

DEVELOPMENT POLICIES:

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

POLICY 1A ENCOURAGE THE CREATION OF A LIMITED SCALE WATER-DEPENDENT DEVELOPMENT AT THE END OF HUDSON DRIVE WHILE PRESERVING THE RIVERFRONT FOR PUBLIC USE.

POLICY 1B ENCOURAGE THE RECONSTRUCTION OF THE NORTH DOCK AT STONY POINT BATTLEFIELD HISTORIC SITE (SEE POLICY 4B).

POLICY 1C INTEGRATE THE VARIOUS WATERFRONT AREA LAND USES, PROVIDE RECREATIONAL AND PUBLIC ACCESS OPPORTUNITIES, AND PRESERVE WATERFRONT LANDS THROUGH THE DEVELOPMENT OF AN OPEN SPACE TRAIL SYSTEM EXTENDING FROM BEACH ROAD IN GRASSY POINT TO STONY POINT BATTLEFIELD HISTORIC SITE.

Explanation of Policy

State and federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the cost of providing basic services to such areas is frequently less than providing new services to areas not previously developed; and (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for

this effort. Further, once this concentration of effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments through waterfront revitalization programs have the primary responsibility for implementing this policy, but can do so only if federal and State actions are consistent with the policy. The following guidelines will accordingly be used to ensure such consistency whenever a federal or State action is proposed to take place in the Stony Point waterfront area regarded as suitable for development:

1. Priority should be given to uses which are dependent on a location adjacent to the water.
2. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development.
3. The action should serve as a catalyst to private investment in the area.
4. The action should improve the deteriorated conditions of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline.
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. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand.
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.
8. The action should have the potential to improve the potential for multiple uses of the site.

If a State or federal action is proposed to take place outside of a given deteriorated, under-utilized urban waterfront area suitable for redevelopment, and is within the Town, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, under-utilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

The Town of Stony Point has a limited number of under-utilized and/or deteriorated sites which can be redeveloped. Most of these sites are in the Grassy Point Area. (See Inventory and Analysis). The Town's top priorities are to increase public access, provide recreational opportunities and preserve water-dependent uses in any redevelopment of the riverfront.

Development potential exists in the vacant under-utilized land located at the intersection of Main Street, Beach Road and at the end of Hudson Drive. Development of the parcel at the end of Hudson Drive is limited by its proximity to the railroad tracks, freshwater wetlands and the need for parking. Preservation of the views of Stony Point Bay and the Westchester Highlands are also development considerations for both parcels. These parcels offer the opportunity to develop scenic overlooks and would be an intricate part of the development of the waterfront trail. Planning for the development of the waterfront trail from Stony Point Battlefield to Beach Road in Grassy Point needs to be considered for any proposal in the waterfront area. Detailed consideration should be given to the establishment of easements for public access for any development proposal for the site.

The proposed Waterfront Trail would provide for water-enhanced recreational opportunities for the public by providing bike and pedestrian access to the shoreline. In order to further the development of the waterfront trail, the shore has been zoned either Special Recreation or Planned Waterfront District. In both of these zones waterfront trails and scenic overlooks are uses permitted by right. Development proposals adjacent to the river are subject to restrictions that limit building heights and widths. The zoning establishes setbacks from the shore line and provides incentives for the development of public access.

Reconstruction of the dock on the north shore of the Stony Point Battlefield Historic Site would provide for public access to water-dependent uses such as boating and fishing. Any action taken by a federal, State or local agency should consider and provide documentation that the action will provide for the redevelopment or future redevelopment of the dock.

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

POLICY 2A REDEVELOP THE WATERFRONT VACANT PROPERTY ON GRASSY POINT ROAD AND ON BEACH ROAD FOR WATER-DEPENDENT PUBLIC RECREATIONAL USES.

POLICY 2B ENCOURAGE THE REDEVELOPMENT OF THE TWENTY-FOUR (24) ACRE SITE AT THE END OF HUDSON DRIVE ADJACENT TO STONY POINT HISTORIC SITE TO PROVIDE A PUBLIC BOAT LAUNCH, A WATERFRONT TRAIL CONNECTING STONY POINT HISTORIC SITE WITH THE TOWN PARK ON GRASSY POINT ROAD AND THE COUNTY OWNED BEACH ON RIVER ROAD.

POLICY 2C ENCOURAGE A BALANCE BETWEEN MARINAS AND OTHER WATER-DEPENDENT USES ON THE RIVER.

Explanation of Policy

There is a finite amount of waterfront property in the Town. Most of it has already been developed for specific uses. However, demand is increasing for waterfront property and this results in increased pressures for development. Development pressures can result in either changes in land use or changes in densities, or both.

The traditional method of land allocation, i.e., the real estate market, with or without land use controls, offers little assurance that uses which require a waterfront site will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State, Town and Federal agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses. Furthermore, State, Town, and Federal agencies will utilize appropriate existing programs to encourage water-dependent activities.

The Town of Stony Point enjoys a unique maritime identity because of its excellent harbor, waterfront views, varied coastline and related water-dependent activities which take place on the riverfront.

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

1. Uses which depend on the utilization of resources found in coastal waters (e.g., fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (e.g., boating, swimming, fishing wildlife viewing);
3. Recreational facilities which depend on access to coastal waters. Examples of such water-dependent facilities included the following:

Beach and or yacht clubs; facilities needed to store and service boats; boat yards, marinas, boat construction yards; facilities for hauling, launching, dry storage and dry sailing of boats; facilities for building, repairing, and maintaining boats and marine engines and other boating equipment; facilities for docking and mooring of boats, especially when found in conjunction with above.

4. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (i.e., facilities for the sale of fuel for boats, for the pumping out of marine holding tanks, for waste oil collection, parking lots, and dry storage of boats);
5. Commercial facilities for the construction of boats;

6. Uses involved in the sea/land transfer of goods (e.g., docks, loading areas, pipelines, short-term storage facilities);
7. Structures needed for navigational purposes (e.g., locks, dams, lighthouses);
8. Flood and erosion protection structures (e.g., breakwaters, bulkheads);
9. Scientific/educational activities which, by their nature, require access to coastal waters (e.g., certain meteorological and oceanographic activities).

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, although not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront.

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

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

1. Competition for space – Competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water-dependent activities, or the encouragement of water-dependent development.
2. In-place facilities and services – Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply;
 - b. Access to the area for trucks and rail, if heavy industry is to be accommodated;
and

- c. Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels -- If commercial shipping, commercial fishing or recreational boating are planned, the Town will consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. 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. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water-oriented tourist activities. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

Because of the geographic constraints, development of water-dependent uses is concentrated in the Stony Point Town Center. Public concerns of future development and expansion of existing uses include, but are not limited to, traffic, parking, winter boat storage, and access to the waterfront, both physical and visual. Site plan review as prescribed in the Town's zoning should be conducted in a thorough manner to identify any adverse impacts. Through the site plan review process, recommendations should be made to alleviate or mitigate any adverse impacts.

Development of the twenty-four (24) acre site at the end of Hudson Drive adjacent to the Stony Point Battlefield could provide for the development of a boat launch and the waterfront trail with wildlife viewing points and scenic overlooks. This type of development would need to be sited so as to avoid adverse impacts on the New York State-designated wetlands.

5. Preference to under-utilized sites -- The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently under-utilized.
6. Providing for expansion -- A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies and localities should, therefore, give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

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

1. Favored treatment to water-dependent uses areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water-dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses that will provide for public access.
3. Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. State and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO STONY POINT.

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.

POLICY 4A PROMOTE THE TRADITIONAL USES OF HAVERSTRAW BAY AND STONY POINT HARBOR INCLUDING COMMERCIAL MARINAS, RECREATIONAL BOATING AND ACCESSORY SERVICES, COMMERCIAL FISHING AND CRABBING, AND RECREATIONAL FISHING. (SEE POLICY 2)

POLICY 4B RECONSTRUCT THE NORTH DOCK AT STONY POINT BATTLEFIELD TO ENHANCE THE MARITIME IDENTITY OF THE SITE AND TO RESTORE A PART OF ITS HISTORY. (SEE POLICY 21)

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of local and State agencies shall center on promoting such desirable activities as recreational fishing, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry. The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community, e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor areas, particularly where the visual quality of the area is an important component of the area's appeal and identity.

In the past, excursion boats stopped at the Stony Point Battlefield north dock for visitors to picnic, to swim, or to just view the Hudson River. In order to retain that unique and important part of the site's history and to attract more visitors to the Stony Point Historic Battlefield, the north dock should be restored.

At present, the harbor is home to approximately 1,800 boats. It is also an important recreational fishing area. Boating and related activities contribute to the economy of Stony Point.

The continued health of the recreational economy in Stony Point is largely contingent upon implementation of Policy 2. Development and enhancement of the Town's maritime uses and activities can be accomplished if local land use controls are implemented to prevent the displacement of water-dependent uses by water-enhanced uses. The marine recreational industry should be protected and water-dependent uses, particularly public, should be promoted.

Harbor management and maintenance is an important aspect of any policy encouraging the Town's traditional maritime uses. Planning for dredging, maintenance and expansion of public facilities, regulations for the safe passage of vessels, and future development of Stony Point Harbor should be addressed through a long range harbor management plan.

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 NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.

POLICY 5A ENCOURAGE COMPATIBLE WATERFRONT DEVELOPMENT NEAR THE EXISTING COMMERCIAL AREA WHERE PUBLIC SERVICES AND FACILITIES ARE IN PLACE AND PARKING CAN BE ACQUIRED.

POLICY 5B DISCOURAGE INTENSIVE DEVELOPMENT ALONG BEACH ROAD WHERE PARKING WOULD BE A PROBLEM.

POLICY 5C PLAN COASTAL REDEVELOPMENT TO ENSURE THAT LOCAL ROADS DO NOT BECOME UNSAFE OR OVERBURDENED BY TRAFFIC AND TO ENSURE THAT THE WATERFRONT IS ACCESSIBLE TO PEDESTRIANS, ANGLERS, BOATERS AND CYCLISTS AND ALSO TO ENSURE THAT PARKING LOTS ARE APPROPRIATELY SCALED, SITED FOR MULTIPLE USE, NOT FLOODED AT HIGH TIDE AND NOT A DETRIMENT TO LOCAL NEIGHBORHOODS.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions development, particularly large-scale development, in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to existing areas of concentrated development where infrastructure and public services are adequate and where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

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

For any action that would result in large-scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the coastal area may also be suitable for development if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one mile radius of the proposed site are vacant;
 - c. The proposed site is served by, or is near to, public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:

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

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
3. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development which, because of its isolated location and small-scale, has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities which, because of public safety considerations, should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.

8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

The property adjacent to the County-owned beach is best suited for a small, passive recreation park. Parking could be provided across the street. The waterfront parcel on Beach Road should be preserved for a future fishing pier, scenic overlook and a link with the proposed waterfront trail. Residential development would be inappropriate on this section of the waterfront. Flooding is a frequent and serious problem. Due to the narrow curving roadway and the number of marina related vehicle trips, traffic is also a concern. The property at the end of Hudson Drive is best suited for a mixed use, limited scale development, including a public boat launch, a walking trail and a scenic overlook park. Existing services and facilities (i.e., sewer lines, parking and marine services) are already in place. Policy 4B recommends the reconstruction of the north dock, a Stony Point historic site, and will also make use of public services and facilities already in place.

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

Explanation of Policy

For specific types of development activities in areas suitable for such development, federal, State and town agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations objectives is not jeopardized. Efforts will also be made to ensure that each agency's procedures and programs are synchronized with the agency's procedures at each level of government. Additionally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, programmatic and/or legislative changes will be recommended.

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

POLICY 7A THE IONA ISLAND MARSH SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

POLICY 7B THE HAVERSTRAW BAY HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

POLICY 7C THE HUDSON RIVER MILE 44-56 HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

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

1. Essential to the survival of a large portion of a particular fish and wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare, endangered and threatened species;
3. Found at a very low frequency within a coastal region and/or are on a migratory path;
4. Support fish and wildlife populations having significant commercial and/or recreational and/or educational value; and
5. Difficult or impossible to replace.

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 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 actions would:

- destroy the habitat; or
- significantly impair the visibility 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:

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).

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

a. Hudson River Mile 44-56

Hudson River Mile 44-56 extends from Cornwall Bay to Peekskill Bay in the Towns of Cornwall and Highlands, Orange County; Stony Point, Rockland County; Philipstown, Putnam County; and Cortlandt, Westchester County. This important habitat includes the main river channel below mean low water over a twelve mile reach. It is one of the most extensive narrow deep water channel habitat areas in the Hudson River. Hudson River Mile 44-56 is a breeding ground for a variety of anadromous fishes, especially striped bass. A more thorough description is provided in the Inventory and Analysis.

Impact Assessment

Any activity that would substantially degrade water quality, reduce flows, alter tidal fluctuations, or increase water temperatures in Hudson River Mile 44-56 would result in significant impairment of the habitat. Of primary concern in this deep estuarine area would be diversion of freshwater flows out of the Hudson, contamination by toxic chemicals, major structural alterations to the underwater habitat (e.g., dredging, filling, or construction of jetties), and thermal discharges. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal.

Transient habitat disturbances, such as dredging or in-river construction activities, could have significant impacts on striped bass populations during spawning and incubation periods (May-July, primarily). Installation and operation of water intakes could also have significant impacts on fish populations in the area, through impingement of juveniles and adults, or entrainment of eggs and larval stages. The potential effects of human disturbance (especially pedestrians) on wintering bald eagles are not well documented, but should be minimized around known roosting and feeding areas.

It is essential that activities in the vicinity of Iona Island also be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions.

b. Iona Island

The Iona Island Marsh is a designated Coastal Fish and Wildlife Habitat of Statewide Significance. It is located between Iona Island and the west shore of the Hudson River, approximately three miles northwest of the City of Peekskill, in the Town of Stony Point.

Iona Island is an approximately 270 acre marsh, and is one of the largest undeveloped wetland complexes on the Hudson River. In addition to being a significant habitat, Iona Island Marsh has also been designated as a Registered Natural Landmark and a National Estuarine Sanctuary by the United States Department of Interior. Its characteristics are more fully described in the Inventory and Analysis.

Impact Assessment

It is essential that any potential impacts on Iona Island Marsh be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions. Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce freshwater inflows, or alter tidal fluctuations in Iona Island Marsh would adversely affect fish and wildlife species in the area. Application of herbicides or insecticides along the railroad right-of-way may result in adverse impacts on various fish and wildlife species, and should be avoided. Elimination of wetland or shallow areas, through dredging, filling, or bulkheading would result in a direct impact on valuable fish and wildlife habitats.

Potentially, the Conrail Railroad could affect the hydrodynamics of this wetland through changes in the causeway, bridges, and number of tracks. Likewise, any alteration of the access road to Iona Island should be designed to maintain or enhance natural tidal flows in the marsh. Activities that would subdivide this relatively large, undisturbed area into smaller fragments should be restricted. However, habitat management activities, including expansion of productive littoral areas, may be designed to maintain or enhance populations of certain fish or wildlife species.

Existing areas of natural vegetation bordering Iona Island marsh should be maintained for their value as cover, perch sites, and buffer zones; significant human encroachment into the adjacent area could adversely affect certain species of wildlife. It is recommended that rare plant species occurring in the area be protected from adverse effects of human activities. Strict management of public access may be necessary to ensure that the various human uses of fish and wildlife resources in the area are compatible.

c. Haverstraw Bay

Haverstraw Bay extends approximately six miles on the Hudson River from Stony Point to Croton Point. Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River Estuary. For a more detailed description, see the Inventory and Analysis.

Impact Assessment

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or temperatures in Haverstraw Bay would adversely affect the fish and wildlife resources of this area. Any physical modification of the habitat or adjacent wetlands through dredging, filling, or bulkheading would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and early developmental periods, which generally extend from April through August for most anadromous species using the area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations. Similarly, spills of oil or other hazardous substances, and leachate or contaminated groundwater constitute a potential threat to fish and wildlife in the Bay. Of particular concern in this major estuarine system are the potential effects of hydrologic disturbances, and effluent discharges. Existing areas of natural vegetation bordering Haverstraw Bay should be maintained to provide soil stabilization and buffer areas.

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 [§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 NYS DEC (6 NYCRR Part 371).

The handling (storage, transport, treatment and disposal) of the material 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 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.**

**POLICY 9A PROVIDE PUBLIC ACCESS TO THE VACANT WATERFRONT LANDS
FOR RECREATIONAL SHORELINE FISHING, CRABBING AND
BIRDWATCHING.**

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 photographing wildlife, birdwatching and studying nature.

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

The following additional guidelines should be considered by State, federal and Town agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made by State, federal and Town agencies as to whether an action will impede existing or future utilization of recreational fish and wildlife resources.
2. 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 animals from using the habitat area.
3. 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.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing) must be done in accord with State law.

Shoreline fishing from Beach Road in Stony Point has become very popular even though the property is not presently owned by the Town.

The primary obstacles to increased recreational fishing use of the riverfront are concerns over contaminants in the fish and the lack of parking. The Town strongly supports all efforts to clean the Hudson River, including the removal of PCBs. The Department of Environmental Conservation advises recreational fishermen to consume no more than one meal per week consisting of Hudson River fish.

Provisions for increased boating access as indicated in the Development Policies and Policy 21 will also serve to increase recreational fishing and wildlife viewing.

The Town does not permit hunting on the waterfront. The Palisades Park Commission does not permit hunting on Iona Island.

Crabbing, in addition to fishing, is also popular in Stony Point. The blue crab attracts many recreational crabbers. Most casting traps are set off of the shore at Beach Road and Grassy Point Road (Van Zandth property). It is particularly desirable to promote recreational crabbing, since crabs are nearly free of PCB contamination. A study should be undertaken by a State or regional agency to propose ways to restore the blue crab population.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:

1. ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES;
2. INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND
3. MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200 mile offshore boundary of U.S. Waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource

management considerations would include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

The following additional guidelines will be considered by Town, State, and federal agencies as they determine the consistency of their proposed action with the policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
3. Consideration should be made by State, federal, and local agencies whether an action will impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

Commercial fishing in Stony Point, although not as popular today as it was 50-60 years ago, is making a comeback. Shad fishing, in particular, is very popular. Commercial shad fishing should be further developed by informing the public that these fish do not contain contaminants.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

Local, State and federal laws regulate the siting of buildings in erosion hazard areas. On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion, and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, near shore areas,

bluffs and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in Section 505.3(u) of the regulations for ECL, Article 34. Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide; and no mobile home shall be sited in such area. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

The importance of flooding and erosion control regulations to Stony Point cannot be over-emphasized. Major flooding episodes occur primarily with easterly winds, unusually high tides and torrential rains. The Hudson River and Cedar Pond Brook inundate roads, and destroy docks and boats.

The provisions of the National Flood Insurance Program apply within the Town's flood prone areas, as identified and mapped by the Federal Insurance Administration. Any area below the normal high water line or within the A-zone designated on the Federal Emergency Management Agency's flood boundary and floodway map, shall not be included as part of a lot area. The following standards for land use and development activity should be considered when reviewing proposed site plans in the flood prone areas, (see Local Laws, Task V):

Structure or Use in the Flood-Fringe Areas:

1. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water-related forces.
2. All construction materials and utility equipment used shall be resistant to flood damage.
3. Construction practices and methods shall be employed which minimize potential flood damage.
4. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.

6. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred year flood or, as an alternative, be floodproofed up to that same water level, including attendant utility and sanitary facilities.
7. All water supply and sewage disposal systems shall be designed to minimize or eliminate potential flood damage.
8. No use shall be permitted including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any one point.

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

Explanation of Policy

Beaches, dunes, barrier islands, bluffs and other natural protective features help safeguard coastal lands and property from damage, as well as reduce danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or similar actions which fail to recognize their fragile nature and high protective values lead to diminishing or destruction of those values. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments which could impair their flood-reducing capacity.

Wetlands serve as buffer areas which protect the shoreline from erosion by waves and moderate storm surges. Wetlands act as natural water storage areas during floods and storms by retaining high waters and gradually releasing them after subsidence, thereby reducing damaging effects.

Laws preventing the filling in of the Grassy Point Marsh, as well as other wetlands should be strictly enforced.

The beach also acts as a buffer to control flooding and erosion. The appropriate measures should be taken to protect the beach from erosion. Proposed construction of jetties and bulkheads should address the potential impacts on the beach.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Erosion protection structures are often needed to stabilize riverbanks and to help alleviate the accumulation and transport of silt. Proper bulkheading will protect the shoreline from erosion and wave damage, thus mitigating the worse effects of a severe storm. A well constructed breakwater or "dolphins" near the waterfront would extend the life-time of bulkheads and lessen the problems of storm erosion and channel maintenance. Since all bulkheads, seawalls, docks and piers have limited life-times, periodic maintenance and eventual replacement is to be expected.

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

POLICY 14 ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, 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 run-off and the erosion and weakening of riverbanks and shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

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

POLICY 15A BEST AVAILABLE TECHNOLOGY MUST BE USED TO MINIMIZE THE DISPERSION OF SILT THAT MAY BE RELEASED. THE TOTAL VOLUME OF DREDGING IN ANY PERIOD MUST BE LIMITED TO THE CAPACITY OF THE INTERIM DREDGE SPOIL SITE.

Explanation of Policy

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

Dredging or other mining of the river bottom would be carried out primarily for channel maintenance. However, when such dredging occurs near docks, bulkheads or unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on adjacent lands.

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

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

POLICY 17 WHENEVER POSSIBLE, USE 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 DRAINING;**
- 3. THE RESHAPING OF BLUFFS; AND**
- 4. THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

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

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

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, (a) the use of minimum setbacks as provided for in Section of 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and

2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, design and siting of all proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency of this policy would require the use of such measures, whenever possible.

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

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 THOSE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

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

Any proposed project will be reviewed under State Environmental Quality Review (SEQR) for, consistency with coastal plans and with all State and local policies enacted to protect the area's valuable coastal resources.

If the present U.S. Gypsum facility, quarry or power plant site were to become vacant at some time in the future for the greater health and general welfare of the Town and its waterfront, this facility would be replaced by a clean, quiet, water-dependent, non-polluting use.

PUBLIC ACCESS POLICIES

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

POLICY 19A ENCOURAGE THE CLEANING UP OF THE SUNKEN AND ABANDONED BARGES AND OTHER OBSTACLES TO NAVIGATION IN GRASSY POINT BAY.

POLICY 19B ENCOURAGE PUBLIC BOAT ACCESS BY SUPPORTING THE RECONSTRUCTION OF THE NORTH DOCK AT STONY POINT BATTLEFIELD HISTORIC SITE.

POLICY 19C ENCOURAGE THE PALISADES PARK COMMISSION TO INCREASE ACCESS AT IONA ISLAND WHILE STILL PRESERVING THE SIGNIFICANT HABITAT. (SEE POLICY 44)

Explanation of Policy

This policy calls for achieving a balance among the level of access to a resource or facility, the capacity of the resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the public access planning process operated by the various State agencies.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter

case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

The following is an explanation of the terms used in the above guidelines:

- a. Access -- the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities -- all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities -- lands or facilities held by State or local government in fee simple or less than fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are increases in the following: already existing special fares of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

- (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility.
3. The State and Town will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Public Access Sites

Stony Point Battlefield

Stony Point Battlefield offers trails to the historic lighthouse, museum, and educational exhibits. Opportunities exist to increase access by reconstructing the dock on the north shore, creating a trail from the south shore to Beach Road and resurfacing the road leading to the former U.S. Coast Guard house.

Iona Island

Offers passive waterfront access by permit only. An extensive waterfront trail system exists to view the river, as well as to observe the many rare birds and deer in this unique habitat area. Opening Iona Island to the public, without a permit system, would be inappropriate. However, a slight increase in access could be beneficial by making permits easier to obtain for Town residents, possibly through the mail or by distribution at the Town Hall. (See discussion on Significant Coastal Fish and Wildlife Habitat in the Inventory and Analysis.)

Bear Mountain

Offers picnicking, trails, scenic overlooks of the Hudson River, Iona Island and the Westchester Highlands.

Grassy Point Beach

The Town recently purchased vacant parcels located along the Hudson River. One parcel consists of the land which has been developed into Riverside Park, while another parcel immediately across Grassy Point Road provides additional parking and picnic areas. The Town has also purchased the former Keahon property and plans to develop this site for recreational use, as well. The waterfront parcel could provide an important link and access point to the beach and waterfront trail. Residents currently fish from this site.

Offers limited public access to the river. Parking is severely limited due to the narrow curving roadway and a lack of a public off street parking area. A vacant under-utilized waterfront parcel exists adjacent to the County-owned beach. An additional parcel also exists on the west side of River Road. The waterfront parcel could provide an important link and access point to the beach. The parcel on the west side of River Road could provide necessary parking.

Beach Road

A few sites on Beach Road provide unauthorized fishing, scenic overlooks and possible links to a proposed waterfront trail and open space system.

Hudson Drive

There are currently no public access sites; an opportunity exists to create a waterfront trail from Stony Point Battlefield to Grassy Point Beach. Article VI of the zoning regulations provides an incentive to private landowners to establish easements for a waterfront trail or funding for such. Encourage the limited development of the vacant twenty-four (24) acre parcel at the north end of Hudson Drive to provide public access for the waterfront trail, wildlife viewing, scenic overlooks, and boat launch. Any boat launch facility would have to be designed so as to avoid any negative impacts to the adjacent wetlands.

POLICY 20

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

- POLICY 20A** **ENCOURAGE INCREASED ACCESS ALONG THE WATERFRONT OF BEACH ROAD, GRASSY POINT ROAD AND AT THE END OF HUDSON DRIVE.**
- POLICY 20B** **PRESERVE THE ADJACENT SHORELINE ON HUDSON DRIVE TO PROVIDE A WATERFRONT TRAIL AND TO INCREASE PUBLIC ACCESS TO THE RIVER.**
- POLICY 20C** **ENCOURAGE THE DEVELOPMENT OF A WATERFRONT PEDESTRIAN AND BIKING TRAIL FROM HAVERSTRAW TOWN LINE TO BEAR MOUNTAIN STATE PARK.**

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large could be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a Town waterfront or to a vantage point from which to view the shore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beach combing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and, the promotion of mixed and multi-use development.

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

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

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

use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

- a. (See definitions under first policy of "access", and "public lands or facilities").
 - b. A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and/or waters.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

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

- a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- b. Access is reduced or blocked completely by any public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; and (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The Town and 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.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and, outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

Presently, waterfront walking trails exist on Iona Island. There is also an unofficial road leading to the former Coast Guard house at Stony Point Battlefield. There is very little official pedestrian access to the waterfront in the central Stony Point waterfront area. However, there are great opportunities to increase access by developing a trail system. (See Policy 19.) A bike trail extends from the Haverstraw line along River Road, Grassy Point Road, Beach Road, and Park Drive to Route 9W. It continues through Tomkins Cove and ends at Bear Mountain. The trail is poorly marked. Sections of the trail in Tomkins Cove are in poor condition. These areas should be restored. More descriptive signage should be created for the length of the bicycle trail. (See Inventory and Analysis.)

As a measure to insure the protection of the Hudson River shoreline and to encourage the development of a waterfront trail, amendments to the zoning ordinance include provisions for the setback of fifty (50) feet within the high water mark, except for water-dependent uses such as boat ramps, bulkheads or similar structures. For irregularly

shaped or substandard sized lots held in single or separate ownership, the setback may be able to be reduced to twenty (20) feet by Special Permit authorized by the Town Board. Additionally, the Town Board may increase the development lot coverage for parcels adjacent to the Hudson River on the conditions that permanent public access is provided and/or a payment to the Town to be used for the improvement of Town parks in the waterfront area.

RECREATION POLICIES

- POLICY 21** **WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**
- POLICY 21A** **ENCOURAGE THE IMPROVEMENT FOR RECREATIONAL USE OF EXISTING UNDEVELOPED LAND ALONG THE SHORELINE WITH USE INTENSITY DEPENDENT UPON LOCATION AND TYPE OF LAND.**
- POLICY 21B** **REDEVELOP THE VACANT WATERFRONT PROPERTY ON BEACH ROAD TO CREATE A WATERFRONT PARK, TRAIL AND FISHING AREA.**
- POLICY 21C** **ENCOURAGE THE DEVELOPMENT OF A WATERFRONT TRAIL SYSTEM WITH PUBLIC PARKS INCLUDING A BOAT LAUNCH, FISHING PIER, AND SCENIC OVERLOOK AND A SHORELINE TRAIL WHICH WOULD BEGIN AT THE STONY POINT HISTORIC SITE AND FOLLOW THE RIVER FRONT TO THE HAVERSTRAW TOWN LINE.**
- POLICY 21D** **ENCOURAGE THE REMOVAL OF DEBRIS AND THE RESTORATION OF THE COUNTY-OWNED BEACH OFF GRASSY POINT ROAD.**

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 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 deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those 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 highways, railroads, industry, or other forms of existing intensive land use or development. The Department of State, working with the Office of Parks, Recreation, and Historic Preservation (OPRHP) and with local governments, will identify communities whose use of the shore has been so restricted, and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

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

Provision of adequate boating services to meet future demand is included among the types of water-dependent recreation to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of a new public boating facility is essential in meeting this demand, but such public action should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. There is a need for a better locational pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced.

This objective supports other, more specific policies and applies to both public and private activities. Opportunities to provide water-dependent public recreational uses such as a boat launch, shoreline trail or fishing pier will be encouraged as part of any development proposal.

The Town-owned parcel on Beach Road provides an opportunity to develop a park area for scenic overlooks, recreational fishing and a destination for the waterfront trail. Such park development would need to be initiated by the Town. Funding could possibly be provided by the trust fund established by the development incentives in the zoning.

By amending the Town's zoning regulations, the Town has begun to develop a strategy for the planning of a waterfront trail with various destinations within the trail that provide for wildlife viewing, scenic overlooks, boat docks, a fishing pier, and picnic areas. A plan for such a trail, including an investigation of the route, amenities, cost and feasibility needs to be developed. Funding for the trail could come from various federal, State, local and private sources.

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

POLICY 22A **IN ORDER TO MAINTAIN THE FEASIBILITY OF A LINEAR WATERFRONT TRAIL IN STONY POINT, NEW DEVELOPMENT TO BE LOCATED ON OR NEAR THE WATERFRONT SHOULD BE DESIGNED SO AS TO NOT IMPEDE FUTURE LINEAR WATERFRONT ACCESS.**

Explanation of Policy

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

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

Parks
Highways
Utility transmission rights of way
Sewage treatment facilities

Schools, universities*
Nature preserves*
Town house development
Commercial retail uses
Restaurants

*The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

Prior to taking action relative to any development, agencies should consult with the State Office of Parks, Recreation, and Historic Preservation (OPRHP) and with the Town to determine appropriate recreation uses. The agency proposing the action should provide OPRHP and the Town with the opportunity to participate in planning the action.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

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

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as possible. Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development.

In order to provide the opportunity for the development of a waterfront trail, the Town's zoning regulations require a fifty (50) foot buffer from the mean high water mark of the Hudson River for any structure other than water-dependent uses. Parcels that are shallow, irregularly shaped or substandard sized that are held in single or separate ownership may apply for a special permit from the Town Board. In no instance can a structure be situated closer than twenty (20) feet, except for water-dependent uses. Building width and development coverage are also addressed in the zoning regulations. The percentage of development coverage can be increased by special permit issued by the Town Board if permanent public access is provided for, or a sum in lieu thereof.

HISTORIC AND SCENIC RESOURCES POLICIES

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

POLICY 23A STABILIZE AND REVITALIZE THE HISTORIC RESIDENCES AND NEIGHBORHOODS ON RIVER ROAD, MUNN AVENUE AND GRASSY POINT ROAD.

Explanation of Policy

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

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

1. A resource which is in a federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
3. A resource on, or nominated to be on, the State Nature and Historic Preserve Trust.
4. An archeological resource which is on the State Department of Education's Inventory of Archeological Sites.
5. A local landmark, park, or locally designated historic district that is identified in Section II, Inventory and Analysis, of this program.
6. A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation, include

the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental, or functional features of a building, structure, or site that is a recognized historic, cultural, or 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; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures, and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in above paragraph (1) plus any other appurtenant fixture associated with a building, structure or earthwork.
3. All proposed actions within five-hundred (500) feet of the perimeter of the property boundary of the historic, architectural, cultural or archeological resource and all actions within a 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 action. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

The following are additional guidelines for implementing this policy:

1. The Office of Parks, Recreation and Historic Preservation, which serves as the State Historic Preservation Office (SHPO), plays a central role in the preservation of historic resources. Section 106 of the National Historic Preservation Act of 1966, as amended, requires that any action subject to a federal permit or dependent on federal funding must be reviewed by the SHPO and the Advisory Council on Historic Preservation to determine if such action would impair any historic resource listed or eligible for listing on the National Register of Historic Places.

2. Given the possibility of archeologically significant sites within Stony Point's waterfront area, public agencies shall contact with State Historic Preservation Office to determine appropriate protective measures to be incorporated into development decisions.

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" of 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. Buildings and structures that are possibly eligible to be placed on the National Register of Historic Places are listed in the Inventory and Analysis. The recognition of historic buildings will be supported and encouraged.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE. IMPAIRMENT SHALL INCLUDE (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC 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 (ii) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

POLICY 24A PREVENT IMPAIRMENT OF THE HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE.

Explanation of Policy

The northern section of the Town of Stony Point is included in the Hudson Highlands Scenic Area of Statewide Significance (SASS), as designated by the Secretary of State. The Hudson Highlands 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 Hudson Highlands SASS within the Town of Stony Point, outlined on Exhibits E, F and G, include the following subunits:

HH-10	Hessian Lake Subunit
HH-11	Bear Mountain State Park
HH-12	Iona Island Marsh
HH-13	Iona Island
HH-14	Jones Point

The scenic quality of these subunits is summarized in the Inventory and Analysis, and Appendix A.

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

1. The irreversible modification of geological 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
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.

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:

1. Siting structures and other development such as highways, power lines and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore:

For much of the length of the Hudson Highlands SASS, the Hudson River is bounded by steep, undeveloped wooded bluffs that figure prominently in views within the SASS, notably from and across the Hudson River. Siting of structures on the slopes or crests of these bluffs on the immediate shoreline of the Hudson River or over the water surface of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

The siting of new residential development has the potential to threaten the future visual quality of the SASS. Areas which afford views, such as ridgelines, hilltops, and hillsides overlooking the Hudson River are most attractive to new development, but also the most vulnerable to impairment from inappropriate development. The siting of residential development structures and other discordant features such as large buildings, highways, power lines and signs on ridgelines, hilltops and exposed hillsides, and in the direct

viewshed of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Iona Island Marsh, Manitou Marsh, and Constitution Marsh are particularly critical scenic components in the SASS. Activities that would subdivide the large, undisturbed appearance of these areas into smaller fragments, introduce structures into the low-lying landscape, and eliminate wetlands or shallow areas through dredging, filling or bulkheading, would result in a direct impact on the shorelines, changing the character of the relationship between the Hudson River and its shorelands, and impairing the scenic quality of the SASS.

2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development:

The Hudson Highlands (SASS) features a low intensity pattern of development that includes a large amount of functional open space. Historic estate houses punctuate the landscape of rolling upland pastures, landscaped estates and woodland. Recent poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types. The textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship would be lost, impairing the scenic quality of the SASS. Failure to use topography, existing vegetation and the clustering of new development to blend new development into the landscape would impair the scenic quality of this SASS. Failure to continue the current pattern of preserved open space through the State Park network and to respect the balance between formal recreation areas and wilderness would also impair the scenic quality of the SASS.

3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme:

The Hudson Highlands SASS is a unique, natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views, and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

4. Removing deteriorated and/or degrading elements:

The Hudson Highlands SASS is generally free of discordant features, and structures are generally well maintained.

5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest:

The landform of the Hudson Highlands SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contributes to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

6. 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:

The variety of vegetation and the unifying continuous vegetative cover of the Hudson Highlands SASS make a significant contribution to the scenic quality of the SASS. The tidal marshes of Iona Island Marsh, Manitou Marsh, and Constitution Marsh, and pastures, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River and in the upland areas would change the character of the river corridor and impair its scenic quality. Iona Island Marsh, Manitou Marsh, and Constitution Marsh are particularly critical scenic components in the SASS. Activities that would subdivide the large, undisturbed appearance of these areas into smaller fragments, the introduction of structures into the low-lying landscape and the elimination of wetland or shallow areas through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands, and impairing the scenic quality of the SASS.

7. Using appropriate materials, in addition to vegetation, to screen unattractive elements:

The Hudson Highlands SASS is generally free of discordant elements. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

The existing structures located within the Hudson Highlands SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. New development or alterations to existing structures can also be designed to complement the scenic quality of the SASS through use of a scale, form, color and materials which are

compatible with the existing land use and architectural styles of the area, and can be absorbed into the landscape composition. Failure to construct new buildings which are compatible with the cultural fabric of the SASS, as represented in these historic structures, would impair the scenic quality of the SASS.

Failure to use appropriate scale, form, and materials to ensure that new development is compatible with the surrounding landscape and does not distract from the landscape composition of a designated area would impair the scenic quality of the SASS. In addition, failure to mitigate the effects associated with development, such as lighting, horizontal or vertical interruption of form, incongruous colors, or plume discharge would impair the quality of the landscape and the scenic quality of the SASS.

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

POLICY 25A **PROTECT OR ENHANCE VIEWS FROM ROUTE 9W, RIVER ROAD, GRASSY POINT ROAD, BEACH ROAD, MUNN AVENUE, GAYS HILL ROAD, MOTT FARM ROAD AND MAIN STREET.**

POLICY 25B **SUPPORT THE SCENIC DESIGNATION OF ROUTE 9W, (SOUTH OF BEAR MOUNTAIN STATE PARK) GRASSY POINT ROAD, STONY POINT BATTLEFIELD PARK ROAD, BUCKBERG ROAD AND PERKINS MEMORIAL DRIVE NEAR BEAR MOUNTAIN STATE PARK.**

POLICY 25C **PRESERVE AND RESTORE THE UNIQUE PICTURESQUE MARITIME IDENTITY OF THE WATERFRONT AREA.**

Explanation of Policy

When considering a proposed action which would affect a scenic resource of local significance, agencies and the Town shall ensure that the action will be undertaken to protect, restore or enhance the overall scenic quality of the Stony Point Waterfront Coastal Area. Activities which could impair or further degrade scenic quality include:

1. 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
2. The addition of structures which, because of siting or scale, will reduce the identified views or which, because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and design guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of the Waterfront Coastal Area wherever possible. It should be recognized that each development situation is unique and that the guidelines will have to be applied accordingly. They include:

1. Siting structures and other development such as highways, power lines and signs back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Clustering or orienting structures to retain views, save open space and attractive natural features, and provide visual organization to a development.
3. Preventing, wherever possible, the blocking of Hudson River views from upland areas.
4. Opening up potential views along Route 9W, where feasible, during highway maintenance and the construction of new buildings.
5. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme.
6. Preserving and restoring the appearance of historical buildings and neighborhoods (see Policy 23).
7. Encouraging distinguished architectural expressions throughout Stony Point, and preventing excessive dissimilarity, uniformity, inappropriateness, or poor quality of design in the exterior appearance of buildings. This would include:
 - a. Excessive dissimilarity in cubical content, gross floor area, height or other significant design features such as materials or quality or architectural design.
 - b. Apparently identical front or side elevations; substantially identical size and arrangement of doors and windows; and other significant identical features such as material roof line height.
 - c. Inappropriateness in relation to the established character of other structures in the area to an extent that would adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes.
8. Designing and constructing new buildings, structures or activities to be visually compatible with adjacent or nearby buildings, structures, or sites of special historic or architectural importance.
9. Giving special consideration to the design, form, material, texture, color, siting (location), and landscaping of such new buildings, structures, or activities so that they

will be compatible with the special historic or architecturally important buildings or sites to which they are visually related.

10. Removing deteriorated and/or degrading elements.
11. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, integrate 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. To the maximum extent possible, insuring that trees over eight (8) inches in diameter, measured three (3) feet above the base of the trunk, are retained.
12. Requiring that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets, and choosing landscaping that is in character with that generally prevailing in the neighborhood.
13. Using appropriate materials, in addition to vegetation, to screen unattractive elements.
14. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
15. Designing signage to be consistent, informative and attractive and not cause interference with the scenic quality of the area. Signs shall be stationary and made of permanent materials.

Stony Point is unique in having an open beach area on Grassy Point Road to view the Hudson River. Views of the River are also spectacular from Beach Road, the Stony Point Historic Site and sections of Route 9W. Additional scenic roads and vistas have been identified in the Inventory and Analysis.

Main Street has a number of historically significant buildings of a low scale and a variety offering a small town architectural feeling.

The waterfront area - with its mix of recreational boating, commercial fishing and low density residential - is picturesque in some areas, yet unsightly in others. The unique picturesque maritime identity should be preserved and restored. As indicated in the Waterfront Public Opinion Survey (Appendices B-C), preservation of views are very important to Stony Point residents. However, a most serious threat to the Town's scenic quality arises when a new man-made structure such as a building, dock, boat or boat lift, blocks a former view of the waterfront. Strict guidelines must be developed to limit this practice wherever possible, with particular attention to building heights, renovated structures and additions, and dock and marina expansion. The Town Planning Board, Architectural Review Board, or the Waterfront Advisory Committee should be given specific authority over siting building heights and additions in order to preserve visual access to the waterfront.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO STONY POINT.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. That article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Town of Stony Point, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and, use the State SEQR and Department of State regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

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

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

During a cold winter, ice in Stony Point Bay and Haverstraw Bay can be very destructive to bulkheads, other erosion protective structures and existing docks. Since the sheltered water in the bay is calm, ice forms rapidly and accumulates around docks.

The construction of "dolphins" or other ice control structures would help to break up ice jams. If designed and sited properly, these structures would not damage significant fish and wildlife habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power. The Town will consult with the Department of State, Division of Coastal Resources and Waterfront Revitalization, the Army Corps of Engineers, and the affected State and federal agencies when designing and siting "dolphins" or similar structures.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO STONY POINT.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillage, 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.

After a heavy rain in Stony Point, raw sewage is sometimes released into the Hudson River. Efforts should be taken to alleviate this problem.

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

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting." Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting", and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting", waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

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 communities and for which conventional facilities are too expensive.

Approximately half of the Stony Point Waterfront Coastal Area is served by a sanitary sewage treatment system. Those areas outside the treatment area should consider alternatives such as the clivus multrum composting system.

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. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

The steep slopes in Stony Point do, at times, cause stormwater runoff problems, but this situation has been handled over the years by storm sewers with only occasional overflow problems. At times, new developments have been required to install retention basins so that stormwater will percolate into the soil and not increase runoff.

As a condition for tying into the sewage treatment plant in Stony Point, the Town should considering requiring the separation of its sanitary and stormwater collection systems with the following guidelines:

1. Stormwater runoff during and following any new construction shall be equal to or less than runoff prior to construction.
2. Stormwater shall be handled in such a way that it does not infiltrate and over-burden sewer lines and cause overflows into the Hudson River. Structural methods to control stormwater runoff and sewer overflows include the construction of stormwater retention basins and the replacement of deteriorated sewer mains. Non-structural methods include best management practices and watershed management planning on a regional basis. Best management practices include a policy that new development or construction should provide adequate stormwater retention facilities so that the peak rates of discharge are not increased beyond redevelopment or preconstruction levels. This is referred to as the "zero increase" policy.

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 REQUIRE MARINAS WITH PROVISIONS FOR MORE THAN TWENTY-FIVE (25) BOATS OR SLIPS TO PROVIDE PUMP-OUT FACILITIES.

Explanation of Policy

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into Stony Point Bay and Haverstraw Bay and other water bodies within its coastal jurisdiction is regulated by federal and State laws. Priority will be given to the enforcement of this law in areas such as shellfish beds and significant habitats, beaches and public shoreline parks, and public water supply intakes, which need protection from contamination by vessel wastes. In addition, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

The Hudson River Mile - 44-55, Iona Island and Haverstraw Bay Significant Coastal Fish and Wildlife Habitats, as well as several locations on the Hudson River proposed for swimming, are particularly sensitive to waste discharges and should be protected.

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

Explanation of Policy

Dredging often proves to be an essential activity to accommodate waterfront revitalization and development, maintaining navigation channels and dockside berths at sufficient depth, pollutant removal and the meeting of other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Frequently, these adverse impacts can be minimized through both careful design and timing of the dredging operation and proper locational siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that any anticipated adverse effects have been sufficiently reduced or eliminated to satisfy State dredging permit standards, as set forth in regulations developed pursuant to Articles 15, 24, 25, and 34 of the Environmental Conservation Law and applicable State Coastal Management Policies (7,15,24,26 and 44).

Dredging in Stony Point Bay and Haverstraw Bay, designed to preserve the viability of the existing marinas and to create access to a possible public boat launch, will require State Department of Environmental Conservation and/or Army Corps of Engineers permits, and Department of State consistency approvals, preceded by thorough plans defining maintenance areas to be dredged and the methods of removal, relocation, storage, transfer, disposal and funding. All dredging must be undertaken at times during the year when significant fish and wildlife habitats will be protected and wetlands will not be overloaded with silt. Any weakened or undermined stream banks and bulkheads must be repaired as an integral component of these

projects. No dredging north of Stony Point Battlefield Historic Site is contemplated as part of the LWRP.

Any dredge spoil disposal site should be compatible with the policies and uses set forth in this LWRP, and if located within the Town, involve spoil material of a nature and bearing capability that is fully consistent with both applicable health and safety standards and the intended land use of the disposal site as identified in Section IV, "Proposed Coastal Area Land Use Plan ."

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

Hazardous wastes are unwanted by-products of manufacturing processes, and 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."

The list of Department of Environmental Conservation defined hazardous wastes is provided in 6 NYCRR Part 371.

Oil is stored in two areas on the Stony Point waterfront: off River Road in Grassy Point, and at the Lovett Power Station. The activities related to the shipment and storage of hazardous materials are regulated by federal and State laws, and it is highly desirable that this policy be thoroughly implemented. See also Policies 30 and 39.

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

Explanation of Policy

Best management practices used to reduce non-point sources of pollution and eroded soils include, but are not limited to, soil erosion control practices, surface drainage control techniques, organic gardening and pest management principles.

Stormwater runoff carries large quantities of silt, particularly in areas where slopes are unprotected by vegetation or terracing, where runoff bypasses storm drainage and where construction projects are improperly managed. The Town will exert direct control over runoff on its slopes and streets by requiring effective review for erosion control and surface drainage, both during construction periods and during project occupancy. The Town shall have the power to call in experts to aid in its review. This review will include the following:

- scheduling and staging of excavation activities;
- configuration of the proposed final contours;
- adequacy of storm drainage facilities;
- adequacy of sewage disposal facilities;
- retention of existing vegetation;
- the incorporation of proposed vegetation (turf, ground covers, shrubs, and trees);
- preservation of natural drainage systems to the extent practicable; (extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that the final gradient and resultant discharge will not create additional erosion problems);
- adequacy of runoff collection system; (runoff from a site shall be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site);
- reduction of the velocity of runoff water; (the length as well as the angle of graded slopes shall be minimized to reduce the erosive velocity of runoff water). The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.

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

Surface and groundwater are the principle sources of drinking water in the State, and therefore must be protected. Approximately half of the Town's designated waterfront area is within the municipal water district, the remainder is served by private wells. The quantity and quality of these important groundwater supplies must be protected. The Town of Stony Point takes the following measures to minimize any contamination to the groundwater: salt is stored covered inside the Town highway garage; impacts caused by removal of vegetation on slopes and runoff from parking lots and driveways are analyzed during site plan review.

Similar actions providing equal protection of the environment shall be undertaken by all agencies.

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 wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge 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 generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as follows:

"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."

The disposal and treatment of solid wastes can lead to the contamination of water resources, the filling of wetlands, atmospheric loading, and the degradation of scenic resources. The Department of Environmental Conservation has identified the following three sites in the waterfront area that will be addressed by this policy through the provisions of the Solid Waste Management Act:

1. The Lovett Gas Regulator Station in Tomkins Cove,
2. The Kay-Fries, Inc. site on Route 9W in Stony Point, and

3. The Haverstraw Village Landfill on Grassy Point in West Haverstraw.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities.

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

Explanation of Policy

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

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.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic

control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxins and their economic and environmental effects on coastal resources.

Local land uses and planning standards must conform to national, as well as State, air quality standards.

Since dispersion conditions have been found to be weaker than elsewhere in the general area, monitoring of local conditions is necessary to determine the impact of proposed projects on air quality.

The Stony Point waterfront area, east of Route 9W, is in a Level III category, (see Inventory and Analysis). The Lovett Orange and Rockland Power Station, Tilcon and U.S. Gypsum are the three largest heavy industries in Stony Point which impact the Town's air quality. Locally, air quality will not be permitted to deteriorate because of any new development or expansion of existing facilities within the waterfront coastal area boundary.

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

NYS and local coastal policies concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local management programs.

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 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.

Acid rain caused by combustion of by-products emitted primarily from power plants, motor vehicles and heavy industry, is causing serious damage to the environment. Acid rain destroys fish and amphibian populations, stunts forest growth, and damages building exteriors. The

Lovett Orange and Rockland Power Station produces a greater level of air pollutants which contribute to acid rain than other industrial operations on the Stony Point waterfront. The Town will not permit levels of these air pollutants to increase because of any new development or expansion of existing facilities within the waterfront coastal area boundary.

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

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal schools, bars and flats; littoral zone; high marsh or salt meadow as well as formerly connected tidal wetlands.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. Most of the wetlands in the Stony Point waterfront area are located at the confluence of Cedar Pond Brook and Minisceongo Creek at Grassy Point, and immediately upstream of both of these water courses. These freshwater creeks share this common delta and form the Grassy Point and Haverstraw Marshes, (see Map II-G and Inventory and Analysis).

The NYS DEC has identified wetlands to be located near Stony Point Battlefield Park, near the sewage disposal plant at Grassy Point, and in an area adjacent to Iona Island called Salisbury Meadow and Ring Meadow, (see Map II-G and Inventory and Analysis).

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

- a. habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- 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 many otherwise densely developed areas.

The Town will preserve and protect its tidal and freshwater wetlands to the maximum extent possible by enforcing local laws and by informing the appropriate State and/or federal agencies concerning possible violations.