

Town of Schodack and
Village of Castleton-on-Hudson
Local Waterfront Revitalization Program

Adopted:

Town of Schodack, Town Board, December 30, 1991
Village of Castleton-on-Hudson, Board of Trustees, February 22, 1993

Approved:

NYS Secretary of State Alexander F. Treadwell, March 17, 1995

Concurred:

U.S. Office of Ocean and Coastal Resource Management, May 15, 1995

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

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

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

10/1/82



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

MAR 17 1995

Honorable Michael P. Glavin
Supervisor
Town of Schodack
Town Hall
1777 Columbia Turnpike
Castleton, NY 12033

Dear Supervisor Glavin:

It is with great pleasure that I inform you that I have approved the Local Waterfront Revitalization Program prepared by the Town of Schodack and Village of Castleton-on-Hudson, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Town and Village are to be commended for their thorough and realistic response to the economic and environmental issues facing their waterfront.

I will notify State agencies shortly that I have approved your program and advise them that their activities must be undertaken in a manner consistent to the maximum extent practicable with the Town of Schodack and Village of Castleton-on-Hudson Local Waterfront Revitalization Program.

Again, I would like to commend the Town and Village for their efforts in developing the Local Waterfront Revitalization Program and look forward to working with you in the years to come as you endeavor to revitalize and protect your waterfront.

Sincerely,

Alexander F. Treadwell

AFT:gn



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

MAR 17 1995

Honorable Keith Robinson
Mayor
Village of Castleton-on-Hudson
Box 126
Castleton-on-Hudson, NY 12033

Dear Mayor Robinson:

It is with great pleasure that I inform you that I have approved the Local Waterfront Revitalization Program prepared by the Town of Schodack and Village of Castleton-on-Hudson, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Town and Village are to be commended for their thorough and realistic response to the economic and environmental issues facing their waterfront.

I will notify State agencies shortly that I have approved your program and advise them that their activities must be undertaken in a manner consistent to the maximum extent practicable with the Town of Schodack and Village of Castleton-on-Hudson Local Waterfront Revitalization Program.

Again, I would like to commend the Town and Village for their efforts in developing the Local Waterfront Revitalization Program and look forward to working with you in the years to come as you endeavor to revitalize and protect your waterfront.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alexander F. Treadwell".

Alexander F. Treadwell

AFT:gn

SCHODACK TOWN BOARD RESOLUTION

2

At a Regular Meeting of the Town Board of the Town of Schodack, Rensselaer County, New York, held at 1777 Columbia Turnpike, in said Town on the 30th day of December, 1991, at 7:00 P.M.

The meeting was called to order by John A. Nelson, and upon roll being called, the following were:

	PRESENT	ABSENT	AYE	NAY	ABSTAIN
JOHN A. NELSON	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
RICHARD KIEFER	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
ELLEN SKELLY	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
LEO KELLOGG	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
PETER BROWN	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>

The following resolution was offered by Councilwoman Skelly, who moved its adoption; seconded by Councilman Kellogg to wit:

91-215) WHEREAS, the Town Board of the Town of Schodack as co-lead agency under the State Environmental Quality Review Act ("SEQRA") accepted as complete a draft Environmental Impact Statement ("DEIS") with respect to adoption of a Local Waterfront Revitalization Program ("LWRP"), conducted a public hearing at the DEIS and LWRP, and, on December 12, 1991, accepted a final Environmental Impact Statement ("FEIS");

NOW, THEREFORE, be it

RESOLVED, that the Town Board, having considered the DEIS and FEIS, finds that : (1) the requirements of 6 NYCRR Part 617 have been met; (2) consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one that minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the DEIS and FEIS; and (3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided

by incorporating as conditions to the decision those mitigative measures that were identified as practicable, and the Board further finds that the impacts of the action will be positive in that the adoption of the LWRP will provide a mechanism by which waterfront, water-related and coastal resources can be preserved and enhanced through the consideration of impacts upon these resources during the planning process for future proposed projects and actions in the coastal area; and, be it further

RESOLVED, that the Town Board hereby adopts the Town of Schodack - Village of Castleton-on-Hudson LWRP, as amended; and, be it further

RESOLVED, that the Town Board hereby adopts Local Law No. 6 of 1991, the Waterfront Revitalization Program Consistency Law.

5 Ayes 0 Noes. Motion carried. Ayes - Councilman Kiefer, Councilwoman Skelly, Councilman Kellogg, Councilman Brown, Supervisor Nelson.

RESOLUTION NUMBER THREE (3) OF 1993

At their regular meeting held February 22, 1993, the Board of Trustees of the Village of Castleton-on-Hudson adopted the following resolution.

WHEREAS, the Village of Castleton-on-Hudson initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Environmental Impact Statement was prepared for the Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

WHEREAS, a Final Environmental Impact Statement was prepared and accepted by the Board of Trustees; and

WHEREAS, the Board of Trustees has reviewed the proposed State Environmental Quality Review Act (SEQRA) Findings Statement attached hereto;

NOW, THEREFORE BE IT RESOLVED, that the Village of Castleton-on-Hudson hereby adopts the SEQRA Findings Statement and directs Mayor Honeyman to execute the Findings Certification thereon; and

BE IT FURTHER RESOLVED, that the Village of Castleton-on-Hudson Local Waterfront Revitalization Program is hereby adopted and that Mayor Honeyman is authorized to submit the Local Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.



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

MAY 15 1995

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

Dear Mr. Stafford:

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

In accordance with the Coastal Management Regulations, 15 CFR 923.84, federal consistency will apply to the Town of Schodack and Village of Castleton-on-Hudson LWRP after you publish notice of our approval.

Sincerely,

for James P. Lawless
Jeffrey R. Benoit
Director



SCHODACK - CASTLETON WATERFRONT ADVISORY COMMITTEE

Thomas Cinelli, Chairman

John Della Rocca

Peter Goold

Joan Hahn

Art Hartmueller

Donald Justus

William Keller, Jr.

Winifred Lustenader

Robert Rieben

Al Secor

Eleanor Tanner

Paul Vadnais

TABLE OF CONTENTS

	Page
SECTION I WATERFRONT REVITALIZATION BOUNDARY	I- 3
SECTION II INVENTORY AND ANALYSIS	
A. Overview	II-3
B. Inventory and Analysis	
1. Existing Land and Water Use	II-3
2. Geology	II-5
3. Soils	II-8
4. Agriculture	II-8
5. Wildlife	II-8
6. Hydrology and Water Quality	II-17
7. Air Quality	II-19
8. Cultural and Archaeological Resources	II-19
9. Transportation	II-23
C. Major Waterfront Issues and Opportunities	II-24
SECTION III WATERFRONT REVITALIZATION POLICIES	
Development Policies	III-3
Fish and Wildlife Policies	III-10
Flooding and Erosion Policies	III-15
Public Access Policies	III-21
Recreational Policies	III-23
Historic and Scenic Resources Policies	III-25
Agricultural Lands Policy	III-30
Energy and Ice Management Policies	III-31
Water and Air Resources Policies	III-32
SECTION IV PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS	
A. Proposed Land and Water Uses	IV-3
B. Proposed Public and Private Projects	IV-5

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A.	Local Laws and Regulations	V-3
B.	Other Actions	V-4
C.	Management Structure to Implement the Program	V-7
D.	Financial Resources Necessary to Implement the LWRP	V-10
E.	Summary Chart of Actions and Policies	V-12

SECTION VI

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

A. Actions and Programs Which Should be Undertaken Consistent With the LWRP	VI-5
1. State Agencies	VI-5
2. Federal Agencies	VI-21
B. State and Federal Programs Necessary to Further the LWRP	VI-29

SECTION VII

CONSULTATION WITH OTHER AFFECTED AGENCIES

SECTION VIII

LOCAL COMMITMENT

LIST OF MAPS

		Following Page No.
1.	Regional Setting	I-4
2.	Waterfront Revitalization Boundary	I-4
3.	Reconnaissance	II-4
3 A/B	Existing Land and Water Use	II-4
4.	Natural and Cultural Features	II-25
4. A	Surficial Geology	II-25
5.	Development Considerations	II-25
6.	Generalized Land and Water Use Plan	IV-6
7.	Action Program	IV-6
7.A	Action Program (Castleton)	IV-6

APPENDICES

Appendix A - Papscanee Marsh and Creek Coastal Fish and Wildlife Habitat

Appendix B - Schodack and Houghtaling Island and Schodack Creek Coastal Fish and Wildlife Habitat

Appendix C - Columbia/Greene North Scenic Area of Statewide Significance

Appendix D - Analysis of Waterfront Questionnaire

Appendix E - Town of Schodack Planned Waterfront Zoning District

Appendix F - Guidelines for the Review of Proposed State and Federal Actions

SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

A. Boundary Criteria

The boundary of the waterfront revitalization area is intended to include all lands and features whose use may have a "direct and significant impact" on coastal waters because the shoreland area has one or more of the following characteristics:

1. The area includes uses which have direct contact with, depend on, or make use of coastal waters;
2. The area includes natural features which are affected by, or have an affect upon, the coastal waters;
3. The area has a direct functional, cultural or historic relationship with the waterfront; and
4. The area has a direct aesthetic relationship with the waterfront in that it is clearly visible from, or contains direct viewpoints of, the coastal waters.

B. Description of Waterfront Revitalization Area Boundary

The waterfront revitalization area boundary is described as follows:

1. Inland Boundary

Beginning at a point on the northern boundary of the Town of Schodack 2,000 feet east of New York Route 9J;

Thence, extending south along a line 2,000 feet east of and parallel to New York Route 9J to the northern boundary of the Village of Castleton-on-Hudson;

Thence, east, south and west along the boundary of the Village of Castleton-on-Hudson to a point 2,000 feet east of New York Route 9J;

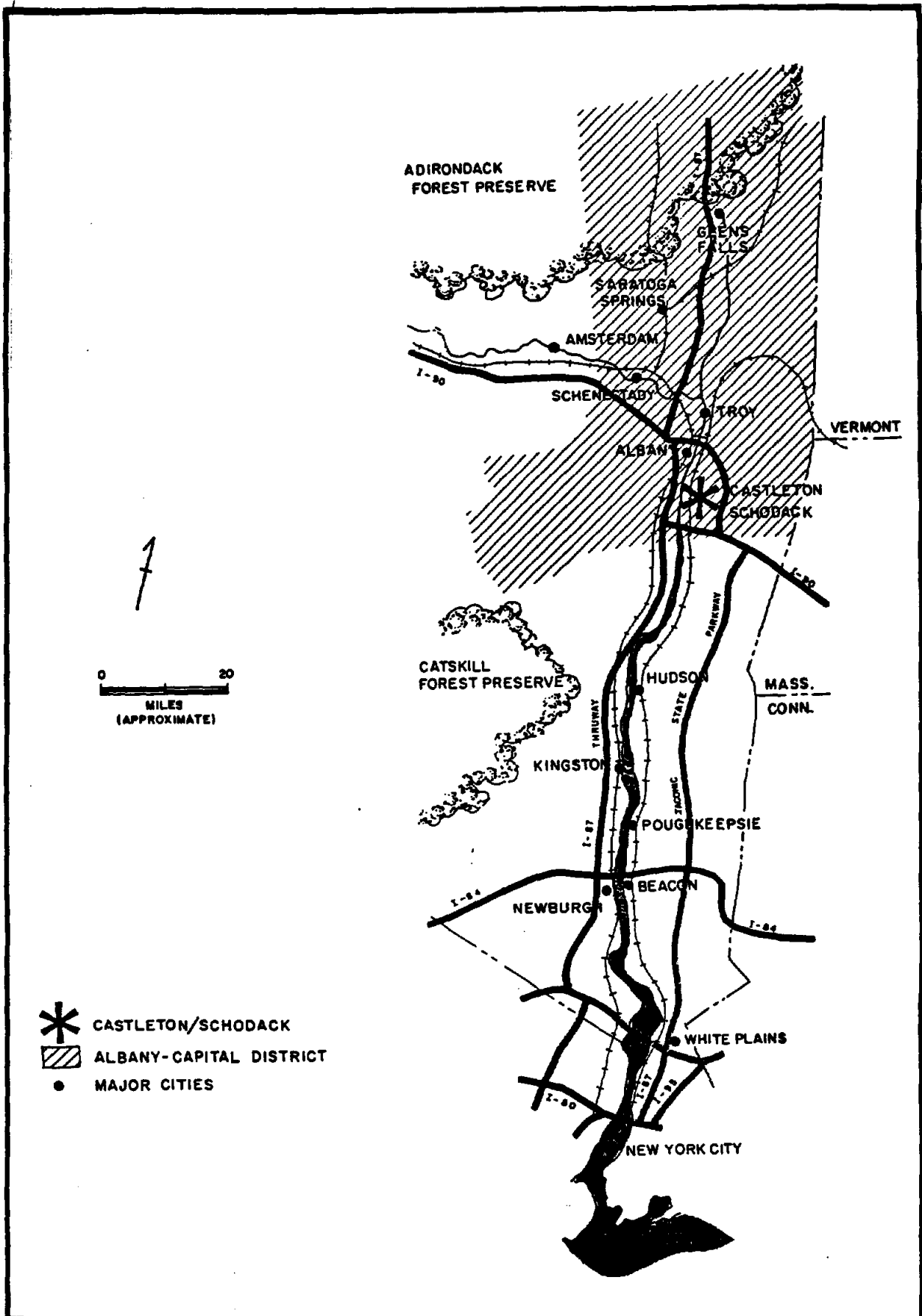
Thence, south along a line 2,000 feet east of and parallel to New York Route 9J to its intersection with the southern boundary of the Town of Schodack.

2. Waterside Boundary

Beginning at the intersection of the northern boundary of the Town of Schodack and the eastern boundary of Albany County;

Thence, extending along the eastern boundary of Albany County (the western boundary of the Town of Schodack) to its intersection with the southern boundary of the Town of Schodack.

See Map 2, which displays the waterfront revitalization area.



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

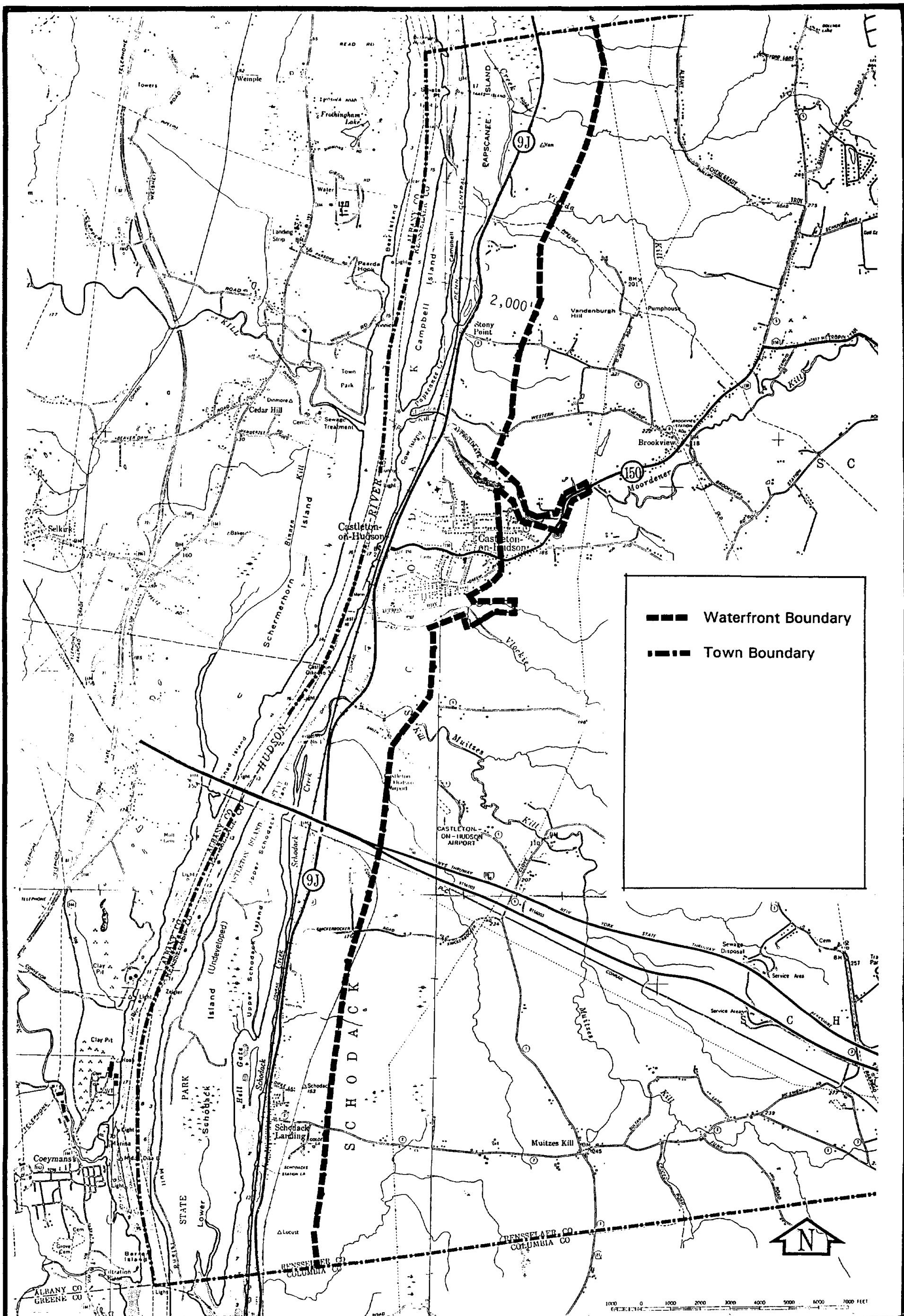
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REGIONAL SETTING

Map No.

1



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

**WATERFRONT REVITALIZATION
BOUNDARY**

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Map No.

2

SECTION II
INVENTORY AND ANALYSIS

A. Overview (See Map No. 3)

The Castleton/Schodack waterfront area is an eight mile long, sparsely developed strip on the east side of the Hudson River. Virtually all of the riverfront is undeveloped and isolated from the rest of the waterfront area by a high speed rail line. The Village of Castleton-on-Hudson, approximately in the center of the waterfront area, is the only urbanized area and the only place where there is direct contact with the River. Although within five miles of downtown Albany, the waterfront area is a quiet backwater containing wildlife habitats, wetlands and agricultural uses (see Photo 1). Urban development has by-passed it, following Route 9 to the east rather than the river.

Chapter B, below, describes each of the natural and man-made features of the waterfront area and analyzes its implications for waterfront policy decisions. Chapter C highlights the major issues identified during the inventory and analysis stage, as well as those revealed during the many meetings held and by the questionnaire which was distributed.

B. Inventory and Analysis

Field surveys, previous studies, interviews and published data were all used to assemble an inventory of existing conditions and features in the waterfront area. Base maps at several different scales were prepared in order to map the data, and photographs were taken to record selected images. (Exhibit II-A contains all photographs referred to in this section.) The results of this inventory and analysis process are presented below and on the accompanying maps.

1. Existing Land and Water Use

a. Land Use Patterns (See Maps 3A and 3B)

The basic land use pattern in the waterfront area is quite clear and pronounced. The Village of Castleton -- a compact urban settlement with a mixture of residential types, businesses, industry and community facilities -- is situated at the point where the Hudson River, Route 9J and Route 150 all come together (see Photos 2 and 3). Schodack Landing, near the southern Town boundary, is a residential hamlet along Route 9J. The remainder of the waterfront area is either sparse rural development, agricultural lands, or vacant wetlands or woodlands.

One of the most important factors affecting use of the waterfront area is the ownership pattern. Of the eight miles of riverfront, New York State owns four -- the southern half of the Town's waterfront acquired for the as yet undeveloped Castleton Island State Park. The northernmost water frontage, the two mile long Campbell Island, is comprised of only four parcels. Thus, three-quarters of the total riverfront is controlled by five property owners.

b. Water-dependent Uses

The only water-dependent uses are located in or adjacent to the Village of Castleton. The many ice houses which once lined the riverfront in the Town have long since disappeared. Two private recreation oriented uses are situated on man-made land west of the railroad. The Castleton Boat Club (see Photo 4) is a private membership club which has docking space and a boat launch for members. It also provides some transient docking space and use of a winch for raising and lowering masts before or after trips through the State Canal System to the north. The boat club site is small and parking is limited. A new marine sales establishment opened in 1985 (see Photo 5) -- one of the few water dependent uses in many years and, perhaps, a harbinger of increased waterfront activity. At the north end of the Village, Fort Orange Paper Company (see Photo 6) was established because of the supply of water for energy from the Moordener Kill. The related disposal of effluent was a problem in the past until on-site treatment was provided. The only other water-dependent use is the Village's sewage treatment plant on Cow Island.

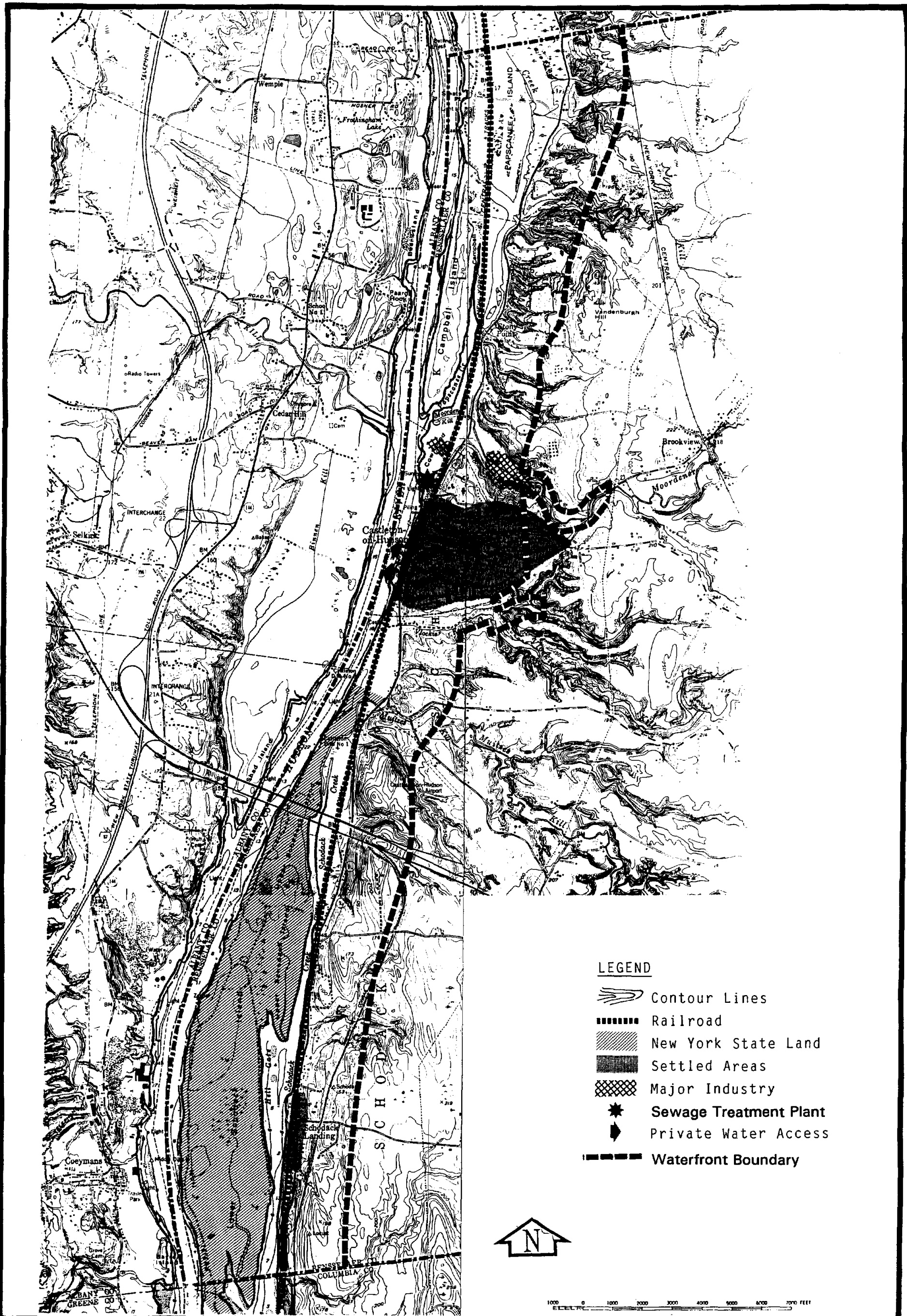
c. Underutilized Sites

Much of the waterfront area is virtually unused, due in large part to a combination of ownership patterns, access constraints and physical development limitations which are discussed elsewhere. Where these factors do not exist, primarily in the Village, there are few significant underutilized sites. The one notable exception is the middle one of the three man-made docks which extend into the river on the west side of the railroad. While the other two are occupied by water-dependent uses (the boat club and marine sales), this key property is vacant and its bulkhead decaying (see Photo 7). Access to, and use of, this privately owned parcel are severely limited, not only by the railroad, but also by a private right-of-way.

d. Recreation and Public Access

There is virtually no public access to the water's edge in the entire waterfront area. Whether in the Village or the Town (see Photos 8 and 9), the high speed rail line is the major barrier. North of the Village, an at-grade crossing at Staats Road provides access to private property only. Although four miles of river frontage are owned by the State in the southern end of Town, no safe or legal access exists.

Three rail crossings are located in the Village, providing access to the three docks, two of which are protected. They provide access only to private land,



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

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RECONNAISSANCE

Map No.

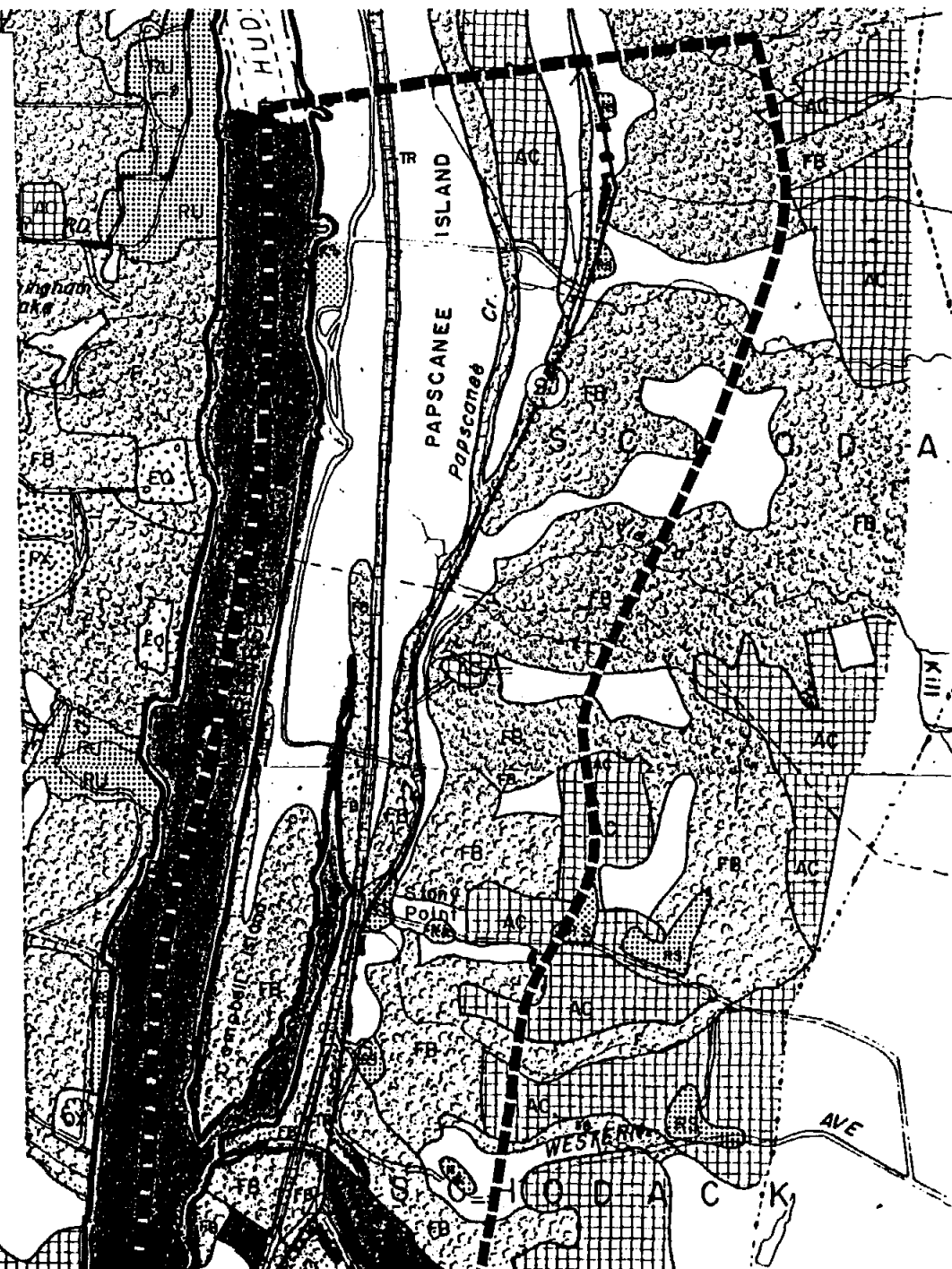
3

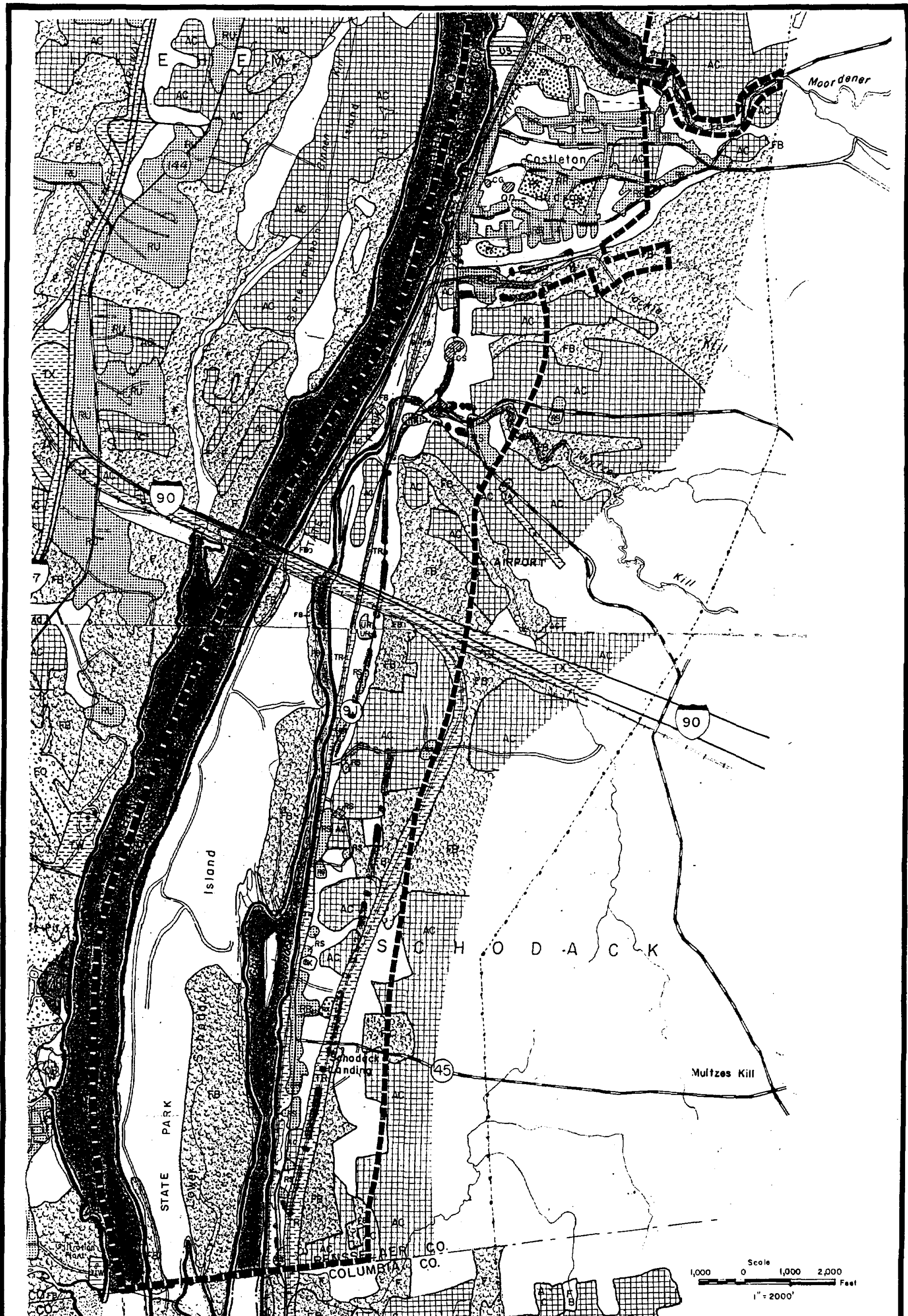
Existing Land and Water Use (in part)

	AGRICULTURE	
	Orchards & Vineyards	AO
	High Intensity Cropland	AT
	Other Cropland	AC
	Other Agriculture	AX
	FOREST	
	Forest Land	F
	Forest Brushland	FB
	RESIDENTIAL	
	Urban	RU
	Hamlet	RR
	Rural	RS
	Shoreline Development	RK
	COMMERCIAL	
	General Commercial	CG
	Resorts	CR
	PUBLIC & SEMI-PUBLIC INSTITUTIONS & FACILITIES	
	Educational	PE
	Medical & Health	PH
	Other	PX
	INDUSTRIAL	
	Light	IL
	Heavy	IH
	Oil & Gas Storage	IS
	EXTRACTIVE	
	Shaft Mining	ES
	Open Pit, Quarries	EO
	Oil, Gas, Sulphur & Other Wells	EW
	RECREATION *	
	Beaches & Pools	OS
	Camping Areas	OC
	Marinas & Boat Launching Sites	OB
	Other Recreational Uses	OX
	TRANSPORTATION	
	Airports & Related Facilities	TA
	Railway Facilities	TR
	Water Transport Facilities	TW
	Other Transportation Facilities	TX
	UTILITIES & COMMUNICATIONS	
	Electric Generation & Transmission	UE
	Gas & Oil Transmission	UG
	Water Treatment & Transmission	UW
	Sewage Treatment	US
	Solid Waste	UR
	Other Facilities	UX
	VACANT	

WATERFRONT BOUNDARY

* Ownership: State (S), Other Public (P), Private (V) e.g. OS-p





VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

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EXISTING LAND AND WATER USE
(in part)

Map No.

3A/B

however. The only other public land is the site of the Village's sewage treatment plant. While opportunities for other public uses are possible, the grade crossing is a shared right-of-way with Hamilton Printing and the geometry of the intersection is less than optimum.

The only official water-related recreation is that available to members of the Castleton Boat Club. Despite the obstacles to access and use of the waterfront, many people do, nevertheless, take advantage of both State and private lands to hike, hunt, bird-watch, snow-mobile, etc, at their own risk, because of its diverse quality and the lack of publicly sanctioned opportunities. The New York State Department of Environmental Conservation, in its report entitled "Recommendations for Improving Public Recreational Access to the Hudson River", dated November 1984, stated the following concerning the State land (page 72):

"Castleton Island State Park: This site is located in the Town of Schodack, Rensselaer County at river mile 136. The nearest public boat ramp south of here on the east bank of the river is 19 miles away. There are no public ramps north of here on the east bank in the tidal portion of the river. Development of this site has been assigned a medium priority.

This site is suitable for development of a boat ramp due to its proximity to good roads, deep water offshore, adequate area for parking facilities and its current State ownership. In order to develop this site, however, approximately one mile of dirt road will need upgrading, as well as a railroad crossing."

A small Village park is located on the north side of the Vlockie Kill, east of Route 9J. It includes some picnic areas and trails, but is mostly undeveloped. Bicentennial Park, on the north end of the Village on the east side of Route 9J, provides views of the river, but not active recreation. A small informal boat launch has existed at the entrance to the northern (Lewis) dock for years. It is on private land with awkward access and no parking area.

2. Geology

a. Topography

The waterfront area in Schodack contains three distinct topographic zones. The first is the Hudson River floodplain, composed of nearly level lowlands and marshes varying in elevation from water level to a maximum of about 22 ft. This zone includes Papscanee, Campbell, Cow and Schodack Islands. The second zone consists of the steep escarpment which divides the floodplain from the

upland areas to the east. This zone consists of numerous steep, drainage ravines and is cut by several larger streams (the Moordener, Vlockie, Muitzes and Vierde Kills), all flowing west down to the Hudson River floodplains. The escarpment rises abruptly 150 to 200 feet from the river with 20 to 30% slopes which present a severe development constraint. The third zone consists of the nearly level areas at the top of the escarpment. Elevations in this zone range from 150 to 270 feet and slopes from 0 to 8%.

b. Bedrock

The Town of Schodack and the Village of Castleton are underlain by Normanskill Shale which dates from the Ordovician Period, about 450 to 500 million years ago. The Normanskill Shale consists of about 2,000 feet of dark grey and black clayey shale mixed with thin (2 to 10 feet thick) beds of grit and chert. The formation is famous for its diversity and concentration of fossil graptolites -- extinct organisms believed to be related to primitive chordates. The Normanskill Shale was folded into a series of north-south trending hills and valleys covered by glacial sediments. Bedrock outcrops visible in the study area occur at the crest of these underlying ridges at the top of the escarpment, in the ravines of the Moordener and Muitzes Kill, and along occasional road cuts.

Underlying Schodack Landing, the westernmost edge of the Village of Castleton and the East Greenbush Town Line are patches of older rock called the Taconic Melange, consisting of a chaotic mixture of pebble to block size, angular to rounded rock fragments in a muddy matrix. The melange was formed during a submarine landslide.

c. Surficial Geology

Prior to the Pleistocene glaciation, the topography of the waterfront area consisted of low relief north-south trending hills and valleys. The continental glacier that covered the region reduced the relief and buried the area under glacial sediments, with a thin layer of till being deposited over much of the area. Till and rock outcrops are seen today along the underlying bedrock ridges. See Map 4A.

The bulk of the sediments in the area were deposited in the glacial Lake Albany. The waterfront area is covered by silts and clays that were deposited in the lake. Sand content increases eastward for about a mile where beach sand and beach ridge features are evident. As the glaciers receded, rushing melt-waters carved out the Hudson River Valley in these sediments.

The low-lying land along the Hudson River (Papscanee Island and Schodack Island) and the floodplains of the streams along the Moordener Kill, Muitzes Kill and Vlockie Kill, are covered with recent alluvium. Alluvium is eroded sediment

carried by the rivers and streams during periods of high flow and deposited in floodplains as floodwaters recede.

The islands in the Hudson River have a history of significant natural and man-induced alteration. Before bulkheads were built along the shore, the Hudson River would cause frequent change in island boundaries. Historical accounts indicate that the main channel of the river shifted almost every year. Dredge and fill operations have been undertaken in this portion of the Hudson River since 1920. Large portions of Campbell and Schodack Islands are composed of dredge spoils (see Photo 10).

3. Soils

The waterfront area can be divided into four soil divisions: two along the shoreline of the Hudson River and two in the eastern part of the waterfront area.

Much of the Hudson River floodplain consists of dredge and fill material, riverine deposits, and organic marsh deposits. The low lying riverine deposits and marsh deposits are submerged much of the time and are, therefore, unsuitable for development of any type.

The higher soils of the Hudson River floodplain consist of silt loams, belonging to the Hamlin, Teel, and Limerick series. These are deep, moderately well drained, nearly level soils that form on floodplains. Periodic flooding may be a problem, but the highest areas of Campbell and Schodack Islands appear to be above the 100-year flood elevation. These soils have potential for many recreational uses and are good agricultural soils.

In the upland areas, the Hudson and Rhinebeck silt loams are the most common soil type. These are deep, moderately well to somewhat poorly drained, gently sloping soils formed in glacial Lake Albany silt and clay deposits. The soils have a perched water table at about 1 to 2 inches in late winter, spring and other excessively wet periods. Permeability is moderately slow in the surface layer and is slow in the subsoil and substratum. This soil is suited to cultivated crops, hay and pasture. Seasonal wetness may delay planting and artificial drainage may be necessary in areas. The perched high water table, low strength, and slow permeability of the subsoil and substratum are limitations on urban use. If used for sewage, a specially designed septic tank absorption field must be built.

Parts of Schodack Landing and Castleton are located on coarser textured soils, including the Bernardston-Nassau shaley silt loam and the Windsor loamy sand, respectively. The Bernardston-Nassau soils are well to excessively well drained upland soils formed in stony glacial till. The Windsor series are deep, excessively well drained soils formed on deposits of sand and loamy sand (glacial lake deposits) and are more suitable for development than the Hudson and Rhinebeck soils because of better drainage.

Soil erosion is a hazard throughout the waterfront area. The riverine areas have historically been frequently shifted around by the Hudson River, though now the river channel has been stabilized by the construction of rip-rap and cement bulkheads along Campbell and Schodack Islands (see Photo 11). Even today a major flood could cause significant changes in the riverine landscape.

The silt and clay soils which form the escarpment are very steep and highly erodible. Where vegetative cover has been removed, these soils are susceptible to gully erosion and somewhat prone to slumping when wet. In addition, steep areas may be slow to revegetate when cleared of vegetation due to the constant movement of soil downslope.

4. Agriculture

Farming takes place within the waterfront area on Papscanee Island and on top of the escarpment to the east. The agricultural soils on Papscanee Island are the Teel silt loams located at the northern end of the island in the vicinity of Staats Island Road. These soils are good agricultural soils, though they are subject to occasional flooding. These areas are currently used for corn production.

The agricultural soils on the escarpment are generally the Rhinebeck soils in the 0 to 3% and 3 to 8% slope categories. These soils are somewhat poorly drained, heavy soils comprised of silts and clays. With artificial drainage, these soils are considered prime agricultural land and are used primarily for dairy farming. The most common crop grown on the Rhinebeck soils is silage corn. The location of all soils in productivity groups 1-4 is shown on Map No. 4. North of the Village, most of these soils are within the Agricultural Districts shown on Map No. 5. South of the Village, these soils are in small dispersed areas, including much of the State-owned land on Schodack Island; the Agricultural Districts are east of Schodack Landing.

5. Wildlife

a. Significant Coastal Fish and Wildlife Habitats

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

New York State has designated two sites in the Town of Schodack as Significant Coastal Fish and Wildlife Habitats. These habitats are the Papscanee Marsh and

Creek, and the Schodack and Houghtaling Islands and Schodack Creek described below. See the maps set forth in Appendices A and B for precise locations.

Papscanee Marsh and Creek (see Photo 12)

(1) Location and Description of Habitat

Papscanee Marsh and Creek is located on the east side of the Hudson River, beginning just south of the City of Rensselaer and extending south along the west side of N.Y.S. Route 9J for approximately four miles. The fish and wildlife habitat is located in the Towns of East Greenbush and Schodack, Rensselaer County (7.5 Quadrangles: Delmar, N.Y.; and East Greenbush, N.Y.). The Papscanee Marsh and Creek habitat is primarily a floodplain wetland area, encompassing a large tidal creek, emergent marshes, freshwater tributaries, old fields, and young woodlands. The habitat also includes an approximate one mile segment of the Moordener Kill, which is a medium gradient, warmwater stream, with a gravelly substrate and a drainage area of approximately 33 square miles. Papscanee Marsh and Creek has been subject to considerable human disturbance, as a result of agricultural use, and nearby commercial and industrial developments.

(2) Fish and Wildlife Values

Papscanee Marsh and Creek is the northernmost of several major wetland areas located along the upper Hudson River. The marsh is very productive biologically and is a major contributor to the food chains of many fish and wildlife species in the northern section of the Hudson Valley. Papscanee Marsh is an important resting and feeding area for migratory waterfowl such as black duck, mallard, teal, wood duck, and pintail, and is used by limited numbers of waterfowl for nesting. Probable or confirmed breeding bird species in the area include green-backed heron, least bittern (SC), Canada goose, mallard, black duck, wood duck, Virginia rail, common moorhen, common snipe, spotted sandpiper, belted kingfisher, marsh wren, and swamp sparrow. Papscanee Creek and its tributaries, especially the Moordener Kill, are important spawning and nursery areas for a variety of anadromous fish species, such as blueback herring, alewife, white perch, and American shad. Hudson River tributaries such as this are important producers of forage fish (killifish, shiners, etc.) which are consumed by the larger fish species noted above. Many resident freshwater fish species are also found here, including white catfish and black bass (largemouth and smallmouth). A population of map turtles has been reported to reside in this area.

Papscanee Marsh and Creek provides recreational and educational opportunities to residents from throughout the Capital District, including Albany, Rensselaer, and Columbia Counties. Waterfowl, hunting, trapping, fishing, and bird-watching are all significant recreational uses. Human use of the area is, however, somewhat limited by the lack of public access facilities.

Schodack and Houghtaling Islands and Schodack Creek

(1) Location and Description of Habitat

Schodack and Houghtaling Islands and Schodack Creek are located along the eastern shore of the Hudson River, beginning approximately one mile south of the Village of Castleton-on-Hudson, and including portions of the Town of New Baltimore in Greene County, the Town of Schodack in Rensselaer County, and the Town of Stuyvesant in Columbia County (7.5 Quadrangles: Delmar, N.Y. and Ravena, N.Y.). The Schodack and Houghtaling Islands and Schodack Creek area is approximately 1,800 acres in size, containing a diverse combination of ecological communities, including extensive floodplain forests, brushlands, cultivated fields, tidal creeks and mudflats, littoral zones, the lower portion of the Muitzes Kill, and emergent marshes. Much of this area is within Castleton Island State Park, which is an undeveloped property owned by the N.Y.S. Office of Parks, Recreation, and Historic Preservation. Habitat disturbances in the area are generally limited to occasional dredge spoil disposal, agricultural activities, and uncontrolled recreational use.

(2) Fish and Wildlife Values

Schodack Creek and its associated riverine islands comprise a large, complex, floodplain ecosystem that is rare in the Hudson Valley. The creek is a relic side-channel of the Hudson River, that now functions as a biologically productive backwater area. Schodack Creek generally supports larger populations of fish, plankton, and rooted area for post-larval and young-of-the-year fish. Although considered a minor tributary, the creek is a significant spawning, nursery, and feeding area for American shad, white perch, alewife, blueback herring, black bass, and other freshwater fish species. Schodack Creek is the northernmost shad spawning area on the Hudson River. Adult and juvenile shortnose sturgeon (E) have been found in the Schodack Creek area, but habitat use has not been thoroughly documented. Mudflats, littoral zones, and wetlands are also important in various life stages of fish species inhabiting the area.

Wetland areas around Schodack and Houghtaling Islands and Schodack Creek serve as nesting habitats for a variety of bird species, such as green-backed heron, mallard, black duck, spotted sandpiper, American woodcock, marsh wren, and swamp sparrow. Upland habitats on the islands support many species of wildlife, including white-tailed deer and ruffed grouse. During spring and fall migrations (March-May and September-November, generally), Schodack and Houghtaling Islands and Schodack Creek receive considerable use by concentrations of waterfowl, raptors, shorebirds, and passerines. Of particular note is the regular occurrence of osprey on Lower Schodack Island during the spring migration of this species. As many as 10 osprey have been observed roosting in trees on the island, and the lower end of Schodack Creek probably provides a feeding area for these birds.

The Schodack Islands area is used by residents of the Albany area for hunting, birdwatching, trapping, and informal nature study. In addition to supporting the commercially important shad, Schodack Creek is used by local residents for recreational fishing.

Neighboring Areas

Although not within the boundaries of the Town of Schodack, there are several neighboring areas that have been nominated as potential Significant Coastal Fish and Wildlife Habitats. Major development in the Schodack waterfront area could impact these areas.

The Shad and Schermerhorn Islands habitat is located on the western side of the Hudson River from the Vloman Kill (across from Mordener Kill) to the southern tip of Shad Island (approximately at the Conrail bridge) and is a riverine environment with some agriculture and mature woodlands. Hannacrois Creek empties into the Hudson River on the western side of the river opposite the Rensselaer-Columbia County line. The wetlands and tidal flats at the mouth of the river are believed to be important spawning areas for herring, and possibly, striped bass.

Coeymans Creek empties into the Hudson River about one mile north of Hannacrois Creek opposite lower Schodack Island. The wetlands and tidal flats at the mouth of Coeymans Creek are not as well developed as in Hannacrois Creek. The mouth of the tributary, however, is believed to be an important spawning ground for anadromous fish.

b. Wetlands

The State Legislature has declared that it is "the public policy of the State to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom" (Section 24-0103, Environmental Conservation Law). Accordingly, the Department of Environmental Conservation (DEC) has identified and mapped all freshwater wetlands larger than 12.4 acres, or those considered to be of unusual local importance. These wetlands are protected under Article 24 of the Environmental Conservation Law. Wetlands adjacent to navigable waters, regardless of size, are regulated under Article 15 of the Environmental Conservation Law. Any development of protected wetlands requires a "wetlands" permit from DEC. Based on their evaluation of the permit application, DEC may limit development, require mitigation measures or prevent development. DEC should be consulted for further definition and information on wetland mapping.

Two wetland areas have been officially mapped in the waterfront area: Papscaanee Creek (EG-1, Class I) and Schodack Creek (R-20i, Class I). These sites are shown on Map 4. Note that the wetlands are generally within the significant habitat areas described above.

The Papscaanee Creek wetland area is considered 15% freshwater tidal and 85% emergent marsh. Dominant vegetative species include purple loosestrife (Lythrum salicaria), cattail (Typha augustifolia), pickerelweed (Pontederia cordata), arrowhead (Sagittaria latifolia), and pondweed (Potamogeton sp.). It is considered a highly vulnerable area because of its proximity to the Capital District and encroaching development.

Schodack Island Marsh is a freshwater tidal marsh influenced by the tidal action of the Hudson River. The dominant plants are pickerelweed (Pontederia cordata), purple loosestrife (Lythrum salicaria), and cattail (Thypha augusti-folia).

c. Birds

Information on birds in the waterfront area was obtained from Paul F. Conner, former State Zoologist. Mr. Conner is a resident of Castleton and has kept detailed records of birds in the area for many years.

Breeding Species

The following list includes confirmed breeders (identified by finding a nest, an adult feeding young, or fledglings) and probable breeders (indicated by birds regularly on territory or singing males consistently present). Some on the list are present throughout the year. Others, such as most marsh birds, flycatchers, swallows, thrushes, vireos, and warblers, are present only during the warmer

spring and summer months. Abundance varies considerably from species to species. Some are found virutally everywhere; a few are quite rare and may not even nest every year.

Green-backed Heron	Ruffed Grouse
Least Bittern	Ring-necked Pheasant
Mallard	Killdeer
American Black Duck	Spotted Sandpiper
Wood Duck	American Woodcock
Red-tailed Hawk	Rock Dove
Broad-winged Hawk	Morning Dove
American Kestrel	Yellow-billed Cuckoo
Black-billed Cuckoo	Common Crow
Eastern Screech Owl	Fish Crow
Great Horned Owl	Black-capped Crow
Chimney Swift	White-breasted Nuthatch
Belted Kingfisher	House Wren
Northern Flicker	Marsh Wren
Pileated Woodpecker	Northern Mockingbird
Hairy Woodpecker	Gray Catbird
Downy Woodpecker	Brown Thrasher
Eastern Kingbird	American Robin
Great Crested Flycatcher	Wood Thrush
Eastern Phoebe	Veery
Willow Flycatcher	Blue-gray Gnatcatcher
Alder Flycatcher	Cedar Waxwing
Least Flycatcher	European Starling
Eastern Wood Pewee	Yellow-throated Vireo
Tree Swallow	Red-eyed Vireo
Bank Swallow	Warbling Vireo
Northern Rough-winged Swallow	Golden-winged Warbler
Barn Swallow	Blue-winged Warbler
Blue Jay	Yellow Warbler
Cerulean Warbler	Brown-headed Cowbird
Chestnut-sided Warbler	Scarlet Tanager
Ovenbird	Northern Cardinal
Louisiana Waterthrush	Rose-breasted Grosbeak
Common Yellowthroat	Indigo Bunting
American Redstart	House Finch
House Sparrow	American Goldfinch
Bobolink	Rufous-sided Towhee
Eastern Meadowlark	Savannah Sparrow
Red-winged Blackbird	Chipping Sparrow

Orchard Oriole
Northern Oriole
Common Grackle

Field Sparrow
Swamp Sparrow
Song Sparrow

The most significant change observed in the area in recent years is a drastic decline in nesting marsh birds. Most of these occurred in the extensive marshes between Castleton and Rensselaer often called the "Castleton" or "Schodack" marshes, even though located mostly in the Town of East Greenbush. Formerly this was one of the most productive marshes for bird life in the Hudson Valley, and some species nested nowhere else in the county. Species affected include least bittern, green-winged teal, blue-winged teal, Virginia rail, common gallinule and common snipe. Least bittern, much reduced, still hangs on but the others seem to be gone; Virginia rail and gallinule were the most characteristic, and one could see or hear many individuals up to about 1978. By 1979 the decline was noticeable, and apparently complete by 1981. Habitat deterioration due to new drainage ditches (and perhaps other agricultural activities) seem significant from casual observation. A few pairs may remain in small pockets of suitable marsh, thus this fragile habitat should be a major concern. Green-back heron, mallard, willow flycatcher, and swamp sparrow seem unaffected, although the marsh wren may be declining.

Most of the birds of woods and fields nest more or less throughout, although a few seem to nest mainly on the east (upland) side of Route 9J, including the pileated woodpecker, golden winged warbler, Louisiana waterthrush and bobolink. The woodpecker ranges widely, however, and may even be seen flying across the Hudson River. The waterthrush is uncommon and local regionally, but is found near Castleton along Moordiner and Vlockie Kills, where the woods are highly productive of bird life.

The Castleton area is notable for the presence in very limited numbers of two southern species rarely seen in eastern New York: the Cerulean warbler and orchard oriole. The Cerulean warbler is characteristic of stands of tall cottonwoods on Schodack Island, and has also been found in these trees on Campbell Island, near Vlockie Kill, and at Schodack Landing.

Another southern but more conspicuous bird, the fish crow, is a very recent arrival in the area. In 1983 local residents first noted the presence of fish crows by the river in the village. Usually restricted to coasts and tidal waters, this species has been spreading north in recent years, but the Castleton nesting is the first such record this far north on the Hudson River.

Some of the more common birds in the sanay woodlands of Schodack Island are ruffed grouse, wood-pewee, brown thrasher, wood thrush, veery, yellow-throated vireo, warbling vireo, American redstart, northern oriole, rose-breasted grosbeak,

indigo bunting, and towhee. The colonial bank swallow is specialized in depending on sand pits or steep, high sandy banks for its nest burrows; such sites are present along the waterfront, but are still few and limited so that disruptions in the nesting season such as digging or target shooting can seriously affect the local population. Bank swallows have been found in large groups of 100 or more hunting insects over the water, as at the Hellgate area off Schodack Creek. The kingfisher also depends on banks for digging burrows, but the birds' solitary and wary habits gives it a degree of protection.

Migrant and Other Visitors

Listed below are those species or groups making significant or conspicuous use of the Hudson Valley as a migration route. Species which could be seen just as well or better in upstate eastern New York are not included.

The most striking phenomenon is the spring migration of waterfowl, when ducks can be seen in numbers at close range in handsome breeding plumage. This takes place in March and April, beginning locally as soon as the ice leaves Papscanee and Schodack Creeks (before interior lakes at the same latitude thaw). Rarely, this can begin as early as the third week in February (as in 1984); peak numbers are generally reached in late March or early April. When fields are flooded from rain, many of the shallow-water or dabbling ducks can be seen there (Staats Island). In some years, the migration is much more pronounced than in others. The following species have been observed in the Hudson River, Schodack Creek, and Papscanee Creek areas of the town in spring.

Canada Goose	Ring-necked Duck
Snow Goose	Canvasback
Mallard	Greater Scaup
American Black Duck	Lesser Scaup
Gadwall	Common Goldeneye
Northern Pintail	Bufflehead
Green-winged Teal	Oldsquaw
Blue-winged Teal	Black Scoter
American Wigeon	Hooded Merganser
Northern Shoveler	Common Merganser
Wood Duck	Red-breasted Merganser
Redhead	

Gadwall, shoveler, redhead, oldsquaw and scoter most years are uncommon to rare. Scoters, at least, may be more common in fall. The rare Eurasian teal (a race of the Green-winged) has been seen at Stockport Creek in Columbia County. The common merganser is the most numerous merganser, and the duck most likely to be seen in winter after the mallard and black-duck. The handsome

hooded merganser can also be viewed at close range in spring. Several observers have noted flights of brant geese up the valley in late spring. In some years, spectacular flights or concentrations of snow geese may be seen.

At least three duck habitats are utilized--upper Papscanee Creek and marsh; Schodack Creek and lower Papscanee Creek (below Stony Point); and the Hudson River. Each is important to certain species in migration, but several kinds show considerable overlap in choice of habitat or shift about during the 24-hour period. Other water birds commonly seen in migration are:

Common Loon	Great Black-backed Gull
Horned Grebe	Herring Gull
Pied-billed Grebe	Ring-billed Gull
Double-crested Cormorant	Bonaparte's Gull

Migrating cormorants assume V-shaped flocks in flight, and are easily confused with geese if not seen close enough to note the black coloration (these birds are also silent, unlike geese). The spring migration of ring-billed gulls on the Hudson River takes place when the ducks come through; hundreds of the whitish adults may be seen in a few hours. The Bonaparte's is the least common gull listed. Several rare gulls may occur from time to time; the Iceland gull has been observed at Rensselaer. Otherwise, the migration of hawks and other diurnal birds of Frey is probably the most notable event, although more dependent on weather conditions such as wind direction, and involving smaller concentrations of individuals than the waterfowl. It often goes mostly undetected, the birds passing high overhead, or keeping over the ridges parallel to the river. At times in spring, when conditions are right, the birds pass low overhead following the river or creek lowlands.

A notable change in recent years is the return of the osprey following a decline due to pesticides, so that it is once again common along the river in its travels between the coast and northern breeding grounds. On a Hudson-Mohawk Bird Club trip in April, 1983, at least 32 ospreys were seen between Rensselaer and Lower Schodack Island, mostly along Schodack Creek including eight perched together in trees on Lower Schodack Island. The bald eagle is now being seen a little more frequently and two or three may be seen in a year in the town by an active observer. The red-tailed hawk is the most numerous hawk, a large conspicuous species which also nests in the area, and is present around the year. In winter, numbers are usually greater since the birds concentrate to feed on the meadow voles and other rodents in the open lowlands.

Small bird movements are generally less noticeable except for the large flocks of blackbirds moving through in early spring. These consist of red-winged blackbirds, grackles, and cowbirds, either in separate or mixed flocks. The

flocks consist of hundreds or even thousands of birds; large roosts form in the trees or marshes at times and may include starlings, a much less common species, the rusty blackbird, unlike the other three, nests only in the far north (south to the Adirondacks); a few can be found annually on migration here, in small groups in trees, near water.

6. Hydrology and Water Quality

a. Surface Waters

The Town of Schodack lies in the Hudson River drainage basin. North of Moordener Kill, the hills in the western part of the waterfront area are drained by numerous small streams which flow into Papscanee Creek, and eventually the Hudson River. The Moordener and Vlockie Kills are major drainage avenues from the eastern hills directly into the Hudson River. Muitzes Kill is the third major stream draining the hills to the east (see Photo 13). It turns abruptly south at the base of the escarpment and enters a three mile long backwater of the Hudson known as Schodack Creek. Waters from Schodack Creek enter the Hudson River south of the Town of Schodack in Columbia County. Those streams which are navigable and/or classified by DEC as C (T) or better are protected and require a stream disturbance permit under Article 15 of the Environmental Conservation Law.

b. Climate

The climate in the Town of Schodack is primarily continental in character, but subject to some modifications from the maritime climate that prevails in the southern portion of the State. In the summer, temperatures rise rapidly during the daytime to moderate levels, although week long periods of oppressive heat occur occasionally. Winters are cold and occasionally severe, with nighttime temperatures frequently dropping to 10°F or lower. Snowfall is variable, but may range up to 75 inches at higher elevations. There is an annual average of about 35 inches of precipitation, distributed evenly through the year.

c. Flood Protection

The Federal Emergency Management Agency has developed a flood insurance study and Flood Hazard Area maps for the Town of Schodack and the Village of Castleton that indicate flood events which are expected to be equalled or exceeded once during a 100--or--500--year period. The maps also show base flood elevation lines which indicate the anticipated water-surface elevations during a 100-year flood. Local planning policy requires that developments must either be

built above the base flood elevations or contain flood protection devices to this height. The 100-year flood plain boundary is shown in Map 5.

The Hudson River in the Town of Schodack has a mean elevation near zero (sea level). Since the river is influenced by tides its actual elevation fluctuates daily. The mean monthly tidal range is 4.3 feet.

The 100-year flood elevation ranges from 19 feet at the northern town boundary to 16 feet at the southern boundary, meaning that in a 100-year flood much of Papscanee Island, Campbell Island, and Schodack Island would be inundated. Much of Route 9J north of Schodack Landing would also be flooded, including some of Main Street in Castleton. In general, flood waters would enter right to the toe of the hills which rise steeply from the flood plain. The 500-year flood would cover only slightly more than the 100-year due to the general steepness of the escarpment.

Local history indicates that flooding in Castleton and along 9J was a regular occurrence, particularly during spring thaws. Since the development of the Sacandaga Reservoir in the 1930's, flooding has been greatly reduced. However, as discussed above, a 100-year or greater event would still inundate portions of the Village and much of the road.

d. Sewage

The Town of Schodack, except for the Village of Castleton, disposes of residential and commercial sewage with individual septic tanks. In sandy and gravelly areas the septic systems are more than adequate. In areas overlying glacial lake sediments (silts and clays), specially designed septic systems must be installed.

Schodack Landing, although fairly densely populated, has no sewer system. Soil conditions for septic systems vary from poor to good. No back flooding problems are found in Schodack Landing because the hamlet is well elevated above the Hudson River. Certain areas have very fine soils which suffer from slow permeability and poor drainage. In some areas, excessively well-drained soils may present a pollution hazard to Schodack Creek.

New storm sewer lines have recently been installed in Castleton to separate stormwater flow from sanitary sewage. A new Village sewage treatment plant was recently completed. The only regulated point sources of pollution discharge are at the Village treatment plant and Fort Orange Paper Company. No non-point discharges have been identified.

e. Drinking Water and Groundwater

Residents within the waterfront area, except for those within the Village of Castleton, draw their water from private wells. Most of these are bedrock wells, tapping the underlying Normanskill Shale, which typically yield from 2 to 10 gallons per minute, which is sufficient for local residents and small farms. Well water obtained from the Normanskill Shale frequently smells of hydrogen sulphide.

The Village of Castleton obtains its drinking water from the Vlockie Kill. The intake is located east of the waterfront area. Water is drawn from the stream, treated centrally and distributed throughout the Village.

7. Air Quality

The New York State Department of Environmental Conservation follows the federal Environmental Protection Agency (EPA) quality standards for ambient air. Areas where the ambient concentration of a pollutant is greater than the standard for each major category of pollutant (total suspended particulates, carbon monoxide, sulphur dioxide, oxides of nitrogen and ozone) are considered to be in non-attainment for that pollutant, areas where ambient concentrations are less than standard are considered in attainment.

The Town of Schodack and Village of Castleton are currently classified as attainment areas for criteria pollutants. When considering the siting of a new facility or modification of an existing facility, the status of air quality at the facility and the magnitude of the projected annual emissions of criteria pollutants must be evaluated.

8. Cultural and Archaeological Resources

a. Cultural Resources

The three major cultural resources identified by the New York State Office of Parks, Recreation and Historic Preservation are the Schodack Landing Historical District, the Castleton Historic Area, and the Joachim Staats house.

Schodack Landing: Schodack Landing was first settled in 1707 by Jacob Schermerhorn and three related "tenants in common". The Schermerhorns were joined by the Van Valkenburghs, Barheys, Van Alstyne, Jansens, and Van Burens. By the mid-1750's, the community was large enough to establish its own Reformed Dutch Church. By the 1760's, Schodack Landing had grown into a thriving town deriving income from shoemaking, tanning and cut lumber. Over time, the community became an important export center for the intensely

developed inland farmlands and for the sale of river ice to New York City. When the need for ice dwindled in the early twentieth century, Schodack Landing became primarily residential.

Schodack Landing's historic district is listed on the National Register of Historic Places. The district boundary is shown on Map 4. Most of the approximately 86 buildings located within the historic district are scattered along both sides of Route 9J. As a result of the successive waves of development that occurred in Schodack Landing, buildings were constructed during every historical period. About 16 are thought to date from before 1790, 9 from between 1790 and 1830, 31 from between 1830 and 1880 and 18 from between 1880 and 1915. A selected group of the more notable houses is listed in Table 1.

Joachim Staats House and Gerrit Staats Ruin: The Joachim Staats House and Gerrit Staats Ruin are located on the western edge of Papscanee Island at Staats Road. The Joachim Staats House (see Photo 14) is on the river north of a bulge in the shoreline which is the location of a former sloop landing. A cemetery containing burial plots from the early eighteenth century onwards lies behind the house and to the north. The Joachim Staats House is listed on the National Register of Historic Places. Further from the shore are the ruins of the Gerrit Staats house.

The Joachim Staats House consists of a rectangular, two story stone building (c. 1700), with one brick addition (c. 1790) and one wood addition (c. 1880). The interior contains many original features, preserving a Dutch family's history from 1700 through successive alterations. The Gerrit Staats house, built in 1758, was destroyed by fire in 1973.

Castleton-on-Hudson: Castleton-on-Hudson has not yet been placed on the National Register of Historic Places, but the Village has a rich cultural history.

Joahannes Van Buren is believed to be the first settler in the area. His house lies just south of the Village limits on the east side of Main Street. Settlement into the area was sparse through the agricultural era. After the beginning of the 19th century. Main Street, from Stimson Avenue to Seaman Avenue, became a major trade center. Initially, brickyards prospered but these were later replaced in importance by ice houses and paper mills. In the last quarter of the 19th century a screw factory was built on Cow Island. This factory was replaced shortly thereafter by a piano action factory. Workers for these factories lived in housing spreading up the hill toward the eastern end of the Village. The same demographic distribution has continued into the present day.

Many of the historic structures in this area have been disturbed by fire, flooding and remodelling. Historic structures line Main Street. The majority of these

Table 1

Selected Historic Buildings

Schodack Landing

Name	Date	Architectural	Historical
Schermerhorn	c. 1770	Gambrel-roofed brick Dutch farmhouse with mid and late 19th century alterations such as Italiante entrance, marble and roof overhang.	Probably built by Jacob C. Schermerhorn (b. 1743), wealthy merchant; later owned by Peter Gansevoort Ten Ecyk.
Barent Schermerhorn	c. 1805-1810	Federal period 5 bay horn home with Palladian window; end chimneys.	Built by Barent Schermerhorn, son of Jacob C.; was also a merchant.
Anthony Ten Eyck or his father Jacob C.	c. 1770	Gambrel-roofed brick Dutch Farmhouse with early 19th century alteration; original wainscot, stairway, mantels, chair rails.	Anthony Ten Eyck was a member of the Constitutional Convention of 1787-88, first Judge of Rensselaer County in the 1790's, and a State Senator in 1797.
Ten Eyck General Store	c. 1770	Simple 18th century one and a half story wood building with end chimneys.	Probably built by Anthony Ten Eyck--presently endangered due to lack of room for septic system.
Daniel Schermerhorn	c. 1780; addition c. 1800; facade alterations c. 1800; Barn c. 1750	Rear ell with original fireplace & woodwork; 1880 alterations to the 1800 build consisted of addition of bracketed veranda and arched windows: Dutch barn in a good state of preservation, early corn crib.	Built by Daniel Schermerhorn who owned several farms at time of his death.
Martin Egbertse	c. 1790	Cellar contains well preserved 18th century kitchen with original paneled cupboards	Egbertse worked as a tanner was arrested in 1781 as a conspirator, jailed and released.

fireplace; this is a simple one and a half story, 5 bay end chimney farmhouse.

Cornelius Sebring	1784	Originally a Dutch brick gambrel-roofed building; roof changed to mansard with dormers.	Sebring was a wealthy merchant; subsequently owner in 1834 was Jacob A. Ten Eyck.
John Herrick	c. 1880	5 bay house with bay windows and bracketed veranda, cupola.	Built by Herrick, a store keeper.
Present Owner:	c. 1880	Mansard roofed framehouse with a fine veranda which retains its intricate brackets.	
N.G. Spaulding	c. 1875	Small one and a half story cottage with decorative bargeboard and bracketed veranda unaltered.	
	c. 1835	One and a half story frame with cornice returns, fan in gable end bracketed veranda.	
Jacob Schermerhorn	Before 1767	Brick, Dutch cross and common bond, molded water table, flat brick arched lintels, end chimneys.	Appears on the Bleeker Map of 1767 as Jacob Schermerhorn's residence.
Wouter Barheyt	Before 1767	One and a half story simple home with much old interior fabric, wood locks, old glass and 12/8 lights cellar kitchen.	Appears on the Bleeker Map of 1767 as Wouter Barheyt's property.
Douw Van Buren	c. 1800	Two story, five bay home with Palladian window.	Built by Douw Van Buren; property owned since 1740.
	C. 1900	Two story, Queen Anne tower; veranda; large house.	Now used as a nursing home. Built by Charles Gardiner.

were built in the 1860s and 1870s. Later additions and renovations have destroyed the historical integrity of many of these structures (see Photo 15).

b. Archaeology

Joachim Staats and Gerrit Staats Ruin: The area in the vicinity of Joachim and Gerrit Staats houses was briefly inspected by Paul R. Huey and Joseph E. McEvoy on May 2, 1977. Artifacts recovered from the site suggest chronological assignments of the 18th and 19th century, late Prehistoric or early historic Indian, and unknown Indian period, and possibly early Archaic.

Castleton-on-Hudson: A review of historical literature revealed five sites of potential archaeological sensitivity (Roberts, 1977). Cow Island is the site of the Sunnyside Ice Company (late 19th century) and of an amusement park of a later date. The ruins of the Union Free School, built somewhere between 1815 and 1837, are believed to exist in the vicinity of the present Village Hall. Four early houses, c. 1800, are thought to have existed on Main Street near Green Avenue. In the vicinity of the fire house, the ruins of a c. 1875 brickyard, the Castleton Screw Factory and the piano action factory are known to be buried.

Prehistoric Village Site: A prehistoric village site has been mapped at the very western edge of the Village of Castleton. This site is believed to have been occupied by a sedentary tribe of the middle to late Woodland period. This site has been mapped based on its locational suitability (i.e., proximity to water, game, and vegetable supplies) rather than any excavation.

Additional Sites: The New York State Museum archeological site file identifies six possible sites with sensitive archeological resources in both the Town and Village. The NYS Historic Preservation Officer's site file indicates three additional sites in the Town. Due to the nature of this information all relatively level, well-drained areas within the waterfront area should be treated as archeologically sensitive.

9. Transportation

Local transportation is predominantly via private vehicles. Route 9J is the primary route, extending along the river to the cities of Rensselaer to the north and Hudson to the south. Route 150 runs perpendicular to the river, providing access to the remainder of the Town. Routes 9 and Interstate 90 are major north-south regional highways some four miles inland. The Berkshire Section of the New York State Thruway crosses high over the river and the waterfront area, south of the Village of Castleton, but provides no direct access to it. A commuter bus line operates to Albany, as does a Wednesday shopper's bus for senior citizens.

The high speed rail line which traverses the riverfront severely impacts the waterfront area but provides no service to it. Another line crosses the river adjacent to the Thruway and a third

runs parallel to the river inland from the waterfront area boundary. Commercial vessels use the river, but do not serve any uses in the waterfront area.

10. Scenic Resources

The primary scenic resource in the waterfront area is the montage of views of the varied riverfront environment. Route 9J provides vistas of open water, wetlands, narrow backwaters and rural development--both from water level and from higher vantage points. These peaceful views of the largely undisturbed riverfront are a pleasant contrast to urban development elsewhere in the Town and the metropolitan area. The rear elevations of some structures in the Village detracts from views from the river, as does some isolated instances of abandoned cars or outdoor storage.

C. Major Waterfront Issues and Opportunities

The LWRP addresses a great many aspects of the waterfront area. Certain issues, however, are of greater concern than others as revealed in discussions of the Advisory Committee, meetings with local officials and responses to a questionnaire (see Exhibit II-A). The priority issues are summarized below:

1. Restricted Access to the Hudson River

There is currently no public access to the river and only limited private access. Several problems must be overcome to provide such access. Several opportunities exist in the Village, however, the four miles of State owned riverfront offer a major opportunity which has not, as yet, been addressed (see 2 below).

2. Future Use and Development of Castleton Island State Park

Castleton Island was the most significant acquisition recommended in the 1969 "Master Plan for Outdoor Recreation in the Capital District State Park Region". Although acquisition has been completed, no action to develop the park has been taken due to a variety of factors, of which fiscal constraints are probably the most significant. While priorities have changed and projected demands have not been realized, the land now in State ownership is a magnificent resource and a great potential asset to the State and the surrounding community.

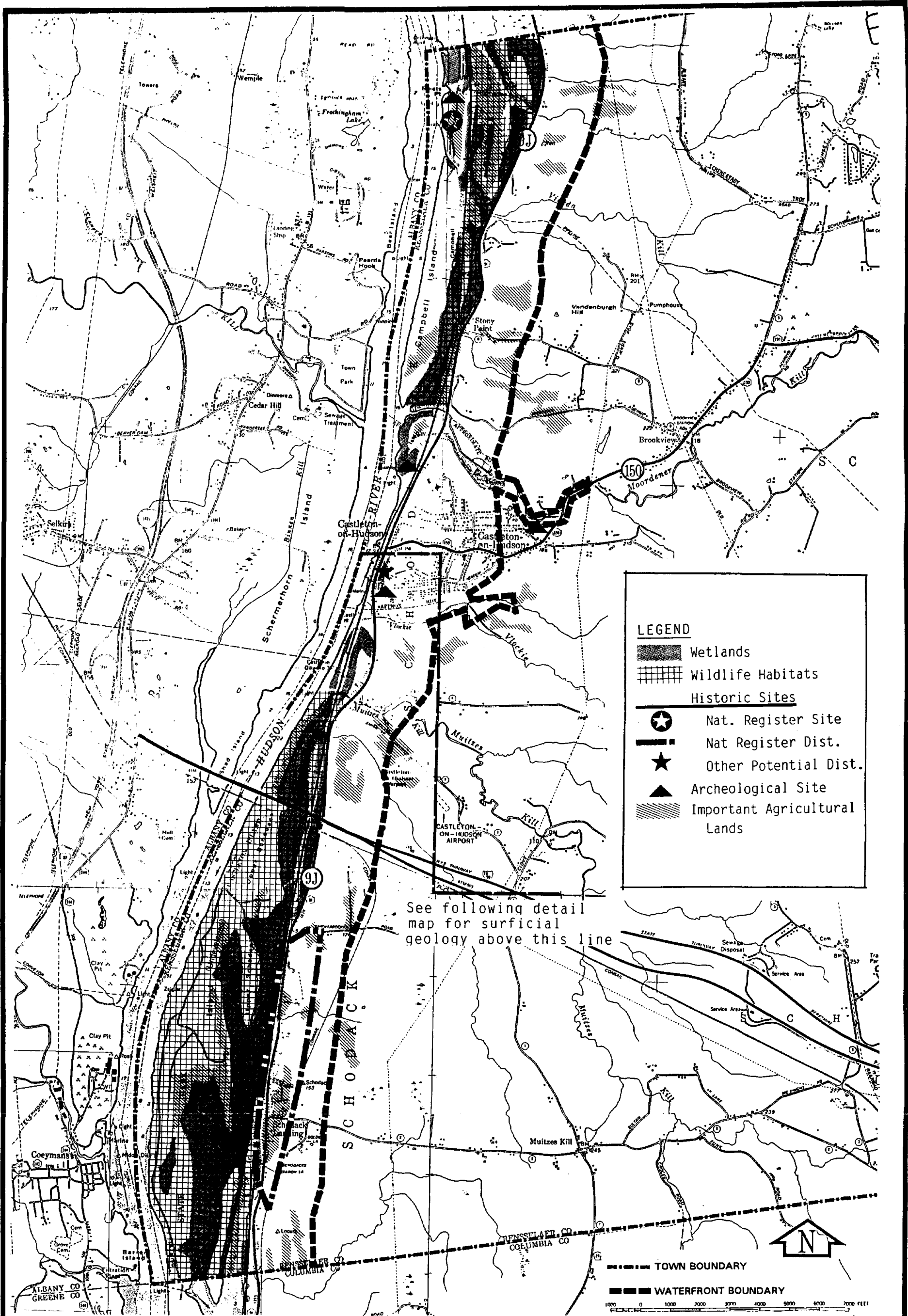
The recent allocation of funds to the New York State Office of Parks, Recreation and Historic Preservation, for use at Castleton Island, offers an opportunity to re-evaluate the proposed use and development program for the park, in light of current conditions, and identify and resolve specific problems. To be most useful, such a process should be carried out in cooperation with the involved communities and coordinated with plans and policies for the river being developed under the Local Waterfront Revitalization Program.

3. Revitalization of the Village Center

The Village Center has suffered from loss of business in recent years and resulting deterioration of some structures. Recent efforts have brought about some rehabilitation and the recent completion of the sewage treatment plan should alleviate a long-standing problem. Increased access to and use of the river, as well as appropriate development of Castleton Island State Park can be used as a catalyst to further revitalization.

4. Preservation of the Waterfront Environment

The natural environment of the waterfront area is sensitive and diverse. Efforts to increase access to the waterfront must be undertaken in a manner that preserves and protects these features while expanding opportunities for their use and enjoyment.



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

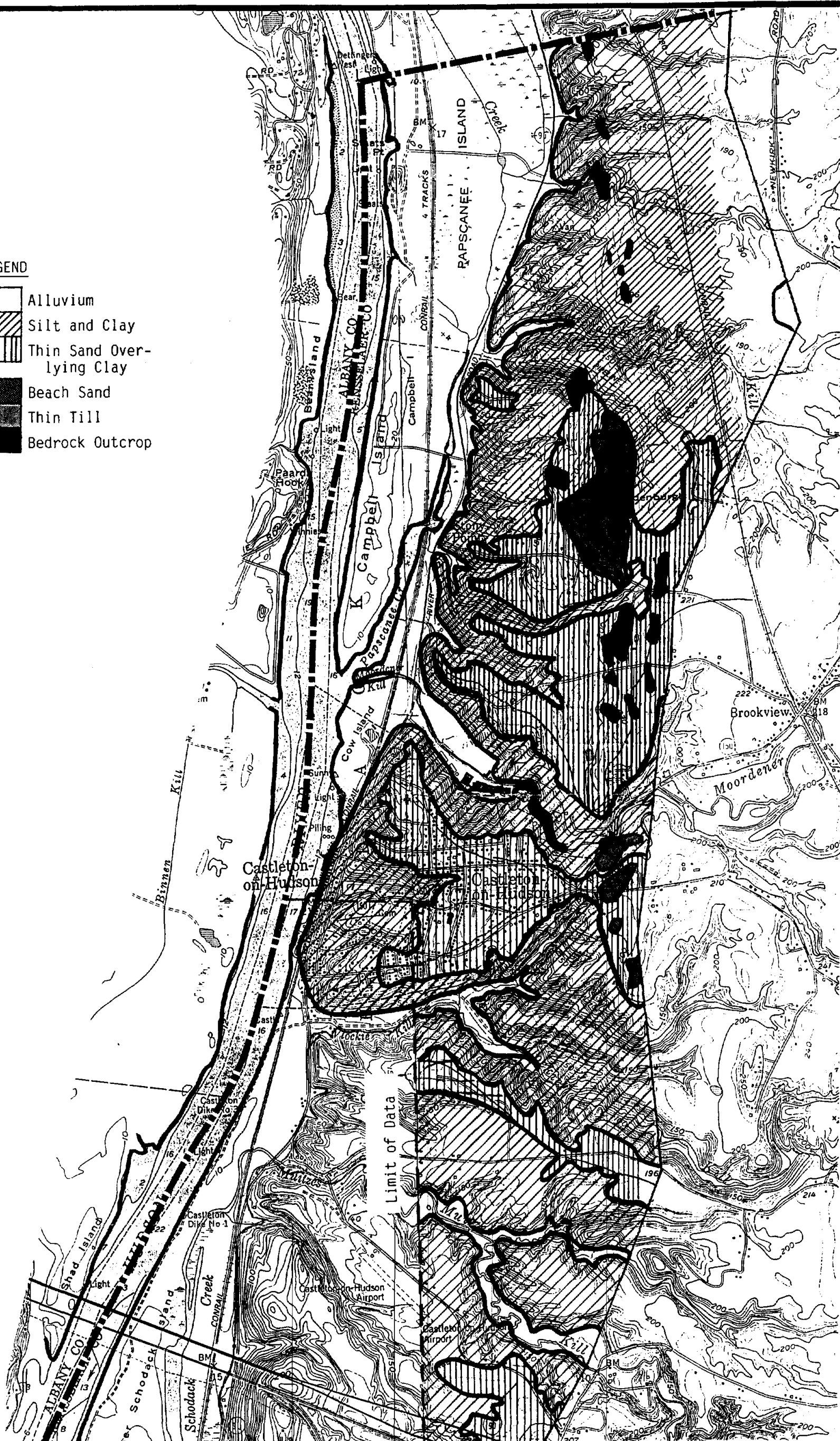
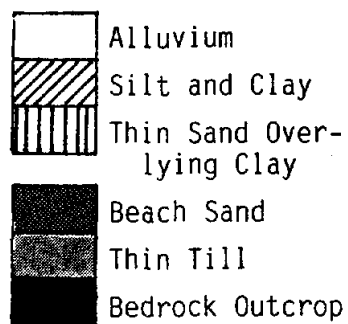
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Planning Consultants

NATURAL AND CULTURAL FEATURES

Map No.

4

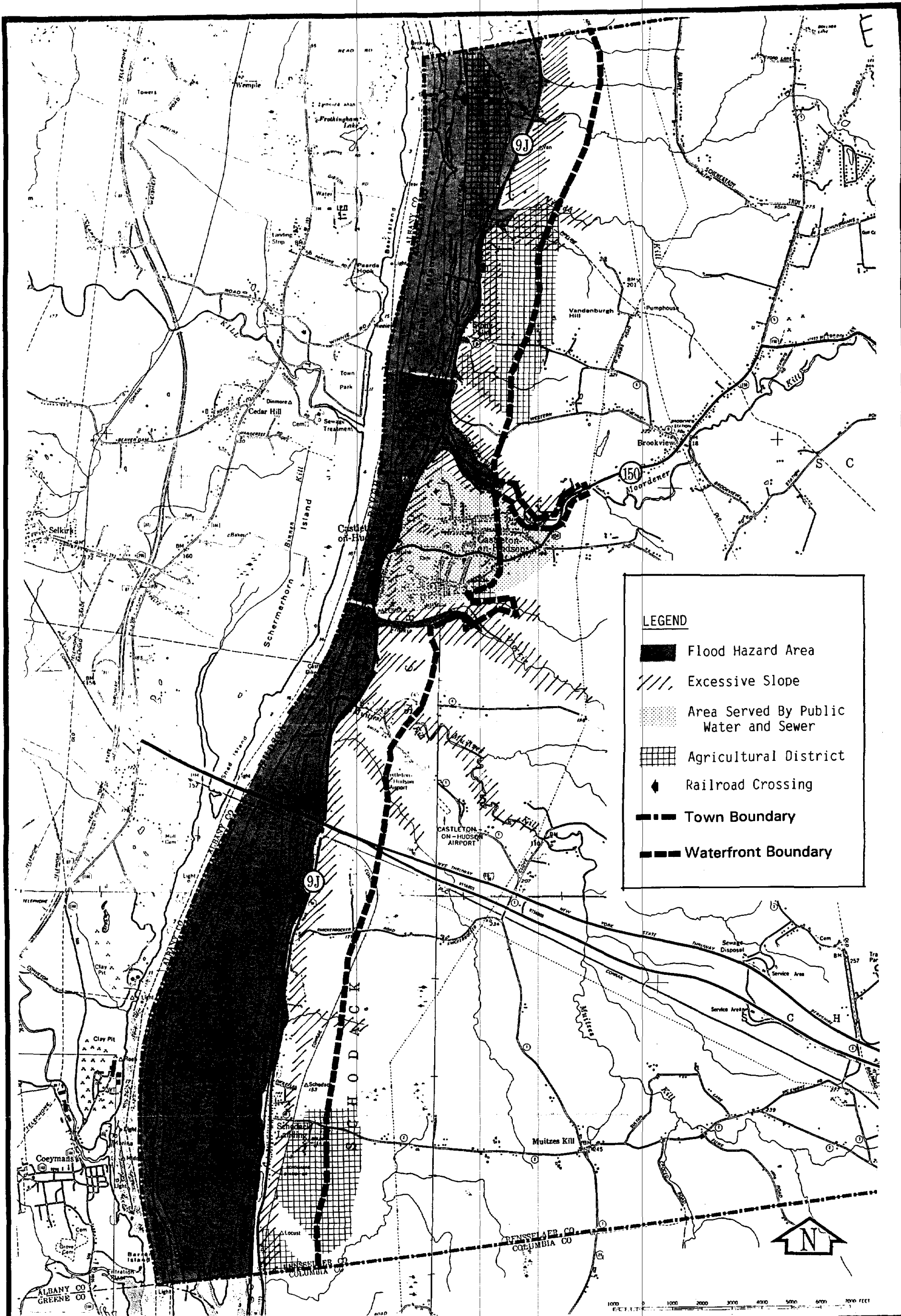


Local Waterfront Revitalization Program

Planning Consultants

SURFICIAL GEOLOGY

4A



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

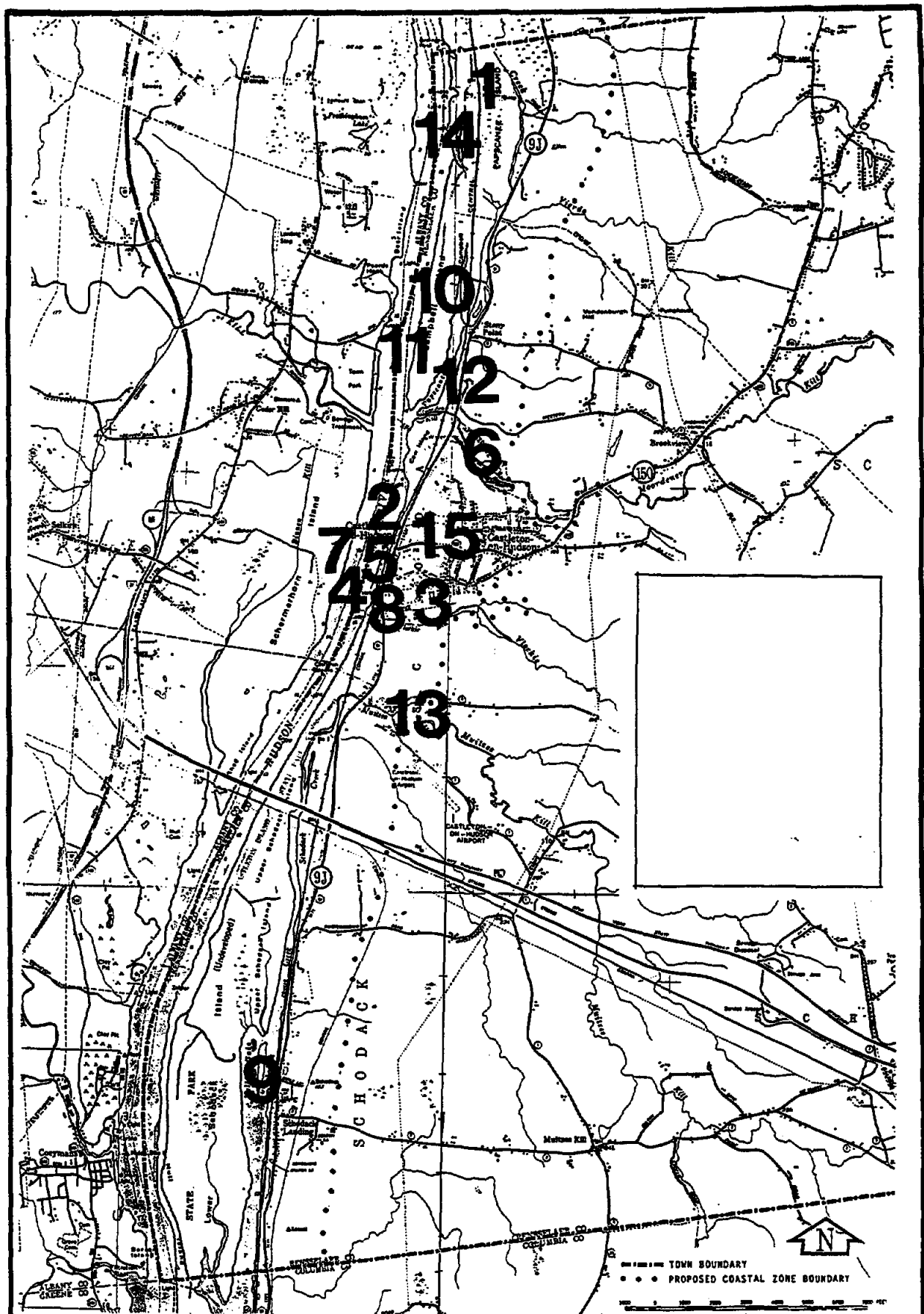
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DEVELOPMENT CONSIDERATIONS

Map No.

5



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program

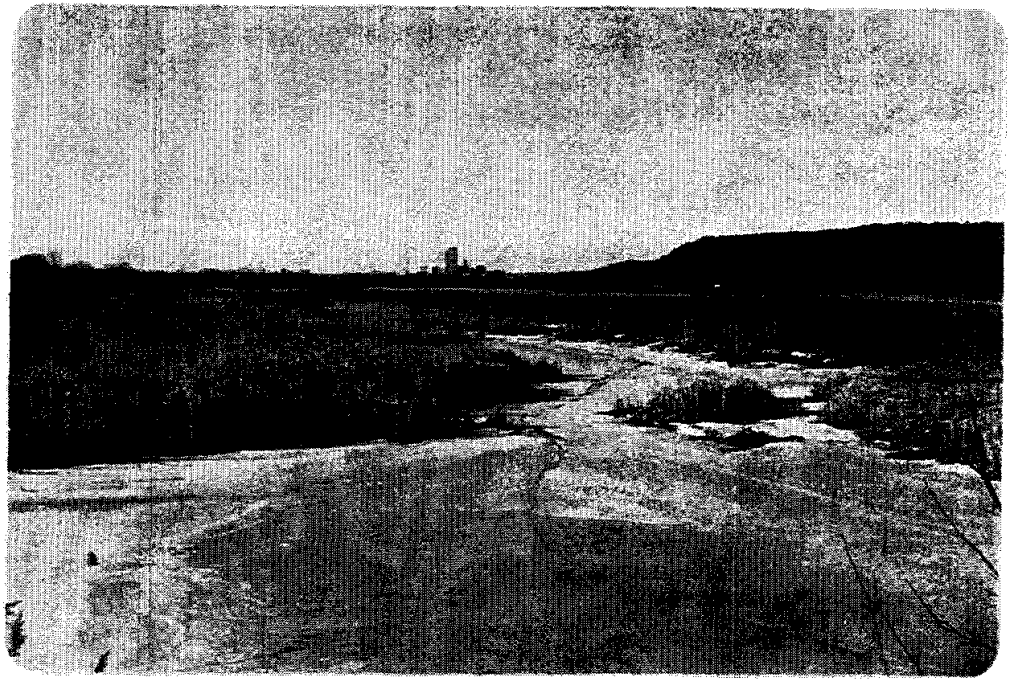
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Exhibit II - A
PHOTO LOCATIONS

Map No.

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2



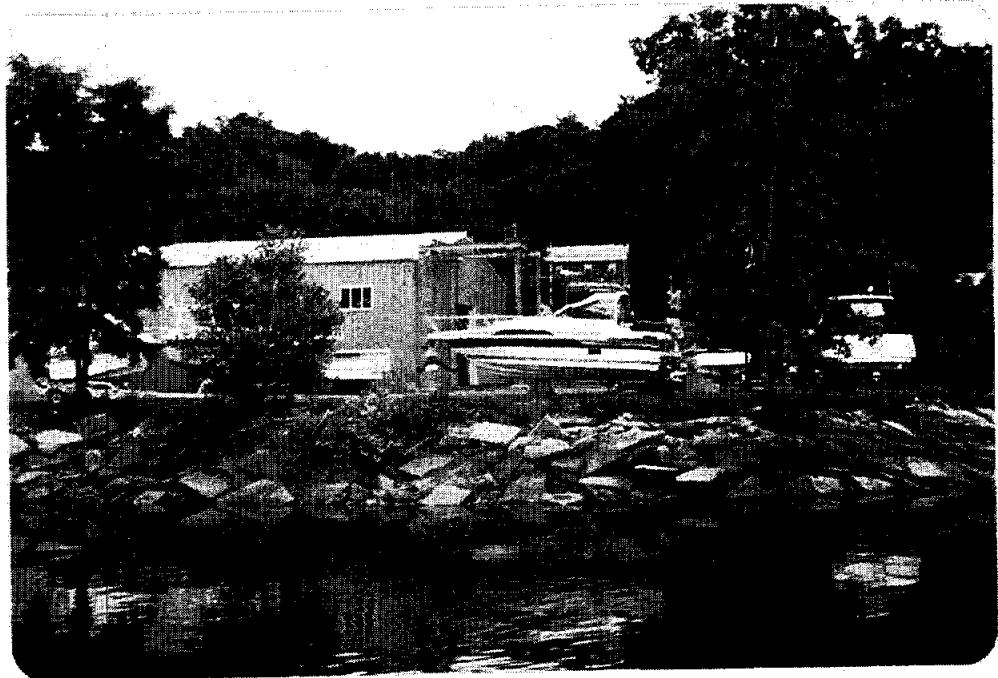
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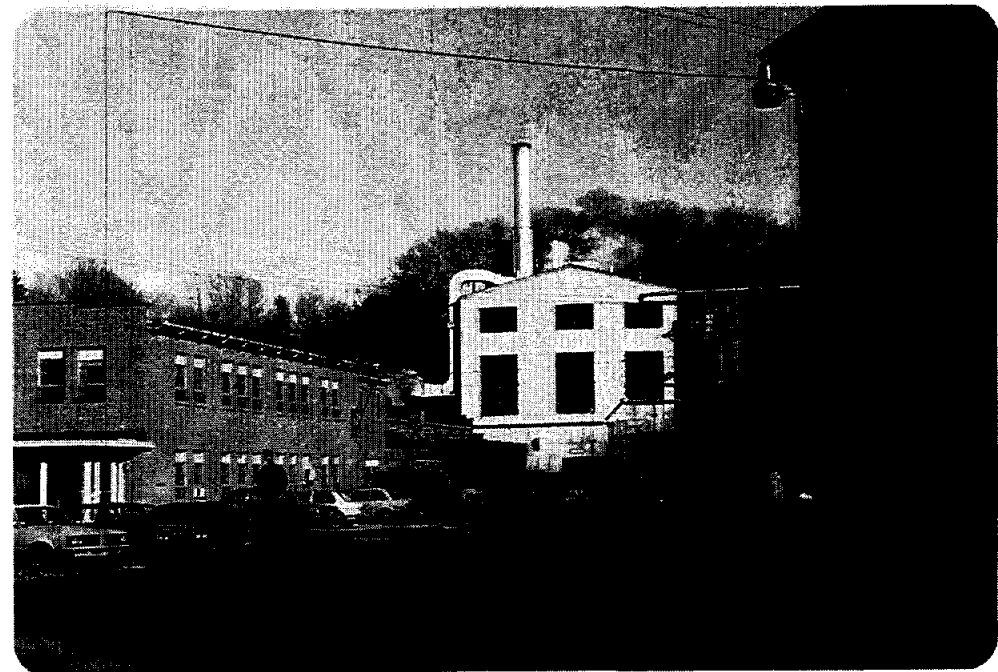
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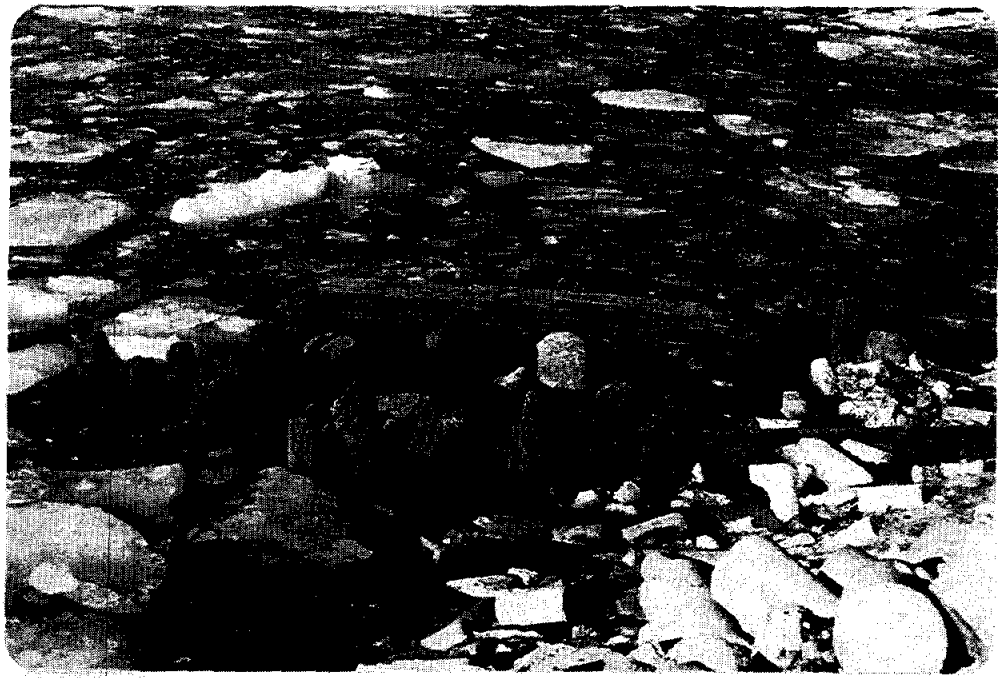
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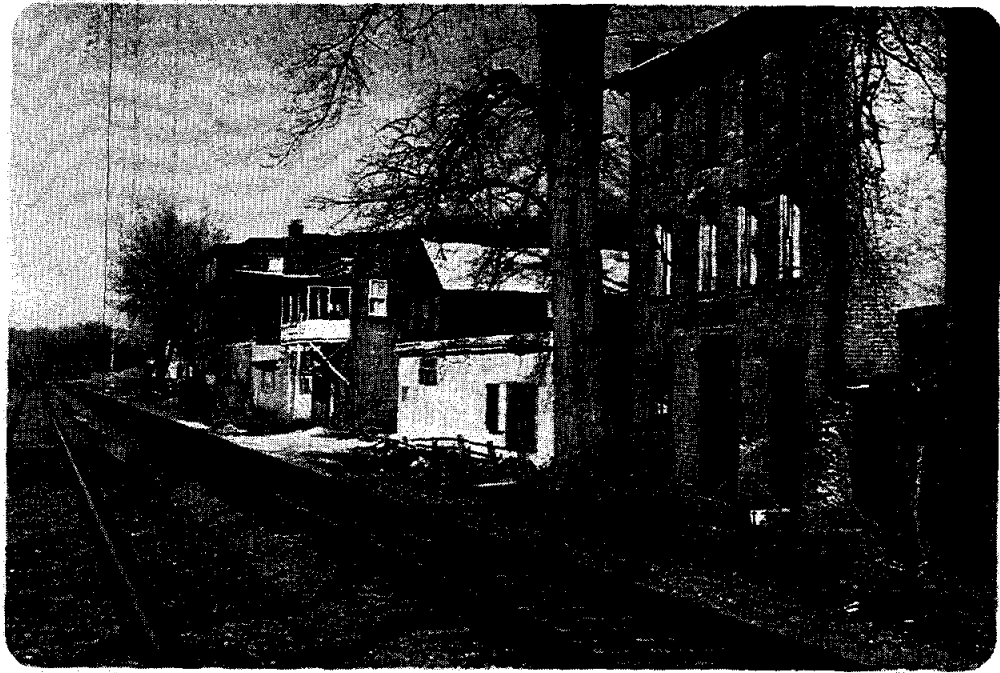
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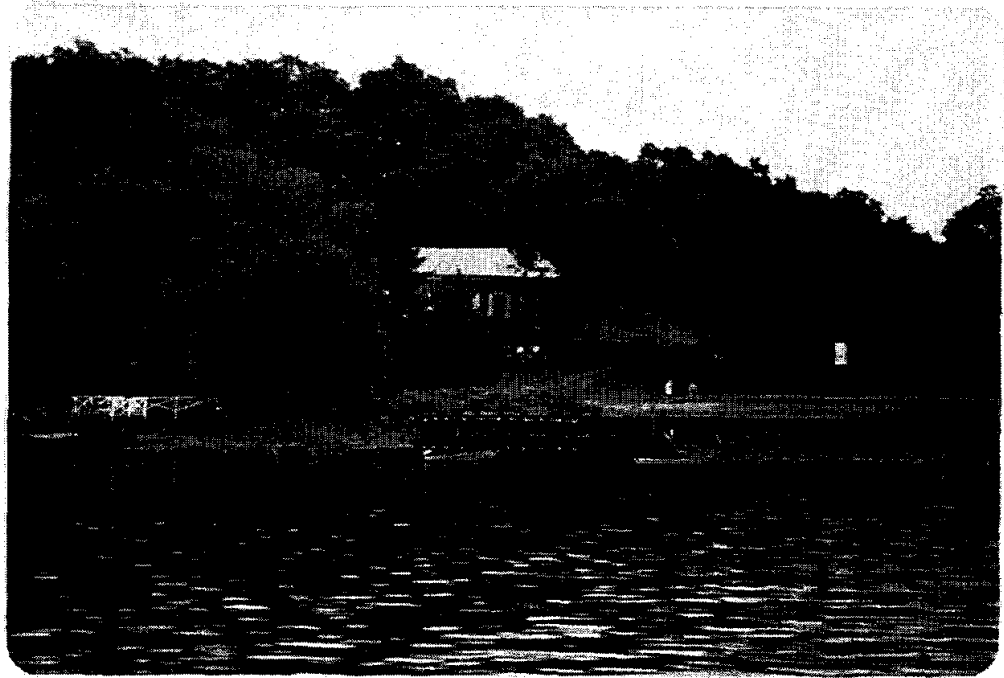
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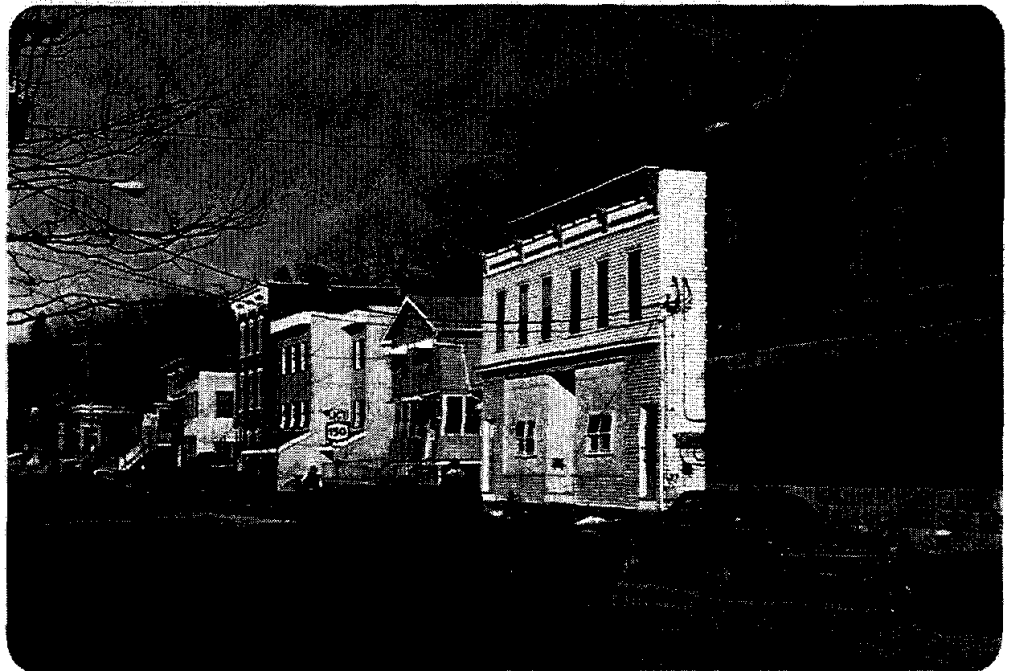
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SECTION III
WATERFRONT REVITALIZATION POLICIES

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Village of Castleton and Town of Schodack. Also included are additional local policies and an explanation of how both State and local policies relate to the local waterfront area.

DEVELOPMENT POLICIES

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

Explanation of Policy

The waterfront area is divided into three distinct sections. The central section, the Village of Castleton, is appropriate for revitalization to reverse deterioration caused by loss of economic activity. The two remaining sections, which comprise some 85 % of the waterfront, are virtually unutilized due to development limitations and/or ownership patterns. Their appropriate use, however, can contribute to the economic health of the waterfront area. This diversity of character in the waterfront area lends itself to both general interpretation of the above policy, as well as more specific guidelines for each area.

Generally, the following criteria shall apply to the evaluation of any proposed action throughout the waterfront area:

1. Priority on the waterfront should be given to uses which are dependent on a location adjacent to the water;
2. The action should enhance existing and anticipated uses;
3. The action should serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;
5. 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;
6. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
7. The action should improve adjacent and upland views of the water and, at a minimum, must not affect these views in an insensitive manner or detract from the views as seen from the water; and

8. The action should improve the potential for multiple uses of the site.

Unsuitable or inappropriate commercial or industrial uses are those which (1) pose potential pollution hazards; (2) obstruct or degrade 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 1A DEVELOPMENT OF A MIXTURE OF WATER DEPENDENT AND
ENHANCED USES SHALL BE PERMITTED ON CAMPBELL
ISLAND SUBJECT TO CONTROLS WHICH PROTECT THE
NATURAL RESOURCES OF THE WATERFRONT.**

Explanation of Policy

Campbell Island, north of the Village, is the only substantial privately held lands with direct river frontage in the entire Town. This land, between the railroad and the river is relatively isolated and is appropriate for a variety of uses including water-dependent industry, commercial recreation and multi-family residential. The sensitive environment of the Planned waterfront District requires that development be subject to standards to protect coastal resources. Such development standards are as follows (see also Policy 2 and Appendix E):

1. A minimum site of 20 acres.
2. No structure within 200 feet of the mean high line of the Hudson River or Papsanee Creek, unless water-dependent.
3. Total horizontal coverage by roads, roof tops, parking lots and other impermeable surfaces shall not exceed one-third of the total site area. No such surfaces shall be located within 100 feet of the mean high water line of the Hudson River or Papsanee Creek, except for essential access roads to water-dependent uses.
4. No structure in excess of 50 feet in height.
5. Maximum floor area ratio of 0.2.
6. Careful review of development plans to ensure that public access and recreational opportunities are maximized, that visual impact is minimized and that natural resources are protected and best management practices are employed to prevent adverse affects from erosion and siltation.

**POLICY 1B THE MAIN STREET OF CASTLETON SHALL BE REVITALIZED
IN A MANNER THAT PRESERVES THE HISTORIC CHARACTER
OF THE EXISTING BUILDINGS AND PROMOTES THE
DIVERSITY OF USES COMPATIBLE IN A SMALL SCALE
BUSINESS/RESIDENTIAL DISTRICT.**

Explanation of Policy

Main Street is the traditional center of business activity and residential concentration in the waterfront area. The density of development and architectural character reflect this role. Activities such as facade restoration, in-fill of vacant sites, sidewalk repair, structural rehabilitation, rear facade clean-up and repair, and introduction of uses permitted in the zoning district shall be encouraged in accord with this policy and Policies 5, 23, and 25.

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

Explanation of Policy

The primary obstacle to siting of water-dependent uses on or adjacent to coastal waters is the railroad which traverses the entire shoreline. This barrier legally and physically limits use to those few locations where crossings exist (albeit at-grade and, in some cases, unprotected). Therefore, although much land is apparently available, sites for water related uses are, in fact, quite scarce and existing water-dependent uses such as the Castleton Boat Club and the boat sales on the north wharf should be preserved.

Facilitating the siting of water-dependent uses will take two courses of action:

- a. Identifying water-dependent uses and encouraging their location at the few sites where access across the tracks exists. Therefore, the following types of uses and facilities are considered water-dependent and shall be encouraged at such locations (see Map No. 5).
 - (1) Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
 - (2) Aids to navigation;
 - (3) Flood and erosion protection structures (for example: breakwaters and bulkheads);

- (4) Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities, etc.);
 - (5) Scientific/education activities which, by their nature, require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities); and
 - (6) Support facilities which are necessary for the successful functioning of permitted water-dependent uses.
- b. Working to improve existing rail crossings, create new ones and to create a circulation system (both pedestrian and vehicular) from these crossings to appropriate sites and between sites where appropriate (see also Policies 19 and 20).

In addition, uses which are enhanced by, though not dependent on, a waterfront location are generally encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but 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. Until more waterfront sites are made accessible, however, water-enhanced uses should only be considered if they do not preclude water-dependent uses or are temporary in nature.

Sites for water-dependent uses should satisfy certain criteria, based on the type of use being considered. The following guidelines have been used to designate sites indicated for water-dependent use and should be applied to any additional sites proposed in the future. Such sites are included in the Intensive and Planned Waterfront areas shown on Map No. 6.

- a. **Special Suitability:** Sites which are suited to a particular type of use should be reserved for such use if possible. For instance, few sites have the appropriate land and water characteristics for marinas or boat launches. Those sites identified should be zoned and/or acquired for such use.
- b. **In-place Facilities and Services:** Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: (see also Policies 1 and 5).
 - (1) The availability of public sewers, public water lines and adequate power supply;
 - (2) Access to the area for trucks or rail, if heavy industry is to be accommodated; or boat trailers for marinas or boat launches.

- (3) Access to public transportation, if a high number of person trips is to be generated.
- c. Access to Navigational Channels: Commercial shipping, commercial fishing, and recreational boating require sites with a sheltered harbor, from which access to adequately sized navigation channels can be assured.
- d. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources such as wetlands and scenic areas.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

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

Despite its restricted access to the waterfront, Castleton exhibits some of the characteristics and diversity of smaller harbors. The intent of this policy is encourage the expansion and development of a range of commercial and recreational services which will serve the needs of boaters, tourists and residents.

Guidelines to be used to measure consistency with this policy include the following:

- a. Priority shall be given to water-dependent or water-enhanced uses which are compatible with the existing pattern of uses and will enhance rather than detract from existing uses.
- b. An action shall not be out of keeping with existing development in terms of scale, intensity of use, architectural character, or potential as a source of noise, litter, traffic jams, or other nuisance.

- c. Actions shall not detract from views of the water or from views of the shore as seen from the water.
- d. Priority shall be given to actions which enhance the economic base by furthering use and enjoyment of recreational facilities. Such actions include:
 - (1) Zoning to facilitate continued use of and necessary expansion of commercial recreational facilities.
 - (2) Dredging to permit continued use and enjoyment of the river for boating.
 - (3) Elimination of pollution sources which detract from the waterfront environment.
 - (4) Addition of space for docking, mooring and launching recreational vessels.

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

Explanation of Policy

The Village of Castleton is the only place within the waterfront area where public water supply and sewage disposal facilities are available. This is the area to which normal urban type development should be directed for the following reasons:

- a. To strengthen existing residential, industrial and commercial concentrations;
- b. To foster an orderly pattern of growth;
- c. To increase the productivity of existing public services and moderate the need to provide new public services in outlying areas; and
- d. To preserve open space in sufficient amounts.

It is recognized that certain types of development are not compatible in an urban setting or do not require urban services and infrastructure or have specific site requirements that cannot be satisfied in such a location. Therefore, this policy shall not apply to the following:

- a. Economic activities which depend upon sites at or near locations where natural resources are present.
- b. Development which by its nature is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
- c. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
- d. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- e. Development which because of its isolated location and small-scale has little or no potential to generate and/or encourage further land development.
- f. Uses and/or activities which because of public safety consideration should be located away from populous areas.
- g. Rehabilitation or restoration of existing structures and facilities.
- h. Development projects which are essential to the construction and/or operation of the above uses and activities.

Several of the above criteria apply to Campbell Island where a Planned Waterfront District permits a variety of water-dependent and enhanced uses subject to various standards and controls, including adequacy of infrastructure, to protect the natural environment. See also Policy 32.

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.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- a. Are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- b. Support populations of rare and endangered species;
- c. Are found at a very low frequency within a coastal region;
- d. Support fish and wildlife populations having significant commercial and/or recreational value; and
- e. Would be difficult or impossible to replace.

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

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

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

- destroy the habitat; or
- significantly impair the viability of an area as a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these

actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

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

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

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

- a. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
- b. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
- c. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated, and mapped pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (executive Law, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from DEC, the Department of State designates and maps specific areas.

POLICY 7A THE PAPSCANEE MARSH AND CREEK HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

Papscanee Marsh and Creek is located on the east side of the Hudson River, beginning just south of the City of Rensselaer and extending south along the west side of NYS Route 9J for approximately four miles. The fish and wildlife habitat is located in the Towns of East Greenbush and Schodack, Rensselaer County (7.5" Quadrangles: Delmar, NY; and East Greenbush, NY).

The Papscanee Marsh and Creek habitat is primarily a floodplain wetland area, encompassing a large tidal creek, emergent marshes, freshwater tributaries, old fields, and young woodlands. The habitat also includes an approximate one mile segment of the Moordener Kill, which is a medium gradient, warm water stream, with a gravelly substrate and a drainage area of approximately 33 square miles. The habitat boundary along the Moordener Kill (and the coastal boundary from the dam to a point approximately 500' downstream) follows the top of the banks. Papscanee Marsh and Creek has been subject to considerable human disturbance, as a result of agricultural use, and nearby commercial and industrial developments.

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of stormwater runoff or wastewater containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish and wildlife populations in the area. Barriers to fish migration, whether physical or chemical, would also have significant impacts on fisheries resources in Papscanee Creek, as well as in the Hudson River.

Physical alteration of Papscanee Creek, through dredging, filling, or bulkheading would eliminate productive shallow water areas. Elimination of wetlands, through filling or drainage, would result in a direct loss of valuable habitat area. Expansion of agricultural activities in recent years has resulted in such habitat losses, but could be designed to maintain or enhance certain wildlife species.

Habitat management activities, including restoration of tidal wetlands, may be especially productive in the Papscanee Marsh and Creek area. Habitat disturbances in Papscanee Marsh and Creek would be most detrimental during fish spawning and incubation periods (April-July for most warmwater species) and wildlife breeding seasons (April-July for most species).

Existing areas of natural vegetation bordering aquatic and wetland areas should be maintained to provide bank cover, soil stabilization, and buffer zones. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources area available.

**POLICY 7B THE SCHODACK AND HOUGHTALING ISLANDS AND
SCHODACK CREEK HABITAT SHALL BE PROTECTED,
PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS
TO MAINTAIN ITS VIABILITY AS A HABITAT.**

Explanation of Policy

Schodack and Houghtaling Islands and Schodack Creek are located along the eastern shore of the Hudson River, beginning approximately one mile south of the Village of Castleton-on-Hudson, and including portions of the Town of New Baltimore in Greene County, the Town of Schodack in Rensselaer County, and the Town of Stuyvesant in Columbia County (7.5' Quadrangles: Delmar, NY; and Ravena, NY). The Schodack and Houghtaling Islands and Schodack Creek area is approximately 1,800 acres in size, containing a diverse combination of ecological communities, including extensive floodplain forests, brushlands, cultivated fields, tidal creeks and mudflats, littoral zones, the lower portion of the Muitzes Kill, and emergent marshes. Much of the area is within Castleton Island State Park, which is an undeveloped property administered by the NYS Office of Parks, Recreation, and Historic Preservation. Habitat disturbances in the area are generally limited to occasional dredge spoil disposal, agricultural activities, and uncontrolled recreational use.

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may adversely affect fish or wildlife populations. Bulk-heading, dredging, and dredge spoil disposal could be especially significant in these areas. Barriers to fish migration, whether physical or chemical, would have adverse impacts on fish populations in the area. Aquatic habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April-July for most warmwater species. Disturbance of mature woodlands on the islands would reduce the potential value of the area to certain wildlife species.

Human disturbance of lower Schodack Island should be minimized when osprey are in the area. Significant development of the islands for residential or commercial uses would eliminate an unusual example of a Hudson River floodplain ecosystem. However, development of

appropriate public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available. Adjacent undeveloped upland areas are particularly important for maintaining the water quality and habitat value of Schodack Creek and should be preserved as a buffer zone.

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

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901(3)] as "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 (6NYCRR Part 371).

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

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

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The resources for such recreation in the Schodack/Castleton waterfront area are particularly extensive and varied (see Section II, pages 7-14). Increased recreational use of these resources should be undertaken 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, cost and available technology.

The following additional guidelines should be considered as agencies determine the consistency of their proposed actions with the above policy:

- a. Consideration should be given as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
- b. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter from using the habitat area.
- c. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

See Policies 19, 20 and 21.

POLICY 10 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF COMMERCIAL FISHING RESOURCES IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

FLOODING AND EROSION 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

Development in flood hazard areas along the river and its tributaries is controlled by flood damage prevention regulations which govern the type and location of development, particularly mobile homes. These regulations are local laws adopted in accord with provisions of the National Flood Insurance Program.

POLICY 12 THE STATE COASTAL POLICY REGARDING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

POLICY 13 ALTHOUGH THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES WHICH HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK, A LOCAL POLICY IS SET FORTH BELOW.

POLICY 13A REPAIR AND RESTORATION OF EXISTING BULKHEADS SHALL BE UNDERTAKEN IN A MANNER THAT WILL ADEQUATELY PROTECT ADJACENT PROPERTY FOR APPROPRIATE USE.

Explanation of Policy

Erosion protection structures have been used to protect "made" land along the Hudson River, particularly in the Village, and to preserve navigation channels. However, many such structures have deteriorated due to lack of maintenance. Bulkheads which protect State park lands or water dependent uses shall be given priority for bulkhead repair. Repairs should be designed to complement uses such as boat launches and docking facilities where consistent with other policies herein. (See Policies 9, 19 and 20).

**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 Policies

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

New development on the steep slopes above the Hudson River could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Development plans in these areas, although primarily low density residential, will be required to include erosion protection plans to achieve the following objectives:

- a. Natural ground contours should be followed as closely as possible.
- b. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
- c. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
- d. Natural protective vegetation should remain undisturbed if at all possible.
- e. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
- f. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
- g. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- h. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.

- i. The angle for graded slopes and fills should be limited to one no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should only be used where vegetation is not sufficient to control erosion.
- j. The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

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 waterfront area 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. See also Policy 35.

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

Explanation of Policy

This policy recognizes the public need for the protection of human life and existing 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 from such activities and development on the rate of erosion and 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: (1) THE SETBACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (3) THE RESHAPING OF BLUFFS; (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE BASE FLOOD LEVEL.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail. 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 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.

Application of the Flood Damage Prevention regulations, best management practices (see Policy 14) and review of alternatives in accord with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where nonstructural measures are not feasible, structural solutions will be required.

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 not be undertaken in the waterfront area if they will significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources.

Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation. Review under the SEQR process will allow a weighing of the costs and benefits of such actions.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND PROTECTION OF HISTORIC AND NATURAL RESOURCES.

Explanation of Policy

No public access exists in the Town or Village, although private water-dependent uses exist in the Village. Opportunities for such access, while severely limited by the railroad tracks, are appropriate for generally passive activities. Priority will be given to actions which extend access along the river shore and link public and private waterfront uses.

In general, implementation of this policy requires careful balancing of several factors such as the for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and the protection of natural and historic resources.

Existing and future access must not be impaired by reducing the number of available parking spaces; imposing barriers such as roads, utility right-of-ways, or other public facilities; sale or lease of public lands; or construction of private facilities which hinder access.

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 19A ACCESS TO THE STATE OWNED CASTLETON ISLAND STATE PARK SHALL BE DESIGNED IN CONJUNCTION WITH THE PREPARATION OF AN OVERALL PLAN FOR THE DEVELOPMENT, USE AND MANAGEMENT OF STATE LANDS.

Explanation of Policy

Although half of the Schodack riverfront is owned by the State of New York, there is virtually no public access to this vast potential resource. Castleton Island was the most significant acquisition recommended in the 1969 "Master Plan for Outdoor Recreation in the Capital District State Region". Although acquisition has been completed, no action to develop the park has been taken due to a variety of factors, of which fiscal constraints are probably the most significant. While priorities have changed and projected demands have not been realized, the land now in State ownership is a magnificent resource and a great potential asset to the State and the surrounding community.

The recent allocation of funds to the New York State Office of Parks, Recreation and Historic Preservation for use at Castleton Island, offers an opportunity to design access and to re-evaluate the proposed use and development program for the park, in light of current conditions, and identify and resolve specific problems. To be most useful, such a process should be carried out in cooperation with the involved communities and coordinated with plans and policies for the river developed under the Local Waterfront Revitalization Program.

One well designed access road will make some four miles of waterfront accessible to the public and satisfy most of the need for such access within the Castleton/ Schodack waterfront area. The increased public access must be analyzed and found consistent with this policy only if:

- a. The level of access to be provided is in accord with estimated public use.
- b. The level and type of access to be provided does not cause a degree of use which would exceed the physical capability of the resource or the facility.
- c. The level of use and nature of the access does not adversely affect adjacent land uses or the natural environment or unduly tax the facilities or services of the Town or Village.

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

Explanation of Policy

In addition to active recreation facilities, access to the publicly-owned land of the coast 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. Methods of providing access include the development of waterfront trails, the improvement of vehicular 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 or the protection of fragile coastal resources.

Opportunities to increase access to the foreshore in the northern part of Town will be encouraged in the review of any planned development (see Policy 1). Also, land at the Village sewage treatment plant will be used for access if problems related to the existing rail crossing can be resolved. However, sale of easements on underwater lands to adjacent onshore property owners may be granted if public use of the foreshore is not substantially limited. Other actions to improve or increase access to the foreshore that are consistent with this policy are the creation of a "riverwalk" from the Castleton Boat Club to the sewage treatment plant and improvements to the surface and safety at existing rail crossings.

The following guidelines will be used to determine if proposed actions are consistent with this policy:

- a. Existing access from public lands to the coastal waters shall not be reduced or precluded, except in the case of over-riding public benefit.
- b. Public access shall be provided from the nearest public roadway to the shoreline, where consistent with other policies herein.
- c. Proposed access shall be analyze in accord with estimated public use and the physical capability of the coastal lands to accommodate such access.

The public lands of Castleton Island State Park will be retained and access to the foreshore improved. See Policy 19.

Adjacent to the Village, opportunities for multi-use development providing access to the foreshore from privately held land will be encouraged. See Policy 1 and 22.

RECREATIONAL POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND 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 and bicycle 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 and deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority than water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

New public development shall not be sited or designed in a manner which would result in a barrier to recreational use of the shoreline. Among the types of water-dependent recreation, the provision of adequate boating services to meet future demand is to be encouraged. 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 pumpout facilities.

Recreation development at Castleton Island State Park shall provide as diverse and extensive an array of water-related opportunities as can be accomplished consistent with the other policies herein--particularly Policies 2,7, 7A, 19, 20 and 44. In the Village, water-dependent

commercial recreation uses are particularly appropriate and the Zoning Law will continue to limit development west of the railroad to such uses.

The natural ravines, or "kills", particularly those south of the Village, are unique features of the coastal environment. Actions to acquire land adjacent to the kills or to obtain easements will permit development of a continuous trail system leading from the Village park or Vlockie Kill to the top of the escarpment and then, via the power lines, to Muitzes Kill and the state park. Review of development proposals for land including or adjacent to the kills will require dedication of open space to extend the trail system.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH RECREATIONAL USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

Certain waterfront developments 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.

Uses which are appropriate in the Castleton/Schodack waterfront area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines, sewage treatment facilities, schools, nature preserves, large scale residential and mixed use projects, and maritime commercial uses. The limitation to access imposed by the railroad tracks must be considered in each case.

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.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor.

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

HISTORIC AND SCENIC RESOURCES

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 just a passive mandate, but also suggests active efforts, when appropriate, to restore or revitalize resources through adaptive reuse. While the policy is concerned with the preservation of all such resources within the coastal boundary, the preservation of historic and cultural resources which have a coastal relationship is of particular significance.

The Schodack Landing Historic District and the Staats House are listed on the National Register of Historic Places and are part of the maritime history of the community. All practicable means shall be taken to protect these sites, including measures to prevent significant adverse change. A significant adverse impact includes, but is not limited to the following:

- A. Alteration of, or addition to, one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings; walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property.
- B. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
- C. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the

proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" or any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

Also of historic importance are individual structures along the Main Street business district in Castleton. The following standards shall apply to this area:

A. Alteration

No alteration, repair, or rehabilitation shall remove or destroy architectural features of a building unless a compelling reason exists for the removal of the features.

B. New Construction

Any new construction shall comply with the following standards:

1. Compatibility with the architectural style and spirit of the district in terms of materials, size, scale, rhythm, texture, and other appropriate considerations;
2. Compatibility with the architectural style and spirit of the district in terms of height; infill construction and additions shall not exceed the height of the next two abutting buildings, nor shall the minimum height be less than the lower of the next two buildings on either side of the building site;
3. In cases of alteration, not removing or destroying architectural features, repairs, alterations and rehabilitation of existing buildings should either be consistent with the spirit of their architectural style or should alter the structure to an appropriate appearance consistent with the architectural style of this district.

C. Demolition

1. Demolition is prohibited in the case of all structures erected in or prior to 1890 unless the structure presents public safety hazards which cannot be eliminated by the economic means available to the applicant or owner, and which have not been caused by neglect or the intentional activity of the applicant or owner.
2. Demolition is prohibited in the case of any structure erected subsequent to 1890 if it is of particular architectural or historic significance.

Given the possibility of archaeologically significant sites within the waterfront area, public agencies shall contact the New York State Historic Preservation Officer to determine appropriate protective measures to be incorporated into development decisions.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (1) THE IRREVERSIBLE MODIFICATION OF GEOLOGICAL FORMS, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (2) 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:

The Town of Schodack is included in the Columbia-Greene North Scenic Area of Statewide Significance (SASS), as designated by the New York State Secretary of State. The Columbia-Greene SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility, and public recognition. There exists in the SASS unusual variety, as well as unity, of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features.

The section of the Columbia-Greene North SASS within the Town of Schodack is included within the following sub-units:

- CGN-4 Islands Sub-unit
- CGN-13 Schodack Landing Sub-unit

The Town of Schodack is adjacent to a section of the Columbia-Greene North SASS located in the Town of Coeymans, Albany County included within the following sub-units:

- CGN-1 Coeymans Hamlet Waterfront Sub-unit
- CGN-2 Hannacrois Creek Outlet Sub-unit

The scenic quality of these sub-units is summarized in Appendix C.

When considering a proposed action, agencies shall determine whether the action could affect the Columbia-Greene North SASS and, if so, whether the types of activities proposed would be likely to impair the scenic quality of an identified resource. Impairment includes:

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

The following siting and facility-related guidelines are to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

- A. Siting structures and other development such as highways, power lines, and signs back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shores;
- B. Clustering or orienting structures to retain views, save open spaces and provide visual organization to a development;
- C. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- D. Removing deteriorated and/or degrading elements;
- E. Maintaining and restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- F. Maintaining or adding of 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;

- G. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
- H. Using appropriate scales, forms, and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

**POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND 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, agencies shall ensure that the action will be undertaken so as to protect, restore or enhance the overall scenic quality of the waterfront 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.

The siting and development guidelines outlined in Policy 24 will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Both the scenic resources and the objectives and priorities of the Town and Village will be considered.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements are consistent with this policy. Such actions include: selective maintenance and/or removal of vegetation at key vantage points along Route 9J to enhance scenic vistas of the River; actions to screen or otherwise reduce the visual impact of the Village's sewage treatment plant; and improved maintenance of the rear facades of buildings in the Village which face the river.

Much of the length of Route 9J is a surprising experience of peaceful beauty within minutes of downtown Albany. The long views of the river from the higher elevations, entering from the south, give way to closer views of creeks and backwaters as one approaches the Village. From the north, views are less impressive until just north of the Village where views of the river open up. The Village itself is a compact, urban contrast to the approaches. This entire scenic experience should be preserved. Opportunities for selected viewing locations will be provided at locations such as the north entrance to the Village.

AGRICULTURAL LANDS POLICY

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

Explanation of Policy

Soils classified as "prime agricultural lands" are situated both within and adjacent to the waterfront area. Some of these lands are in active agricultural use and/or included in designated agricultural districts. These lands are not officially designated on the Coastal Area Map, but are expected to be designated in the near future. Therefore, any action which involves such farmland must be evaluated in terms of its impact on the agricultural environment, as well as other factors.

In general, an action would be likely to significantly impair the viability of an important agricultural area if:

- A. The action would consume more than 10% of the land of an active farm, or a total of 100 acres, or divide an active farm into two or more parts, thus impeding efficient farm operation.
- B. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of important agricultural lands.
- C. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
 - 1. Extension of public water or sewer facilities to serve non-farm structures.
 - 2. Development of major non-agribusiness commercial development or major public institutions adjacent to identified agricultural lands.
 - 3. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land.

The evaluation of proposed actions affecting important agricultural lands will balance the availability and appropriateness of alternate sites which would not impact such lands against the unique site features required for the proposed action. The extent and nature of the actions and its benefits to the community will also be weighed against its adverse affects on agricultural lands.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for purposes of ensuring consistency with the State Coastal Management Program and the Local Waterfront Revitalization Program.

In addition, any such facility shall be consistent with Policies 7, 8, 19, 23, 25, 30, 36, 39, 40, 41 and 44.

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 fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. This policy shall apply where ice management practices presently are undertaken to maintain the Hudson River channel, as well as to the other coastal tributaries. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO SCHODACK OR CASTLETON.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL 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, commercial, and residential 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 laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways and vigorous regulatory and/or legal actions are necessary to insure that violations are identified and the regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply or strengthen existing monitoring and enforcement efforts. Local citizen participation is to be encouraged both for educational and enforcement purposes.

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 OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Explanation of Policy

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

The classification of the Hudson as "A", suitable for all uses, is compatible with the present use and future objectives for the river. Any action taken in the waterfront area which would lead to revision of such classification will be considered inconsistent with these coastal policies.

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 Village of Castleton is served by a public sewage system. The only other existing concentration of development in the waterfront area is the hamlet of Schodack Landing. Its small size and proximity to the river would be appropriate for such an alternative system should the need arise. Planned development, in accord with Policy 1, north of the Village will either connect to the Village sewage system or be required to provide an acceptable alternate means of sewage treatment.

**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 systems 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. The standards set forth in Policy 14 will apply to all construction in the waterfront area to control stormwater runoff and erosion.

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

**POLICY 34A NO VESSEL SHALL DISCHARGE WASTE OR OTHER WATER
UNSUITABLE FOR HUMAN CONSUMPTION INTO THE
COASTAL WATERS WITH THE INTENT OF TAKING ON FRESH
WATER FROM THE RIVER TO BE TRANSPORTED
ELSEWHERE FOR SALE OR USE WITHOUT OBTAINING ALL
REQUIRED APPROVALS AND PERMITS.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State Law. The significant habitats and mapped wetlands within the waterfront area of Schodack and Castleton should be protected from contamination by vessel wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCCRR, Part 657) and shall be strictly enforced. Plans for expansion or development of new marinas will be required to provide onshore pump-out facilities unless specifically demonstrated to be infeasible. The recently discovered practice of large tankers exchanging contaminated water for the pure water of the river is also a threat to the ecology of the river. Therefore, the policy shall apply in the coastal waters and is recommended to other communities on the river, as well.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE AND FEDERAL 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 affects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection of coastal resources (Policies 7, 15, 24, 26, and 44).

Periodic dredging of the Hudson is essential to maintain the channel for navigation. The use of dredge spoils can be effective in the development of Castleton Island State Park and to create suitable sites for appropriate development on Campbell Island (see Policy 1A). Spoil disposal sites are not acceptable, however, if they are located in a designated wetland, will permanently disturb a significant wildlife habitat or will adversely affect a designated historic site or district. Minor dredging to maintain or create sufficient depth at or adjacent to marinas, boat launches, etc. is encouraged as a means to achieve Policies 19 and 21.

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

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities, but also to residential and other users of petroleum products and radio-active and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue

of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See also Policy 39.

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. See also explanation of Policy 14.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Explanation of Policy

Local groundwater supplies and surface water of the Hudson River must be protected. The impact of an action on the quality of Hudson River water will be a major factor in planning and decision making. Such impacts include those, resulting from construction activity, land use management, point and non-point pollution sources and direct actions on the waterways.

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

Explanation of Policy

The definitions of terms "solid wastes" and "solid waste 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 and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [527-0901.3] 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. 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.

**POLICY 40 THE STATE COASTAL POLICY REGARDING EFFLUENT
DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING
AND INDUSTRIAL FACILITIES INTO COASTAL WATERS IS
NOT APPLICABLE TO SCHODACK AND CASTLETON.**

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

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

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

Explanation of Policy

Not included in the Local Program.

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

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. Two such areas are delineated in the Town: Papscaene Creek (EG-1) and Schodack Creek (R-201).

No tidal wetlands are delineated on the Hudson north of the Tappan Zee Bridge.

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

- a. Habitat for wildlife and fish and contribution to associated aquatic food chains (see Policy 7 and 7A);
- b. Erosion, flood and storm control;
- c. Natural pollution treatment;
- d. Groundwater protection;
- e. Recreational opportunities;
- f. Educational and scientific opportunities; and
- g. Aesthetic open space in developed areas.

Existing State laws establish the basis for preservation of coastal resources, but should be reinforced by appropriate local action where necessary. Activities in the proximity of freshwater wetlands will be reviewed to determine possible affects thereon due to erosion, sedimentation, pollution or similar affects. The extent of adverse impacts will be analyzed and mitigating actions required where such impacts cannot be avoided.

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. PROPOSED LAND AND WATER USES

The Land and Water Use Plan for the waterfront area reflects the policies established in Section III. The plan designates long term land and water uses based on physical features, land-water relationship, land and water access, utility service, historical context, and environmental significance. Map No. 6 illustrates the general concept of land uses proposed for the waterfront area, which is discussed below. Specific zoning legislation necessary to implement the land use concept is discussed in Section V, Techniques for Implementing the Program.

Eight (8) general land use categories are proposed in the waterfront area. These are not directly comparable to zoning districts but, rather, are descriptive of areas with similar characteristics and common features. The nature and location of each category is as follows:

1. Urban Area

This area includes the Village of Castleton-on-Hudson and its mixture of residential and commercial uses. It is the only area served by both public sewer and water supply systems and is, therefore, appropriate for higher density development. Multi-family residential development, commercial uses, and related facilities are appropriate here in an urban setting. Current zoning generally reflects this development pattern.

2. Low Density Residential/Agricultural

The area east of Route 9J, other than the Village of Castleton and the hamlet of Schodack Landing, includes steep hillsides and sparse rural development typical of much of the waterfront area. Such low density use (less than one unit per acre) and agricultural use is appropriate and will be maintained. Development of the steep slopes will be restricted.

3. Hamlet Area

The Schodack Landing historic district will be preserved as a small enclave in its original setting--waterfront to the west and agricultural use to the east. Topography and lack of utilities set forth this pattern.

4. Industrial

Sites for new industry in the waterfront area are virtually non-existent. The existing concentration along the Moordener Kill will be preserved north of the Village.

5. Planned Waterfront

North of the Village, Campbell Island, located between the river and the railroad, is isolated from the rest of the Town. Since the entire area south of the Village is owned by New York State, the land north of the Village is the only area where major development which could benefit from the river can locate. It is proposed for a variety of uses--such as waterfront industrial, commercial recreation, or residential--subject to performance standards to protect the environmental resources of the river and nearby Papskanee Island. Such a designation will provide a flexibility of uses subject to specific review of each proposed development to determine consistency with LWRP policies and standards for environmental protection.

6. Intensive Waterfront

The area from Cow Island south to the State-owned land at Castleton Island State Park, is mostly within the Village and served by public utilities. The few existing water-dependent uses are located here and some access across the track exists. This area will be observed for intensive water-dependent activity to complement revitalization of the business district and to provide sites for water-related services to support future use of the State Park. Such services might include sale of marine products and boat repair and storage, as well as tourist-related facilities.

7. Castleton Island State Park

The State-owned land is already committed to park use. The precise nature of the park development and management will be determined through development of a long range master plan as discussed in Section V,B.2.

8. Conservation Areas

The most environmentally sensitive areas in the waterfront area will be preserved as conservation areas. These include the major kills, Papskanee Island and Creek and Schodack Creek and adjacent wetlands.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS (see Map 7 and 7A)

The following projects have been identified as supporting the policies and objectives of this LWRP, although they cover a wide range of feasibility and priority. Other, non-physical actions which are also part of the program to implement the LWRP are discussed in Section V.

1. Riverfront Walk

Across the railroad tracks in the Village is a wonderful setting on the water's edge. Since access is limited, a walkway to connect the few access points and to extend all the way from the Castleton Boat Club to proposed recreation facilities at Cow Island is proposed (see Map 7B Riverfront Walk Concept Plan). Such a walkway would provide an opportunity to stroll, watch the ships go by, fish and enjoy the waterfront at close quarters. The obstacles to overcome in creating such a facility are significant. Access and/or right-of-way across the railroad and private property are necessary. Construction of bulkheads or boardwalks are required and protective fencing from the high speed rail line is essential.

The construction of the Riverfront Walk will require an estimated 10,000 to 20,000 cubic yards of fill over 2,500 feet of shoreline. Much of this fill is to be in the form of gabions; stones held in a wire frame. While such gabions would serve to stabilize "landslide susceptible" areas, it would also displace fish and wildlife from the littoral zone, shallow water where rooted plants grow. Gabions are also susceptible to ice and debris damage. Further, the at-grade crossing of the high-speed rail creates a certain safety hazard.

The construction of the Riverfront Walk could use rock riprap which would also have impacts on fish and wildlife similar to that of gabions, but would be less susceptible to ice and debris damage. Construction of an at-grade walk-way on pilings would eliminate the impacts on fish and wildlife and avoid ice and debris damage, but would likely require steeper grade changes for users and would be vulnerable to landslide damage. Feasible alternatives to at-grade railroad crossings have not been explored.

Site specific review of individual alternatives will be required. In particular, the riverfront walk will require review of impacts on fish and wildlife displaced from the protective cover of the littoral zone, the cost of maintaining gabions against ice and debris damage, and the hazards of at-grade crossing of the high-speed railroad tracks. Nevertheless, such a project is the only opportunity to expand waterfront use in the urban area and can be undertaken in stages as funds permit and, particularly, as opportunities for joint development arise.

2. "Kill" Trail System

The Vlockie and Muitzes Kills, south of the Village, are unusual natural features. The Vlockie Kill already runs through Village land and an opportunity exists to create a trail system extending along both kills and connecting along the power line right-of-way to the north of the Village. The system could connect to the riverfront walk and to the State park land to create a continuous walk through a diverse environment. Much of the system could be acquired (via dedication or easement) through the normal subdivision process.

3. Scenic Overlooks

Opportunities for overlooks along Route 9J to view the waterfront exist in a number of locations. One such spot is at the north end of the Castleton business district where the road is elevated and no structures are on the west side. Another potential opportunity is in Schodack Landing. Creation of safe "pull-offs" and ample parking areas should be coordinated with the New York State Department of Transportation.

4. Business District Revitalization

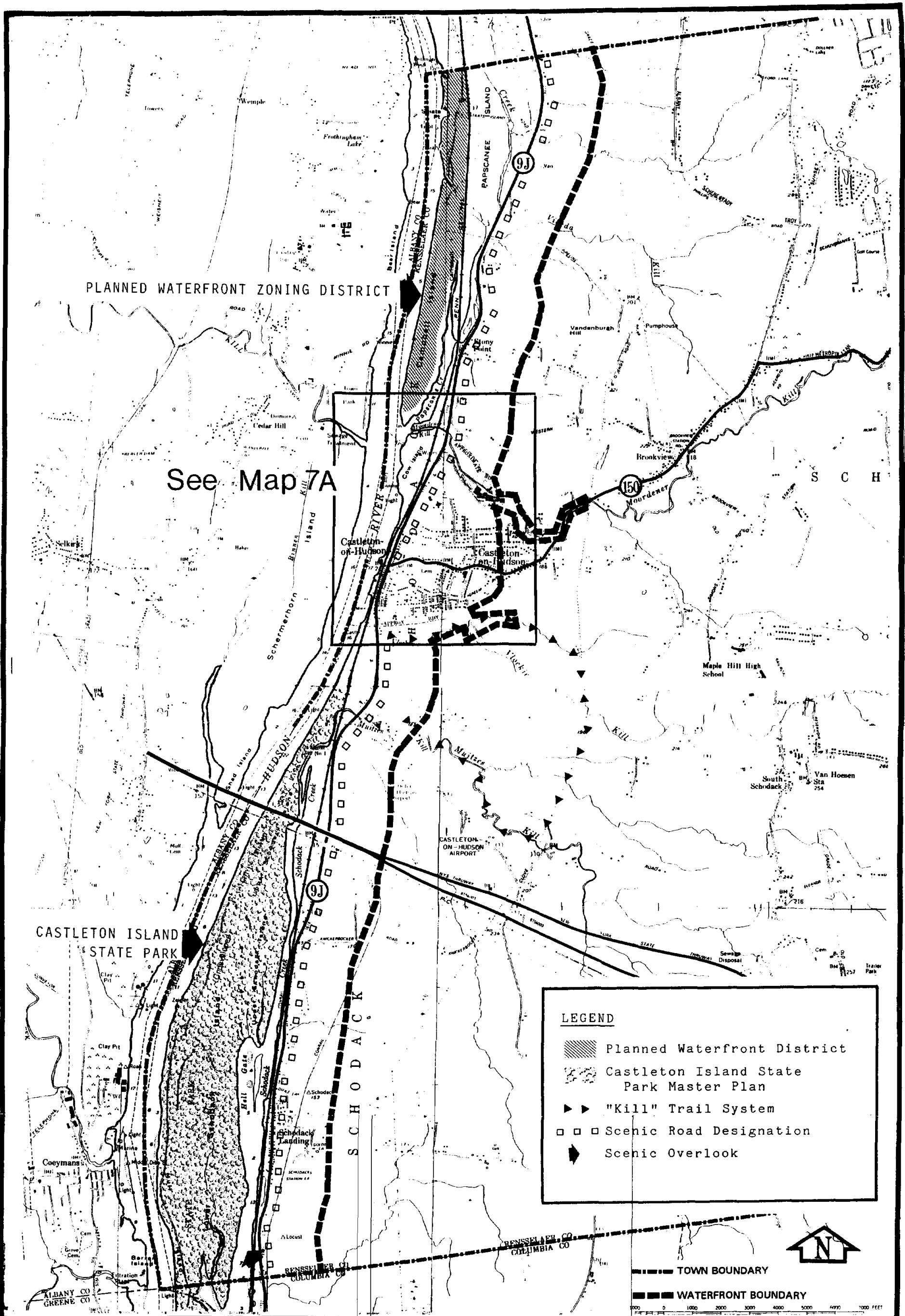
A comprehensive set of actions, well beyond the scope of this LWRP, is required for a complete revitalization program. Some actions have already been initiated, such as the rehabilitation program by COHNA (the Castleton-on-Hudson Neighborhood Association) and the installation of new sewer lines. The projects described above will also support this effort. In addition, programs to promote the business area and, particularly, its history and waterfront uses will further revitalization. Some projects were suggested in the 1984 study, "Downstreet by Design", such as a village gardens, facade rehabilitation and a foot bridge over Route 9J from Bicentennial Park. Improvements to rear facades of buildings facing the river should also be included in rehabilitation efforts.

5. Dry Hydrants

To increase the reliability of water supply for fire fighting, dry hydrants tapping the river water are proposed. One line under the tracks can serve several hydrants at key locations.

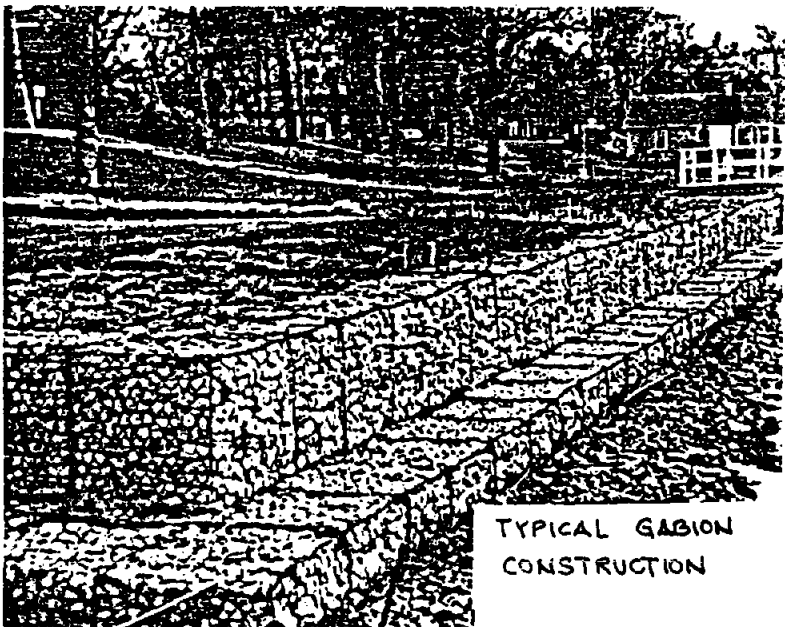
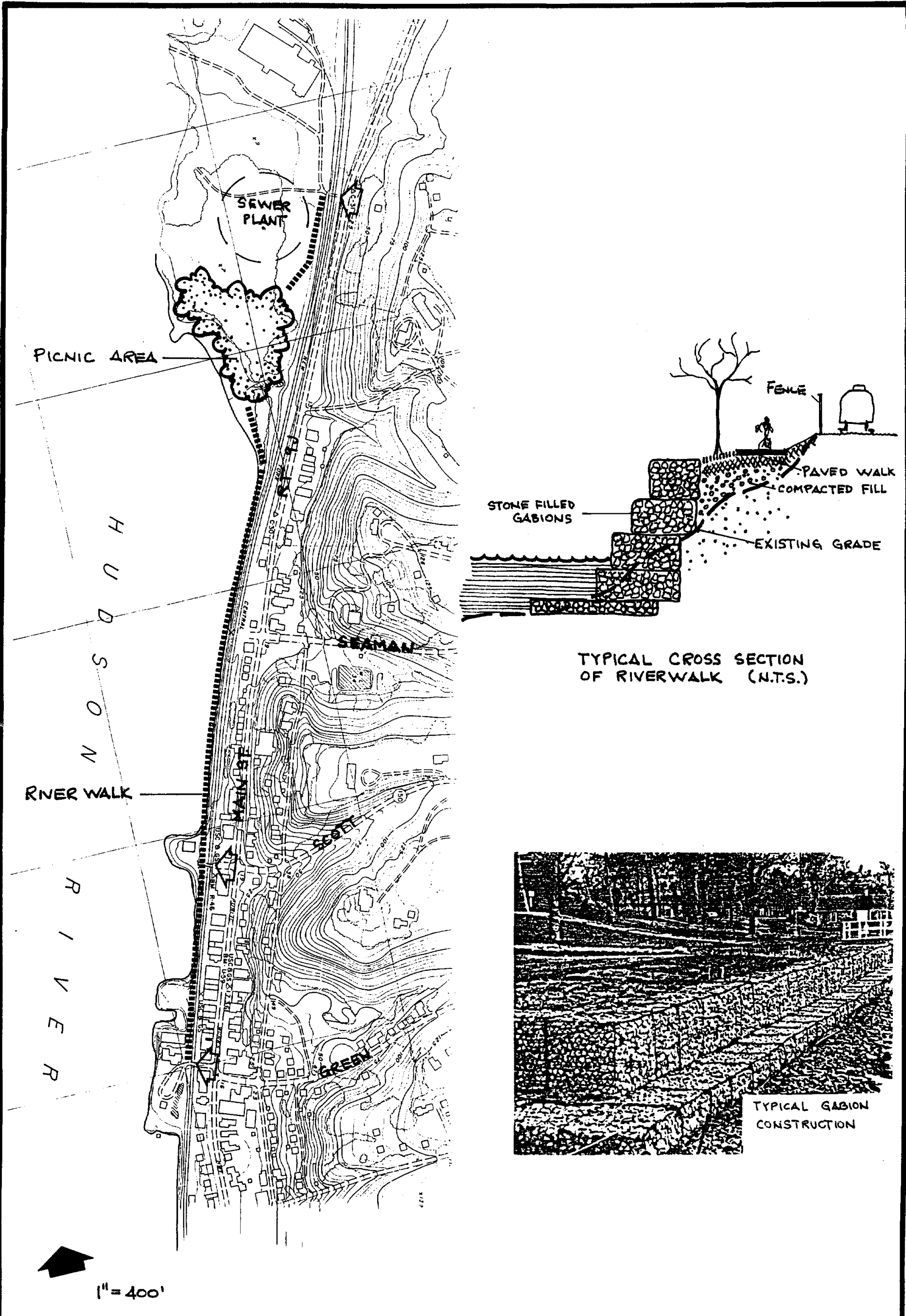
6. Maintenance Dredging

In addition to normal channel dredging, periodic dredging is required to maintain sufficient water depths adjacent to water-dependent uses. Such dredging should be coordinated with channel dredging and disposal of spoils, if suitable, used in construction of the river walk.



LEGEND

- Planned Waterfront District
- Castleton Island State Park Master Plan
- "Kill" Trail System
- Scenic Road Designation
- Scenic Overlook



VILLAGE OF CASTLETON-ON-HUDSON/TOWN OF SCHODACK

Local Waterfront Revitalization Program
 Shuster Associates
 Planning Consultants

RIVERFRONT WALK CONCEPT PLAN

Map No.
7B

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

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

Part A describes local legislation which will help to implement the program. Part B sets forth other specific implementing actions or projects. Part C describes the management structure to coordinate the program. Part D indicates the financial resources needed and, where possible, available to carry out specific proposed actions. Part E is a chart summarizing proposed actions and the policies from Section III to which they relate.

A. LOCAL LAWS AND REGULATIONS

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

1. Zoning Regulations

Town and Village: The Zoning Laws establish land use and density controls, in designated districts, based on a comprehensive plan.

The Planned Waterfront Development District permits flexibility of use and development on Campbell Island, west of the railroad, for water related activities. This zoning district includes specific development and review criteria to insure protection of the environment and consistency with the LWRP. Also, the MC - Marine Commercial District permits uses appropriate to commercial shipping and private recreational use of the Hudson River.

Application: The zoning districts are essential tools for implementation of the Development Policies (1, 2, 4 and 5). The Planned Waterfront Development District supports Development Policies 1, 2, and 5; Public Access and Recreation Policies 19, 20, 21, and 22; and Historic Preservation and Scenic Protection Policies 23, 24, and 25.

2. Subdivision Regulations

Town and Village: These regulations enable the Planning Board to (1) establish standards for the division of land into building lots and the design and construction of improvements and (2) require approval of plans and specifications prior to subdivision.

Application: These regulations are important to orderly development, particularly Development Policy 5, Flooding and Erosion Policies 14 and 17, Public Access Policy 20, and Water and Air Resources Policies (32, 33, 38 and 44).

3. Flood Damage Prevention Regulations

Town and Village: These regulations establish standards for the type and location of construction in flood hazard areas designated by the Federal Emergency Management Agency. Such legislation enables property owners to be eligible for flood insurance and federal aid in the event of a flood related disaster.

Application: These regulations are used to implement Flooding and Erosion Policies 14 and 17.

4. Environmental Quality Review

Town and Village: State law requires local governments to administer provisions of the State Environmental Quality Review Act (SEQRA).

Application: Adherence to SEQRA procedures allows the "lead" agency to identify possible adverse impacts of proposed actions on any aspect of the physical environment at the earliest possible stage and to recommend or require appropriate mitigating measures.

5. Creation of Waterfront Commission

A joint Town/Village Commission (see C. below) to coordinate and administer various actions necessary to implement the LWRP was created under local law.

Application: This action relates to the entire LWRP.

6. Local Consistency Law

A local LWRP consistency law was enacted by both the Town and Village to require that all local boards, agencies, commissions and departments act consistently with the policies established in the LWRP.

B. OTHER ACTIONS

Physical projects related to the LWRP are described in Section IV, B; required laws and regulations are set forth above. Other actions recommended in the LWRP include the following:

1. Scenic Roads Designation

Route 9J through the rural area of the Town and the Village center is of high visual quality and scenic interest. Article 49 of the State Environmental Conservation Law authorizes designation of such scenic resources by the Commissioner of the NYS Department of Environmental Conservation and the development of programs to preserve and enhance them. This designation should be made and supported by local actions, such as the enactment of special sign controls, State actions, such as development of scenic overlooks and joint cooperation in maintenance and techniques to preserve important vistas.

Application: Historic and Scenic Policies 23 and 25.

2. Castleton Island Master Plan and Action Program

Castleton Island was the most significant acquisition recommended in the 1969 "Master Plan for Outdoor Recreation in the Capital District State Park Region". Although acquisition has been completed, no action to develop the park has been taken due to a variety of factors, of which fiscal constraints are probably the most significant. While priorities have changed and projected demands have not been realized, the land now in State ownership is a magnificent resource and a great potential asset to the State and the surrounding community.

The past allocation of funds to the New York State Office of Parks, Recreation and Historic Preservation, for use at Castleton Island, offers an opportunity to re-evaluate the proposed use and development program for the park, in light of current conditions, and identify and resolve specific problems. To be most useful, such a process should be carried out in cooperation with the involved communities and coordinated with plans and policies for the riverfront, included in this Local Waterfront Revitalization Program, in accord with the following work program.

a. Purpose and Objectives

The proposed scope of work is intended to achieve a number of inter-related objectives:

- (1) To develop a set of policies based on State and local consultation and physical determinants to guide park planning and development.
- (2) To identify critical problems to be solved and/or issues to be resolved which significantly affect park planning and development.

- (3) To prepare a general master plan for one selected development alternative, including resolution of identified problems and recommended staging and priorities for action.
- (4) To recommend specific early action projects, if feasible, and to estimate costs and establish other requirements of such actions.

b. Scope of Work

The proposed scope of work involves preparation of a Master Plan and Action Program for Castleton Island Park and includes the tasks discussed below:

(1) Inventory

This task will include gathering, updating as necessary, and evaluating data as to natural and cultural features of the site and the adjacent environment, evaluating recreation facilities and demands in the area, and identifying specific opportunities and constraints affecting park use and development.

(2) Preliminary Policy Statement

Based on the inventory and consultation with State, local, and regional officials, a preliminary statement of policies will be prepared concerning the type and intensity of uses appropriate to the park.

(3) Alternate Plan Development

A number of alternative plans will be prepared illustrating various options and methods of accomplishing the preliminary policies. Included in each plan will be an analysis of its physical, management, and financial implications and identification of any significant obstacles to its accomplishment. It is recognized that a feasible solution to the type and level of access required to the site will be a major factor in all plans.

(4) Final Policies and Plan Selection

Based on evaluation of the alternatives, the preliminary policies developed in (2) above, will be reviewed and modified, if appropriate, to reflect the impact analysis. One alternative plan will then be selected for refinement.

(5) Master Plan

The selected alternative will be developed in sufficient detail to establish location and preliminary design of facilities and access, functional relationships, management and operation requirements, and preliminary costs. Also included will be an assessment of environment impacts and recommended priorities and staging of activities.

(6) Early Action Program

In order to begin implementation of the plan at an early date, necessary approvals and procedural steps will be identified. Also, initial physical actions which could be started at an early date will be identified and the means to achieve them explored.

Application: The Master Plan for Castleton Island will relate to Fish and Wildlife Policies 7, 7A and 9; Public Access Policies 19, 19A and 20; Recreational Policies 21 and 22; and Historic and Scenic Resources Policy 25.

3. **Landslide Susceptible Area Regulations**

The steep escarpment that divides the Hudson River floodplain from the upland areas includes silt and clay soils which are highly erodible. These highly erodible soils combined with 20% to 30% slopes present a severe development constraint. Much of these areas have been identified by the State Geological Survey as "Landslide Susceptible". The Town will review the State Geological Survey's identification of such areas and, to the extent necessary, adopt appropriate development regulations.

C. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM

1. **Waterfront Advisory Committee**

To monitor and coordinate implementation of the Local Waterfront Revitalization Program, a joint Town/Village Waterfront Advisory Committee consisting of 9 members was established.

The Committee is constituted as follows:

a. Appointment

Members are appointed for a term of three years and are eligible for reappointment; except that at the outset, three members will be appointed for a term of three years, three for a term of two years, and three for a term of one year.

b. Organization and Procedures

The Commission establishes its own rules of procedure, subject to applicable law. The Chair shall be jointly appointed by the Mayor of the Village and the Supervisor of the Town.

c. Qualifications

Members are chosen for their demonstrated knowledge, ability, and readiness to serve the Committee in the functions described below.

d. Functions and Powers

The Committee's basic task will be to monitor and coordinate implementation of the LWRP, its projects, including physical, legislative, regulatory, administrative, and other actions included in the program. In pursuance of this task, the Committee will:

- (1) Advise the Town and Village Boards on implementation priorities, work assignments, timetables, and budgetary requirements of the program.
- (2) Review applications for coastal development permits, zoning changes, subdivisions, and public works projects in the waterfront area, and advise the appropriate agency.
- (3) Subject to approval of the Town or Village Board, make application for funding from State, federal, or other sources to finance projects set forth in the LWRP.
- (4) Maintain liaison with related Town and Village bodies, including but not limited to the Planning and Zoning Boards, and with concerned non-governmental bodies, in order to further the implementation of the LWRP.

- (5) On behalf of the Town and Village Boards, evaluate in a timely fashion proposed actions of State agencies within the waterfront area in order to assure consistency of such actions with policies of the LWRP, advise the Board(s) of any conflicts, and participate in discussions to resolve such conflicts.
- (6) Review proposed federal actions referred to it by the Department of State and advise the DOS as to its opinion concerning the consistency of the action with local coastal policies.
- (7) Develop and maintain liaison with neighboring municipalities and Rensselaer County agencies.
- (8) Prepare an annual report on progress achieved and problems encountered during the year, and recommend such actions as the Committee considers necessary for implementation of the LWRP.
- (9) Perform other functions relevant to the waterfront area as may be assigned to it from time to time.

e. Other Provisions

- (1) Members may be compensated at the discretion of the governing bodies. They will be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budgetary limitations.
- (2) The Committee may engage such professional and clerical help and purchase such supplies and services as are necessary for its work, subject to prior budgetary approval by the Town and Village Boards.

3. **Lead Agency and Responsible Official**

The Waterfront Advisory Committee is responsible for overall coordination of the LWRP. The Chairman of the Commission will be designated as the local official responsible for initiating and coordinating actions necessary to implement the LWRP. Each local agency will determine the consistency of their actions with the LWRP, while the Waterfront Advisory Committee will advise State agencies as to the consistency of State and federal actions with the policies of the LWRP in accord with the procedures set forth in Appendix F.

D. FINANCIAL RESOURCES TO IMPLEMENT THE LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations, except for preparation of the Castleton State Park Master Plan.

Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Town or Village.

Section VI indicates various State and federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects.

It is recognized, however, that such funding is limited and competition for available funds is intense. Set forth below is the estimated cost of each proposed physical project, where available, and possible sources of funds to implement them. Pre-construction costs may be available from the New York State Department of State.

1. Riverfront Walk

- a. Estimated Cost: \$500,000 for all 2,500 linear feet.
- b. Possible Funding Sources
 - New York State Department of Environmental Conservation
 - New York State Office of Parks, Recreation and Historic Preservation
 - Hudson River Foundation (Exxon Fund)
 - New York Council on the Arts

2. "Kill" Trail System"

- a. Estimated Cost: not specified
- b. Possible Funding Sources
 - Private developers as part of large scale development
 - Utility Companies (for right-of-way)

3. **Castleton Business District Revitalization**
 - a. Estimated Cost: Dependent on specific rehabilitation costs.
 - b. Possible Funding Sources
 - U.S. Department of Housing and Urban Development
 - NYS Division of Housing and Community Renewal
4. **Maintenance Dredging**
 - a. Estimated Cost: Unknown
 - b. Possible Funding Sources
 - U.S. Army Corps of Engineers
5. **Scenic Overlooks**
 - a. Estimated Cost: To be included as part of highway construction
 - b. Possible Funding Sources
 - New York State Department of Transportation
6. **Dry Hydrants**
 - a. Estimated Cost: \$25,000
 - b. Possible Funding Sources
 - Village

E. SUMMARY CHART OF ACTIONS AND POLICIES

The following chart indicates the various implementing actions described in Sections IV and V, the Policies in Section III to which they are related, and the local, State, or federal agencies responsible.

ACTIONS AND POLICIES: SUMMARY

LOCAL WATERFRONT REVITALIZATION PROGRAM - SCHODACK/CASTLETON

ACTION (see text for description)	Related Policies	Responsible Agency (s)	Priority
1. Physical Projects			
a. Riverfront Walk	9, 19, 20, 21 22	VB/DEC	2
b. Kill Trail System	9, 19	VB/TB/PB	3
c. Business District Revitalization	1, 4, 5, 23	VB/COHNA/DHCR	2
d. Maintenance Dredging	21, 35	CE	2
e. Scenic Overlooks	21, 22, 25	VB/TB/DOT	2
f. Dry Hydrants	1	VB	1
2. Legislation and Other Actions			
a. Local Consistency Laws	All	VB/TB	1*
b. Create Waterfront Commission	All	VB/TB	1*
c. Extend Village Waterfront Zone	1, 2, 2A, 4, 5	VB	1*
d. Create Town Planned Waterfront Zoning District	5, 19, 20, 21 22, 25	TB	1*
e. Scenic Road Designation	23, 25	DEC/WC/DOT	2
f. Castleton Island Master Plan	7, 7A, 9, 19, 19A, 20, 21, 22	OPR/WC/TB	1

*** Responsible Agency**

VB - Village Board
 TB - Town Board
 PB - Planning Board
 DEC - NY Division of Economic and Community Development
 DEC - NYS Department of Environmental Conservation
 DOT - NYS Department of Transportation
 OPR - NYS Office of Parks, Recreation and Historic Preservation
 CE - US Army Corps of Engineers
 P - Private Property Owners
 WC - Waterfront Committee
 COHNA - Castleton-on-Hudson Neighborhood Association

**** Priority**

1* - secondary prior to final approval of LWRP
 1 - high priority
 2 - medium priority
 3 - long range

SECTION VI

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

State and federal actions will affect and be affected by implementation of the LWRP. Under State law and the Federal Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions. While consistency requirements primarily help prevent detrimental actions from occurring and help ensure that future options are not foreclosed needlessly, active participation on the part of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

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

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

A. FEDERAL AND STATE ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program.
- 2.00 Rural development programs.
- 3.00 Farm worker services programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughterers/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

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

OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
- 2.01 Certificate of Approval (Substance Abuse Services Program)

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
- 1.01 Authorization Certificate (Bank Branch)
- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)

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

CAPITAL DISTRICT TRANSPORTATION AUTHORITY

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

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

EDUCATION DEPARTMENT

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

Hazardous Substances

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

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

Marine Resources

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

Mineral Resources

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

Solid waste

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

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal systems
- 9.50 Certificate of Approval of Realty subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Offshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit to State Agency Activities for Development in coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval - Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District approvals
- 9.62 River Regulatory District approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants for easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

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

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)

- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp
- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund Programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.02 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services programs.
- 10.00 Urban Cultural Parks Program.
 - 10.01 Federal 106 Historic Review
 - 10.02 New York State 14.09 Historic Review

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advance Technology Program.

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highway system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities

- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development to the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permit and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program—Activities related to the containment of petroleum spill and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant or easement and other activities related to the management of land under the jurisdiction of the Corporation.

2.00 Planning, development, financing, construction, major renovation or expansion commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to actions under its discretionary economic development programs, such as the following:

- (a) Tax-Exempt Financing Program
- (b) Lease Collateral Program
- (c) Lease Financial Program
- (d) Targeted Investment Program
- (e) Industrial Buildings Recycling Program

3.00 Administration of special projects

4.00 Administration of state-funded capital grant programs

DIVISION FOR YOUTH

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

2. Federal Agencies

Note: Reference numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

ENVIRONMENT PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405 and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343 and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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

- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation and Historic Monuments
15.411 Historic Preservation Grants-In-Aid
15.417 Urban Park and Recreation Recovery program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife Restoration
15.613 Marine Mammal Grant Program
15.802 Minerals Discovery Loan Program
15.950 National Water Research and Development Program
15.951 Water Resources Research and Technology - Assistance to State Institutes
15.592 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

- (1) **Authorization of Dredging, etc:** Will be important to maintain navigation on the Hudson River; **Erosion Control Structures** can be used to protect portions of the Castleton Island State Park, to repair deteriorated bulkheads along the River in the Village and to create the "riverwalk".

b. Department of the Interior

- (1) **Outdoor Recreation-Acquisition, Development and Planning:** Such assistance could be used to aid in the development of Castleton Island State Park.
- (2) **Historic Preservation Grants-in-Aid:** Could be used to restore historic properties in the Village.

c. Department of Housing and Urban Development

- (1) **CDBG Small Cities Program:** Assistance in various activities to revitalize the Castleton business district.

d. Department of Transportation

- (1) Approval of joint use of Conrail right-of-way to permit construction of "riverwalk".

2. State Actions and Programs

a. Department of Environmental Conservation

- (1) **Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment:** If issued in conformance with LWRP policies will help preserve the quality of the Hudson River.
- (2) **Stream Bed Disturbance Permit:** For construction of riverwalk.
- (3) **Scenic Road Designation:** for Route 9J.

- (4) **Protection of Water Permits and Water Quality Certification:** For periodic dredging to maintain sufficient water depth adjacent to water-dependent uses in addition to normal channel dredging.

b. Office of General Services

- (1) Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy such lands.

c. Office of Parks, Recreation and Historic Preservation

- (1) **Land and Water Conservation Funds:** Can be used to acquire and develop the state park and prepare master plan for Castleton Island State Park.
- (2) **Nomination to State and Federal Register of Historic Places:** Can designate appropriate structures and districts making them eligible for funding and tax incentives, particularly Main Street in Castleton.
- (3) **Historic Preservation Funds:** Can be used for restoration of significant structures.

d. Department of State

- (1) **Funds for LWRP Implementation:** Can be used for pre-construction activities for projects such as the river walk and trail system.

e. Department of Transportation

- (1) **Design, Construction and Rehabilitation of State Highways:** Can include improvements to Route 9J to create scenic overlooks, and preserve and maintain vistas.

SECTION VII
CONSULTATION WITH OTHER AFFECTED AGENCIES

A. LOCAL CONSULTATION

Consultation has included maintaining liaison with other Town and Village agencies whose actions or functions may be affected by the LWRP. The chairman of the Town Planning Board serves on the Waterfront Advisory Committee and staff of the Castleton-on-Hudson Neighborhood Association (COHNA) have provided various support and coordination services. Presentations to local groups have been made by the chairman of the Advisory Committee.

B. REGIONAL CONSULTATION

Rensselaer County Planning Board: A meeting was held with staff of the Planning Board early in the program to inform them of the nature of the LWRP and to offer them the opportunity to comment on County concerns which the program might address. A number of suggestions were made and have been incorporated in the program. A copy of the first draft was referred to the staff and a number of comments received, which have been addressed.

C. STATE AGENCY CONSULTATION

1. Department of Environmental Conservation: Numerous contacts were made to gather data concerning flood hazard management, wetland designations, and fish and wildlife resources.
2. Department of State: Consultation with the Department of State took place throughout the preparation of the LWRP. In addition to matters directly dealing with preparation of this program, DOS also provided assistance regarding methods of implementation and legal and programmatic concerns.

In addition, the Draft LWRP (with Draft Environmental Impact Statement) was reviewed and approved by the Town and Village Boards and forwarded to the Department of State. The Department of State then initiated a 60 day review of the Draft LWRP pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the Draft LWRP were distributed to all potentially affected State agencies, Rensselaer County, the Capital District Regional Planning Commission, and adjacent waterfront communities (Towns of Stuyvesant, Bethlehem, East Greenbush, and Coeymans). Comments received on the Draft LWRP were reviewed by the Town, Village, and Department of State, and changes made to the LWRP, which are detailed in the Final Environmental Impact Statement.

3. Office of Parks, Recreation and Historic Preservation: Three meetings were held with OPRHP staff to review the status of Castleton Island State Park and to agree on an approach to prepare plans for the use and management of the park. This process culminated in an appropriation by the State Legislature to fund a joint local/State effort to develop a comprehensive plan and environmental analysis.

SECTION VIII
LOCAL COMMITMENT

From the inception of the LWRP, it was recognized that involvement and commitment by both local officials and citizens were essential to the development of an effective program and to carrying out the various tasks to achieve its implementation. The program to achieve local commitment is described below:

A. WATERFRONT ADVISORY COMMITTEE

The first action taken following approval of the LWRP planning grant was to invite interested citizens and members of local boards to participate in the program. The appointment of a joint Town/Village Waterfront Advisory Committee was made from this group. The Committee includes members of various local boards, members of business, civic, planning and environmental groups, and residents of the waterfront area.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period, the Committee met at least once a month. Subcommittees were formed to discuss policy, consider alternative approaches, and recommend specific actions. The entire Committee endorsed the program developed herein and recommended its adoption by the respective Town and Village Boards.

B. PUBLIC MEETINGS

The general public was informed of the planning process through periodic releases and through participation in two public meetings. The first meeting was held at the start of the program to determine public concerns, to explain the purpose of the program, its benefits, and to set forth the schedule and procedures to be followed. The second meeting was held at a point when the policies had been established and a program determined, but when modifications were still possible based on public response. Final public hearings will be held prior to approval by the Town and Village Boards.

C. BRIEFINGS

The Supervisor and the Mayor followed the activities of the Waterfront Advisory Committee and the preparation of the LWRP throughout the planning period and attended many Advisory Committee meetings, as well as attending to various administrative functions.

D. QUESTIONNAIRE

A questionnaire was distributed to residents of the waterfront area to determine their opinion on a variety of issues. The results are described in Appendix D.

APPENDIX A

**PAPSCANEE MARSH AND CREEK
COASTAL FISH AND WILDLIFE HABITAT**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Papscanee Marsh and Creek

Designated: November 15, 1987

County: Rensselaer

Town(s): East Greenbush, Schodack

7½' Quadrangle(s): Delmar, NY; East Greenbush, NY

<u>Score</u>	<u>Criterion</u>
--------------	------------------

12	Ecosystem Rarity (ER)
----	-----------------------

One of the major freshwater wetland and tributary system in the upper Hudson River subzone, but rarity reduced by human disturbance.
geometric mean: $(9 \times 16)^{1/2} = 12$.

16	Species Vulnerability (SV)
----	----------------------------

Least bittern (SC) nesting.

6	Human Use (HU)
---	----------------

The marsh provides a variety of fish and wildlife related recreational uses for residents of the Capital District.
geometric mean: $(4 \times 9)^{1/2} = 6$.

6	Population Level (PL)
---	-----------------------

Concentrations of various migratory birds and anadromous fish species are uncommon in the ecological subzone; geometric mean:
 $(4 \times 9)^{1/2} = 6$.

1.2	Replaceability (R) Irreplaceable.
-----	--------------------------------------

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R]$
= 48

DESIGNATED HABITAT: PAPSCANEE MARSH AND CREEK

HABITAT DESCRIPTION:

Papscanee Marsh and Creek is located on the east side of the Hudson River, beginning just south of the City of Rensselaer and extending south along the west side of N.Y.S. Route 9J for approximately four miles. The fish and wildlife habitat is located in the Towns of East Greenbush and Schodack, Rensselaer County (7.5' Quadrangles: Delmar, N.Y.; and East Greenbush, N.Y.).

The Papscanee Marsh and Creek habitat is primarily a floodplain wetland area, encompassing a large tidal creek, emergent marshes, freshwater tributaries, old fields, and young woodlands. The habitat also includes an approximate one mile segment of the Moordener Kill, which is a medium gradient, warmwater stream, with a gravelly substrate and a drainage area of approximately 33 square miles. Papscanee Marsh and Creek has been subject to considerable human disturbance, as a result of agricultural use, and nearby commercial and industrial developments.

FISH AND WILDLIFE VALUES:

Papscanee Marsh and Creek is the northernmost of several major wetland areas located along the upper Hudson River. The marsh is very productive biologically and is a major contributor to the food chains of many fish and wildlife species in the northern section of the Hudson Valley. Papscanee Marsh is an important resting and feeding area for migratory waterfowl such as black duck, mallard, teal, wood duck, and pintail, and is used by limited numbers of waterfowl for nesting. Probable or confirmed breeding bird species in the area include green-backed heron, least bittern (SC), Canada goose, mallard, black duck, wood duck, Virginia rail, common moorhen, common snipe, spotted sandpiper, belted kingfisher, marsh wren, and swamp sparrow.

Papscanee Creek and its tributaries, especially the Moordener Kill, are important spawning and nursery areas for a variety of anadromous fish species, such as blueback herring, alewife, white perch, and American shad. Hudson River tributaries such as this are important producers of forage fish (killifish, shiners, etc.) which are consumed by the larger fish species noted above. Many resident freshwater fish species are also found here, including white catfish and black bass (largemouth and smallmouth). A population of map turtles has been reported to reside in this area.

Papscanee Marsh and Creek provides recreational and educational opportunities to residents from throughout the Capital District, including Albany, Rensselaer, and Columbia Counties. Waterfowl, hunting, trapping, fishing, and birdwatching are all significant recreational uses. However, human use of the area is limited somewhat by the lack of public access facilities.

IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,
- significantly impair the viability of a habitat.

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

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

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

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

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

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

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of stormwater runoff or wastewater containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish and wildlife populations in the area. Barriers to fish migration, whether physical or chemical, would also have significant impacts on fisheries resources in Papscanee Creek as well as in the Hudson River.

Physical alteration of Papscanee Creek, through dredging, filling, or bulkheading, would eliminate productive shallow water areas. Elimination of wetlands, through filling or drainage, would result in a direct loss of valuable habitat area. Expansion of agricultural activities in recent years has resulted in such habitat losses, but could be designed to maintain or enhance certain wildlife species.

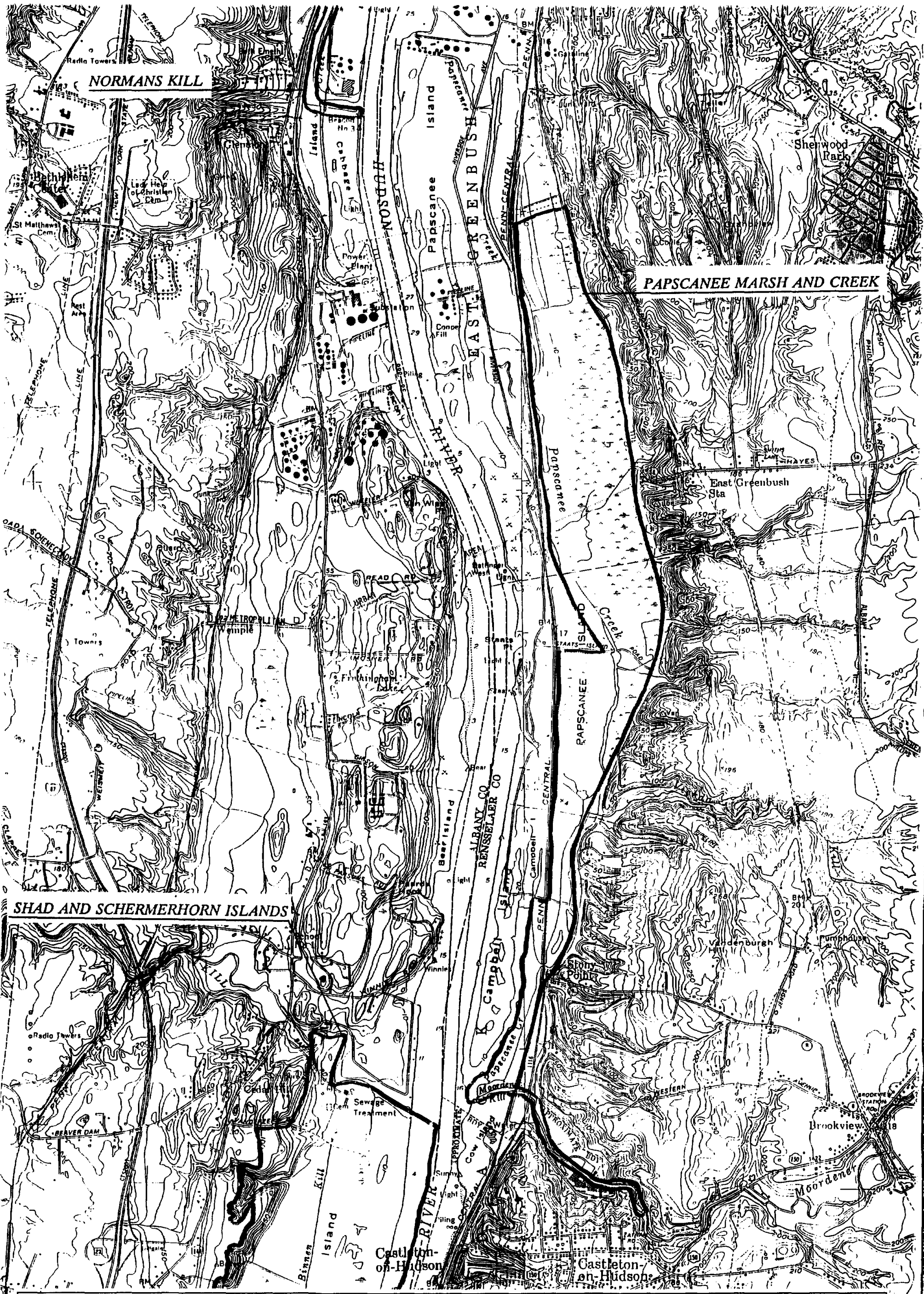
Habitat management activities, including restoration of tidal wetlands, may be especially productive in the Papscanee Marsh and Creek area. Habitat disturbances in Papscanee Marsh and Creek would be most detrimental during fish spawning and incubation periods (April-July for most warmwater species) and wildlife breeding seasons (April-July for most species). Existing areas of natural vegetation bordering aquatic and wetland areas should be maintained to provide bank cover, soil stabilization, and buffer zones. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

KNOWLEDGEABLE CONTACTS:

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N.Y.S. Department of State
Division of Coastal Resources &
Waterfront Revitalization
162 Washington Avenue
Albany, NY 12231
Phone: (518) 474-6000**

**Russell Fieldhouse, Fisheries Manager
or Quentin Van Nortwick, Wildlife Manager
or Richard Popp, Environmental Protection Biologist
NYSDEC-Region 4
Route 10, Jefferson Road
Stamford, NY 12167
Phone (607) 652-7364**

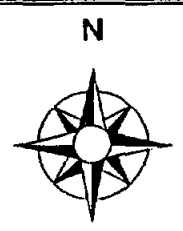
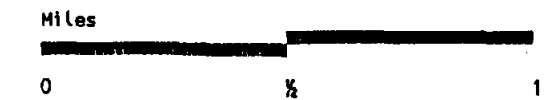
**NYSDEC Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518)783-3932**



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Papscanee Marsh and Creek / Shad and Schermerhorn Islands (In part) / Normans Kill (In part)

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



Prepared by T. Hart and G. Capobianco September 1990

APPENDIX B

**SCHODACK AND HOUGHTALING ISLAND AND SCHODACK CREEK
COASTAL FISH AND WILDLIFE HABITAT**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Schodack and Houghtaling Islands and Schodack Creek**

Designated: **November 15, 1987**

County(ies): **Rensselaer; Columbia; Greene**

Town(s): **Schodack; Stuyvesant; New Baltimore**

7½' Quadrangle(s): **Delmar, NY; Ravena, NY**

<u>Score</u>	<u>Criterion</u>
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25	Ecosystem Rarity (ER)
----	-----------------------

Schodack Creek and the associated inland habitats comprise a large, undeveloped floodplain and wetland ecosystem type that is rare on the Hudson River.

25	Species Vulnerability (SV)
----	----------------------------

Osprey (T) roosting and feeding area.

8	Human Use (HU)
---	----------------

Area contributes to commercial shad fishery of regional significance; geometric mean: $(4 \times 9)^{1/2} = 6$. Recreational fishing and waterfowl hunting important at county level; Additive division: $6 + 4/2 = 8$.

6	Population Level (PL)
---	-----------------------

Concentrations of anadromous and resident fish species are unusual in the upper Hudson Valley subzone; geometric mean: $(4 \times 9)^{1/2} = 8$.

1.2	Replaceability (R)
-----	--------------------

Irreplaceable.

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R]$

= 77

DESIGNATED HABITAT: SCHODACK AND HOUGHTALING ISLANDS AND SCHODACK CREEK

HABITAT DESCRIPTION:

Schodack and Houghtaling Islands and Schodack Creek are located along the eastern shore of the Hudson River, beginning approximately one mile south of the Village of Castleton-on-Hudson, and including portions of the Town of New Baltimore in Greene County, the Town of Schodack in Rensselaer County, and the Town of Stuyvesant in Columbia County (7.5' Quadrangles: Delmar, N.Y.; and Ravena, N.Y.). The Schodack and Houghtaling Islands and Schodack Creek area is approximately 1,800 acres in size, containing a diverse combination of ecological communities, including extensive floodplain forests, brushlands, cultivated fields, tidal creeks and mudflats, littoral zones, the lower portion of the Muitzes Kill, and emergent marshes. Much of this area is within Castleton Island State Park, which is an undeveloped property administered by the NYS Office of Parks, Recreation, and Historic Preservation. Habitat disturbances in the area are generally limited to occasional dredge spoil disposal, agricultural activities, and uncontrolled recreational use.

FISH AND WILDLIFE VALUES:

Schodack Creek and its associated riverine islands comprise a large, complex, floodplain ecosystem that is rare in the Hudson Valley. The creek is a relic side-channel of the Hudson River, that now functions as a biologically productive backwater area. Schodack Creek generally supports larger populations of fish, plankton, and rooted plants than the river, and serves as a major nursery area for post-larval and young-of-the-year fish.

Although considered a minor tributary, the creek is a significant spawning, nursery, and feeding area for American shad, white perch, alewife, blueback herring, black bass, and other freshwater fish species. Schodack Creek is the northernmost shad spawning area on the Hudson River. Adult and juvenile shortnose sturgeon (E) have been found in the Schodack Creek area, but habitat use has not been thoroughly documented. Mudflats, littoral zones, and wetlands are also important in various life stages of fish species inhabiting the area.

Wetland areas around Schodack and Houghtaling Islands and Schodack Creek serve as nesting habitats for a variety of bird species, such as green-backed heron, mallard, black duck, spotted sandpiper, American woodcock, marsh wren, and swamp sparrow. Upland habitats on the islands support many species of wildlife, including white-tailed deer and ruffed grouse. During spring and fall migrations (March-May and September-November, generally), Schodack and Houghtaling Islands and Schodack Creek receive considerable use by concentrations of waterfowl, raptors, shorebirds, and passerines. Of particular note is the regular occurrence of osprey (T) on Lower Schodack Island during the spring migration of

this species. As many as 10 osprey have been observed roosting in trees on the island, and the lower end of Schodack Creek probably provides a feeding area for these birds.

The Schodack Islands area is used by residents of the Albany area for hunting, birdwatching, trapping, and informal nature study. In addition to supporting the commercially important shad, Schodack Creek is used by local residents for recreational fishing.

IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,
- significantly impair the viability of a habitat.

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

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

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

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

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

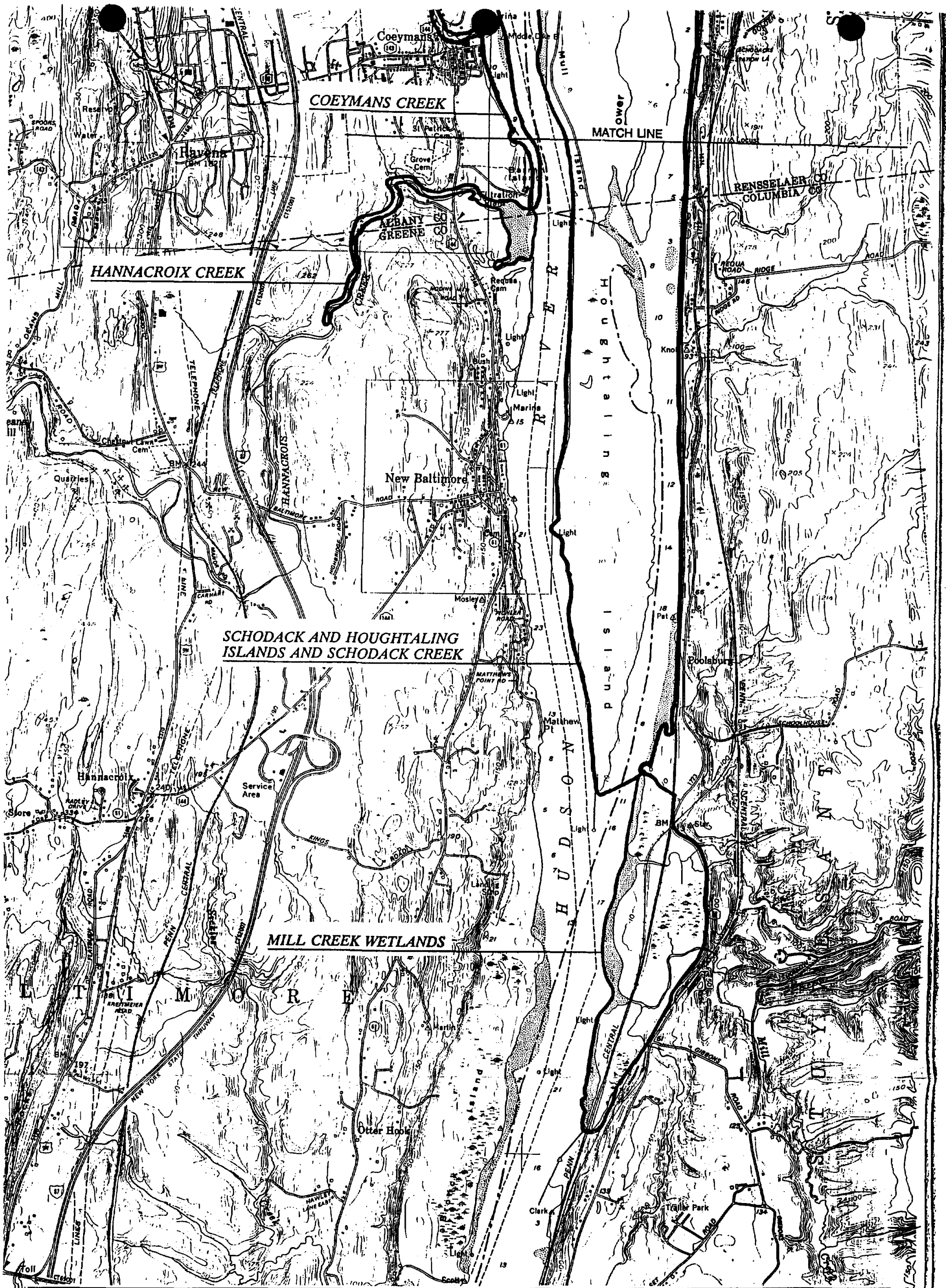
Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may adversely affect fish or wildlife populations. Bulkheading, dredging, and dredge spoil disposal could be especially significant in these areas. Barriers to fish migration, whether physical or chemical, would have adverse impacts on fish populations in the area. Aquatic habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April-July for most warmwater species. Disturbance of mature woodlands on the islands could reduce the potential value of the area to certain wildlife species. Human disturbance of lower Schodack Island should be minimized when osprey are in the area. Significant development of the islands for residential or commercial uses would eliminate an unusual example of Hudson River floodplain ecosystem. However, development of appropriate public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available. Adjacent undeveloped upland areas are particularly important for maintaining the water quality and habitat value of Schodack Creek and should be preserved as a buffer zone.

KNOWLEDGEABLE CONTACTS:

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NYSDEC Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518)783-3932



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Schodack and Houghtaling Islands and Schodack Creek (In part) / Coeymans Creek (In part) / Hannacroix Creek / Mill Creek Wetlands

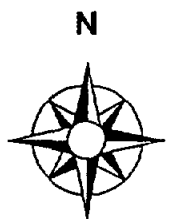
New York State Department of State Division of Coastal Resources and Waterfront Revitalization

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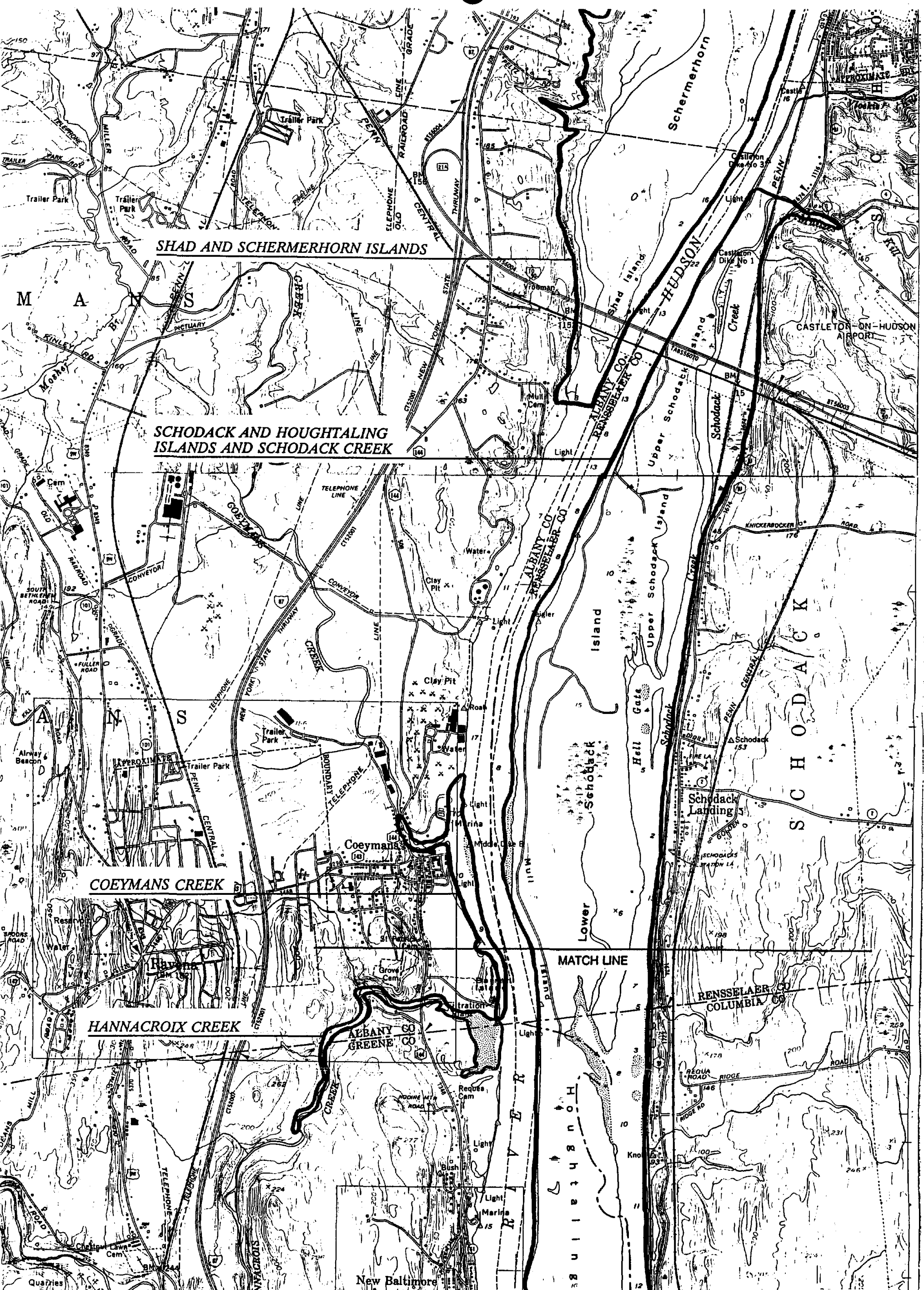
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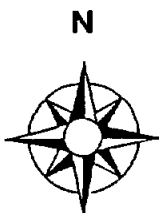
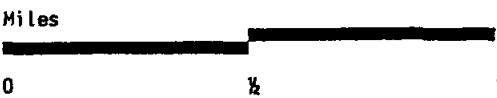
Prepared by T. Hart and G. Capobianco September 1990



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Coeymans Creek / Hannacroix Creek / Schodack and Houghtaling Islands and Schodack Creek (in part) / Shad and Schermerhorn Islands (in part)

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



Prepared by T. Hart and G. Capobianco September 1990

APPENDIX C

**COLUMBLA/GREENE NORTH
SCENIC AREA OF STATEWIDE SIGNIFICANCE**

COLUMBIA/GREENE NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE



Scenic Area

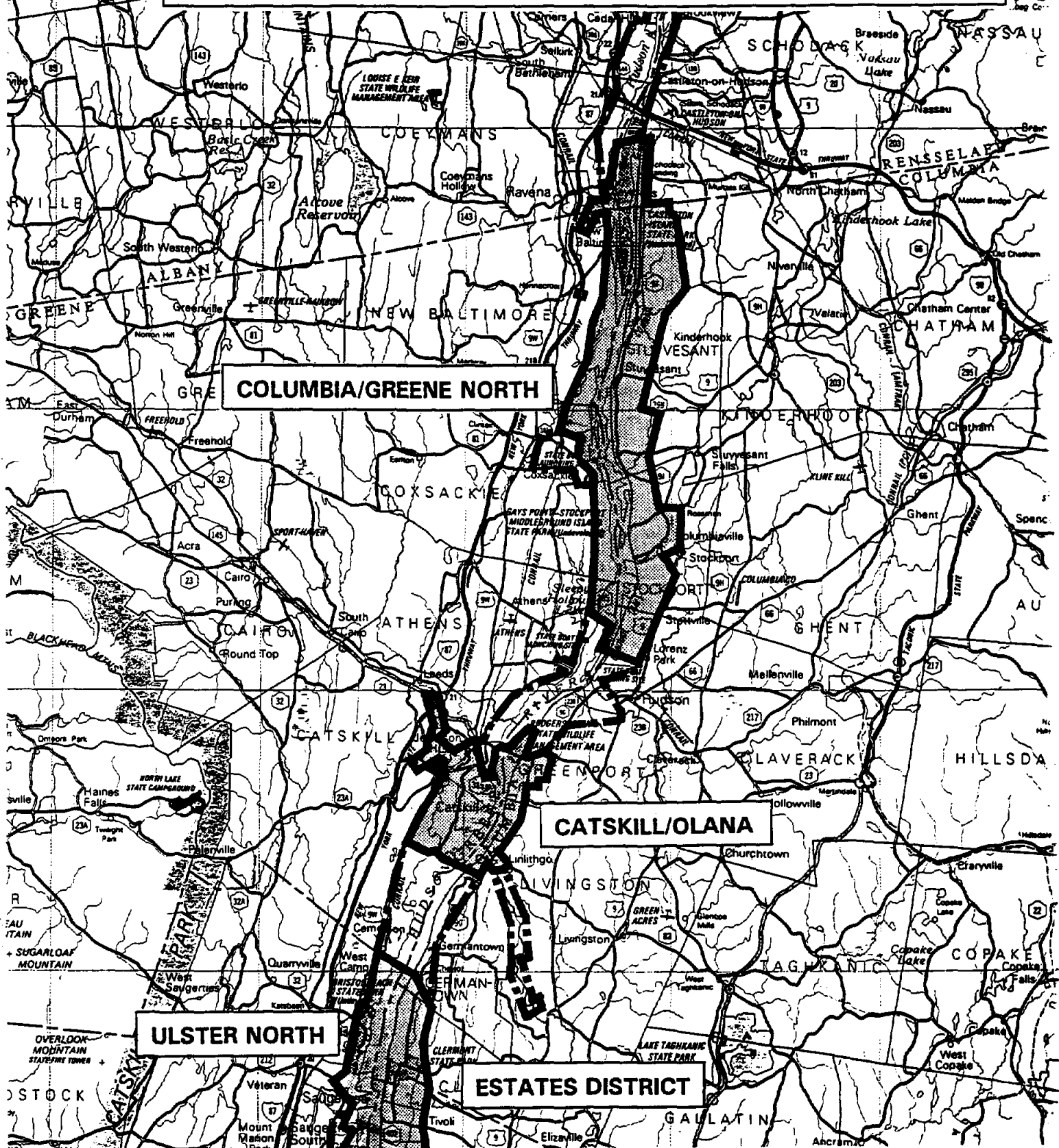
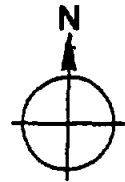


Coastal Area Boundary

SCALE: 1:250,000

STATE OF NEW YORK DEPARTMENT OF STATE
DIVISION OF COASTAL RESOURCES AND WATERFRONT REVITALIZATION

NOVEMBER 1992



COLUMBIA-GREENE NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE

I. LOCATION

The Columbia-Greene North Scenic Area of Statewide Significance (SASS) extends about 15 miles along the Hudson River from the vicinity of Schodack Landing in southern Rensselaer County and Coeymans hamlet in southern Albany County southward to just north of the City of Hudson in Columbia County and to the northern boundary of the Village of Athens in Greene County. The scenic area's east and west boundaries generally follow the State coastal boundary with some variations.

On the western shore of the Hudson River the northern boundary of the SASS begins at the mouth of the Coeymans Creek in the Town of Coeymans and follows Stone House Road on the north side of the creek to the intersection with the coastal boundary, NY Route 144. The northern boundary extends east across the Hudson to the Albany-Rensselaer County line, follows the county line north before turning northeast to encompass the northern portion of Lower Schodack Island, then continues across Upper Schodack Island to join the coastal boundary on the eastern bank of the Hudson at the intersection of NY Route 9J and Knickerbocker Road.

The western boundary of the SASS generally follows the coastal boundary along NY Routes 144, 61 and 385, except where the coastal boundary reaches west of Route 61 in the Town and Village of Coxsackie.

The southern boundary in Greene County is the northern boundary of the Village of Athens. The boundary then follows the eastern shoreline of Middle Ground Flats until it is across the Hudson from the North Bay outlet under the railroad tracks on the eastern shore. The boundary then crosses the river and runs through the outlet, continuing up the east bank of the Hudson to Gifford Parkway in the Town of Greenport, just north of the City of Hudson's northern boundary.

The eastern boundary follows the coastal boundary along NY Routes 9J and 9 beginning in the north at Knickerbocker Road north of Schodack Landing. In the south the SASS boundary follows the coastal boundary along Joslen Boulevard in the Town of Greenport to its intersection with Cedar Parkway, follows Cedar Parkway to the intersection with Riverview Boulevard, then follows Riverview Boulevard to Gifford Parkway, the southern boundary of the SASS.

The Columbia-Greene North SASS is located in the following municipalities: the Town of Coeymans, Albany County; the Town of Schodack, Rensselaer County; the Towns of New Baltimore, Coxsackie and Athens and the Village of Coxsackie, Greene County; and in the Towns of Stuyvesant, Stockport and Greenport, Columbia County. Consult the Columbia-Greene North SASS Map for the SASS boundaries.

II. DESCRIPTION

The Columbia-Greene North SASS is comprised of 29 subunits:

CGN-1 Coeymans Hamlet Waterfront, CGN-2 Hannacrois Creek Outlet, CGN-3 New Baltimore Hamlet, CGN-4 Islands, CGN-5 Otter Hook, CGN-6 Coxsackie Creek, CGN-

7 Cocksackie Island, CGN-8 Cocksackie Farmland, CGN-9 Cocksackie Village, CGN-10 Lampman Hill, CGN-11 Vosburgh Swamp, CGN-12 Athens-Cocksackie Farmland, CGN-13 Schodack Landing, CGN-14 Stuyvesant Farms, CGN-15 Poolsburg, CGN-16 Stuyvesant Woods, CGN-17 Mill Creek Marsh, CGN-18 Stuyvesant Landing, CGN-19 Sheffer, CGN-20 Stuyvesant Hamlet, CGN-21 Stuyvesant Ravine, CGN-22 Nutten Hook Farms, CGN-23 Nutten Hook, CGN-24 Stockport Flats, CGN-25 Newton Hook Ravine, CGN-26 Judson Farms, CGN-27 Columbiaville, CGN-28 Stottville Farms, and CGN-29 Stockport Creek.

The SASS constitutes a predominantly rural area of low bluffs and ravines, flanked on the west shore by narrow alluvial plains and on the east shore, by a broader plateau. It is a quiet, pastoral area of working farms and river landings which has changed little since the 19th century. Because most of the land visible from the Hudson River is either inaccessible, too steep or too wet to build upon, the river corridor remains in a predominantly natural state. Early European settlers of the area were primarily Dutch immigrants who migrated south from Rensselaerwyck manor because they wanted to own property rather than be tenant farmers on the manor which spanned both sides of the Hudson River to the north. The Dutch purchased land from the resident Indians and laid out their farms quite isolated from each other. Landings along the Hudson River were the only clustered settlements initially, their commerce being the transfer of lumber, furs and farm produce from land to water. The Hudson River was the main transportation artery to the cities now called Albany and New York. Grist mills and lumber mills were constructed on the tributaries where the water tumbled over falls and plunged through steep ravines to the Hudson River.

The Dutch were later joined by migrating New Englanders and British soldiers who chose to remain in the New World. Although several industries primarily related to the Hudson River and water transport were established along the shores, farming was the primary occupation. When ice harvesting flourished in the 19th century, it provided winter employment for the farmers and their farmhands. Later industries took advantage of the abundant water power of the creeks, then were abandoned as larger industrial centers developed, leaving the landscape primarily rural again.

The development pattern of the Columbia-Greene North SASS is essentially the same today, comprising large stretches of pastoral landscape broken by river landings which have grown to hamlets or incorporated villages. There is a stimulating mix of land uses: the historic hamlets of New Baltimore and Stuyvesant and the village of Cocksackie; semi-wild regions of dense forest and marsh; and an intervening farm landscape of pasture, orchards and fields. A strong contrast remains between the tight village centers and adjoining woods and fields, with little blurring of the edges. The traditional close relationship of the settlements to the Hudson is also intact. Areas and individual structures of particular historic and cultural interest exist, but most must yet be surveyed to determine their eligibility for the National and State Registers of Historic Places.

The SASS is a unified landscape, its visual integrity resulting from development closely tied to specific characteristics of the land. The landscape exhibits great visual variety and contrast in landform and vegetation, unified by an underlying cultural pattern which provides a visible logic to the organization, location and design of scenic elements.

Along with the internal cultural unity of the area, the setting unifies this distinctive landscape. The Hudson River is the dominant element on the landscape and can be seen from many locations. It ranges from 1,000 to 4,000 feet wide. In the northern portion of the SASS, islands divide the Hudson into narrow sections of a friendlier, less imposing character.

Once tied to each other by ferries, each shore of the river now appears unattainable from the opposite bank, intriguing viewers with what may lie in the distant landscape. In panoramic views where the Hudson is not visible, landscapes of similar quality and character on each bank of the river appear as a single expanse. The distant Taconic Hills and Catskill Mountains provide dramatic backdrops to the open fields and orchards. Along with the traditional development patterns, these background elements give a strong sense of place to this portion of the Hudson River corridor. In addition, many intimate compositions abound which focus on clusters of historic farm buildings, streams folded in ravines and deep woodland landscapes.

III. AESTHETIC SIGNIFICANCE

The Columbia-Greene North SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in the SASS unusual variety as well as unity of major components and striking contrasts between line, forms, textures and colors. The SASS is generally free from discordant features. It is both visually and physically accessible to the general public, but public recognition is limited primarily to local residents and travelers on the State and local highways. Perhaps because development pressures have not been present to the extent experienced in the rest of the Hudson Valley, most of the historic and natural resources have not been subject to the types of survey and evaluation which leads to recognition through government designations.

A. Landscape Character

1. Variety

The Columbia-Greene North SASS exhibits an unusual variety of major components. The landform is composed of alluvial plains and steep bluffs along the Hudson River, especially around several small drumlin-like hills along the east shore. Behind the bluffs lie expansive level plains cut by ravines through which several creeks flow before emptying into the Hudson River. The shoreline of the Hudson is extremely varied, incorporating a number of large and small islands, coves, mud flats and creek mouths.

Vegetation ranges from dense hardwood forest along the bluffs and ravines to tilled fields, orchards and meadows of the working farms. Wetland species cover the river flats, and street trees and gardens decorate the river landings. Lawns line the river in the settled areas.

There is a wide variety of water elements. The Hudson River ranges in width from 1000 to 4000 feet, in some locations appearing as a formidable body of water and in others as a manageable stream where it divides to flow around large islands. Creeks contain placid pools as well as waterfalls tumbling off bluffs and over piles of rocks.

Views include panoramic vistas 180 degrees in breadth that unite both shores into a single landscape and reach to the Catskill Mountains and Taconic Hills. Clusters of farm buildings and

significant trees provide focal points in these broad sweeps of pastoral countryside. More intimate views vary from narrow compositions of stream corridors lined with rock walls to tunnel views through dense woodland with the Hudson River glistening in the distance. Other glimpses of the Hudson are framed by the street trees and historic buildings of the river landings.

Of interest in the views are the varied ephemeral effects of wildlife in the marshlands and forests, the operations and livestock of the working farms and the variety of vessels which pass along the Hudson. Occasional trains travel the eastern shore, bringing a fleeting mechanistic touch of technology to the scene.

2. Unity

The variety of components is unified by the predominantly rural landscape, the dominant presence of the Hudson River and the development pattern which creates edges between clustered settlements and the adjacent rolling open lands. The cultural character of the landscape still reflects its historic development which was centered first on the commerce of the river and the use of waterpower for early industries. In the hamlets the historic structures are compatible with each other and their setting. In the working landscape the farm operations respect the natural contours of the topography.

Along the river corridor the bluffs, marshes and flood plains remain generally undeveloped, giving a consistent natural character to the corridor. Where once ferries tied the two shores of the Hudson together, they are now connected by the common viewshed and similar landform of vistas to both the east and the west.

3. Contrast

Contrast is provided among the colors and textures of the varied vegetation, by the drama of the steep bluffs contrasting with the expansive plateau and Hudson River, and between the hard, rugged rock faces of ravines and the placid pools and shimmering waterfalls of the creeks which they line. Clusters of farm buildings and significant trees provide vertical elements in areas of broad, flat expanses. Sharp edges exist between the settled river landings and the adjacent farm fields and forests. The Catskill Mountains and Taconic Hills stand as distant sentinels, marking the edge of the generally level valley and providing a dramatic backdrop for the panoramic views.

4. Freedom from Discordant Features

The SASS as a whole is generally free from discordant features. Although there are some instances of structural blight in the river landings, many historic houses have been restored and the landscape is well maintained overall. The railroad tracks along the east bank of the Hudson are discordant in certain perspectives, for instance when they appear in the foreground of views, but they blend into the landscape where they closely follow the shoreline or when seen from locations removed from the right-of-way.

B. Uniqueness

The river landings are unique in their strong sense of place and orientation to the Hudson River.

The remains of the R. and W. Scott Ice Company Powerhouse and Ice House at Nutten Hook are unique as the most complete industrial ruins of the Hudson River ice industry in the region. They remain as a reminder that the Hudson's northern corridor once was lined with icehouses, power generating stations and shipping terminals.

The landscapes in the CGN-9 Cossackie Village, CGN-13 Schodack, CGN-14 Stuyvesant Farms, CGN-22 Nutten Hook Farms, CGN-23 Nutten Hook, CGN-29 Lampman Hill and CGN-13 Schodack Landing subunits of the SASS are unique landscapes.

C. Public Accessibility

The SASS is visible to the general public from the Hudson River and the railroad trains which run along the Hudson's eastern shore; from NY Routes 144, 61, 385, 9J and 9; and from a network of local roads. Municipal parks and State-owned shorelands allow the public to reach the shore in some places, although the railroad tracks constitute a formidable barrier on the eastern shore. Boat launches are more plentiful on the western shore, but the Stockport Flats portion of the National Estuarine Sanctuary and Research Reserve on the eastern shore provides significant access for launching small boats and observing Hudson River wildlife.

D. Public Recognition

Public recognition is limited for the most part to local residents and travelers along the State and local highways. There is, however, evidence of the growing public awareness of the value of this landscape. The following highway segments are designated Scenic Roads under Article 49 of the Environmental Conservation Law: NY Route 61 from the Village of Cossackie north 5.03 miles; NY Route 385 from the Village of Cossackie south 3.48 miles; and NY Route 9J from its junction with Brickyard Road in Stockport south .38 mile and in Stuyvesant, from its junction with County Route 23A north 1.67 miles.

The following properties and districts are listed on the National and State Registers of Historic Places: the Ariaanje Coeymans House in Coeymans, the Reed Street Historic District in the Village of Cossackie, the Schodack Landing Historic District in Schodack Landing and the R. and W. Scott Ice Company Powerhouse and Ice House Site in Nutten Hook.

The following lands are in public ownership: the municipal parks in Coeymans, New Baltimore and Cossackie; an 85 acre forest preserve detached parcel bordering Cossackie Creek in New Baltimore; the State boat launch in the Village of Cossackie; Nutten Hook and a portion of Stockport Flats in Stockport; Houghtaling Island in New Baltimore; and the Lower and Upper Schodack Islands in Stuyvesant.

IV. IMPACT ASSESSMENT

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

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

- (1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and
- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

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

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

SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, POWERLINES, AND SIGNS BACK FROM SHORELINES OR IN OTHER INCONSPICUOUS LOCATIONS TO MAINTAIN THE ATTRACTIVE QUALITY OF THE SHORELINE AND TO RETAIN VIEWS TO AND FROM THE SHORE;

COMMENT: The Columbia-Greene North SASS is unified by the predominantly natural character of the Hudson River corridor which consists of forested bluffs, extensive wetlands and clustered river landings. The upland is a predominantly rural landscape of working farms and forested areas. The introduction of structures and other development such as highways, power lines, and signs within the river corridor, in the open farm landscape, in the river landings or in other conspicuous places would alter the unifying elements of the landscape and impair the aesthetic quality of the SASS.

The shoreline of the Hudson provides variety and interest to the SASS through its undulating shoreline composed of creek mouths, coves, wetlands and islands. The juxtaposition of the steep bluffs with the level expanse of the river's water surface also provides contrast. The alteration or interruption of these natural linear features and

essential relationships through introduction of manufactured elements would disrupt the relationships and reduce contrast, impairing the scenic quality of the shoreline.

Views from one side of the river to the other unify the landscape and often make the two shores of the Hudson appear as one, since their nature is essentially the same. The SASS is generally free of discordant features. Interruption of these views or blocking these views with highways, power lines, signs and other structures in conspicuous locations would introduce manufactured elements into a predominantly natural landscape. Such structures would constitute discordant features and would reduce the unity of the landscape, impairing the scenic quality of the views. In certain circumstances and from certain perspectives, such structures could block views, particularly the intimate interior views and tunnel views to the Hudson along the bluffs on the eastern shore, destroying some of the contributing scenic components of the SASS.

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

COMMENT: The SASS is predominantly a rural landscape of working farms; pastures, fields and forests. Its aesthetic significance involves in part the continuation of this historic land use in a relatively unchanged condition. Because of this open nature of the landscape, panoramic vistas 180 degrees in breadth are common. In addition, the historic settlement pattern is one of tightly clustered hamlets surrounded by the open rural landscape and a visual organization of clear edges between developed centers and adjacent undeveloped spaces.

Introduction of new structures unrelated to farming operations into the farm landscape would alter the pastoral nature of the landscape and impair the aesthetic significance of the SASS. They could also reduce the amount of open space and reduce the breadth of the views which contribute significantly to the scenic quality of the SASS. The spread of new development in an unclustered, sprawling manner would obliterate the edge between clustered development centers and the surrounding open landscape and change the cultural pattern of development, reducing unity and contrast in the landscape composition and thus reducing the scenic quality of the landscape.

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

COMMENT: Some of the historic structures in the SASS have been recognized through listing on the National and State Registers of Historic Places. There are many historic structures which are not listed but which may be eligible for listing. Surveys have yet to be done regarding their historic significance. Farm complexes are of particular importance to the SASS. They provide focal points in the panoramic views across the fields and provide a sense of scale for the views. The river landings contain important groupings of structures which are well related to one another and to the topography.

Failure to incorporate sound, existing structures into the overall development scheme could lead to the loss of historic structures and groupings of structures which contribute to the scenic quality and aesthetic significance of the SASS. Such structures and

groupings of structures are focal points in views or frame views of the SASS. Failure to design and site new structures in the development in a manner compatible with the existing structures could destroy the unity of SASS composition and introduce discordant features in a landscape generally free of discordant features, thus impairing the scenic quality of the SASS.

REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;

COMMENT: The SASS is generally free of discordant features. However, some structures are in a deteriorated condition. Rehabilitation of salvageable historic structures could enhance the scenic quality of the SASS. Removal or screening of degrading elements which cannot be rehabilitated would also enhance the SASS. However, a determination of the historic value of a structure or remains of a structure should be determined before a course of action is chosen, however.

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

COMMENT: The Columbia-Greene North SASS contains four dominant topographical characteristics: steep bluffs along the Hudson River, drumlin-like hills along the east shore of the Hudson, broad alluvial plains behind the bluffs and steep ravines traversing the plains. Most remain undisturbed. Maintenance of these major land forms will contribute to preserving the scenic quality and aesthetic significance of the SASS.

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

COMMENT: Vegetation in the Columbia-Greene North SASS ranges from dense hardwood forest along the bluffs and ravines to tilled fields, orchards and meadows of the working farms. Wetland species cover the river flats, and street trees and gardens decorate the river landings. Lawns line the river in the settled areas. The forested bluffs create a verdant corridor for the Hudson River. Tunnel views down the roads through these forests focus on the Hudson River glistening at the end like a distant light. These are important intimate interior views. Although clearing of vegetation in these areas would open broader views to the Hudson, the peculiar intriguing nature of these enclosed views, a unique element of the SASS, would be lost.

The forests in the ravines provide a contrast to the surrounding open fields and pastures, contributing to the textural variety of the SASS. Specimen trees in the fields provide focal points in panoramic views. Loss of these trees would reduce the degree of contrast and variety of the SASS, impairing its scenic quality.

Retention of the forests presents opportunities for screening new structures and blending them into the landscape, thus retaining the open, rural character of the SASS which is a significant contributor to its scenic quality.

The orderly plantings of street trees and gardens and the manicured lawns are contributing elements to the distinctive scenic character of the river landings. They frame views, unite the varied architectural styles and soften the developed nature of the hamlets. Failure to maintain existing and replace lost vegetation would impair the unique character of these settled population centers.

Since the State and local road network is an important means of access to the SASS, failure to maintain views from the rights-of-way through selective clearing would reduce this visual access.

The presence of wildlife and farm animals is an ephemeral characteristic which enhances the scenic quality of the SASS. Loss of the wetland vegetation, forests and pasture which sustain them would lead to the loss of the ephemeral elements, reducing the visual interest and, consequently, the scenic quality of the SASS.

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

COMMENT: The SASS is generally free of discordant features. Failure to use colors, materials and textures which blend into the landscape could contribute discordant features to the landscape, alter the composition of views through introduction of discordant focal points and change the rural character of the landscape to the extent that the aesthetic significance of the SASS would be impaired.

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

COMMENT: The SASS is predominantly horizontal in nature, yielding views 180 degrees in breadth. Historic structures in the subunit are generally low-rise domestic and farm buildings. Introduction of large scale or bulky structures or structures made of materials that are reflective or of a color that stands out in the landscape would disrupt the horizontal nature of the landscape, add new focal points to views which would distract from the historic focal points and change the composition of views. This would reduce the unity of the landscape and introduce discordant features, impairing the scenic quality of the SASS.

COLUMBIA-GREENE NORTH SCENIC AREA STATEWIDE SIGNIFICANCE

CGN-4 Islands Subunit

I. Location

The Islands subunit encompasses four large islands in the Hudson River that stretch for approximately five miles, from just south of the Thruway bridge over the Hudson River to just north of the Cocksackie Creek mouth. It encompasses approximately the northern half of the river's water surface and islands located in the SASS. The islands are located in the Towns of New Baltimore, Greene County; Schodack, Rensselaer County; and Stuyvesant, Columbia County. The subunit's western and eastern boundaries are coterminous with the subunits to the west and east, namely CGN-1 Coeymans Hamlet Waterfront, CGN-2 Hannacrois Creek Outlet, CGN-3 New Baltimore Hamlet, CGN-5 Otter Hook, CGN-18 Stuyvesant Landing, CGN-17 Mill Creek Marsh, CGN-16 Stuyvesant Woods, CGN-15 Poolsburg, and CGN-13 Schodack Landing. See the Columbia-Greene North SASS map sheets, numbers 1 and 2, for subunit boundaries.

II. Scenic Components

A. Physical Character

The subunit is comprised of flat islands, alluvial plain and fill. The higher land is forested, while the alluvial plain is covered with dense, successional riparian vegetation, primarily scrub trees and wet meadows. While the islands display little topographic variety, the vegetative cover is reasonably diverse. An undulating shoreline of coves and marshes borders the islands. Water is a dominant element in the landscape, as the Hudson River and the Schodack Creek define the edges of the islands. The islands are not as separate as they once were. Bronck Island is now joined to the western shore; and Houghtaling Island is connected to the Lower Schodack Island to its north. A narrow, shallow channel separates the latter three islands from the eastern shore.

B. Cultural Character

The islands in the subunit from north to south are Upper and Lower Schodack Islands, Houghtaling Island and Bronck Island. They are used for recreation such as hunting and informal wildlife viewing. Passing boaters may moor off the islands and explore the inland area. The southern portion of Houghtaling Island is owned by the federal government and used for dredge spoil disposal.

The subunit is generally well maintained with no discordant features. The formerly open areas are reverting to wilderness, and the activities of wildlife provide ephemeral effects.

C. Views

The subunit's scenic quality is based on its unspoiled, natural appearance. The subunit offers screened, relatively short and narrow views over the Hudson River and Schodack Creek to the dramatic background elements of bluffs, hills and historic villages on the shorelands in the adjacent subunits. The depth of views from the interior of the islands is limited by the flatness

of the topography and thickness of vegetation. Long views up and down the predominantly natural river corridor are available from the coves and marshes.

III. Uniqueness

Although extensive, the islands are not unique.

IV. Public Accessibility

Most of the islands are in public ownership and accessible from the Hudson River, although they are not managed for recreation. They are visible from the subunits on both banks of the Hudson River, from the trains which run along the east shore of the Hudson and from NY Route 61 in New Baltimore and NY Route 9J in Stuyvesant.

V. Public Recognition

Public recognition is generally limited to travelers on the Hudson and on the railroad trains and to the hunters and fishermen who visit the area. Most of the islands are publicly owned and used informally by the boating public for recreational purposes.

VI. Reason for Inclusion

Although not distinctive in itself, the Islands subunit is included in the Columbia-Greene North SASS because it links distinctive subunits. The subunit constitutes the middleground and background of views to the Hudson River from distinctive subunits on both the west and east banks of the Hudson, including views from the trains on the eastern shore and from NY Routes 61 and 9J, portions of which are Scenic Roads designated under Article 49 of the Environmental Conservation Law. The subunit exhibits contrast between the lines of its undulating shores and the texture of the diverse vegetative cover and is unified by the river setting. Much of the subunit is in public ownership and accessible from the Hudson River. The subunit is generally free of discordant features.

COLUMBIA-GREENE NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE

CGN-13 Schodack Landing Subunit

I. Location

The Schodack Landing subunit constitutes the northeastern portion of the SASS. Its northern boundary lies along Knickerbocker Road, approximately two miles north of the Columbia/Rensselaer County line. Its eastern boundary follows the coastal boundary which in the southern portion of the subunit lies along a railroad spur inland from the Hudson River. The southern boundary is a common boundary with the CGN-15 Poolsburg subunit, and the western boundary is a common boundary with the CGN-4 Islands subunit. The subunit is located in the Town of Schodack, Rensselaer County and the Town of Stryvesant, Columbia County. Consult the Columbia-Greene North SASS map sheet number 1 for subunit boundaries.

II. Scenic Components

A. Physical Character

The landform consists of heavily wooded bluffs and terraces paralleling the Hudson River. The vegetative cover is diverse, ranging from lawns and individual trees in the hamlet of Schodack Landing to mature woodlands, orchards and open meadows in the surrounding countryside. Water, in the form of the Hudson River and the Schodack Creek, is a dominant element in the subunit. Streams cut through the bluffs in several locations. Some wetlands line the shore which includes headlands and small coves.

B. Cultural Character

The predominant land use in the subunit is residential, consisting of a cluster of historic homes located along NY Route 9J and parallel secondary roads in the hamlet of Schodack Landing. The historic structures are of many architectural periods, some dating to the 18th century. They are generally well maintained and set in a village landscape of yards and gardens. To the north of the hamlet, older houses are scattered along the highway corridor, creating more of a strip development pattern.

The hamlet still exhibits a close relationship with the Hudson River. Originally settled by the Dutch in the early 1700s, Schodack Landing was an important commercial center in the 18th and 19th centuries used by the settlers to ship their farm produce and other products such as furs and tanned hides to the cities to the north and south. In the late 1800s river ice was a major commodity. As with other landings on the Hudson, the advent of the railroad changed the transportation patterns, and Schodack Landing became a small local stop along the line. No trains stop in the hamlet today.

The railroad tracks still parallel the Hudson and detract slightly from the settlement's visual and physical connection with the river. Other than the railroad, there are no discordant features to mar the landscape. The subunit is very well maintained.

C. Views

The subunit provides full views, 90 to 180 degrees in width and two to three miles long, of the Hudson River and Lower Schodack Island, which divides the Hudson in this area. The bridges which carry the railroad and the New York State Thruway over the Hudson are visible in the background to the north, outside of the subunit. The bridges and the islands contribute focal points to the views. Because of the wooded nature of the subunit, however, views from NY Route 9J and local roads are very limited. Within the hamlet views are oriented along the highway and are punctuated with a pleasing irregular cadence of historic structures sited at irregular distances from the corridor. The hamlet is the focus of views from the river.

III. Uniqueness

The Schodack Landing subunit's cluster of historic homes set atop the low bluff overlooking the Hudson River and Houghtaling Island is unique.

IV. Public Accessibility

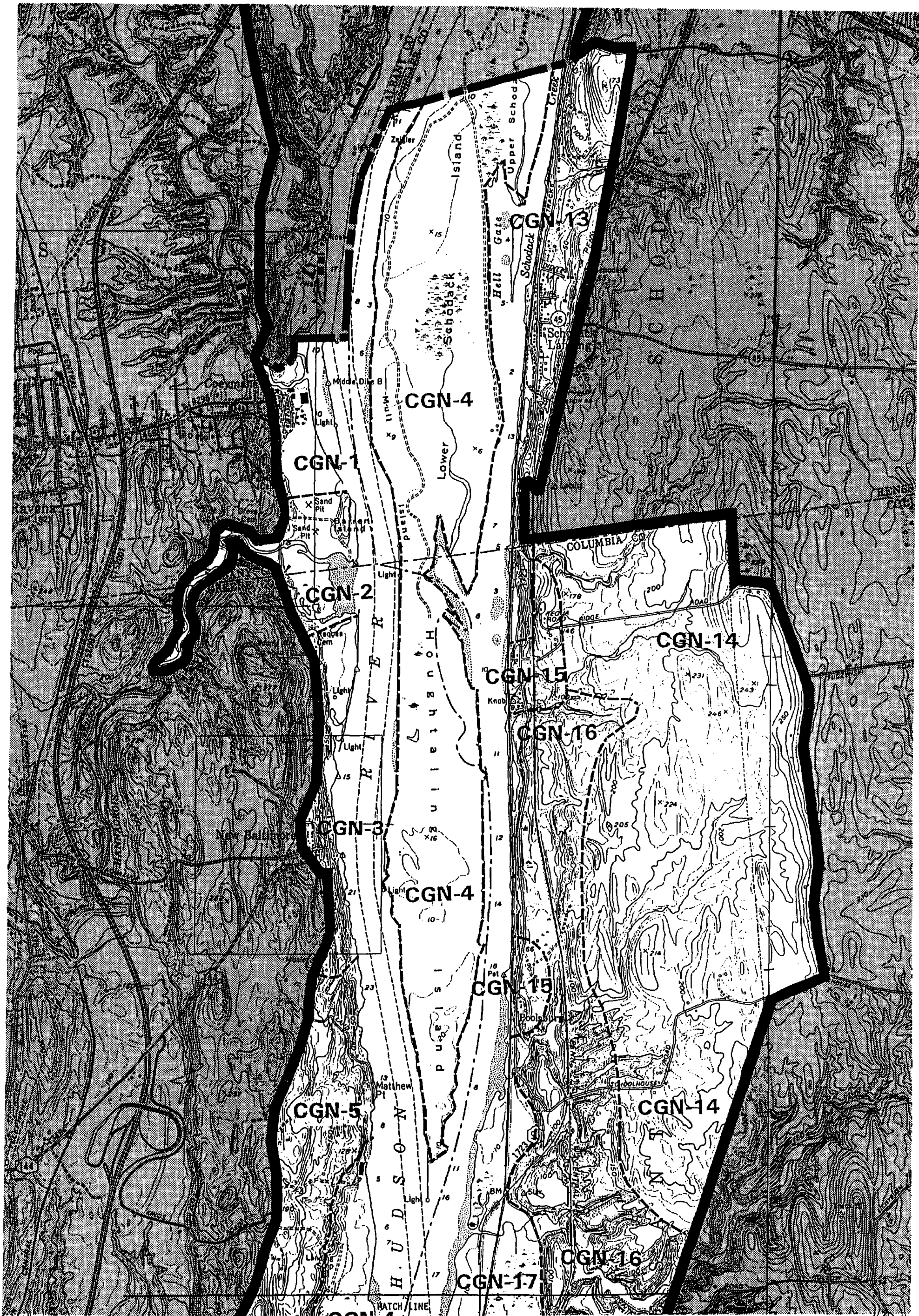
The subunit is accessible to the public via the Hudson River and NY Route 9J. It is visible to passing motorists, boaters and rail passengers.

V. Public Recognition

The subunit is part of the Schodack Landing Historic District listed on the State and National Registers of Historic Places.

VI. Reasons for Inclusion

The Schodack Landing subunit is included in the Columbia-Greene North SASS because it exhibits an unusual variety of historic structures set in a landscape of moderate topographic variety. The subunit is highly unified by the hamlet theme and the colors of both the natural and cultural components. There exist striking contrasts between the natural and man-made forms. The subunit is generally free from discordant features. It is accessible to the general public via the Hudson River and NY Route 9J and is visible to passing motorists, boaters and rail passengers. The subunit is publicly recognized through the Schodack Landing Historic District listed on the State and National Registers of Historic Places.

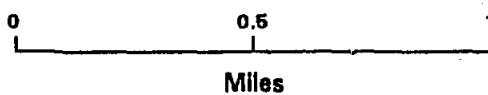


COLUMBIA/GREENE NORTH SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1

KEY:

- Coastal Area boundary
- Scenic Area boundary
- Subunit boundary
- Subunit Identifier

SCALE:



APPENDIX D
ANALYSIS OF WATERFRONT QUESTIONNAIRE

SHUSTER ASSOCIATES

RD 1, Box 259 Stone Ridge, New York 12484
(914) 687-0758

PLANNING
AND
ZONING
SERVICES

July 9, 1985

To: Waterfront Advisory Committee
Village of Castleton/Town of Schodack

Subject: Preliminary Analysis of Questionnaire Returns

Some 66 Waterfront Questionnaires have been returned. This represents a response of about 15% of those distributed.

Attached is a copy of the questionnaire with the total responses to each question indicated. (In most cases, the totals do not add up to 66 because not all respondents answered all questions.) A listing of additional comments provided by respondents will also be compiled.

Set forth below is a summary of the highlights of the responses.

Question #1

- * The replies were predominantly from the Village, where most residents of coastal area live - 42 respondents (64%).

Question #2

- * No more than 40% of the respondents indicated present participation in any waterfront recreation activity.
- * Between 30-40% indicated participation in boating, hiking, enjoying the view and picnicking.
- * Hunting, birdwatching and biking were the least cited activity - 1-6%.

Question #3

- * Not yet tabulated.

Question #4

- * Four issues were ranked almost equally in terms of importance. Between

51-56% of the respondents ranked public access, revitalization of the Village Center, protection of the natural environment and future use of state park land as a "very important issue".

- * On the basis of assigning 2 points for very important, 1 for important and 0 for not important, the issues scored as follows:

Additional public access to the waterfront	- 94
Protection of the natural environment	- 86
Revitalization of the Village Center	- 85
Future use of state park land	- 82
Generating economic development activity	- 54
Flooding and erosion problems	- 43

Question #5

- * The most favored uses for large parcels north of the Village on the river were for a nature preserve (47) followed by agricultural use (32).
- * The most disapproved uses were apartments and condominiums (34) and industrial development (34).
- * The "preference differential"--the number in favor less those who disapproved--is one measure of the strength of sentiment. The order was as follows:

Nature Preserve	+44
Agricultural uses	+26
Single Family homes	0
Apartments and condominiums	-18
Industrial development	-21

Question #6

- * The most strongly approved uses for the state park land were picnic areas (38) and nature preserve (34). No one disapproved of these uses.
- * A second favored group was swimming beach (26), boat launch (24), education center (23), and camp sites (21).

- * The least approved use was athletic fields (8).
- * The preference differential (strongly approve (+2), approve (+1), disapprove (-1) ranking was as follows:

Picnic areas	+91
Nature Preserve	+83
Swimming beach	+65
Boat launch	+59
Education Center	+57
Camp sites	+54
Marina	+50
Horse riding trails	+35
Athletic fields	+30

- * 33 felt the most important impact of the park was protection of the natural environment while 17 thought it was new jobs and taxes.

Question #7

- * The most favored project was a riverfront walk in the Village.
- * Every project listed was favored by a substantial majority of those who responded (favored vs disapproved plus no opinion).
- * The preference differential was as follows:

Riverfront walk	+46
Scenic over-looks	+41
Public boat launching site	+39
Community park/garden	+26
Park on Cow Island	+22



Return To: COMNA

P.O. Box 163

Castleton-on-Hudson

SUMMARY

Total responses: 66

Waterfront Questionnaire

VILLAGE OF CASTLETON-ON-HUDSON AND TOWN OF SCHODACK

HUDSON RIVER WATERFRONT REVITALIZATION PROGRAM

The Village and Town are preparing a program for the use and protection of the Hudson River waterfront (see Location Map) and its natural and manmade resources. The Waterfront Advisory Committee, made up of Village and Town residents, is seeking the opinions of local residents concerning a variety of issues to guide them as they develop the program. Please take a few minutes to complete as many of the following questions as you can so that we may have the benefit of your thoughts on this important project.

1. Check the box which indicates where you live.

a. Village of Castleton-on-Hudson	<u>42</u>
b. Town of Schodack	<u>14</u>

2. Please check those boxes next to any recreational activity in which you now participate on the waterfront.

a. Fishing	<u>16</u>	f. Enjoying the view	<u>25</u>
b. Swimming	<u>3</u>	g. Picnicking	<u>27</u>
c. Boating	<u>22</u>	h. Other	<u>10</u>
d. Hunting	<u>1</u>		<u>4</u>
e. Hiking	<u>20</u>		<u>3</u>

3. Of the activities listed above, which do you think need more or improved facilities?

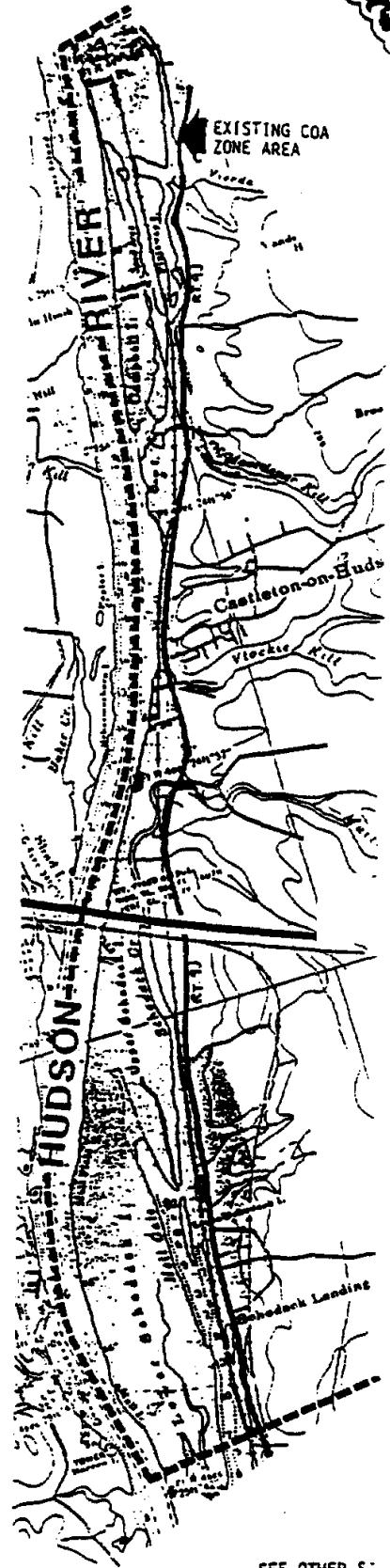
Explain:

4. The following issues of concern in the coastal area have been discussed by the Waterfront Advisory Committee. Please designate each with a number: 1 = very important; 2 = important; 3 = not important

1	2	3	
<u>17</u>	<u>20</u>	<u>16</u>	Generating economic development activities based on the river.
<u>37</u>	<u>20</u>	<u>2</u>	Additional public access to the waterfront.
<u>34</u>	<u>17</u>	<u>2</u>	Revitalization of the Village Center.
<u>9</u>	<u>25</u>	<u>12</u>	Flooding and erosion problems.
<u>35</u>	<u>16</u>	<u>2</u>	Protection of the natural waterfront environment.
<u>34</u>	<u>14</u>	<u>6</u>	Future use and development of state park land on Upper and Lower Schodack Island.

5. Several large parcels of land in the Town, north of the Village between Route 9J and the river, are undeveloped and could be used for a variety of purposes. Please indicate whether you favor, disapprove or have no opinion on each.

	Favor	Disapprove	No Opinion
a. Single family homes	<u>23</u>	<u>23</u>	<u>7</u>
b. Apartments or condominiums	<u>16</u>	<u>34</u>	<u>5</u>
c. Industrial development	<u>13</u>	<u>34</u>	<u>3</u>
d. Nature Preserve	<u>47</u>	<u>3</u>	<u>2</u>
e. Agricultural uses	<u>32</u>	<u>6</u>	<u>12</u>
f. other Park Area	<u>1</u>	<u>-</u>	<u>3</u>
1st Class Restaurant	<u>1</u>	<u>-</u>	<u>-</u>



- SEE OTHER S:

6. The State of New York has acquired almost all of Upper and Lower Schodack Islands--over 1,000 acres south of the Village--for park developemnt. Although preliminary plans were prepared, they were never pursued. If a new development plan for the park is prepared, please indicate your opinion concerning the possible facilities listed below which might be included in the park.

	Strongly Approve	Approve	No Opinion	Disapprove
a. Camp Sites	<u>21</u>	<u>20</u>	<u>4</u>	<u>8</u>
b. Picnic areas	<u>38</u>	<u>15</u>	<u>3</u>	<u>-</u>
c. Marina	<u>15</u>	<u>27</u>	<u>7</u>	<u>7</u>
d. Nature Preserve	<u>34</u>	<u>15</u>	<u>1</u>	<u>-</u>
e. Education Center	<u>23</u>	<u>14</u>	<u>10</u>	<u>3</u>
f. Boat Launch	<u>24</u>	<u>16</u>	<u>7</u>	<u>5</u>
g. Athletic fields	<u>8</u>	<u>18</u>	<u>11</u>	<u>4</u>
h. Horse Riding Trails	<u>13</u>	<u>19</u>	<u>11</u>	<u>10</u>
i. Swimming Beach	<u>26</u>	<u>18</u>	<u>3</u>	<u>5</u>
j. Other	<u>4</u>	<u>-</u>	<u>6</u>	<u>-</u>

In general, which impact of the proposed park do you think is more important?

17 Creation of new jobs and increased taxes generated by new private development serving park visitors.

33 Protection of the natural environment of the riverfront.

7. A number of specific projects have been suggested for the waterfront. Please indicate whether you favor, disapprove or have no opinion on each.

	Favor	Disapprove	No Opinion
a. A park on Cow Island adjacent to new sewer treatment plant.	<u>33</u>	<u>11</u>	<u>11</u>
b. Scenic over-looks on Route 9J.	<u>45</u>	<u>4</u>	<u>4</u>
c. A riverfront walk in the Village.	<u>50</u>	<u>4</u>	<u>2</u>
d. A community park and "gardens" between Route 9J and the railroad north of Scott Avenue.	<u>36</u>	<u>10</u>	<u>10</u>
e. A public boat launching site.	<u>43</u>	<u>4</u>	<u>8</u>

8. Do you have nay other comments or suggestions you wish the Waterfront Advisory Committee to consider? _____

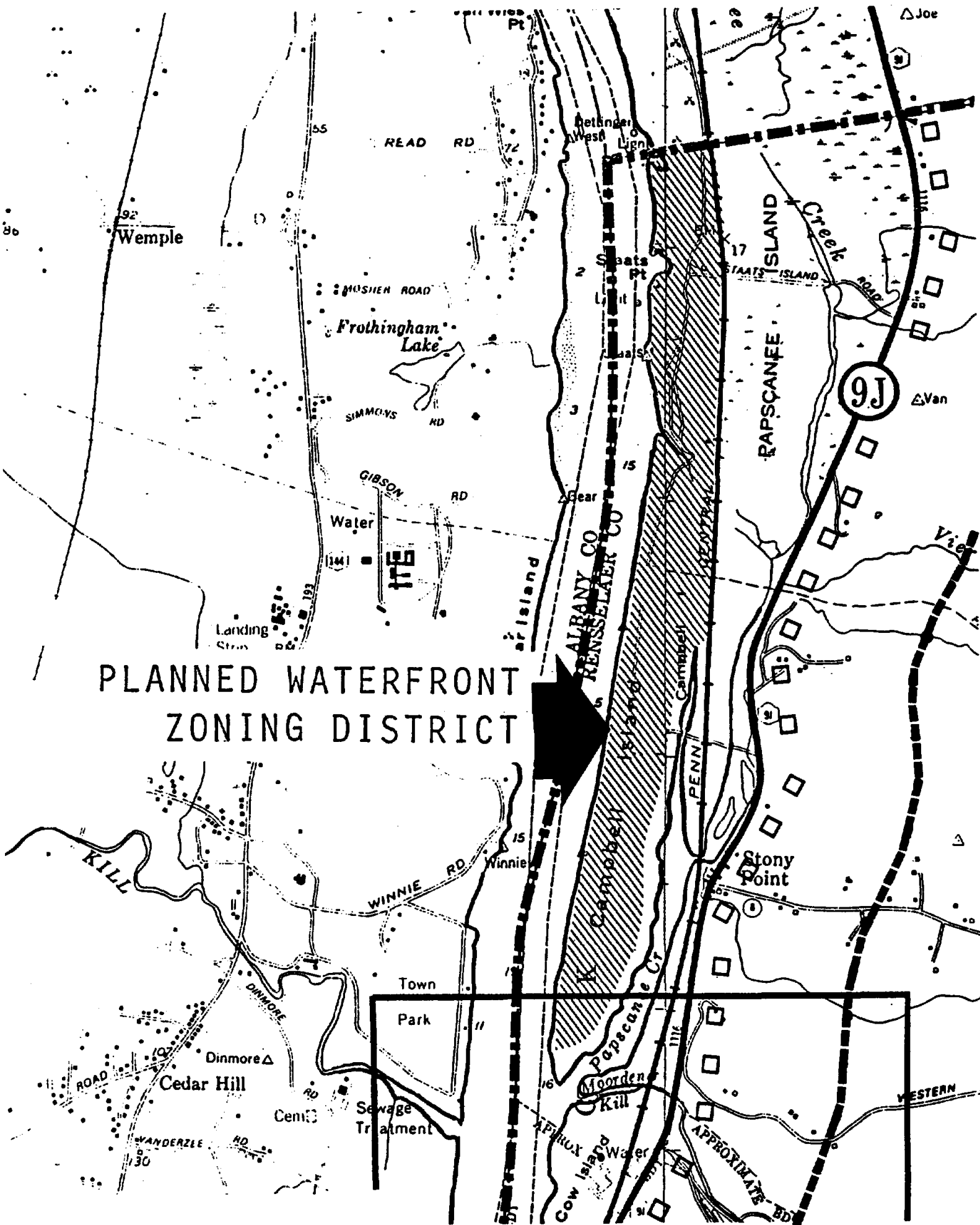


Thank you for your time and consideration in responding to these questions.

You may list your name and address if you wish.

APPENDIX E

**TOWN OF SCHODACK
PLANNED WATERFRONT ZONING DISTRICT**



PLANNED WATERFRONT
ZONING DISTRICT

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

XXXXX
XXX
Town
XXXXX

of SCHODACK

Local Law No. 1 of the year 1995

A local law to create a new zoning district to be known as
(Insert Title)

Planned Waterfront District

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

XXXXX
XXX
Town
XXXXX

of SCHODACK as follows:

PLANNED WATERFRONT DISTRICT

A. Purpose

The purpose of this district is to permit riverfront land to be used for certain activities which depend on or are enhanced by access to the water while protecting the unique and fragile natural resources of the waterfront area. Approval of development proposals will be based on the demonstration of need for a waterfront location and evaluation of the measures proposed to protect natural resources.

B. Permitted Uses

1. One-Family dwellings.
2. Agricultural uses, subject to the conditions set forth in the Residential Agriculture District.
3. Customary accessory uses to the above.
4. Sewage Treatment Facility.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 25 1995

Secretary of State

C. Special Uses

The following uses may be approved in accord with the procedures and criteria set forth in Paragraph "D" below and subject to the development standards set forth in paragraph "E" below.

1. Marinas, boat yards, boat sale and repair, ship building and similar uses.
2. Recreation facilities requiring waterfront access such as boat launches, fishing piers, swimming facilities, etc.
3. Conference centers, camps, retreats and similar facilities which require large sites and utilize the waterfront for recreational or educational purposes.
4. Cultural, educational, or scientific uses which utilize the coastal resources.
5. Uses which require water transportation for transfer of (a) goods produced on the site (b) natural materials found on the site or (c) produces requiring such transportation.
6. Residential uses, including seasonal or second homes, which by site design, supporting facilities or other means utilize the particular advantage of a waterfront site.
7. Facilities which support or are accessory to one of the above uses including retail uses or restaurants occupying less than 10% of total floor area in the completed development.

D. Submission Requirements and Approval Criteria

1. Submission Requirements

No building permit shall be issued for any use listed in "C" above unless the Planning Board has issued a Special Use Permit and approved a Site Development Plan in accord with the provisions hereof.

In addition, all applications for uses listed in "C" above shall be accompanied by an Environmental Assessment Form (EAF) which shall provide sufficient data to determine if the proposed action is consistent with the coastal policies set forth in the Local Waterfront Revitalization Program and its impact upon natural resources in the coastal area.

2. Approval Criteria

In addition to the determinations that the Planning Board must make in accord with the provisions hereof, prior to issuance of a conditional use permit, it shall also make the following determination for any use requiring such a permit in the Planned Waterfront District.

- a. The proposed use requires or substantially benefits from its location on a site with direct access to the coastal water.
- b. The site development plan provides maximum opportunities for the recreational use of the waterfront.
- c. The greatest extent of public access to the waterfront is provided given the nature of the proposed use.
- d. Maximum protection is provided to natural resources: wetlands, fish and wildlife habitats, and significant vegetation and other site features.
- e. The visual impact of development is minimized in terms of views from the river, and the opposite shore by use of appropriate building massing and materials, use of landscaping and natural growth, and other site planning techniques.
- f. All development criteria set forth in paragraph "E" below have been satisfied in addition to all other standards required by this law,

E. Development Standards

1. Permitted Uses

Permitted uses shall conform to the standards of the RA District.

2. Special Uses

Special uses shall conform to the standard of the RA District.

It is the intent of these standards to provide maximum flexibility in site design within the parameters of the Approval Criteria set forth in "D" "2" above, and the basic standards set forth below. In its review, the Planning Board shall be guided by standards used

elsewhere in this Law and established site development practice.

Uses requiring a Special Use Permit shall conform to the following standards:

- a. No structure shall be located within 200 feet of the mean high water line of the Hudson River or Papscanee Creek, except for those structures or uses defined as "water-dependent" in the Local Waterfront Revitalization Program.
- b. Total horizontal coverage by roads, roof tops, parking lots and other impermeable surfaces shall not exceed one-third of the total site area, No such surfaces shall be located within 100 feet of the mean high water line of the Hudson River or Papscanee Creek, except for essential access roads to water dependent uses.
- c. All sewage disposal, water supply, and other utility systems shall be approved by the appropriate agency prior to issuance of any conditional use permit.
- d. Development plans shall indicate how site design and construction management employ best management practices to prevent adverse affects from erosion and siltation.

This Local Law is effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1995 of the ~~(County)(City)~~ (Town)(Village) of Schodack was duly passed by the Town Board on 1/12 1995, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

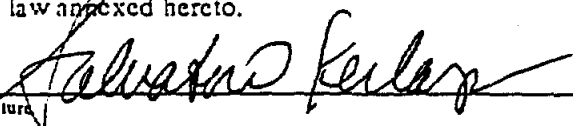
(Seal)

Date: 1-13-95

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Rensselaer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney
Title

~~COUNTY~~
~~CITY~~ of Schodack
Town
~~VILLAGE~~

Date: 1/18/95

APPENDIX F

**GUIDELINES FOR THE REVIEW OF PROPOSED
STATE AND FEDERAL ACTIONS**

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM**

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

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

policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

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

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

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

DIRECT ACTIONS

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

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

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

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.