

SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

To achieve the objectives embodied in the policies, proposed land uses, and projects identified in Section IV, the Town of Stony Point has identified the essential local techniques and actions needed to ensure program implementation. Part A describes the legislation necessary to implement the program. Part B describes the management structure proposed to coordinate the program. Part C identifies other necessary public and private actions. Part D indicates the financial resources needed and available to carry out the proposed actions.

A. LOCAL LAWS AND REGULATIONS

The following laws and regulations are used by the Town to regulate land use and development activity in the coastal area:

1. Zoning Regulations - Chapter 39

Under the previous zoning regulations, much of the waterfront was within the WPD District. The majority of uses in the WPD District were left to the discretion of the Town Board, with very few specific uses cited. The WPD District, created in 1985, was meant to be an interim stage pending the results of the LWRP. When the 1989 Draft LWRP was developed, the proposed zoning implementation phase of the LWRP involved the creation of seven (7) new zoning districts along the Stony Point waterfront, all of which were intended to allow uses which are more compatible with the waterfront area. In the several discussions which were held with the Town Board after the 1989 Draft LWRP was circulated for review, the inclination was to revise the zoning implementation plan to eliminate uses felt to be inappropriate for the waterfront area (i.e., multi-family housing), and to simplify and consolidate the proposed zoning districts. The consolidation of districts would reduce confusion and improve the overall efficiency of the zoning implementation plan. It was determined that several of the proposed districts could be combined into one district, with some modifications in the uses allowed which would increase the flexibility of the uses allowed while avoiding the problem of small zones being created specifically for existing uses.

The revised zoning amendments to implement this LWRP are contained in Appendix F, (Local Law No. 3 - 1994). The zoning amendments include appropriate zoning text changes, amendments to the tables of general use and bulk requirements of the Town's zoning law, and waterfront zoning map indicating revisions to the Town's zoning map. The zoning amendments achieve the following:

- a. Create a new district, the PW, Planned Waterfront District.

- b. Provide for yard and setback regulations for riverfront setbacks, building width and maximum development coverage.
- c. Provide for incentives in the form of greater development coverage to encourage provision of public waterfront access.
- d. Extend the factors which may be considered during site development plan review to include quality and extent of view from public streets to the river, design and relationship of development to the waterfront as viewed from the river, and design and function of access to the river banks.
- e. Provide for special permit planning standards for marinas, docks, related uses and facilities.
- f. Provide for natural vegetative buffer areas between waterfront uses and designated wetland areas.

The Supplementary Draft Environmental Impact Statement should be consulted for additional environmental commentary regarding the proposed land use and zoning recommendations.

In the zoning district, appropriate land and water uses are identified and specific bulk, shoreline and river protection regulations are required. The revised zoning plan is an appropriate means to implement the coastal policies outlined in the LWRP.

Application: These land use controls are necessary tools for implementation of the policies concerned with the following issues:

Development: Policies 1, 1A, 1B, 2, 2A, 2B, 2C, 4, 4A, 5, 5A, 5B, 5C, 9, and 9A.

Public Access: Policies 19, 19A, and 20A.

Recreation: Policies 21, 21A, 21B, 21C, and 21D.

2. Subdivision Regulations
(Adopted by the Town Board on January 10, 1968)

These regulations enable the Planning Board to establish standards for the division of land into building lots, the design and construction of improvements and the review of plans and specifications prior to subdivision approval.

Application: These regulations are particularly important to achieve the goals of the Development Policy 5; Flooding and Erosion Policies 14 and 17; Public Access Policies 19, 19A and 20, 20A, 20B; Scenic Resource Policies 25, 25A; and, Water and Air Resource Policies 32, 33, 38, and 44.

3. Environmental Quality Review

Local Law No. 1-1977 (adopting the State Environmental Quality Review Act). This law requires compliance with the State Environmental Quality Review Act by all Town boards and agencies.

Application: It provides for review of development proposals and allows an agency to identify potentially adverse impacts on the environment and recommend mitigating measures. This law provides an appropriate means of ensuring that local agency actions are consistent with coastal management policies.

4. Freshwater Wetlands - Chapter 17B

(Adopted by the Town Board on August 11, 1976; amendments adopted on March 9, 1993)

This law established the authority for the Town to regulate development in or adjacent to freshwater wetlands which range in area between 1 to 12.4 acres in size, (see Appendix D).

Application: This law is appropriate for implementing Fish and Wildlife Policies 7 and 8; Flooding and Erosion Policies 14 and 17; Water and Air Resource Policies 33, 34, 35 and 37; and, Wetlands Policy 44.

5. Flood Damage Prevention - Chapter 17A

(Adopted by the Town Board on March 24, 1987)

It is the purpose of this local law to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, (see Appendix E). Its provisions are designed to:

- a. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- c. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
- d. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- e. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- f. Qualify for and maintain participation in the National Flood Insurance Program.

Application: These regulations will help implement Flooding and Erosion Policies 14 and 17.

6. Tree Removal Regulations

(Adopted by the Town Board January 8, 1969)

This ordinance specifies when and under what circumstances trees may be removed.

The Town of Stony Point has found that the indiscriminate and excessive removal of trees by physical or chemical means from tracts of land has resulted in creating increased surface drainage and soil erosion, thereby causing increased municipal costs for proper drainage control, impairing the benefits of occupancy of existing residential property in such areas and further impairing the stability and value of both improved and unimproved real property in such areas and concomitantly adversely affecting the health, safety and general welfare of the inhabitants in the Town.

No live trees exceeding three (3) inches in diameter shall be removed except under the following circumstances:

- a. If their presence would cause hardship or endanger the public or an adjoining property owner.
- b. In areas to be occupied by buildings, driveways or recreation areas, and within a distance of fifteen (15) feet around the perimeter of the structure, depending on tree species and conditions to be determined by the Town Horticulturist.
- c. In areas having excessive cut or fill of land deemed inimical to tree survival as evaluated by the Town Horticulturist.

- d. In areas where selective thinning and timbering of trees would encourage the development of prime specimen trees. The selection of species of trees to be preserved shall be based on the recommendation of the Town Horticulturist.

Application: These regulations will help to implement Flooding and Erosion Control Policies 14 and 17; and, Scenic Quality Policies 24, 24A and 25.

7. Development Easement Acquisition Law
(Local Law No. 5 - 1984)

This local law establishes a Development Easement Acquisition Commission in the Town of Stony Point, County of Rockland, State of New York, for the purpose of maintaining lands as open space and areas, controlling the rate of development of the Town, and enhancing the conservation of natural and scenic resources.

Application: This local law helps to implement Recreation Policies 21, 21A, 21B, 21D; and, Scenic Quality Policies 24, 25, and 25A.

The following legislation is provides the administrative framework necessary for implementing the LWRP and establishes specific regulations to insure that coastal policies are carried out:

1. Local Waterfront Consistency Law
(Local Law No. 4 - 1994)

This Town law creates the Waterfront Advisory Committee and requires that all local boards, agencies and commissions consider policies and purposes contained in the Local Waterfront Revitalization Program when reviewing proposed actions in the Waterfront Coastal Area and act consistently with those established policies and purposes.

The Waterfront Advisory Committee is empowered to review and make recommendations to Town agencies regarding the consistency of proposed actions with the LWRP.

B. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM

1. Waterfront Advisory Committee

To monitor and coordinate the implementation of this Local Waterfront Revitalization Program, a Town Waterfront Advisory Committee comprised of concerned citizens and Town Board members has been established.

a. Appointment and Composition

Members are appointed by the Town Board for a term of five years following the expiration of the initial appointment, are eligible for reappointment.

Members are selected for their demonstrated knowledge, ability and commitment to serve the committee in the functions described below, and with due regard for maintaining among the membership a range of special aptitudes and expertise relevant to the committee's work.

Waterfront Advisory Committee meetings are open to the public. The Committee maintains and distribute minutes of its proceedings. A majority of the members constitutes a quorum.

b. Functions and Power

The Committee's task is to monitor and coordinate the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the LWRP. In pursuance of this task, the Committee should has the ability to:

1. Advise the Town on implementation priorities, work assignments, timetables, and budgetary requirements of the LWRP.
2. Advise the Town Board with regard to applications for funding from State, federal, or other sources to finance projects under the LWRP.
3. Maintain liaison with related Town agencies, including but not limited to the Planning Board, the Zoning Board of Appeals, and with concerned nongovernmental bodies, i.e., Architectural Review Board, Rockland County Environmental Management Council and other interested civic, non-profit and commerce or trade groups, in order to further the implementation of the LWRP.
4. Monitor, in a timely fashion, the planned actions of State and federal agencies within the Waterfront Coastal Area in order to assure consistency of such actions with the LWRP.
5. Develop and maintain liaison with neighboring municipalities, and with County agencies.

6. Prepare an annual report on progress achieved and problems encountered during the year, and recommend such actions as the committee considers necessary for the further implementation of the LWRP.
7. Assist the Town Board in the preparation of a Harbor Management Plan.

2. State and Federal Actions

Proposed State and federal actions will be reviewed in accordance with the guidelines established by the NYS Department of State. Procedural guidelines for coordinating NYS DOS and LWRP consistency review of federal agency actions is provided in Appendix H of this LWRP. Appendix I contains procedures to review State actions for consistency with this LWRP. The Town's Waterfront Consistency Law (Appendix J) describes how actions will be reviewed.

C. OTHER ACTIONS

The following are additional actions that will further the Historic and Scenic Resources Policies 23 and 25, of this LWRP:

1. Scenic Resource Protection

- a. Scenic Road and Area Designation - Route 9W, River Road, Grassy Point Road, Hudson Drive, Mott Farm Road and sections of Main Street offer dramatic views of the Hudson River, (see Inventory and Analysis). Article 49 of the State Environmental Conservation Law authorizes the Commissioner of the NYS DEC to designate scenic areas in the State and to develop programs for their preservation and enhancement. Proposals to designate Route 9W and other roads in Stony Point were first initiated in 1986 by the Rockland County EMC (Environmental Management Council). Officially designated Scenic Roads now include roads within Bear Mountain State Park, including U.S. Rt. 9W and 202, Seven Lakes Drive, and the road to Iona Island. Bear Mountain Bridge is also a Scenic Road. These designations should be supported by local action, such as the enactment of a scenic overlay zone to preserve scenic views and vistas, and development of provisions to amortize and to remove nonconforming unattractive uses.
- b. Scenic overlooks should be developed along Route 9W Beach Road and Grassy Point Road.

- c. Waterfront design guidelines should be created to ensure that Stony Point will derive maximum benefit from development in the waterfront area by specifying increased waterfront access, appropriate color, building designs, including materials and siting which enhances views and complements the waterfront character, depicting appropriate landscaping materials, including plant species that are tolerant of coastal conditions, (also see discussion on design guidelines for structures involving historic/architectural importance).

2. Historic Preservation and Revitalization Programs

The Stony Point Battlefield, Stony Point Lighthouse and Bear Mountain Toll House are listed on the National Register of Historic Places. As indicated in the Waterfront Public Opinion Survey (see Appendix C), preservation and restoration of historic resources is very important to Stony Point Town residents. The LWRP supports these efforts. Policies will be established regarding each site to which local, State and federal actions will be required to conform. The following additional actions will further these programs:

Recognition of Historic Resources

- a. A historic preservation survey should be conducted in cooperation with the State Historic Preservation Officer. Eligible resources and potential historic districts will be nominated to the National Register of Historic Places.
- b. Design guidelines should be prepared for historic and scenic areas describing appropriate design and restoration techniques and compatible development based on a detailed analysis of existing architectural styles and other elements which contribute to the historic character and scenic quality of the area.

The design guidelines should recommend color, materials, finishes, textures, facade, shapes, landscaping elements, signage, architectural details, paving, appropriate scale, and fences.

The guidelines could be used by local property owners and the Planning Board and Architectural Review Board prior to approving new developments or additions.

Grassy Point/River Road Revitalization Study

A study should be conducted to identify the appropriate uses that are consistent with the waterfront policies, and the incentives required to revitalize this area.

D. FINANCIAL RESOURCES TO IMPLEMENT THE LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Town.

Section VI indicates various State and federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited and competitive. Set forth below are possible sources of funds to implement projects. Preconstruction grants may be available from the Department of State upon approval of this LWRP. Costs can be reduced by use of volunteers.

1. Waterfront Trails

- Possible Funding Sources:
 - Rockland County
 - EQBA - Environmental Quality Bond Act
 - Private developers, as part of a development
 - Private donations
 - Hudson River Foundation
 - Open Space Institute
 - The Hudson River Valley Greenway Community Council
 - The Greenway Heritage Conservancy for the Hudson River Valley

2. Boat Launch

- Possible Funding Sources:
 - New York State Office of Parks Recreation and Historic Preservation
 - Hudson River Foundation
 - EQBA
 - Heritage Task Force
 - Private developers, as part of a development
 - NYS DEC
 - The Hudson River Valley Greenway Community Council

3. Removal of Abandoned Barges

- Possible Funding Sources:
 - Army Corps of Engineers
 - The Hudson River Valley Greenway Community Council
 - The Greenway Heritage Conservancy for the Hudson River Valley

4. Scenic Overlooks

- Possible Funding Sources:
 - NYS DEC
 - Rockland County
 - EQBA
 - The Hudson River Valley Greenway Community Council
 - The Greenway Heritage Conservancy for the Hudson River Valley

5. Historic Preservation Plan/Design Study

- Possible Funding Sources:
 - New York State Council on the Arts
 - The Hudson River Valley Greenway Community Council
 - The Greenway Heritage Conservancy for the Hudson River Valley