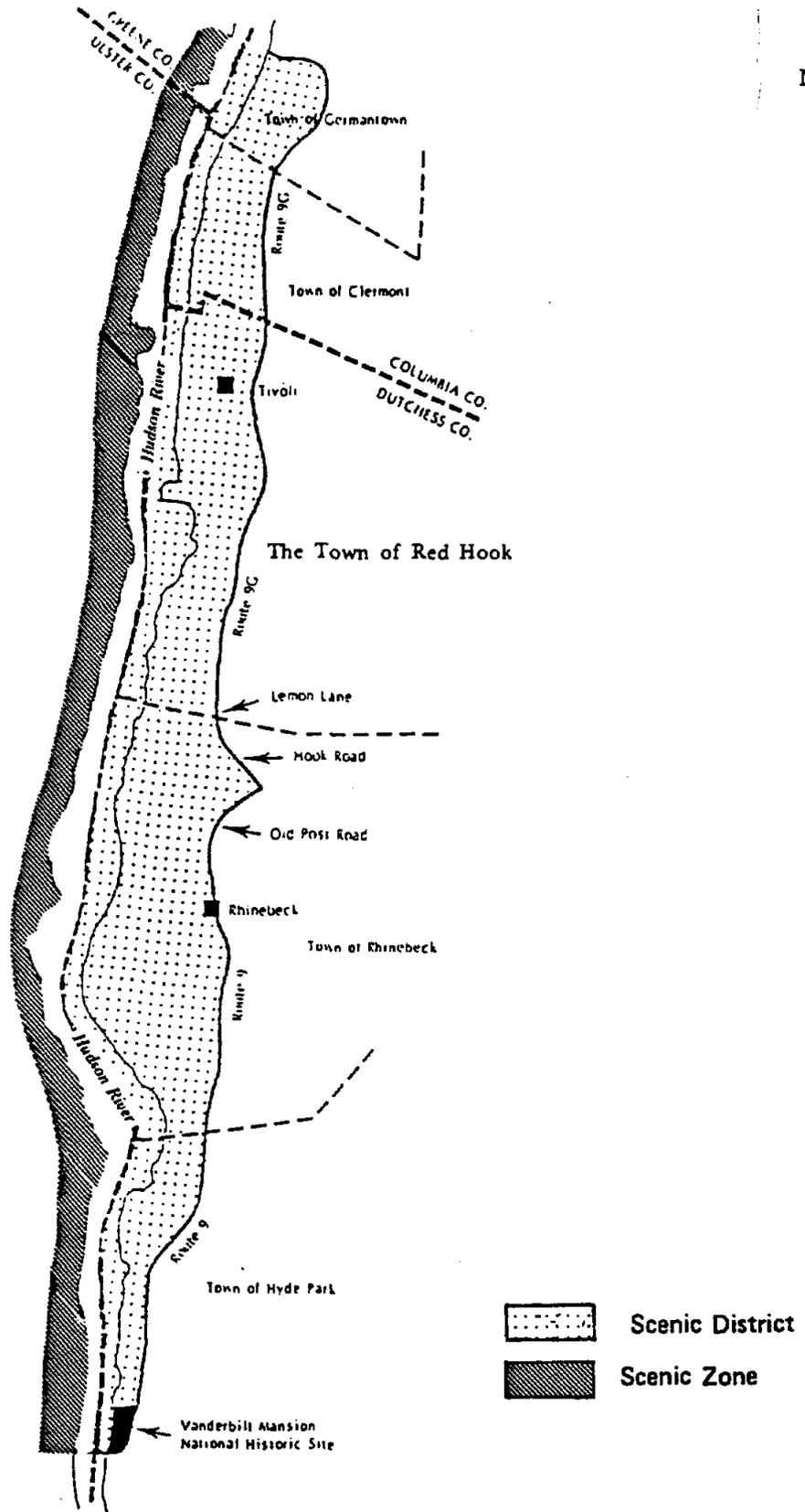
Scenic Area of Statewide Significance.

SCALE: 1:500,000



STATE OF NEW YORK DEPARTMENT OF STATE, DIVISION OF COASTAL  
RESOURCES AND WATERFRONT REVITALIZATION NOVEMBER 1992

Map 6a

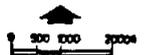


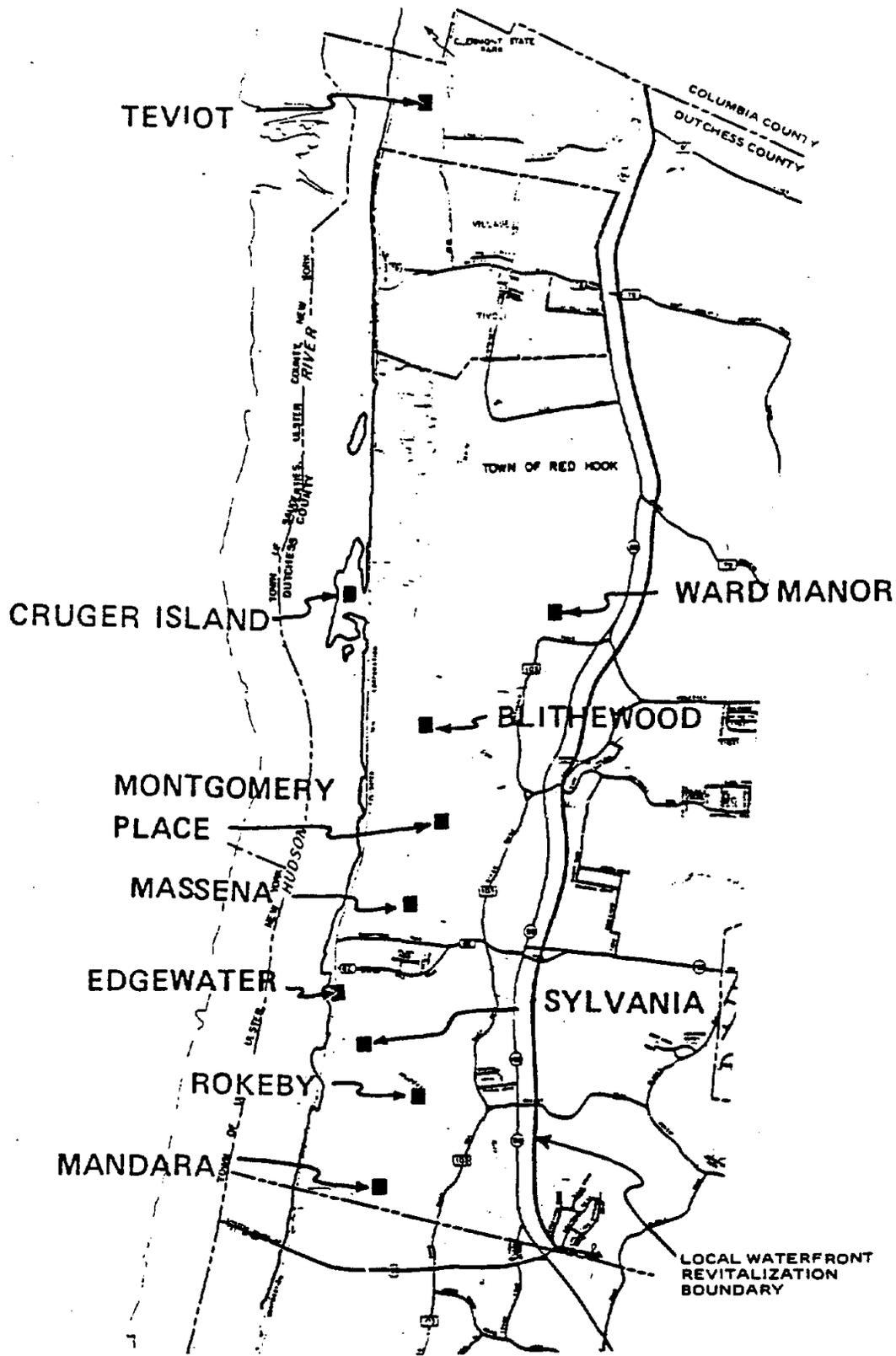
**MID-HUDSON HISTORIC SHORELANDS  
SCENIC DISTRICT/SCENIC ZONE**

Source: Mid-Hudson Historic Shorelands  
Scenic District Management Plan 1983

**Local Waterfront Revitalization Program**

Town of Red Hook, New York





# HUDSON RIVER ESTATES

## Local Waterfront Revitalization Program

Town of Red Hook, New York



8. Analysis of Stone Walls. A current community concern is the protection and repair of stone walls lining roads near the river. As mentioned above, many of the stone walls in the Town are in disrepair and others are threatened by road maintenance and improvement techniques: salt used to de-ice roads can lead to disintegration of the mortar used in the wall construction and road widening plans and activities may lead to weakening or destruction of these walls. While techniques for protection and repair of the walls are known and have been outlined in the 1980 report, many are not cognizant of the value of the walls, the process for repair is costly, few are trained to do the repairs.

9. Street Trees

Large old trees, many planted in mid-to-late 1800's, contribute to the scenic beauty of Red Hook. They are found lining Town streets and roads, as well as on riverfront estates.

10. Analysis of Street Trees

Unfortunately, it takes a long time to grow a large tree, but a short time to destroy such a valuable asset. The issue of how to best protect and maximize the life of existing large trees in the Town needs to be addressed. Some trees are in good condition; however, many trees are in a deteriorated state. Trees can be subject to damage from a variety of situations including: lack of care and pruning; inappropriate pruning in efforts to clear utility wires and rights-of-way; and inadequate consideration of site planning or lack of adequate protection for tree roots and trunk during construction of new development.

11. Scenic Roads

In 1981, following provisions of Article 49 of the Environmental Conservation Law, empowering the DEC to designate scenic highways and develop programs for their preservation and enhancement, the State Legislature directed DEC's Heritage Task Force for the Hudson River Valley, Inc., to undertake a study regarding the "protection and enhancement" of certain roadways in the Hudson River Valley. The Heritage Task Force, established by the DEC in 1980, examined a series of roadways which are considered important cultural and scenic features in the landscape and provide a means of visual and physical access to the Hudson River. Preserving and enhancing the appearance of the roadway and surrounding areas, as well as providing opportunities for better viewing of scenic vistas, continue to be among the goals of the Scenic Roads Program. This program was designed to create a greater public awareness of the importance of the scenic resources and to recommend preservation and enhancement measures. Several scenic roads providing outstanding scenery, views to the river and mountains and access to historical, cultural and recreational facilities were

outlined for the Town in the Scenic Roads Program, Volume I, prepared for the Heritage Task Force for the Hudson Valley in 1983.

The scenic roads in the Town of Red Hook Coastal area (excluding the Village of Tivoli) as designated include:

- a. River Road/Annandale Road--from the Town of Rhinebeck boundary to the intersection with Route 9G.
- b. New York Route 9G--from the Town of Rhinebeck boundary to the Dutchess/Columbia County line.
- c. Kidd Lane--from the intersection with New York Route 9G to the Tivoli Village boundary,
- d. Woods Road--from the Tivoli Village boundary to the Dutchess/Columbia County line.
- e. Sengstack Road--from the intersection with Woods Road to the intersection with Stony Brook Street.
- f. Stony Brook Street--from the intersection with Sengstack Road to the intersection with New York Route 9G.
- g. Barrytown Dock Road and Station Hill Road west of River Road.
- h. Kelly Road--east of River Road.

The following additional scenic roads were listed in the Mid-Hudson Historic Shorelands Scenic District Management Plan:

1. Rokeby Road.
2. Cruger Island Road.

In October, 1985, River Road/Annandale Road, Woods Road, Sengstack Road and Stony Brook Street were officially designated as Scenic Roads by the New York State Department of Environmental Conservation.

In addition to the above-mentioned land-based roads, the Hudson River (the east channel of which is within Red Hook's boundaries) may be considered the Town's greatest scenic highway. It offers splendid landward views of historic estates and natural areas.

12. Scenic Vistas

Although considered within the context of scenic roads, scenic vistas merit special attention and treatment. The term "scenic vistas" is used to refer to those locations or vantage points where sights of some broad expanse of unique and outstanding beauty are apparent. Generally the vantage point for such a vista is elevated from the surrounding area to increase the extent of the view and identified scenic vistas of primary interest are those (readily) available along a major road. The extent of the vista may change depending on the season of the year and the amount of foliage available.

As part of the preparation of the LWRP scenic vistas of great interest particularly in the coastal area of the Town were identified. (See location of scenic vistas on the Natural Resources Map 3.) The majority of those vistas identified in Red Hook included views of the Hudson River and Catskill Mountains. Other views are of river tributaries, wetland areas near the river, or agricultural and open space areas. Most of the vistas are located along the "scenic roads" of the Town; however, the northern panorama that can be viewed from the Kingston-Rhinecliff Bridge of the estate areas is also considered important.

13. Analysis of Scenic Roads and Scenic Vistas

It is widely recognized that the scenic roads and scenic vistas provide valuable resources for residents and visitors to Red Hook. However, full appreciation of the scenic roads and vistas is not possible since many of the views are not easily enjoyed by residents and tourists for a variety of reasons: involve the use of private property; the scenic view areas are not marked so that locating them may be a problem; pulling off the road and parking to enjoy any vistas is difficult in most places; overgrown trees may obscure known views and judicious tree trimming is limited; and utility lines may negatively impact on otherwise scenic areas.

A series of major issues and considerations for the preservation and enhancement of these areas are:

- (1) Protection and/or enhancement of the attractiveness of land areas on both sides of a given scenic road--including treatment of vegetation, permitting of development that is compatible with the natural and manmade environments and discouraging of incompatible development, management of physical elements within road rights of way such as guide rails and utility poles, and protection of historic and attractive features such as stone walls and older street trees.

- (2) Creation of pull-off and parking areas to improve the appreciation of scenic roads and scenic vistas.
- (3) Removal or minimizing of elements that tend to detract from scenic roads and vistas such as inappropriately placed utility poles and wires, visually incompatible structures and excess foliage that may limit appreciation of vistas.
- (4) Protection of natural vegetation while creating vistas in order to minimize erosion of clay banks.

## E. ZONING

### 1. Zoning Districts

The **Waterfront Conservation (WC) District** lies along the Hudson River waterfront from the Village of Tivoli south to the Town's southern boundary. It encompasses lands within one thousand (1000) feet of the river and within one hundred (100) feet of Stony Creek, the Saw Kill, White Clay Creek and the Mudder Kill. The district is intended to protect scenic quality and preserve the sensitive natural resources of the Hudson, its coves and tributaries and their developmentally restrictive shorelands. Of particular concern are Tivoli North and South Bay and Cruger Island. All uses within 1000 feet of mean high tide are subject to special permit.

The **Limited Development (LD) District** includes environmentally significant estate and noninstitutional open space lands within the Town's coastal zone management area. Techniques such as cluster development and conservation easements will be used to mitigate impacts from development on the rural, scenic and historic character of the landscape.

The **Rural Development 5 (RD5) District** covers the land along the west side of NY Route 9G south of the Village of Tivoli with the exception of Bard College property. The district seeks to continue established land use patterns by providing for a mix of agricultural and compatible low-density residential development along with conservation, recreation and open space uses.

The **Residential 1.5 (R1.5) District** allows low-density suburban residential use in areas served by a town-approved central water supply system. The district encompasses the housing north of Bard College and adjacent to Annandale Road.

The **Hamlet (H) District** is intended to reinforce the traditional mix of residential uses and community facilities along Annandale Road and in the hamlets of Annandale-on-Hudson and Barrytown. Architectural design review is provided to protect and continue the vernacular character, scale and unique settings of structures within these hamlet areas.

The **Institutional (I) District** accommodates the comprehensively planned, extensive facilities associated with educational, health-related and other not-for-profit institutions as well as compatible residential, agricultural, conservation and open space uses.

2. Overlay Districts

The **Flood-Fringe Overlay (FF-O) District** encompasses the 100-year floodplain area as designated by the Federal Emergency Management Agency. Regulations meet the requirements of the Federal Emergency Management Agency.

The **Historic Landmarks Overlay (HL-O) District** covers the portion of the Hudson River National Historic Landmark District located in Red Hook. The area is comprised of large historic estates and other areas of historic and environmental significance. The district is intended to continue the estate and conservation uses and adaptive reuse and provide for environmentally sensitive new development.

The **Environmental Protection Overlay (EP-O) District** recognizes the scenic byways designated under the New York State Scenic Byways Law and other scenic corridors of local significance. View protection regulations protect the rural character of the roadway corridors, scenic vistas and the settings of historic properties.

The **Scenic Corridor Overlay (SC-O) District** encompasses those lands immediately adjacent to the Town's designated scenic roadways, a predominantly rural landscape. The district regulations supplement the area and bulk regulations applicable in the underlying zoning districts and address the treatment of land within identified scenic vistas, including those of historic structures and landscapes. The preservation of significant existing vegetation, plant specimens, landforms and water features and the incorporation of natural landscaping techniques are of particular concern.

3. Residential Uses

Single family homes are permitted in all the zoning districts within the coastal area, by special permit is in the WC district. New two family structures are allowed by special permit in the Hamlet District and conversions to two family are allowed by special permit in the LD, RD5, H, and I. Accessory apartments are permitted by special permit outside the WD district. Congregate care facilities are allowed in the LD, R1.5 and I districts.

4. Water Dependent Uses

Marinas, boat clubs, docks and boat ramps are allowed by special permit and site plan review is required. Regulations give preference to alternative ways to provide services such as dry-stack storage and open water facilities, marina design for maximum tidal flushing and circulation, and minimal dredging. Pump-out facilities are required.

5. Agriculture and Open Space Uses

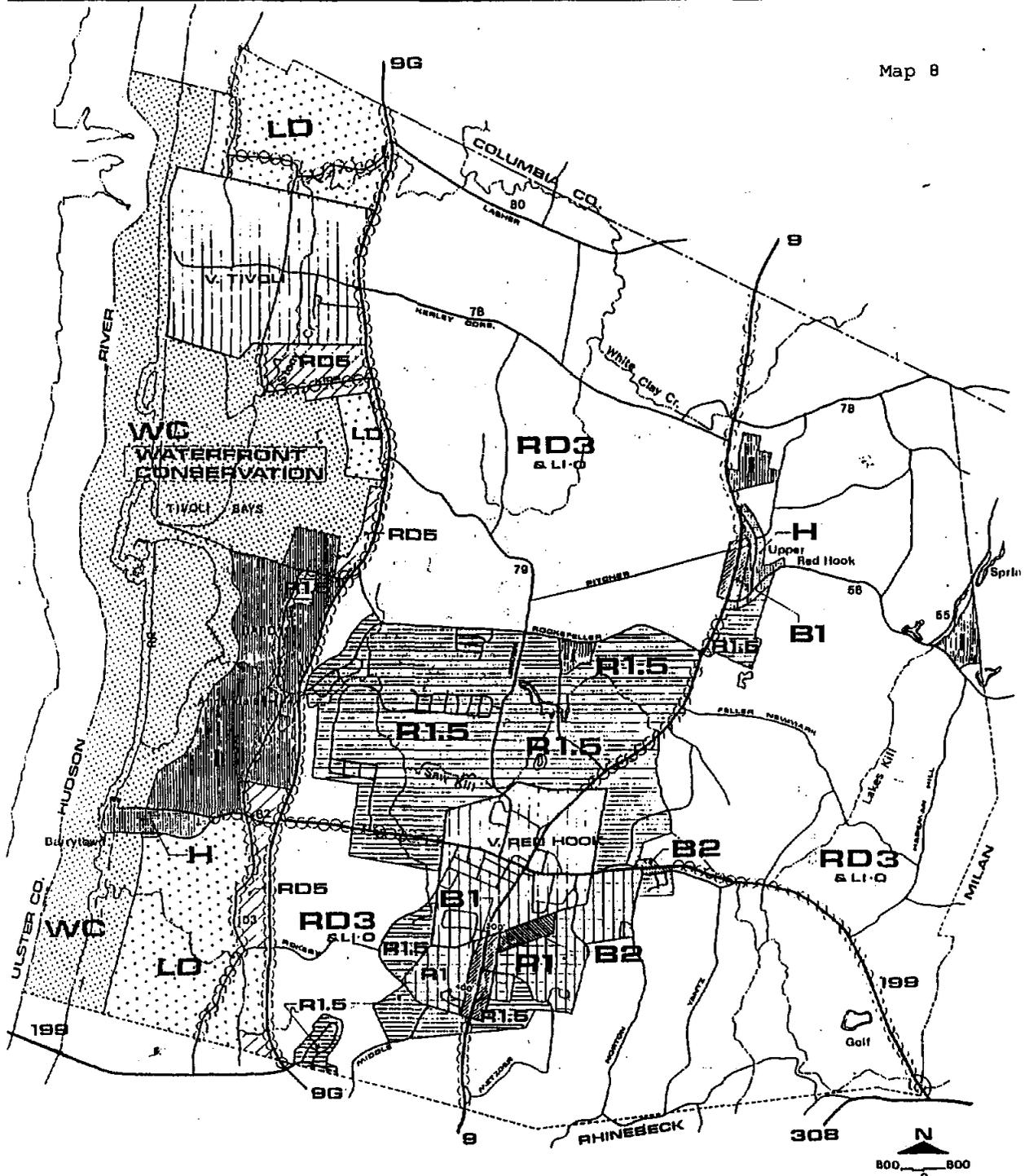
Agriculture, forestry management and conservation uses such as wildlife preserves are permitted in all the zoning districts. Golf courses are permitted with site plan review in the LD, RD5 and R1.5 districts. Other outdoor recreation facilities for skiing, skating, picnicking and camping are allowed by special permit in all the districts. Riding academies and stables are allowed in the RD5 District by special permit.

6. Analysis of Zoning

The Town of Red Hook's zoning has been designed to protect the rural and open space qualities and environmental features of the coastal area and to continue the historic pattern of development. The more dense development is guided to the hamlets and to other areas where a central water system exists. Uses which contribute to the scenic character of the landscape, such as forestry, farming, passive outdoor recreation and conservation uses are encouraged and reinforced. Water dependent uses are allowed where environmental impacts can be minimized.

Special regulations address historic structures and compatible new development, the preservation of views and vistas and the landscape elements which contribute to the scenic character of the area, and conservation of the extensive ecologically important resources found in the coastal area.

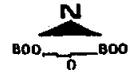
Town residents and officials have indicated a desire to avoid commercial sprawl and have zoned for uses that are compatible with preservation of the estate, agricultural and environmentally sensitive areas. Commercial uses are generally prohibited, except for marinas, conference centers, nursery schools, kennels and farm stands. Riding stables and facilities for skiing, skating and camping are also allowed in some districts.



- SC-O DISTRICT
- FF-O see FEMA map
- EP-O see CAC Index
- HL-O COINCIDENT WITH BOUNDARIES OF NATIONAL HISTORIC LANDMARK DISTRICT (SEE MAP DISTRICT #001)
- WC INCLUDES CORRIDOR WITHIN 100 FEET OF THE HIGH WATER MARK OF THE LAKES KILL, STONY CREEK, SAN KILL, WHITE CLAY CREEK AND HUDSON RIVER

## ZONING DISTRICT MAP

"PROPOSED TOWN ZONING LAW" /  
August 11, 1992  
December 8, 1992



## **F. RECREATION AND OPEN SPACE AREAS**

A variety of recreation and open space areas are important components in the everyday lives of Red Hook residents as well as assets for visitors to the area. These areas provide opportunities for passive and active recreation and provide desirable undeveloped, naturally landscaped settings for visual appeal and environmental protection. They are needed by young and old, by able-bodied and handicapped persons.

Because it was felt that to best assess recreational needs in the coastal area, it was desirable to determine the availability of and need for recreation and open space areas in the whole Town, as part of the LWRP preparation the variety of recreation and open space areas available throughout the Town have been inventoried (a full listing appears in the Inventory and Analysis Appendix B and an overlay map of Recreation and Open Space areas is available in the planning office of Town Hall). Those areas designated as public refer to sites where ownership is public or semi-public and access is available without permission or fee. Properties which have been included in the semi-public category have semi-public or private ownership with access occasionally or conditionally available to the public by permission or fee. Sites listed in the private category are privately owned and public access is not available. These latter sites, therefore, represent open space and limited recreation resources. Generally the recreation areas can be further classified as active or passive recreation areas. The active recreation areas contain recreational facilities such as basketball courts, tennis courts, softball and other playing fields and boat docking and launching facilities. Hunting, fishing and trapping are also popular and are allowed in the Estuarine Sanctuary. The open space and passive recreation areas are generally utilized for visual appeal and for less organized/non-facility oriented activities such as hiking, utilizing nature trails or bird watching. Included within the passive recreation/open space areas of the Town are the Tivoli Bays Sanctuary, cemeteries and farmland properties included within the agricultural district program.

In addition, an extensive trail network is maintained throughout the Town on private and public lands by equestrian and snowmobile organizations. A bicycle route has been designated along Route 199 in Red Hook Village. The Town is exploring various locations for expanding a public bikeway/trail system.

Wetland and flood prone areas of the Town adjacent to the River and kills and creeks are also considered to be part of the Town's open space resources. They serve important ecological and scenic functions and need to be preserved in their natural state to avoid flooding and erosion hazard problems.

Use of coastal access points for recreation purposes is discussed below.

### Analysis of Recreation and Open Space Opportunities

The Town, Village and School District currently have several recreation sites including different types of facilities (see inventory); however, the need for certain types of public sites and facilities remains. Some of the issues facing Red Hook Town residents and officials are: how to gain additional access points to the river and/or its tributaries for water-related recreation activities; how and where to create a public trail system that

could be utilized by hikers, bicyclists, horseback riders and cross country skiers; and exploring the possibility of agreements with semi-public and private property owners to further utilize existing recreational facilities.

The need for maintaining open space is also very great. Some of the issues involved with protection of open space areas are included under discussions of agricultural areas and environmentally sensitive natural areas. The appearance of the Town, as well as protection of natural features, require attention to preservation of significant portions of these open space areas, now devoted to agriculture, creek beds, wetlands or as part of wooded or brushy areas. The major issues involved with open space areas are how to protect them in their entirety, where desirable or necessary, and/or how to minimize negative impacts of some development proposed within current open space areas.

## **G. COASTAL ACCESS POINTS**

The coastal access points or points of access to the Hudson River (see Map 9) represent outstanding short and long range recreational and open space opportunities for the Town of Red Hook. They are treated separately from the other recreation and open space areas because of their importance to waterfront planning in the Town.

In recent years, the Hudson River itself has played a relatively minor role in the life of the Town primarily because of the limited public access to the river. The railroad tracks along the shoreline have severely limited safe access to the river for commercial and recreational activities. In addition, the presence of the large estates bordering the Red Hook shore (except in the Barrytown landing area) has restricted enjoyment of the vistas of the river and significantly limited utilization of land near the river to a very few individuals and groups.

The Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve currently provides the only public access to Red Hook's Hudson River shore in the unincorporated area of the Town. Those wishing to approach Cruger Island from the land side can enter via Cruger Island Road; however, no grade crossing physically exists, thereby limiting access to pedestrians. In developing and debating the state's management plan for the Preserve/ Sanctuary, the pros and cons of reestablishing a vehicular grade crossing will be evaluated. There is good reason to keep motor vehicles out of much of the Sanctuary and especially off the Island.

Two public sites for hand-launching of boats into North Bay with accompanying small car parking areas, are also available: one just off Cruger Island Road and the other slightly northeast of the first, nearer to Ward Manor Road (see Map 10). At low tide, boats can go into the Hudson River under railroad bridges; however at ebb or flood tide, these passages can be extremely hazardous.

The Barrytown Bridge provides access to a substantial amount of privately held land in Barrytown, including the Red Hook Boat Club, although the bridge is currently in need of structural repair and maintenance for full, long term use. In recent years, members of the Hudson River Iceboat Club have used the deteriorated, privately-owned Barrytown Landing to launch iceboats on the frozen river and the Conrail service road north from

Chart I - Town of Red Hook (excluding Village of Tivoli)  
Inventory of Hudson River Coastal Access Points  
Including Docks and Landings (see Map 9)

<u>Access Point/Landing Site with Ownership (North to South)</u>	<u>Description of Site and Current Access</u>	<u>Possible Advantages</u>	<u>Comments on Possibilities of Future Public Access</u> <u>Apparent Disadvantages</u>
Tivoli Bays State Nature and Historical State-Preserve/Tivoli Bays Estuarine Sanctuary—owned by New York State under the Department of Environmental Conservation and Office of General Services (expected to be owned and managed by DEC). Includes North and South Bay areas, Cruger Island, Magdalen Island in the Town and portion (including Sycamore Point) in Village of Tivoli.	<p>State-owned site contained approximately 1,400 acres of wetland and upland areas acquired for preservation of high quality wetlands. Access for research, nature trips, fishing and duck hunting and field trials (training and duck hunting and field trials (training dogs for bird hunting). One pedestrian access point via grade crossing to Cruger Island and the Hudson River. For boat access to North Bay near Cruger Island and Stony Creek, DEC built two small landing areas and small parking areas.</p> <p>Cruger Island, with causway to shore, contains over 50 acres west of railroad. Magdalen Island, with about 8 acres west of railroad is not connected to mainland.</p> <p>A parcel within the Village of Tivoli DeCastella contains non-functional grade crossing from the foot of Sycamore Point to a small masonry pier.</p>	<p>Preserve/Sanctuary will remain in public ownership.</p> <p>Combination of DEC ownership and Central Hudson Corridor in vicinity of Cruger Island Road. DEC may elect to rehabilitate Cruger Island Road and reinstall the grade crossing, but probably only for administrative (not public) use.</p>	<p>At flood and ebb tides use of these passages under railroad bridges in North and South Bays can be extremely hazardous.</p> <p>Access possible via boat from North and South Bay to river and back at low tide under railroad bridges. Cruger Island Road now usable only for pedestrian access. Conrail has indicated desire to eliminate all on-grade crossings for reasons of safety.</p>
Bard College	<p>This property of over 300 acres has no direct access to the River; however, the Ecology Field Station is utilized by Bard and the Preserve/Estuarine Sanctuary and Research for research, field trips and approach to the Tivoli South Bay.</p>	<p>Bard has allowed community use of many facilities with permission. The Ecology Field Station is being used for educational and research activities of the Preserve/Estuarine Sanctuary and Research Reserve.</p> <p>Access possible via boat from South Bay to river and back at low tide under railroad bridges.</p>	<p>Privately-owned college.</p> <p>At flood and ebb tides, use of railroad bridges passage can be extremely hazardous.</p>
Montgomery Place Estate (owned by Sleepy Hollow Restorations).	<p>Sizable portion of South Bay and Hudson River underwater lands and Skillpot Island owned as part of 175-acre estate. Privately owned property adjacent to Tivoli Bays Sanctuary/Preserve and Research Reserve and Bard College.</p>	<p>Estate and grounds to be opened for public viewing.</p>	<p>Not-for-profit organization owned parcel; no direct access from land to Hudson River, except by use of small boats across South Bay and under railroad bridges.</p>
Heron point, parcel owned by the Unification Church with upland area and underwater lands totaling 23 acres.	<p>Scenic, wooded parcel west of railroad. Part of 250+ acre estate used as Unification Church Theological Seminary.</p>	<p>Access to site via Barrytown Bridge and railroad service road. Public has used Heron Point for picnicking and swimming for decades without permission or challenge. Might complement public landing/boat launch next to Boat Club.</p>	<p>In church ownership</p>
Parcel owned by Rovers—less than one acre.	<p>Residential property with access via Barrytown Bridge and railroad service road.</p>	<p>Access to site available via Barrytown Bridge and railroad service road.</p>	<p>In private ownership.</p>
Parcel owned by the Unification Church 1.1 acres.	<p>Parcel classified as residential with access via Barrytown Bridge and railroad service road.</p>	<p>Access to site available via Barrytown Bridge and railroad service road.</p>	<p>In private ownership.</p>
Parcel owned by Morrison—less than one acre.	<p>Residential property with access via Barrytown Bridge and railroad service road.</p>	<p>Access to site available via Barrytown Bridge and railroad service road.</p>	<p>In private ownership.</p>

Chart I - Town of Red Hook (excluding Village of Tivoli)  
 Inventory of Hudson River Coastal Access Points  
 Including Docks and Landings (see Map 9)

Comments on Possibilities of Future Public Access

Access Point/Landing Site with Ownership (North to South)

Description of Site and Current Access

Possible Advantages

Apparent Disadvantages

Two parcels, one of 1.42 acres including underwater lands and a second of less than one acre, located north an east of the first, both owned by Jenrette.

Waterfront parcel was historic landing in Barrytown. Possibility that deep water docking still available as part of this parcel.

Access to site available over Barrytown Bridge. Possibility of utilizing portion of Contrall property east of parcel for parking area. Two parcels could be combined for same use.

Currently in private ownership.

Red Hook Boat Club--two parcels with total of about two acres.

Boat club has docking and storage facilities for boats and area for parking of cars. Recent improvement to bulkheading and docks.

Access to site available over Barrytown Bridge.

Membership club in private ownership.

Two residential parcels owned by Jenrette. Northern one of 2.3 acres and southern parcel is 11+ acres including underwater lands.

Southern parcel includes Edgewater estate with protected cove area.

Access via Barrytown Road. Sizeable portion of land with historic estate that has been restored.

In private ownership.

Portion of Consolidated Railroad property west of the tracks between Barrytown Dock Road and Station Hill Road.

Includes wider area than is needed for railroad bed alone.

Potential for utilizing portion of site for parking if waterfront parcel used public recreation.

In Contrall ownership.

Sylvania including Picnic Point (owned by Lerrick).

Picnic point, an area west of the tracks of about one acre, is part of 230+ acre estate.

Existing bridge could be repaired to give access to large parcel of land west side of railroad and deteriorated pier could be repaired or replaced.

Land currently in private ownership.

Rokeby including Astor Point (owned by Aldrich). 26 acre parcel west of railroad includes substantial underwater lands and Chanler Island.

Estate site contains vehicular bridge across the railroad tracks, currently in state of disrepair. Sizeable portion of upland west of the railroad (about four acres) including deteriorated pier together with deed to 20+ acres of underwater lands. Waterside parcel included within 300+ acre parcel. Island used by Coast Guard as a site for a permanent navigation beacon.

Land currently in private ownership.

Mandara also known as Steen Valetje (owned by Friedman).

Site contains pedestrian bridge across railroad which is currently in state of disrepair. Minimal portion of land on river side of tracks, but some 20 acres of underwater lands are part of estate property.

Bridge could be repaired. Extensive underwater land west of railroad tracks.

Land currently in private ownership. Little upland west of railroad.

TOWN OF RED HOOK RECREATION/OPEN SPACE INVENTORY

Name of Site	Location	Jurisdiction/ Ownership	Size of Parcel	Type of Access**	Facilities Available***														
					Soft- ball Field	Base- ball Field	Soccer Field	Foot- ball Field	Basket- ball Court	Volley- ball Court	Tennis Court	Trails			Swimming Pool/ Area	Camping Area	Picnic Area	Fishing Area	Bike Racks
Town Recreation Park	Linden Avenue	Town	Active area 7 acres	Public	2	1			1	1	2			X		X	X	X	2
Red Hook High School	Route 199 Village of Red Hook	Red Hook Central School		Public	1	1	1	1	1	1									
Red Hook Junior High School	Route 199/ Linden Avenue, Village of Red Hook	Red Hook Central School		Public	2				1	1	3								
Red Hook Elementary School	Mill Road	Red Hook Central School		Public	2				1	1	1								
*Tivoli Bays State Nature and Historical Preserve/ Estuarine Sanctuary	North and South Bays	New York State	1,460 acres	Public										X				X	
Clermont State Park	Hoods Road	New York State		Public															
Red Hook Library	Route 9 Village of Red Hook	Private/ Private & public financing		Public															
St. Chris- topher's Roman Catholic School	Banner Road	St. Chris- topher's Roman Catholic Church		Semi- Public	1	1			1	1									
*Bard College	Annandale Road (River Road)	Bard College		Semi- Public	1		1		1		X	X							

\*Site located within Waterfront Revitalization Area.

\*\*Public-access open to public.  
Semi-public-access conditionally  
available to the public through permission or fee.

\*\*\*An "X" is indicated where facilities are available,  
but specific number is not known.



Barrytown to launch boats on Tivoli South Bay and the public has used portions of Heron Point owned by the Unification Church for picnicking--all without owner protest.

Two additional steel bridges have in the past provided private access cross the tracks to the river; the pedestrian bridge at Mandara and the vehicular bridge at Rokeby. These bridges are in deteriorated condition.

Finally, some residents of the Town utilize a grade crossing in the Village of Tivoli for access to the Hudson; moreover a legal, but non-functional grade crossing exists in the Village of Tivoli on Sycamore Point now part of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary.

A need for additional locations for public access to the river has been recognized. As part of the preparation of the LWRP, an inventory has been made of all properties, dock sites, landings and points in the Town that currently or historically have provided river access (see Map 9). Some preliminary analysis has been undertaken to determine: (1) which, if any, of the inventoried sites might provide opportunities for future public access, (2) some of the advantages and disadvantages of specific sites and (3) areas where the State currently holds title to underwater lands that may be used for public access to the Hudson River (see Map 11). At this time only the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve is usable for public direct access to the river.

#### Analysis of Coastal Access Opportunities

Several factors have limited public access to the river for the last century. A primary limiting factor has been the development of the railroad along the shoreline of the Town and the policies and practices of railroad management which have severely restricted public and private access to the river. Higher speed train traffic has limited what were once were considered usable grade crossings, and bridges over the tracks are in various stages of disrepair. In recent years the Consolidated Rail Corporation has not maintained any of the bridges over the railroad, which further limits access. The bridge over the railroad tracks in Barrytown has provided access to a sizable amount of land; however, this bridge is currently in need of structural repair and maintenance. A few years ago the bridge was damaged when it was struck by a train, although it continues in use. The bridge is needed by individuals in cars who must cross the tracks to get to residences or the boat club as well as for use by fire trucks, school buses and other service vehicles. The Town Highway Department has repaired the roadway of Barrytown Bridge with public and private funds, since the Town has agreed to maintain the roadway of the bridge and portions of the roadway of Barrytown Dock Road. The Town and County state that Conrail is responsible for structural repairs to the bridge. The pedestrian bridge at Mandara and the vehicular bridge at Rokeby are also sorely in need of repair, but no funding has yet been forthcoming. Incentives could be provided to the owners

to maintain them and Conrail should be deterred from removing them, as semi-public use may be negotiated in the future.

There is extensive interest in providing a public access site in Barrytown. Two sites have been identified; however, the feasibility of acquiring and/or using the sites for public purposes has not been determined. Thus a major issue of interest to officials and residents is providing structural repair of bridges before there is further deterioration since Conrail, which is currently being offered for sale, has taken no remedial steps.

Another issue, also particularly timely because of concern over the future status of Conrail holdings is the future status of land holdings beyond the minimal road bed requirements; e.g. a portion of the "excess" roadbed in Barrytown might be suitably used for a parking area if a public access site were developed.

A second factor limiting access has been the pattern of the large estate development along all parts of the Town's riverfront (except in Barrytown and Tivoli) which has restricted access to a small minority of Town residents. As estates are rehabilitated, renovated or possibly subdivided, or as properties along the waterfront in Barrytown are available for sale, it will be important to examine the inventoried access points to determine how public access can be enhanced or increased, i.e. how can the land west of the railroad tracks be utilized to increase opportunities for residents and visitors, if appropriate, for commercial and recreational fishing and boating as well as waterfowl hunting.

A third issue is the use of underwater lands. Much of the underwater land immediately adjacent to the shoreline is in private hands, but some submerged lands immediately along the shore are in State ownership (see Map 11). Future opportunities to use underwater lands to provide access to the Hudson must be utilized.

## H. UTILITIES

### 1. Water Supply

Currently there is no municipal water system serving the local waterfront revitalization area within the unincorporated area of the Town. The Village of Tivoli has a municipal supply and the Town has recently taken over the wells and distribution system of a private company located east of the waterfront area. There are no current plans for serving the unincorporated waterfront area.

Bard College uses water from the Saw Kill, the Village of Tivoli has recently been issued a permit to make intermittent water withdrawals from Stony Creek and other property owners in the coastal area of the Town utilize individual wells that draw from groundwater aquifers.

2. Sewer System

Currently there is no public sewer system in the local waterfront revitalization area within the unincorporated area of the Town.

Bard College has a sewage treatment plant whose effluent ultimately flows into Tivoli South Bay.

Individual residences and businesses utilize septic systems. Requirements for inspection and periodic maintenance should be established to protect ground water.

3. Other Utilities

Electric power is provided for area residents by Central Hudson, Gas and Electric Corporation, telephone service available from Continental Telephone and cable television service is available for some portions of the coastal area of the Town. Where these services are currently available they have generally utilized utility poles.

4. Analysis of Utilities

At this time lack of availability of public water and sewer in the coastal portion of the Town limits development opportunities in this area. Current low density zoning appears appropriate relative to absence of utilities, environmental constraints, and desirable quality of life in the area.

Utilization of utility poles for electric, telephone and cablevision services often results in aesthetically unpleasant situations. Poles and wires mar scenic vistas and sights along scenic roads, and often result in disfigured or destroyed trees. New development should have underground wiring, wherever possible.

I. **TRANSPORTATION**

1. Highways, Roads and Streets

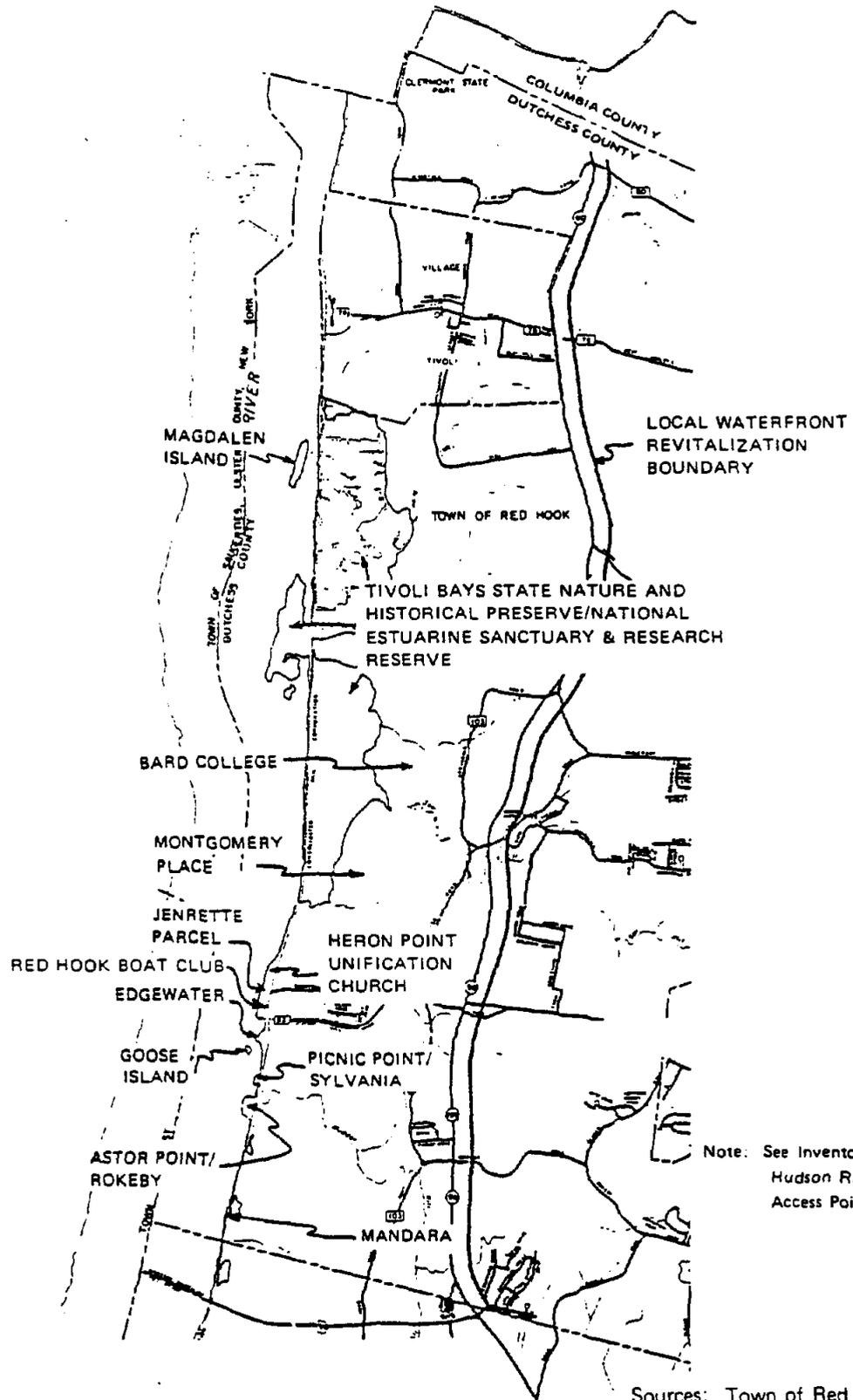
All public roads or streets in the coastal area of the Town are two-lane. The major coastal area route is the north-south oriented State Route 9G. A significant amount of the traffic to and from Route 199 and the Kingston-Rhinecliff Bridge comes onto 9G. Creation of Route 9G has served to protect scenic estate areas along River Road/Annandale Road closer to the river. Other roads within the coastal area of the Town including the east-west Barrytown Dock Road are generally used for local traffic (see Map 12). There is currently no public transportation within the coastal area.

2. Analysis of Transportation/Traffic Situations

State Route 9G oriented in a north-south direction at the eastern end of the local waterfront revitalization area is a well-functioning primary transportation artery in the area. Parallel to it and closer to the river, River Road/Annandale Road is a historic road built to serve the 18th Century riverfront farms, whereas 9G was created to provide a wider, improved transportation path that would bypass the old alignment and local traffic. At this time the road system in the coastal area is adequate, if reduced speeds can be maintained on rural roads to keep safe conditions while preserving old alignments, stone walls and trees. It appears that within the coastal area some additional traffic volumes can be handled without significant changes.

Establishment of Montgomery Place as a museum/historic renovation 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.

Creation of a Town Dock and mini-park in Barrytown will require the construction of nearby parking areas, possibly on land currently held by Conrail adjacent to the railroad bed. In the future, efforts will need to be made to increase the ability of residents and visitors to get to coastal recreation areas, e.g., by providing bus routes.



Note: See Inventory Chart of Hudson River Coastal Access Points.

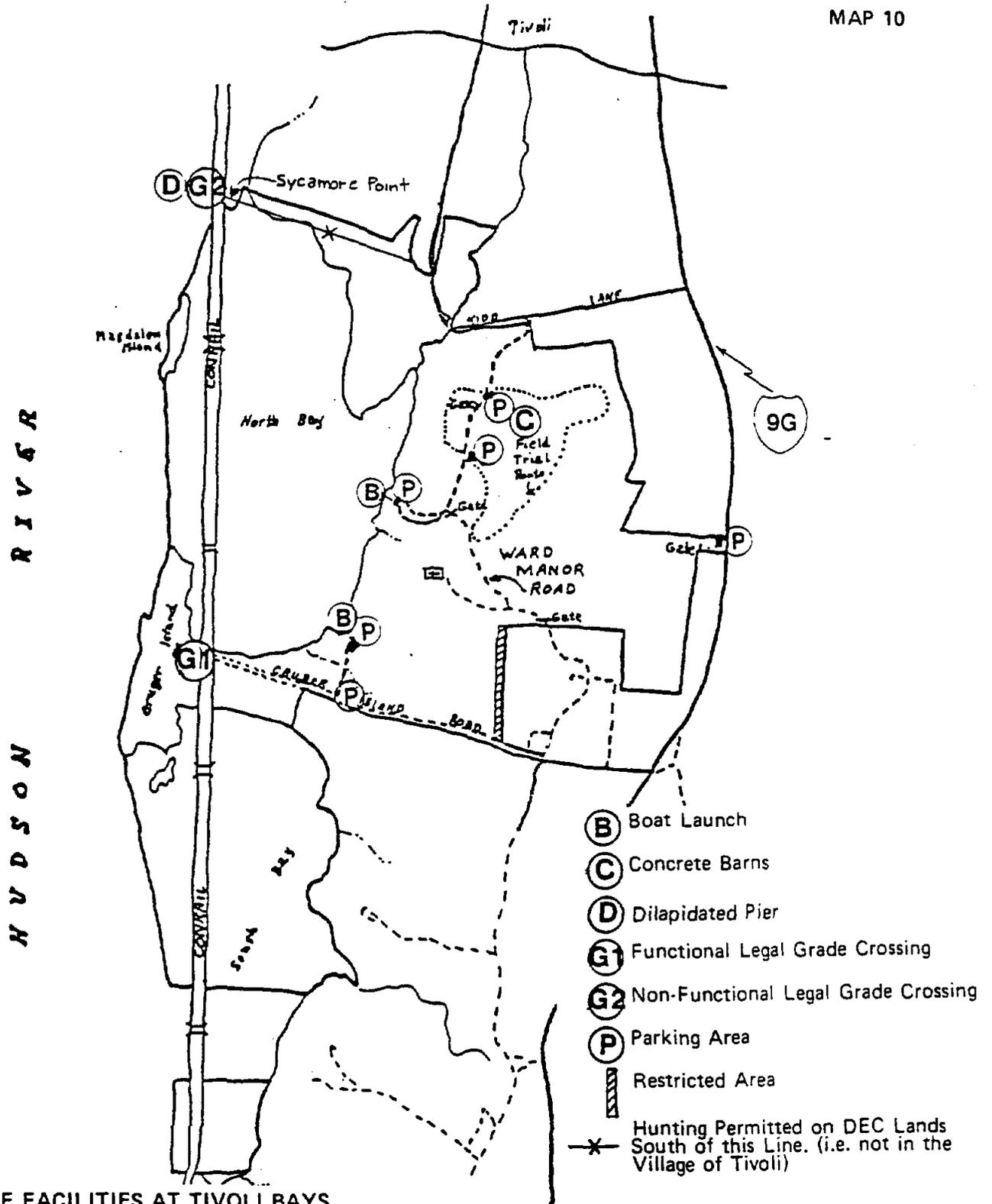
Sources: Town of Red Hook Waterfront Advisory Committee  
RPPW Field Work  
Town Tax Maps

# MAJOR COASTAL ACCESS POINTS

## Local Waterfront Revitalization Program

Town of Red Hook, New York





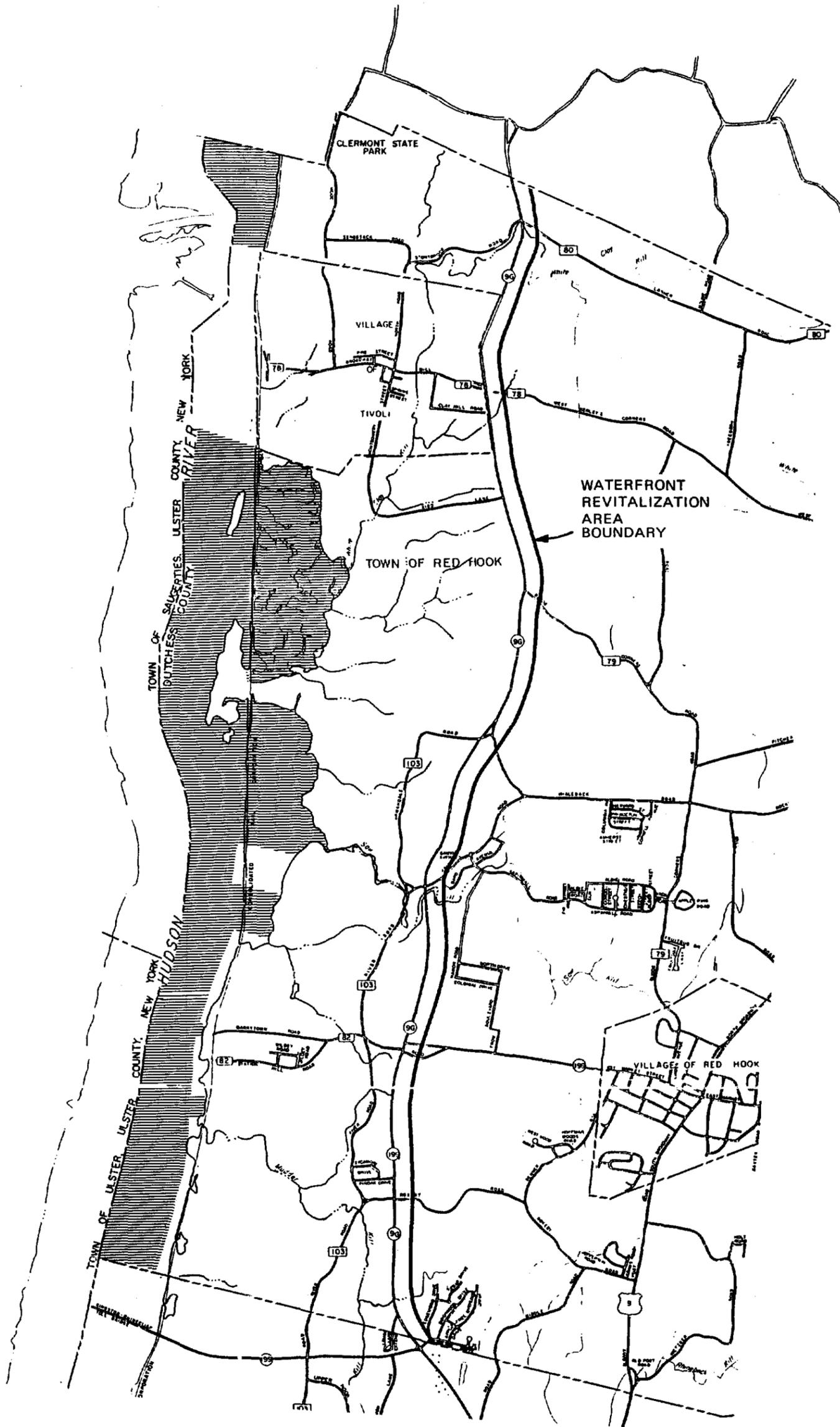
LOCATION OF FACILITIES AT TIVOLI BAYS STATE NATURE AND HISTORICAL PRESERVE/TIVOLI BAYS NATIONAL ESTUARINE SANCTUARY AND RESEARCH RESERVE

Source: Draft Management Plan for Tivoli Bays Unique Area 1984  
 New York State Department of Environmental Conservation  
 DEC. Survey Map 1985; W. Aldrich memo.

## Local Waterfront Revitalization Program

Town of Red Hook, New York





 SUBMERGED LANDS UNDER TITLE TO NEW YORK STATE

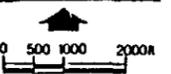
# STATE UNDERWATER LANDS

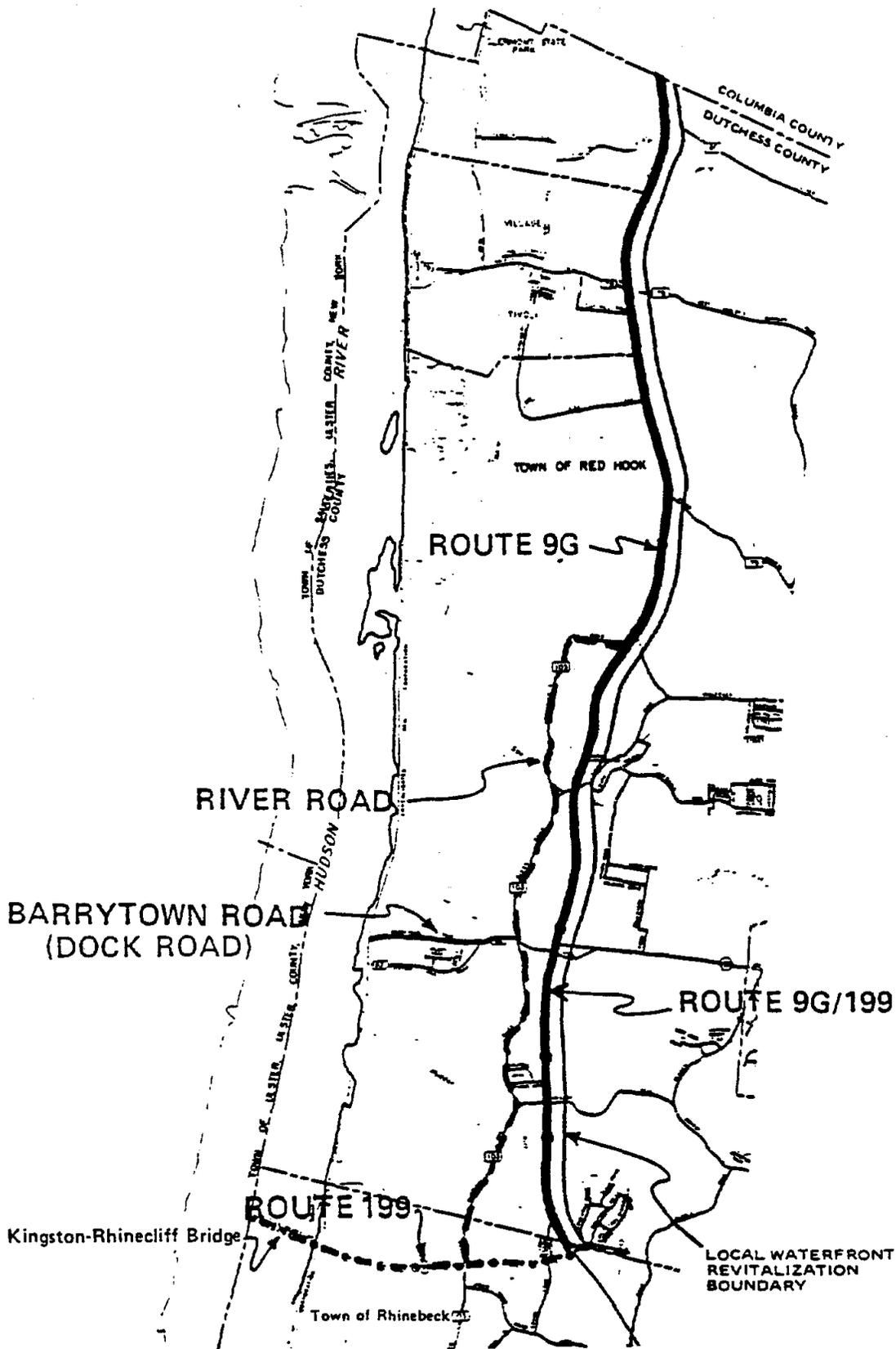
SOURCE: OFFICE OF GENERAL SERVICES WATER GRANT  
INDEX MAPS FOR DUTCHESS COUNTY

## Local Waterfront Revitalization Program

Town of Red Hook, New York

Raymond, Parish, Pine & Weiner, Inc.—Planning & Development Consultants—Tarrytown, New York



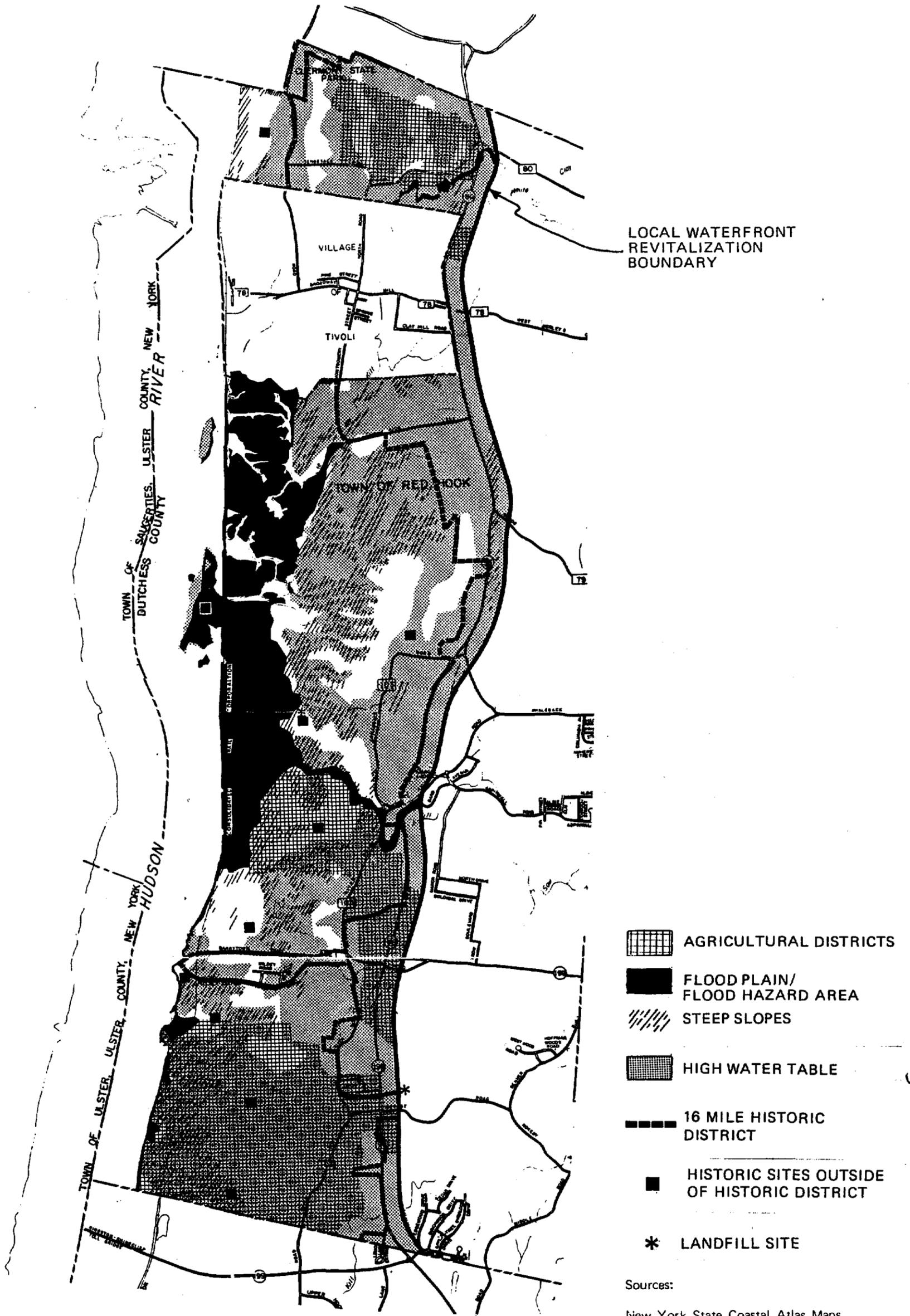


## MAJOR TRANSPORTATION ROUTES

### Local Waterfront Revitalization Program

Town of Red Hook, New York



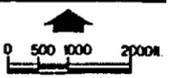


# SUMMARY OF MAJOR DEVELOPMENT CONSIDERATIONS

## Local Waterfront Revitalization Program

Town of Red Hook, New York

Raymond, Parish, Pine & Weiner, Inc.—Planning & Development Consultants—Tarrytown, New York



## INVENTORY AND ANALYSIS APPENDIX

Major initiatives undertaken in Red Hook in protecting and enhancing sites, uses, environmental features, and quality of life within the Town, particularly in the areas designated as the Local Waterfront Revitalization area/Mid-Hudson Historic Shorelands Scenic District.

- 1993      Red Hook Town Comprehensive Plan., completed by Planners East, Inc. Consultants to the Town.
- 1993      Red Hook Town Zoning Law adopted.
- 1970      Subdivision Regulations, adopted 1993.
- \*1971      Visual Environment Committee created to maintain and improve visual integrity. Encouraged storefront restoration, tree planting and appropriate signage.
- 1974      Commission for the Conservation of the Environment appointed by the Town Board.
- \*1974      Hudson River Heritage, Inc. a preservation organization concerned with river properties was founded.
- \*1976      Hudson River Nature Trail planning begun sponsored by Hudson River Heritage and Dutchess County Cooperative Extension Service.
- \*1976      Agriculture Districts formed to provide tax relief for farmers.
- \*1976      Hudson River Shorelands Task Force created by the towns in the Historic District. This not-for-profit organization was set up to monitor land use activities within the district and to make recommendations on scenic and historic preservation activities.
- \*1978      Hudson River East Bank Natural Areas, Clermont to Norrie, study by Erik Kiviat sponsored by the Nature Conservancy.
- \*1979      Sixteen Mile Historic District which incorporates large estates in Hyde Park, Rhinebeck, Red Hook, Tivoli and Clermont designated on the National Register of Historic Places.

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\*Asterisk indicates activities undertaken with other Mid-Hudson Historic Shorelands Scenic District communities.

## INVENTORY AND ANALYSIS APPENDIX (CONT)

- \*1979      The Hudson River Valley: A Heritage for All Time, a study by Raymond, Parish, Pine & Weiner for the New York State Department of Environmental Conservation was published as a result of the Hudson River Study Bill.
  
- \*1980      Inventory and Evaluation of Landscape Architecture in the Sixteen Mile Historic District, a study by Robert Toole commissioned by the Hudson River Shorelands Task Force.
  
- \*1980      "State Regulated Wetlands," a Wetlands Survey undertaken by the Commission for the Conservation of the Environment.
  
- \*1981      New York State's first designated Scenic Area named "Mid-Hudson Historic Shorelands Scenic Area" by virtue of Article 49 of the Environmental Conservation Law. The Town began work with the Hudson River Shorelands Task Force to develop a Scenic District Management Plan with attention to proposed Scenic Roads and land use controls with monies for the plan coming from the Heritage Task Force.
  
- \*1981      Hudson River Stone Walls, a study by the Preservation Partnership, consultants for Hudson River Heritage.
  
- \*1981      Heritage Task Force for the Hudson River Valley, Inc. formed by Department of Environmental Conservation.
  
- 1981 &  
1985      Acquisition in two stages of the Tivoli Bays State Nature and Historical Preserve.
  
- 1982      Environmental Impact Statement for the Hudson River Estuarine Sanctuary, a study prepared by the U.S. Department of Commerce (NOAA) and the New York State Department of Environmental Conservation about the designation of four Hudson River sites, including the Tivoli Bays, as the Hudson River National Estuarine Sanctuary and designation of the Tivoli Bays area as a National Estuarine Sanctuary.
  
- \*1983      Management Plan for the Mid-Hudson Historic Shoreland Scenic District prepared by the Hudson River Shorelands Task Force and Robert M. Toole for the Heritage Task Force for the Hudson River Valley, Inc.

- \*1984-86      **Local Waterfront Revitalization Program planning undertaken by Town with assistance from RPPW Inc.**
  
- \*1985            **Dutchess County Department of Planning draft report, Directions: The Plan for Dutchess County.**
  
- \*1985            **Scenic Roads in the Town designated by the New York State Department of Environmental Conservation.**
  
- \*1985            **Dutchess Land Conservancy formed.**
  
- \*1985            **Dutchess County Natural Resource Inventory published by the Dutchess County Environmental Management Council and Dutchess County Planning Department after nine years preparation.**
  
- \*1985            **Scenic District Handbook and Scenic Roads Handbook prepared by Saratoga Associates in association with Planners East, Inc. for the Heritage Task Force for the Hudson River Valley, Inc.**
  
- 1986            **Purchase of Montgomery Place by Sleepy Hollow Restorations for preservation, public visitation and museum purposes.**
  
- 1991            **The Hudson River National Historic Landmark District was designated.**
  
- 1993            **Designation of Estates District Scenic Area of Statewide Significance and Ulster North Scenic Area of Statewide Significance under Article 42 of the NYS Executive Law.**

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM  
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

## COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **North and South Tivoli Bays**

Designated: **November 15, 1987**

County: **Dutchess**

Town(s): **Red Hook**

7½' Quadrangle(s): **Saugerties, NY**

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**Score      Criterion**

- 64**      **Ecosystem Rarity (ER)**  
The largest undeveloped tidal freshwater wetland complex on the Hudson River, rare in New York State.
- 39**      **Species Vulnerability (SV)**  
Osprey (T), least bittern (SC), wood turtle (SC) and spotted turtle (SC); additive division:  $25 + 16/2 + 16/4 + 16/8 = 39$ .
- 23**      **Human Use (HU)**  
Part of the Hudson River Estuarine Sanctuary; statewide significance for research, and regional significance for recreational and educational uses. Additive division:  $16 + 9/2 + 9/4 = 23$ .
- 9**      **Population Level (PL)**  
Concentration of various wildlife species are unusual in the Hudson Valley.
- 1.2**      **Replaceability (R)**  
Irreplaceable.

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**SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R]**

**= 162**

## **DESIGNATED HABITAT: NORTH AND SOUTH TIVOLI BAYS**

### **HABITAT DESCRIPTION:**

North and South Tivoli Bays encompass approximately 1,200 acres on the eastern shore of the Hudson River, one half mile south of the Village of Tivoli in the Town of Red Hook, Dutchess County (7.5' Quadrangle: Saugerties, N.Y.). The habitat area includes tidal freshwater marsh, fresh-tidal swamp, bays, shallows, two streams, and adjacent uplands dominated by hardwood forest, mixed forest and fallow fields. The fish and wildlife habitat also includes Cruger and Magdalen Islands. Much of the upland area is owned by the New York State Department of Environmental Conservation as a Wildlife Management Area; the wetland and riverine areas are under the jurisdiction of the State Office of General Services.

### **FISH AND WILDLIFE HABITAT:**

The North and South Tivoli Bays habitat is ecologically unique as the largest freshwater tidal influenced bay and wetland complex surrounded by undeveloped land on the Hudson River. This area is one of four components of the Federally-designated Hudson River Estuarine Sanctuary. A tremendous variety of fish and wildlife are found in the area, including a large number of relatively uncommon species.

Tivoli Bays are important to a variety of fish species in the Hudson River as feeding, spawning and nursery areas. Several commercially important fish species use the bays and the mouths of Stony Creek and the Saw Kill for spawning and feeding. These include striped bass, alewife and blueback herring. Common freshwater species using the bays include largemouth bass, smallmouth bass, white perch and various minnows. Species that appear to be regionally rare that have been found in the bays include American brook lamprey, central mudminnow, northern hogsucker and bridle shiner. The shortnose sturgeon (E) may feed in the tidal channels and river shallows, but this has not been confirmed. An extremely large population of snapping turtles exists in North Tivoli Bay.

Tivoli Bay supports breeding populations of least bittern (SC), American bittern, Virginia rail, marsh wren (formerly long-billed marsh wren), and in some years, sora rail, common moorhen (formerly common gallinule), and occasionally king rail. Many species of waterfowl use the area during the spring and fall migration periods for resting and feeding, including both dabbling ducks in the marshes, and diving ducks in the river shallows. The osprey (T) was reportedly nesting in the area in the late 1950's, and is regularly seen here during migration. The Museum of the Hudson Highlands has constructed two experimental nest platforms for osprey in this area. The bald eagle (E) is an occasional visitor. Spotted turtle (SC), wood turtle (SC) and map turtle are also found in the area.

Several rare plant species occur in the Tivoli Bays wetland complex. These include the heartleaf plantain (proposed for Federal endangered status), golden club, ovate spikerush, Parker's pipewort, Eaton's bur-marigold, estuary beggar-ticks, swamp lousewort and a rare species of panic grass.

Waterfowl hunting and muskrat trapping have been traditional outdoor recreational activities at Tivoli Bays for years. Fishing for striped bass and large and smallmouth bass in the bay area is enjoyed by the local populace. Birdwatchers from throughout the Hudson Valley region visit this area. These activities in combination with nature study produce an estimated 6,600 days of wildlife related recreational use each year. In addition, scientific research conducted on estuarine ecology at Tivoli Bays is of statewide significance.

Under the management of New York State Department of Environmental Conservation, it is anticipated that proposed access improvements and trail development will increase the recreational use in the area. Ongoing ecological research at Tivoli Bays (Bard College Field Station and Experimental Ecological Reserve) has attracted scientists and students from throughout the State and its designation as part of the Hudson River Estuarine Sanctuary will focus additional research and education activities in the Hudson Valley on this area.

#### **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 destruction may be indicated by changes in vegetation, substrate, or hydrology, 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.

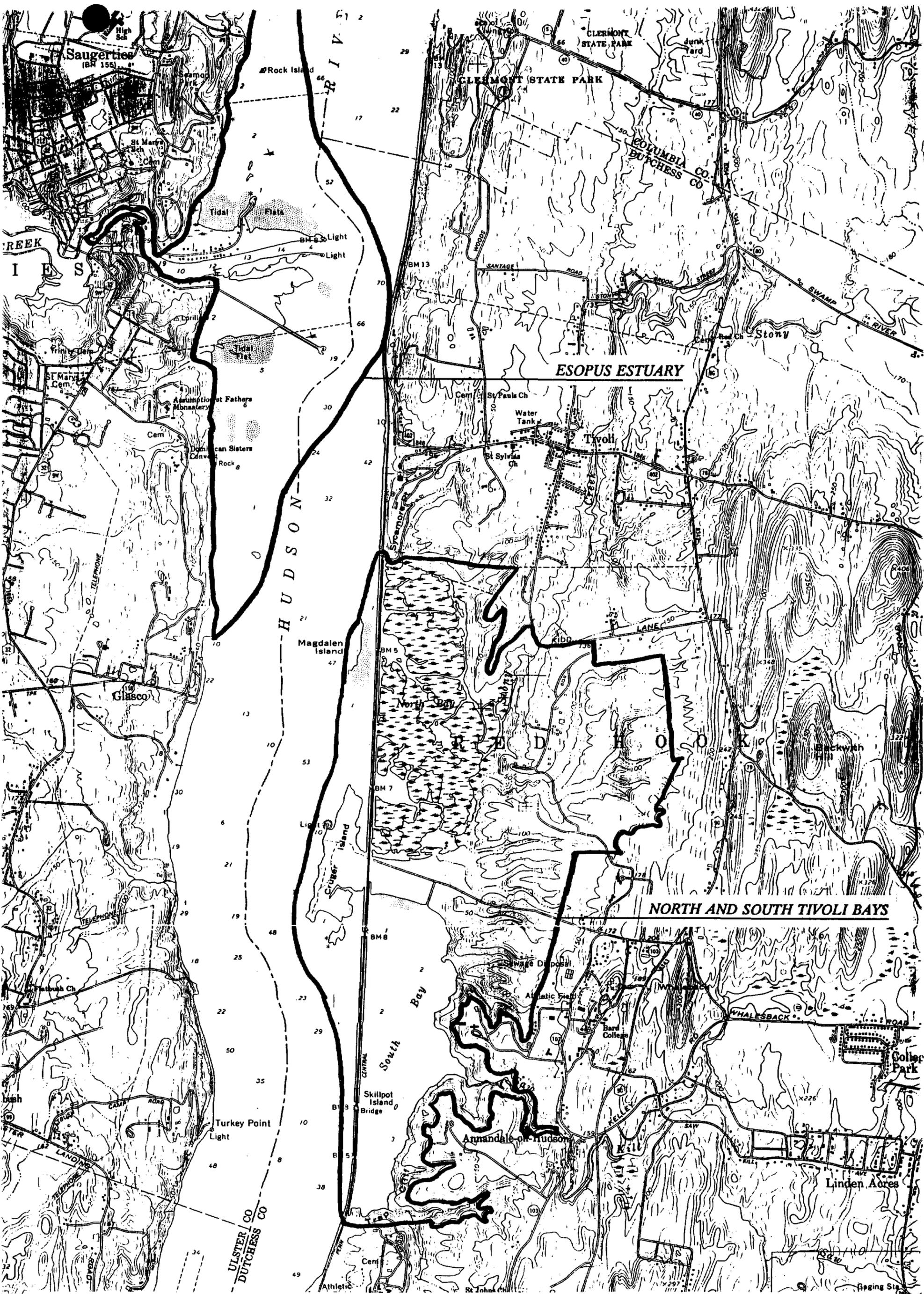
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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.

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 tidal flows in the bay and wetlands may have serious consequences for the fish and wildlife, since this parameter 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 largely 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.



**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

**North and South Tivoli Bays /  
Esopus Estuary (in part)**



COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Esopus Estuary**

Designated: **November 15, 1987**

County(ies): **Ulster; Dutchess**

Town(s): **Saugerties; Red Hook**

7½' Quadrangle(s): **Saugerties, NY**

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**Score    Criterion**

- 16**      **Ecosystem Rarity (ER)**  
One of the major freshwater tributaries of the Hudson River, including a diversity of natural estuarine communities; unusual in the ecological subzone.
- 49**      **Species Vulnerability (SV)**  
Shortnose sturgeon (E) reside in the area. Osprey (T) concentrate here during spring migrations. Additive Division:  $36 \times 25/2 = 49$ .
- 9**      **Human Use (HU)**  
One of the major recreational fishing areas; attracts visitors from throughout the Hudson Valley and beyond.
- 9**      **Population Level (PL)**  
Concentrations of various estuarine and freshwater fish species are unusual in the Hudson Valley.
- 1.2**      **Replaceability (R)**  
Irreplaceable.

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SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R]

= 98

## **DESIGNATED HABITAT: ESOPUS ESTUARY**

### **HABITAT DESCRIPTION:**

Esopus Estuary is located just east of the Village of Saugerties in the Town of Saugerties, Ulster County and in the Town of Red Hook, Dutchess County (7.5' Quadrangle: Saugerties, N.Y.). Esopus Estuary is an approximate 700 acre area that includes: the lower portion of Esopus Creek; fresh-tidal wetlands and littoral zone areas; and a deepwater section of the Hudson River. The tidal portion of Esopus Creek is heavily developed on both banks. Development includes residences, marinas, and industries.

### **FISH AND WILDLIFE HABITAT:**

Esopus Creek is one of the primary freshwater tributaries of the Hudson River. Esopus Creek, while minimal in accessible mileage to Hudson River fish, is extremely important to the fisheries resource. The creek, from its mouth to the first impassable barrier (1.3 miles), serves as a spawning ground, nursery area, and feeding area for striped bass, white perch, shad, alewife, blueback herring, smelt, and many resident freshwater species including largemouth and smallmouth bass. The littoral zone of the Hudson River adjacent to the creek mouth is also an important spawning ground for shad, and serve as spawning, nursery, and feeding areas for striped bass, white perch, herring, smelt, and most of the resident freshwater species. The adjoining deepwater area of the Hudson serves as post-spawning and wintering habitat for shortnose sturgeon (E).

Fishing pressure is heavy on Esopus Creek during the entire season. Several black bass (smallmouth and largemouth) fishing tournaments are held here each summer, with participation from residents throughout the Hudson Valley. There is also important recreational fishing for striped bass in the area. Tidal marshes and shallows in the estuary also provide resting and feeding areas for migrating waterfowl, including black ducks and mallard. This results in significant hunting pressure from residents of the lower Hudson Valley region.

The extensive and varied fresh-tidal wetland at the mouth of Esopus Creek is important to many species of waterfowl throughout the year. Osprey (T) congregate at the mouth of the creek during spring migration (mid-April through May) where the shallows offer prime foraging conditions.

Several rare plant species have also been reported in this area.

### **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 destruction may be indicated by changes in vegetation, substrate, or hydrology, 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:

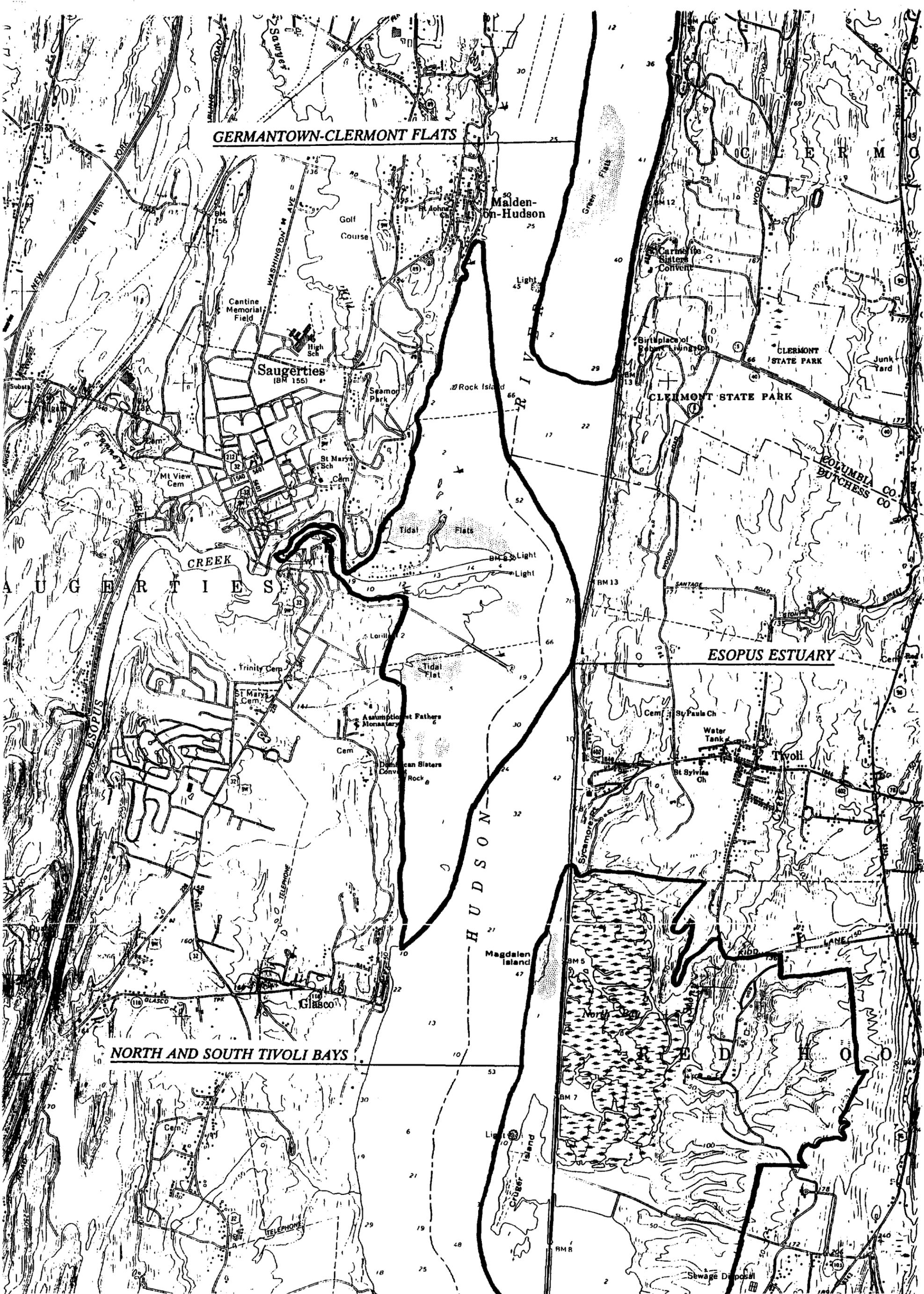
1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

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.

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. Human disturbance around the mouth should be minimized when osprey are in the area. 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 habitat.



**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

Esopus Estuary / Germantown-Clermont Flats (In part) / North and South Tivoli Bays (In part)

New York State Department of State Division of Coastal Resources and Waterfront Revitalization



Prepared by T. Hart and G. Capobianco September 1990

COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **The Flats**

Designated: **November 15, 1987**

County(ies): **Ulster; Dutchess**

Town(s): **Ulster, Kingston; Red Hook, Rhinebeck**

7½' Quadrangle(s): **Kingston East, NY**

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**Score      Criterion**

- 64**      **Ecosystem Rarity (ER)**  
            **An extensive area of shallow, freshwater, tidal flats; rare in New York State.**
- 0**      **Species Vulnerability (SV)**  
            **Shortnose sturgeon (E) occur in the area, but habitat use is not adequately documented.**
- 18**      **Human Use (HU)**  
            **Area supports a commercial shad fishery of statewide significance; recreational fishing attracts anglers from Ulster and Dutchess Counties. Additive division:  $16 + 4/2 = 18$ .**
- 16**      **Population Level (PL)**  
            **One of the major shad spawning areas in the Hudson River; concentrations are unusual in New York State.**
- 1.2**      **Replaceability (R)**  
            **Irreplaceable.**

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**SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R]**

**= 118**

## **DESIGNATED HABITAT: THE FLATS**

### **HABITAT DESCRIPTION:**

The Flats is located in the middle of the Hudson River, roughly between the hamlet of Barrytown and the City of Kingston, in the Town of Ulster and City of Kingston, Ulster County, and the Towns of Red Hook and Rhinebeck, Dutchess County (7.5' Quadrangle: Kingston East, N.Y.). The fish and wildlife habitat is an approximate four and one-half mile long underwater ridge, most of which is shallow (less than 10 feet deep at mean low water), freshwater, intertidal mud flats, and subtidal aquatic beds (predominantly wild celery and Eurasian water milfoil). The Flats is bordered to the west by the Hudson River navigation channel, resulting in potential habitat disturbance from periodic maintenance dredging.

### **FISH AND WILDLIFE VALUES:**

The Flats is one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River. Areas such as this are extremely valuable fish and wildlife habitats, and are not found in other coastal regions of New York State.

The Flats is one of the primary Hudson River spawning grounds for American shad. Between mid-March and June, adult shad concentrate between Kingston and Coxsackie, and spawning occurs primarily on extensive flats, shoals, sandbars, and shallow areas near the mouths of tributary creeks. These fish may move into adjacent deeper areas while tidal currents are strong. Reproduction by shad in The Flats area supports much of the commercial gillnet fishery for this species on the Hudson River, which is one of the largest such fisheries in the U.S. The importance of the Flats is highlighted by the fact that it is the only area on the Hudson where commercial fishing is prohibited during the shad spawning period. The Flats also serves as spawning, nursery, and feeding habitat for striped bass, white perch, and various resident freshwater species. Concentrations of the early developmental stages of several anadromous species occur in this area.

Shortnose sturgeon (E) and Atlantic sturgeon may also use the area to feed (especially during slack water in late spring and summer), or as a resting area during river-wide movements, or as a slightly preferable habitat when water temperatures are warmer than in adjacent deeper waters (i.e., in early spring and fall). High catches of shortnose sturgeon occur in channels adjoining The Flats, particularly on the east side. The abundant fisheries resources in this area provide an excellent recreational fishery, attracting anglers from nearby portions of Ulster and Dutchess Counties.

Significant concentrations of waterfowl also occur in The Flats area. Dense growths of wild celery provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September - early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in The Flats. During calm weather, this open river area is also used by dabbling ducks, including mallard, black duck, and blue-winged teal, and provides a refuge from hunting pressure in shoreline 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 destruction may be indicated by changes in vegetation, substrate, or hydrology, 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.**

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**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.

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 (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.

#### **DESIGNATED HABITAT: THE FLATS**

#### **HABITAT DESCRIPTION:**

The Flats is located in the middle of the Hudson River, roughly between the hamlet of Barrytown and the City of Kingston, in the Town of Ulster and City of Kingston, Ulster County, and the Towns of Red Hook and Rhinebeck, Dutchess County (7.5' Quadrangle: Kingston East, N.Y.). The fish and wildlife habitat is an approximate four and one-half mile long underwater ridge, most of which is shallow (less than 10 feet deep at mean low water), freshwater, intertidal mud flats, and subtidal aquatic beds (predominantly wild celery and Eurasian water milfoil). The Flats is bordered to the west by the Hudson River navigation channel, resulting in potential habitat disturbance from periodic maintenance dredging.

#### **FISH AND WILDLIFE VALUES:**

The Flats is one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River. Areas such as this are extremely valuable fish and wildlife habitats, and are not found in other coastal regions of New York State.

The Flats is one of the primary Hudson River spawning grounds for American shad. Between mid-March and June, adult shad concentrate between Kingston and Coxsackie, and spawning occurs primarily on extensive flats, shoals, sandbars, and shallow areas near the mouths of

tributary creeks. These fish may move into adjacent deeper areas while tidal currents are strong. Reproduction by shad in The Flats area supports much of the commercial gillnet fishery for this species on the Hudson River, which is one of the largest such fisheries in the U.S. The importance of the Flats is highlighted by the fact that it is the only area on the Hudson where commercial fishing is prohibited during the shad spawning period. The Flats also serves as spawning, nursery, and feeding habitat for striped bass, white perch, and various resident freshwater species. Concentrations of the early developmental stages of several anadromous species occur in this area.

Shortnose sturgeon (E) and Atlantic sturgeon may also use the area to feed (especially during slack water in late spring and summer), or as a resting area during river-wide movements, or as a slightly preferable habitat when water temperatures are warmer than in adjacent deeper waters (i.e., in early spring and fall). High catches of shortnose sturgeon occur in channels adjoining The Flats, particularly on the east side. The abundant fisheries resources in this area provide an excellent recreational fishery, attracting anglers from nearby portions of Ulster and Dutchess Counties.

Significant concentrations of waterfowl also occur in The Flats area. Dense growths of wild celery provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September - early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in The Flats. During calm weather, this open river area is also used by dabbling ducks, including mallard, black duck, and blue-winged teal, and provides a refuge from hunting pressure in shoreline areas.

#### **IMPACT ASSESSMENT:**

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*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.

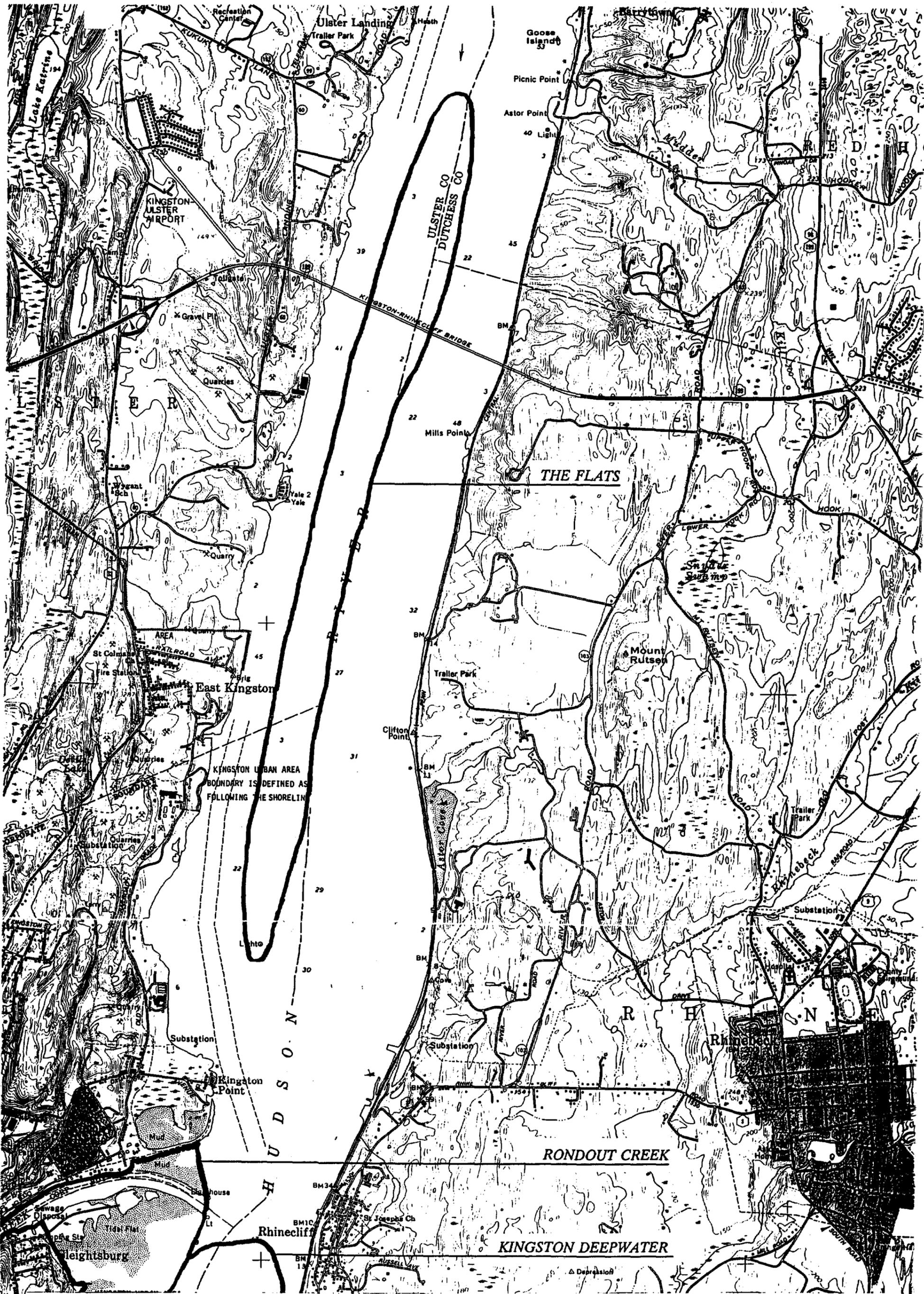
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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.

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 (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.**



**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

**The Flats / Kingston Deepwater (In part) / Rondout Creek (In part)**

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Miles



Prepared by T. Hart and G. Capobianco September 1990

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***SECTION III***

***WATERFRONT REVITALIZATION PROGRAM POLICIES***

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 ridgeling 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 as 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)

***SECTION IV***

***PROPOSED LAND AND WATER USES  
AND PROPOSED PROJECTS***

## **INTRODUCTION**

The proposed land use plan within the Local Waterfront Revitalization Area boundaries of the Town of Red Hook reflects the provisions of the Town's Comprehensive Plan adopted in 1993. The Comprehensive Plan addresses the planning issues or concerns that became apparent during the preparation of the LWRP and reflect issues raised by a variety of groups including the Hudson River Shorelands Task Force in the Mid-Hudson Historic Shorelands Scenic District Management Plan, Hudson Valley GREEN, the Heritage Task Force for the Hudson River Valley, Inc., Hudson River Heritage, Inc., Scenic Hudson, Inc., the Red Hook Waterfront Advisory Committee and the consultants, RPPW, Inc.

These issues or areas of concern include:

- Preservation of rural/low density qualities of the Town
- Protection of environmentally sensitive areas
- Provision of public access to the Hudson River and its tributaries
- Preservation of historic sites, buildings, landscaped grounds and features
- Preservation and enhancement of scenic vistas/areas/roads
- Provision of public access to scenic vistas
- Preservation of ground and surface waters
- Preservation of agriculture
- Preservation and, where feasible, expansion of use of recreation and open space areas
- Promotion of tourism with appropriate controls
- Compatibility of future development with current development
- Limitation on sprawl of commercial development
- Appropriate siting of development with regard to flood hazard areas or steep riverbank areas
- Creation and utilization of linkages for recreation and open areas

## A. PROPOSED LAND AND WATER USES

The land use plan for the waterfront revitalization area of the unincorporated portion of Red Hook largely reflects a desire to preserve the Town's existing historic, scenic and environmental features and maintain open, low density rural areas along the shoreline of the Hudson River. (See Map 14.)

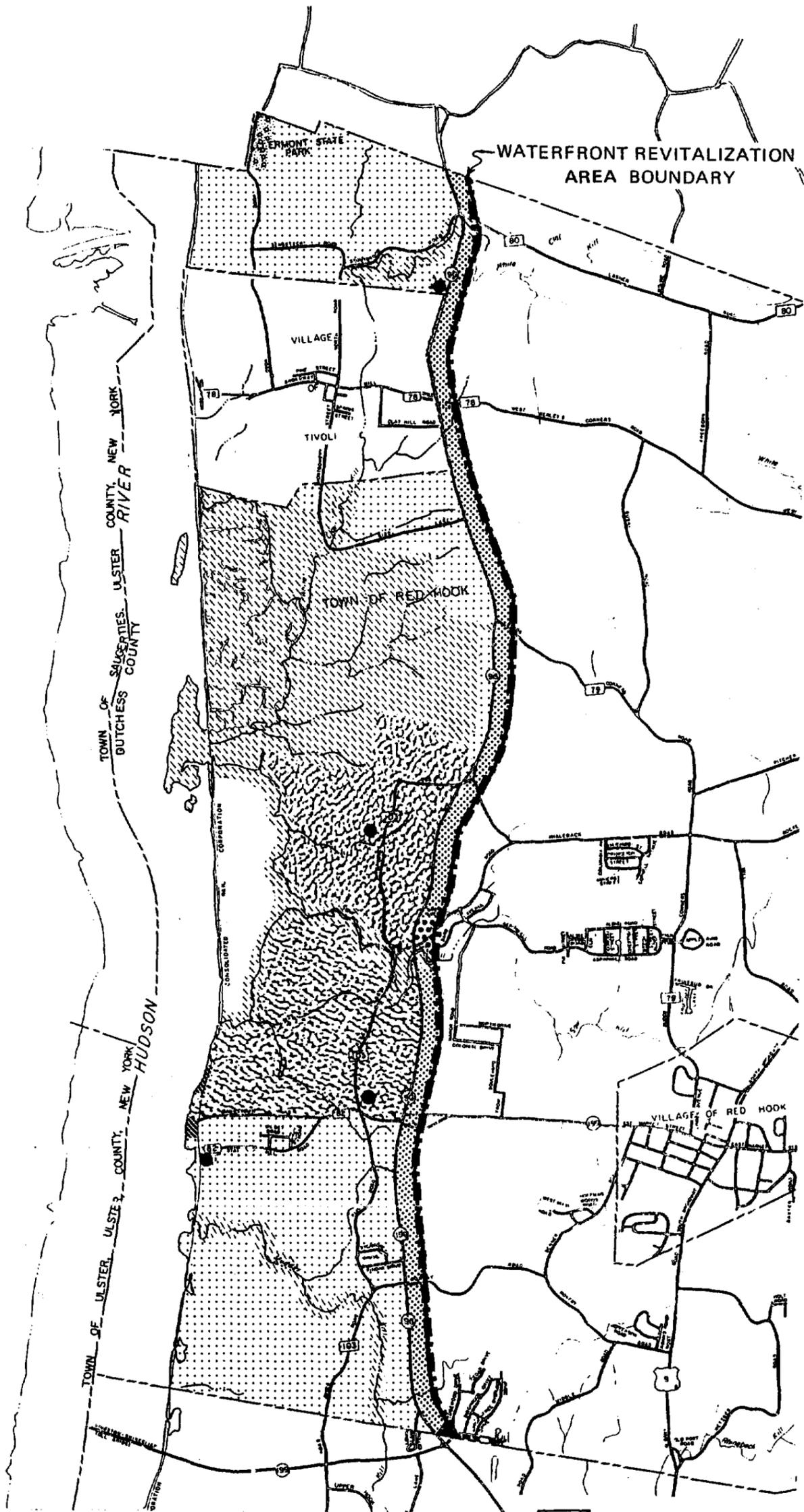
The bulk of the waterfront revitalization area is shown in Very Low Density Residential use which will permit one dwelling unit on a minimum of five acres or ten acres in the WC district. Low density development encourages (1) retention of natural environmental features and agricultural activity and the preservation of historic and scenic estates and estate landscaped grounds, and (2) avoidance of construction in areas of flood or erosion hazards.

The area encompassing the holdings of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve including Cruger Island, Magdalen Island and the North and South Bays as well as lands on both sides of the Saw Kill, the Mudder Kill and Stony Creek are included in a Conservation category where only very limited development is possible. Non-intrusive recreational activities are possible within the Preserve, such as hiking, fishing and boating, but the primary purpose of this conservation designation is protection of environmentally significant and flood prone areas.

The major uses shown in the Public/Quasi-Public category are Bard College and the Montgomery Place estate in Annandale hamlet and the Unification church property north of Barrytown Road. Other uses include churches, one north of Tivoli and the other north of Barrytown Road and east of River Road, and the Barrytown post office.

In the northwestern part of the Town, a portion of Clermont State Historic Park is shown in the Park category.

In Barrytown two areas - one, an area west of the railroad tracks, including the Red Hook Boat Club and the proposed site for a Town Dock, and the other, Heron Park, north of the first -- are shown in a Water-Related Recreation category. These sites are accessible by means of the Barrytown Bridge which permits vehicular crossing of the tracks. Water enhanced recreational activities are encouraged throughout the coastal area. (Portions of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve could also be included in this category, but they have been incorporated in the Conservation designation to reflect the primary preservation purposes of the acquisition.)



-  VERY LOW DENSITY RESIDENTIAL
-  AGRICULTURE/VERY LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  HIGH DENSITY RESIDENTIAL
-  PUBLIC/QUASI - PUBLIC
-  CONSERVATION
-  WATER-RELATED RECREATION
-  PARK

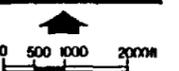
# WATERFRONT REVITALIZATION AREA LAND USE PLAN

## Local Waterfront Revitalization Program

Town of Red Hook, New York

Raymond, Parish, Pine & Weiner, Inc.—Planning & Development Consultants—Tarrytown, New York

MAP 14



Most of the area east of Route 9G is indicated for Agriculture/Very Low Density Residential use with single family residences permitted on three acres of land.

East of Route 9G near Kelly Road and in the southeastern portion of the coastal area near the intersection of Routes 9G and 199, a Low Density Suburban Residential category is shown to indicate areas where public water and/or sewer is available or is likely to become available. Without sewers the permitted density would be one dwelling unit per acre and with sewers the permitted density would be 20,000 feet or one-half acre per unit.

## B. PROPOSED PUBLIC AND PRIVATE PROJECTS (See Map 15)

### 1. Proposed Public Projects

#### a. Feasibility Study - Establishment of Public Dock/Landing Area and Mini-Park in Barrytown

Currently the only public boat launching sites in the unincorporated area of the Town are located in the Tivoli North Bay portion of the State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. To reach the Hudson River, a boater must go under a railroad bridge at slack tide.

It would be desirable to create a Town docking area in Barrytown with direct access to the Hudson. A parcel of approximately one acre currently exists adjacent to the Red Hook Boat Club that is used by ice-boaters with permission of the owner. It is believed that the site may have deep docking capabilities which were available when the site was previously utilized as a landing area. Such a site would have the advantage of being accessible through vehicular crossing of the Barrytown bridge. It would provide for a public boat launch and dockage for excursion vessels, Clearwater, et al, in furtherance of tourism and educational objectives. In addition, a parking area could be created nearby on a section of Conrail-held land that is substantially wider than the area generally needed for a railroad bed.

In addition, Heron Point at the north end of Barrytown peninsula, should become a public riverfront mini-park for swimming, picnicking, etc. It should be left as much as possible in its natural state. Vehicular access currently exists.

The first step in pursuing these projects is to further examine The feasibility, cost and possible funding sources.

b. **Repair and Maintenance of the Barrytown Bridge Structure**

The Town needs to continue efforts to secure the repair and maintenance of the bridges crossing the railroad tracks in Red Hook. The Barrytown Bridge is currently one of three bridges that provide access across the railroad tracks in Red Hook; however, since Conrail has undertaken no structural repairs or maintenance efforts since its tenure, the bridges are in varying states of disrepair. Moreover, at this time Conrail has been unwilling to make any commitments for the repair or maintenance of any of the bridges.

The Barrytown Bridge provides the only public vehicular above grade crossing of the tracks between Rhinecliff and Hudson, a distance of 25 miles, and the Town recently completed repair of the roadway of the bridge with public and private funding. Several discussions have already been completed with the State Department of Transportation, the County Department of Public Works and the Town Highway Department on means to provide structural maintenance and repairs in order to ensure the continuing safety of those who must cross the bridge. The railroad may want to raise the bridge to provide for heightened operating clearance. This should provide the occasion to correct other deficiencies.

These efforts will continue until the matter is successfully resolved. (See joint public/private projects for discussion of repair to bridges at Rokeby and Mandara.)

c. **Re-establishment of Stream Monitoring Program on the Saw Kill**

Many Town officials and residents and staff of the Tivoli Bays State Nature and Historical Preserve wish to re-establish a water quality testing program on the Saw Kill. Monitoring of the Saw Kill will attempt to examine several concerns of officials and residents:

- What are the impacts of the outfall from Bard College sewage treatment plant and the backwash from the Bard College water treatment plant?
- Do the former asbestos processing plant landfill and other area landfills continue to impact groundwater and surface waters?

**Chart III - PROPOSED PUBLIC PROJECTS**

<u>Project</u>	<u>Estimated Cost</u>	<u>Actual or Potential Funding Sources</u>
Re-establishment of Sawkill Water Surveillance Program	<u>\$60,000</u>	NYS DEC/NYS DOS
Structural Repair of Barrytown Bridge		Conrail NYS DOT Dutchess County Department of Public Works Town Highway Department
Stabilization of Masonry Barns at the Tivoli Bays State Nature and Historical Preserve	Approximately \$50,000	NYS DEC
Establishment of Town Dock\ Landing Area and Mini Park in Barrytown		

- To what extent is effluent from septic systems in the vicinity of Bard College impacting the stream?

A proposed program includes monitoring the stream at several locations. At a minimum, flow gauging equipment and tests to examine alkalinity, hardness, chlorides, nitrates and phosphates will be utilized as well as additional equipment and supplies, e.g., to examine other water quality aspects including bacterial level. Funds to re-establish and maintain this program will be sought by local officials.

- d. Identification and Evaluation of Scenic Vistas and Establishment of Scenic Lookout/Pull-off or Parking Area(s)

The Waterfront Committee has identified several scenic vistas in the coastal area of Red Hook. The Town wishes to further identify and evaluate scenic vistas in Red Hook in order to establish or permit the establishment of a series of scenic lookout/pull-off or parking areas throughout the Town. The initial efforts in this direction have been undertaken by the State in its creation of parking areas and scenic viewing areas for fishermen and nature observers near Tivoli North Bay, an environmentally significant and scenic marshland and upland area and fish, wildlife and bird habitat in the coastal area of Red Hook. Town officials will seek to utilize or acquire easements for or title to other portions of land in the coastal area that are suitable for parking that will give scenic access to the river and/or coves for active and/or passive recreation purposes. This project would increase public visual access to the Estates District and Ulster North Scenic Areas of Statewide Significance.

- e. Stabilization and Eventual Rehabilitation of the Masonry Barns at the Tivoli Bays Preserve/Sanctuary

Large, historically valuable masonry barns within the Tivoli Bays Preserve/Sanctuary and Research Reserve have fallen into disrepair and need to be stabilized/repared/restored. At this point there has been no decision on possible re-uses; however, because of the historic value and potential variety of re-use options (including use for Preserve/Sanctuary and Research Reserve programs or administrative purposes or for some not-for-profit adaptive re-use), it is desirable at this point to at least stabilize and begin repair of the barns. It has been estimated that the stabilization of the buildings could cost about \$50,000. The DEC has examined the desirability of funding this project, but has not determined whether or not it will underwrite the costs.

If it is determined that a proposed not-for-profit reuse of the barns would be consistent with the conservation purposes of the preserve, this project could be listed as a joint public/private project.

f. Possible Improvements to Cruger Island Road

Some improvements are being considered to improve the road and grade crossing. At this point the DEC indicates that if improved, only administrative vehicles could use the roadway. Pedestrian travel is now possible at low tide, but improvements would facilitate direct access to the river.

g. Study of Conditions of Scenic Roads and Adjacent Areas

In some places, scenic roads may be very narrow or in disrepair. Specific segments need to be identified where safety or capacity problems exist as well as the types of remedial actions that would preserve scenic characteristics of the roads. Negative roadside conditions should also be identified and appropriate improvement options recorded.

2. Private Projects

a. Improvements to Red Hook Boat Club

The Red Hook Boat Club in Barrytown, a private club, has recently undertaken restoration of portions of its dock. Future plans include restoration of the southern end of the dock.

3. Joint Public/Private Projects

a. Establishment of Historic Preservation Programs

Town officials will work with local groups interested in historic preservation to provide education programs to make and keep residents aware of technical assistance, funding assistance for and/or tax benefits that could be received for historic preservation efforts on designated significant structures. Education programs can also be used to inform residents, officials, and utilities on techniques for maintenance and repair of other historic features, particularly scenic stone walls along public roads. If possible, programs will be created to secure and distribute funds for historic preservation efforts, e.g., through provision of low interest long term loans. In addition, efforts will be undertaken to survey historic properties located outside the Sixteen Mile Historic District for possible listing on the National Register.

b. **Repair of the Railroad Bridges at Rokeby and Mandara**

The vehicular bridge at Rokeby and the pedestrian bridge at Mandara which cross the railroad tracks are in a deteriorated condition. If they can be repaired through private efforts or some combination of public and private efforts, they could provide opportunities to reach lands west of the railroad tracks. These shorefront areas have significant potential for water-related recreational purposes, but currently have very limited, if any, use because of lack of accessibility and minimal utilization of the two estate sites.

Various methods to secure funding for or promise of repair of the bridges need to be further explored. For example, incentives might be provided to private property owners in exchange for some type of negotiated public use. Moreover, Conrail needs to be deterred from removing any of the existing bridges.

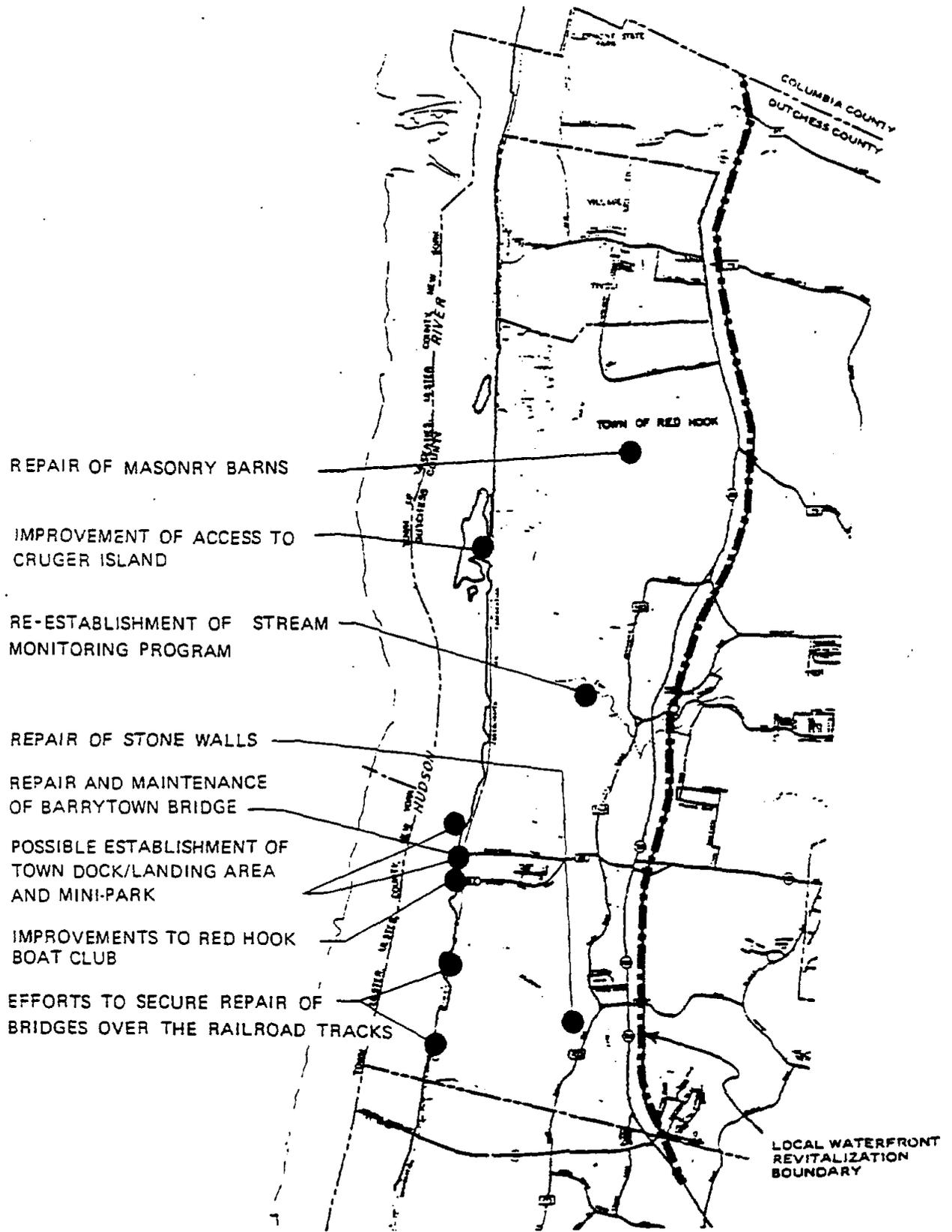
These bridges form part of the Town's infrastructure. If the properties in question ever pass into public or quasi-public use and the bridges are gone, their replacement would cost hundreds of thousands of dollars. Meanwhile, their preservation can enhance the assessed value of the properties.

(See discussion of maintenance and repair of structure of Barrytown Bridge under Public Projects.)

c. **Establishment of Water-Related Recreation Facilities at Possible Coastal Access Points**

Public and private efforts need to be encouraged that would permit or facilitate the siting of water-related recreation facilities with public/private access at locations identified as possible future access points, such as at Barrytown Landing, Heron Point, Rokeby, Mandara, and other properties listed in the Inventory section as major coastal access points (see Map 9).

Efforts will be ongoing to secure access to the coast and water, although in some instances this will be limited. It is anticipated that some access may be secured through the normal development review process utilizing recreation land exactions and clustering.

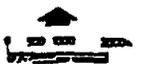


PUBLIC AND PRIVATE PROJECTS

Map 15

## Local Waterfront Revitalization Program

Town of Red Hook, New York



***SECTION V***

***TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM***

## **TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM**

### **A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP**

#### **1. Existing Town Laws and Regulations**

The Town of Red Hook wishes to preserve its significant natural resources; its historic buildings, stone walls and other historic features; and the views from its roadways and other public areas by channeling intensive new development away from those areas and onto lands that do not have as much natural, scenic and historic significance.

##### **a. Zoning Ordinance**

- (1) The Zoning Ordinance regulates how land is to be used, at what density and intensity and under what conditions. The Town of Red Hook's zoning has been designed to protect the rural and open space qualities and environmental features of the coastal area and to continue the historic pattern of development. The more dense development is guided to the hamlets and to other areas where a central water system exists. Uses which contribute to the scenic character of the landscape, such as forestry, farming, passive outdoor recreation and conservation uses are encouraged and reinforced. Water dependent uses are allowed where environmental impacts can be minimized.**

Agriculture, forestry management and conservation uses such as wildlife preserves are permitted in all the zoning districts. Other outdoor recreation facilities for skiing, skating, picnicking and camping are allowed by special permit in all the districts. Riding stables and facilities for skiing, skating and camping are also allowed in some districts. Commercial uses are generally prohibited, except for marinas, conference centers, nursery schools, kennels and farm stands.

Marinas, boat clubs, docks and boat ramps are allowed by special permit where environmental impacts can be minimized, and site plan review is required for these uses. Regulations give preference to alternative ways to provide services such as dry-stack storage and open water facilities, marina design for maximum tidal flushing and circulation, and minimal dredging. Pump-out facilities are required.

Special regulations address historic structures and encourage compatible new development, the preservation of views and vistas and landscape elements which contribute to the scenic character of the area, and conservation of the extensive ecologically important resources found in the coastal area.

### Zoning Districts

The **Waterfront Conservation (WC) District** lies along the Hudson River waterfront from the Village of Tivoli south to the Town's southern boundary. It encompasses lands within one thousand (1000) feet of the river and within one hundred (100) feet of Stony Creek, the Saw Kill, White Clay Creek and the Mudder Kill. The district is intended to protect scenic quality and preserve the sensitive natural resources of the Hudson, its coves and tributaries and their developmentally restrictive shorelands. Of particular concern are Tivoli North and South Bay and Cruger Island. All uses proposed to be located within 1000 feet of mean high tide are subject to special permit.

The **Limited Development (LD) District** incorporates estate and noninstitutional open space lands. Techniques such as cluster development and conservation easements will be used to mitigate impacts from development on the rural, scenic and historic character of the landscape.

The **Rural Development 5 (RD5) District** covers the land along NY Route 9G south of the Village of Tivoli with the exception of Bard College property. The district seeks to continue established land use patterns by providing for a mix of agricultural and compatible low-density residential development along with conservation, recreation and open space uses.

The **Residential 1.5 (R1.5) District** allows low-density suburban residential use in areas served by a town-approved central water supply system. The district encompasses the housing north of Bard College and adjacent to Annandale Road.

The **Hamlet (H) District** is intended to reinforce the traditional mix of residential uses and community facilities in the hamlets of Annandale-on-Hudson and Barrytown. Architectural design review is provided to protect and continue the vernacular character, scale and unique settings of structures within these hamlet areas.

The **Institutional (I) District** accommodates the comprehensively planned, extensive facilities associated with educational, health-related and other

nor-for-profit institutions as well as compatible residential, agricultural, conservation and open space uses.

### Overlay Districts

**The Flood-Fringe Overlay (FF-O) District** encompasses the 100-year floodplain area as designated by the Federal Emergency Management Agency. Regulations meet the requirements of the Federal Emergency Management Agency.

**The Historic Landmarks Overlay (HL-O) District** covers the portion of the Hudson River National Historic Landmark District located in Red Hook. The area is comprised of large historic estates and other areas of historic and environmental significance. The district is intended to continue the estate and conservation uses, and adaptive reuse and provide for environmentally sensitive new development. Any residential development in this district must be undertaken as a residential cluster development. Community standards addressing exterior architectural design, landscaping, other historic elements, community character and unique natural resources must be applied during special permit and site plan reviews.

**The Environmental Protection Overlay (EP-O) District** recognizes the scenic byways designated under the New York State Scenic Byways Law and other scenic corridors of local significance. View protection regulations protect the rural character of the roadway corridors, scenic vistas and the settings of historic properties. To the maximum extent practicable, undeveloped lands will be maintained as perpetual open space and as appropriate setting or context for historic buildings. No construction, filling, excavation, clearing of mature trees, grading or other alteration of the natural landscape is allowed within the regulated stream corridor nor is the application of fertilizers, pesticides and herbicides beyond the level of generally-accepted agricultural practices.

The Town has identified locally significant historic and scenic resources and mapped them on the Historic and Natural Resources Survey Map. Areas subject to regulation under the EP-O District are lands within five hundred feet of any identified historic resource which are visible from that resource and all lands within a scenic viewshed that are within two hundred feet of a ridgeline or visible during winter conditions and located within one thousand two hundred feet of public viewing areas identified on the EP-O District Map.

Within these areas, site plan review is required for new structures, including single-family dwellings, and for proposed substantial alterations of the exterior of existing structures. Structures proposed for land that includes a mapped scenic viewshed shall be sited and clustered in a manner that avoids occupying or obstructing views of lands in the delineated historic and scenic areas. The structures are subject to review for compatibility with the existing landscape and surrounding architectural styles and must not detract from the scenic character of the area. The Planning board may recommend the execution of a conservation easement to assure protection of the viewshed.

The Scenic Corridor Overlay (SC-O) District encompasses those lands immediately adjacent to the Town's designated scenic roadways, a predominantly rural landscape. The district regulations supplement the area and bulk regulations applicable in the underlying zoning districts. The minimum front yard setback for structures and parking areas is doubled, and the open space created must be managed in a manner that preserves significant existing vegetation, plant specimens, landforms and water features, incorporates 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.

Clustering is the preferred design for residential development, and techniques such as common driveways and shared utility services will be used to *minimize* intrusions into the open space landscape. Where doubling of the front yard setback is not possible, natural screening techniques such as berms and vegetation will be used to buffer objectionable elements, providing that their use does not diminish the scenic quality of key scenic vistas. The Planning Board may recommend a conservation easement be used to ensure that the screening will be properly maintained and managed.

#### Additional Regulations

§143-30, Development near bodies of water, provides that all development or other land alteration proposed within one hundred feet of the normal streambank of any DEC classified stream, within one hundred feet of the DEC-mapped boundary of a freshwater wetland, and within one thousand feet of the high water mark of the Hudson River are subject to special permit.

§143-33, Residential cluster development contains guidelines for siting and designing cluster development, to preserve active agricultural lands, preserve structures recognized as historic and their environs, eliminate or

minimize visual intrusion on the viewshed of scenic areas and scenic roads, and protect wetlands, watercourses and other recognized environmentally critical areas. DEC-designated wetlands and FEMA-delineated one-hundred-year floodplain cannot be used in the calculation of maximum permissible dwelling units.

§143-107, Marines, boat clubs, docks and boat ramps contains standards governing the design and siting of such uses to accommodate them with minimal adverse environmental impacts. The use of alternative facilities is encouraged such as dry-stack storage to minimize wet slips. A marina must be designed for maximum tidal flushing and located in areas where minimal physical requirements of marinas already exist and where maintenance dredging will be minimal. Sewage pumpout facilities are required. Pervious land surface must be maximized and site runoff must be treated to prevent pollutants from reaching adjacent waters and wetlands.

Sign regulations and industrial performance standards are included within the Zoning Ordinance. While there are currently no properties in the coastal area zoned for industrial use, these standards can prevent or limit negative effects from industrial uses outside the area.

Site plan review requirements as well as special permit review requirements are incorporated within the Zoning Ordinance. Site plan review is used to assure that the proposed development of a site is acceptable and consistent with all of the regulations. Since much of the land in the coastal area includes large estates that are to some extent subject to development pressures, thorough site plan review is necessary to preserve the desirable resources of the Town. Currently site plans are required within the Waterfront Conservation (WC) district for single family dwellings; in the Limited Development (LD) district for multi-family dwellings and senior citizen housing complexes, airstrips, golf, hunting and other recreational clubs, and community service facilities; in the Residential (RD5) district for multi-family dwellings, airstrips, golf and other recreational clubs, parks and trails and camps; and in the Hamlet (H) district for cultural facilities and commercial enterprises such as day care centers. Applications for special permits and site plan are approved by the Planning Board.

- (2) The ordinance implements Policy 2 of the LWRP by providing for water dependent uses in areas where natural conditions are favorable and vehicular access across the railroad tracks is available. Moreover, the large lot, Very Low Density Residential zoning and the Historic Landmarks Overlay District, particularly when coupled with clustering

can : a) protect historic properties along the riverfront, so that this ordinance also can serve to implement Policies 23 and 23A; b) provide sufficient area for buffer and setback areas to preserve scenic vistas and scenic roads implementing Policies 24, 24A, 24B, and Policies 25, 25A and 25B; c) provide a means to preserve natural habitat and environmentally sensitive areas to enforce Policies 7, 7A and 44; and d) continue agricultural activity in the Town, furthering Policy 26A. The Waterfront Conservation District regulations particularly address Policy 7A on the protection of the natural resources of Tivoli North and South Bays and on protection of streams, Policies 11 and 17 on flooding hazards and Policy 44 on protection of wetlands.

Sign regulations primarily implement the Policies 24A, 25A and 25B, on scenic quality. The industrial performance standards can be used to indirectly implement policies of the LWRP since there are no industrially zoned areas within the coastal area, but the standards can avoid or minimize impacts that nearby industrial uses could have on the coastal area. The policies that could be affected include: protection of the natural environment, particularly Policies 7A and 44; protection of ground and surface waters, Policies 30 and 38; and maintenance of air quality standards Policy 41.

In addition, since a site plan shows existing and proposed uses, structures and features for a particular parcel of land and includes an inventory of open space, major natural and manmade landscape features, utility and drainage plans and access and circulation patterns, the reviewing board can examine each component part of the plan, the inter-relationship of the parts and how the proposed plan relates to the surrounding area. In this way, the following policies of the LWRP can be implemented: Policies 2 and 5 on development of waterfront areas; Policies 23, 23A on protection of historic sites and areas; Policies 24A, 24B, and 25 on protecting and enhancing scenic resources, e.g., by increasing front yard setbacks and requiring suitable buffer areas to maintain the open space appearance of scenic roads; Policies 7A and 44, by requiring suitable setbacks to protect environmentally sensitive areas or fish and wildlife habitat areas, e.g., wetlands; Policies 11, 12 and 17 on suitable siting of buildings and other structures and undertaking activity to minimize flooding and erosion hazards; Policies 18 and 27 on possible siting of major facilities in the coastal area; and Policies 33, 38 and 39 on protecting coastal waters.

**b. Subdivision Regulations**

- (1) Subdivision regulations specify how vacant land in the coastal area can be divided into building lots. The regulations include procedures for submitting plans; how lots and roads are to be laid out; how sanitary wastes must be treated; how the water supply and distribution system is to be handled; how road and drainage improvements must be implemented.**
- (2) Subdivision regulations are important in implementing several policies of the LWRP including: Policy 2 on appropriate utilization or redevelopment of underutilized waterfront parcels; Policy 5, for suitable location of development with regard to public services and facilities; and Policy 17 on use of non-structural means of erosion control whenever possible. Moreover, by utilization of "open space subdivision" or clustering arrangements, these regulations can be used to: protect historic sites and areas, Policies 23 and 23A; to protect and enhance scenic resources, Policies 24A, 24B, 25A and 25B; protect environmentally significant areas, Policies 7A and 44; maintain agricultural areas, Policy 26A; and require appropriate siting of buildings and structures and undertaking of activities to avoid flooding and erosion hazards, Policies 11 and 12.**

**c. Environmental Quality Review Regulations**

- (1) The Town regulations implement the State Environmental Quality Review Act. These regulations establish thresholds and procedures to assure full review of environmental impacts of proposed actions, improvements and developments within Red Hook.**
- (2) These regulations implement many policies described in the LWRP, but they are especially relevant to: Policies 2 and 5 on redevelopment of waterfront areas; Policies 7A and 44 on protection of natural areas and fish and wildlife habitats; Policy 8 on protection of fish and wildlife from the introduction of hazardous wastes; Policies 11-17 relating to flood and erosion hazards; Policy 18 regarding proposed major actions; Policy 21 involving water-dependent and water-enhanced recreation; Policies 23 and 23A involving protection of historic sites; Policies 24A, 24B, 25A and 25B, regarding scenic quality; Policy 26A, involving the protection of agricultural lands; Policy 27, about siting energy facilities in the coastal area; Policy 28 on ice management practices; Policy 29 relating to any development of**

energy resources; and Policies 30-43 pertaining to water and air resources.

**d. Flood Damage Prevention Local Law**

- (1) This law regulates development within the flood hazard areas of Red Hook as defined on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency.
- (2) This law can be used to minimize danger to life and damage to property, thus implementing the following flood hazard prevention policies of the LWRP: 11, on siting structures to minimize damage; 12, on protection of natural protective features including bluffs; 14, preventing increase in flooding; and 17, on use of non-structural measures to minimize damage from flooding.

They can also be used to implement development policy 2; and Policies 7A and 44 on protection of natural areas and wildlife habitat areas.

**e. Ordinance Regulating Disposal of Refuse**

- (1) This ordinance regulates the disposal of refuse including garbage and rubbish in the Town and limits location and number of refuse disposal areas, the sources of waste materials that are permitted to be deposited in Town landfills and specifies standards and techniques for safe and sanitary maintenance of landfill areas.
- (2) This ordinance implements Policy 38 of the LWRP by protecting the quality of groundwater and surface water supplies.

**f. Unsafe Buildings and Collapsed Structures Law**

- (1) This law requires the Town Building Inspector to report to the Town Board any building he deems to be unsafe or dangerous to the public. The Town Board then determines whether or not the building is unsafe and dangerous and requires repair or removal.
- (2) Since unsafe and collapsed structures could cause a blight on the scenic landscape of the Town, this law serves to implement Policies 24A, 25A and 25B

2. **New Local Laws and Regulations**

a. **Amendment to Environmental Quality Review**

- (1) **This amendment assures consistency of proposed actions with the policies and purposes of the LWRP. The local law is adopted pursuant to the State Environmental Quality Review Act (SEQR). The SEQR lead agency in Red Hook is responsible for making consistency determinations.**
- (2) **This amendment serves to implement all of the policies and purposes of the LWRP and to expedite permitting procedures.**

b. **Comprehensive Plan and Zoning Ordinance**

**The Town Board adopted the new Comprehensive Plan and Zoning Ordinance in 1993.**

c. **Site Plan Regulations**

- (1) **Site Plan Regulations include the following:**
  - (a) **The requirement that applicants for any commercial or industrial use must indicate whether or not the proposed use will result in the generation, storage, treatment, disposal or transportation of hazardous or toxic wastes or other solid wastes of potentially hazardous origin or content. The reviewing board will determine whether such a use is suitable for location in or adjacent to the coastal area, and if it is suitable, whether sufficient precautionary or mitigating measures have been included in the proposal;**
  - (b) **The requirement that scenic and historic features of the site and of adjacent areas be considered during site plan review including preservation and enhancement of scenic roads, scenic vistas, historic structures (such as buildings, gateways and stone walls) and landscaped grounds; and**
  - (c) **Require that development be designed so as to provide for surface water management that preserves existing drainage patterns, includes on-site detention, and avoids an increase in peak volume or velocity of stormwater after development.**

(2) Site Plan regulations implement Policies 23 and 23A on historic resources, Policies 24A, 25A and 25B on scenic resources and Policy 37 on the minimization of non-point sources of nutrients, organics and eroded soils.

**B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

**1. Local Government Actions Necessary to Implement the LWRP**

**a. Preparation and Use of a Cultural Resources Map**

(1) Red Hook has prepared a cultural resources map including descriptions and locations of scenic and historic importance, recreational sites and community points of interest within the Town as well as a description and map of Mid-Hudson Historic Shorelands Scenic District/Waterfront Revitalization Area.

(2) This map is used by residents and tourists to increase their knowledge of and interest in natural and man-made resources of the Town. As such, it primarily implements Policy 1A on encouraging growth of the tourism sector of the Town's economy. In addition, by increasing community awareness of Red Hook's valuable historic, scenic and recreational resources, in the long run the map may serve to promote an increase in efforts to preserve those resources.

**b. Use of the Scenic District Handbook**

(1) The handbook includes development and design guidelines so that natural features can be protected and the proposed built environment can be designed to be consistent with the character or quality of the existing natural and built environment. Developers can utilize the guidelines in planning projects or developments that will preserve and enhance scenic, historic and natural features of the Town and that will be compatible with existing development. The handbook will be used by municipal boards when reviewing proposed development projects, primarily in site plan and subdivision review.

(2) The guidelines in the handbook can be used to implement several policies of the LWRP including Policy 2 on siting of water dependent uses adjacent to Coastal waters; Policy 7A on protecting

significant fish and wildlife habitats; Policy 11 on siting of structures in the coastal area relative to flooding and erosion hazard areas; Policies 23, 23A, 24A and 24B and 25A and B on protection and enhancement of historic and scenic structures, features and areas; Policy 26A on protection of agricultural lands and Policy 44 on protection of wetlands.

c. **Use of the Scenic Roads Handbook and Efforts to Improve and/or Maintain Roadside Conditions**

- (1) Local boards will use guidelines in the Scenic Roads Handbook as they work with local utility companies and highway, transportation and/or public works departments to accomplish the underground placement of utility wires, appropriate trimming of trees, and appropriate road maintenance and improvement procedures to increase safety and protect stone walls and existing trees. Decisions on road realignments, resurfacing, speed postings, drainage work, snow removal, de-icing and any other roadway procedures should be made with regard to protection of scenic concerns.
- (2) Use of this handbook and coordination of efforts to improve roadside conditions and to maintain and enhance scenic and historic areas and features will serve primarily to implement Policies 23, 23A, 24A and 24B, and 25A and B.

d. **Efforts to Secure Agreements and/or Funding for Required Maintenance and/or any Necessary Repair of Bridges across the Railroad Tracks**

- (1) (See Projects section on repair of Barrytown, Rokeby and Mandara bridges.) Over the past several years, Conrail has not made structural repairs or undertaken maintenance action on several bridges across the railroad tracks near the Hudson River.

Local officials need to continue discussions with County, State and Federal officials and Conrail representatives to secure funding and/or agreements for required maintenance of and any necessary repairs to the bridge(s) across the railroad tracks in the Town of Red Hook.

- (2) Efforts to secure agreements and funds for maintenance and/or repair of the bridge(s) across the railroad tracks in Red Hook serve to implement: Policy 19A on providing public access for water-

related recreation and Policy 20A on provision of reasonable vehicular and pedestrian access to the publicly-owned foreshore.

**e. Establishment of Special Scenic Zone including the Mandara and Rokeby Estates**

- (1) The Mandara and Rokeby estates are areas of inherent beauty with park-like grounds which form a unique and beautiful vista as viewed from the Hudson River or the Kingston-Rhinecliff Bridge. The designation of these estates as a special scenic zone or district would place limitations on development. For example, the regulations could require that any new development on the property be setback at least 100 feet from the bluff. The draft of this district is being developed locally.
- (2) Creation of a special scenic district will help to preserve the scenic and historic qualities of these estates (which are located in the Federal Register-designated Sixteen Mile Historic District and State-designated Mid-Hudson Historic Shorelands Scenic District) for the enjoyment of residents, commuters and visitors implementing primarily Policies 23, 24A and B and 25A and B.

**f. Communication with Dutchess County Department of Public Works Concerning LWRP.**

- (1) Portions of River Road/Annandale Road, a State DEC designated Scenic Road, are noted County Highway 103. It is important to the preservation of the road's scenic character that Dutchess County employ maintenance and management techniques that will enhance and not destroy the scenic elements of the highway corridor.
- (2) Use of appropriate maintenance and management techniques would serve to implement Policies 24A and 24B on preservation and enhancement scenic resources.

**2. Private or Not-for-Profit or Joint Public/Not-for-Profit Efforts Necessary to Implement the LWRP**

**a. Use of Scenic or Conservation Easements**

- (1) Scenic or conservation easements may be held by the Town or by not-for-profit organizations as a means of preventing or significantly restricting development in areas of historic, scenic,

environmental or agricultural value. The Town will actively work with various organizations so that easements can be acquired along the margins of River Road and Annandale Road, on estate grounds and/or in farm areas in order to spend public and/or tax deductible private funds to restore and maintain scenic and historic features such as stone walls, specimen trees and landscaped grounds, or environmentally sensitive features and agricultural areas.

- (2) Use of scenic or conservation easements could serve to preserve scenic, historic and environmentally sensitive areas such as the special scenic zone cited above and thus can implement Policies 7 and 44 on preservation of natural features and habitats as well as Policies 23, 23A, 24A, and B and 25A and B on scenic and historic resources and Policy 26A on agricultural resources.

b. Use of Facade Easements

- (1) Facade easements held by the Town or not-for-profit organizations can be used to prevent the alteration of and facilitate the renovation of historically significant buildings.
- (2) The use of facade easements can serve to implement Policies 23 and 23A on preservation and enhancement of historic structures.

c. Montgomery Place

- (1) Development of a visitors' entrance and parking area off NY Route 9G and provision of a shuttle bus and linking road to the historic site is necessary to limit traffic on River Road/Annandale Road and protect its scenic character.
- (2) These provisions would serve to protect scenic resources specified in Policies 24A, 24B, 25A and 25B.

**C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP**

1. Local Actions

The Supervisor of the Town of Red Hook and the Town Board will be responsible for overall management and coordination of the LWRP. Each Town lead agency under the State Environmental Quality Review Act and the Town Environmental Quality Review Law is responsible for determining whether its actions are consistent with the LWRP.

Whenever a proposed action is located within the Coastal Boundary, the local agency under whose jurisdiction that action falls shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent to the maximum extent practicable with the LWRP.

If the agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

- a. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
- b. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable; and
- c. The action will result in an overriding Town, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable.

Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

## 2. State Actions

### a. Purposes of Guidelines

The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist State agencies in meeting that statutory consistency obligation.

The Act also requires that State agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines described a process for complying with this notification requirement. They also provide

procedures to assist local governments in carrying out their review responsibilities in a timely manner.

The Secretary of State is required by the Act to confer with State agencies and local governments when notified by a local government that a proposed State agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedures for resolving such conflicts.

b. **Definitions**

Action means:

A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQR);

Occurring within the boundaries of an approved LWRP; and

Being taken pursuant to a State agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

- (1) For which not reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- (2) That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
- (3) That will result in an overriding regional or statewide public benefit.

Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to the Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

c. Notification procedure

When a State agency is considering a "Type I" or "Unlisted" action occurring within the boundaries of Red Hook's LWRP, the State agency shall notify the Town.

Notification of a proposed action by a State agency:

- (1) Shall fully describe the nature and location of the action;
- (2) Shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and the Town.
- (3) Should be provided to the Town Supervisor as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the Supervisor should be considered adequate notification of a proposed action.)

If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Town Supervisor can serve as the State agency's notification to the Town.

d. Local Government Review Procedure

- (1) Upon receipt of notification from a State agency, the Town will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP.
- (2) Upon request of the Town Supervisor, the State agency should promptly provide the Town with whatever additional information is available which will assist the Town to evaluate the proposed action.
- (3) If the Town cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the State agency in writing of its finding. Upon receipt of the Town's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

- (4) If the Town does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Town's approved LWRP.
- (5) If the Town notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in Part e. below shall apply. The Town will forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Town Board shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

e. Resolution of Conflicts

The following procedure applies whenever the Town has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- (1) Upon receipt of notification from the Town that a proposed action conflicts with its approved LWRP, the State agency should contact the Town Supervisor to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Town representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Town.
- (2) If the discussion between the Town and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Town shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the consultation between the Town and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion

between the Town and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

- (4) Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and Town.
- (5) If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her finding and recommendations.
- (6) The State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

**3. Procedures for Department of State and Town of Red Hook Review of Federal Actions for Consistency with the LWRP**

**a. Permits and Licenses**

- (1) The Department of State (DOS) will acknowledge the receipt of an applicant's consistency certification and application materials, and at that time forward a copy of the submitted documentation to the Town Supervisor and will identify the Department's principal reviewer for the proposed action.
- (2) Within thirty (30) days of receiving such information, the Town Supervisor will contact the principal reviewer for DOS to discuss:  
(a) the need to request additional information for review purposes;  
and (b) any possible problems pertaining to the consistency of a propose action with local LWRP policies.
- (3) When DOS and the Town Supervisor agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the Town Supervisor upon receipt.
- (4) Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the Town Supervisor

will notify DOS of the reasons why a proposed action may be inconsistent or consistent with Town LWRP policies.

- (5) After that notification, the Town Supervisor will submit the Town's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Town has "no opinion" on the consistency of the proposed action with Town LWRP policies.
- (6) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town on a proposed permit action, DOS will contact the Town Supervisor to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" to the applicant.
- (7) A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Town Supervisor.

b. Direct Actions

- (1) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the Town Supervisor and other interested parties.
- (2) This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the DOS principal reviewer for the proposed action.
- (3) The review period will be about twenty-five (25) days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the Town has "no opinion" on the consistency of the proposed direct Federal agency action with Town LWRP policies.
- (4) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town, DOS will contact the Town to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed direct action.

- (5) A copy of DOS' "agreement" or "disagreement" letter to the Federal agency will be forwarded to the Town Supervisor.

c. Financial Assistance

- (1) Upon receiving notification of a proposed Federal financial assistance action, DOS will request information on a proposed financial assistance action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Town Supervisor. A copy of this letter will be forwarded to the Town Supervisor and will serve as notification that the proposed action may be subject to review.
- (2) DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Town Supervisor. DOS may, at this time, request the applicant to submit additional information for review purposes.
- (3) The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
- (4) The Town Supervisor must submit the municipality's comments and recommendations on the proposed action to DOS within twenty (20) days (or other time agreed to by DOS and the Town Supervisor) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with the LWRP policies.
- (5) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the Town Supervisor to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- (6) A copy of DOS' consistency decision letter to the applicant will be forwarded to the Town Supervisor.

**D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP**

Estimates exist for several of the proposed projects. Further feasibility studies are necessary to develop estimates for other projects. (See page IV-9.)

**E. SUMMARY CHART OF ACTIONS IMPLEMENTING LOCAL POLICIES**

<u>Policy</u>	<u>Implemented or Enforced by:</u>
Policy 1	-- Not applicable.
Policy 1A	-- Preparation and Use of Cultural Resources Map. -- Feasibility Study - Establishment of Town Dock in Barrytown.
Policy 2	-- Environmental Quality Review Regulations. -- Zoning Ordinance including Section on Site Plan Review. -- Flood Damage Prevention Local Law. -- Subdivision Regulations. -- Feasibility Study - Establishment of Town Dock at Barrytown. -- Repair and Maintenance of Barrytown Bridge Structure. -- Repair of Railroad Bridges at Rokeby and Mandara. -- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points. -- Proposed Consistency Law.
Policy 3	-- Not applicable.
Policy 4	-- Not applicable.
Policy 5	-- Environmental Quality Review Regulations. -- Zoning Ordinance including Site Plan Review Section. -- Subdivision Regulations. -- Repair and Maintenance of Barrytown Bridge Structure. -- Repair of Railroad Bridges at Rokeby and Mandara.
Policy 6	-- Keeping all agencies aware of LWRP and consistency review procedures as basis of expediting review. -- Consistency Law.
Policy 7	-- Not applicable.
Policy 7A	-- Environmental Quality Review Regulations.

- Zoning Ordinance, including Sections on Waterfront Conservation District and Site Plan Review.
- Flood Damage Prevention Local Law.
- Subdivision Regulations.
  
- Re-Establishment of the Sawkill Surveillance Program.
- Use of Scenic District Handbook.
- Use of Scenic or Conservation Easements.
  
- Policy 8 -- Environmental Quality Review Regulations.
- Review of proposals through land use permitting procedures included in the Zoning Ordinance.
- Re-establishment of the Sawkill Surveillance Program.
- Industrial Performance Standards Section of the Zoning Ordinance.
  
- Policy 9 -- Creation of Scenic Lookout/Parking Areas.
- Feasibility Study - Establishment of Town Dock and Mini-Park at Barrytown.
  
- Policy 10 -- Feasibility Study - Establishment of Town Dock at Barrytown.
  
- Policy 11 -- Flood Damage Prevention Local Law.
- Environmental Quality Review Regulations.
- Zoning Ordinance, including Sections on Waterfront Conservation District and Site Plan Review.
- Subdivision Regulations.
- Revisions to Land Conservation District.
- Use of Scenic District Handbook.
  
- Policy 12 -- Flood Damage Prevention Local Law.
- Environmental Quality Review Regulations.
- Waterfront Conservation District and Site Plan Review Sections of the Zoning Ordinance.
- Subdivision Regulations.
  
- Policy 13 -- Environmental Quality Review Regulations.
  
- Policy 14 -- Flood Damage Prevention Local Law.
- Environmental Quality Review Regulations.
- Zoning Ordinance including section on Site Plan Review.
- Subdivision Regulations.
  
- Policy 15 -- Environmental Quality Review Regulations.

- Policy 16 -- Environmental Quality Review Regulations.
- Policy 17 -- Flood Damage Prevention Local Law.  
 -- Environmental Quality Review Regulations.  
 -- Zoning Ordinance including Site Plan Review Section.  
 -- Subdivision Regulations.
- Policy 18 -- Environmental Quality Review Regulations.  
 -- Zoning Ordinance including Site Plan Review Section.
- Policy 19 -- DEC efforts to maintain public access locations to Tivoli North Bay  
 -- Possible Improvement of Cruger Island Road.  
 -- Efforts to Secure Agreements and/or Funding for Maintenance and/or Repair of Bridges over the Railroad Tracks.  
 -- Possible Improvements to Cruger Island Road.
- Policies 20 and 20A -- Feasibility Study - Establishment of Town Dock and Mini-Park in Barrytown.  
 -- Repair and/or Maintenance of the Railroad Bridges.
- Policies 21 and 21A -- Environmental Quality Review Regulations.  
 -- Feasibility Study - Establishment of Town Dock and Mini-Park in Barrytown.  
 -- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points.  
 -- Private Improvements to the Red Hook Boat Club.
- Policy 22 -- Zoning Ordinance.  
 -- Revisions to Zoning Ordinance.
- Policies 23 and 23A -- Environmental Quality Review Regulations.  
 -- Zoning Ordinance including Historic Landmarks Overlay District and Site Plan Review.  
 -- Subdivision Regulations.  
 -- Use of Scenic District and Scenic Roads Handbooks.  
 -- Efforts to Maintain and Improve Roadside Conditions.  
 -- Stabilization and Rehabilitation of Masonry Barns at Tivoli Bays Preserve/Sanctuary.  
 -- Historic Preservation Programs.

- Use of Scenic or Conservation Easements.
- Use of Facade Easements.
- Scenic Corridor Overlay District
- 
- Revisions to Site Plan Review.

**Policy 24, 24A and 24B**

- Not applicable.

**Policies 24A and 24B**

- Environmental Quality Review Regulations.
- Zoning Ordinance including the Scenic Corridor Overlay District, Environmental Protection Overlay District, and the Historic Landmark Overlay District, Site Plan Review and Sign Regulations.
- Subdivision Regulations.
- Unsafe Buildings and Collapsed Structures Law.
- Use of Scenic District and Scenic Roads Handbooks.
- Revisions to Landscaping Provisions.
  
- Efforts to Maintain and Improve Roadside Conditions.
- Stabilization and Rehabilitation of Masonry Barns at Tivoli Bays Preserve/Sanctuary.
- Historic Preservation Programs.
- Establishment of Scenic Lookout/Parking Areas.
- Use of Scenic or Conservation Easements.
- Establishment of Special Scenic District.
- Development of a Visitor's Entrance and Parking Area and Provision of a Shuttle Bus at Montgomery Place.
- Communication with Dutchess County Department of Public Works.

**Policy 25**

- Environmental Quality Review Regulations.
- Zoning Ordinance including the Scenic Corridor Overlay District, the Environmental Protection Overlay District, and the Site Plan Review Section.
- Subdivision Regulations.
- Use of Scenic District and Scenic Roads Handbooks.
- Efforts to Maintain and Improve Roadside Conditions.
- Historic Preservation Programs.
- Establishment of Scenic Lookout/Pull-off and Parking Areas.
- Use of Scenic or Conservation Easements.

- Policy 26 -- Not applicable.
- Policy 26A -- Environmental Quality Review Regulations.  
 -- Subdivision Regulations including Use of Clustering.  
 -- Zoning Ordinance including the Rural Development 5 District, the Site Plan Review Section and Clustering Provisions.  
 -- Town Support of Agricultural Districting Program.  
 -- Use of Scenic or Conservation Easements.
- Policy 27 -- Environmental Quality Review Regulations.  
 -- Zoning Ordinance including Site Plan Review Section and Industrial Performance Standards Section.  
 -- Subdivision Regulations.
- Policy 28 -- Environmental Quality Review Regulations.
- Policy 29 -- Not applicable.
- Policy 30 -- Environmental Quality Review Regulations.  
 -- Site Plan Review.  
 -- Regulations on Disposal of Refuse.  
 -- Industrial Performance Standards Section of the Zoning Ordinance.  
 -- Re-establishment of Saw Kill Surveillance Program.
- Policy 31 -- Environmental Quality Review Regulations.  
 -- Re-establishment of Saw Kill Surveillance Program.
- Policy 32 -- Environmental Quality Review Regulations.  
 -- Site Plan Review Section of the Zoning Ordinance.
- Policy 33 -- Environmental Quality Review Regulations.  
 -- Site Plan Review Section of Zoning Ordinance.
- Policy 34 -- Environmental Quality Review Regulations.
- Policy 35 -- Environmental Quality Review Regulations.
- Policy 36 -- Environmental Quality Review Regulations.  
 -- Zoning Ordinance
- Policy 37 -- Environmental Quality Review Regulations.
- Policies 38 and 38A -- Environmental Quality Review Regulations.

- Regulations Concerning Disposal of Refuse.
  - Zoning Ordinance including Sections on Industrial Performance Standards and Site Plan Review.
  - Re-establishment of a Saw Kill Surveillance Program.
- Policy 39
- Environmental Quality Review Regulations.
  - Zoning Ordinance including Site Plan Review Section.
  - Regulations for Disposal of Refuse.
  - Revision to Site Plan Regulations.
- Policy 40
- Environmental Quality Review Regulations.
  - Zoning Ordinance including Site Plan Review Section.
- Policy 41
- Environmental Quality Review Regulations.
  - Zoning Ordinance including Industrial Performance Standards Section.
- Policy 42
- Environmental Quality Review Regulations.
- Policy 43
- Environmental Quality Review Regulations.
- Policy 44
- Environmental Quality Review Regulations.
  - Zoning Ordinance including Sections on Waterfront Conservation District and Site Plan Review.
  - Subdivision Regulations.
  - Flood Damage Prevention Local Law.
  - Use of Scenic District Handbook.
  - Use of Scenic or Conservation Easements.

Major initiatives undertaken in Red Hook in protecting and enhancing sites, uses, environmental features, and quality of life within the Town, particularly in the areas designated as the Local Waterfront Revitalization area/Mid-Hudson Historic Shorelands Scenic District.

- 1968                    Red Hook Comprehensive Plan, Town and Village, completed by Sargent-Webster-Crenshaw & Folley, Planners and Consultants to the Town.
- 1969                    Publication of Landmarks of Dutchess County-Architecture Worth Saving by the Dutchess County Planning Board with funds from the New York State Arts Council.
- 1970                    Establishment of Ecology Field Station at Bard College.
- 1970                    Red Hook Town Zoning Law adopted with Subdivision Regulations.
- 1971                    Red Hook Visual Environment Committee created to maintain and improve visual integrity in the towns and village. Encouraged storefront restoration, tree planting and appropriate signage.
- 1974                    Commission for the Conservation of the Environment appointed by the Town Board.
- 1974                    Hudson River Heritage, Inc., a non-profit preservation organization concerned with river properties, was founded.
- 1974                    Red Hook Town Revised Zoning Law Adopted with Revised Subdivision Regulations.
- \*1976                    Hudson River Nature Trail planning begun, sponsored by Hudson River Heritage, Inc. and Dutchess County Cooperative Extension Service.
- \*1976                    Agricultural Districts formed to provide tax relief for farmers.
- \*1976                    Hudson River Shorelands Task Force created by the towns in the Historic District. This not-for-profit organization was set up to monitor land use activities within the district and to make recommendations on scenic and historic preservation activities.
- 1977                    Establishment of the Egbert Benson Historical Society of Red Hook.
- \*1978                    Hudson River East Bank Natural Areas, Clermont to Norrie, study by Erik Kiviat, sponsored by The Nature Conservancy.

- \*1979                    Sixteen Mile Historic District which incorporates large estates in Hyde Park, Rhinebeck, Red Hook, Tivoli and Clermont designated on the National Register of Historic Places.
  
- \*1979                    The Hudson River Valley: A Heritage for All Time, a study by Raymond, Parish, Pine & Weiner, Inc. for the New York State Department of Environmental Conservation, published as a result of the Hudson River Study Bill.
  
- \*1980                    Inventory and Evaluation of Landscape Architecture in the Sixteen Mile Historic District, a study by Robert Toole commissioned by the Hudson River Shorelands Task Force.
  
- \*1980                    "State Regulated Wetlands," a Wetlands Survey undertaken by the Commission for the Conservation of the Environment.
  
- \*1981                    New York State's first Scenic Area, "Mid-Hudson Historic Shorelands Scenic Area," designated pursuant to Article 49 of the Environmental Conservation Law. The Town began work with the Hudson River Shorelands Task Force to develop a Scenic District Management Plan with attention to proposed Scenic Roads and land use controls with monies for the plan coming from the Heritage Task Force for the Hudson River Valley, Inc.
  
- \*1981                    Hudson River Stone Walls, a study by the Preservation Partnership, consultants for Hudson River Heritage, Inc..
  
- \*1981                    Heritage Task Force for the Hudson River Valley, Inc. formed by Department of Environmental Conservation.
  
- 1981                    Acquisition in two stages of the Tivoli Bays State  
1985                    Nature and Historical Preserve.
  
- 1982                    Environmental Impact Statement for the Hudson River Estuarine Sanctuary, a study prepared by the U.S. Department of Commerce (NOAA) and the New York State Department of Environmental Conservation about the designation of four Hudson River sites, including the Tivoli Bays, as the Hudson River National Estuarine Sanctuary and designation of the Tivoli Bays area as a National Estuarine Sanctuary.
  
- 1982                    Snyder Swamp and the Mudder Kill Environmental Study, researched and prepared by Erik Kwiat, commissioned by Hudson River Heritage, Inc.

- \*1983                    Management Plan for the Mid-Hudson Historic Shoreland Scenic District prepared by the Hudson River Shorelands Task Force and Robert M. Toole for the Heritage Task Force.
- \*1984                    Local Waterfront Revitalization Program planning undertaken by Town with assistance 1986 from RPPW Inc.
- \*1985                    Dutchess County Department of Planning draft report, Directions: The Plan for Dutchess County.
- 1985                    Scenic Roads in the Town designated by th New York State Department of Environmental Conservation.
- 1985                    Dutchess Land Conservancy formed.
- 1985                    Dutchess County Natural Resource Inventory published by the Dutchess County Environmental Management Council and Dutchess County Planning Department after nine years preparation.
- 1986                    Purchase of Montgomery Place by Sleepy Hollow Restorations Preservation, for public visitation and museum purposes.

**F. Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect**

**1. PURPOSES OF GUIDELINES**

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

**2. DEFINITIONS**

- A. Action means:
1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  2. Occurring within the boundaries of an approved LWRP; and
  3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and

purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
3. That will result in an overriding regional or statewide public benefit.

C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### 3. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
  1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)

- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

**4. LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

**5. RESOLUTION OF CONFLICTS**

- A.** The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
- 1.** Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  - 2.** If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  - 3.** If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
  - 4.** Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
  - 5.** If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

**G. PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

**DIRECT ACTIONS**

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

**PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional

information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.

3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

#### **FINANCIAL ASSISTANCE ACTIONS**

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.

4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

***SECTION VI***

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

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

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

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

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

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program  
2.00 Rural Development Program  
3.00 Farm Worker Services Programs.  
4.00 Permit and approval programs:  
  
4.01 Custom Slaughters/Processor Permit  
4.02 Processing Plant License  
4.03 Refrigerated Warehouse and/or Locker Plant License

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

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

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

## **DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

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

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)

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

**DEPARTMENT OF CORRECTIONAL SERVICES**

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

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

## **DEPARTMENT OF ECONOMIC DEVELOPMENT**

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

## **EDUCATION DEPARTMENT**

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

## **ENERGY PLANNING BOARD AND ENERGY OFFICE**

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

## **NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

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

## **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

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

Air Resources

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

## Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

## Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

## Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

## Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

### Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

### Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

### Solid Wastes

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

### Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval -Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power

- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
  
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

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

#### **FACILITIES DEVELOPMENT CORPORATION**

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

#### **OFFICE OF GENERAL SERVICES**

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

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

**GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY  
(regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS  
SUBSIDIARIES AND AFFILIATES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

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

**HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional  
agency)**

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

## **MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

## **OFFICE OF MENTAL HEALTH**

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

## **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

## **DIVISION OF MILITARY AND NAVAL AFFAIRS**

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

## **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

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

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

#### **DEPARTMENT OF SOCIAL SERVICES**

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

#### **DEPARTMENT OF STATE**

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License

4.02 Cemetery Operator

4.03 Uniform Fire Prevention and Building Code

#### **STATE UNIVERSITY CONSTRUCTION FUND**

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

## **STATE UNIVERSITY OF NEW YORK**

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

## **DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)

- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

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

## **DIVISION OF YOUTH**

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

## **2. FEDERAL AGENCIES**

### **DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

#### **DEPARTMENT OF COMMERCE**

##### **National Marine Fisheries Services**

- 1.00 Fisheries Management Plans

#### **DEPARTMENT OF DEFENSE**

##### **Army Corps of Engineers**

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

##### **Army, Navy and Air Force**

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

## **DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

## **GENERAL SERVICES ADMINISTRATION**

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

## **DEPARTMENT OF INTERIOR**

### Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

### Mineral Management Service

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

### National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

## **DEPARTMENT OF TRANSPORTATION**

### Amtrak, Conrail

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

### Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

**FEDERAL LICENSES AND PERMITS**

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

## **DEPARTMENT OF ENERGY**

### **Economic Regulatory Commission**

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

### **Federal Energy Regulatory Commission**

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

## **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

## **DEPARTMENT OF INTERIOR**

### **Fish and Wildlife Services**

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

### **Mineral Management Service**

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

## **INTERSTATE COMMERCE COMMISSION**

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

## **NUCLEAR REGULATORY COMMISSION**

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

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

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

### **Federal Aviation Administration**

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

## **FEDERAL ASSISTANCE\***

### **DEPARTMENT OF AGRICULTURE**

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

## **DEPARTMENT OF COMMERCE**

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

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

## **DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program

- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

#### **DEPARTMENT OF TRANSPORTATION**

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

#### **GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

#### **COMMUNITY SERVICES ADMINISTRATION**

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

#### **SMALL BUSINESS ADMINISTRATION**

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

## **ENVIRONMENTAL PROTECTION AGENCY**

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

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

**B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP**

1. State Actions or Programs

a. Department of Environmental Conservation

- (1) As the State agency managing and operating the Tivoli Bays State Preserve/National Estuarine Sanctuary and Research Reserve, the Department of Environmental Conservation should incorporate the following actions in the Estuarine Sanctuary management strategy:
  - . development of an interpretive walking trail;
  - . provision of additional and/or improved access to Cruger Island and other locations in the Preserve for recreational use of fish and wildlife resources;
  - . stabilization of the concrete barns and development of a strategy for their adaptive reuse.
- (2) Under the Stream Protection Act regulations, the Department of Environmental Conservation should upgrade the stream classifications of the Saw Kill and a portion of Stony Creek to "AA" to protect the water quality of these streams which are sources of drinking water for Bard College and the Village of Tivoli.

b. Department of Transportation

Maintenance of the Barrytown Bridge over the railroad tracks is essential to continued use of existing and development of new recreational facilities on the Hudson River in Barrytown. The Department of Transportation should give this overhead crossing high priority and assist the Town of Red Hook in whatever ways are necessary and appropriate for maintaining this public access facility.

2. Federal Actions or Programs

a. Department of Transportation, Amtrak, Conrail

- (1) Among the Town's most valuable natural resources are the various coves and wetlands along the Hudson River, particularly the Tivoli North and South Bays. These are threatened by railroad maintenance practices including: (1) the spraying of the railroad bed and surrounding area with herbicides, (2) the scattering of discarded railroad ties which are permeated with creosote or other wood preservatives, and (3) the pushing

of vegetation from near the tracks into the coves which may add herbicides or increase nitrogen levels of the coves.

The Department of Transportation through Amtrak and Conrail should develop maintenance practices which will not contribute pollution to the Hudson River coves and wetlands.

- (2) The Barrytown Bridge provides access to a substantial amount of shorefront land, including the Red Hook Boat Club, and is the only public vehicular above grade crossing between Rhinecliff and Hudson. The feasibility of locating a public park along the Hudson River in Barrytown depends in part upon the continued existence of the Barrytown Bridge.

In addition, private bridges located at Rokeby and Mandara could provide public access in the future as part of new development or negotiations with the landowners.

The cooperation of the Department of Transportation through the Conrail and Amtrak operations is necessary to keep these bridges in place and provide adequate maintenance to the Barrytown Bridge.

***SECTION VII***

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

**A. IDENTIFICATION OF AGENCIES WHOSE PARTICIPATION OR ASSISTANCE IS ESSENTIAL TO THE IMPLEMENTATION OF THE LWRP**

1. Federal Agencies Department of Transportation - Amtrak, Conrail
2. State Agencies
  - a. Department of Environmental Conservation
  - b. Office of General Services
  - c. Office of Parks, Recreation and Historic Preservation
  - d. Department of State
  - e. Department of Transportation
3. County Agencies
  - a. Dutchess County Department of Planning
  - b. Dutchess County Environmental Management Council
  - c. Dutchess County Department of Public Works
4. Adjacent Coastal Communities
  - a. Town of Rhinebeck
  - b. Village of Tivoli
  - c. Town of Clermont

**B. CONSULTATION MECHANISMS**

1. Members of the Red Hook Town Board, Red Hook Waterfront Advisory Committee, their consultants RPPW Inc., or J. Winthrop Aldrich, Special Assistant to the Commissioner of the Department of Environmental Conservation, have made contact with representatives of agencies listed above in furtherance of issues and policies of the LWRP. The Town has informed these agencies about the completion of Sections I-VIII of the LWRP.

In addition, Town officials and members of the Waterfront Advisory Committee were in regular communication with local and regional groups interested in preservation of historic, scenic and environmental features of the Hudson River Valley including: Hudson River Shorelands Task Force, Hudson River Heritage, Inc., Heritage Task Force for the Hudson Valley, Inc., Hudson Valley GREEN, Egbert Benson Historical Society of Red Hook, Dutchess Land Conservancy and Scenic Hudson, Inc.

The Town held a public hearing on issues and projects included in the LWRP and a public hearing prior to the approval of the LWRP. The Town will invited representatives of these agencies to attend the hearing.

Specific discussion has centered on repair and maintenance of the railroad bridges, preservation of environmentally significant areas including the Tivoli Bays State Nature

and Historical Preserve/National Estuarine Sanctuary and Research Reserve, and preservation and maintenance of scenic and historic resources.

Two 60-Day Review were conducted: the first, from April to July of 1987; the second, from May through July of 1994.

***SECTION VIII***

***LOCAL COMMITMENT***

## **LOCAL COMMITMENT**

The Town is interested in achieving agreement and acceptance of policies, programs and projects relating to the Local Waterfront Revitalization Area by the Town Planning Board and the Town Board.

The Town has been involved for the past several years with the Shorelands Task Force whose purpose has been to develop the means for preserving and enhancing the natural, scenic and historic resources of the Town along the Hudson River, particularly within the area designated as the Mid-Hudson Historic Shorelands Scenic District. Red Hook has had an interest in long range planning coupled with a tradition of public involvement.

The Town organization with primary responsibility for achieving local commitment on this LWRP will be the Red Hook Waterfront Committee which will be comprised of one member of each of the following Town boards--the Town Board, the Planning Board, Conservation Advisory Commission and Zoning Board of Appeals--and a representative to the Hudson River Shorelands Task Force.

The following steps have been or will be undertaken to achieve local commitment:

1. The Committee has contacted groups and individuals concerned with the waterfront including various civic and homeowner association and invite input concerning their interests and information that they may possess.
2. Consultants to the Committee have prepared and submitted to the Committee for review and comment, background material and drafts of planning policy documents, including analyses and plans for uses and specific projects within the Waterfront Revitalization Area.
3. The Committee has conducted a public meeting to achieve public input and has disseminated drafts.
4. Various civic and resident associations and environmental groups have been and will be further consulted regarding waterfront policies and revitalization projects.
5. The Committee has been making and will make recommendations to the Town Board regarding development policies and revitalization projects.
6. The Waterfront Committee chairperson has kept and will maintain contact with the media to assure that information is provided to the public.
7. The Waterfront Committee and subsequently the Town Board will approve a set of policies and plans relating to Red Hook's Waterfront Revitalization Area. These will serve as a basis for: .

- a. **Submission of a draft LWRP, a draft Environmental Impact Statement (EIS) and a final EIS to the State;**
  - b. **Land use regulations and public improvements;**
  - c. **Public and joint public/private projects;**
  - d. **Coordination of local, State and Federal participation in the implementation of the LWRP, particularly in terms of assuring consistency with the local plan.**
  - e. **Adoption of a final LWRP.**
8. **The Town Board will conduct a public hearing on the draft LWRP and draft EIS.**

Persons invited to 9/19/84 public hearing on Town of Red Hook Local Waterfront Revitalization Plan - Red Hook, NY.

Red Hook Town Board  
Red Hook Town Planning Board  
Red Hook Town Zoning Board of Appeals  
Red Hook Conservation Commission  
Town Zoning Enforcement Officer - Robert McCarthy  
Town Assessor - Richard Trotti  
Red Hook Town Recreation Commission  
Town Highway Superintendent - George Hildenbrand  
Town Attorney - Albert Trezza  
County Legislator - Madison Sipperley  
Red Hook Chamber of Commerce  
Red Hook Visual Environmental Commission  
Red Hook Boat Club  
Unification Church  
Bard College  
Red Hook Egbert Benson Historical Society  
Red Hook Power Plant Steering Committee  
Hudson River Heritage - J. Winthrop Aldrich  
Eric Kiviat  
Tivoli Bay Estuarine Sanctuary Management Commission

Newspapers: Daily Freeman  
Register Star  
Gazette Advertiser

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **I. LOCATION**

The Estates District Scenic Area of Statewide Significance (SASS) consists of the Hudson River and its eastern shorelands in the Towns of Germantown and Clermont, Columbia County, and in the Towns of Red Hook, Rhinebeck and Hyde Park and the Villages of Tivoli and Rhinebeck in Dutchess County. The western half of the Hudson River lies in the Towns of Saugerties, Ulster, Esopus and Lloyd, the Village of Saugerties and the City of Kingston in Ulster County.

Cheviot Road in Cheviot Landing, Town of Germantown, constitutes the landward portion of the northern boundary which continues due west across the Hudson River to meet the western boundary. The SASS extends approximately 27 miles to south of the Franklin D. Roosevelt Home National Historic Site. Its southern boundary lies 500 feet to the south of the Maritje Kill and follows the configuration of the Maritje Kill, then crosses the Hudson due west. The western boundary is the mean high water line on the west bank of the Hudson River. The eastern boundary follows NY Route 9G in Germantown, Clermont and Red Hook; NY Route 9G, Hook Road, Old Post Road and NY Route 9 in Rhinebeck; and Old Post Road and NY Route 9 in Hyde Park.

Consult the Estates District SASS map for SASS boundaries.

### **II. DESCRIPTION**

The Estates District SASS is comprised of 29 subunits:

ED-1 Clermont, ED-2 Clermont/Tivoli Estate Farmland, ED-3 Tivoli, ED-4 Montgomery Place/Blithewood, ED-5 Tivoli Bays, ED-6 Bard College, ED-7 Annandale-on-Hudson, ED-8 Barrytown, ED-9 Astor Point, ED-10 Astor Cove, ED-11 River Road, ED-12 Mount Rutsen, ED-13 Rhinebeck Center, ED-14 Rhinecliff Road, ED-15 Rhinecliff, ED-16 Rhinecliff Woods, ED-17 Mill Road Meadows, ED-18 Vanderburgh Cove, ED-19 Dinsmore Golf Course, ED-20 Mills State Park, ED-21 Staatsburg, ED-22 Norrie Heights, ED-23 Norrie State Park, ED-24 Vanderbilt Mansion, ED-25 Hyde Park Center, ED-26 Franklin D. Roosevelt Home Estate Entrance and ED-27 Franklin D. Roosevelt Home National Historic Site.

Together the subunits constitute a landscape of national and international significance which evolved through the development of a rich cultural heritage in an outstanding natural setting. As its name implies, the Estates District SASS is dominated by over twenty major and numerous minor historic estates and the Hudson River toward which they are oriented. The beauty of the region's landscape, including views of the Hudson and the distant Catskill Mountains, has been celebrated for generations, most notably in the paintings of the Hudson River School, the first indigenous art movement in the United States.

The Hudson River in this area is a tidal estuary whose flow reverses at high tide. The Hudson has served many functions in both pre-historic and historic times which continue in the present day -- transportation corridor, trade and migration route, water supply and nurturer of the creatures, both human and animal, which make their home in or along the river. The Hudson

corridor is also part of the Atlantic flyway which brings migrating species to the numerous coves, flats and marshes.

The scenic environs and the bustling commerce generated by the Hudson River's presence have successfully coexisted for centuries. Archeological evidence has been uncovered of native shoreland settlements, and canoes were the first ferries. The native American communities called the river Mukheakunnuk, "river that flows two ways."

From colonial times this scenic landscape has attracted landed gentry, industrial magnates and historic figures who built lavish mansions. Among those who established their country seats in this area are Frederick Vanderbilt, Archibald Rogers, John Jacob Astor, Ogden Mills, Jacob Ruppert, Levi P. Morton, Chancellor Robert R. Livingston, Morgan Lewis, James Roosevelt, Franklin H. Delano, Edward Livingston, Mrs. Richard Montgomery, General DePeyser, General Armstrong and others. In the hamlets and villages is found the vernacular architecture of the people who worked the land, maintained the mansions and were employed in the commercial ventures. Evidence of the bustle of earlier times is found in the remains of old docks and bridges and overgrown roads and trails.

In 1697 a single land grant called the Great Nine Partners patent incorporated approximately 149,000 acres or one-third of what is now Dutchess County. Since there were no roads at the time, the Hudson River provided the only route for transporting the lumber and furs harvested on the land. The partners were guaranteed equal access to the Hudson through the division of the shorelands into nine equal lots. The early estates such as Clermont and the Kip-Beekman house were sited close to the Hudson to facilitate the transport of agricultural products via water to the urban markets.

By the early 1800s the natural landscape became the focal point; and the main houses, sited on rolling hills and bluffs overlooking the Hudson River, were oriented to take advantage of panoramic views. The environs of the earlier houses were altered and redesigned in the romantic style, an environmentally sensitive movement that originated in New York State and provided the foundation for national trends in landscape design and the 19th century urban parks movement.

The estates and manor houses were designed by renowned architects and landscape architects including Richard Morris Hunt, Stanford White, Calvert Vaux, Andrew Jackson Downing, Charles Platt, Hans Jacob Ehlers, Alexander Jackson Davis and the Olmsted Brothers. The region has traditionally been, and largely remains, a shining example of how the human hand can carefully and creatively enhance the beauty of a natural landscape through inspired design and the highest standards of construction, maintenance and preservation. The historically harmonious blend of the built environment with the natural setting and the remarkable lack of major discordant features, despite extensive contemporary development, has yielded a remarkably well-preserved and visually unified historic landscape of both national and international significance. The numerous coves, islands, marshes and creek beds compose a varied shoreline of great interest, while the vegetative cover of forest, pasture, orchards, gardens and expansive lawns enhances the rolling topography and frames views.

Punctuating the estate landscapes and gracing the hamlet and village streetscapes are fine examples of period vernacular architecture, comprising the former homes of tenant farmers and independent farmers, mariners and storekeepers. One room schoolhouses now adapted to other uses, inns, commercial buildings and ruins of dams at former mill sites give further evidence of

the history of the area and provide focal points in interior views. The fact that so much of the fabric of the natural and cultural landscape remains is unusual and serves to enrich the individual viewer's experience of the landscape by providing evocative elements to which the he or she can relate.

### **III. AESTHETIC SIGNIFICANCE**

The Estates District SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of its landscape character and its 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 this 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, evidence of the strong conservation ethic operating there.

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.

#### **A. Landscape Character**

##### **1. Variety**

The Estates District SASS exhibits an unusual variety of major components. The landform consists of rolling topography behind steep bluffs which drop 150 feet to the Hudson River. Mt. Rutsen, the highest point in the SASS at 350 feet above sea level, rises above the generally level terrain which surrounds it.

There is a variety of water features which contribute a myriad of linear elements to the landscape composition. The Hudson River is the dominant water body, its shoreline configuration changing throughout the SASS. Creeks, the principal ones being Stony Creek, Saw Kill, the Mudder Kill, the Landsman Kill, Fallsburgh Brook, Staatsburg Creek, the Indian Kill, Bard Rock Creek, Crum Elbow Creek and the Maritje Kill, meander through the landscape and cut deep ravines with waterfalls, particularly as they near the Hudson. The shoreline of the Hudson is characterized by coves, marshes and scattered islands along the eastern shore, Magdalen Island and Cruger Island in Red Hook being the two largest. When seen from a distance, however, the east bank shoreline appears unbroken because railroad causeways bridge the natural indentations and transform the east bank into a single fluid line.

The Hudson is alternately narrow and broad. It deepens to wind around points of land such as Crum Elbow and then spreads thinly over shallows and tidal flats. The varied depths influence the landscape at the river's edge, governing, along with the railroad causeway, the size and location of tidal marshes as well as the surface texture. In the areas of broad expanse the water is of greater visual consequence, while narrow sections of the river such as Crum Elbow cause each opposite shore to appear in certain perspectives as if not separated by water at all.

The coves vary in size, but all present an intimate waterscape rich with flora and fauna. Tivoli North and South Bays provide the broadest expanse of marsh vegetation interlaced with waterways. Other coves of note are Vanderburgh Cove and Roosevelt Cove. Because fill was used to form the railroad bed, some of the marshes were created when the causeways were built.

The rich variety of vegetative cover gives a textural diversity to the SASS and enhances both its scenic character and its ecological value. The sylvan corridors of the rural roads screen new development and maintain the scenic quality of these avenues of public access to the SASS. Specimen trees are found in estate gardens and along pasture edges, while mature street trees grace many hamlet and village streets. The pastoral countryside includes forests of both deciduous and coniferous species, cropland, pasture and orchards. Steep forested bluffs 100 feet high along the Hudson River operate as a buffer between upland development and the river, maintaining the corridor's rural character.

Land use within the SASS reflects the initial large land grants that were farmed by tenants and residents of the adjacent compact hamlets. Several estates are preserved as historic sites and parks, while others remain in private ownership. The forms of their stately manor houses and great lawns punctuate the forested river corridor, while their extensive stone walls and handsome gateways bejewel the rural roads and tease the imagination of the traveler as to what lies beyond these estate guardians.

Denser development is generally concentrated in villages and hamlets, and distinct edges are usually evident between the pastoral landscape and the settled centers. The Hudson River is regaining its former level of importance as a transportation and recreation corridor, drawing people to the waterfront and stimulating the revitalization of historic river landings.

Farming continues to be a major, though rapidly diminishing industry in the area. A significant portion of the SASS contains prime agricultural soils, and some farms have been incorporated into agricultural districts. The working landscape contributes texture and color as well as expansive open space to the landscape, background for the forms of the attendant structures such as barns, stone walls and fences which provide accents of color and form to the pastoral composition. In some parts of the SASS 100% of the land is in open space, covered by contrasting forests, wetlands, pastures and other vegetation.

The SASS exhibits a number of positive ephemeral characteristics: sleek thoroughbreds grazing on the horse farms, observable wildlife activities in the marshes, the seasonal operations of the working pastoral landscapes, the change in texture and color of the Hudson River's surface under various weather and light conditions, and the magnificent sunsets that tinge the Hudson and its marshes and silhouette the Catskill Mountains within the panoramic views to the west.

The interplay of water and land, the stately reserve of the tasteful manor houses, the friendly scale of the hamlets and villages, the teasing glimpses of intimate views framed by gardens and

specimen trees and the breathtaking panoramic vistas up, down and across the Hudson River combine to make an ever intriguing setting for the commerce of daily life.

## **2. Unity**

The Estates District SASS is unified by the dominance of the large estates, their orientation toward the Hudson River and the common history of the intertwined natural and cultural landscapes. Most of the estate landscapes were designed in the American Romantic Period and exhibit similar patterns and progressions. The main houses with their immediate environs of lawns and gardens are focused on the Hudson and create rhythmic openings in the woodlands along the river's corridor. The stone walls and gatehouses of the estates establish a pattern that provides a strong sense of place along the winding rural roads of the inland areas.

The villages, hamlets and landings were established either to take advantage of the river's commerce or to service the estates. Although neither the Hudson nor the estates is the economic center of the area today, the pattern of development remains essentially unchanged with clear edges still existing between the thickly settled areas and the surrounding pastoral working landscape and forested open spaces. The farmland which surrounds the estates was once a part of them, and the connection between the commercial and residential centers and their environs is still evident, providing a model of harmonious human interaction with the natural landscape.

The Hudson River is the connector, stretching the length of the SASS, a necklace sometimes calm and blue, sometimes grey and heaving, its linear shoreline leading the eye through the composition of the panoramic views. The Hudson carved its corridor out of the surrounding upland and is the destination of the creeks which drain the upland. Its waters encircle the islands, alternately cover and reveal the flats and marshes, reflect the images of the forested bluffs, support the migrating waterfowl and carry the vessels that are guided by the lighthouses and call at the landings.

In views to the west the river sparkles behind the trees along the shore, changing color with the weather and the sunsets and influencing through this reflected light the tonality and mood of most landscape compositions. The Hudson is the unchanging element, the unifier, which influenced the topography and history of the SASS in the past and continues to dominate its physical and cultural landscape.

## **3. Contrast**

The Estates District SASS is replete with both physical and cultural contrasts. There is first the contrast between water and land, the broad expanse of the Hudson juxtaposed with its forested slopes and estate lawns, the absorptive texture of the overhanging trees antithetical to the reflective surface of the river. The intimate water spaces of creek ravines, coves and marsh streams invite visitors, in contrast with the less tame Hudson which can intimidate the neophyte boater.

Inland, there are contrasts between land uses and the elements they contribute to the landscape. Perpendiculars contrast with horizontals in the forms of dense deciduous forests and specimen trees which stand tall along the edges of rolling pastures and appear as sentinels among their weaving folds. The sweeping lawns of the estates and the exotic species of their ornamental gardens contrast with the wildness of second growth forests. Grand houses stand out against the

natural landscape and provide a scale by which to appreciate the extent of the estate grounds and their viewshed. The land folds are as drapery in a still life, providing a softly textured and colored background for the sharper architectural details of the structural forms.

Both grand and intimate views are available in the Estates District SASS. Panoramic views from the SASS to the west are dominated by the Hudson River and the distant Catskill Mountains, which loom over the western horizon and are visible from throughout most of the SASS. The designed landscapes within the SASS create more intimate views, framing these views and providing focal points and shaping more controlled compositions. Other internal views, particularly from local roads, range from intimate glimpses of estate edges and streetscapes to broad sweeps of pasture. The winding rural roads weave their way through the landscape, unfolding new compositions at each bend.

#### **4. Freedom from Discordant Features**

There are few discordant features in the Estates District SASS. Both the natural and the cultural landscape are well preserved and maintained. Historic development patterns have been continued in most cases, and vegetation provides effective natural buffers between historic landscapes and new development. Some strip development is located in isolated patches along the major highways, however. The railroad tracks along the Hudson River are discordant but not overwhelming since the tracks are of insufficient scale to affect panoramic views and are often not visible in views from the bluffs at the river's edge. The Kingston-Rhinecliff Bridge over the Hudson River also introduces an engineered element into the primarily natural landscape, but its influence on the scenic character of the SASS as a whole is minimal.

#### **B. Uniqueness**

The Estates District SASS, a major collection of significant estates with the integrity of their original settings largely preserved, is unique. Some estates have become museums or institutional properties, but most still serve their original function as country seats. The companion land uses of working farms, river landings and villages remain essentially intact.

The activities of modern life coexist in a landscape with its constitutive historic and scenic elements conserved. Designed landscapes which spawned the American Landscape Movement that subsequently spread across the country remain, as does the work of renowned architects, some of whom were ingenious innovators in the architectural history of the nation, including Calvert Vaux and Stanford White. Their works have earned for a majority of the SASS a National Historic Landmark District designation.

The fact that the land uses of the working pastoral landscape remain visually distinct from the commercial and residential centers is uncommon in the face of significant development pressure that usually yields suburban sprawl. Because the historic development pattern has been continued, the original interdependence of the hamlets and river landings with the estates and the Hudson River is still evident.

### C. Public Accessibility

The Estates District SASS is moderately accessible to the public because most of the land is in private ownership and the railroad tracks along the Hudson River effectively cut off most access between the Hudson River and its shorelands. A number of former estates, however, are owned by the federal and State government and operated as parks open to the public. These provide important visual and physical access to the Hudson and its shorelands and foster public understanding and appreciation of the history and beauty of the SASS. These public properties are the Franklin D. Roosevelt Home and the Vanderbilt Mansion National Historic Sites, Clermont State Historic Site and Mills-Norrie State Park. Other sites operated by non-profit organizations, such as Wilderstein and Montgomery Place, as well as some quasi-public institutions, such as Bard College and the Linwood Retreat, provide additional, though more limited access.

The Hudson River provides visual access to the entire western portion of the SASS with views of the coves, marshes and estate buildings and grounds on the east bank of the river. The Hudson is regaining its former importance as a transportation corridor, although the presence of the railroad tracks severely limits docking opportunities, increasing the importance of the existing landings. Rhinebeck Town Landing in Rhinecliff, accessible via a bridge over the railroad tracks, provides docking for transient vessels and is a popular boat launch and viewing area.

Because the railroad lies inland from the Hudson River within Norrie State Park, Norrie Point and the marina in the park provide docking and slip rentals. Small boats can also be launched into Tivoli North and South Bays from a State car-top boat launch accessible from NY Route 9G in Red Hook. The bays and much of their associated shorelands constitute the National Estuarine Sanctuary and Research Reserve and are State-owned. These extensive holdings provide public access to one of the most significant marshes on the Hudson and to Cruger's Island.

As passenger vessels become more common on the Hudson, more members of the public other than recreational boaters will be able to view the Hudson and its shorelands from the river, including views of estate properties not otherwise accessible, thus increasing public understanding of the landscape's significance.

The railroad tracks, although minor discordant features in the landscape, provide visual access to the Estates District SASS. Since the bluffs along the tracks block views in most cases to the estates and other upland areas, the views from the trains are primarily of the Hudson River, its coves and creek mouths, islands, lighthouses, wildlife and river traffic.

Municipal waterfront parks provide additional public access to the Hudson - visual access only at the Hyde Park Railroad Station and both visual and physical access at the Rhinebeck Town Landing at Rhinecliff. In addition, village-owned land in Tivoli provides visual and physical at-grade access to the Hudson, although the land is not officially developed as a park. At Barrytown there is an above-grade vehicular bridge on a public street.

The Hyde Park Trail, an initial segment of which is now open along the Hudson River between the Franklin D. Roosevelt Home and Vanderbilt Mansion National Historic Sites with a second segment planned to connect with the Mills-Norrie State Park, traverses private property through easement arrangements and provides visual access to the Hudson River. As this trail is extended

and others are developed elsewhere, public access to the interior landscape of the SASS will increase.

Ferncliff Forest in Rhinebeck, which includes Mt. Rutsen, is a private nature preserve open to the public for hiking. An observation tower at the top of the forested knob could provide panoramic views of the SASS if it were repaired.

State highways and county and local roads provide visual access to the edges and interior of the SASS. Dutchess County has included many roads in the county's network of designated Historic Tourways. Maps for self-drive tours are available from the county.

#### **D. Public Recognition**

The Estates District SASS is highly recognized by the public for its scenic and historic values. The landscape and panoramic views of the SASS were frequently the subject matter for artists of the 19th century Hudson River School of Painting, the first indigenous art movement in the United States and of international renown. Many scenes appearing in their works remain relatively unchanged.

The scenic quality of the Estates District SASS is recognized under Article 49 of the Environmental Conservation Law through designation of the Mid-Hudson Historic Shorelands Scenic District and the following Scenic Roads:

1. In Red Hook, Santage Road from its junction with Woods Road to its junction with Stony Brook Street;
2. In Red Hook, Stony Brook Street from its junction with Santage Road to its junction with NY Route 9G;
3. In Red Hook, River Road and Annandale Road;
4. In Rhinebeck, Rhinecliff, Morton and South Mill Roads and parts of the road also known as County Route 103;
5. In Rhinebeck, NY Route 199 from its junction with NY Route 9G west to the Kingston-Rhinecliff Bridge;
6. In Hyde Park, NY Route 9 from the southern border of the Vanderbilt Mansion National Historic Site northerly 2.3 miles;
7. In Hyde park, Old Post Road in the hamlet of Staatsburg for its entire length between its intersections with NY Route 9;
8. In Hyde Park, Golf Course Road in the Dinsmore Golf Course;
9. In Hyde Park, Norrie State Park Roads from the entrance to the park to both Norrie Point and the camping area.

Many roads in the area have also been designated by Dutchess County as Historic Tourways.

For more detailed information concerning the designed landscapes of the estates, the Management Plan for the Mid-Hudson Historic Shorelands Scenic District should be consulted.

Most of the SASS is included in the thirty two square mile Hudson River National Historic Landmark District designated in 1990 as the nation's largest landmark district. In addition, the SASS contains three historic districts listed on the State and National Registers of Historic Places - The Clermont Estates Historic District, the Sixteen Mile Historic District and the Town of Rhinebeck Multi-Resource District. Most of the estates included in these designations would individually meet the criteria for listing on the State and National Registers, but they gain additional significance from their grouping along the Hudson River.

The Estates District SASS is also well recognized by the general public as the location of two National Historic Sites, the Vanderbilt Mansion and the Franklin D. Roosevelt Home, both in Hyde Park. Also frequented by the public are the Mills-Norrie State Park in Staatsburg and the Clermont State Historic Site in Clermont. These public properties attract a large number of visitors each year.

During the tenure of President Franklin D. Roosevelt the SASS was the destination of international dignitaries. President Roosevelt welcomed world leaders to his home in Hyde Park, often greeting them or seeing them off at the Hyde Park Railroad Station. Photographs recording their visits are in the collection of the Presidential Library at the F.D.R. Home National Historic Site and at the Hyde Park Railroad Station Museum.

In addition to the public properties, other estates are being preserved and opened to the public, increasing the number of visitors attracted to the SASS. Montgomery Place in Red Hook, operated by Historic Hudson Valley, is open to the public. Wilderstein, in Rhinebeck, owned by Wilderstein Preservation and undergoing restoration, is open to the public on a limited basis.

Several educational and religious institutions have been developed on former estates and provide limited access to the SASS. Among them are Bard College and the Linwood Retreat.

#### **IV. IMPACT ASSESSMENT**

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

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- (1) 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
- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- (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.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

**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;**

**COMMENT:** The most notable of views available in the SASS are the panoramic views which include lawns or fields, the Hudson River and its shoreline and the distant Catskill Mountains. The siting of structures in a manner that causes them to intrude upon, block, alter the composition of or introduce discordant features into these views would impair the scenic quality of the SASS.

Interior views are less well known but equally contribute to the aesthetic significance of the landscape. They tend to be views down winding rural roads and carriage trails and glimpses of small clearings framed by vegetation. The essential character of these views is of pastoral or forested landscapes. If commercial or industrial structures or large scale residential structures were introduced into these views, they would constitute discordant features, impairing the scenic quality of the views and, consequently, the scenic quality of the SASS.

**CLUSTERING OR ORIENTING STRUCTURES TO RETAIN VIEWS, SAVE OPEN SPACE AND PROVIDE VISUAL ORGANIZATION TO A DEVELOPMENT;**

**COMMENT:** Two types of views are found in the SASS. These are 1) panoramic views, generally including fields or lawns, the Hudson River and its western shorelands and 2) intimate views of a pastoral or forested nature. If care were not taken to cluster and orient structures to retain these views, discordant features would be introduced into the views, reducing their scenic quality and impairing the scenic quality of the SASS.

If agriculture were not to remain as a viable industry, a significant amount of open space could be lost. Measures which stimulate the accelerated appreciation of farmland could lead to the loss of farmland in the SASS, to the extent that pressure on farmers to sell farms for residential and commercial development increases. Loss of the working farm landscape to other uses would reduce the unifying element of the pastoral landscape and eliminate some of the ephemeral elements of the SASS, thus impairing the scenic quality of the SASS. The failure to cluster new development at the edges of fields and adjacent to existing population centers rather than allow it to sprawl across the fields would obliterate the sharp edges between settled areas and open space, affecting the variety and contrast of the landscape composition and impairing the scenic quality of the SASS.

Other types of open space in the SASS include estate lawns and forests. The latter provide an opportunity to screen new development on the estates. Failure to preserve forested areas and to cluster structures within them in order to retain the open lawns of the estates would reduce open space and contrast in the landscape, impairing the scenic quality of the SASS. Failure to maintain the forests and use them to screen new development would eliminate the contrast between the open lawns and forested areas and impair the scenic quality of the SASS. Siting of structures in the lawn areas would alter the composition of the views, reduce open space and, in some cases, block views in the SASS, a significant component of its scenic quality.

The forested shorelands also contribute open space to the landscape composition and provide an opportunity to screen new development. Failure to retain the forests to the maximum extent practicable and screen new development within them would change the open space character of the Hudson River corridor, reduce the amount of texture and contrast of the SASS, impair the visual organization and verdant character of the Hudson River corridor and impair the scenic quality of the SASS.

The expanse of the Hudson River is itself a significant open space element in the SASS. Its ever changing surface provides a variety of contrasts with its forested shores and settled landings. The siting of extensive dock and mooring facilities would reduce the open space of the Hudson and the alternately tossing and reflective surface of the water. This would reduce the variety and contrast of the landscape, impairing the scenic quality of the SASS.

#### **INCORPORATING SOUND, EXISTING STRUCTURES (ESPECIALLY HISTORIC BUILDINGS) INTO THE OVERALL DEVELOPMENT SCHEME;**

**COMMENT:** The historic structures in the SASS relate the story of the cultural landscape as well as contribute to the landscape and provide focal points in views. Architectural gems such as the Hudson River lighthouses along the western shore, estate and farm structures, streetscapes and specimen trees are examples of focal points. Other cultural elements include the estate houses and their designed landscape environs including the expansive lawns; other estate features such as gateways and entrance roads, historic barns and stone walls; historic streetscapes in the villages and river landings; and the vernacular village and farm architecture reflecting earlier agricultural practices. Failure to preserve these historic structures through incorporation in an overall development scheme would alter the cultural landscape, reduce variety and contrast of the landscape and eliminate focal points from views, impairing the scenic quality of the SASS. Loss of historic structures

would also reduce the visible story of the landscape, reducing its symbolic value and reducing public recognition of that history and value.

#### **REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;**

**COMMENT:** Some historic elements are deteriorated, such as stone walls and certain historic structures, but removal of these important landscape components would result in the loss of important cultural features and focal points in views as well as reduce the variety and contrast of the landscape, thus impairing the SASS. Rehabilitation rather than removal is the more appropriate action for historic structures.

The SASS is generally free of discordant features. The railroad tracks are discordant when they figure prominently in the landscape, however. This occurs primarily when the viewer is close to the tracks. Therefore, avoiding the application of herbicides in the railroad corridor which renders vegetation unsightly or failure to control scrub growth along the corridor to maintain views, can impair the scenic quality of the SASS. In addition, leaching of other pollutants from the tracks into the adjacent marshes, if such leaching were to adversely affect the viability and visual character of the marsh vegetation, would change the color and texture of the marsh and impair the scenic quality of the SASS. This loss of vegetation and marsh viability could result in a reduction of wildlife populations, reducing ephemeral elements of the SASS and impairing its scenic quality.

Bulkheads and docks in the river landings are evidencing signs of deterioration, and some waterfront areas are cluttered with abandoned structures and discarded materials. Failure to invest in the river landings, such as Rhinecliff, Barrytown and Tivoli, through repair of bulkheads and docks may increase deterioration to the extent that the bulkheads and docks become discordant features.

Rehabilitation of these docks has the added advantage of preserving opportunities to increase public access to the SASS in the future via passenger vessels and to reinforce the historic ties to the Hudson River. Increased tourism could support the continued economic health of the public and private attractions as well as of the landings and community centers, thus maintaining the character and good repair of significant scenic elements of the SASS.

#### **MAINTAINING OR RESTORING THE ORIGINAL LAND FORM, EXCEPT WHEN CHANGES SCREEN UNATTRACTIVE ELEMENTS AND/OR ADD APPROPRIATE INTEREST;**

**COMMENT:** The shoreline of the Hudson River is characterized by coves, marshes and scattered islands which contribute to the variety and contrast of the SASS and the interest of an undulating shoreline in many locations. Meandering streams cross the upland fields and rush through ravines as they approach the river. Actions and development which would alter the configuration of the shorelines or the relationship between water and land elements would impair the scenic quality of the SASS.

The bluffs along the Hudson River are highly erodible and subject to slumping and sliding. Their wooded character in certain portions of the Hudson River corridor significantly contributes to its scenic quality. Failure to maintain the undisturbed nature of the bluffs

and their woodlands would alter the natural character of the landscape and the river corridor and impair the scenic quality of the SASS.

The topography behind the bluffs is generally rolling with some promontories. Alteration of this underlying form would *diminish* a unifying element of the landscape and impair the scenic quality of the SASS.

**MAINTAINING OR ADDING VEGETATION TO PROVIDE INTEREST, ENCOURAGE THE PRESENCE OF WILDLIFE, BLEND STRUCTURES INTO THE SITE, AND OBSCURE UNATTRACTIVE ELEMENT, EXCEPT WHEN SELECTIVE CLEARING CREATES VIEWS OF COASTAL WATERS;**

**COMMENT:** The variety, type and arrangement of vegetation in the SASS contributes significantly to the scenic quality. From marshes to wooded slopes to forests, to gardens and working farms, the natural and designed landscapes exhibit a wide range of color and texture. Vegetation screens discordant features, defines edges, softens harsh contrasts, frames views and provides focal points such as specimen trees. The wildlife supported by the various vegetation constitutes ephemeral effects on the landscape. Tree-lined scenic roads and carriage trails constitute important access ways for public experience of the landscape. Failure to preserve vegetation and provide for its continuance to the maximum extent practicable would alter the composition of the landscape, introduce discordant features through the failure to screen development, change the nature of views and significantly impair the SASS.

Vegetation also provides a buffer between the SASS and discordant elements outside the SASS and preserves the ambience of historic landscapes by screening adjacent incompatible development. As development and related traffic increase in the SASS, the importance of this buffer increases. Loss of vegetation along the edge of the scenic district and the edges of historic sites would adversely impact the historic context of the historic sites and impair the scenic quality of the SASS.

The failure to undertake selective clearing of brush along the railroad corridor at the Hyde Park Railroad Station Park will result in further diminishment of visual public access to the Hudson River and reduction in the quality of the views available there, impairing the scenic quality of the SASS.

**USING APPROPRIATE MATERIALS, IN ADDITION TO VEGETATION, TO SCREEN UNATTRACTIVE ELEMENTS;**

**COMMENT:** The SASS is a living landscape which has successfully absorbed change over time because each new period of development has been compatible with the scale, design and materials of previous periods. Failure to use appropriate materials, the color and texture of which would blend new development into the historic and natural landscape, would introduce discordant features into the landscape which singularly or collectively would disrupt the unity of the SASS and impair its scenic quality.

**USING APPROPRIATE SCALES, FORMS AND MATERIALS TO ENSURE THAT BUILDINGS AND OTHER STRUCTURES ARE COMPATIBLE WITH AND ADD INTEREST TO THE LANDSCAPE.**

**COMMENT:** The SASS is a living landscape which has successfully absorbed change over time because each new period of development has been compatible with the scale, design and materials of previous periods. Failure to continue to use appropriate scales, forms and materials in new development that are compatible with neighboring structures and do not dominate the landscape would introduce discordant features into the landscape which singularly or collectively would disrupt the unity of the SASS and impair its scenic quality.

**Estates District Scenic Area of State Significance**

<b><u>Index to Subunits</u></b>	<b><u>Page</u></b>
ED-1 Clermont Subunit . . . . .	155
ED-2 Clermont/Tivoli Estate Farmland Subunit . . . . .	161
ED-3 Tivoli Subunit . . . . .	165
ED-4 Montgomery Place/Blithewood Subunit . . . . .	169
ED-5 Tivoli Bays Subunit . . . . .	173
ED-6 Bard College Subunit . . . . .	177
ED-7 Annandale-on-Hudson Subunit . . . . .	181
ED-8 Barrytown Subunit . . . . .	183
ED-9 Astor Point Subunit . . . . .	187
ED-10 Astor Cove Subunit . . . . .	191
ED-11 River Road Subunit . . . . .	195
ED-12 Mount Rutsen Subunit . . . . .	199
ED-13 Rhinebeck Center Subunit . . . . .	201

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-1 Clermont Subunit**

#### **I. Location**

The Clermont subunit constitutes part of the northernmost portion of the Estates District SASS. Its northern boundary is Cheviot Road in the river landing of Cheviot, and its southern boundary is a common boundary with the ED-Montgomery Place/Blithewood subunit bordering Tivoli Bay in the Village of Tivoli. Woods Road constitutes the eastern boundary north of Callendar House, a common boundary with the ED-2 Clermont/Tivoli Estate Farmland subunit. The eastern boundary south of the village center is the edge of the fields surrounding the village center, a common boundary with the ED-3 Tivoli subunit. On the west the boundary is the mean high tide line on the west bank of the Hudson River, part of the Ulster North SASS. The subunit is located in the Towns of Germantown and Clermont in Columbia County, in the Town of Red Hook and the Village of Tivoli in Dutchess County and in the Town of Saugerties in Ulster County. Consult the Estates District SASS map sheets, numbers 1 and 2, for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Clermont subunit consists of steep, wooded bluffs rising 150 feet above the Hudson River and a rolling landscape behind them punctuated with rock outcrops. Meadows and lawns of several major estates create clearings in the extensive woodlands. Vegetation is a mix of native species and the ornamental plantings of the estates' landscapes, most designed in the American Romantic Landscape Style. Mature trees line Woods Road and estate entrance roads. The land is laced with intermittent streams, and the White Clay Kill/Stony Brook cut through the fields and woodlands on their way to the Hudson.

The Hudson River is about 2,200 feet in width in this area. The shoreline of the Hudson is primarily linear with long gradual curves emphasized by the railroad tracks which are located on an eight foot high embankment. Small points occasionally project into the Hudson west of the railroad tracks.

##### **B. Cultural Character**

The cultural character of the subunit is dominated by historic estates which are part of a unique grouping of historic properties that stretches for twenty miles along the Hudson River. Some once had their own docks on the Hudson, but the docks are now in ruins and separated from the upland by the railroad tracks. In this subunit, there is only one bridge across the tracks - at Midwood - and it is in good repair and regular use. Ruins of docks and ice houses are located along the Hudson on both sides of the railroad tracks. Dry laid stone walls and rows of mature trees line Woods Road. Overgrown trails and paths on the estate grounds give evidence of one pastime followed on these country seats.

One of the most scenic and historic of the Hudson river estates is Clermont, the heart of the original 162,248 acre Manor of Livingston charter given to Robert Livingston by Governor Dongan in 1686. This original tract constituted the bottom third of Columbia County and

reached east to the borders of what is now Massachusetts and Connecticut. Clermont, or the "Lower Manor", consisting of 13,000 acres, was carved out of the southwest corner of Livingston Manor for the third son of Robert Livingston, Robert of Clermont, who built the first house at Clermont in 1728. His son, the third Robert Livingston, was a judge in the Supreme Court of the Province of New York and, as delegate to the Stamp Act Congress, wrote the letter of protest to the King of England. His son, Robert R. Livingston, was an advocate of colonial rights and a member of the Second Continental Congress, one of five chosen to draft the Declaration of Independence. During the Revolution the British, after burning Kingston, sailed up river and burned the buildings at Clermont in 1777. Charred members of the original house are a part of the existing Clermont house, constructed in 1782 on the original foundation.

Chancellor Livingston became prominent in the affairs of the new nation and, in 1781, was appointed the first United States Minister of Foreign Affairs. He was interested in mechanics and formed a partnership with Robert Fulton. Fulton's first steamboat, known to posterity as the Clermont, stopped at the Clermont wharf on its maiden voyage up the Hudson River in 1807.

The original gift of 414 acres to the State of New York, which became Clermont State Historic Site, was made by Alice Delafield Clarkson Livingston in 1962. In 1991 Honoria Livingston McVitty, the last surviving direct descendant of Robert Livingston to have grown up at Clermont, gave the State an additional 71 acres of wooded shoreland and meadows plus 88 acres of underwater land adjacent to the State Historic Site. Farm fields and woods east of Woods Road are part of the Historic Site. Ms. McVitty retained the Sylvan Cottage, once the gatekeeper's cottage, and the remaining 15 acres of the Livingston holdings north of the Historic Site.

The Clermont house is sited on bluffs overlooking the Hudson River amidst a pastoral, designed landscape of tall locust trees and ornamental plantings. Enlarged and modified several times, the house was last remodeled in the 1920s in the Colonial Revival Style. Other historic structures, including the Children's Playhouse and the Livingston Family burial site built in 1750, are located in the newly acquired parkland.

The McVitty gift includes "The Avenue," the original Eighteenth Century entrance road to Clermont which was used to transport produce from inland farms to the Clermont wharf. Stone walls and piers along Woods Road mark the beginning of The Avenue, and the white pines that line it were planted by John Henry Livingston around 1885. The Garden Path leads to a greenhouse and upper garden which includes historic plants. Carriage roads and trails wind through the property.

The Clermont subunit stretches many miles along the Hudson River and includes many smaller estates. To the south of Tivoli and north of Lower Dock Road is located The Pynes, once called Green Hill. Its main house, built perhaps as early as 1762, predates the house at Clermont because it was not burned by the British, its owner, Gilbert Livingston, having convinced the British soldiers that he was a Tory. This estate adjoins the original river landing for the Tivoli area.

Callendar House, located in the southeastern corner of the subunit south of The Pynes, consists of 175 acres, presently in two ownerships, separated by a wooded ravine. Some of this acreage is now called Tivoli Farms and is located in the Tivoli subunit. The entrance road is bordered by mature pine trees. The original portion of the main house, built in 1794, is Georgian in style

and adorned with a Greek Revival colonnaded portico, while the later south wing was designed by McKim, Mead and White. There is an Italianate carriage house on the grounds.

Northwood, composed of 230 acres, most of which lie east of Woods Road, is the largest of the subunit's estates. Orchards along Woods Road and an 1875 gatehouse notify the traveler of the estate's presence. The stucco main house built in 1856 is approached through a wooded area. Other structures of note on the property are a carriage house and mounting shed along with a collection of barns.

Oak Lawn, an 1872 Second Empire masonry structure, is built at the edge of a bluff that rises steeply above the Hudson River. Then forty-six acres in size, the estate was the childhood home of Eleanor Roosevelt. The long curving entrance road begins at an 1870 gatehouse with French inspired details. Overgrown trails and paths are still identifiable on the property. The main house has, unfortunately, fallen into extensive disrepair, and the property has been reduced to five acres and has lost its view.

Other estates, of which only a portion are located in the subunit, include Rose Hill and Teviot to the south of Clermont. Rose Hill's masonry house with its Italianate tower was built in 1843. The estate's original entry road, located just north of St. Paul's Church, is now overgrown; but its border of trees is still visible, and its gate lodge and gates still stand. Also visible along Woods Road are former farm structures of Rose Hill, some transformed into residences. Teviot still sports its 1843 Gothic Revival house graced by weeping hemlocks.

North of Clermont are Ridgely, now the Motherhouse of the Carmelite Sisters and site of an 1850 farmhouse, and Southwood and Chiddingstone, two other mid-19th century estates. The 1885 rambling main house of Midwood, less formal in demeanor than its neighbors, was designed by Michael O'Connor as a year-round home. Situated on a bluff above the Hudson River, it sports panoramic views of the Hudson and the distant Catskills. The property also has access to the Hudson River via a bridge over the railroad tracks to a small point of shoreland, the site of an old dock. Midwood is connected to the adjacent Oak Lawn via an interior road. Holcroft and Northwood are located in the most northerly portion of the subunit.

Tivoli Landing, once a bustling wharf, is now a quiet spot on the Hudson. Passenger vessels and cargo vessels alike once docked there, including the Saugerties-Tivoli ferry. Near the western shore of the Hudson River to the north of the landing stands the Saugerties Lighthouse, the oldest existing Hudson River lighthouse. Listed on the National Register of Historic Places, it has been restored as a museum and bed and breakfast. (Refer to the UN-5 Esopus Creek subunit in the Ulster North SASS for more detailed information about the Saugerties Lighthouse and other features of the western shore.)

The subunit has few discordant features. Some of the estates suffer from neglect and inappropriate bulky additions, but the landscape is generally well kept and its integrity maintained.

The railroad bed is somewhat discordant. Located on an embankment eight feet high, it parallels the straight shoreline at the foot of the bluffs and for the most part cannot be seen from the estates; but it does constitute a discordant feature from nearby river perspectives. Its scale renders it insignificant in panoramic views, however.

The railroad tracks, although not highly visible, do cut off access between the Hudson River and its uplands except for a few individual landings, including Tivoli Landing. Hudson River landings developed over two centuries of orientation to the river as an avenue of commerce. The village landing is no longer used and is in a deteriorated condition that is discordant with the surrounding estate properties. However, it does still evidence the close connection between the Hudson and historic development in the subunit.

### C. Views

Views from the subunit are both deep and broad, especially from the grounds of the estates which have been designed to create, frame, and enhance the composition of the views of both the natural riverfront setting of the mansions and of the Hudson River and distant Catskills. The mansions, the river, the Saugerties Lighthouse on the western shore and the Catskills are the focal points of these views. The shorelands of the Ulster North SASS to the west are important as the middleground of these extensive views.

The Hudson River dominates many views, especially those from Tivoli Landing where the Hudson is experienced as a broad and sometimes foreboding body of water. Rough water and large waves are ephemeral effects generated on windy days.

Glimpses of the estate grounds are available along Woods Road, but in most locations the estate gatehouses and stone walls provide the only hint of the landscape beyond. Portions of the estates are visible from the Hudson River.

### III. Uniqueness

The Clermont subunit, a collection of significant historic estates with both their architectural values and their designed landscapes relatively unaltered, is unique. The historic setting is irreplaceable. The estates exemplify a blending of exceptional architecture, beautifully integrated with an enhanced natural setting and oriented to take full advantage of views of the Hudson Valley.

### IV. Public Accessibility

Clermont State Historic Site is open to the public and provides the opportunity for the public to experience the ambience, views and designed landscape available to the private landowner. The private estates of the subunit are visible from the Hudson River and from some locations on its western shore in the Ulster North SASS. Woods Road and other local roads provide access to the edge of the subunit and some limited visual access to estate grounds. The subunit is also visible from the trains, although the bluffs limit views to the east. Tivoli Landing provides access to the Hudson River.

### V. Public Recognition

The subunit is included the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road is a designated Scenic Road under Article 49 and is an Historic Tourway designated by Dutchess County. The subunit constitutes most of the Clermont Estates Historic District and the northernmost portion of the

Sixteen Mile Historic District, both listed on the State and National Registers of Historic Places. The subunit is also located in the Hudson River National Historic Landmark District.

#### VI. Reason for Inclusion

The Clermont subunit is included in the Estates District SASS because it contains a variety of vegetation, water features and cultural elements. Woodlands, lawns, ornamental plantings and rows of mature trees along the roadway grace the landscape. Intermittent streams, creeks and the Hudson River provide interest. Estate houses from several architectural periods, gatehouses and stone walls signal the historical significance of the area. The landscape is characterized by contrast between the lawns and mansions of the historic estates and the woodlands and Hudson River of their surroundings. The distant Catskill Mountains provide additional contrast in the sweeping views to the west from the estate grounds. The subunit is unified by the landscape design and the degree of preservation of the historic architectural and landscape elements. It is generally well kept and has few discordant features.

The subunit is unique. The estates exemplify the blending of exceptionally sited architecture integrated with an enhanced natural setting that typifies the aesthetic sensibilities of the owners and the Age of Romanticism which shaped the Estates District SASS.

The subunit is accessible via the Hudson River, Woods Road and other local roads. The Clermont State Historic Site is accessible to the public and presents an excellent sense of the total scenic character of the subunit. The remaining estates are in private (in one case institutional) ownership, but the buildings and grounds of the estates are visible from the Hudson River and from some points on the western shore in the Ulster North SASS. Their edges and some of their fields are visible from the public roads. Portions of the subunit are also visible from the railroad trains, although the bluffs limit views to the east.

The subunit is very well known and is recognized through several designations. It is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road is a designated Scenic Road under Article 49 and is an Historic Tourway designated by Dutchess County. The subunit is included in the Hudson River National Historic Landmark District and the Clermont Estates Historic District and constitutes a portion of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-2 Clermont/Tivoli Estate Farmland Subunit**

#### **I. Location**

The Clermont/Tivoli subunit constitutes part of the northernmost portion of the Estates District SASS. The subunit is bounded on the north by Roundtop Road in Germantown, the northern boundary of the SASS. Its southern boundary is a common boundary with the ED-3 Tivoli subunit. The western boundary consists of Woods Road and the settled center of the Village of Tivoli, common boundaries with the ED-1 Clermont and ED-3 Tivoli subunits. The subunit is bordered on the east by New York Route 9G and on the south by the ED-4 Montgomery Place/Blithewood subunit. The subunit is located in the Towns of Germantown, Clermont and Red Hook in Columbia and Dutchess Counties. Consult the Estates District SASS map sheets, numbers 1 and 2, for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The landform consists of essentially flat, open terrain with some gradually rolling areas. Orchards and small woodlots along with extensive meadows, pastures and hayfields create varied vegetation patterns on the expansive agricultural landscape. Water features consist of some small ponds and small streams which cross the meadows through shallow, wooded swales. The golf course of the Edgewood Club of Tivoli lies east of Woods Road and north of Tivoli. The course has a varied terrain, contains mature trees and is bordered by woodlands. A portion of the club's holdings is cultivated.

##### **B. Cultural Character**

The land use of the subunit is agricultural, containing the farmland portion of several major estates and religious institutions. The landscape is shaped primarily by lush horse farms, orchards and estate farms, the fields of which provide a visual connection between the structures along NY Route 9G and the estate landscapes in the ED-1 Clermont subunit to the west. The large estates originally were located on both sides of Woods Road with the agricultural landscapes to the east of the road and the designed landscape and main houses located to the west.

Stone and wood frame vernacular houses and barns from the 1860s to 1870s and associated old agricultural fields of former tenant farms flank Woods Road. This landscape hints of the era when the owners of large estates such as Clermont, the main house of which is located in the ED-1 Clermont subunit to the west, controlled extensive productive farmlands from their country seats. The fields and woods that lie between Woods Road and NY Route 9G were once part of the Livingston estate, and the southwest corner of the subunit is part of the Clermont State Historic Site.

An historic house of note, the "The Stone Jug" or Konradt Lasher House, is located at the eastern edge of the subunit. Built in 1752 at what is now the intersection of NY Route 9G and Jug Road, the Stone Jug was originally a tenant house on Livingston property. Just to its north stand residences from the mid-1800s and associated barns and fields which were once part of the Oak

Lawn estate, also located in the ED-1 Clermont subunit. Situated along NY Route 9G is the Clarkson Chapel, an 1860 Gothic Revival wood frame church with a bell cote in a setting of cemetery, lawns, stone walls and mature trees. Also located along NY Route 9G is the Red Church and its cemetery, believed to be the oldest house of worship in Dutchess County. Largely unaltered, the church's hilltop setting on Route 9G is picturesque.

Some portions of the subunit contain agricultural landscapes designed as gracious entrance ways to estates such as Clermont with carefully placed fields and trees in the American Romantic landscape tradition. Other sections of the agricultural lands are more utilitarian and support cash crops more typical of working farms. One 230 acre horse farm was until recently associated in ownership with Chiddingstone, the main house of which is located in the ED-1 Clermont subunit to the west. Several elaborate horse breeding and exercising facilities are sited on the horse farm.

The land in the subunit is very well maintained, generally to a higher level of maintenance than typical of working farms. Some of the large horse farm structures and tracks as well as recent strip development along the roads constitute discordant features.

Sections of this landscape are protected through State ownership associated with the Clermont State Historic Site and the Tivoli Bays Nature Preserve which extend easterly to front on NY Route 9G.

### C. Views

Views from the subunit are enhanced by the openness of the agricultural landscape, the fields of which provide long views over the surrounding countryside. The livestock on the horse farms provide ephemeral effects. Specimen trees, stone walls, tree-lined entrance roads and carefully sited agricultural buildings enhance the composition of these designed agricultural landscapes. There is no major central focal point.

The extensive fields provide sweeping views to the Catskill Mountains to the west, while views of nearby hills and woodlands are available throughout the subunit. Views of the Hudson River generally are not available, except from NY Route 9G between Bard College and Tivoli.

### III. Uniqueness

The Clermont/Tivoli Estate Farmland subunit with its expansive estate farm landscape constitutes a uniquely large band of pastoral field landscapes.

### IV. Public Accessibility

The subunit is accessible via NY Route 9G and local roads, such as Woods Road, Sengstack Road and Roundtop Road, which run along the edges and through portions of the subunit. A portion of Clermont State Historic Site extends into the subunit along the Columbia-Dutchess county line.

## V. Public Recognition

The Clermont/Tivoli Estate Farmland subunit is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road, which lies along most of the western boundary of the subunit, is a designated Scenic Road under Article 49. The subunit is included in the Hudson River National Historic Landmark District in part because it was the working landscape of the nearby estates. A small portion of the subunit is part of the Clermont State Historic Site. The estate lands are also part of the Clermont Estates Historic District listed on the State and National Registers of Historic Places. The Stone Jug, the neighboring Lasher properties and the Clarkson Chapel are listed on the State and National Registers as an individual historic resource.

## VI. Reason for Inclusion

The Clermont/Tivoli Estate Farmland subunit is included in the Estates District SASS because it contains varied field patterns and a variety of vegetation which are unified by the estate farm uses. Contrasts exist between the flat open fields, the orchards and woodlands and the Catskill Mountains viewed in the distance. The subunit's expansive estate lands constitute a uniquely large band of pastoral landscape which is accessible via NY Route 9G and local roads and is well recognized as the working landscape of the associated well-known estates. It is included in the Mid-Hudson Historic Shorelands Scenic Area designated under Article 49 of the Environmental Conservation Law and forms the viewshed of Woods Road, a Scenic Road also designated under Article 49.

**ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE  
ED-3 Tivoli Subunit**

**I. Location**

The Tivoli subunit consists of the village center of the Village of Tivoli and surrounding farmland, its boundaries being the woodlands and fence rows enclosing the fields. The subunit boundaries are common boundaries with the ED-4 Montgomery Place/Blithewood, ED-2 Clermont/Tivoli Estate Farmland and ED-1 Clermont subunits. The subunit is located in the Town of Red Hook, Dutchess County. Consult the Estates District SASS Map sheet number 2 for subunit boundaries.

**II. Scenic components**

**A. Physical Character**

The topography of the subunit is flat to slightly rolling. Vegetation consists of *extensive* fields punctuated by small woodlands and groups of trees. Lawns, gardens and trees are found in the village center. The Stony Creek cuts a ravine through part of the subunit.

**B. Cultural Character**

Land use is a combination of the historic village center and the estate farm landscape. Structures in the village are primarily residential with some minor commercial and transportation - related buildings. Tivoli was settled in the early 1800's, initially to support the riverfront commerce of Tivoli Landing, or lower village, the waterfront portion of which is located in the ED-1 Clermont subunit. Woods Road connects the village center with the Clermont subunit, and County Route 402 connects the village center with NY Route 9G located in the ED-2 Clermont/Tivoli Estate Farmland subunit.

Tivoli's historic architecture is well preserved. Both the upper and lower village contain fine examples of period housing, including Gothic Revival, Italianate and Queen Anne styles. Among the prize structures are three Gothic Revival churches - St. Paul's, built in 1868; Tivoli Methodist Church, built in 1892; and St. Silvia's Church, built in 1902. St. Paul's is particularly noteworthy because of its setting. Located on a knoll along Woods Road, its stone walls and cemetery are focal points in the Woods Road scenic corridor. Also notable is the former Trinity Church on North Road, now a private residence but architecturally intact.

The residences of note stem from the mid-1800s to the turn of the century and sport such details as verandas, balustrades, brackets and Tuscan columns. There are several good examples of adaptive reuse of historic buildings. An 1870 frame school with a hipped roof has been converted into apartments with structural details intact. Storefronts and commercial structures from 1865 to 1890 remain. An 1890 Queen Anne schoolhouse is now a private residence. The exuberant DePeyster Firehouse is presently being rehabilitated with State funding assistance.

The strong, geometric village center lined with old homes contrasts dramatically with the immediately adjacent expansive farms, such as Tivoli Farms, a horse farm which was once part of the Callendar House estate located in subunits to the west. Such clear village edges are an increasingly rare phenomenon as development pressure increases.

The village is well maintained. Minor discordant features are limited to the few less attractive recent residential and commercial developments. The town houses along Woods Road constitute a discordant feature because their design, scale and materials do not reflect the historic fabric of the rest of the village, especially of neighboring properties.

### C. Views

Views from the subunit include picturesque internal views of historic buildings and streetscapes as well as sweeping views from the village edges and roadways across the extensive open farm and estate fields. The sweeping views contrast with the narrow village streets. No single major focal point dominates the views. Background elements include nearby woodlands and, from certain locations, the distant Catskill Mountains to the west. The Hudson River is generally not visible except from the lower village where the Hudson's western shorelands, located in the Ulster North SASS, can be seen. Some winter views are available from remote fields in the upland areas.

### III. Uniqueness

The Tivoli subunit is unique. Its historic village center and the clear edge between the village center and the adjacent fields are rare.

### IV. Public Accessibility

The Tivoli subunit is highly accessible from Woods Road, village streets and County Route 402. Woods Road and County Route 402 are used by some visitors to the Clermont State Historic Site located in the ED-1 Clermont subunit to the north, although they are not the primary access route. The western portion of the subunit is also visible from the Hudson River and its western shorelands and from the passing railroad trains.

### V. Public Recognition

Tivoli is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road, which forms a portion of the western boundary of the subunit, is a designated Scenic Road under Article 49. The Village of Tivoli is included in the Hudson River National Historic Landmark District.

### VI. Reason for Inclusion

The Tivoli subunit is included in the Estates District SASS because it exhibits a variety of land uses and vegetation including the lawns, trees and gardens of the village center as well as farms, fields and woodlands. The structures in the village center exhibit a variety of architectural styles. Strong contrast remains between the historic village center and the expansive adjacent fields. All elements are unified in both an historic and visual context. The preserved village center and the clear distinction between the compact village and the open space of adjacent farms are unique.

The subunit is accessible from River Road, village streets and County Route 402. It is publicly recognized as part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road, which forms part of the

western boundary of the subunit, is a designated Scenic Road under Article 49. The Village of Tivoli is also included in the Hudson River National Historic Landmark District.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-4 Montgomery Place/Blithewood Subunit**

#### **I. Location**

The Montgomery Place/Blithewood subunit borders North and South Tivoli Bays. It is bounded on the north by the Village of Tivoli center in the ED-3 Tivoli subunit and on the east by the more densely settled areas along Annandale Road and River Road located in the ED-6 Bard College, ED-7 Annandale-on-Hudson and ED-11 River Road subunits. The southern boundary is a common boundary with the ED-8 Barrytown subunit, and the western boundary is a common boundary with the ED-5 Tivoli Bays subunit. The subunit's central portion reaches east to touch NY Route 9G about 1/4 mile north of the intersection of Route 9G and Annandale Road and borders Route 9G for approximately 2,000 feet. The subunit is located in the Village of Tivoli and the Town of Red Hook, Dutchess County. Consult the Estates District SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Montgomery Place/Blithewood subunit consists of steep bluffs covered with mature deciduous forest and dissected by small ravines. The bluffs border North and South Tivoli Bays and serve as a buffer from upland development. The land is divided primarily into large estates, the main houses of which are situated on high points with extensive lawns that reach down to the bluff edges. Farm complexes and fields are included in the estates, and the orchards of Montgomery Place flank Annandale Road behind rows of mature locust trees. There is some evidence of historic designed landscapes, but most are overgrown.

The shoreline configuration of the bays is complex, undulating along marshy coves. Both the Stony Creek and the Saw Kill flow through the subunit and empty into North and South Tivoli Bay, respectively. As they near the bays, they tumble over rocky beds at the foot of steep ravines. The cataracts of the Saw Kill are dramatic and in the 19th century were renowned romantic landscape features.

##### **B. Cultural Character**

The Montgomery Place/Blithewood subunit is named after its two major estates. Montgomery Place is a Livingston Family home now owned by Historic Hudson Valley and open to the public. It is one of the most historic, architecturally valuable and scenic of the Hudson River estates. The main house is a Federal period structure built in 1805 which was enlarged and transformed into a Classical Revival building by Alexander Jackson Davis during the mid-1800s. The designed landscape, which was extravagantly admired in print by Andrew Jackson Downing, includes wooded areas, called "South Woods" in the south and "The Wilderness" in the north, which are laced with carriage roads and trails. Mature locust trees dot the lawns surrounding the house and frame views to the west. Woods Road is also lined with mature locust trees and stone walls, and glimpses are available of the fields behind them.

The original mansion of Blithewood, called Mill Hill, no longer stands. Subsequently called Annandale, it had been redesigned in 1836 by Alexander Jackson Davis. The present Blithewood, a Beaux-arts residence now owned by Bard College, was designed by the firm of Hoppin & Koen in 1901. Other buildings designed by Davis survive as does his designed landscape in an overgrown condition. The grounds once afforded the mansion site more sweeping views of the Hudson River than are now available. The turn of the century formal gardens on the west side of Blithewood and a portion of the view are now being restored. A.J. Downing lavishly praised these grounds in print, as well.

There are several discordant features in the Montgomery Place/Blithewood subunit, primarily academic buildings unsympathetically designed and placed along the Blithewood driveway. Most of the land bordering the Tivoli North and South Bays is either in public ownership or protected by easements as part of the Hudson River National Estuarine Sanctuary and Research Reserve.

### C. Views

The view compositions of the designed landscape are overgrown at Blithewood (not at Montgomery Place) and the extensive views they once offered are now more limited or no longer visible. Expansive lawns surround the mansions, however, and specimen trees on the grounds of Montgomery Place frame some sweeping views to the west across Tivoli Bays to the distant Catskill Mountains, including the bluffs on the Hudson's western shore in the Ulster North SASS. Views three to four miles up-river are also available from certain locations. The Tivoli Bays observation area offers spectacular views.

Blithewood is located high above the Hudson River, but its grounds offer less sweeping views of the river. Its site is an attractive wooded location, however.

The composition of views within the subunit is enhanced by the historic mansions and their designed landscapes. Views toward the water are focussed by lawns and fields on the estates or by the forested shore elsewhere along the Tivoli Bays. Internal views include mature woodland scenes and views of the estate grounds, woodland clearings and fields surrounded by woodlands.

### III. Uniqueness

The Montgomery Place/Blithewood subunit is unique. Groups of preserved historic estate mansions and their attendant designed landscapes, such as found in the Montgomery Place/Blithewood subunit, present important examples of exceptional historic structures which have been successfully integrated with their enhanced natural setting and oriented to take full advantage of views of the Hudson Valley. Montgomery Place is a particularly fine example of such compatible siting.

### IV. Public Accessibility

The Montgomery Place/Blithewood subunit is highly accessible. Extensive State holdings border Tivoli North and South Bays as part of the Hudson River Estuarine Sanctuary and Research Reserve. The sanctuary is open to the public through educational programs sponsored under the Estuarine Sanctuary Program and is available to the casual visitor as well. Views of the estates from the bays are available to those who launch small boats into the bays to tour the wetlands.

The subunit is also visible from the Hudson River and from railroad trains passing through the ED-5 Tivoli Bays subunit.

The Bard College campus lies along most of South Bay. Parts of the campus are accessible to the general public during special events sponsored by the college. Montgomery Place is owned by Historic Hudson Valley and operated as a destination point for tourists. Tours of the main house and grounds are available. There is an admission fee.

Cruger Island Road crosses the center of the subunit, leading to Cruger Island located in the ED-5 Tivoli Bays subunit to the west.

#### V. Public Recognition

The Montgomery Place/Blithewood subunit is well recognized by the public. It is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The estates and their designed landscapes are included in the Hudson River National Historic Landmark District and the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. Bard College and Montgomery Place attract both students and the general public to the area. The presence of the National Estuarine Sanctuary and Research Reserve draws members of the scientific community as well as members of the public interested in hunting or observing the resident wildlife. Land along the Tivoli North and South Bays is protected either by State ownership or by easements held by the State.

#### VI. Reason for Inclusion

The Montgomery Place/Blithewood subunit is included in the Estates District SASS because it exhibits variety created by the juxtaposition of the natural landscape along the Bays and the estates and their designed landscapes. The subunit is unified by the estate design and lack of discordant features. There is contrast between the lawns, historic structures and surrounding woodlands and between those elements and the Hudson River and distant Catskill Mountains in the views from the subunit. The subunit is highly accessible to the public and is recognized at the State and national level by the following designations: the Mid-Hudson Historic Shorelands Scenic District, the Hudson River National Historic Landmark District and the Sixteen Mile Historic District.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-5 Tivoli Bays Subunit**

#### **I. Location**

The Tivoli Bays subunit consists of North and South Tivoli Bays, Cruger Island and Magdalen Island and the Hudson River associated with them. The subunit's boundaries are contiguous with the edge of North and South Tivoli Bays on the north, east and south and are common boundaries with the ED-8 Barrytown and ED-4 Montgomery Place/Blithewood subunits. The western boundary is the mean high tide line on the west shore of the Hudson River, located in the UN-4 Saugerties Bluffs and UN-8 Glasco subunits in the Ulster North SASS. Cruger and Magdalen Islands lie within the subunit. The subunit is located in the Town of Red Hook, Dutchess County and in the Town of Saugerties, Ulster County. Consult the Estates District SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Tivoli Bays subunit is dominated by Tivoli North and South Bays and the Hudson River. Almost the entire subunit is composed of high quality water features. The great flat marshlands stretch to the railroad causeway which separates the bays from the river. Tivoli North Bay, a true tidal marsh, encompasses 386 acres, while Tivoli South Bay, a tidal flat, contains 288 acres. Their appearance changes with the tides which flow through the five openings in the causeway, alternately exposing and covering the diverse vegetation. The edges of the bays are lined with mature trees.

Cruger Island, 32 acres in size including the surrounding marshes, is the larger of the two islands. It contains intertidal marshes, tidal swamp and deciduous forest and is an outstanding bird and wildlife habitat. Magdalen Island consists of more than eight acres of deciduous woods and wildflower populations. In the middle of State-owned Tivoli South Bay is located a rock outcropping called Skillipot Island, an old Dutch term for a large turtle. Such diversity yields a complex shoreline configuration except where the railroad draws a straight line between the river and the bays.

The Hudson River is approximately 2,200 feet wide in this area. Two tributaries empty into the Tivoli Bays, Stony Creek into Tivoli North Bay and the Saw Kill into Tivoli South Bay. The vegetation is very diverse, consisting of marsh, shrub and tree swamp and forest. Cruger and Magdalen Islands are densely forested. Except for the straight line of the railroad causeway, the shoreline configuration is varied, ringing islands, marshy coves, embayments and creek mouths.

##### **B. Cultural Character**

The eastern half of the subunit is entirely in State ownership except for the railroad right-of-way and a corridor along Cruger Island Road owned by Central Hudson Gas and Electric Company. Both Tivoli North and South Bays as well as Cruger and Magdalen Islands are publicly held as part of the Tivoli Bays State Nature and Historical Preserve/National Estuarine Sanctuary and Research Reserve. The Bard College Field Station operated by the sanctuary is located at the

mouth of the Saw Kill on Tivoli South Bay. Use of the area includes hunting, fishing and trapping as well as extensive bird watching, scientific research and nature study.

The diverse wetland wildlife habitat of the bays is a relatively undisturbed natural area unbroken by any signs of development other than the railroad and Cruger Island Road, an unimproved dirt road. Henry Hudson landed on Cruger Island in 1609. The construction of the railroad in the 1850s greatly altered the natural conditions of the bays, and in the 1800s a swamp region near Cruger Island was diked to form an ornamental garden that has since reverted to swamp. Natural preservation uses dominate the cultural character of the subunit. Hunters use the area in season, and visitors to the sanctuary can use small boats to navigate the waterways of the bays to observe the wildlife.

Ephemeral effects include the subunit's wilderness quality with its attendant wildlife, disturbed only by an occasional train. The railroad causeway is an intrusion but does not constitute an overwhelming discordant feature.

### C. Views

Views from and of the Tivoli Bays subunit are broad and extensive. In all cases they involve highly scenic water features. In most views the bays form the foreground surrounded by marshes and hills. The details of the marshland vary with the water levels, low tide revealing watery channels and more vegetation than high tide. From the eastern portion of the subunit, the railroad causeway somewhat blocks views of the open Hudson River. Views from the islands are extensive, reaching 2 to 3 miles up and down the Hudson River. The distant bluffs and hamlet of Glasco on the western shore, located in the UN-8 Glasco subunit of the Ulster North SASS, form a backdrop in views to the west.

The presence of abundant wildlife and the occasional passing of trains, dwarfed in the panoramic views, are ephemeral effects that generally enhance the area's visual interest, as is the tumbling Saw Kill as it rushes over rocks before emptying into Tivoli South Bay. The railroad causeway itself is a discordant feature, but it does not dominate the landscape.

### III. Uniqueness

The Tivoli Bays subunit is unique. It is an unspoiled natural landscape of marsh and islands.

### IV. Public Accessibility

The Tivoli Bays subunit is highly accessible to the public. Its eastern half is entirely in State ownership, except for the railroad right-of-way, and is used by the public for hunting, fishing, trapping and wildlife observation. It can be accessed from the State-owned uplands, from the Bard College Field Station and from the Hudson River. The subunit is frequently viewed by train passengers, and Cruger Island is accessible via Cruger Island Road at low tide. The National Estuarine Sanctuary and Research Reserve conducts educational programs on a regular basis. Casual visitors can use the sanctuary's parking lot on NY Route 9G and paths leading to a canoe launch on North Tivoli Bay. Other sites for hand launching of boats are located near Cruger Island Road and Ward Manor Road.

The subunit is visible from the State-owned uplands in the Village of Tivoli and the Town of Red Hook; from Callendar House, an historic estate in Tivoli; from the Bard College campus and its historic mansion Blithewood; and from Montgomery Place, an estate owned by Historic Hudson Valley and open to the public.

The Tivoli Bays subunit is highly visible from the west bank of the Hudson River. Magdalen and Cruger Islands are focal points in views from the UN-8 Glasco subunit in the Ulster North SASS.

#### V. Public Recognition

The Tivoli Bays subunit is well recognized as part of the Hudson River Estuarine Sanctuary and Research Reserve. Cruger Island and the underwater lands in Tivoli North and South Bays are owned by the State. The subunit is also part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It is located in the Hudson River National Historic Landmark District and the Sixteen Mile Historic District listed on the National and State Registers of Historic Places. The islands and the wetlands are landmarks for travelers by rail and by water.

#### VI. Reason for Inclusion

The Tivoli Bays subunit is included in the Estates District SASS because it contains a variety of diverse wetland and upland vegetation, including marsh and wooded islands, that is unified by the undisturbed natural quality of the landscape. Contrast exists between the flat marsh and the wooded islands. Although the railroad causeway is a man-made intrusion into a natural landscape, it is not an overwhelmingly discordant feature. The unspoiled natural landscape of marsh and islands is unique.

The subunit is highly accessible to the public because it is publicly owned and available to hunters, wildlife viewers, boaters and participants in the educational programs of the National Estuarine Sanctuary and Research Reserve. It is visible from the railroad trains, the historic estate properties on the adjacent uplands and from the Hudson River and its western shore. The subunit is well known as the Hudson River Estuarine Sanctuary and Research Reserve and is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It is also a part of the Hudson River National Historic Landmark District and is included in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-6 Bard College Subunit**

#### **I. Location**

The Bard College subunit consists of the grounds of Bard College bounded by woodlands in the ED-4 Montgomery Place/Blithewood subunit to the north, New York Route 9G on the east and the hamlet of Annandale-on-Hudson in the ED-7 Annandale-on-Hudson subunit to the south. The western boundary lies along the edge of the main campus and is a common boundary with the ED-4 Montgomery Place/Blithewood subunit. The subunit is located in the Town of Red Hook, Dutchess County. Consult the Estates District SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The topography of the Bard College campus is flat to gradually rolling terrain, and a ridge runs north and south through the campus east of Annandale Road. Vegetation consists of woodlands bordering NY Route 9G and Annandale Road. Trees, including some specimen trees, playing fields and expansive lawns are interspersed among the campus buildings. Water features do not play a major role in the landscape, although there are some small meandering streams and ponds.

##### **B. Cultural Character**

The subunit is dominated by the Bard College campus, a diverse but unified group of academic buildings, quadrangles, playing fields and woodlands located on a former estate.

The Bard College was originally known as St. Stephen's College. Founded in 1860, its historic quadrangle remains surrounded by sloping lawns and mature specimen trees. The 1859 Gothic Revival Bard Chapel was known as the "Chapel of the Holy Innocents" when it formed the core of St. Stephen's College. Flanked by rolling lawns, it now provides a focal point in views to the east from Annandale Road. The area exhibits a transition of the landscape from its estate origins to its current academic use, with the restored mansions of Blithewood, located in the subunit to the east, and Ward Manor coexisting with contemporary academic architecture and a modern sculpture garden.

Ward Manor, originally known as the Hamersley Estate, is located on the campus in the northern portion of the subunit, its presence heralded along Annandale Road by a crenelated stone gatehouse in the Jacobean/Elizabethan style. The gatehouse and associated mansion were built about 1918. Later developed as a health care facility owned by the Ward Baking Company under the auspices of the New York Association for Improving the Conditions of the Poor, the Manor did not become part of Bard College until the 1960s. The original drive lies to the east of the present entrance and is lined with mature trees.

In the southern portion of the subunit along Annandale Road stands Blithewood's hexagonal gatehouse designed by Alexander Jackson Davis. Located at an intersection with what is now a campus road, it once welcomed people to the earlier mansion that preceded the present Blithewood. Some vernacular cottages also are located along Annandale Road.

Providing additional interest are the innovative contemporary campus architecture and sculpture gardens. Careful site planning and design and the preservation of the site's key open spaces have allowed the college to evolve generally in keeping with the visual character of the landscape, although some of the contemporary buildings are discordant features because their design and materials are not in keeping with the rest of the campus buildings.

### C. Views

Views within the subunit are primarily internal and about 1/2 mile long, organized by the large academic buildings and recreational open spaces. The preserved mansions and clusters of academic buildings constitute focal points. Compositions are enhanced by specimen trees, academic quadrangles, and the remains of the open estate landscapes. The Hudson River is rarely visible. Restoration of the designed landscape could restore historic views to the river, but only if the agricultural landscape in the adjacent subunit were also restored. In the vicinity of Ward Manor views are available across open fields to the distant Catskill Mountains.

### III. Uniqueness

The subunit is not unique, but the Bard College campus's mixture of 19th century and modern academic buildings in an historic estate setting is uncommon.

### IV. Public Accessibility

The Bard College subunit is accessible to the public via Annandale Road, and its edges are visible from Annandale Road and NY Route 9G, primarily wooded areas of the campus along with some lawns and historic structures. The views from NY Route 9G are primarily of the wooded landscape that borders the highway. Bard College is a private college which invites the public to attend certain events and conferences.

### IV. Public Recognition

The Bard College subunit is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Annandale Road is a designated scenic road under Article 49 and an Historic Tourway designated by Dutchess County. The Bard College subunit is included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. Bard College is an accredited academic institution and is well-known in the Hudson Valley.

### VI. Reason for Inclusion

The Bard College subunit is included in the Estates District SASS because it contains a great variety of physical and cultural features, including extensive vegetation, designed open spaces and historical architecture, which are unified by the campus and estate setting. Contrast exists between the natural elements of fields and woods and the cultural elements of historical and modern academic buildings. The subunit is generally free of discordant features. It is recognized by the public for its scenic value through the designations of the Mid-Hudson Historic Shorelands Scenic District and the Annandale Road Scenic Road under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National

Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. The subunit is accessible to the public via Annandale Road, and its edges are visible from Annandale Road and NY Route 9G. The public is regularly invited by Bard College to attend and participate in events at the college.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-7 Annandale-on-Hudson Subunit**

#### **I. Location**

The Annandale-on-Hudson subunit consists of the historic hamlet of Annandale-on-Hudson and is bounded on the north by the ED-6 Bard College subunit, on the east by New York Route 9G, on the south by the open fields of the ED-11 River Road subunit and on the west by the estate grounds of the ED-4 Montgomery Place/Blithewood subunit. The subunit is located in the Town of Red Hook, Dutchess County. Consult the Estates District SASS map sheet number 2 for the subunit boundaries.

#### **II. Scenic components**

##### **A. Physical Character**

The physical character of the subunit consists of a rolling valley along the meandering Saw Kill cut by small swales and gullies. The Saw Kill shoreline is complex, and the creek has been dammed in places to create mill ponds. Vegetation consists of mature forests, fields, orchards and diverse village vegetation in the hamlet, including a village green.

##### **B. Cultural Character**

The subunit is dominated by the small historic hamlet of Annandale-on-Hudson. The gated entrance to Montgomery Place is located just south of the hamlet, and the estate's orchards and fields flank both sides of Annandale Road which runs through the center of the subunit.

The historic vernacular structures of the tightly clustered hamlet are oriented around a central common, the Saw Kill and numerous former mill sites. The dwellings were originally associated with the mills. Some of the original mill structures remain. The overall pattern of the hamlet, with its close relationship to the Saw Kill, reflects its heritage as a center for early milling. Annandale-on-Hudson was the site of the original Bakers Chocolate factory. Two dwellings on the south side of the Saw Kill were designed by Andrew Jackson Davis.

The hamlet structures, most now owned by Historic Hudson Valley which owns Montgomery Place, retain their historic fabric but are showing deterioration which is somewhat discordant.

##### **C. Views**

Views in the subunit are mainly internal and focus on the hamlet common, the historic homes and mills and the usually placid Saw Kill. Composition is enhanced by the tight historic settlement

pattern of the hamlet, the simple grass common and the close siting of former mill structures and residences next to the creek. The architectural groupings create focal points, as does the creek.

### III. Uniqueness

The hamlet of Annandale-on-Hudson, with its collection of related historic structures and absence of major discordant features, is unique.

### IV. Public Accessibility

The hamlet green, owned by Bard College, and the other property in the Annandale-on-Hudson subunit is private. The hamlet is accessible via Annandale Road, and a large part of the subunit is visible from the road.

### V. Public Recognition

The Annandale-on-Hudson subunit is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It is also part of the Hudson River National Historic Landmark District and of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. River Road is a designated Scenic Road under Article 49. It is also an Historic Tourway designated by Dutchess County. In 1993, the Town of Red Hook placed Annandale-on-Hudson in a special "historic hamlet" zoning classification requiring design review of proposed development for compatibility with the existing historic structures.

### VI. Reason for Inclusion

The Annandale-on-Hudson subunit is included in the Estates District SASS because it is a unique hamlet which exhibits great variety of village spaces and structures unified by the historic hamlet settlement pattern. There is contrast between the hamlet form and the meandering Saw Kill. The hamlet is generally free of discordant features other than its incipient state of disrepair. The subunit is publicly accessible via River Road and is visible from River Road and other local roads. The subunit is publicly recognized through the designations of the Mid-Hudson Historic Shorelands Scenic District and the River Road Scenic Road under Article 49 of the Environmental Conservation Law. It is also part of the Hudson River National Historic Landmark District and is included in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. The hamlet is also closely associated with Montgomery Place located in the ED-4 Montgomery Place/Blithewood subunit.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-8 Barrytown Subunit**

#### **I. Location**

The Barrytown subunit consists primarily of the hamlet of Barrytown and the grounds of the former Massena Estate, now the Unification Theological Seminary. The southern tip of Tivoli Bay constitutes its northernmost boundary, a common boundary with the ED-5 Cruger's Island subunit. Its eastern boundary lies approximately halfway between the Hudson River and River Road and is a common boundary with the ED-11 River Road subunit. The southern boundary is shared with the ED-9 Astor Point subunit, and the western boundary is the mean high tide line on the western shore of the Hudson River which is also located in the Ulster North SASS. The Barrytown subunit is located in the Town of Red Hook, Dutchess County and in the Towns of Saugerties and Ulster, Ulster County. Consult the Estates District SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic components**

##### **A. Physical Character**

The physical character of the subunit consists of rolling hills centered on a small valley. Vegetation is primarily mature deciduous town and estate trees. A small stream flows in a wooded ravine at the bottom of the valley, while the Hudson River, about 2,000 feet wide in this area, dominates the western portions of the subunit. The shoreline has a linear configuration created by bulkheaded fill and docks.

##### **B. Cultural Character**

The cultural character of the Barrytown subunit is one of contrast between the historic hamlet and the somewhat imposing collection of institutional buildings of the Unification Theological Seminary on the former Massena Estate, located on a hilltop to the north. First developed in 1790 by John Livingston, the Massena property had two entries, one of which near Barrytown Landing is still marked by a Gothic Revival masonry gatehouse.

Two historic churches are located in the Barrytown subunit, the 1852 Sylvania Chapel (designed by Andrew Jackson Davis) on Barrytown Road and the Church of the Sacred Heart on Station Hill road, a Gothic Revival structure built in 1875. A pair of semi-octagonal gatehouses on Station Hill Road were also designed by Davis. Late 19th century residences give strong form to the linear, tree-lined streets of the hamlet, but the massive institutional buildings of the theological seminary constitute a discordant feature which overwhelms the picturesque hamlet and significantly reduces the overall visual quality of the subunit. The subunit as a whole is well maintained, however.

Barrytown was once a river landing called Lower Red Hook Landing. With its houses clustered along two country roads leading down a small valley to the Hudson River, the hamlet is now known locally for its tiny post office situated beside the Hudson River at the site of the former passenger railroad station.

Land use in the subunit is primarily village residential and institutional with remnants of a former riverfront commercial district along the railroad line. The Red Hook Boat Club is located on the waterfront just north of the Edgewater estate. The subunit also contains the farm complex of Sylvania, another country seat.

### C. Views

Views from the subunit tend to be linear in the hamlet and sweeping from the open grounds of the religious institution. Internal views within the hamlet are enhanced by the historic buildings and the strong, linear character of the main street. Sweeping views of the Hudson River and Catskill Mountains from the seminary are somewhat reduced in quality by the massive new buildings. Views are also long, extending to the Kingston-Rhinecliff Bridge in the ED-10 Astor Cove subunit to the south and to the Catskill Mountains to the west. The forested bluffs of the Hudson's western shore figure prominently in the middleground of these views, with the now protected lands at Turkey Point providing a focus. The institutional buildings and the Kingston-Rhinecliff Bridge provide other focal points.

### III. Uniqueness

Although picturesque, the Barrytown subunit is not unique. The Barrytown hamlet is a typical small hamlet of the region which is overwhelmed by the imposing institutional buildings of the Seminary.

### IV. Public Accessibility

The Barrytown subunit is accessible via the Hudson River and Barrytown Road and is visible from the Hudson and its western shore, from Barrytown Road and from the passing railroad trains. The western shorelands are part of the Ulster North SASS which offers views of the subunit. A bridge over the railroad tracks provides access to the waterfront area, but the hamlet is not visited by many people, and there is no public facility for launching or landing boats in Barrytown. Accessibility to the Hudson could increase in the future if a public landing area were developed in Barrytown. The Unification Theological Seminary is private but portions are open to the public on occasion.

### V. Public Recognition

The Barrytown subunit is publicly recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The subunit is also part of the Hudson River National Historic Landmark District and is in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. In 1993 the Town of Red Hook placed Barrytown in a special "historic hamlet" zoning classification requiring design review of proposed development for compatibility with the existing historic structures.

### VI. Reason for Inclusion

Although the Barrytown subunit is not a distinctive subunit, it is included in the Estates District SASS because it lies among and connects four distinctive subunits in the SASS. The divergent landscapes of the hamlet and estate create variety but reduce unity. The contrast between the

estate, the hamlet and the Hudson River is noteworthy; but the institutional structures also constitute discordant features. The subunit is accessible to the public via the Hudson River and Barrytown Road and is visible from the Hudson and its western shorelands, which are located in the Ulster North SASS, and from the railroad trains and Barrytown Road. The subunit is publicly-recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It is also a part of the Hudson River National Historic Landmark District and of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-9 Astor Point Subunit**

#### **I. Location**

The Astor Point subunit is located south of the hamlet of Barrytown. It is bounded on the north by the houses in the ED-8 Barrytown subunit. Its southern boundary is the edge of the woodland just north of the town line, a common boundary with the ED-10 Astor Cove subunit. The western boundary is the mean high tide line on the west bank of the Hudson River. The subunit shares its eastern boundary with the ED-11 River Road subunit. The Astor Point subunit is located in the Town of Red Hook, Dutchess County, and in the Town of Ulster, Ulster County. Consult the Estates District SASS map sheets, numbers 2 and 3, for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The physical character of the landform is undulating, consisting of a series of unique, rounded hills cut by shallow ravines extending down to the Hudson River. Extensive fields and meadows of the estates are located on the hilltops, while the ravines are mainly wooded. Mature trees line River Road. The unique landform has been emphasized and enhanced by the exceptional designed pastoral landscapes of four estates.

The Hudson River, two thousand feet wide in this area, is a major element in the landscape. Except for the projection of Astor Point, the Hudson's shoreline is linear, shaped by the railroad causeway. Cliffs and promontories highlight Astor Point. Goose Island, a small, thickly vegetated, privately owned but unused island southwest of Barrytown, lies west of the tracks, as does Chander Island (with its federal navigation beacon), Astor Point, Picnic Point and Edgewater and its grounds.

East of the railroad tracks, however, the undulating shoreline consists of several coves and small points. The cove just northeast of Astor Point contains a wooded swamp where the Mudder Kill becomes tidal.

##### **B. Cultural Character**

The cultural character of the subunit centers on four major estates built by the Astor and Livingston families: Mandara, Rokeby, Edgewater and Sylvania. The Mandara estate extends into the Astor Cove subunit. Noted architects Stanford White, Alexander Jackson Davis and Charles Platt and the landscape gardeners H. J. Ehlers and Olmsted Brothers all contributed to the development of these historic properties. Two semi-octagonal gatehouses designed by Davis for Edgewater also still stand. The mansions, except for Edgewater, are located at the upper reaches of the meadows extending down to the water. Edgewater is located on low land along the Hudson, the only estate on the water side of the railroad tracks.

Once a single estate which was divided in 1849, Mandara and Rokeby are connected by pathways and roads. Mandara, formerly called Steen Valetje, was given to Laura Astor Delano, a great aunt of Franklin Delano Roosevelt. The estate house was built in 1849, then altered in 1973

when the third floor was removed. Stone walls and an Italianate stone gatehouse from the late 19th century are located along River Road. Other structures on the property, some of which are visible from River Road, include a farm house, guest house, a stable and barns.

Rokeby's main house was built in 1811, then enlarged in 1858 and remodeled in 1894. Its octagonal library dates from 1858. The Rokeby landscape was designed in the 1850s by Hans Jacob Ehlers. Formal gardens, now overgrown, were designed by the Olmsted firm. Rokeby is connected with both Mandara and Sylvania by carriage roads and paths, including "The Poet's Walk" visited by Washington Irving. The winding entrance road, lined with mature specimen trees, begins at a stuccoed gatehouse. Other estate gates and stone walls line River Road. Four small stone bridges from the 1850s cross the Mudder Kill which runs through the property.

The railroad and the Kingston-Rhinecliff Bridge, which is located to the south outside the subunit, constitute discordant features; but they are not major intrusions. The railroad is not highly visible. The bridge, although it introduces an industrial element into a verdant corridor and its traffic can be distracting, does not dominate the views. The state of upkeep in the subunit is excellent.

### C. Views

Views from the subunit are extensive and are greatly enhanced by the unique landform, as well as by the design of the pastoral landscapes and the architecture of the estate buildings. The tree-lined meadows and ridges shape internal views of the upland. The open hilltop meadows of the estates allow for views up, down and across the Hudson River.

The views to the west extend to the distant backdrop of the Catskill Mountains. Wooded bluffs along the eastern bank of the Hudson constitute the middle ground of these views and provide an important buffer to the Estates District SASS from the development spreading on the plateau to the west. Views from the Hudson River to the east include the estate houses and their sweeping lawns. The Kingston-Rhinecliff Bridge is prominent in the views to the south and somewhat reduces their scenic quality. Discordant elements in the views include two that intrude at night: the exterior lighting at the IBM County Club in the Town of Ulster, and the radio tower on Overlook Mountain.

### III. Uniqueness

The subunit is unique, an exceptional grouping of historic estates designed by prominent architects and landscape architects.

### IV. Public Accessibility

The subunit is accessible via the Hudson River, but the mansions and their grounds are privately owned and are not accessible to the public. The subunit is highly visible, however, from the Hudson River and its western shore and from the Kingston-Rhinecliff Bridge located in the ED-10 Astor Cove subunit. The Hudson and its coves and wetlands are visible from the railroad trains. Astor Point and its deteriorated pier are connected to the upland by a private steel-decked vehicular bridge crossing over the railroad. There is a pedestrian above-grade bridge crossing the tracks at Mandara.

## V. Public Recognition

The Astor Point subunit is publicly recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The Kingston-Rhinecliff Bridge is a designated Scenic Road under Article 49 because of the views available from the bridge, including those of the Mandara and Rokeby estates. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. The subunit is publicly accessible via the Hudson River. Although the estates are in private ownership and not accessible to the public, they are visible from the Hudson River and the Kingston-Rhinecliff Bridge.

## VI. Reason for Inclusion

The Astor Point subunit is included in the Estates District SASS because it contains an exceptional grouping of four historic estates with mansions and grounds designed by notable architects and landscape architects. It exhibits a high degree of variety among the scenic components of landform, designed and natural landscapes and historic structures. High contrast exists between the historic mansions and the surrounding woods and fields and between the rolling upland and the sweeping Hudson River. The landscape is also unified by the underlying topography, the designed landscapes and the dominant Hudson River.

The subunit is publicly recognized through the designations under Article 49 of the Environmental Conservation Law of the Mid-Hudson Historic Shorelands Scenic District and the Kingston-Rhinecliff Bridge Scenic Road, which offer views of the subunit. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. The subunit is publicly accessible via the Hudson River, and the private estates are visible from the Hudson River and its western shorelands and from the Kingston-Rhinecliff Bridge.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-10 Astor Cove Subunit**

#### **I. Location**

The Astor Cove subunit extends along the Hudson River from just north of the Rhinebeck/Red Hook town line south to just north of Long Dock Road in Rhinecliff. Its northern boundary is a common boundary with the ED-9 Astor Point subunit, and its southern boundary is a common boundary with the ED-14 Rhinecliff Road subunit. The subunit is bounded on the east by the top of the bluffs along the Hudson River, a common boundary with the ED-11 River Road subunit. The western boundary is the mean high tide line on the western shore of the Hudson. The subunit is located in the Towns of Red Hook and Rhinebeck, Dutchess County and in the City of Kingston and the Town of Ulster, Ulster County. Consult the Estates District SASS map sheet number 3 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Astor Cove subunit consists of the Hudson River, which is 2,000 feet wide in this area, and the 100 foot high steep, wooded bluffs that constitute its eastern shore. The Hudson dominates the entire subunit. The river's shoreline is straight, defined by the railroad embankment that parallels the shore, except at Mills Point and Clifton Point. To the east of the tracks are located Astor Cove and wetlands, several other coves and wetlands, and small streams and ponds. Small ravines have been cut through the bluffs by the streams. Upland vegetation consists of mature woodland and occasional meadows. The designed landscapes of several estates located in the subunit include unique specimen trees and other notable plantings.

##### **B. Cultural Character**

Land use in the subunit consists mainly of four large 20th century estates that line the bluffs and provide dramatic views of the Hudson River. Although generally set at the summit of the bluffs and the properties are primarily wooded, the houses are visible from the Hudson. Several of the mansions include extensive landscaped grounds that extend into the adjacent River Road subunit. The southern portion of the Mandara estate, located in the Astor Point subunit to the north, extends into this subunit. The estates include Orlot, Ferncliff, Marienruh (now called Valeur), and The Meadows (formerly Leacote). The subunit also contains numerous vernacular structures from the 18th and 19th centuries. Although past neglect led to the demolition of Leacote, the subunit is currently well maintained.

In the northern portion of the subunit lies Orlot, its grounds flanked by ravines extending to the Hudson. The estate entrance road predates the estate as it was in the 18th century a public road, an extension of Upper Hook Road, which leads to a small settlement called Schultz's Landing. The original Orlot farmhouse still stands, a 1 1/2 story frame house whose original fabric dates from the late 18th century. In 1940 its colonial revival main house was built on terraces leading to the lawns and the Hudson River. The estates's 350 acres were farmed and a portion was mined for iron deposits, the latter use having given the land its name. The view to the 1950s

Kingston-Rhinecliff Bridge to the north is less than successful, letting the discordant features of traffic and industrial architecture intrude on the estate grounds.

Marienuh was purchased in 1868 by Louis Augustus Ehlers, the landscape gardener who designed the grounds of Ferncliff. Ehlers' designed landscape for Marienuh has subsequently been altered, and his estate house was demolished in 1908. The present mansion is the second main house on the property. Built in the 1920s for Prince Obolensky and his wife Alice Astor, the Georgian house is oriented to take advantage of the long view to the south across Astor Cove, a view now blocked by forest growth.

The Ferncliff Casino, located south of Astor Cove, was designed in the Neo-classical style by McKim, Mead & White in 1902 and was converted to a residence for Vincent Astor, son of John Jacob Astor, after the Ferncliff mansion was demolished in 1941. A tea house, also designed for Vincent Astor by David Pleydell Bouverie, is now located near the site of the original mansion. French Provincial barns and two arched bridges from the early 1900s remain.

The most significant discordant features are the industrial and mining sites visible in Ulster and Kingston, just outside the western boundary of the SASS. Because the railroad corridor along the eastern shore is not highly visible, it is not a major discordant feature except when viewed from nearby locations. The Kingston-Rhinecliff Bridge, which opened in 1957, is an undistinguished utilitarian structure that is not compatible with the historic architecture in the subunit, but it does not significantly detract from the subunit's visual quality because it is not visible from many places in the subunit.

### C. Views

Views from the subunit are sweeping 180 degree panoramas from the grounds of the major estates, and many include the Kingston-Rhinecliff Bridge. Many views are framed and enhanced by the designed landscapes surrounding the mansions. In other areas of the subunit the dense forest cover limits views.

Except for Orlot and The Meadows, views have a focus to the southwest, and those downriver are three miles in length. Views to the north from south of the Kingston-Rhinecliff Bridge are blocked by the bridge which also limits somewhat the breadth of views. Views to the west extend to the Catskill Mountains. The industrial sites on the western shore across from the southern portion of the subunit are somewhat discordant and reduce the scenic quality of the views.

In the northern portion of the subunit the steep wooded bluffs along the western shore just north of the Kingston-Rhinecliff Bridge are important as the middle ground of views to the west. Recent residential development is located on the ridge of the bluffs, introducing an element of discordance to an otherwise pristine length of wooded bluffs that extends northward to Glasco.

### III. Uniqueness

While some of the historic integrity of the landscape has been lost, the grouping of the estates and their grounds in the Astor Cove subunit remains unique, a grouping of historic estates designed by prominent architects and landscape architects.

#### IV. Public Accessibility

The subunit consists primarily of private property which is not physically accessible to the public. The subunit is visible from the Hudson River and its western shorelands and from the Kingston-Rhinecliff Bridge. An abandoned railroad right-of-way which connects Slate Dock with NY Route 9G crosses the subunit and could provide additional public access if developed as a hiking trail. A vehicular above-grade bridge crosses the railroad tracts at The Meadows.

#### V. Public Recognition

The subunit is located in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The Kingston-Rhinecliff Bridge and the adjacent portion of N. Y. Route 199 are designated Scenic Roads under Article 49 because of the views they offer. The Astor Cove subunit is also part of the Hudson River National Historic Landmark District and of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

#### VI. Reason for Inclusion

The Astor Cove subunit is included in the Estates District SASS because it contains a variety of landscape and architectural components including mature woodlands, unique specimen trees and estate plantings associated with notable early 20th century mansions. Contrast exists between the buildings and the natural elements of the surrounding grounds and woods, while the design of the estate grounds and their structures effects a strong unity among these elements.

The subunit is visible to the public from the Hudson River and its western shore and from the Kingston-Rhinecliff Bridge. The subunit is publicly recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The Kingston-Rhinecliff Bridge is a designated Scenic Road under Article 49 because of the views it offers, including views of the Astor Cove subunit. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

### **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

#### **ED-11 River Road Subunit**

##### I. Location

The River Road Subunit extends for almost seven miles between the hamlet of Annandale-on-Hudson on the north and Rhinecliff Road on the south. The subunit's western boundary is a common boundary with the ED-10 Astor Cove, ED-9 Astor Point and ED-8 Barrytown subunits along the Hudson River to the west. Its eastern boundary is coterminous with the boundary of the ED-12 Mount Rutsen subunit to the east, except where the northern and southern ends of the subunit reach east to New York Route 9G. The northern boundary is a common boundary with the ED-7 Annandale-on-Hudson subunit, and the southern boundary is a common boundary with the ED-14 Rhinecliff Road subunit. The subunit is located in the Towns of Red Hook and Rhinebeck, Dutchess County. Consult the Estates District SASS map sheets, numbers 2 and 3, for the subunit boundaries.

## II. Scenic Components

### A. Physical Character

The physical character of the subunit consists of flat to moderately rolling upland plateau accentuated by extensive estate farm fields and pastures and divided by small swales and gullies. Rock outcroppings are found throughout. The water features of very small brooks and ponds do not play a major role in the landscape. The Mudder Kill, which rises in Snyder Swamp in the adjacent subunit to the east, is a small perennial stream that recedes to a trickle during dry summers. Vegetation consists of mature deciduous forests, fields and pastures with large specimen trees located in fields and around estate houses. Large trees also line the rural roads and estate entrance roads.

### B. Cultural Character

River Road/Annandale Road winds generally north and south through the entire subunit. The corridor is lined with trees and stone walls, some dry laid and some faced and topped with cap stones. The extensive pastoral landscape which flanks both sides of the roadway is associated with estates, the main houses of which are located in the adjacent riverfront subunits to the west. These estates include Massena, Edgewater, Sylvania, Rokeby, Mandara, Orlot, Leacote, Marienruh (now called Valeur) at Clifton Point, Ferncliff and Ankony.

Some of the outbuildings, elaborate barns and farm buildings associated with the estates are located in the subunit, along with stone walls, historic gate houses and winding entrance roads. More modest rural buildings from the 18th and 19th centuries are located along the roadways. The structures in the subunit are generally well maintained.

Kipsbergen, once located on the shore of the Hudson River just north of Slate Dock in the ED-14 Rhinecliff Road subunit, was the first settlement in Rhinebeck. A railroad, its now abandoned right-of-way leading from Slate Dock to NY Route 9G and beyond, once carried commodities from inland areas to the dock and the main line of the New York Central Railroad.

The country seat of Ankony was established in the early 19th century and was named after the Indian Chief who sold the land to the Kip family in the 1680s. Its three-story Greek Revival main house, dating from 1825 and 1860, was demolished in 1979. Stables and barns remain. Mature white pines and locusts line the estate entrance road which crosses the undulating terrain.

In the southern portion of the subunit west of River Road is located a nursing home, a large institutional structure built in the 1970s on property that was formerly a part of the Ferncliff estate. The landscape designed by Louis Augustus Ehlers in part remains.

The straight, wide corridor of NY Route 199 cuts through the central portion of the subunit on its way to the Kingston-Rhinecliff Bridge, its discordant qualities softened near the Hudson River by its sunken profile there. NY Route 9G, where it borders the subunit, is also discordant. Some recent scattered roadside development and a large institutional structure in the southern portion of the subunit create minor discordance in this otherwise unified pastoral landscape.

### C. Views

Views are generally of an upland landscape and can be either shallow and broad, or long, as much as two to three miles in length across open fields. The composition of the views is enhanced by the fields and vegetation, including specimen trees. Minor focal points abound, including elaborate stone walls and entrance gates. Background views are limited to nearby woods and hills. The Hudson River is rarely visible from the subunit.

Some glimpses of estate grounds are available through formal gateways and down winding entrance roads which give a tantalizing hint of the elegance waiting at their termini.

### III. Uniqueness

The River Road subunit is not unique, although its landscape of extensive estate grounds is of noteworthy scenic quality.

### IV. Public Accessibility

There is no public access to the private estates, but the edges of the subunit are visible to the public from River Road/Annandale Road and other rural roads and from NY Routes 9G and 199. A panoramic view may be had from the publicly accessible observation tower atop Mt. Rutsen in Ferncliff Forest Preserve. The possible development of a trail along the old railroad bed that runs across the subunit from Slate Dock on the Hudson River in the ED-10 Astor Cove subunit to NY Route 9G would greatly increase public access to the interior of the subunit.

### V. Public Recognition

The River Road subunit is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. River Road/Annandale Road and NY Route 199 are designated Scenic Roads under Article 49. The subunit is included in the Hudson River National Historic Landmark District and is part of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. River Road/Annandale Road is an Historic Tourway designated by Dutchess County, and has also been selected by a Washington D.C. interest group - Scenic America - as one of the ten most scenic roads in the nation.

### VI. Reason for Inclusion

The River Road subunit is included in the Estates District SASS because it contains a great variety of open space, fields and woodlands which are unified by the pastoral estate setting and the general absence of discordant features. There is moderate contrast between the fields, woods and estates. Although some discordant features exist, they do not overwhelm the landscape. The edges of the subunit are visible from the public roadways, including River Road/Annandale Road and NY Routes 9G and 199.

The subunit is recognized through the designations of the Mid-Hudson Historic Shorelands Scenic District and of the River Road/Annandale Road Scenic Road under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-12 Mount Rutsen Subunit**

#### **I. Location**

The Mount Rutsen subunit is located northwest of the Village of Rhinebeck adjacent to and including Mt. Rutsen Road. The subunit's northernmost boundary extends to Rokeby Road in the Town of Red Hook. The eastern boundary follows NY Route 9G, Hook Road and Old Post Road. The edge of the farmland north of the Village of Rhinebeck constitutes the southern boundary. The western boundary lies east of the River Road corridor, a common boundary with the ED-9 River Road subunit. The subunit is located in the Towns of Rhinebeck and Red Hook, Dutchess County. Consult the Estates District SASS map sheet number 3 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Mount Rutsen subunit is dominated by Mount Rutsen, a 350 foot-high hill covered with mature deciduous forest. The remaining terrain is flat to gradually rolling and is primarily forested. The forest on Mount Rutsen is protected as part of the 192-acre Ferncliff Forest Preserve donated by Mrs. Vincent Astor and composed of extensive stands of deciduous trees with white pine and hemlock groves interspersed.

Water features include Snyder Swamp, a 110 acre hardwood swamp with areas of permanent standing water which spawns several woodland creeks. Snyder Swamp, a state-regulated freshwater tidal wetland, is the source for both the Mudder Kill, which meets the Hudson River north of Astor Point, and the Rhinebeck Kill, which joins the Landsman Kill to flow into the Hudson in Vanderburgh Cove.

##### **B. Cultural Character**

Land use in the subunit outside of the forested area consists of former farmlands, small historic farmsteads and recent exurban development. The cultural character is of generally well kept residential areas and natural surroundings enhanced by sightings of the wildlife.

Several winding rural roads border and cross the subunit, including River Road, Mt. Rutsen Road and Hook Road. The northern portion of the subunit is bisected by NY Route 199 which leads to the Kingston-Rhinecliff Bridge. The widened, heavily traveled highway corridor and the recent exurban development constitute discordant features.

In the immediate vicinity of Mount Rutsen was once located a Methodist conference camp established in memory of Rutsen Suckley. Evidence remains of the sites of 19th century camp buildings, roads and landscape elements.

### C. Views

Views within the subunit are limited by the generally flat terrain and dense forest cover. The interior views of historic rural homes and woodlands, stream corridors, wetlands and small pastures are of moderate scenic quality. Most views are narrow, consisting of roadway corridors and glimpses of fields. Some partial distant views of the Hudson River are available through the trees on the upper flanks of Mount Rutsen. The observation tower on the property is now open and accessible and provides long views in all directions.

### III. Uniqueness

The 192-acre Mount Rutsen Ferncliff Forest Preserve is somewhat unusual, but not unique.

### IV. Public Accessibility

The Mount Rutsen Ferncliff Forest Preserve is open to the public for hiking and wildlife viewing. Rural roads, including River Road, Mt. Rutsen Road and Hook road, traverse the subunit, providing visual access to the rest of the landscape. River Road is used by large numbers of commuters traveling to the Rhinecliff railroad station from NY Route 199 and the Kingston-Rhinecliff Bridge.

### V. Public Recognition

The Mount Rutsen subunit is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The forested subunit also contributes to the rural and wooded viewshed of River Road, a designated Scenic Road under Article 49. The northern portion of the Mount Rutsen subunit is included in the Hudson River National Historic Landmark District and is part of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. Individual properties elsewhere are included in the Town of Rhinebeck Multi-Resource District, also listed on the State and National Registers. River Road is an Historic Tourway designated by Dutchess County.

### VI. Reason for Inclusion

Although the Mount Rutsen subunit is not distinctive, it is included in the Estates District SASS because it lies adjacent to distinctive subunits and contributes positively to the scenic character of their viewsheds. The forest cover and conservation theme of the Mount Rutsen Ferncliff Forest Preserve unifies the varied terrain and the contrasting fields and water features. The Mount Rutsen Ferncliff Forest Preserve is open to the public, and the subunit is publicly accessible via River Road, Mt. Rutsen Road and Hook Road. The subunit is visible from the local roads and viewed by the large number of commuters using River Road.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-13 Rhinebeck Center Subunit**

#### **I. Location**

The Rhinebeck Center subunit consists of the central business district of the Town and Village of Rhinebeck located within the coastal area boundary west of the Old Post Road and New York Route 9. The northern boundary intersects Old Post Road just north of its junction with Mt. Rutsen Road. The western boundary parallels Old Post Road and NY Route 9 and lies along the edge of the open fields that surround the business district. The southern boundary intersects NY Route 9 south of Mill Road. Most of the district lies within the village boundaries. The subunit has common boundaries with the ED-12 Mount Rutsen, ED-9 River Road, ED-14 Rhinecliff Road and ED-17 Mill Road Meadows subunits. The subunit is located in the Town and Village of Rhinebeck, Dutchess County. Consult the Estates District SASS map sheet number 3 for the subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The terrain of the Rhinebeck Center subunit is flat to gently rolling. Vegetation consists of mature wooded areas, garden plantings, lawns and street trees. Although there are small brooks and ponds, their shoreline features are minor, and water does not play a major role in the landscape.

##### **B. Cultural Character**

The cultural character of the subunit is dominated by the tightly clustered grid pattern of Rhinebeck's historic village center. Its visual character is defined by the contrast between the dense settlement and the surrounding open fields and woodlands on gently rolling terrain. The ordered settlement pattern and adjacent open space creates a strong sense of place.

The cultural character of the town center creates a distinct and unique historic visual character. Rhinebeck has one of the Hudson Valley's most historic and best preserved village streetscapes. Accented by the Beekman Arms, reputed to be the oldest continually operating inn in America, the 18th and 19th Century architectural facades are very well preserved and maintained. Period styles range from Dutch vernacular to Federal and Victorian. Other notable features include: the Delamater House (A. J. Davis, 1844); Wager-Parisi House; Kiersted-Wells House; U. S. Post Office (replica of the Kip-Beekman house of 1700, built under the personal supervision of President Franklin D. Roosevelt); the Astor Home (McKim, Mead and White, 1914); and the Rhinebeck Community Cemetery.

Some discordant features such as gas stations and other recent development are present, but they are not major detractors.

### **C. Views**

Views are generally short in range and limited to the streetscape. They are narrow and have a strong linear composition, framed by facades and street trees, with the Beekman Arms and other historic buildings as focal points.

### **III. Uniqueness**

The Rhinebeck Center subunit is a unique historic village center with a great variety of well preserved historic architecture.

### **IV. Public Accessibility**

The Rhinebeck Center subunit is accessible from the village streets and roadways. NY Route 9 is a major north-south artery and brings both commuters and tourists through the community. Rhinecliff Road intersects with NY Route 9 in the village center and connects the village with the hamlet of Rhinecliff, its railroad station and the town dock on the banks of the Hudson River, about 2.5 miles to the west in the ED-15 Rhinecliff subunit.

### **V. Public Recognition**

The Village of Rhinebeck is well known and attracts visitors to its historic business district. The subunit is a part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It also is included in the Hudson River National Historic Landmark District and constitutes a portion of the Rhinebeck Village Historic District, listed on the State and National Registers of Historic Places.

### **VI. Reason for Inclusion**

The Rhinebeck Center subunit is included in the Estates District SASS because it exhibits a great variety of architecture styles unified by the intact historic character of the business district. There is some contrast between the building facades and the associated lawns and street trees. The subunit is a unique historic town center that is highly accessible to the public. It is well recognized as a tourist destination and is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and the Rhinebeck Village Historic District listed on the State and National Registers of Historic Places.

## **ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **ED-14 Rhinecliff Road Subunit**

#### **I. Location**

The Rhinecliff Road subunit consists of a corridor of land along Rhinecliff Road connecting the hamlet of Rhinecliff with the Village of Rhinebeck. The subunit is bounded on the west by the mean high water line on the west bank of the Hudson River and on the east by the outskirts of the village center, a portion of which is included in the ED-13 Rhinebeck Center subunit. The subunit's northern and southern boundaries are common boundaries with the ED-9 River Road and the ED-17 Mill Road Meadows subunits, respectively. The subunit is located in the Town of Rhinebeck, Dutchess County and in the City of Kingston, Ulster County. Consult the Estates District SASS map sheet number 3 for the subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The physical character of the subunit consists of a flat to rolling upland along the corridor of Rhinecliff Road and the 150 foot high bluffs along the east bank of the Hudson River which narrows to approximately 3000 feet in width as it rounds Kingston Point on the west shore. On the east bank the shoreline is straight, formed by the railroad embankment. The construction of the railroad tracks and the piers and docks on the east bank, now abandoned, has created some small man-made coves. Vegetation consists primarily of large street trees and lawns associated with the houses along the Rhinecliff Road and the fields and pastures that lie behind the houses.

##### **B. Cultural Character**

The cultural character of the subunit is centered in the Long Dock Road area near the Hudson River north of Rhinecliff where a number of the oldest homes are located. The formerly bustling Long and Slate Docks once serviced ferries and shipping traffic, but are now idle. The earliest settlement in Rhinebeck, called Kipsbergen, was located just to the north of Slate Dock. Beside the Hudson on the north side of Slate Dock Road stands the pre-1708 Jacob Kip House and Tavern, a stone and frame building. At the intersection of Slate Dock Road and Rhinecliff Road is another ancient Kip house, and several hundred yards to the south are the ruins of the Kip-Beekman-Hermance House.

Although such signs of the former farming and shipping heritage of the area remain, recent residential and commercial development along the eastern portion of Rhinecliff Road has eroded a significant amount of the historic architectural and scenic character of the landscape. The Rhinecliff Road corridor is an historic landscape in a rural context that is undergoing changes associated with the growth of development along the highway. The road is lined with a mixture of historic homes and farmsteads along with more recent residential and commercial development.

The subunit is generally well maintained, but recent development has created numerous discordant features which detract from the overall quality and composition of views, including unscreened equipment storage areas, commercial land uses and the suburban development pattern. The

railroad tracks along the Hudson are also discordant, although they do not dominate the eastern shore. Ephemeral characteristics consist of lights along the highway corridor.

### C. Views

Views in the subunit are generally narrow or linear along the axis of the roadway or through clearings into adjacent subunits and are framed by trees and fields. Broad views of the Hudson River are available, however, from the western end of Rhinecliff Road. Views from the Hudson are primarily of the bluffs which rise along the shoreline. There are no major focal points.

### III. Uniqueness

The subunit is not unique. It is a fairly typical rural highway corridor that is being changed by spreading development.

### IV. Public Accessibility

The subunit is accessible via Rhinecliff Road and the Hudson River, but is limited to the highway and river corridors. The fields behind the immediate highway corridor are visible from Rhinecliff Road which is well travelled. Rhinecliff Road links NY Route 9, Rhinebeck Village and other areas outside the subunit with the railway station in Rhinecliff and the Town of Rhinebeck Dock, a park and boat launch facility on the Hudson River. The bluffs along the Hudson River are highly visible from the Hudson, from the trains that run along the eastern shore and from the western shore.

### V. Public Recognition

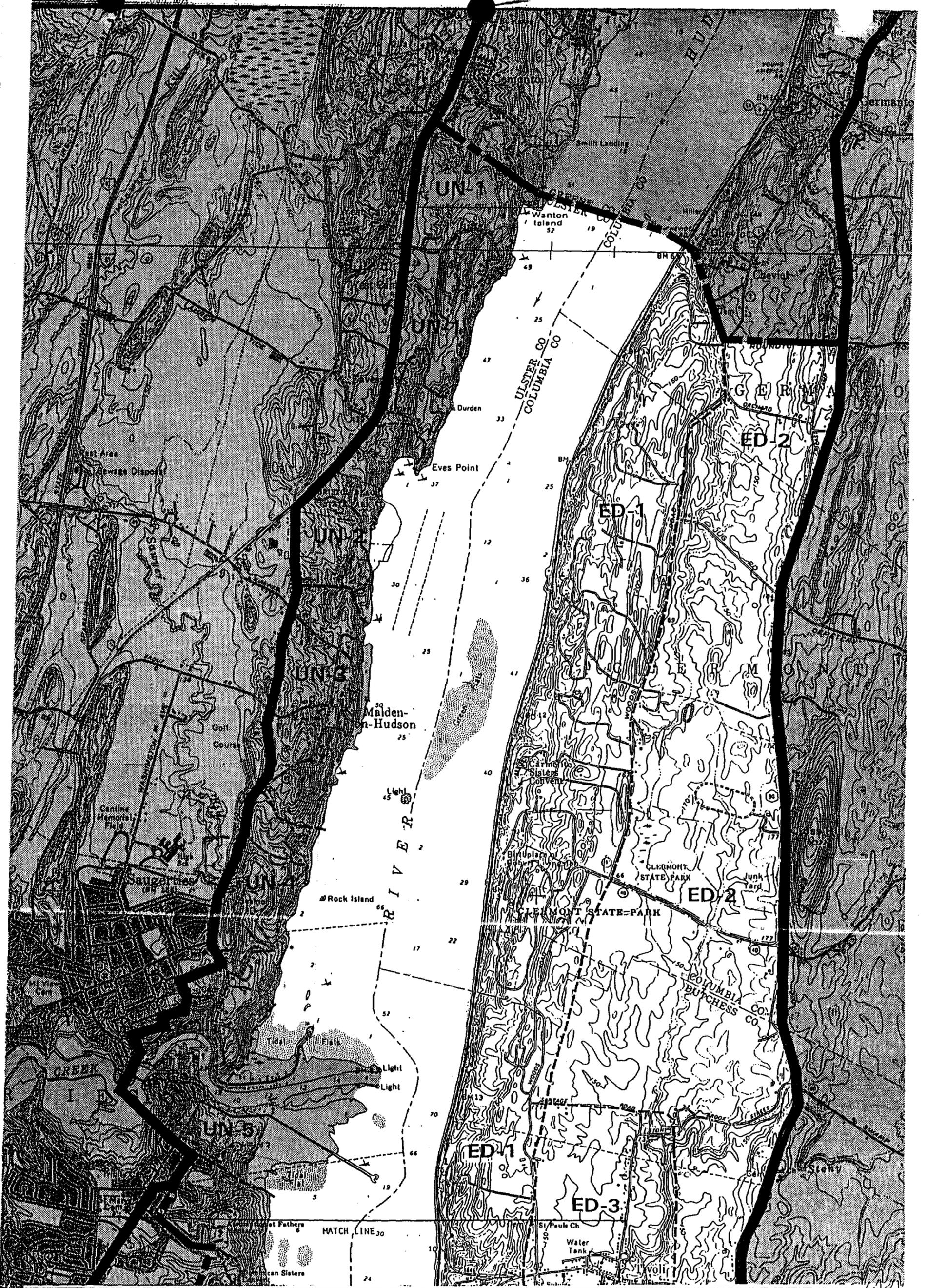
The Rhinecliff Road subunit is well known because of its association with the historic Rhinebeck Village and Rhinecliff hamlet. Rhinecliff Road is also an important commuting route, providing access to the Rhinecliff railroad station as well as to the Town of Rhinebeck Dock. The subunit is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law, and the western portion of Rhinecliff Road is a designated Scenic Road under Article 49. The subunit is also included in both the Sixteen Mile Historic District and the Town of Rhinebeck Multi-Resource District listed on the State and National Registers of Historic Places. The easterly segment of the highway corridor is one of the few portions of the Estate District SASS that is not included in the Hudson River National Historic Landmark District.

### VI. Reason for Inclusion

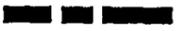
Although the Rhinecliff Road subunit is not a distinctive landscape, it is included in the Estates District SASS because it lies between and links two distinctive subunits. The subunit has a moderate variety of fields, trees and historic structures which are unified by the highway corridor. The repetitive new development reduces contrast to a moderate level as well.

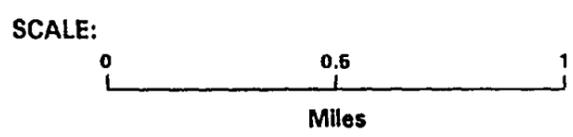
The subunit is accessible to the public via the Hudson River and Rhinecliff Road, a heavily travelled Scenic Road designated under Article 49 of the Environmental Conservation Law. The land adjacent to the highway corridor is visible from the highway. The bluffs along the Hudson River are highly visible from the river and its western shore and from the passenger trains that

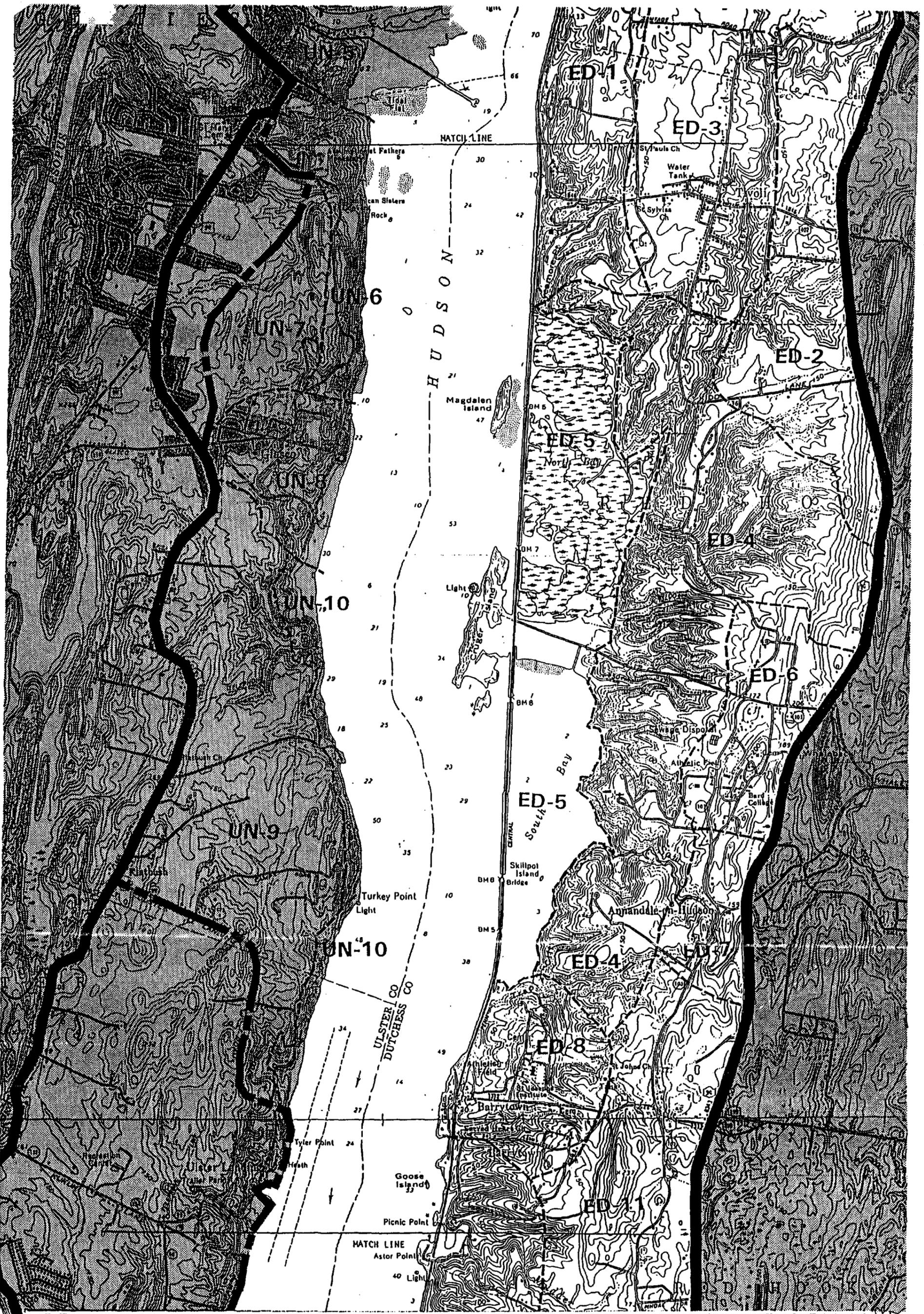
run along the eastern shore. The subunit is included in the Mid-Hudson Historic Shorelands Scenic District, also designated under Article 49, and in both the Town of Rhinebeck Multi-Resource District and the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.



**ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1**

- KEY:**
-  Coastal Area boundary
  -  Scenic Area boundary
  -  Subunit boundary
  -  Subunit Identifier



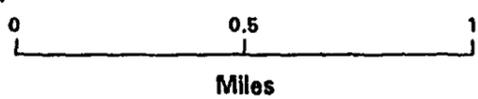


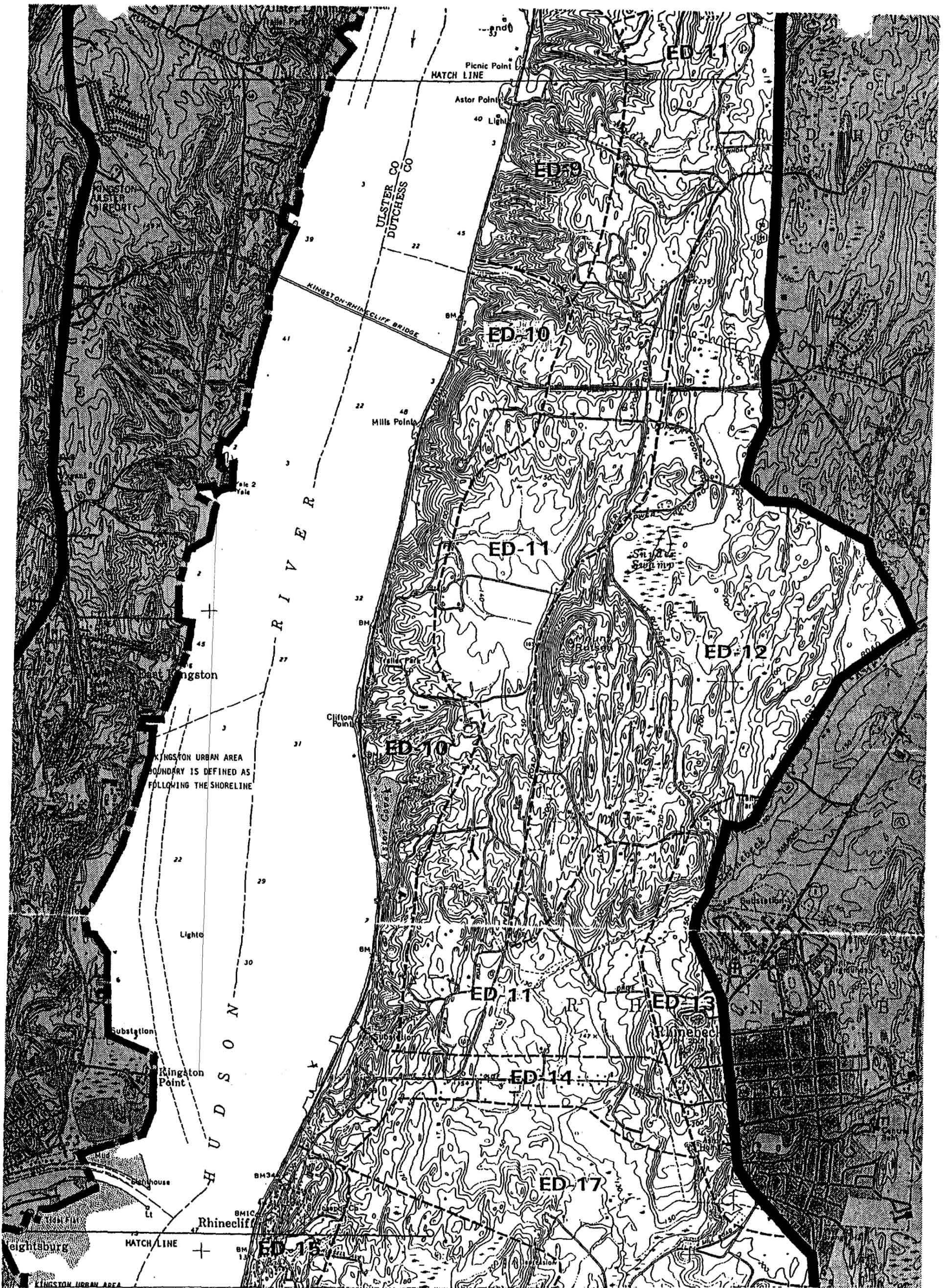
**ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 2**

KEY:

-  Coastal Area boundary
-  Scenic Area boundary
-  Subunit boundary
-  Subunit identifier

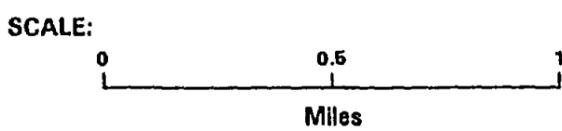
SCALE:





**ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3**

- KEY:**
- Coastal Area boundary
  - Scenic Area boundary
  - Subunit boundary
  - Subunit identifier
- ED11



## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **I. LOCATION**

The Ulster North SASS encompasses a ten mile stretch of the Hudson River and its western shorelands and varies from 1.25 miles to 2.5 miles in width. The SASS extends from its northern boundary at the Ulster/Greene County line to its southern boundary at Ulster Landing Park. The SASS includes the Hudson River from the mean high tide line on the eastern shore for all of its length, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River.

The western boundary of the Ulster North SASS follows the coastal area boundary south from the Ulster/Greene County line, following the Conrail railroad line to NY Route 9W and south along NY Route 9W through the Village of Saugerties to Barclay Street, where it leaves the coastal area boundary to run along Barclay Street, Simmons Street and to the end of Spaulding Lane. The SASS boundary then runs southwest along the western limit of existing farmland to rejoin the coastal area boundary at the cross-roads on NY Route 32 in Glasco. It then runs south along Route 32 to the junction with Ulster Landing Road, where it runs along Ulster Landing Road to the southern boundary of the Ulster Landing Park which it follows to the Hudson River.

The SASS is located within the Town and Village of Saugerties and the Town of Ulster, Ulster County; the Towns of Germantown and Clermont, Columbia County and the Town of Red Hook and the Village of Tivoli, Dutchess County.

The SASS is comprised of 10 subunits:

UN-1 Eavesport; UN-2 Bristol Beach; UN-3 Malden-on-Hudson; UN-4 Saugerties Bluffs; UN-5 Esopus Creek; UN-6 Glasco Bluffs; UN-7 Glasco Uplands; UN-8 Glasco; UN-9 Glasco Farmlands; UN-10 Turkey Point.

Consult the Ulster North SASS Map for the SASS boundary.

### **II. DESCRIPTION**

The Ulster North SASS is a highly scenic and valued portion of the Hudson River Valley, rich in natural beauty, cultural and historical features.

It is characterized by a gently rolling upland landscape set above a steep bluff reaching elevations of 150 feet. The bluffs are higher and steeper in the southern sections of the SASS, and here the boundary extends inland to include more of the gently rolling uplands. The Esopus Creek is the most dramatic landform within the SASS, featuring steep banks giving way to extensive tidal flats. The creek flows over a dam and through a sinuous horseshoe curve, constrained by its steep banks, before entering the Hudson River.

The coastline is comprised of long stretches of relatively smooth shoreline with some small projections, coves, and tidal flats. These include the open, grassy Eves Point and the curving bluffs of Turkey Point. The most dramatic projection is at the confluence of the Esopus Creek and the Hudson River, in the Village of Saugerties. This is a significant shoreline protrusion, extending more than halfway across the Hudson River. The Saugerties Lighthouse graces the

north point, signifying the entrance to the creek and stands at the end of a dike built by the federal government a century ago to maintain the channel of the Esopus Creek. A filled wetland and rich tidal habitat spreads to the north and south of the dike which extends a half mile from the western shoreline into the center of the Hudson River.

On the rolling upland above the Hudson River the vegetation is a combination of mixed woodlands and clearings comprised of farms, open pasture and meadows, and landscaped estates with formal gardens and sweeping lawns. Urban planting is important in the built up areas of the SASS in the Village of Saugerties and the hamlets of Malden-on-Hudson and Glasco. The shoreline vegetation includes wooded bluffs and the relatively large, undisturbed area of shallow, tidal flats and associated vegetation at the confluence of the Esopus Creek and the Hudson River. The region at the confluence of the Esopus Creek and the Hudson River is known to be an important archaeological area. A designated archeological site on the Esopus Creek in the Village of Saugerties contains evidence of prehistoric remains. The area has been inhabited at least since the Woodland Period (100 B.C. - 1600 A.D.) and probably since Paleo-Indian times (c. 10,000 B.C.). Indians settled along the Hudson River long before the European discovery of the New World. The name Esopus is a Dutch word with origins in the Indian language. It means "land of flowing waters and high banks" and is an appropriate description of the Esopus Creek.

The Hudson River came to prominence when Henry Hudson explored the region in 1609, and his ship's log describes the spectacular landscape. Hudson spent a total of five days of September 1609, anchored off Turkey Point, visiting the native Indians that lived in the area. Recent settlement of the Ulster North area began in the early seventeenth century, based upon industrial and commercial exploitation of the area's natural resources, and established a close relationship with the Hudson River.

From the time of earliest European settlement by the Dutch around 1710, development focused on the Esopus Creek at what is now the Village of Saugerties. Later the Palatines also settled in the area. Initial growth was limited and occurred around the Dutch saw and grist mills along the creek in the early 17th century. As late as 1811 the hamlet contained only 21 houses.

In the 1820's Henry Barclay sparked the expansion of the community when he established the Ulster Iron Works and the Barclay Fiber Company. The area around the Esopus Creek and the Hudson River developed an extensive variety of industrial and commercial activity including lumbering, white lead, gunpowder, ice and paper industries along with an active port which shipped bluestone from the local quarries and other local products. Later the port became an important transfer for people on their way to the resorts of the Catskill Mountains. All that remains of the thriving 19th century creek-side industrial activity is the dam and abandoned raceway, some industrial ruins and one vacant building, "the Bindery" on East Bridge Street.

The village was laid out as a model village by Henry Barclay in 1827. By 1840 it had become the industrial and population center of Ulster County. The Village was originally incorporated in 1832 as the Village of Ulster, but on Barclay's death in 1855 it was renamed Saugerties. Many of the neighborhoods developed in association with the waterfront industry of the 19th century and include a mix of housing types ranging from modest workers' dwellings on small lots to large mansions, with many buildings of historic and architectural interest.

Saugerties Lighthouse, dating from 1867, is an important cultural feature in the subunit. Built on massive stone foundations to the west of an earlier stone lighthouse constructed in 1838, the

lighthouse directed traffic when Saugerties was a major port on the Hudson River. Originally placed at the confluence of the broad delta of the Esopus Creek with the Hudson River, the structure now stands at the end of a dike built by the federal government a century ago in order to maintain the channel of the Esopus Creek. Saugerties Lighthouse, the oldest remaining lighthouse on the Hudson River, is listed on the State and National Registers of Historic Places and has been restored to operation by the Saugerties Lighthouse Conservancy.

Development spread throughout the SASS with residential and commercial growth moving inland along the main highways, accompanied by industrial development based around landings at Glasco and Malden-on-Hudson. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River and the close proximity to local resources. Away from the commercial settlements, wealthy families built spacious homes set in landscaped estates of lawns, farmland and woodland, contributing much to the history of the area.

The hamlet of Glasco developed as an active company shipping port for a glass company, located inland above Woodstock, during the early 19th century. The hamlet takes its name, "Glasco", from a large sign painted on one of the warehouses. The hamlet has retained a tight village pattern with many older residential structures intact, although some modern structures and adaptations of older buildings are of inconsistent quality and are distracting elements within the built fabric of the subunit. Malden-on-Hudson was founded as Bristol in 1812 by Asa Bigelow, a merchant and the first postmaster at Saugerties. The settlement provided a deepwater port for his merchant fleet. The port became the center of the bluestone trade in Saugerties, a major industry in this part of the Hudson Valley from the mid-1800's until 1917. Much of the curbstone in New York City came from quarries in the Saugerties area, while stone from local quarries was shipped all over the world from Malden-on Hudson.

The Ulster North SASS still reflects the historic settlement pattern based around large estates and early industrial and commercial uses that developed along the Hudson River and the Esopus Creek. The most intensive commercial, industrial and associated residential development has taken place around the Village of Saugerties, located in the center of the SASS at the confluence of the Esopus Creek and the Hudson River. Two other clusters of settlement are found at Malden-on-Hudson and Glasco.

In the rest of the SASS a more rural pattern of development prevails with a mixture of woodland, farmland, estates and religious institutions occupying large parcels of land on the rolling upland beyond the steep rugged bluffs, occasionally stretching down to the shoreline of the Hudson River where the relief allows. South of the Village of Saugerties the steep bluffs have precluded any major shoreline development, apart from at the hamlet of Glasco.

The lack of 20th century growth in the Village of Saugerties, notably that part in the SASS, has meant that there are few modern developments, and many buildings of historic interest remain intact. Consequently the Village of Saugerties has scenic and historical value as an excellent example of a 19th century settlement on the Hudson River, reflecting many aspects of the broader social and commercial changes that affected the upper Hudson Valley during this period. It offers a wealth of historic associations and an architectural record of a variety of 19th century residential building styles.

The architectural and historical importance of the Saugerties Lighthouse has been recognized by its inclusion on the State and National Register of Historic Places. Many other structures in the SASS are considered eligible for listing on the National Register of Historic Places for their historical and architectural significance.

The early days of the American Industrial Revolution saw many milestones take place throughout north eastern America. The Village of Saugerties and Henry Barclay's factories were part of this period of industrial progress. These were the site of the manufacture of the first machine-made paper in America (1826) and the first application of the process of manufacturing purified, high strength iron in America (1828). Much of the bluestone used in New York City was shipped from the landings located throughout the SASS. Malden-on-Hudson, known for its bluestone, was the birthplace of John Bigelow, Minister to France under Abraham Lincoln.

The survival of active farmland in the presence of urban development pressure has a significant symbolic value as a historical and traditional regional land use and the continuance of a once significant landscape component.

### **III. AESTHETIC SIGNIFICANCE**

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 scenic quality of the Ulster North SASS is significant based on the existence of the following physical and cultural characteristics.

#### **A. Landscape Character**

##### **1. Variety**

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

Variety also exists in vegetation coverage. Dense and mature, mixed woodlands on the rolling uplands are broken up by a combination of farmsteads, pastures and meadows, landscaped estates and residential development. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at the confluence of the Esopus Creek and the Hudson River. This is a relatively large, undisturbed area of shallow, freshwater tidal flats. The diversity and abundance of wildlife and the changing patterns, colors and textures associated with the woodlands, farmlands and tidal flats provide a variety of ephemeral characteristics which enhance the scenic qualities of the SASS.

The land use pattern varies considerably within the SASS. There are a number of dispersed historic estates located on the bluffs above the Hudson River, surrounded by a mix of woodlands, farms, and more recent development. The architectural style of the historic estates varies considerably throughout the SASS. This reflects the tastes of individual landowners, the long history and evolution of estates and the longstanding picturesque movement throughout the Hudson Valley. There is a large variety of traditional 19th century residential development in the built areas of the SASS.

## **2. Unity**

The Ulster North SASS is unified by its topography, most notably by the rolling agricultural uplands and the wooded bluffs that front the Hudson River. The vegetation, dominated by mature, mixed woodland, unifies the various landforms. The presence of the Hudson River is a unifying theme, a common scenic element central to the SASS which shapes the physical topography and influences cultural patterns.

## **3. Contrast**

There are many striking contrasts between the basic scenic elements in the Ulster North SASS. The contrasts in topography and landform are mainly one of contrast in line and form. The open pastures of the upland farmland provides a textural contrast with the woodlands while the small clustered farmsteads contrast with the larger settlements within the SASS. This is particularly noticeable in the form of a sharp edge between the settled areas and the open spaces. The rolling upland contrasts with the steep bluffs. The shoreline configuration of the steep bluffs contrasts with the low-lying banks and flats associated with the mouth of the Esopus Creek and the small coves along the shoreline. The Hudson River varies in width and depth, and its currents create differing patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The wooded areas contrast with the open meadows of the agricultural landscape and the formal landscape estates and open residential spaces. This provides contrasting textures in the landscape composition and rich color contrasts between vegetation types, changing with the season. As the natural form is impacted by geomorphological processes, such as erosion, weathering and deposition, the rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied contrasting effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions influences the landscape composition, as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson River varies with the season and weather conditions, providing contrasts in texture and color. In particular, the diversity and abundance of wildlife and the changing patterns, colors and textures associated with the tidal flats at the confluence of the Esopus Creek and the Hudson River provide ephemeral characteristics which enhance the scenic qualities of the subunit.

## **4. Freedom from Discordant Features**

The Ulster North SASS is generally well-preserved with a few discordant features. The settlement and transportation patterns are heavily influenced by and respect the topography of the area. The three areas of development at the Village of Saugerties and the hamlets of Glasco and Malden-on-Hudson are tightly clustered within the landscape. In the hamlet of Glasco the blocky structures of the sewage plant, several large parking areas along the river bank, and the waterside storage of construction vehicles and materials are discordant features and detract from the visual quality of the hamlet. The physical and cultural components of the SASS are generally well maintained.

### **B. Uniqueness**

The winding course and steep banks of the Esopus Creek and the marshlands and tidal flats at the confluence with the Hudson River, which has created a point of land protruding into the Hudson River with an historic lighthouse at the end, is a unique feature in the Hudson River. The Saugerties Lighthouse is the oldest standing residential lighthouse on the Hudson River and is a unique maritime feature on the river. Its presence contributes to the scenic value of the subunit.

### **C. Public Accessibility**

The land ownership pattern related to the low density development and large estates scattered throughout the SASS has resulted in few opportunities for public access. Physical access to the shoreline of the Hudson River and the Esopus Creek is limited. Five public parks offer direct physical and visual access to the Hudson River. These are the county park at Ulster Landing, the Town of Saugerties' mini-parks at Glasco and Malden-on-Hudson, and State properties at Eves Point and Turkey Point. These parks offer long and broad views of the river and its surrounding landscape. Limited public access is available to the Saugerties Lighthouse, with the consent of the Saugerties Lighthouse Conservancy.

Seamon Park, operated by the Village of Saugerties, offers spectacular views to the Catskill Mountains. Local roads, the Hudson River and the Esopus Creek provide the opportunity for visual access within the SASS.

Views from within the Ulster North SASS are extensive and significant. From much of the area, long and broad views of the river and its surrounding landscape are available. These views are often full and unobstructed. The Hudson River creates the foreground and middle ground for many of the views east to the Estate District SASS. To the west, the dramatic Catskill Mountains provide a constant backdrop to the changing views of farmland and towns. Views within the SASS are often short and narrow, contained by the extensive woodland coverage and the street and building patterns of the settlements.

Public access to the Hudson River within the SASS will improve when recent purchases by the State and two regional not-for-profit organizations concerned with open space preservation and the promotion of public access are opened to the public. In the northern portion of the SASS, property at Eves Point has recently been purchased by Scenic Hudson and the Open Space Institute. This site includes riverfront access to Eves Point. Management plans include developing public access and linking the property with the adjacent undeveloped Bristol Beach State Park. In the southern portion of the SASS, the State has recently acquired 90 acres of property at Turkey Point for development of public access and a link between the point and

Ulster Landing Park has been made possible by a recent land purchase by Scenic Hudson. Park and trail development at these properties would provide physical and visual access to the Hudson River shoreline.

The Ulster North SASS figures prominently in the middle ground of views from the Estate District SASS and the Kingston-Rhinecliff Bridge. Indeed, many of the finest scenic features of the Ulster North SASS are best viewed from the river or the opposite shore. The bluffs of the western shore, with occasional glimpses of waterfront settlement, bluff-top estates and agricultural activity, dominate in views from the Hudson River, the estates, state properties, town parks, and from local roads. The Ulster North SASS is clearly visible to passengers in the trains on the east bank of the Hudson River.

The Catskill Mountains to the west of the SASS provide a dramatic backdrop for the areas' numerous landscape features set among the steep wooded bluffs above the Hudson River and the rolling upland. The composition of the SASS is unified and well balanced with few incongruous features and many positive focal points including the Saugerties Lighthouse, Magdalen and Cruger Island; the architecture of historic structures, farmsteads, and the shoreline settlements; the Kingston-Rhinecliff Bridge; and the estates on the eastern shore. The variety in length of views, composition, background and significant focal points combine to enhance the scenic quality of the views available in the Ulster North SASS.

#### **D. Public Recognition**

The scenic and aesthetic quality of the Ulster North SASS has achieved a moderate degree of public recognition. Many of the individual subunits receive moderate, public recognition from local residents. They are recognized as the middleground in views from Montgomery Place, Clermont State Historic Site, the Village of Tivoli, Tivoli Bay State Nature Preserve, the hamlet of Barrytown and Bard College on the eastern shore of the Hudson River. The uplands above the bluffs receive recognition as active farmland located close to the urban area of the City of Kingston and the Village of Saugerties.

The architectural and historic importance of Saugerties Lighthouse has been recognized by inclusion on the State and National Registers of Historic Places.

#### **IV. IMPACT ASSESSMENT**

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

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- (1) 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

- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- (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.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

**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;**

**COMMENT:** For much of the length of the Ulster North SASS, the Hudson River is bounded by steep, undeveloped wooded bluffs that figure prominently in views within the SASS, notably from the Hudson River, and in views of the SASS from the eastern shorelands of the Hudson River, part of the Estates District Scenic Area of Statewide Significance. Siting of structures on the slopes or crests of these bluffs would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Esopus Creek is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats and the marshy areas around the Esopus Creek and the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River, Esopus Creek and its shorelands and impairing the scenic quality of the SASS.

**CLUSTERING OR ORIENTING STRUCTURES TO RETAIN VIEWS, SAVE OPEN SPACE AND PROVIDE VISUAL ORGANIZATION TO A DEVELOPMENT;**

**COMMENT:** The SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic farmsteads and estate houses punctuate, but do not dominate the landscape of rolling upland pastures, landscaped estates and woodland. Recent poorly sited residential development has not respected the traditional

patterns of development within the SASS and has disturbed the visual organization that has been established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types. Consequently, the textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship would be lost, impairing the scenic quality of the SASS. Failure to use the topography and existing vegetation to screen new development and failure to cluster new development would impair the scenic quality of the SASS.

**INCORPORATING SOUND, EXISTING STRUCTURES (ESPECIALLY HISTORIC BUILDINGS) INTO THE OVERALL DEVELOPMENT SCHEME;**

**COMMENT:** The SASS is a significant natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

**REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;**

**COMMENT:** The SASS is generally free of discordant features, and structures are generally well maintained.

**MAINTAINING OR RESTORING THE ORIGINAL LAND FORM, EXCEPT WHEN CHANGES SCREEN UNATTRACTIVE ELEMENTS AND/OR ADD APPROPRIATE INTEREST;**

**COMMENT:** The landform of the SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contributes to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

**MAINTAINING OR ADDING VEGETATION TO PROVIDE INTEREST, ENCOURAGE THE PRESENCE OF WILDLIFE, BLEND STRUCTURES INTO THE SITE, AND OBSCURE UNATTRACTIVE ELEMENTS, EXCEPT WHEN SELECTIVE CLEARING REMOVES UNSIGHTLY, DISEASED OR HAZARDOUS VEGETATION AND WHEN SELECTIVE CLEARING CREATES VIEWS OF COASTAL WATERS;**

**COMMENT:** The variety of vegetation in the SASS makes a significant contribution to the scenic quality of the SASS. The tidal flats at the confluence of the Hudson River and the Esopus Creek, open farm fields, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River would change the character of the river corridor and impair its scenic quality. The confluence of the Hudson River and the Esopus Creek is a particularly critical scenic component in

the central portion of the SASS. Elimination of the shallow, freshwater tidal flats and the associated vegetation around the Esopus Creek and the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands, that would impair the scenic quality of the SASS.

**USING APPROPRIATE MATERIALS, IN ADDITION TO VEGETATION, TO SCREEN UNATTRACTIVE ELEMENTS;**

**COMMENT:** The SASS is generally free of discordant elements. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

**USING APPROPRIATE SCALES, FORMS AND MATERIALS TO ENSURE THAT BUILDINGS AND OTHER STRUCTURES ARE COMPATIBLE WITH AND ADD INTEREST TO THE LANDSCAPE.**

**COMMENT:** The existing structures located within the SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. New development or alterations to existing structures can also be designed to complement the scenic quality of the SASS through use of a scale, form, color and materials which are compatible with the existing land use and architectural styles of the area and can be absorbed into the landscape composition. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

**Ulster North Scenic Area of Statewide Significance**

<b><u>Index to Subunits</u></b>	<b><u>Page</u></b>
UN-4 Saugerties Bluffs Subunit . . . . .	281
UN-5 Esopus Creek Subunit . . . . .	283
UN-6 Glasco Bluffs Subunit . . . . .	287
UN-7 Glasco Uplands Subunit . . . . .	289
UN-8 Glasco Subunit . . . . .	291
UN-9 Glasco Farmlands Subunit . . . . .	293
UN-10 Turkey Point Subunit . . . . .	295

## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **UN-4 Saugerties Bluffs Subunit**

#### **I. Location**

The Saugerties Bluffs subunit extends approximately 1.25 miles south from Malden-on-Hudson to the base of the bluffs adjacent to the tidal flats at the confluence of the Esopus Creek and the Hudson River. The subunit is approximately 1.25 miles wide. It includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary being the coastal area boundary, following NY Route 9W. The subunit is located in the Town of Saugerties, Ulster County; the Town of Clermont, Columbia County and the Town of Red Hook, Dutchess County. Consult the Ulster North SASS map sheet number 1 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Saugerties Bluffs subunit is a mix of steep bluffs and rolling upland that rises to over 150 feet above the Hudson River. Mature woodlands dominate the steep bluffs, while the landscaped lawns of several historic estates run down to the Hudson River where the bluffs have less relief. The shoreline of the Hudson River is relatively smooth. The Sawyer Kill flows through the subunit at Seamon Park.

##### **B. Cultural Character**

The Saugerties Bluffs subunit features several well-sited, historic landscaped estates situated on the Hudson River. The estates are well maintained and retain their historic integrity. The white painted residential structures contrast with the landscaped open spaces and the surrounding woodland. Mynderse House, located off Mynderse Street, is reputed to be the earliest home in the Saugerties area. The well preserved fieldstone house dates from the 1690's. Inland and adjacent to NY Route 9W is Seamon Park, a gift to the Village of Saugerties from George Seamon in 1925. The landscaped park sits above the road and offers spectacular views over Winston Farm toward the Catskill Mountains. Terwilligers Grist Mill, an historic saw mill on the Sawyer Kill adjacent to Seamon Park, dates from 1752 and is currently being restored. No discordant features are visible in the subunit.

##### **C. Views**

Views from the Saugerties Bluff subunit include an impressive panorama of the Catskill Mountains, full and partial views of the Hudson River and views of the Estates District SASS on the eastern shorelands. Within the subunit, views are largely contained by woodlands, although the open landscaped estates provide more expansive views. Views from the Hudson River and the eastern shorelands are of the steep wooded bluffs and the landscaped estates. The overall composition of views is unified with no incongruous features, while the mix of meadows and woodlands provide a pleasing variety and contrast set against the background of the Catskill

Mountains. The estate structures and the landscaped lawns provide some focal points in the subunit.

### III. Uniqueness

The Saugerties Bluffs subunit is not unique. Its mix of intact estates set among wooded bluffs is a frequently occurring feature in this region of the Hudson River, but is less common in the State.

### IV. Public Accessibility

The Saugerties Bluffs subunit is accessible via the Hudson River, NY Route 9W and Seamon Park. There is no public access to the Hudson River. The subunit can be viewed from the opposite shoreline, part of the Estate District SASS, notably in views from the Clermont Estate, a State historic site. The subunit is highly visually accessible from the passenger trains on the east bank of the Hudson River.

### V. Public Recognition

The Saugerties Bluffs subunit receives moderate public recognition, notably for the locally known Seamon Park and for its role as the middleground of views from the estates of the Estates District SASS on the eastern shore of the Hudson River.

### VI. Reason for Inclusion

The Saugerties Bluffs subunit has high scenic quality and features a variety of scenic components, including steep wooded bluffs with historic landscaped estates set on the rolling upland overlooking the Hudson River. The open landscaped estates provide a contrast of form, texture and color with the unifying mature woodlands. The subunit is very important as the middleground of views to the Catskill Mountains from the Estates District SASS, notably the Clermont State Historic Site. The subunit is accessible via NY Route 9W and Seamon Park and is visible from the Hudson River and trains on the eastern shore. It is generally free of discordant features.

## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **UN-5 Esopus Creek Subunit**

#### **I. Location**

The Esopus Creek subunit is located southeast of the Village of Saugerties. It is based around the confluence of the Esopus Creek and the Hudson River and extends upstream from the mouth of the Creek for approximately one mile. It is about 0.75 miles long and just under 2 miles wide. The subunit includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary being the coastal area boundary, following NY Route 9W. The subunit is located in the Town of Saugerties, Ulster County, and the Town of Red Hook and Village of Tivoli, Dutchess County. Consult the Ulster North SASS map sheets, numbers 1 and 2, for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Esopus Creek subunit is a dramatic landform of steep creek banks giving way to a delta of extensive tidal flats. The Esopus Creek flows over a dam and through a sinuous horseshoe curve, constrained by steep rocky cliffs, before entering the Hudson River. The Saugerties Lighthouse signifies the entrance to the creek and stands at the end of a dike built by the federal government a century ago to maintain the channel of the Esopus Creek. As a result of deposition, a filled wetland and rich tidal habitat spreads to the north and south of the dike, which extends a half mile from the west shoreline into the center of the Hudson River. The tidal wetlands and flats contain a variety of wetland vegetation including wet meadows, flooded dead trees, flooded shrubs and emergents. In addition to the extensive wetland vegetation the subunit contains a mix of wooded areas, scrubby vacant land, and landscaped lawns.

##### **B. Cultural Character**

The subunit exhibits a predominantly urbanized land use and is a mix of residential and waterfront commercial development, interspersed with the ruins and vestiges of a rich industrial heritage.

The subunit has a long history of industrial and commercial activity and a close relationship with the Hudson River both in prehistoric times and the colonial period dating from the early Dutch saw and grist mills along the Esopus Creek in the early Seventeenth Century. Settled by the Dutch around 1710 and later by the Palatines, Saugerties initially experienced limited growth. As late as 1811 the hamlet contained only 21 houses.

In the 1820's Henry Barclay sparked the expansion of the community when he established the Ulster Iron Works and the Barclay Fiber Company. He was responsible for much of the present structure of the subunit. The area around the Esopus Creek and the Hudson River developed an extensive variety of industry and commercial activity including lumbering, white lead, gunpowder, ice and paper industries along with an active port which shipped bluestone from the local quarries.

At the western edge of the subunit is Barclays Dam, constructed in 1825 over the first falls on the Esopus Creek. It rises fifty feet above the tide water of the Hudson River and creates an extensive mill pond behind it. A raceway canal, cut through to solid rock to the east of the dam, diverted water to power the factories below the dam on the banks of the Esopus Creek. These included Barclays Mills, constructed in the early 19th century, the site of the manufacture of the first machine-made paper in America (1826) and the first application of the process of manufacturing purified, high strength iron in America (1828).

The dam and the abandoned raceway still exist along with industrial ruins and one vacant building, "the Bindery" on East Bridge Street. This is all that remains of the once thriving creek-side industrial activity. Two designated archaeological sites are located in the subunit. On the north side of Esopus Creek, close to the sewage treatment plant is a site which contains evidence of prehistoric and 19th century occupation and to the south of the creek are remains of an industrial complex including foundations, a stone tramway and parts of a former iron works. Parts of Saugerties Village are included within the Esopus Creek subunit. The village was laid out as a model village by Henry Barclay in 1827. By 1840 it had become the industrial and population center of Ulster County. The village was originally incorporated in 1832 as the Village of Ulster, but on Barclay's death in 1855 it was renamed Saugerties. The lack of twentieth century growth in the Village has meant that there are few modern developments, and many buildings of historic interest remain intact. As such the Village of Saugerties has scenic and historical value as an excellent example of a 19th century settlement on the Hudson River which reflects many aspects of the broader social and commercial changes that affected the upper Hudson Valley during this period. It offers a wealth of historic associations and an architectural record of a variety of 19th century residential building styles.

The subunit contains the Southside neighborhood, a large residential neighborhood that extends up the slope from the Esopus Creek to the ridge line traversed by NY Route 9W. The neighborhood developed in association with the waterfront industry of the 19th century and includes a mix of housing types ranging from modest vernacular dwellings on small lots, some of which have been converted to multi-family use, to large mansions along Barclay Street and one remaining vacant industrial structure, the "Bindery". The neighborhood contains many buildings of historic and architectural interest. Along the south banks of the Esopus Creek is located Lynch's Marina, the winter home of the Hudson River Sloop Clearwater, and a boat club. Relatively new residential development, including some subdivisions, has occurred to the north of Esopus Creek around Lighthouse Drive.

The present Saugerties Lighthouse, dating from 1867, is an important cultural feature in the subunit. Built on massive stone foundations to the west of an earlier stone lighthouse constructed in 1838, the lighthouse directed river traffic when Saugerties was a major port on the Hudson River. Originally placed at the confluence of the broad delta of the Esopus Creek with the Hudson River, the structure now stands at the end of a dike built by the federal government a century ago to maintain the channel of the Esopus Creek. Saugerties Lighthouse, the oldest remaining lighthouse on the Hudson River, is listed on the State and National Register of Historic Places. It has been restored to operation by the Saugerties Lighthouse Conservancy. Limited public access is available to the lighthouse, which now contains a museum displaying artifacts of the lighthouse and the thriving period of early commercial activity on the Saugerties waterfront.

The sewage treatment plant on Dock Street and boat storage at the end of Ferry Street provide an element of discordance, but do not detract from the scenic quality of the subunit.

Boating activity on the Esopus Creek, the diversity and abundance of wildlife and the changing patterns, colors and textures associated with the tidal flats provide ephemeral characteristics which enhance the scenic qualities of the Esopus Creek subunit.

### C. Views

Views from the Esopus Creek subunit are varied. Full and partial views of the Esopus Creek and the Hudson River and views of the Estates District SASS on the eastern shorelands are available from Rt. 9W and local streets, while to the west are seen the looming and ever present Catskill Mountains. Often views are contained and focused to the banks and curves of the Esopus Creek. From the points at the confluence there are extremely long views up and down the Hudson River. Views from the Hudson River and the eastern shorelands are of the mouth of the Esopus Creek and the Village of Saugerties. The many historic structures, boat traffic, and the landforms provide an unusual contrast and diversity, set against the background of the Catskill Mountains. Focal points include the lighthouse and several historic structures.

### III. Uniqueness

The subunit is unique. The winding course and steep banks of the Esopus Creek, the human modification of its confluence with the Hudson River, and the resulting point of land protruding into the Hudson River with an historic lighthouse at the end are unique features in the Hudson River.

### IV. Public Accessibility

The Esopus Creek subunit is publicly accessible via local roads, the Esopus Creek, the Hudson River and the Saugerties Lighthouse. There is no publicly-owned land on the waterfront within the subunit, although limited public access is available to the lighthouse with the consent of the Lighthouse Conservancy. The Lighthouse Conservancy has applied for permits to build a walkway across the wetland to the lighthouse which will significantly increase access to the shore. The wetlands at the mouth of the Esopus Creek are owned by New York State, but access to this fragile resource is only available by water. The creek is viewed most often by the large numbers of local boaters. The subunit is highly visually accessible from the passenger trains on the east bank of the Hudson River, which offers views of the tidal flats and confluence. It is visible from the eastern shorelands of the Hudson River, and part of the Estates District SASS, notably in the middle distance in views from the Clermont State Historic Site, Tivoli Landing, Tivoli Bays State Nature Preserve and Cruger Island.

### V. Public Recognition

The Esopus Creek subunit receives favorable public recognition, notably from the local population, boaters and as the middleground in views from the estates on the eastern shore of the Hudson River. The architectural and historic importance of Saugerties Lighthouse has been recognized by its inclusion on the National Register of Historic Places.

### VI. Reason for Inclusion

The Esopus Creek subunit has high scenic quality and features a positive variety of scenic components. The landform is a dramatic mix of steep slopes, tidal wetlands and flats providing

both variety and contrast, unified by the water features of the Esopus Creek and the Hudson River. The low density estate development on the edges of the subunit provide a contrasting built form and pattern of development to the more dense urban character of the surrounding areas. The built development of the subunit features a variety of contrasting designs. The subunit is very important as the middleground of views to the Catskill Mountains from the Estates District SASS, notably the Clermont State Historic Site. The subunit is accessible via local roads and the Esopus Creek and is visible from the Hudson River and trains on the eastern shore. The subunit is well recognized. It is generally free of discordant features.

## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **UN-6 Glasco Bluffs Subunit**

#### **I. Location**

The Glasco Bluffs subunit begins just south of the tidal flats at the confluence of the Esopus Creek and Hudson River and extends approximately 1.25 miles south to the hamlet of Glasco. The subunit is between 1 and 1.5 miles wide and includes both the Hudson River up to the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River and land to the west of the Hudson River, with its western boundary running from the junction of Route 32 along Barclay Street, Simmons Street and to the end of Spaulding Lane where it follows the viewshed of the Hudson River south to the hamlet of Glasco. It is located in the Town and Village of Saugerties, Ulster County, and the Town of Red Hook and Village of Tivoli, Dutchess County. Consult the Ulster North SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Glasco Bluffs subunit features 150 foot high wooded bluffs. Mature woodlands dominate the steep bluffs, broken only by the landscaped lawns and pastures of several historic estates perched on the tops of the bluffs. Tidal flats are located along the shoreline in the north of the subunit. The wooded Magdalen Island is a feature in the Hudson River close to the eastern shoreline. For more information regarding Magdalen Island, consult the ED-5 Tivoli Bays subunit in the Estates District SASS.

##### **B. Cultural Character**

The Glasco Bluffs subunit features several historical landscaped estates, situated above the Hudson River on the top of the bluffs. The estates, now religious properties, are well maintained and retain their historical integrity. The white painted residential structures contrast with the landscaped open spaces and the surrounding woodland. There are no discordant features in the subunit.

##### **C. Views**

Some views within the Glasco Bluffs subunit are oriented to the Hudson River and provide full and partial views of the Hudson and of the Estates District SASS on the eastern shorelands. Other views inland are largely contained by woodlands, although the open landscaped estates provide more expansive views. Views from the Hudson River and the eastern shorelands are of the steep wooded bluffs and the landscaped estates. The overall composition of views is unified with no incongruous features, while the mix of meadows and woodlands provide a pleasing variety and contrast set against the background of the Catskill Mountains. The estates provide some focal points in the subunit.

#### **III. Uniqueness**

The Glasco Bluffs subunit is not unique. Its mix of intact estates set among wooded bluffs is a frequently occurring feature in this region of the Hudson River, but is less common in the State.

#### IV. Public Accessibility

The Glasco Bluffs subunit has limited public accessibility. It has moderate visual accessibility from the eastern shorelands, part of the Estate District SASS, notably from Tivoli Landing. The subunit is highly visually accessible from the Hudson River and passenger trains on its east bank, from the Tivoli Bay State Nature Preserve, Bard College and Montgomery Place.

#### V. Public Recognition

Public recognition of the Glasco Bluffs subunit is limited to local residents. The subunit is also known as the middleground of views from the Estates District SASS on the eastern shore of the Hudson River.

#### VI. Reason for Inclusion

The Glasco Bluffs subunit has high scenic quality and features a variety of scenic components, including wooded bluffs with historical landscaped estates overlooking the Hudson River. The open estate landscapes provide a contrast of form, texture and color with the mature woodlands. The subunit is physically accessible via local roads, the Hudson River and trains on the east shore of the Hudson. The subunit is very important as the middleground of views to the Catskill Mountains from the Estates District SASS. There are no discordant features in the subunit.

## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **UN-7 Glasco Uplands Subunit**

#### **I. Location**

The Glasco Uplands subunit is located to the north of the hamlet of Glasco. The viewshed of the Hudson River at the top of the bluffs constitutes the eastern subunit boundary, while the western boundary runs from the end of Spaulding Lane southwest along the western limit of existing farmland to rejoin the coastal area boundary at the cross-roads on Route 32 in Glasco. The subunit is approximately one mile long and one mile wide. The Glasco Uplands subunit is located in the Town of Saugerties, Ulster County. Consult the Ulster North SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Glasco Uplands subunit is composed of a mix of farmland and mature and emergent woodland located on the gently undulating uplands adjacent to the bluffs of the Hudson River.

##### **B. Cultural Character.**

The landscape pattern is a mix of pastures and woodlands. The appearance is of a healthy, thriving farmland on the edge of an urban area. A collection of farm buildings is located on the top of the bluffs, surrounded by open meadows. The farmland is well maintained and is an example of an historical land use in the region. There has been some intrusion of modern single family residential and commercial strip development into the woodland along NY Routes 9W and 32, adjacent to the subunit. This development dominates the western edge of the subunit and adds a discordant element but does not diminish from the overall scenic quality of the subunit.

##### **C. Views**

Views from the Glasco Uplands are of moderate length and width. There are partial views of the Hudson River from the open farmland on the eastern edge of the subunit. The Catskill Mountains are featured in views to the west and provide a consistent dramatic background to the subunit. Within the subunit some views are open across large fields, but most are contained by surrounding woodlands. The mix of woodlands, farmland and the collection of farm buildings forms a pleasing composition of scenic components. The farm buildings provide a focal point within the subunit and in glimpses of the subunit from Crugers Island and the Hudson River.

#### **III. Uniqueness**

The Glasco Uplands subunit is not unique. However, the existence of an active agricultural landscape on the edge of a built up area is an uncommon landscape feature in the Hudson Valley.

#### **IV. Public Accessibility**

The Glasco Uplands subunit is moderately visually accessible from local roads and from upland areas on the eastern shore of the Hudson River, part of the Estates District SASS, most notably Montgomery Place and the Tivoli Bays State Nature Preserve.

#### V. Public Recognition

Public recognition of the Glasco Uplands subunit is limited to local residents. It is known as the active farmland on the edge of the Village of Saugerties.

#### VI. Reason for Inclusion

The Glasco Uplands subunit has high scenic quality and features a variety of farmland, woodland and residential development. The survival of active farmland in the presence of urban development pressure has a significant symbolic value as a historical and traditional regional land use and as a significant landscape component. There are no discordant features in the subunit.

## **ULSTER NORTH SCENIC AREAS OF STATEWIDE SIGNIFICANCE**

### **UN-8 Glasco Subunit**

#### **I. Location**

The Glasco subunit is located along the western banks of the Hudson River and includes the hamlet of Glasco. It is approximately 0.75 miles long by 0.75 miles wide. The subunit includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary being the coastal area boundary along NY Route 32. The subunit is located in the Town of Saugerties, Ulster County, and the Town of Red Hook, Dutchess County. Consult the Ulster North SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Glasco subunit consists of a flat area alongside the Hudson River and a bluff rising to a flat upland beyond the ridgeline. The developed sections of the bluff feature a series of created terraces which are occupied by residential development. The vegetation is a mix of open recreation fields, landscaping associated with residential development and woodland. The Hudson River is the dominant water feature and exhibits a relatively smooth bulkheaded shoreline. Magdalen and Cruger Islands are features in the Hudson River close to the eastern shoreline. For more information concerning the islands, consult the ED-5 Tivoli Bays subunit in the Estates District SASS.

##### **B. Cultural Character**

Land use in the subunit is dominated by urban uses and features a compact hamlet with residential development, active and derelict waterside industry and a sewage treatment plant. The hamlet of Glasco, an historical industrial settlement, was an active company shipping port for a glass company, located inland above Woodstock, during the early 19th century. The hamlet takes its name, "Glasco", from a large sign painted on one of the warehouses. The hamlet has retained a tight village pattern with many older residential structures intact, and the urban landscape is generally well maintained. Some modern structures and adaptations of older buildings are of inconsistent quality and are discordant elements within the built fabric of the subunit. A derelict industrial property on the waterfront adjacent to the Glasco Mini-Park, the blocky structures of the sewage plant, several large parking areas along the river bank, the waterside storage of construction vehicles and materials are discordant features and detract from the visual quality of the Hudson.

##### **C. Views**

Views from the Glasco subunit include an impressive panorama of the Catskill Mountains, full and partial views of the Hudson River and views of the Estates District SASS on the eastern shorelands. Within the subunit, views are largely contained by the urban settlement pattern and the ridgeline of the bluff. Views from the Hudson River are of the developed waterfront. The

mix of river, hamlet, woodlands and open space provides a pleasing variety and contrast set against the background of the Catskill Mountains. Magdalen and Cruger Islands are dominant focal points in views of the Hudson.

### III. Uniqueness

The Glasco subunit is not unique. However, the historic industrial hamlet and its close relationship with the Hudson River is uncommon in the region.

### IV. Public Accessibility

The Glasco subunit is accessible via local roads and the Hudson River. The Glasco Mini-Park, adjacent to the sewage treatment plant, provides access to the shoreline and views of the Hudson River and the Estates District SASS. The subunit can be viewed from the Hudson River and the opposite shorelands, part of the Estates District SASS, especially the Tivoli Bays State Nature Preserve and Montgomery Place. The subunit is highly visually accessible from the passenger trains on the east bank of the Hudson River.

### V. Public Recognition

Public recognition of the Glasco subunit is generally limited to local residents. The subunit is also known as the middleground of views from the estates on the eastern shore of the Hudson River.

### VI. Reason for Inclusion

Although the Glasco subunit has limited variety, unity, and contrast of scenic components, and discordant features are found along the waterfront, the subunit forms an integral part of the bluffs that unify the Ulster North SASS, and it is bounded to the north and south by the distinctive Glasco Bluffs, Glasco Uplands, Glasco Farmlands and Turkey Point subunits.

## **ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **UN-9 Glasco Farmlands Subunit**

#### **I. Location**

The Glasco Farmlands subunit is located south of the hamlet of Glasco and extends approximately 3 miles south to Ulster Landing Road, the southern boundary of the Ulster North SASS. The top of the bluffs creates the eastern boundary and the coastal area boundary along NY Route 32 forms the western boundary. The subunit is between 1.5 and 2.75 miles wide. The Glasco Farmlands subunit is located in the Towns of Saugerties and Ulster, Ulster County. Consult the Ulster North SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Glasco Farmlands subunit is composed of a series of operating farms located on gently rolling to flat uplands at approximately 150 feet elevation. The vegetation is a mix of pastures and woodlands. Water features are limited to a few small ponds.

##### **B. Cultural Character**

The land is a mix of pastures and woodlands and more recent residential development located along NY Route 32 and local roads in the subunit. The cultural character is a healthy, thriving farmland on the edge of an urban area. Several collections of farm buildings are located on the active farmland. The rubble stone and brick structure of Flatbush Church, built in 1808, is an important feature along NY Route 32.

There has been some intrusion of modern residential development along the edges of the farms, adjacent to highways and into the woodland, mostly on the western edge of the subunit. This adds a discordant element, but does not diminish from the overall scenic quality of the subunit. Farming activity and the presence of wildlife provide a positive ephemeral effect which enhances the scenic quality of the subunit. The farmland is well maintained and represents the survival of an historical land use in the region.

##### **C. Views**

Views from the Glasco Farmlands subunit are of moderate length and width. There are partial views of the Hudson River from the open farmland on the eastern edge of the subunit. The Catskill Mountains feature in views to the west and provide a continuous dramatic background to the subunit. Within the subunit the views are open across large fields but are generally contained by surrounding woodlands. The mix of woodlands, farmland and collections of farm buildings forms a pleasing composition of scenic components. The farm buildings provide focal points in views within the subunit.

#### **III. Uniqueness**

The subunit is not unique. However, the existence of an active agricultural landscape on the edge of a built up area is an uncommon landscape feature in the Hudson Valley.

#### **IV. Public Accessibility**

The Glasco Farmlands subunit is accessible from local roads and is visible from upland areas on the eastern shore of the Hudson River, part of the Estates District SASS. The subunit is a component of views from the upland areas of the Estates District SASS on the eastern shorelands of the Hudson River, especially from Montgomery Place.

#### **V. Public Recognition**

Public recognition of the Glasco Farmlands subunit is generally limited to local residents who know it as active farmland located between two urban areas, the City of Kingston and the Village of Saugerties. The subunit is also known as the middleground of views to the west from the Estates District SASS.

#### **VI. Reason for Inclusion**

The Glasco Uplands subunit has high scenic quality and features a mix of farmland, woodland and residential development. The survival of active farmland in the presence of urban development pressure has a significant symbolic value as a historical and traditional regional land use and continuance of a once significant landscape component. Variety exists between the cultivated agricultural land and the woodland vegetative cover, which are unified by the dominant agricultural land use. The mix of woodland and pasture provides a positive contrast. The subunit is moderately accessible from local roads and it is recognized as the middleground in views from the Estates District SASS. It is generally free of discordant features.

## **ULSTER NORTH SCENIC AREAS OF STATEWIDE SIGNIFICANCE**

### **UN-10 Turkey Point Subunit**

#### **I. Location**

The Turkey Point subunit stretches south from the hamlet of Glasco to Ulster Landing Park, the southern boundary of the Ulster North SASS. It is about 2 miles long and is approximately 0.25 miles in width. The subunit includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary being the viewshed line of the Hudson River. It is located in the Towns of Saugerties and Ulster, Ulster County, and the Town of Red Hook, Dutchess County. Consult the Ulster North SASS map sheet number 2 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

The Turkey Point subunit features an uninterrupted stretch of 150 foot high bluffs rising above the Hudson River. Mature woodlands dominate the steep bluffs. The subunit is one of the last uninterrupted wooded bluffs of any length in the Mid-Hudson Valley. The shoreline of the Hudson is relatively smooth with a few points, the most prominent being Turkey Point which marks a curve in the Hudson River. A beach area is present at Ulster Landing Park in the southernmost portion of the subunit. The wooded Cruger Island is a feature in the Hudson River close to the eastern shoreline. For more detail regarding Cruger Island, consult the ED-5 Tivoli Bays subunit in the Estates District SASS.

##### **B. Cultural Character**

There are few cultural features within this essentially natural subunit. A beach and associated recreational facilities are located in Ulster Landing Park. Two residences, neither of which interrupts the bluffs or the woodlands, are sited in the subunit. Both structures are of modern design and recent construction and represent only minor discordant features, with minimal impact on the scenic quality of the subunit. The changing colors of the trees provide an ephemeral characteristic which enhances scenic values of the subunit.

##### **C. Views**

Full and partial views of the Hudson River and the Estates District SASS on the eastern shorelands are available from the steep wooded bluffs. Views within the subunit are largely contained by woodlands. Views from the Hudson River are of the wooded bluffs. The woodlands dominate the composition of views of the subunit, which is set against the background of the Catskill Mountains. Turkey Point and the two modern structures are minor focal points within the subunit while Magdalen and Cruger Islands are dominant focal points in views of the Hudson River.

### III. Uniqueness

The subunit is not unique. However, the existence of such a length of wooded bluffs almost entirely uninterrupted by development is an uncommon occurrence in the Mid-Hudson Valley.

### IV. Public Accessibility

At present the Turkey Point subunit has moderate visual accessibility from county-owned Ulster Landing Park. The subunit is also visible from the opposite shoreline, part of the Estate District SASS, notably from the passenger trains on the east bank of the Hudson River and from Cruger Island and Montgomery Place, both of which are open to the public on a limited basis. The State has recently acquired 90 acres of property at Turkey Point for development of public access and a link between the point and Ulster Landing Park has been made possible by a recent land purchase by Scenic Hudson. Future park and trail development at these properties would provide physical and visual access to the Hudson River shoreline.

### V. Public Recognition

The Turkey Point subunit receives generally positive recognition from local residents and as the middleground of views from the estates on the eastern shore of the Hudson River. Turkey Point is a landmark for travellers on the Hudson River. The scenic quality of the subunit has been recognized in the State's recent purchase of 90 acres of land at Turkey Point for public access and the purchase of land linking Turkey Point and Ulster Landing Park by Scenic Hudson.

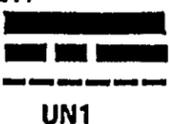
### VI. Reason for Inclusion

The Turkey Point subunit has high scenic quality and features a steep, undisturbed section of wooded bluffs set against the dominant background of the Catskill Mountains. The topography, woodlands and the river provide a variety of landscape components unified by the woodland coverage. The subunit is physically accessible via local roads, Ulster Landing Park, the Hudson River and trains on the east shore of the Hudson. The subunit is very important as the middleground of views from the Estates District SASS. The subunit is generally free of discordant features.



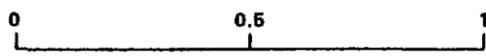
**ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1**

KEY:



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 Scenic Area boundary  
 Subunit boundary  
 Subunit identifier

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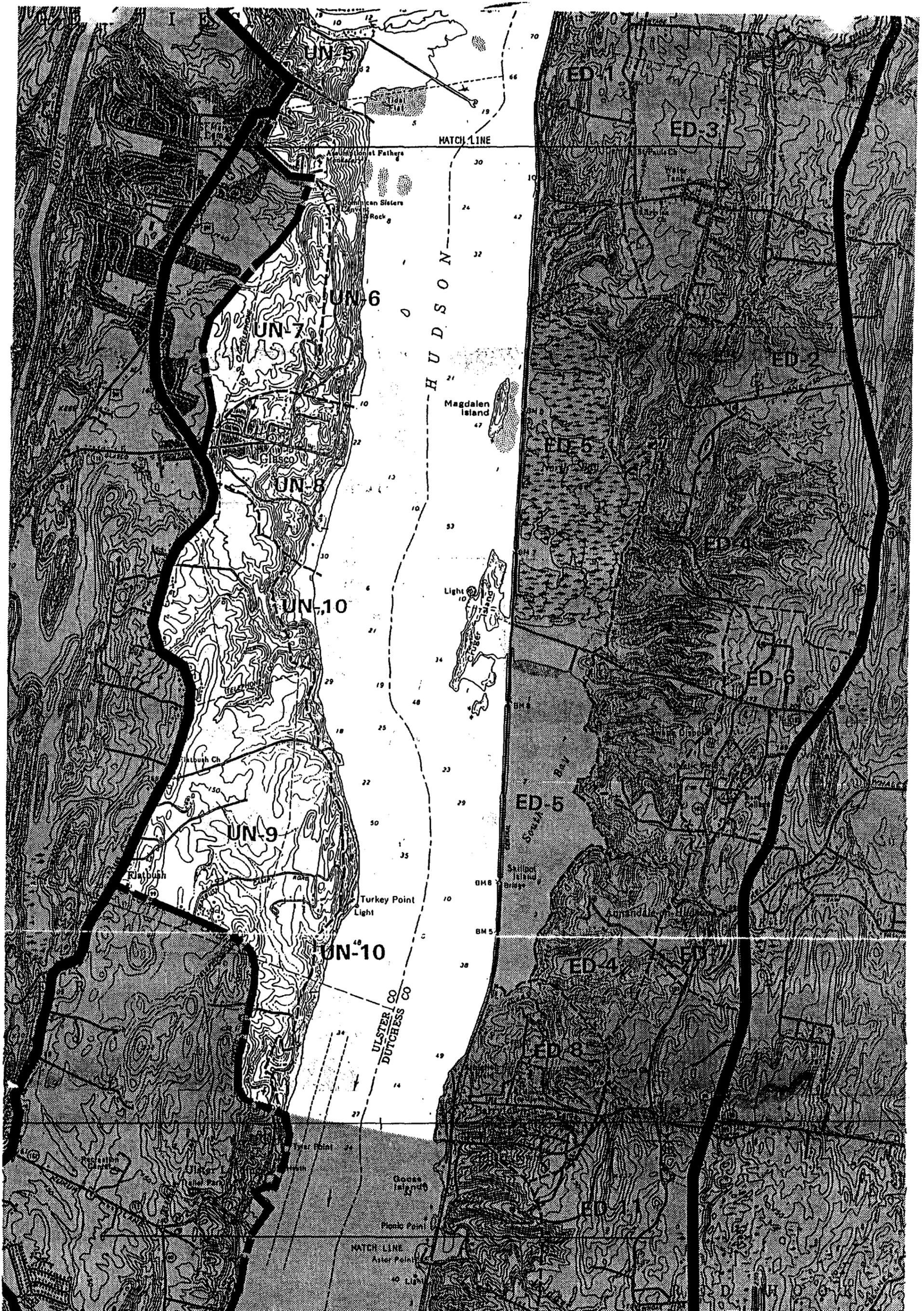


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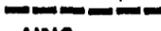
New York State Department of State, Division of Coastal Resources and Waterfront Revitalization

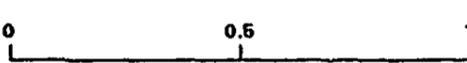


November 1992



**ULSTER NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 2**

**KEY:**  
 Coastal Area boundary  
 Scenic Area boundary  
 Subunit boundary  
**UN6** Subunit identifier

**SCALE:**  
  
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 Miles

