

SECTION III

LOCAL POLICIES AND APPLICABLE STATE POLICIES

### III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy, the applicability of each policy to Saugerties Local Waterfront Revitalization Area, additional local waterfront policies and an explanation of each applicable policy.

#### DEVELOPMENT POLICIES

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

Explanation of Policy: In determining whether an action proposed to take place in the waterfront area is suitable, 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;
  - 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;
  - 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;
  - 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 improve the potential for multiple uses of the site.
- 1A PROMOTE REVITALIZATION OF THE SOUTHSIDE NEIGHBORHOOD WITH THE ASSISTANCE OF COMMUNITY DEVELOPMENT FUNDS, IF POSSIBLE, AND HISTORIC DISTRICT DESIGNATION (SEE POLICY 23).
- 1B ENCOURAGE USE OF FORMER INDUSTRIAL PARCELS FOR WATER DEPENDENT AND ENHANCED USES, BOTH RESIDENTIAL AND NONRESIDENTIAL, AND PREVENT USE BY THOSE COMMERCIAL OR INDUSTRIAL USES WHICH DO NOT REQUIRE OR ARE UNSUITABLE IN A WATERFRONT LOCATION.

Explanation of Policy: The Southside is the residential area most closely

related, physically and historically, to the water. Its revitalization is important to the Village's program for waterfront development since the neighborhood is an existing resource. The former industrial hub of the Village, now underutilized vacant and abandoned, must be properly zoned. As the only substantial vacant parcels, reuse must be carefully planned and controlled to complement waterfront development and preserve limited sites for water related use.

Unsuitable or inappropriate commercial or industrial uses are those which (1) pose potential pollution hazards; (2) obstruct views of or impede access to the water; (3) reduce the attraction of the waterfront for other water-related uses by virtue of visual or operational characteristics.

**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 and potentially appropriate for the Saugerties waterfront.

1. Uses which depend on the utilization of resources found in coastal waters;
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;
4. Structures needed for navigational purposes;
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 requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants);
8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
9. Support facilities which are necessary for the successful functioning or 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 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.

2A PERMIT NONRESIDENTIAL WATER DEPENDENT USES ON FERRY STREET  
SUBJECT TO CAREFUL REVIEW OF EACH PROPOSED USE.

Explanation of Policy: Although the Village has a limited supply of parcels appropriate for nonresidential, water dependent uses, current zoning permits such uses only on the former industrial sites. Ferry Street, which now includes two marinas, is appropriate for similar uses under careful restrictions. Provisions of the zoning regulations would allow careful review of each proposed use to insure that it is water dependent and that it would be compatible with adjacent residences.

POLICY 3 ENCOURAGE THE DEVELOPMENT OF THE STATE'S EXISTING 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 Policy: The policy is not applicable since the Village of Saugerties is not situated within any of the State's major port areas.

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 Policy: Marinas, services for fishermen, sailing and boating clubs and boat building and repair can bring non-residents to the community as well as Village residents to the waterfront. Such activity is essential to creating new and improved opportunities for business development on the waterfront.

The Esopus harbor can contribute much to the economic strength and attractiveness of the Village. Thus, efforts shall center on promoting such desirable activities as recreational and commercial fishing, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits which, in turn, can make significant contributions to the generation of tourism.

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.

- 5A ENCOURAGE NONRESIDENTIAL DEVELOPMENT OF THE SOUTHSIDE OF THE ESOPUS CREEK IN CONJUNCTION WITH IMPROVED INFRASTRUCTURE.

Explanation of Policy: The former industrial sites on "the island" and the land along Ferry Street have satisfactory vehicular access and are partly served by sanitary sewers, whereas Lighthouse Drive, on the north, has difficult access and no sewer service.

The following points shall be considered in assessing the adequacy of the infrastructure and public services available to serve other sites:

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
- c. Sewage disposal system can accommodate the wastes generated by the development;
- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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

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

#### FISH AND WILDLIFE POLICIES

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

Explanation of Policy: The Esopus Creek and adjacent Hudson River waters are fish and wildlife habitats and are being reviewed by the DEC for designation as significant fish and wildlife habitats.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include but are not limited to the following:

1. Draining wetlands, ponds: Cause changes in vegetation, or changes groundwater and surface water hydrology.
2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
3. Grading land: Results in vegetation removal, increased surface runoff, or increase soil erosion and downstream sedimentation.
4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
5. Dredging or excavation: May cause change in substrate composition, possible release of containments otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
6. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.
7. Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increased scouring, sedimentation.

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.

Explanation of Policy: Not specifically included in Local Program. Strict enforcement of state laws regulating hazardous wastes and other pollutants must be undertaken by the appropriate state 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.

Explanation of Policy: Fish and wildlife resources on the Esopus Creek, the Hudson River and in adjacent wetlands are an important recreational resource. Lack of public access, however, limits opportunities to take advantage of this resource. The proposed waterfront park will address this need by providing access to the water's edge and, eventually, boat launching facilities as well to encourage activities such as fishing, photography, bird watching and nature study.

~~Increased~~ recreational use of these resources should be made in a manner which ensures the protection of fish and wildlife resources 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.

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 AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy: Not applicable since there is no commercial fishing activity in the Village of Saugerties and no indication that such activity is viable.

FLOOD 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: Buildings will be sited so as to comply with the provisions of Flood Damage Prevention regulations which regulate the location and type of construction in designated flood hazard areas, including floodways.

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: This policy is not applicable since none of the natural features mentioned are present in the Saugerties waterfront.

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 only area where erosion is a problem is along the banks of the Esopus Creek, particularly where the land was created by fill. In these areas, bulkheads are used to control erosion. If not properly designed and maintained such structures would fail to provide the protection that is assumed.

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: The Village participates in the Federal Flood Insurance Program which establishes regulations pertaining to development in designated flood hazard areas. In addition, it is important that proper drainage and land restoration practices be followed to prevent erosion and weakening of shorelands and that structures placed in identified floodways not increase the base flood level so as to cause damage to otherwise flood free areas.



POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Explanation of Policy: There is little natural beach material in the Esopus Creek or Hudson River which is supplied to the adjacent land via natural coastal processes. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential.

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 PCTENTIAL 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 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 NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SETBACK 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: The Village participates in the National Flood Insurance Program which controls setback, elevation above flood level and flood-proofing in flood hazard areas.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with 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 the policy would require the use of such measures, whenever possible.

#### GENERAL POLICY

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

Explanation of Policy: Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the Village has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the village and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

#### PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION 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.

Explanation of Policy: The only existing public water-related recreation resources or facilities in the coastal area of the Village of Saugerties are the Saugerties Lighthouse and State owned wetlands at the mouth of the Esopus Creek. The condition and fragile nature of these resources requires that access to and use of each be carefully limited in terms of numbers of people and means of access to prevent damage to the resource. (Access to the Lighthouse should be forbidden prior to stabilization of the structure and agreement on a plan for its use and maintenance.)

Any proposed project to increase public access to these or future public water-related recreation resources and facilities shall be analyzed according to the following factors:

- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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 the publicly-owned lands of the coast at large should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the water. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Several methods of providing access will receive priority attention in the Coastal Management Program. These include the improvement of access to the waterfront and the promotion of mixed and multi-use development. Public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Due to the nature of most of the Village waterfront area - either intensively developed or ecologically fragile - there are relatively few places where access to the foreshore is appropriate. Primary access will be via public access to be acquired or mixed use development on sites zoned for such use.

#### RECREATION POLICIES

POLICY 21 WATER DEPENDENT AND WATER ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NONWATER 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, and fishing 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 trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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

non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

- 21A CREATE ACCESS FOR THREE TYPES OF ACTIVITIES - BOATING, FISHING AND VIEWING - AT APPROPRIATE LOCATIONS IN TERMS OF TRAFFIC, ADJACENT LAND USE AND FUNCTION.

Explanation of Policy: Opportunities for public and private recreation facilities on the coast are limited by existing development and physical features. Only at a few locations along the south side of the Creek is sufficient land and adequate vehicular access available. Appropriate zoning controls favoring water dependent uses and direct public action to acquire a suitable site are necessary to preserve opportunities for water-related recreation use.

- 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.

- 22A WHERE POSSIBLE ACCESS SHALL BE PROVIDED IN CONJUNCTION WITH ACTION BY OTHER PUBLIC AGENCIES, SUCH AS DOT, DEC AND OPR, AS WELL AS THROUGH COORDINATION OF PRIVATE DEVELOPMENT.

Explanation of Policy: Certain waterfront developments such as residential projects, hydroelectric plants and maritime commercial uses present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever such developments are located adjacent to the shore they should, to the fullest 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.

Whenever a proposed development would be consistent with coastal policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

The primary site in the Village where the potential for such multiple use exists is the former industrial site on the south side of the Esopus Creek. Proposed zoning for this area will permit only water dependent or enhanced uses and encourage multiple use activities.

- 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.

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

The structures, districts, areas or sites that are of significance in terms of history, architecture, archeology or culture are the following:

- a. The Saugerties Lighthouse, which is listed on the National Register of Historic Places.
- b. The area within the Southside proposed as a historic district (see Map No. 9).
- c. The "estate" area north of the Esopus Creek fronting on the Hudson River and including the "Mynderse" house.

23A PRESERVE THE SAUGERTIES LIGHTHOUSE AS A LANDMARK FOR NON-INTENSIVE USE.

23B RECOGNIZE THE SOUTHSIDE NEIGHBORHOOD AS AN HISTORIC DISTRICT BY APPROPRIATE LOCAL DESIGNATION.

23C RETAIN LOW DENSITY RESIDENTIAL CHARACTER OF "ESTATE AREAS" ALONG THE HUDSON.

Explanation of Policy: The lighthouse is an important landmark whose preservation is important for the Village and the Hudson River. The Southside neighborhood on the Esopus Creek and the low density areas on the River are representative of two aspects of the Village's past and still retain the distinctive character of their origins.

All practicable means shall be taken to protect these structures, districts, areas or sites that are of significance and shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent significant adverse change such as alteration to external ornamental features, materials, facade details or functional element; demolition or removal; or actions within 500 feet of a district or structure that would be incompatible with the objective of preserving its quality and integrity.

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

Explanation of Policy: The Village's Hudson River coastal area, the "estate area," is directly opposite the Hudson Shorelands Historic District, on the east bank of the river, which is both a state and national landmark. The scenic character of the west shore is extremely important to the integrity of the historic district. The development potential of the estate area must be channelled in a way that can be beneficial to the Village while respecting its scenic quality from across the river. Proposed cluster zoning standards and careful site plan review are directed toward this objective.

The following siting and development guidelines will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

- a. Siting structures and other development such as power lines, and signs, back from shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
- b. Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
- c. Incorporating existing historic structures into the overall development scheme.
- d. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
- e. 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.
- f. Using appropriate materials, in addition to vegetation, to screen unattractive elements.
- g. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

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

Explanation of Policy: When considering a proposed action, which would not affect a scenic resource of statewide significance, care shall be taken to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc. However, the effects of these activities would not be considered as serious for the general coastal area as for significant scenic areas.

The siting and design guidelines listed under the previous policy should be considered for proposed actions in the general coastal area. More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to coastal waters is one such change which might be expected to enhance scenic quality. This is particularly true at vantage points on Route 9W where a number of scenic vistas can be enhanced. The natural setting along the Esopus Creek will be considerably improved by landscape treatment of the sewage treatment plant.

#### AGRICULTURAL LANDS POLICY

POLICY 26 NOT APPLICABLE

#### ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL PROGRAM

POLICY 27A SMALL HYDROELECTRIC GENERATING FACILITIES WILL BE CONSIDERED APPROPRIATE USES IF THEY DO NOT IMPEDE DEVELOPMENT OBJECTIVES OF ADJACENT PROPERTY.

Explanation of Policy: Use of the dam on the Esopus Creek to re-establish hydro-power generation can provide a useful alternative energy source and economic development project for the Village. However, the benefits of such a project must be evaluated in terms of any negative impacts or obstacles it may have or impose on the diverse development program proposed for the two former industrial sites on either side of the dam.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy: Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy: Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways. State and federal law adequately deals with this policy.

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. The existing classifications are consistent with land and water use.

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 tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller less densely populated areas for which conventional facilities are too expensive. The applicability of such systems on Ferry Street and Lighthouse Drive will be explored.



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

Explanation of Policy: Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. However, the Village has developed a staged program to separate storm water and sanitary sewers so as to eliminate overflows into coastal waters for which partial funding is anticipated.

POLICY 34 NOT INCLUDED IN LOCAL PROGRAM

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

35A DREDGING REQUIRED TO CREATE SUFFICIENT DEPTH FOR SMALL PLEASURE CRAFT TO DOCK AT THE PROPOSED WATERFRONT PARK SHALL BE UNDERTAKEN IN A MANNER THAT WILL NOT ADVERSELY IMPACT OTHER WATERFRONT PROPERTY.

Explanation of Policy: The natural shoreline of the Esopus Creek was altered many years ago by filling and bulkheading to accommodate urban development and navigational requirements. Future maintenance and construction must balance the continued needs of these manmade functions against the protection of the natural coastal processes.

POLICY 36 NOT INCLUDED IN LOCAL PROGRAM

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NONPOINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS

Explanation of Policy: Best management practices used to reduce these sources of pollution could include but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. These measures will be followed during construction of the waterfront park.

POLICY 38 NOT INCLUDED IN LOCAL PROGRAM.

POLICY 39 NOT INCLUDED IN LOCAL PROGRAM.

POLICY 40 NOT INCLUDED IN LOCAL PROGRAM.

POLICY 41 NOT INCLUDED IN LOCAL PROGRAM.

POLICY 42 NOT INCLUDED IN LOCAL PROGRAM.

POLICY 43 NOT INCLUDED IN LOCAL PROGRAM.

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 NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

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

- habitat for wildlife and fish 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 in developed areas.

There are no designated tidal wetlands in the Hudson River north of Piermont.

44A PRESERVE WETLANDS FROM DEVELOPMENT AND POLLUTION AND ENCOURAGE WILDLIFE ACTIVITY THROUGH ENFORCEMENT OF EXISTING STATE REGULATIONS, ESTABLISHMENT OF WETLAND ZONES AND UNDERTAKING MEASURES TO ELIMINATE POLLUTION SOURCES.

Explanation of Policy: Existing state laws establish the basis for preservation of coastal resources but should be reinforced by appropriate local legislation. Specific pollution sources which have been identified in the Inventory and Analysis must be included in a staged program of correction. Zoning of designated wetlands to prevent disturbance of their natural functions will preserve their integrity.