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The forty-four (44) State Coastal Policies cited in the "New York State Coastal Management Program and Final Environmental Impact Statement" are discussed in this section of the City's Local Waterfront Revitalization Program. Where appropriate, State Policies have been elaborated upon in order to reflect specific local conditions and concerns that were discussed in detail in the Riverfront Development Plan (1981) and which serve as the basis for the "Proposed Land and Water Uses and Proposed Projects" described in Section IV.

DEVELOPMENT POLICIES

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

Revitalization of the City of Rensselaer's waterfront area is vital to the City's overall strategy for community and economic development. In particular, the City seeks to achieve the following policies within its waterfront area:

Policy 1A. Redevelop the Albany Port District property and related vacant and tank farm lands as an integral part of a regional marine transportation facility and, thus, the industrial focus of the City's Local Waterfront Revitalization Program.

Policy 1B. Redevelop the City's Central Riverfront (generally defined as that area including the Zappala Block, Huyck Felt, City Hall and AMTRAK properties) as a focus for commercial expansion within the City's LWRP.

Policy 1C. Redevelop the City's Northern Riverfront as a uniquely-situated site for new residential and recreational/open space development.

Policy 1D. Stabilize and revitalize the historic Fort Crailo and Bath neighborhoods for residential and compatible limited commercial uses.

Policy 1E. Stabilize and revitalize the Rensselaer Downtown; i.e., the central business district and shopping center area, for major retail, office and related activities.

Policy 1F. Integrate the various waterfront area land uses, provide recreation and public access opportunities, and preserve waterfront lands through the development of an open space/trail

system extending fully from a Port area overlook in the City's highly-industrial southern end to an expansive open space/park area on lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.

Policy 1G. Allow the extension of proposed office park development supportive of the Rensselaer Technology Park Southward from the North Greenbush coastal area into the RPI-owned northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be resolved.

The City of Rensselaer through its waterfront revitalization program has primary responsibility for implementing these policies. In support of this local responsibility, Federal and State government shall be guided by the following criteria:

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for development, the following guidelines will be used:
 - a. Priority should be given to uses which are dependent on a location adjacent to the water;
 - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
 - c. The action should serve as a catalyst to private investment in the area;
 - d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
 - f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;

- g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;
 - h. The action should have the potential to improve the potential for multiple uses of the site.
2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

Redevelopment of the Albany Port District property for active-marine dependent uses, fuller utilization of the petroleum terminals/tank farm area, and the creation of public access opportunities throughout the Rensselaer Riverfront are essential water-dependent uses identified in the City's "Riverfront Development Plan" (Figure 2).

The following uses and facilities are considered to be water dependent:

- 1. Uses which depend on the utilization of recreation found in coastal waters (for example: fishing, mining of sand and gravel);
- 2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
- 3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
- 4. Structures needed for navigational purposes (for example: signals, lighthouses);
- 5. Flood and erosion protection structures (for example: breakwaters, bulkheads);

6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained.
8. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);
9. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
10. 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 uses, they should as much as possible, be sited inland from the water-dependent use, rather than on the shore.

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

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

To facilitate development of these land uses, the City is committed to the following policy:

Policy 2A. Maintain all suitable industrial land within and contiguous to the Port lands, to provide a critical land mass for marine-dependent industrial development.

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, THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

The aim of this policy is to support the major port agencies, such as the Albany Port District Commission, in efforts to promote the continued and increased vitality of major port areas. Three other development policies discussed in this section of the City's Local Waterfront Revitalization Program, also have significant implications for development of the Port at Albany-Rensselaer, namely: water dependency, concentration of development, and the expediting of permit reviews.

While the full development of the port and industrial area in Rensselaer for marine-dependent business, such as a possible container shipment facility, is encouraged, the residential character of nearby areas must be protected.

Policy 3A.

Require commitments to significant near term improvements in land (i.e., vehicular) access to the Port and industrial area prior to the approval of development actions which may result in increased truck and related traffic through the City's existing residential neighborhoods.

A program for implementing Policy 3A is discussed in detail in the City's adopted "Transportation Improvements Policy Statement" (1980). A copy of the statement is included as an Appendix to this LWRP.

If an action is proposed for a site within or abutting a major port, or if there is a reasonable expectation that a proposed action elsewhere would have an impact on a major port, then the following guidelines shall be used in determining consistency:

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity; i.e., development related to waterborne transportation, which will have precedence over other, non-port-related activities.
2. Dredging to maintain the economic viability of major ports will be regarded as an action of regional or statewide public benefit if a clear need is shown for maintaining or improving the established alignment, width, and depth of

existing channels or for new channels essential to port activity; and, it can be demonstrated that environmental impacts would be acceptable according to State regulations governing the activity.

3. Landfill projects in the near-shore areas will be regarded as an acceptable activity within major port areas, provided adverse environmental impacts are acceptable under all applicable environmental regulation and a strong economic justification is demonstrated.
4. If non-port-related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.
5. When not already restricted by existing laws or covenants, and when there is no other overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port shall be offered for sale, in the first instance to the appropriate port authority.
6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consideration must also be given to non-port-related interests within or near the ports that have demonstrated critical capital programming needs.
7. No buildings, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency, or sold without making provisions for their maintenance in sound condition, or for their demolition or removal.
8. Proposals for the development of new major ports will be assessed in terms of the anticipated impact on: a) existing New York State major ports; b) existing modes of transportation; and c) the surrounding land uses and overall neighborhood character of the area in which the proposed port is to be located; and d) other valued coastal resources.
9. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the port and the port authority, and its tenants do not incur unreasonable costs.

Policy 4. Not Applicable

Policy 5. ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

Several policies are directed to the fuller utilization of existing public service and facility investments through the revitalization and fuller utilization of existing developed areas within its waterfront area. These include Policies 1A and 3A, recommending the redevelopment and fuller utilization of the Albany Port District property and related industrial lands in the south of the City; Policy 1D, recommending the revitalization of the Fort Crailo and Bath neighborhoods; Policy 1E, recommending the revitalization and infill development of Rensselaer Downtown; and Policy 1F, recommending the development of an open space/trail system throughout the City's coastal area, linking existing neighborhoods and new development sites. In addition, Policies 1B and 1C recommend redevelopment within the City's central and northern waterfront areas, respectively, where essential infrastructure and other support facilities are either available or readily extendable. Lastly, should development proceed on the North Greenbush Waterfront in accordance with the Town's LWRP, the City recommends in Policy 1G that proposed utilities be extended several hundred feet southward into the City of Rensselaer so that an office park component related to the Rensselaer Technology Park can be developed there.

Policy 6. Not included in the local program.*

FISH AND WILDLIFE POLICIES

Policy 7. Not applicable.

Policy 8. PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

In the City of Rensselaer, no solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, or on or into the ground, except in strict accordance with the standards approved by the Rensselaer County Department of Health or other duly-empowered agency.

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.

The City's proposed Riverfront open space/trail system includes several opportunities for increased access to fish and wildlife resources within the coastal area. As detailed in Section IV, these include the development of a Port Overlook park and small boat launch immediately south of the Port District's turning basin, Phase 2 improvements to Rensselaer Riverfront Park, an improved small boat launch and mooring facilities in the north of the City within the Bath neighborhood, and the overall provision of a Riverfront trail system, as recommended by Policy 1F.

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing, and non-consumptive uses such as wildlife photography, bird watching, and nature study. Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guideline should be considered by local, State and Federal agencies as they determine the consistency of their proposed action with the above policy: Consideration should be made by Federal, State and local agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

Policy 10. Not applicable.

FLOODING AND EROSION HAZARD POLICIES

Policy 11. BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO

PROPERTY AND THE ENDANGERING OF HUMAN LIVES
CAUSED BY FLOODING AND EROSION.

The provisions of the National Flood Insurance Program apply within the City's flood-prone areas, as identified and mapped by the Federal Insurance Administration. The following standards for land use and development activity within designated flood-prone areas are stated by the City's "Flood Damage Protection Ordinance" (March 1980):

"STRUCTURE OR USE IN THE FLOOD-FRIDGE AREAS. All uses within the Flood-Fringe (FF-O) Overlay District shall be reviewed for compliance with the following additional standards, as certified to by a registered architect or licensed professional engineer:

- a. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water related forces.
- b. All construction materials and utility equipment used shall be resistant to flood damage.
- c. Construction practices and methods shall be employed which minimize potential flood damage.
- d. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- e. Adequate drainage shall be provided to reduce exposure to flood hazards.
- f. All water supply and sewage disposal systems shall be designed to minimize or eliminate flood water infiltration or discharges into the flood waters.
- g. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood.
- h. All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood or, as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.

- i. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any point."

Policy 12. Not applicable.

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 (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Policy 13A. The construction of erosion control bulkheading, riprapping, sea wall construction or reconstruction, or piling installation including that necessary to maintain the navigable channel of the Hudson River and the Port turning basin, shall meet sound construction practices and procedures and be undertaken only if they have a reasonable probability of functioning as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

A marine structure is any structure which, either directly or indirectly, interacts with marine or estuarine waters of the State of New York. Marine structures include but are not limited to docks, catwalks, ramps, floats, bulkheads, retaining walls, wave baffles, piers, piles, jetties, groins, buoys, sewage treatment plants, sewage outfalls, stationary or semi-permanent barges, and artificially-created marshes. An example of a structure which directly interacts with marine or estuarine waters would be a dock or floating dock. An example of a structure which indirectly interacts with marine or estuarine water would be a retaining wall above mean high water, which is in direct contact with marine or estuarine water only during storm events. The purpose of this policy is to ensure that such structures fulfill their intended function without any adverse environmental effects on or adjacent to the structure site, within the design life of the structure.

Standards for the construction and maintenance of marine structures can be found in the following publications:

1. Shore Protection Manual (U.S. Army Corps of Engineers);

2. Low-Cost Shore Protection (U.S. Army Corps of Engineers);
3. Coastal Structures Handbook Series (New York Sea Grant Institute);
4. Vegetation for Tidal Shoreline Stabilization in the Mid-Atlantic States (USDA/Soil Conservation Service);
5. Seawall and Revetment Effectiveness, Cost and Construction (Florida Sea Grant College, Report #6);
6. Compatibility of Borrow Material for Beach Fills (U. S. Army Corps of Engineers, CERC-TM-60, 1975) or (Dean R.G. in 14th Annual CEC pp. 1319-1333).

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 IMPACTED BY SUCH ACTIVITIES OR DEVELOPMENT.

The City will apply fully the provisions of the National Flood Insurance Program in the review of activities and development within the City's flood-prone areas. Procedures and standards are detailed in the City's "Flood Damage Protection Ordinance." All development either within the Flood Fringe Overlay District or within one hundred (100) feet of the high water mark of the Hudson River is also subject to special permit review under the City's Zoning Law. Refer to Policy 11 for fuller discussion.

Policy 15. Not applicable.

Policy 16. PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE OR EXISTING DEVELOPMENT, AND FOR NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION; BUT 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.

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural

protective features, and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

Policy 17. WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE THE FOLLOWING: (A) THE SET-BACK OF BUILDINGS AND STRUCTURES; (B) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE; (C) THE RESHAPING OF BLUFFS; AND (D) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

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 considerable costs of protection against those hazards which structural measures generally entail. This policy should, therefore, apply to the planning, design and siting of all proposed activities and development, including measures to protect existing activities and development.

As stated in the discussion of Policies 11 and 14, the "Flood Damage Protection Ordinance" and its site plan approval and subdivision review powers, will be utilized to ensure consistency with this policy. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with this policy would require the use of such measures, whenever possible. Further, the erosion hazard aspects of Policy 17, involving special erosion hazard areas delineated by NYSDEC, are not applicable to the City's LWRP.

GENERAL POLICY

Policy 18. TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS OF THE STATE AND ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THOSE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Proposed major actions within the coastal area should only be undertaken if they do not significantly impair valuable coastal waters and resources, and thus frustrate the achievement of the goals and safeguards the State has established to protect those

waters and resources. In particular, proposed actions should take into account the overall social, economic and environmental interests of the State and its citizens in matters that would affect natural resources, recreation, navigation, land transportation, and other factors. The City further maintains that any action occurring within the coastal area shall be reviewed under the State Environmental Quality Review (SEQR) procedure for consistency with coastal plans and policies.

PUBLIC ACCESS POLICIES

Policy 19. PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATIONAL RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC 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.

Water-related recreation resources and facilities considered priorities for improved access along Rensselaer's Hudson Riverfront include fishing areas and boating facilities, as discussed in Policy 9, active and passive parks, and, importantly, open space/trail linkages between these facilities to optimize the use of these resources. The City and other governmental agencies should remove existing barriers to access (both physical and institutional) and facilitate new opportunities and alternative modes of access, including pedestrian/bicyclist, vehicular and marine.)

Shoreline access shall be provided if the proposed office park development, supportive of the Rensselaer Technology Park, is constructed.

The following public access/recreational resource policies will be achieved within the City's coastal area:

Policy 19A. Develop a Port Area Overlook, including small boat launch, as a facility for passive and water-dependent active recreation and a perspective from which Port activities on both shores of the Hudson River might be viewed.

Policy 19B. Develop a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront Park at its proposed Downtown entrance.

- Policy 19C. Extend development of Riverfront Park to include proposed downtown entrance and expanded parking and recreational facilities.
- Policy 19D. Provide public access for continuation of the Riverfront open space trail system through the Central Riverfront, the School District property and the Amtrak property to its immediate north.
- Policy 19E. Acquire an interest in Amtrak's River-most property to permit development of overlooks and open unstructured recreational areas with district access to the beach-like shoreline at the location.
- Policy 19F. Extend the Riverfront trail through a redeveloped northern Riverfront area, including clustered housing and a waterfront restaurant with associated boat mooring and fishing pier at Bath.
- Policy 19G. Provide a northern focus for the City's Riverfront open space trail system by developing picnic areas and active recreational facilities, such as ball fields and tennis courts, on the RPI lands north of the Barnet Mills and extending to and beyond the Patroon Island Bridge.
- Policy 19H. Link the City's Riverfront open space system with further recreational amenities and development proposed in the Town of North Greenbush under its Local Waterfront Revitalization Program.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing the access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter cases estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accordance with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State 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.

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 IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

The concept of the Riverfront open space trail and the development of key access points from the developed community to this trail system (i.e. at the proposed Port Area Overlook, within the Fort Crailo neighborhood and Rensselaer Downtown at Riverfront park, at the Rensselaer Junior-Senior High School, at Bath and as an extension of the RPI Technology Park development) provides for a high level of linear and nodal public access to the foreshore for both City residents within and beyond the coastal area, as well as the users and occupants of new facilities which are recommended in Policies 1B, 1C and 1G, and detailed in the Section IV, "Proposed Land and Water Uses Plan."

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

RECREATION POLICIES

Policy 21.

WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED SUCH RECREATION 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 THESE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

See discussion of Policy 19.

Policy 22.

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

Building upon the example set by the City's existing Riverfront Park, which has been made possible by the development of highway right-of-way lands for recreational purposes, multiple use of other sites for recreational purposes in accordance with local coastal management objectives and the illustrated "Proposed Land and Water Uses Plan" will be required. These opportunities have previously been identified within this LWRP as Policies 19A through 19H.

Developments often 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 the following: parks, highways, power plants, utility transmission rights of way, sewage treatment facilities, mental health facilities, hospitals, prisons, schools/universities, military facilities, nature preserves, large residential subdivisions, shopping center, and office buildings.

Prior to taking action relative to any development, consultation should occur with the State Office of Parks, Recreation, and Historic Preservation, and if there is an approved local waterfront program with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide OPRHP and the municipality the opportunity to participate in project planning.

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

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

HISTORIC AND SCENIC RESOURCES POLICIES

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

As revitalization occurs within the City's business district, and in the Fort Crailo and Bath neighborhoods (see Policies 1D and 1E respectively), suitable rehabilitation standards, as detailed in the City's Riverfront Development Plan, shall be followed and enforced through protective zoning controls and the pursuit of potential National Register designation of one or more of these areas, so that these resources are recognized, maintained and enhanced.

The 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 on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places. Within the City, National Register properties include Fort Crailo and the Aiken House within the Fort Crailo Neighborhood, and the Patroon Agent's House at Bath.

Additionally proposed for nomination to the National Register are the Fort Crailo and Bath neighborhoods.

2. A local landmark, park, or locally-designated historic district that is located within the boundary of an approved local waterfront revitalization program. Currently, the Fort Crailo and Bath neighborhoods fall within this locally-designated resource category.
3. An archeological resource which is on the State Department of Education's inventory of archeological sites.

The City's Zoning Law has designated the Fort Crailo and Bath neighborhoods within the Historic Residential and Historic Commercial zoning districts. Article IV(H) of the Zoning Law specifically provides for detailed project review and the issuance by the Planning Board of a Certificate of Appropriateness "before any improvements are made on any public or private property or public place within the Historic Residential and Historic Commercial districts."

Standards which guide the Planning Board in its consideration of a Certificate of Appropriateness are the following:

- a. Historical or architectural significance of the structure.
- b. Relationship to the historical value of the surrounding area.
- c. General compatibility of exterior design, arrangement, texture and materials proposed to be used.
- d. Other factors, including aesthetic, deemed pertinent.

The standards included within the Zoning Law only apply to exterior features and not to the consideration of interior arrangements, except when either public buildings or public funding are involved.

In addition, in its rehabilitation assistance efforts the City has applied, and will continue to apply, the Secretary of the Interior's rehabilitation standards.

Given the possibility of archeologically significant sites within the waterfront area, public agencies shall contact the N.Y.S. Office of Parks, Recreation, and Historic Preservation to determine appropriate protective measures to be incorporated into the development decisions.

Policy 24. Not applicable.

Policy 25. PROTECT, RESTORE AND ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.

When considering a proposed action, reasonable steps shall be taken to protect, restore or enhance the overall scenic quality of the coastal area through sensitive siting and design guidelines and appropriate land use and development review processes. Emphasis will be placed by the City both on the removal of existing elements which degrade the coastal area, such as billboards, and the addition of elements which would enhance the coastal area's scenic quality. Among significant local resources are the historic resources discussed under Policy 23, and such natural features as views to, from, and across the waterfront, open land areas along the waterfront, and the considerable vegetation that has become naturally established within the City's coastal area.

The City prohibits the erection of new billboards and other off-site advertising signs, requires the five-year amortization of billboards, requires the removal upon notice of obsolete signage, establishes appropriately urban-scale square footage and locational requirements for business signage, includes standards for such site characteristics as lighting, landscaping, and screening, and in historic areas (i.e., Historic Residential District and Historic Commercial District) requires "certificate of appropriateness" provisions and standards earlier discussed under Policy 23.

AGRICULTURAL LANDS POLICY

Policy 26. Not applicable.

ENERGY AND ICE MANAGEMENT POLICIES

Policy 27. Not included in the local program.*

Policy 28. Not applicable.*

Policy 29. Not included in the local program.*

WATER AND AIR RESOURCES POLICIES

Policy 30. Not included in the local program.*

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.

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 standards and classifications are periodically reviewed for possible revision or amendment, with the requirement stated by this policy that coastal management policies be clearly factored into this review process. The City encourages the State to set as its objective the undertaking of water quality improvement measures to permit the ultimate upgrading of the Hudson River from "C" to "B", thus providing for increased recreational use, such as swimming.

Policy 32. Not applicable.

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

Structural approaches to controlling stormwater runoff (construction of retention and detention basins) and combined sewer overflows (e.g., replacement of all elements of a combined system with separate sanitary and stormwater collection systems) are not presently economically feasible. Until considerably more affordable technology is developed, nonstructural approaches (e.g., improved site drainage design for new development, improved street cleaning, reduced use of road salt) will be techniques encouraged by the City for both its own and private sector implementation.

Policy 34. DISCHARGE OF WASTE MATERIALS FROM VESSELS INTO
COASTAL WATERS WILL BE LIMITED SO AS TO PROTECT
SIGNIFICANT FISH AND WILDLIFE HABITATS,
RECREATIONAL AREAS AND WATER SUPPLY AREAS.

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated pursuant to Section 38C-C of the Navigation Law. Priority will be given to the enforcement of this Law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Consistent with this policy, any new or significantly expanded marina or boat club development should be provided with adequate pump-out facilities for marine craft.

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.

Dredging often proves to be an essential activity to accommodate waterfront revitalization and development, maintaining navigation channels and dockside berths at sufficient depth, for pollutant removal and the meeting of other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Frequently, these adverse effects can be mitigated through both careful design and timing of the dredging operation and proper locational siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that any anticipated adverse effects have been sufficiently reduced, or eliminated, to satisfy State dredging permit standards, as set forth in regulations developed pursuant to Articles 15, 24, and 35 of the Environmental Conservation Law and applicable State Coastal Management policies.

Any dredge spoil disposal sites should be compatible with the LWRP and, if located within the City, involve spoil material of a nature and bearing capability that is fully consistent with both applicable health and safety standards and the intended long-term land use of the disposal site, as identified in Section IV, "Proposed Land and Water Uses."

Potential disposal sites identified by the Army Corps of Engineers in its January 1983 "FEIS on Hudson River Federal Channel Maintenance Dredging" are C5-15, the waterfront fringe of the Amtrak turbotrain maintenance facility site, and C5-23, generally the former gravel removal/processing site immediately north of the Patroon Island Bridge. Each is designated a "new site for clean material only." While disposal at C5-15 appears incompatible with the "Proposed Land and Water Use Plan," disposal of suitable clean material at C5-23, which is proposed for recreational use, may significantly advance intended LWRP implementation at that site and should be further examined by the City and the Army Corps of Engineers.

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.

The transport of petroleum and other products should be discouraged through residential areas, as previously discussed in Policy 3A, particularly should desired expansion of activity within the Rensselaer Port Facility occur, and alternate routes developed for such transport.

Policy 37. BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

Best management practices used to reduce non-point sources of pollution could include, but are not limited to, restrictions of use of pesticides and chemical fertilizers, soil erosion control practices, and effective surface drainage control techniques. Effective review for erosion control and surface drainage, both during construction periods and during project occupancy, is in effect for commercial, industrial and multi-family residential developments, and for all other development activities, including fill and excavation, within the designated flood plain areas, which encompass most of the City's waterfront area.

This review includes, but is not limited to, the scheduling and staging of excavation activities; configuration of the proposed final contours; adequacy of storm drainage facilities; adequacy of sewage disposal facilities; retention of existing vegetation; and the incorporation of proposed vegetation (turf, ground covers, shrubs, and trees). The standard applied by the City in its review is that drainage must be fully accommodated under the conditions of a "20-year storm."

Policy 38. Not included in the local program.*

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 LAND AND SCENIC RESOURCES.

Policy 39 is wholly regulated by State and Federal Agencies.

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

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901.3) as "a 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." 6 NYCRR Part 371 lists hazardous wastes.

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

Particular attention should be given to the proximity of residential neighborhoods (e.g., the Fort Crailo neighborhood) to many of the City's industrial areas where solid and hazardous wastes either are, or have been, transported, stored, treated, and disposed. Careful cleanup of any existing disposal sites that are located within the coastal area should be pursued and no new disposal sites created by either private or public entities due to the environmental sensitivity of the waterfront and the urban population concentrations located nearby.

Solid and hazardous waste dumping is not permitted within the LWRP boundary, nor is the creation of new disposal sites.

- Policy 40. Not included in the local program.*
- Policy 41. Not included in the local program.*
- Policy 42. Not included in the local program.*
- Policy 43. Not included in the local program.*
- Policy 44. PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE LAND AREAS.

No tidal wetland areas within the City have been delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory map because the Tidal Wetlands Program does not apply north of the Tappan Zee Bridge. One freshwater wetland, designated D-103, is located east of the petroleum tank farms in

the southern extreme of the City's coastal area. This site is less than 12.4 acres, and is not a State regulated freshwater wetland.

Any development activity proposed within one hundred (100) feet of the boundary of a freshwater wetland is subject to special permit review and approval by the City's Planning Commission, with DEC Freshwater Wetlands standards locally applied.

- * Federal agencies should refer to the State Coastal Management Program and Final Environmental Impact Statement for the text of policies not included in Rensselaer's Local Waterfront Revitalization Program.