

**TOWN OF STONY POINT
LOCAL WATERFRONT REVITALIZATION PROGRAM**

Adopted:
Town of Stony Point Town Board, June 14, 1994

Approved:
NYS Secretary of State Gail S. Shaffer, October 27, 1994

Concurred:
U.S. Office of Ocean and Coastal Resource Management, January 13, 1995

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

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

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

TOWN OF STONY POINT

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

GAIL S. SHAFFER
SECRETARY OF STATE

OCT. 27 1994

Honorable Steven Hurley
Supervisor
Town of Stony Point
74 East Main Street
Stony Point, NY 10980

Dear Supervisor Hurley:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the Town of Stony Point. The Town of Stony Point is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

Again, I would like to commend the Town for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:gn

LOCAL WATERFRONT REVITALIZATION PROGRAM - ADOPTION

STONY POINT TOWN BOARD
TOWN OF STONY POINT, NEW YORK

Resolution: June 14, 1994

WHEREAS, the Town of Stony Point initiated the preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft, Final, and Supplementary Draft and Final Generic Environmental Impact Statement were prepared and adopted for the Local Waterfront Revitalization Program in accordance with the requirement of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town of Stony Point Town Board hereby adopts the SEQRA Findings Statement, and directs the Town Clerk to execute the Findings Certification thereon; and

BE IT FURTHER RESOLVED, that the Town of Stony Point Local Waterfront Revitalization Program is hereby adopted, and that the Town Clerk is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act; and

BE IT FURTHER RESOLVED, that Local Law #3 of 1994, an amendment to Chapter 39 of the Zoning Code of the Town of Stony Point, and Local Law #4 of 1994, Waterfront Consistency Law, are hereby adopted, and that the Town Clerk is authorized to submit said Local Laws to the New York State Secretary of State.

This resolution was adopted by the Town Board of the Town of Stony Point at their regular meeting held on June 14, 1994.



Frances C. Mullin, Town Clerk



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

JAN 13 1995


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

Dear Mr. Stafford:

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

In accordance with the Coastal Management Regulations, 15 CFR 923.84, federal consistency will apply to the Town of Stony Point LWRP after you publish notice of our approval.

Sincerely,



for Jeffrey R. Benoit
Director



TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	
A. NEW YORK STATE'S COASTAL MANAGEMENT PROGRAM	1
B. STONY POINT'S LWRP	2
SECTION I: WATERFRONT COASTAL AREA BOUNDARY	I-3
SECTION II: INVENTORY AND ANALYSIS	II-3
A. COMMUNITY PROFILE	II-3
B. HISTORIC DEVELOPMENT OF THE WATERFRONT AREA	II-5
Historic Resources	II-7
Archeological Resources	II-12
C. OVERVIEW OF THE WATERFRONT AREA	II-12
D. EXISTING LAND AND WATER USES	II-13
Bear Mountain State Park	II-13
Jones Point	II-14
Tomkins Cove - Quarry	II-15
Stony Point Town Center	II-16
Grassy Point	II-18
E. NATURAL RESOURCES	II-19
Geological Information	II-19
Soils	II-19
Flood Problems and Hazard Areas	II-25
Flood Protection Areas	II-25
Drainage Basins	II-26
Coastal Drainage Areas	II-27
Wetlands	II-27
Fish and Wildlife Resources - Significant Coastal Fish and Wildlife Habitats	II-28
Biota	II-34
F. AIR AND WATER QUALITY AND INACTIVE HAZARDOUS WASTE SITES	II-34
Water Quality Standards for the Hudson River	II-34
Air Quality	II-36
Inactive Hazardous Waste Sites	II-37

G.	UTILITIES	II-38
	Public Water Supply	II-38
	Wastewater and Storm Water Flows and Treatment System	II-38
H.	TRANSPORTATION	II-39
I.	SCENIC RESOURCES	II-40
	Local Scenic Resources	II-41
	Hudson Highlands Scenic Area of Statewide Significance	II-42
	Negative Visual Elements	II-43
J.	WATERFRONT ACCESS	II-43
K.	SUMMARY OF UNDERUTILIZED, ABANDONED OR DETERIORATED SITES	II-45
L.	SUMMARY OF WATER-DEPENDENT AND WATER-ENHANCED USES ..	II-46
M.	SUMMARY OF IMPORTANT WATERFRONT ISSUES	II-47
EXHIBIT II-A	Hudson River Mile 44-56 (in part)/Constitution Marsh	II-50
EXHIBIT II-B	Hudson River Mile 44-56 (in part)/Tona Island Marsh	II-52
EXHIBIT II-C	Haverstraw Bay	II-54
EXHIBIT II-D	Haverstraw Bay (in part)/Croton River and Bay (in part)	II-56
EXHIBIT II-E	Hudson Highlands Scenic Area of Statewide Significance - Location Map	II-58
EXHIBIT II-F and II-G	Hudson Highlands Scenic Area of Statewide Significance - Sheets No.5 and 6	II-60
SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES		III-3
	Development Policies	III-3
	Fish and Wildlife Policies	III-15
	Flooding and Erosion Control Policies	III-22
	General Policy	III-28
	Public Access Policies	III-29
	Recreation Policies	III-36
	Historic and Scenic Resources Policies	III-40
	Agricultural Lands Policy	III-49
	Energy and Ice Management Policies	III-50
	Water and Air Resources Policies	III-51
SECTION IV: PROPOSED LAND USES AND PROJECTS		IV-3
A.	PROPOSED LAND USES	IV-3
B.	PROPOSED PUBLIC AND PRIVATE PROJECTS	IV-4

SECTION V:	TECHNIQUES FOR IMPLEMENTING THE LOCAL WATERFRONT REVITALIZATION PROGRAM	V-3
A.	LOCAL LAWS AND REGULATIONS	V-3
B.	MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM	V-8
C.	OTHER ACTIONS	V-9
D.	FINANCIAL RESOURCES TO IMPLEMENT THE LWRP	V-11
SECTION VI:	STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION	VI-3
A.	STATE AND FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP	VI-4
B.	STATE AND FEDERAL ACTIONS NECESSARY TO FURTHER THE LWRP	VI-27
SECTION VII:	CONSULTATION WITH OTHER AFFECTED STATE, FEDERAL, REGIONAL AND LOCAL AGENCIES	VII-3
A.	STATE AGENCY CONSULTATION	VII-3
B.	FEDERAL CONSULTATION	VII-3
C.	REGIONAL CONSULTATION	VII-3
D.	LOCAL CONSULTATION	VII-3
E.	REVIEW BY STATE AND FEDERAL AGENCIES	VII-3
SECTION VIII:	LOCAL COMMITMENT	VIII-3
A.	WATERFRONT ADVISORY COMMITTEE	VIII-3
B.	PUBLIC MEETINGS	VIII-3
C.	QUESTIONNAIRE	VIII-3

MAPS

- Map 1 Waterfront Coastal Area Boundary Map (page I-5)
- Map 2 Existing Land and Water Uses*
- Map 3 Historic/Scenic Resources, Freshwater Wetlands, Waterfront Access Sites*
- Map 4 Proposed Coastal Area Land Use Plan*
- Map 5 Zoning, July 1994*

*This map is located at the end of this LWRP, following Section VIII.

APPENDICES

- Appendix A. Hudson Highlands SASS
- Appendix B. Summary Findings - Public Opinion Survey
- Appendix C. Analysis of the Stony Point Waterfront Public Opinion Survey
- Appendix D. Freshwater Wetlands Ordinance (Chapter 17B)
- Appendix E. Flood Damage Prevention Local Law (Chapter 17A)
- Appendix F. Local Law No.3, 1994
- Appendix G. Additional Land Use Standards
- Appendix H. Procedural Guidelines for Coordinating NYS DOS and LWRP Consistency Review of Federal Agency Actions
- Appendix I. NYS Department of State Coastal Management Program
- Appendix J. Waterfront Consistency Law
- Appendix K. Draft of a Model Erosion and Sediment Control Law

INTRODUCTION

A. NEW YORK STATE'S COASTAL MANAGEMENT PROGRAM

New York State's Coastal Management Program (CMP) is helping to shape the future of the Hudson River and its shoreline by balancing protection and economic development of all coastal resources.

Approved by the U.S. Department of Commerce in 1982, and administered by the New York State Department of State, the CMP addresses regulation and development of coastal resources through the implementation of 44 State Coastal Policies designed to:

1. Promote the beneficial use of waterfront resources by encouraging water dependent uses, expansion of ports and small harbors, revitalization of waterfronts, and expansion of public access and recreation opportunities.
2. Prevent the impairment of certain waterfront resources by protecting fish and wildlife habitats, preventing flooding and erosion, protecting dunes and wetlands and preserving scenic areas, historic sites, and agricultural lands.
3. Provide for the management of activities which may affect waterfront resources including dredging, ice management, energy facilities, waste disposal, erosion control structures and mineral exploration.

Through its review of proposed federal actions within the coastal boundary, the Department of State (DOS) has the authority to ensure a project is consistent with the 44 program policies. In addition, the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Executive Law (Article 42) requires that the actions of all State agencies are consistent with the CMP policies. By using its consistency authority, the CMP helps not only to mitigate adverse impacts from proposed activities, but also encourages waterfront uses that meet its overall objective of balancing protection with appropriate development of coastal resources.

The CMP's Local Waterfront Revitalization Program (LWRP) plays a major role in the revitalization efforts along the Hudson River shoreline. While State government can promote development and provide protection for critical resources and environments, the CMP recognizes that municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to specific local needs. Thus, the Department of State encourages, but does not require, communities to prepare their own LWRP.

The LWRP refines and supplements New York State's Coastal Program by incorporating local needs and objectives. The process brings together local, State and federal agencies, commerce and industry, environmental interests, private organizations and citizens to assess current problems and opportunities and to build a consensus on the desired future of a community's waterfront.

A LWRP approved by the Secretary of State is a legally binding document. Federal and State law require that all government agencies in their direct funding and permit actions adhere to the policies contained in a LWRP. In addition, the CMP provides technical support to communities with approved LWRPs for the implementation of local public access, recreational and related waterfront projects.

Assistance includes identification of possible funding sources from other federal and State programs, advice on meeting various procedural requirements for project implementation and determining eligibility for the limited CMP funds that are available for preconstruction and construction activities.

B. STONY POINT'S LWRP

Stony Point's LWRP is as comprehensive as the State's CMP, and focuses on protecting existing water-dependent uses and promoting other such uses in the local waterfront area.

The first section of the LWRP includes a map showing the inland and waterside boundaries of the Waterfront Coastal Area (WCA) and a written description of the boundaries.

The second section of the document summarizes the inventory and analysis of existing conditions in the WCA. Included with the narrative are maps which illustrate important waterfront resources and the existing land uses in the WCA.

The Waterfront Revitalization Program policies comprise the third section of the LWRP. The 44 State coastal policies were reviewed to determine which policies are applicable to Stony Point's WCA. Additional local policies, where needed, have been included to address local conditions and concerns.

The fourth section of the LWRP describes the proposed land and water uses and projects for Stony Point, while the fifth section of the LWRP describes the techniques recommended for local implementation. Section six of the LWRP lists federal and State programs in existence that are likely to affect implementation of the LWRP. The seventh section of the LWRP describes Stony Point's efforts to consult with other affected State, regional and local agencies, while section eight describes the local commitment to the LWRP.

The original draft of Stony Point's LWRP was completed in September 1989. This document was circulated through the Department of State, for the required 60-day review, to involved and affected State, federal and regional agencies. Responses were received from virtually all of these agencies, including the Department of State.

After the original draft LWRP was distributed, the Town of Stony Point reviewed and re-evaluated certain aspects of the original LWRP document, particularly with respect to the appropriate techniques for local implementation of the LWRP, including local laws and regulations respecting land use. As a result, the Town Board saw fit to prepare an updated and revised LWRP - which constitutes this document. Suggestions that were made by review agencies have also been included where appropriate.

SECTION I

WATERFRONT COASTAL AREA BOUNDARY

SECTION I: WATERFRONT COASTAL AREA BOUNDARY

The easterly (waterside) boundary of Stony Point's Waterfront Coastal Area (WCA) follows the entire length of the easterly boundary of the Town along the Rockland County-Westchester County line, located approximately midway between the western and eastern Hudson River shorelines.

The southerly boundary follows the boundary line between the Towns of Stony Point and Haverstraw, from the centerline of Route 9W east to the Westchester County line.

The westerly boundary of the WCA falls along the centerline of Route 9W, north to a Town-owned property located on the westerly side of Route 9W, just north of Highview Avenue. The WCA boundary follows the boundaries of this property around and back to Route 9W, and then continues along the centerline of Route 9W north to the southerly boundary of Bear Mountain State Park. The WCA boundary then follows the boundary of Bear Mountain State Park west and north to its junction with the Orange County line. In one area, however, the western (inland) boundary does not follow Route 9W. In the hamlet of Tomkins Cove, just north of the Tilcon Quarry, the boundary follows Elm Avenue and Church Street. To keep the inland boundary consistent with the existing boundary, the boundary along Route 9W follows the centerline of the road.

The Waterfront Coastal Area Boundary for the Town of Stony Point is shown on Map 1.

SECTION II
INVENTORY AND ANALYSIS

SECTION II: INVENTORY AND ANALYSIS

The preparation of an LWRP begins with a comprehensive inventory and analysis of the waterfront to identify important resources, problems and opportunities.

The inventory and analysis evaluates the Town's waterfront resources. These include: geologic information, wetlands, fish and wildlife habitats, scenic views, historic resources, drainage basins, flood hazard areas, and air and water quality.

It also describes existing land and water uses and development patterns and identifies specific problems and opportunities to improve, enhance and make better use of Stony Point's waterfront resources.

A. COMMUNITY PROFILE

The Town of Stony Point, located in the northern end of Rockland County, covers an area of 25.9 square miles. Rockland County is separated from Westchester County by the two largest bays of the Hudson River's course: Haverstraw Bay toward the northern part of the County and Tappan Zee in the southern half of the County. According to the 1990 census, the population of the Town is 12,814. It is bordered on the east by the middle of the Hudson River, on the north and west by Orange County, and on the south by the Town of Haverstraw. Stony Point is approximately 43 miles from New York City and is located within the large metropolitan region which has its heart in New York City and extends outward from Manhattan for a distance of approximately 50 miles. The length of the Town's WCA shoreline is 10.2 miles.

The Palisades Interstate Park (PIP) in the northern half of the Town accounts for 65% of land in Stony Point. Most of the Bear Mountain State Park, part of Harriman State Park and the Stony Point Battlefield State Park are located in the Town's portion of the PIP. Most of the park land is undeveloped and is used for passive recreational purposes such as hiking and fishing. Two large active recreation areas are found at the Bear Mountain Inn and Lake Welch. The accessibility of these facilities within the New York metropolitan area frequently results in crowded conditions which limit access by Town residents. However, greater access is provided at the Stony Point Battlefield, an 80 acre park set aside for passive recreation uses such as walking and picnicking. Almost all of the Town's residents live in single family homes and most of the vacant residential land is zoned for one acre lots or larger. Commercial development in the Town fronts on Route 9W, and much of it is located in two shopping centers near the center of Town. The Town's geographic assets of rugged wooded mountains and river-front lands have resulted in a substantial amount of land devoted to semi-public recreation. Private swim clubs and marinas comprise approximately 155 acres, while a Girl Scout camp and a Boy Scout camp account for another 640 acres. A large sand and gravel quarry (Tilcon) and a power-generating plant (Orange and Rockland Utilities) comprise approximately 225 acres in the Tomkins Cove area of the river front. The West Shore line of the Penn-

Central Railroad occupies a total of 1000 acres within the Town. Letchworth Village, a residential facility for the care, treatment and rehabilitation of developmentally challenged children and adults, covers 310 acres in the west-central area of the Town.

Physical Features and Land Characteristics

The Town of Stony Point is situated between the Hudson River and the Ramapo Mountains. The topography of the Town is characterized from west to east by steep slopes, rolling foothills, elevated plateaus, river plains and wetlands. The steep slopes of the Ramapo Mountains occupy the western and northern sections of the Town and generally are located within the Palisades Interstate Park. These mountains, which contain about two-thirds of the land area in the Town, have slopes ranging from 20 to 40+ percent and elevations generally ranging from 600 to 1000 feet, with a maximum height of 1,257 feet on West Mountain.

Rolling foothills lie in a southwest to northeast direction, just east of the Palisades Interstate Park. Southeast of the foothills lies an elevated plateau on which most development has taken place. Elevations range from 150 to 200 feet, with gentle slopes of 5 to 10 percent. Route 9W forms the eastern boundary of much of this elevated plateau. East of Route 9W, the land slopes down sharply to the river plains and wetlands along the Hudson River. The tidal marsh, where the estuary of Cedar Pond Brook and Minisceongo Creek approach the Hudson River, house several marina complexes.

The terrain of the Town has been closely related to the various types of physical development in the Town. North of Tomkins Cove, the river plain narrows down to a few hundred feet in width barely wide enough to accommodate some scattered residential development and a railroad right-of-way. Large industrial complexes are located on the flat plains near the river. Residential development, commercial, public and semi-public lands are found on the plateau lands between the river and the mountains. The foot-hills are relatively undeveloped and have only recently experienced any large-scale residential development. The steep mountain slopes to the west are either preserved in their natural state or developed for recreational purposes.

A major influence on the physical development of Stony Point is Cedar Pond Brook. The brook originates in the Ramapo Mountains and drains into the Hudson River. In the mountains and along much of its course to the river, Cedar Pond is a recreational asset, as well as a water source for Stony Point. Cedar Pond Brook has, through time, formed a deep gorge through the developed area of the Town and has resulted in a distinct north-south division within the Town. Generally, a higher concentration of new development has taken place north of Cedar Pond Brook. Since few bridges cross Cedar Pond Brook, the tributary limits access to the Hudson River.

B. HISTORICAL DEVELOPMENT OF THE WATERFRONT AREA

Stony Point was settled before the Revolutionary War, some land patents having been granted as early as 1719. At that time, the region was a part of Haverstraw. Its name was derived from the outcroppings of rock seen from the Hudson River. Parts of the Town of Stony Point include the hamlets of Stony Point, Grassy Point, Jones Point, and Tomkins Cove, all of which are located along the waterfront. The early settlers were mainly English and Irish, with a few French Huguenots and Dutch.

Early settlement began primarily along the Hudson River and by creeks and ponds. Deposits of limestone and iron were discovered early along the waterfront. Around 1766, a company of German miners visited the area and began mining and furnace operations which, by 1844, became the Haverstraw Iron and Mining Company.

By 1830, in the Tomkins Cove region, Calvin Tomkins and his family established the Tomkins Cove Stone Company, which later became New York Trap Rock, and still later, part of Martin-Marietta Aggregates.

During the same time period the brick-making industry (which really predominated in Haverstraw) was established between Long Clove and Tomkins Cove along the Hudson River, and lumberyards were opened. As trees were felled inland, they were brought to the riverfront and used to fire the brick-making furnaces and for home building. The people of Stony Point lived mainly by quarrying, mining, and lumbering.

It was during this period that the land use and appearance of Grassy Point changed dramatically. What had been a lovely wooded grove with magnificent oak and chestnut trees and tall grasses became an unsightly clay pit and brick-kiln area during the latter half of the nineteenth century.

During the Revolutionary War, Stony Point was an important part of the Hudson Highlands network of road-and-river transport to the strategic port in New York City. British and American troops travelled back and forth from Forts Clinton and Montgomery a few miles north of the Town, through Orange and Rockland Counties, southward. Skirmishes occurred frequently, houses and barns were burned, cavalry charged north and south, and ships carrying arms and men traversed the Hudson River.

For a few years during the Revolutionary War, Stony Point was under Tory occupation, until a daring midnight raid by General "Mad" Anthony Wayne. The fort at Stony Point, now the Stony Point Battlefield Park, was captured by General Wayne against tremendous odds and in a complete surprise attack. The date of the attack, July 16, 1779, is still celebrated in the Town.

In the beginning of the 19th century a rumor arose that Captain Kidd's treasure, often called the Spanish Mine, was buried offshore in the Hudson River, below Dunderberg

Mountain. Thousands searched, and a salvage company was formed. They found only some remaining Revolutionary War cannons.

Dunderberg Mountain, now a part of Bear Mountain State Park, was also the setting for another event. An adventuresome speculator, having decided the mountaintop would be a spectacular scenic resort, planned a luxury hotel and observatory there and began laying a roadbed for a railway, the Dunderberg Spiral Railway to the summit. This uncompleted and abandoned scenic venture is one of the curiosities of the highlands. Walkers over Dunderberg Mountain, on the Ramapo-Dunderberg Trail or on old roads that climb the sides of the mountain, come upon sections of the grade of a railway which can be followed for stretches as long as a mile. At one time the railway consisted of a cable incline starting from the level of the Hudson River at a point about a half mile south of Jones Point and rising in two stages to the summit at 926 feet, the site of the proposed hotel and summer colony. The descent was to be made by gravity on a winding course with gentle grades over the face of the mountain, some 10 miles in all.

In 1889, a company was incorporated and work continued from 1890 through part of 1891. However, these years were the beginning of a grave depression, and financial backing began to dwindle. Those who had invested into the venture lost many dollars, workmen rioted when payrolls were not met, and thus, the scheme fell through. One can still see the remains of the scenic railway, the dream of a few entrepreneurs, when hiking up the Dunderberg today.

Just north of Dunderberg Mountain, near the Orange County line, there was a sparsely settled community called Doodletown (so named when Revolutionary War militia men sang "Yankee Doodle"). Doodletown was populated by woodsmen who engaged in cutting and hauling lumber for use in the brick yards. Since it was in the Bear Mountain Park region, the last few families residing there in 1971 were requested to relocate so that the area could be included in the vast parkland holdings.

Hudson River traffic has also been important to the Town of Stony Point. The King's Ferry, established about 1775, ran from northern Stony Point to Verplanck's Landing, in Westchester County. Another ferry ran from Caldwell's Landing to Peekskill. About 1830, a steamboat landing was built at Grassy Point for steamers going up and down the river. In 1826, the U.S. Government erected a lighthouse at the Stony Point promontory which still exists today in the Battlefield Park. In the early history of the Town, the Hudson River was much more important for its transportation value than it is now, but materials are still hauled to and from industries in Stony Point via the Hudson River. Martin Marietta Aggregates and U.S. Gypsum are two principal users of this mode of transportation.

Historic Resources (See Map 3)

Boulderberg Manor

Located on the east side of Route 9W at the end of a long entering lane, this mansion, the former home of Calvin Tomkins, is architecturally important as being the first poured concrete building in New York State. Its style, ornate Hudson River Gothic, reflects the vogue of 1858, the date of its construction. It is now a restaurant, retaining all of the interior architectural features of the past and housing many artifacts. Boulderberg Manor is a potential candidate for listing on the National and State Registers of Historic Places.

The House of the Good Shepherd (also known as House of Prayer Church)

In August of 1865, a German widow died in Haverstraw and left four young children to the care of the minister of Trinity Parish, Ebenezer Gay. A few days later, an English woman died and also left her three children to his care; thus began the House of the Good Shepherd.

First located in Haverstraw, then in a house belonging to Henry Garnerville, then on Mott Farm Road, where it came under the care of the Episcopal Diocese of New York City. A group of buildings were erected near a house where the minister lived. The stone gatehouse became an infirmary. Other buildings were used for the children's housing and schooling, and the Chapel of the Holy Child Jesus. This chapel later became the present church of St. John the Divine.

In 1892, the House of the Good Shepherd was taken over by the Fresh Air Association of New York City's St. John the Divine. For the next 81 years, it operated as a summer camp. In 1973, however, new State laws outmoded the facilities, and the House of the Good Shepherd had to be closed. It is currently used as a private residence. The House of the Good Shepherd is a potential candidate for listing on the National and State Registers of Historic Places.

Iona Island and Iona Island Marsh

Iona Island is in the northern part of the waterfront. At one time it was the private estate of Dr. E.W. Grant, and in 1847 he began grape cultivation on the island. Later, Iona Island became a vacation resort, and in 1899 the U.S. Government purchased it for use as a naval magazine and munitions house. The Palisades Interstate Park Commission took over the island in the 1960s. Iona Island is recognized and valued by the public as a protected wildlife habitat, part of the Hudson River National Estuarine Research Reserve and as part of the Bear Mountain State Park.

Iona Island Marsh is located west of Iona Island. The Iona Island Marsh is part of the Bear Mountain State Park and is owned by the Palisades Interstate Park Commission.

The Marsh is a designated Significant Coastal Fish and Wildlife Habitat, part of the Hudson River National Estuarine Research Reserve, and a National Natural Landmark.

Mothball Fleet

For many years the "Mothball Fleet" was a familiar sight along Stony Point's waterfront. For 25 years, until mid-1971, almost 200 ships were berthed off Stony Point in the Hudson River. Some were sold for scrap, some for use as floating warehouses. The memory of the sight of column-after-column of gray ships remains among many Town residents and is commemorated by a monument of crossed anchors beside Route 9W.

Proudfoot's Landing (at the bend of Main Street, Grassy Point)

The property has changed hands many times over the years. Philip Verplank, from across the river at Verplank's Landing, bought Grassy Point in 1820. A few years later it became the property of the enterprising Dr. Lawrence Proudfoot, who divided it into lots. He also saw the potential resource of the deep water here and built Grassy Point's first steamboat landing. Within a few years of its construction, Martin Van Buren, the President of the United States from 1837 to 1841, drove up to Proudfoot's Landing and was welcomed by the people who came from miles around. This property is now owned by the Town of Stony Point and is used as a public park.

St. Joseph's Church (south side of Main Street, Grassy Point)

In the midst of the new prosperity due to brick making, the spiritual needs of the community were not forgotten. The brick makers of Grassy Point gave the bricks for the building of St. Joseph's Church, a church that ministered to many generations until it closed on October 26, 1969. A hundred years earlier, Adam Lilburn, a Protestant, donated the land for the church. A lot between the church and school, not included in Lilburn's gift, was given to the church by Patrick H. Brophy after Lilburn had sold Brophy his land. The church no longer exists at the property.

Grassy Point School

The first school, a little frame building, consisted of one room. However, in 1870 it was replaced by a two-story brick building, and later enlarged. It was one of the last of the one or two room schoolhouses used in the metropolitan area. Grassy Point School finally closed in 1963. The school no longer exists at the property.

Neilly Mansion (located on the south side of John Street)

The mansion, a large clapboard structure, is built in the Victorian manner and complete with fine cupola. It was originally built by the Neilly family with two entrances; one through a grove of trees from John Street, and one up a steep incline from the Lowland

Hill Road. The entrance from John Street is still used to approach the house (which has now been divided into apartments), while the entrance from below can just barely be discerned through the heavy foliage. The Neilly Mansion has been recently refurbished and is used as a private residence. It is a likely candidate for listing on the National and State Registers of Historic Places.

Rose Memorial Library (East Main Street)

The Rose Memorial Library is on the site of the William Knight House. Funding for construction of the building was given by Ezekiel O. Rose, who opened Stony Point's first pharmacy in 1865.

Stony Point Town Hall (East Main Street, south side)

The present Stony Point Town Hall was formerly the house and office of the venerated Dr. John Sergstacken, horse and buggy physician to the community. The building later served as the Stony Point High School. In 1966 it became the Stony Point Town Hall. The building is a potential candidate for listing on the National and State Registers of Historic Places.

Malloy's Corner

The road from the Penny Bridge met the roads coming from Tomkins Cove and the Kings Ferry at an intersection which was locally called over the years: Knight's Corner, North Haverstraw, Flora Falls and Stony Point. This intersection later became a Town activity center. Because of its geography, the spread of industries along the river, and the proximity of the larger more firmly established community of Haverstraw, Stony Point never developed a formal active downtown area. Knight's Corners contained the stores and services needed by the Town residents. Here, Theodore Smith built the first store in the late 1830's on the site of Malloy's Pharmacy. Later, William Knight bought land from Smith, built a house and managed the store. The building at the northeasterly corner of this intersection is a potential candidate for listing on the National and State Registers of Historic Places.

Waldron - Bontecou House (located a short distance north of Malloy's Corner on the west side of Route 9W)

Built in 1751, by Resolvert Waldron, this house is believed to be the oldest house in Stony Point. According to an old legend, Resolvert Waldron's grandson, Tobias, may have been the person who entertained Lafayette and Washington on their way to Tappan for the trial of Andre.

The house is a fine example of early Dutch architecture, displaying features such as a basement kitchen with a huge fireplace; a two part Dutch door with its original hardware;

an additional fireplace with the original crane and pot hooks. The building is now hidden from view along Route 9W by a gardening center. It is a likely candidate for listing on the National and State Registers of Historic Places.

Old Stony Point Firehouse

Constructed in 1897, it was the first home of the Wayne Hose Company. Later, it served as both a Community Hall and as the headquarters of the Stony Point Police Department. It has since been refurbished for use as a private residence.

Stony Point Lighthouse

Henry Hudson anchored his ship off Stony Point promontory with no light to warn him of its dangers. In 1826, the federal government erected a lighthouse on the site of a British blockhouse. Built of fieldstone, the lighthouse was 30 feet high, with circular walls 2 feet thick. Its 520 candlepower light burned 500 gallons of kerosene a year. Its huge prism reflector lens was 4 feet high and 4 feet wide.

The light warned down-river craft of the last sharp twist before reaching the wider stretches below; and up-river craft of the Hudson's narrowing. The deep water channel ran within 150 feet of the point, yet, in all its 100 years of service only one ship wrecked at the point.

In 1926, the lighthouse was abandoned and replaced by a skeleton and steel supported light. In 1961, the historic lighthouse became part of Stony Point Battlefield Park and was listed on the National Register of Historic Places.

Stony Point Battlefield

This rocky promontory was the scene of the battle that gave the Town its name and assured it a place in history. Privately owned from colonial days until January 14, 1899, title to the 33.7 acres was then transferred by Watson and Kitty Tomkins to the "Trustees of Scenic and Historical Places and Objects." In 1961, the Department of Interior designated this battleground a National Historic Landmark. Its historical markers tell the entire story. Its museum holds historical documents and relics of local, as well as national, interest.

The park opened to the public in 1902. In 1909, the present entrance archway was constructed with assistance from the Daughters of the American Revolution. During this time period, the Stony Point Battlefield Reservation was a well kept and important recreational area.

The site was used by local people who arrived on foot or by bicycle, and tourists from further away who arrived by horse drawn carriages, railroad, early gasoline vehicles, and

by boat. Arrival by boat became extremely popular at Stony Point. Small row boats, sailboats and large pleasure craft including yachts and steamboats stopped for day trips at the park. Later in that decade, a dock was built on the north shore of the promontory to accommodate the increasing boat traffic. The dock facilities were upgraded just after the turn of the century. This included the construction of a larger concrete dock with a walkway around the perimeter, metal railings for safety, wide steps providing access to the shore and docked vessels, and four large moorings for large vessels such as dayliners and small yachts.

Bathing facilities were also constructed in the dock area to take advantage of a small, but beautiful, black sand beach and river swimming area.

A concrete bathhouse with eight changing rooms and clean running water piped down from the hill above was tastefully set into the hillside facing the beach.

King's Ferry

Located at the cove just north of the Stony Point Battlefield, the King's Ferry once provided ferry service between Stony Point and Verplanck (located in Westchester County). The ferry was the object of the Battle of Stony Point. Only a bulkhead endured as a reminder of its previous use. The property is now privately owned.

Immaculate Conception Church (located at the foot of Buckberg Mountain on the west side of Buckberg Road)

Although Catholic residents began to hold services in Tomkins Cove homes and at the Tomkins Cove Lime Company as early as 1845, it was not until 1861 that the Immaculate Conception Church was erected. A school started in the church basement did not last very long because of a decrease in the Catholic population at that time, and a lack of necessary funding. The Immaculate Conception School was again opened in 1904. In 1951 it was damaged by fire. In 1952, the present school was opened on East Main Street in Stony Point. The church is a likely candidate for addition to the National and State Registries of Historic Places.

Tomkins Cove Library (west side of Route 9W)

Erected by Calvin Tomkins in 1874, this large and commodious building was a school run by the Tomkins Cove Union Free School District. The building was closed as a school when centralization went into effect, and today serves an equally useful function as the Tomkins Cove Library. The library is a potential candidate for addition to the National and State Registers of Historic Places.

Bear Mountain State Park

The Bear Mountain State Park, part of the Palisades Interstate Parks system, was the first developed recreational park in New York State. The creation of the park began in 1910, with a gift of 10,000 acres of land west of the Hudson River from Mrs. Mary Harriman. The development and preservation of the park is a key part of the American movement of the early 20th century to preserve scenic beauty. The Bear Mountain State Park Historic District is listed on the State and National Registers of Historic Places.

Archeological Resources

In addition to the above-cited historic resources, the New York State Office of Parks, Recreation and Historic Preservation has identified numerous zones of archeological sensitivity within the Town's waterfront area.

C. OVERVIEW OF THE WATERFRONT AREA

The Stony Point riverfront extends for more than 10 miles along the Hudson River, and within these 10 miles the characteristics of the coast varies widely. The waterfront has distinct and readily identifiable areas, defined by land uses, natural features or other shared characteristics. These areas of the waterfront are Bear Mountain State Park, Jones Point, Tomkins Cove, Stony Point Town Center and Grassy Point (see Map 2).

Bear Mountain State Park occupies the northern portion of the waterfront. The Penn Central West Shore Line Railroad tracks and Route 9W run the length of this section of the riverfront. The Bear Mountain Bridge is at the northern end of the park. The land rises sharply above the Hudson River, with the only level land being the wetlands that separate Iona Island from the remainder of the park. Doodletown and Timp Brooks drain from the mountains into these wetlands which are designated as a significant coastal fish and wildlife habitat.

Jones Point lies on a narrow river plain between Bear Mountain Park and the Hudson River. This river plain is barely wide enough to accommodate a railroad right-of-way, some scattered residential development along Route 9W, and a small concentration of homes at Jones Point.

The hamlet of Tomkins Cove is centered on Route 9W on a small plateau above the river. The most prominent features of this area is the 200 acre Tilcon Mines quarry operation and Orange and Rockland Utilities, a large power generation plant adjacent to the Hudson River. High tension overhead power lines run through the area and cross the Hudson River to Westchester County. A gas pipeline also crosses the river in Tomkins Cove.

The largely developed area south of Tomkins Cove, with little riverfront land, is essentially the Town Center of Stony Point. Its southern edge drops sharply into the gorge carved by the Cedar Pond Brook. The Penn Central Railroad tracks separate the inland and riverfront development in this area. Stony Point Battlefield Park and several marinas in Stony Point Bay are located here.

The Grassy Point area is somewhat isolated from the rest of Stony Point's waterfront. Grassy Point lies on a flat piece of land, separated from the rest of Stony Point by the tidal marshes of Cedar Pond Brook. The area is a mixture of residential (single family, multi-family and mobile homes), commercial recreation and industrial land uses. Grassy Point is also the location of the Town's sewage treatment facilities and the large U.S. Gypsum plant that has a conveyor extending into the Hudson River.

D. EXISTING LAND AND WATER USES

To improve the clarity of this section of the report, the narrative will be divided into the previously identified waterfront areas: Bear Mountain State Park, Jones Point, Tomkins Cove, Stony Point Town Center, and Grassy Point. These areas are shown on Map 2.

Bear Mountain State Park

This area of the waterfront is entirely within Bear Mountain State Park and covers 5,066 acres and approximately six miles of coastline on the Hudson. The park is part of the Palisades Interstate Park system and is used for a variety of active and passive recreational uses such as hiking, fishing, ski touring and picnicking. The area surrounding the Bear Mountain Inn offers such recreational opportunities as roller and ice skating, swimming, a trailside museum and playing fields.

One of the recreational facilities at Bear Mountain serving a water-dependent use is a boat launch. Although the launch does not receive much public use, it does serve a private excursion vessel which operates during the summer months. The ship leaves from New York City, stops at the Bear Mountain docks, then continues to West Point and Poughkeepsie, where it turns around and returns to New York City, with another stop at Bear Mountain. This water-dependent use is a vital asset providing public access to this area of the waterfront and its use should be continued and supported by this local waterfront revitalization program.

The dominant feature of the Bear Mountain riverfront is Iona Island, a wildlife and bird sanctuary designated a National Natural Landmark in 1975 by the Department of Interior. The island and adjacent marshes are also a part of the Hudson River National Estuarine Research Reserve. In order to visit the island one must first obtain a permit from the research center on site. Scout and school groups camp, nature lovers watch birds, deer and other species, and some visitors are content just to walk the island trails and experience the natural beauty. The southern part of the island continues to be an

overwintering habitat for adult and immature bald eagles. Consequently, these areas are placed off limits to the public for the winter months. The unique opportunity for wildlife viewing makes Iona Island another important water enhanced use of the Bear Mountain State Park riverfront. Because of the permitting process, Stony Point residents rarely take advantage of this spectacular ecological resource. The Palisades Park Commission and the United States Department of Interior should make it easier for Town residents to obtain permits.

Bear Mountain State Park is an asset to Stony Point's waterfront, and an important resource for the entire New York metropolitan area. The park provides a variety of recreational activities, while at the same time maintaining important water-dependent uses. As a designated State Park, the existing land uses are not likely to change in the future. Bear Mountain State Park was created to preserve the natural environment and to make the area accessible to the public. Wildlife viewing and scientific research are appropriate water enhanced uses for Iona Island. Although the boat launch at Bear Mountain is a facility serving an appropriate water-dependent use, i.e., private excursion vessels, the Town of Stony Point and the Palisades Park Commission should attempt to increase resident use of the boat launch site.

Jones Point

This section of the waterfront is a long, narrow, forested piece of land that lies between Route 9W and the Hudson River, just south of Bear Mountain State Park. The land is relatively flat, extending West to Dunderberg Mountain which rises 1000 feet above the River.

The hamlet of Jones Point is comprised mostly of single family homes and is also the location of the unique House of Prayers Church. The condition of the housing at Jones Point varies. There are a few relatively new homes that are in good condition, but many of the older homes are in need of repair. There is also a boat sales yard and a few residences scattered along Route 9W, south of Jones Point.

The trailhead for the Ramapo-Dunderberg trail located at Jones Point provides an access point to Bear Mountain Park. Views of the Hudson River and the secluded nature of the area also attract visitors to this part of the waterfront.

The remaining land use at Jones Point, the Penn Central railroad tracks, follow the course of the River. The tracks immediately adjacent to the Hudson River act as a barrier limiting access to the riverbanks. Little land lies east of the tracks.

Although much of the land at Jones Point appears to be under-utilized, most of it is undevelopable because it is steeply sloped or is owned by the Palisades Interstate Park Commission. There is also currently a proposal for a marina on land adjacent to the existing boat sales yard. Most of the marinas in Stony Point are located at Grassy Point

or in Stony Point Bay, but the lack of developable land along the riverfront has increased the pressure for development in this area. A marina is an appropriate use for the waterfront, but locating a marina at Jones Point is likely to impact the character of the area. A small public boat launch would be a more appropriate use. The existing walking and bike trail should be reconstructed and be more clearly marked.

Tomkins Cove - Quarry

The Tomkins Cove area of the waterfront is a mixture of land uses. A large share of the land in Tomkins Cove (about 238 acres) is used as a quarry by Tilcon Mines and for the Orange & Rockland Power Plant. Both of these uses are located on land adjacent to the Hudson River and have on-site shipping facilities. High tension overhead power lines run through the area and cross the Hudson River to Westchester County. A gas pipeline also crosses the river in Tomkins Cove.

The residential areas of Tomkins Cove are generally located near Route 9W, since most of the land adjacent to the Hudson River is used for the quarry or power plant. A small concentration of older homes occupy a parcel on steeply sloping land between 9W and the quarry (Elm Avenue, Spring and Church Streets). Most of this housing is in need of some general repair. Along Route 9W there is a mixture of forested steeply sloped land, local retail uses (gas station, general store), and single family and multi-family residential structures. Historic Boulderberg Manor, built in 1852, is located in Tomkins Cove and now serves as a restaurant. Relatively new single family homes have been constructed on Lighthouse Court, located between Route 9W and the quarry in the southern area of Tomkins Cove. Deciduous trees adequately buffer noise and views of the quarry operation from the small subdivision. A ridge obstructs a clear view to the river for most residences on this street. Two residences, however, at the end of the cul-de-sac, experience magnificent views. Views to the river are also spectacular from Skinner Court and Freehill Road on the West side of Route 9W.

Most of the usable land in Tomkins Cove has been developed. The remaining vacant land is on very steep slopes. Thus, there is little vacant or under-utilized land in this area of the waterfront, with the exception of the vacant land along Gays Hill Road.

The power plant and quarry dominate the Tomkins Cove areas. Both uses are barriers to public access to the waterfront and negatively impact the visual quality of the waterfront. The quarry and the power plant are water-dependent uses because their proximity to the waterfront is vital to their operation. However, since both the quarry and the power plant are long-term land uses, it is expected that they will remain in operation for years to come on the waterfront. The dominance of the quarry and the power plant will affect the future development of the Tomkins Cove area.

The Tomkins Cove area is also the transition area for the waterfront. The more highly developed sections of the waterfront are south of the cove, while to the north of the cove the waterfront is much less developed.

Most of the homes located on Route 9W enjoy excellent river views, since they are on a plateau 100 feet above the River. The homes on Gays Hill Road are the only residences in Tomkins Cove that view the Hudson at sea level. The homes in Tomkins Cove are predominantly single family detached. Most housing in Tomkins Cove is in fair to good condition with the exception of the housing on Elm Avenue, Spring and Church Streets, where the housing is in poor condition.

Stony Point Town Center

This section of the waterfront is literally the heart of the Town of Stony Point, containing a variety of land and water uses and covering approximately 378 acres.

Stony Point Battlefield Historic Site, an 87 acre park and part of the Palisades Interstate Park system, is located at the northern end of this section of the waterfront. Facilities at the park include a picnic pavilion, a museum, an interpretive trail and a lighthouse. Although this National Historic Site is currently used by local and County schools, i.e., the Boy Scouts and out-of-town visitors, use by Stony Point residents is not what it could be. The Palisades Interstate Park Commission should be encouraged to promote the Historic Battlefield site for Town resident use, and should consider opening the grounds to residents during the off season.

The Penn Central railroad tracks separate the waterfront related uses located on Stony Point Bay from the mostly residential (inland) uses. The older portion of the Town center area is generally located between Main Street and the wetlands immediately north of Tomkins Avenue, and from Route 9W to the railroad tracks. The Town Hall and other municipal services are located in this area, along with the County highway garage/storage facilities. There are also a few local commercial uses, such as a market and restaurants on Route 9W, but commercial uses account for only 5 acres of land. Although some relatively new single family and multi-family housing exists in this area, much of the housing is the oldest in the Town. It appears that a number of the large older homes have been converted into multi-family housing. Most of the housing in this area is in good condition and well maintained.

A new single family subdivision is located in the area between Stony Point Battlefield Park and Tomkins Avenue, and between Route 9W and the railroad tracks. These homes were built in the last 20 years and are well maintained. The steep slopes in this subdivision afford many of its residents a spectacular view of the Hudson River. Residential land uses comprise approximately 140 acres (37 percent) of land in the Town Center area.

The remainder of the Stony Point Town Center area lies between the railroad tracks and Stony Point Bay. This area is a mixture of residential, marinas and commercial uses. The limited amount of residential uses in this area are *single family homes* clustered along Beach Road. The majority of these homes are in fair to good condition, but in need of some minor repairs. Some of these houses also appear to have private docks on Stony Point Bay. The mixture of commercial uses include a cabinet repair shop, a training center for carpenters, an auto repair shop and a paper supply company.

The marinas and boat repair shops are the main water-dependent uses in this section of the waterfront. Although the seven marinas comprise only 18.8 percent (71.22 acres) of the total land uses in this area of the waterfront, their continued presence will help to shape the future of the waterfront.

The Stony Point Lighthouse, located on the eastern end of Stony Point Battlefield Park, can be considered a water-enhanced use since it is no longer operating. For 100 years since it was built in 1826, the lighthouse helped to ensure the safe passage of river traffic through the narrow channel between Stony Point and Verplancks Point on the east bank of the Hudson. Today, its presence serves to mark an important time in history and adds to the scenic quality of Stony Point Battlefield Park. Although not technically a water-dependent use, Stony Point Battlefield Park can be considered a water-enhanced use, since its location on the waterfront adds to the enjoyment of the park.

Most of the land in the Town Center area is fully utilized. Only 64 acres are vacant and of this, 28 acres are wetlands, which include both tidal and fresh water. In spite of the lack of vacant land and because of its central location, the Town Center area is likely to experience some pressure for development and redevelopment. A large parcel that appears vacant on Map 2, immediately north of Tomkins Avenue, is actually a wetland. The real development potential for this area lies in the vacant and under-utilized land located at the intersection of Main Street and Beach Road, and at the end of Hudson Drive. This prime riverfront site offering spectacular views of the Stony Point Bay and the Westchester Highlands presents a unique opportunity to create a waterfront park. Some of the development potential of this land is limited since it is located adjacent to the railroad tracks, however, its waterfront location makes it more attractive and desirable. Additional vacant and under-utilized land also exists adjacent to the marinas on Hudson Drive (approximately 5 acres). This land offers an opportunity to create a waterfront trail linking the Stony Point Battlefield Historic Site with Hudson Drive and an opportunity to develop a boat launch and or scenic overlook.

Grassy Point

The Grassy Point area stretches from Route 9W to the Hudson River, and from Grassy Point Road to the Town of Haverstraw boundary line. The area contains 407 acres of a variety of land uses; and similar to other areas of the waterfront, Grassy Point is bisected by the Penn Central railroad tracks.

West of the railroad tracks, development is concentrated along Route 9W. Restaurants, offices and a shopping center, comprising almost 14 acres of land, makes this the most heavily commercial area in Stony Point. There are also some residential land uses in this area, with most of it concentrated in the fairly new and well maintained single family subdivision on Hoke and Slater Drives. The Stony Point Town Park (16 acres), which lies at the bottom of a gorge carved by Cedar Pond Brook, is also located in this area. Immediately north of the Town of Haverstraw line, on Route 9W, is a new industrial park, which accounts for 34 acres of the industrial land use in this area of the waterfront.

East of the railroad tracks is the area recognized by Town residents as Grassy Point. The Grassy Point area is dominated by U.S. Gypsum, a 65 acre complex, comprising 65% of the industrial land use in Grassy Point. The second dominant feature are the wetlands of the Cedar Pond Brook, which separates Grassy Point from the rest of Stony Point. The Town's sewage treatment plant is also located at Grassy Point. Although dominated by U.S. Gypsum, the residential land uses define the community of Grassy Point. There is a 12 acre trailer park located between the railroad tracks and the meandering Cedar Pond Brook. This trailer park also has a semi-public dock, a boat launch and a boat repair shop fronting on Cedar Pond Brook. The remainder of the housing in Grassy Point is a mixture of single family, multi-family and mobile homes located along Grassy Point Road and in the area between the sewage treatment plant and the Hudson River. Residential land use only accounts for 7% of the total land use in this area. Much of the housing in Grassy Point is fairly old and is in need of some major and/or minor repairs. Several structures on Grassy Point Road could be eligible for listing on the National Register of Historic Places.

The main water-dependent uses in Grassy Point are the Minisceongo Boat Club, located on Stony Point Bay, and the nearby private marina and boat sales yard. The site of U.S. Gypsum is also a water-dependent use since it has shipping facilities on the Hudson River that benefit from its waterfront location.

The wetlands of Cedar Pond Brook comprise much of the vacant land in Grassy Point, although there is some vacant land along Route 9W which is likely to be developed for commercial uses in the future. There are also some vacant parcels, and what can generally be considered under-utilized land, on the eastern end of Grassy Point Road and along River Road. The waterfront location, significant views and environmental resources make this land attractive for public recreational development. It is one of the few areas in the Town of Stony Point where opportunities to increase public access to the waterfront exist. Every effort should be made to protect the limited waterfront property from commercial or residential development and preserve it for public recreational use.

E. NATURAL RESOURCES

Geological Information

More than 75% of the Town is underlain by precambrian granite, gneiss, schist and intrusive rocks. These bedrock types comprise the Ramapo Mountains and the foothill areas adjacent to them. A band of precambrian and ordovician rock, consisting of quartzite, dolomite, limestone, shale and phyllite runs parallel to Thiells Road and Wayne Avenue, ending at the Hudson River. The remaining area of the Town, where substantial development has taken place, is underlain by triassic (Newark group) strata composed of sandstones, shales and conglomerates. These bedrock formations are overlain by varying layers of glacial comprised of sand, gravel and clays.

Soils

Soils occur in characteristic patterns on the landscape. Knowledge of these patterns and the development limitations associated with each soil type is invaluable in long-range, as well as current, planning. For example, it can be readily determined in which areas bedrock is shallow, subsurface drainage is impeded or where granular material for construction is most likely to be found.

The following is a list of the major soils found within and around the waterfront boundary, as well as a description of the geographical location and the development limitations of each soil:

1. Otisville Gravelly Sand Loam

This soil is excessively drained to well-drained sandy and gravelly developed in low-lime glacial outwash or beach deposits. It is dominated by granitic and sandstone materials, with a surface layer of four to six inches thick. The underlying material is usually not stratified, and the proportion of sand to gravel is highly variable. In the generally level areas, the surface layer may be as much as ten or twelve inches thick containing a high percentage of very fine sand and silt. Otisville Gravelly Sand Loam is found in the following areas of the Town: north of Cedar Pond Brook and east of Route 9W in the older residential area of Town, and along Beach Road and Tomkins Avenue.

Use Limitations:

Septic Tank Effluent:	Slight
Erosion Hazard:	Slight
Runoff Potential:	Slight
Depth of Bedrock:	10 ft. +

2. Swartswood Loam

This soil can be characterized as deep, brown, well-drained loam developed in low-lime glacial till dominated by granitic material with some basalt and sandstone. At depths of two to four feet, the material ranges from slightly to extremely firm and is variable within short distances. This firm layer may extend to depths of six feet or more.

Swartswood loam is found in the following three areas in or around the Stony Point waterfront boundary:

- A narrow strip along Thiells Road and the area east of Reservoir Road, north of Route 210, and south of Old Route 210.
- The area around the Stony Point Elementary School lying south of Hastings Lane, west of Route 9W and north of Ten Eyck Street.
- The mountain crest and southern slope area of Collaberg Mountain.

Use Limitations:

Septic Tank Effluent: moderate on 0-15% slopes (due to soil permeability)

Erosion Hazard: moderate on 0-15% slopes severe on 15+ % due to soil texture)

Depth to Bedrock: 10 feet +

3. Wethersfield Loam

This soil is characterized as deep well-drained loam or silt loam developed in low-lime glacial till dominated by sandstone with a small percentage of granite. At depths of two to four feet, the consistency of material ranges from slightly firm to extremely firm. This firm layer extends to depths of six feet or more. However, within some of the wethersfield areas the sandstone bedrock is from three to six feet below the surface.

This soil is found in the area bordered by Thiells Road on the west, Central Drive on the north and Route 9W on the east.

Use Limitations:

Septic Tank Effluent:	moderate on 0-15% slopes severe on 15+ %slopes (due to soil permeability)
Erosion Hazard:	moderate on 0-15% slopes severe on 15+ %slopes (due to soil permeability)
Runoff Potential:	moderate on 0-15% slopes severe on 15+ % slopes (due to soil texture)
Depth to Bedrock:	10 feet +

4. Charlton Extremely Stony Loam

This soil is characterized as being extremely stony, deep, well-drained sandy loam developed in low-lime glacial till dominated by granitic materials.

This soil is found in the following four major areas within and around the waterfront boundary:

- The Lake Boyce and Tomkins Cove area west of Route 9W.
- A narrow belt running along Buckberg Road to Tomkins Lake and then heading east along Mott Farm Road to Route 9W.
- The Crickettown Road area north of Route 210 and south of Wayne Avenue.
- On the corner of Beach Road and Main Street.

Use Limitations:

Septic Tank Effluent:	severe (due to stoniness)
Erosion Hazard:	moderate to severe (due to slope)
Runoff Potential:	moderate to severe (due to slope)
Depth to Bedrock:	4 to 10 feet

5. Hollis Fine Sandy Loam

This is a shallow, well-drained to excessively drained sandy loam soil developed in low-lime glacial till dominated by granitic materials. Bedrock outcrops occur in 2% to as much as 50% of the surface. Although bedrock is usually within

twenty inches below the surface, there are some areas where the bedrock is considerably deeper. This soil is found in the following two locations within and around the waterfront boundary:

- The area east of Buckberg Road, south of Mott Farm Road, extending to the Hudson River.
- A narrow belt which stretches from Bulsontown Road, along Wayne Avenue, to Route 9W.

Use Limitations:

Septic Tank Effluent:	severe (due to bedrock)
Erosion Hazard:	moderate on 3-15% slopes severe on 15+ % slopes (due to texture and slope)
Runoff Potential:	moderate on 3-15% slopes severe on 15-35% slopes (due to texture and slope)
Depth to Bedrock:	10 to 20 inches

6. Hollis Extremely Rocky Soil

Although similar to the Hollis fine sandy loam described above, the rock fragment of this soil is much higher. This soil is found throughout Buckberg Mountain, the Palisades Park, and in the area of Blanchard Road and south of Gate Hill Road.

Use Limitations:

Septic Tank Effluent:	severe (due to slope, bedrock and surface rockiness)
Erosion Hazard:	moderate to severe (due to texture and slope)
Runoff Potential:	moderate to severe (due to texture and slope)
Depth to Bedrock:	10 to 20 inches

7. Tidal Marsh Soils

This soil is flooded most or all of the year. The depth of water on this soil fluctuates in direct relation to the tides of the river. The soil material is very silty with a thin deposit of decayed or decaying organic material on the soil surface.

The tidal marsh is found adjacent to the Hudson River in an area bounded by Grassy Point Road, Route 9W, and the Town of Haverstraw.

Use Limitations:

Septic Tank Effluent: severe (due to water table and flooding)

Erosion Hazard: slight

Runoff Potential: severe (due to water table)

Depth to Bedrock: 10 feet

8. Fresh Water Marsh Soils

This soil is flooded most or all of the year as it receives runoff water from the surrounding uplands. The depth of water is shallow enough to enable water-tolerant plants, such as reeds and sedges to thrive. The soil is composed predominantly of silt and clay. A thin surface layer of organic material is present below the water.

This soil condition is found around Ambrey Pond in the area bounded by Cedar Flats Road and Bulsontown Road.

9. Cut-and-Fill Land

These lands consist of areas that may have been marshes, borrow pits for clay, sand, gravel or other soil material, refuse, rubble or any combination of these. The extent of filling or cutting has made it impossible to determine accurately the original nature of the land, since each site is unique in the depth and nature of the fill material, all development must be preceded by a thorough soil analysis of the soil properties.

Cut-and-fill land is found around Grassy Point, along Munn Avenue, Beach Road and Tomkins Cove.

10. Made Land

Made land is found in areas where there has been extensive disturbance by man. The original soil and slope characteristics are no longer identifiable. Cuts of four to ten feet or more have been made on the higher terrain. Lowlands along the riverfront have been filled with soil, rubble or other solid waste.

Generalizations as to the buildability of these lands cannot be made, since they are quite variable and must be examined carefully prior to development. A 500 feet wide strip of land, which includes Hudson Drive, is made land.

Flood Problems and Hazard Areas

The Town of Stony Point is presently subject to flooding from the Hudson River, Cedar Pond Brook and a tributary to Cedar Pond Brook. The area southwest of Stony Point Battlefield Park has existing development and extensive flooding problems from the Hudson River. To help control flooding, in 1950 the County erected a seawall parallel to the beach on River Road. However, extensive flooding is still a serious problem along the remainder of the Stony Point waterfront, particularly along Beach Road. Within the past decade Beach Road has flooded at least three times a year. Cedar Pond Brook has no serious flooding problems since it has very steep side slopes, except in the areas east of Route 9W, where Cedar Pond Brook has a wide flood plain. Flooding occurs along the entire length of tributary to Cedar Pond Brook due to the high run-off caused by the considerable development of the surrounding areas.

The Federal Emergency Management Agency (FEMA) has prepared a Flood Hazard Boundary Map for the Town of Stony Point, entitled "Special Flood Hazard Areas and Drainage Basins." Most of the flood hazard area is located west of the Conrail railroad tracks along the adjacent shore of the Hudson River. This flood hazard area broadens at Grassy Point near the marsh formed by the confluence of the Cedar Pond Brook and the Minisceongo Creek and extends for approximately 2,000 feet upstream of the Cedar Pond Brook on the east side of the railroad tracks.

Flood Protection Areas

Flood protection includes a program to maintain stream channel and culvert capacities through debris and deposition removal. An amendment to the Town zoning ordinance restricts development in areas designated as flood hazard areas and flood damage protection regulations as of March 1987. In addition, the Town Planning Board may require the construction of detention basins in subdivision, if necessary, to control higher rates of run-off from developed areas. Natural drainage basins occurring in the area also function as flood control mechanisms. Map 1 illustrates the location of designated flood protection areas in the Town of Stony Point.

Drainage Basins

The rolling and hilly topography of the Town of Stony Point contains parts of nine separate drainage basins which are part of the larger Hudson River Drainage Basin. Flood hazard areas and drainage basins are described below, as are general conditions of slope in each basin.

- Cedar Pond Brook Basin

This basin drains about 14 square miles of the western and central portions of the Town plus a small part of Orange County. The highest average slopes exist in the northeast and central parts of the basin where slopes are generally 30%, while in the western portion slopes moderate between 8% and 24%. Cedar Pond is the main stream in this basin with approximately 32.3 miles of tributary streams.

- Minisceongo River Basin

This basin drains the southwestern part of the Town in the area of Letchworth Village and Willow Grove Road. Its principal stream is the Minisceongo River which flows in an easterly direction from Lake Welch for about 14.6 miles to the Hudson River.

- Doodletown Brook Basin

Located almost entirely in the Palisades Interstate Park in the northern part of the Town, this basin comprises approximately 2.7 square miles of Rockland County and 0.2 square miles of Orange. Most of the slopes of the basin are very steep, ranging from 35% to 40%. Doodletown Brook is the principal stream of this basin; it originates in a valley north of Seven Lake Drive and flows to the Hudson.

- Beechy Bottom Brook Basin

Located in the extreme northwest part of the Town in Harriman State Park, this basin contains 1.4 miles of undeveloped area which drain into the Hudson River via Beechy Bottom Brook and Hell Hole in Orange County. Maximum slopes of 35% are found near the East Ridge, while a narrow band of flat land (3%) is located along the stream valley line.

Coastal Drainage Areas

The Town is divided into the following four coastal drainage basins which empty into the Hudson River via minor streams and sloped areas:

- Bear Mountain - Doodletown Basin. Located entirely in the Palisades Park, this basin drains approximately 0.67 square miles to the Hudson via one small stream.
- Iona Island - Stony Point Basin. Seven small streams drain the 4.4 miles of this 6-mile-long basin which runs from Stony Point Battlefield to Iona Island.
- Stony Point - Grassy Point Basin. Sloping Island drains this .91 square mile area into the Hudson River.
- Cedar Pond Brook - Minisceongo Creek Coastal Basin. This basin drains the extreme southeast tip of the Town to the tidal marsh area of the Hudson River.

Wetlands

Surface waters are contiguous with most of the inland freshwater wetlands of the Town. Wetlands are defined by the New York State Department of Environmental Conservation (NYSDEC) in Part 662.1 of the State of New York Codes, Rules and Regulations as lands which support certain types of vegetation commonly found in wetlands areas and land which has been flooded for long periods of time. Common names for these areas include bogs, swamps, marshes or wet meadows. The NYSDEC has classified wetlands along the Hudson River that are located north of the Tappan Zee Bridge as freshwater wetlands. The NYSDEC endeavors to protect these wetlands by controlling their alteration and use by a program of interim permits.

NYSDEC, however, only regulates activities within wetlands which are at least 12.4 acres in size. The Town of Stony Point amended its local freshwater wetlands protection law in February of 1993 to regulate activities within wetlands which are between 1 acre and 12.4 acres in size. A copy of the Town's Freshwater Wetlands Ordinance is attached as Appendix D.

Wetlands serve as a habitat for a wide diversity of wildlife, as well as plant flora. Tidal marsh land is valuable due to its ability to filter pollutants from water flowing through it. The NYSDEC has developed a mapping program which produced freshwater wetlands overlays for most of the State.

Most of the wetlands within the immediate study 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 before joining the Hudson River under the Penny Bridge at Ba-Mar Marina.

The NYSDEC has identified wetlands 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 general locations of official NYSDEC Wetlands, Map 3).

Grassy Point Marsh, over 80 acres, extends from the Town of Haverstraw landfill to Stony Point Park. This marsh, a unique wildlife sanctuary and habitat, is nestled amidst the industrial sounds of U.S. Gypsum and Kay-Fries Chemical Company. The meandering fresh water Cedar Pond Brook that winds through the marsh combines fresh water and salty Hudson River water into an unusual estuarine environment and a vast marine laboratory. It is a nesting and feeding ground for many rare and widely known plant and animal species. The waterfowl species, both local and migratory, include black ducks, mallards, herons, ruby-throated hummingbirds, and a family of swans. Kingfishers, blue crabs, muskrats and butterflies also breed in the area. In the flushing process of the marsh, nutrients are pushed into Haverstraw Bay, where striped bass fingerlings feed.

Other fish that are commonly found in this part of the Hudson River estuary are sea sturgeon, sand sharks, perch, pipefish, black bass, tom cod, butterfish, bluefish, menhaden anchovies, American sole, trout and carp. This diversity of species makes the Grassy Point Marsh a very important and significant ecosystem.

Emergents are the predominant cover type vegetation in this marsh. These include cattails, reeds, pickerel weed, marsit mallow, cardinal flower, ostrich fern, water hemp, jewel weed, cutgrass, and sweet flag. Strands of wild rice also thrive in the marsh, one of only two such areas along the Hudson River.

Fish and Wildlife Resources - Significant Coastal Fish and Wildlife Habitats

As part of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act, the Department of State is directed to designate (and protect) coastal fish and wildlife habitats which, because of their recreational, commercial or ecological value, are important to residents of coastal communities in the State.

The Department of Environmental Conservation and the Department of State have jointly developed an evaluation system to screen and identify significant coastal fish and wildlife habitats throughout the State. What follows are the preliminary significant coastal fish and wildlife habitats that have been identified for Stony Point, and a narrative describing these sites. Locations are shown on Exhibits II-A through II-D, found at the conclusion of the Inventory and Analysis.

Hudson River Mile 44-56

Hudson River Mile 44-56 extends roughly 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 (7.5' Quadrangles: West Point, N.Y.; and Peekskill, N.Y.). The fish and wildlife habitat encompasses all of the main river channel below mean low water over an approximate twelve mile reach. This area is a very narrow and deep (up to 200 feet deep) section of the Hudson River, with strong currents and a rocky bottom substrate. During spring and early summer, surface salinity in the area is almost always less than one part per thousand, i.e., essentially freshwater. During late summer and fall, however, salt intrusion often extends upstream beyond River Mile 56. The land area bordering Hudson River Mile 44-56 is predominantly steep, rocky hillsides, with a variety of land uses, including undeveloped forestland (e.g., Storm King, Bear Mountain, and Hudson Highlands State Parks), small urban centers, and the West Point Military Reservation. In addition, Penn Central railroad tracks closely follow the shoreline on both sides of River Mile 44-56. The habitat also includes most of Iona Island, which is part of the Hudson River Estuarine Sanctuary.

Fish and Wildlife Values of Hudson River Mile 44-56 --

Hudson River Mile 44-56 is one of several relatively long reaches of river channel that are very deep and narrow, with strong currents and rocky substrates. It is the most extensive area of this habitat type in the Hudson River, and contains the majority of deep water (and greatest maximum depth) in the entire Hudson estuary. River flows in this segment are considerably larger than in upstream narrow areas, because of the additional input of three major tributaries (Wappinger, Fishkill, and Moodna Creeks, none of which are in Stony Point). This area is also significant because it is the southernmost extent of essentially freshwater in the Hudson River estuary during fish spawning periods.

The combination of rocky substrates, swift currents, and freshwater (during spring runoff) over this large area provides highly favorable conditions for reproduction by anadromous fishes, especially striped bass and white perch. Deep turbulent areas appear to be primary spawning habitat for striped bass, and according to both historical and recent data, River Mile 44-56 is the most important spawning area for this species in the Hudson River. In recognition of this, much of the area has restrictions on operation of gillnets to protect the spawning population. Generally, these two species enter the area to spawn in May and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the brackish portion of the Hudson River.

Although the commercial fishery for striped bass in the Hudson River was closed in 1985 due to high contaminant (PCB) levels, River Mile 44-56 contributes significantly to commercial and recreational fisheries throughout this migratory range. Striped bass stock

discrimination studies conducted in coastal New York and Southern New England indicate that approximately 50% of striped bass harvested in these fisheries were of Hudson River origin, the remainder primarily originating from the Chesapeake Bay system. With the documented poor Chesapeake production from 1983-1985, it is anticipated that the relative contribution of the Hudson stock to the coastal migratory striped bass population will continue to rise above 50%.

Deep water areas such as Hudson River Mile 44-56 are also used by concentrations of species which spawn elsewhere in the Hudson River estuary. Deep areas are used as migrational routes by Atlantic sturgeon and shortnose sturgeon, and may be important nursery areas for these species. As the salt front moves through this area, a variety of marine species, such as bluefish, anchovy, silversides, hogchoker, and blue claw crab may also enter the area. The concentrations of anadromous and marine fishes occurring in the Hudson River Mile 44-56 attract significant recreational fishing pressure within the area, attracting visitors from throughout the lower Hudson Valley. Associated with the fisheries resources in the Hudson River Mile 44-56 is a significant concentration of wintering bald eagles. Apparently, upwellings along the river shoreline bring fish concentration near the surface, and because this area rarely freezes it provides a dependable prey base for these birds. Bald eagles have been reported in this area since at least 1981, with as many as 10 occurring here at one time. Winter residence in the area generally extends from December through March. These birds feed throughout River Mile 44-56, and Iona Island is a primary roosting area; the latter has been designated as an eagle sanctuary by the Palisades Interstate Parks Commission. Other roosting areas include undisturbed woodlands along both sides of the river, especially near sheltered coves. Fish species commonly taken by the wintering eagles include goldfish, brown bullhead, alewife, white perch, and sunfish.

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 could adversely affect fish and wildlife resources of this area. Of primary concern in this deep estuarine area would be diversion of freshwater flows out of the Hudson, contamination by toxic chemicals, major structural alternations to the underwater habitat (e.g., dredging, filling, or construction or 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 population 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.

Iona Island Marsh

Iona Island Marsh 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 (7.5' Quadrangle: Peekskill, N.Y.). The fish and wildlife habitat is an approximate 270 acre, freshwater to brackish, tidal wetland, dominated by narrow-leaved cattail. Non-vegetated tidal flats, subtidal aquatic beds, and rocky uplands also occur in the area. Tidal creek channels meander through the marsh, but account for a very limited amount of open water. Iona Island Marsh receives freshwater inflows from Doodletown Brook, a small, high gradient, stream. Parts of Iona Marsh are locally known as Salisbury Meadow, Ring Meadow, and Snake Hole Creek. The marsh is hydrological connected to the Hudson River through openings in the railroad at each end of Iona Island. The land area surrounding Iona Island Marsh is steep, rocky, undeveloped, forestland, subject to limited human disturbance. Principal habitat disturbances in the area are limited to traffic on Route 9W and the Conrail railroad tracks (which parallel the western and eastern boundaries of the area, respectively), and recreational activities on Iona Island, including the use of a man-made causeway for access to the island. This causeway bisects the marsh, but flow of tidal water is accommodated by culvert pipes which run under the road. Iona Island Marsh is located within Bear Mountain State Park, and is owned by the Palisades Interstate Park Commission.

Fish and Wildlife Values of Iona Island Marsh --

Iona Island Marsh is one of the largest, undeveloped, tidal wetlands on the Hudson River. The predominant ecological communities in the area, i.e., tidal marshes and flats, are among the most valuable fish and wildlife habitats in the Hudson Valley. The ecological importance of Iona Island Marsh has been recognized in several formal designations: it is one of four sites comprising the Hudson River Estuarine Sanctuary, an area dedicated to environmental research and education; and, it is registered as a National Landmark with the U.S. Department of the Interior.

Iona Island Marsh is a highly productive wetland with minimal human disturbance, and provides favorable habitats for a variety of fish and wildlife species. The marsh is especially important for marsh-nesting birds. Probable or confirmed breeding species include green-backed heron, least bittern (SC), Canada goose, mallard, wood duck, Virginia rail, sora, common moorhen, spotted sandpiper, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Concentrations of herons, waterfowl, osprey (T), and shorebirds also occur in Iona Island Marsh during spring (March-April) and fall (September-November) migrations, but the extent of use by these birds has not been

documented. Other resident wildlife species in the area include muskrat, mink, snapping turtle, northern water snake, and green frog. Shallow bay areas and creek channels in Iona Marsh provide spawning and nursery habitats for a variety of anadromous and resident freshwater fishes. Species found in the area include alewife, blueback herring, white perch, striped bass, banded killifish, and mummichog. In addition to fish and wildlife values, the rocky islands bisected by the causeway contain fragile strands of walking fern and prickly pear cactus, two usual plant species in upstate New York.

The diversity and abundance of wildlife species in Iona Island Marsh are unusual in the lower Hudson River. Opportunities for birdwatching, along with recreational fishing, and informal nature study, attract a substantial number of Rockland County residents to the area. In 1947, the Palisades Interstate Park Commission designated the marsh a bird sanctuary. More important, however, is that designation of Iona Marsh as an Estuarine Sanctuary will focus research and education activities in the Hudson Valley on this area.

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 could 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 tracks 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 wild life. 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 and fish and wildlife resources in the area are compatible.

Haverstraw Bay

Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in Rockland County, and the Town of Cortlandt, in Westchester County (7.5' Quadrangle; Haverstraw, N.Y.; NOAA Chart No. 12343). This fish and wildlife habitat encompasses the entire river over the six mile reach, which is the widest section of the Hudson Estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water). These areas deepen to a navigation channel (which is dredged to maintain depth of about 35 feet) in the western half of this habitat. During much of the year, this is the place where freshwater from the upper river mixes with salt water from the Atlantic. Thus, brackish water habitats with salinities varying from 0-10 parts per trillion. The land surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments. Although a considerable amount of undeveloped forestland still remains, habitat disturbances, such as dredging, shoreline filling and bulkheading, waste disposal, and pollution from upland and in-river sources, have all been significant at one time during the recent history of this area.

Fish and Wildlife Values of Haverstraw Bay --

Despite various habitat disturbances, 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. The regular occurrence of brackish water over extensive areas of shallow bottom creates highly desirable, if not essential, conditions for biological productivity within the estuary, including submergent vegetation, phytoplankton and zooplankton, aquatic invertebrates, and many fish species. Although the location of the salt front varies annually (and seasonally), Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American Shad, White Perch, Tomcod and Atlantic Sturgeon that originate from the Hudson. Other anadromous species, such as Blue Back Herring and Wildlife spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall. Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably Bay Anchovy, Atlantic Menhaden, and Blue Claw Crab. Depending on location of salt front, a majority of the spawning and wintering populations of Atlantic Sturgeon in the Hudson may reside in Haverstraw Bay. Shortnose Sturgeon usually stay in this area in winter as well.

Haverstraw Bay is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game and forage fish species. Consequently, commercial and recreational fisheries through the North Atlantic depend on, or benefit from, this biological input from the Hudson River Estuary.

Impact Assessment --

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinity or an increase in temperatures in Haverstraw Bay would adversely affect the fish and wildlife resources of this area. Any physical modifications of the habitat or adjacent wetlands, through dredging, filling or bulkheading, would result in a direct loss of valuable habitat area. Habitat disturbances of resident anadromous species would be most detrimental during fish spawning and early development periods which extend from April through August. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations. Spills of oil or other hazardous substances, and leachate of contaminated groundwater, also constitute a potential threat to fish and wildlife in Haverstraw Bay.

The potential impacts due to hydrologic disturbances, and effluent discharges are of particular concern in this estuarine system. Existing natural vegetation bordering Haverstraw Bay should be maintained to stabilize soil as well as provide a physical buffer. However, in order to provide opportunities for compatible human uses of the significant fish and wildlife resources, a limited amount of additional public access may be desirable.

Biota

The Town of Stony Point has a rich and varied composition of terrestrial biota in the outer peripheral areas, especially in the Palisades Interstate Park System. Human occupation of the Town proper and those areas in the immediate, existing service area, have limited the extent of wildlife and terrestrial flora in these areas. The New York State Department of Environmental Conservation has no record of sightings of any endangered species within the Town. However, the large wetland area south of the Town of Stony Point at the confluence of Cedar Pond Brook and the Minisceongo Creek may be a potential bog turtle habitat; the vegetative characteristics of these wetlands must first be investigated further by the NYSDEC.

F. AIR AND WATER QUALITY AND INACTIVE HAZARDOUS WASTE SITES

Water Quality Standards for the Hudson River

The Hudson River is the dominant water course in the Town of Stony Point. The river is a partially stratified estuary with hydrodynamics characterized by river geometry, freshwater inflow, tidal motion and a density induced circulation. Stony Point Bay and Haverstraw Bay lie immediately offshore from the Town.

The Hudson River has been classified for water quality standards by two separate governmental agencies - the Interstate Sanitation Commission (ISC) and the New York

State Department of Environmental Conservation (NYS DEC). NYS DEC requirements are more stringent than ISC standards and are directly applicable to the study area.

Interstate Sanitation Commission - This three-state commission sets standards for Hudson River waters. Hudson River Water is rated Class A and has the following requirements: designated use in recreation shellfish culture and development of fish life. The ISC requirements for treatment of sewage discharged into Class A waters are less stringent than NYS DEC requirements.

NYSDEC has classified the reach of the Hudson River adjacent to Stony Point as SB, used for primary and secondary contact recreation and any other use except the taking of fish for market purposes.

Water quality standards for particular constituents for SB waters are as follows:

Total Coliform	2400/100 ML
Fecal Coliform	200/100 ML
Dissolved Oxygen	5.0 ML

Rivers, streams and lakes in the planning area have been classified for water quality by NYSDEC. These waterways and their classifications are listed below:

<u>Name</u>	<u>Description</u>	<u>Class</u>	<u>Standard</u>
Cedar Pond Brook	Tidal Portion	I	I
	Freshwater Portion	D	D
Minisceongo Creek	Tidal Portion	I	I
	Freshwater Portion	D	D
	of Lower Marsh	D	D
Stony Point Reservoir		A	A
Horse Chock Brook	From Mouth (Minisceongo Creek) to First Reservoir	D	D

Class "A" Waters

Best usage of water: Source of water supply for drinking, culinary or food processing purposes and any other usages.

Conditions related to best usage of waters: The waters, if subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfection, with additional

treatment if necessary to reduce naturally present impurities, will meet New York State Department of Health drinking water standards and will be considered safe and satisfactory for drinking water purposes.

Class "D" Waters

Best usage of waters: the waters are suitable for fishing. The water quality shall be suitable for primary and secondary contact recreation even though other factors may limit the use for the purpose. Due to such natural conditions as intermittency of flow, water conditions not conducive to propagation of game fishery or stream conditions, the waters will not support fish propagation.

Conditions related to best usage of waters: The waters must be suitable for fish survival.

Class "I"

Best usage of waters: The waters shall be suitable for secondary contact recreation and any other usage except for primary contact recreation and shellfishing for market purposes.

Quality standards for Class "I" waters:

<u>Item</u>	<u>Specifications</u>
Garbage, cinders, ashes oil sludge, or other refuse	None in any waters of the marine district as defined by Environmental Conservation Law (17-0105)

Air Quality

Air quality of the Town of Stony Point is maintained under standards put forth by the NYSDEC. Rockland County has been divided into air quality priority levels which indicate the potential for air pollution in a given area of the State. The land uses associated with these classification levels are listed below:

Level I - mostly used for agricultural crops, timber, dairy farming or recreation. Habitation and industry sparse.

Level II - predominantly single and two-family residences, small farms and limited commercial services and industrial development.

Level III - densely populated, primarily commercial office buildings, department stores and light industries in small and medium metropolitan complexes or suburban areas of limited commercial and industrial development near large metropolitan complexes.

Level IV - densely populated, primarily commercial office buildings, department stores and industries in large metropolitan complexes or areas of heavy industry.

Areas classified as Level III are found east of Route 9W in the Town. Level II is found between Route 9W and the boundary of Palisades Interstate Park. Level I includes the entire Park system and western half of the Town.

Inactive Hazardous Waste Sites

There are two inactive hazardous waste sites located along Stony Point's waterfront: the Lovett Gas Regulation Station (Lovett) in Tomkins Cove, and the Kay Fries site just off Route 9W in Stony Point.

The Lovett site consists of a 0.5 acre lagoon where, prior to 1981, condensate containing PCB was discharged to the ground surface where it subsequently percolated into the soil. Soil samples have revealed PCB contamination in the range of 500 ppm. The site has been cleaned up by Orange and Rockland Utilities.

The Kay Fries site consists of a 20-acre area where wastes associated with a chemical manufacturing plant were disposed of by open burning, permitted incineration and discharge into the Minisceongo Creek. These practices were associated with a time period beginning in 1930 and ending in the mid-1960s. The hazardous wastes identified at the site are benzene, methyl-ethyl-ketone and methyl-isobutyl-ketone.

In addition, the Haverstraw Village Landfill and the Hi-Tor Industrial Park are located in the Town of Haverstraw, just south of Stony Point. The Haverstraw Village Landfill is located along Grassy Point Road and consists of a 40-acre sanitary landfill operated from 1969 to the present. Hazardous waste deposition has not been confirmed at the site, though industrial waste and industrial sludge is suspected to be present. The site is currently operating with a Part 360 Municipal Waste Permit, and the NYSDEC has requested the Town to cease operating on the site.

The Hi-Tor Industrial Park consists of a 2½ acre open dump operated by U.S. Plastics from 1959 to 1971. Methyl methacrylate was manufactured at the site from scrap plastic. Chemical waste from the manufacturing operations was stored on site in slop tanks. On April 29, 1983, the new owners excavated the tanks and spilled the chemical sludge onto the ground. This caused severe odor problems in the area. A consent order was executed for a field investigation and monitoring wells have been installed.

Approximately 40 cubic yards of sludge and contaminated soil were removed 5/31/83 by owner. Groundwater contamination has been suspected. Field investigation reports have been submitted and approved. Recent inspections of this site by NYS DEC and Rockland County Health Department staff have indicated that the monitoring wells for this site may be damaged and additional drums of unknown contents may be on site. A Phase II

investigation is in progress. Hazardous waste confirmed at the site include methyl methacrylate, phenol, lead, benzene, ethylbenzene and chlorobenzene.

G. UTILITIES

Public Water Supply

The Town of Stony Point obtains its water supply from the Spring Valley Water Company, a privately owned and operated utility. Developed areas of the Town, served by public water, lie east of Thiells Road and south of Tomkins Cove. Segments of Stony Point outside of this service area rely on private wells for their water.

In order to serve the Stony Point community, the Spring Valley Water Company draws its supply from both wells and surface water sources. Water drawn from surface supplies comes from Cedar Pond Brook. Water from the brook is held in a small reservoir near Reservoir Road, filtered and then pumped to storage tanks near Crickettown Road. Supplementing this local source is water from the Calls Hollow Storage facility in Pomona.

Surface water obtained from Cedar Pond Brook is of high potable quality and meets all of New York State's drinking water standards. Water from this source can be expected to be soft and slightly alkaline. Treatment of Cedar Pond Brook Water consists of coagulation, filtration, chlorination and ph adjustment.

Sewage Treatment System

The wastewater treatment system consists of a network of lateral sewers tributary to the major interceptors located along Cedar Pond Brook, Beach Road and Main Street, providing service to the more densely populated areas of the Town. The Beach Road pumping station collects the flow from these interceptors and pumps it across Minisceongo Creek to the Grassy Point interceptor sewer. A pumping station at the plant site lifts incoming sewage from the Grassy Point interceptor sewer through the extended aeration secondary treatment plant, and from there flows by gravity through an outfall sewer to the Hudson River.

The present plant consists of the following process units following influent wastewater pumping: grit removal, extended aeration, clarification, and disinfection. The excess solids removed in clarification are stabilized by aerobic digestion, dewatered through open air sludge drying and disposed off site.

The Town of Stony Point's plant, built in 1969, handles about one million gallons daily. Currently, about two thirds of the Town's 12,000 residents are served by the sewage system with no future plans to include the outreaching areas of the Town because of the rocky terrain.

H. TRANSPORTATION

Stony Point is served by a well-developed system of limited access highways and major roadways. Improvements to these transportation facilities during the last two decades have been a significant contributing factor for development within the Town and its surrounding communities. Construction of these facilities has helped to cope with increasing traffic loads, providing an incentive for industry to settle in the Town and for individuals working in the metropolitan area to reside in Stony Point.

The Rockland County Highway Department and the New York State Department of Transportation have conducted traffic flow studies in the Town of Stony Point. Results of these studies confirmed that those areas with the most commercial and industrial development would be near congested roadways and in need of the greatest improvement. The convergence of several major roadways in the southeast portion of Stony Point has attracted development to this area, which has resulted in traffic exceeding projected demands.

The Palisades Interstate Parkway and Route 9W at Main Street have the greatest annual daily traffic volumes (1991), measuring 29,300 and 15,800 respectively. Volumes of 4,000 vehicles are typical for Central Highway, Willow Grove Road, Gate Hill Road, Thiell Road, and Filors Lane and Main Street. The majority of remaining principal roads in the Town carry light traffic loads averaging less than 1,000 vehicles.

Traffic volume is heaviest during the peak commuter hours from 7-9:30 a.m. and from 4-7 p.m. At present, local roads and streets are generally capable of handling existing traffic. Travel speeds are often slow, however, because of steep grades and sharp curves. Parking on the waterfront is very limited. Any proposed action in the waterfront area will be restricted to some degree because of these constraints.

Public transportation within the Town of is limited to bus passenger service. Transport of Rockland (TOR) operates two fixed bus routes through Stony Point, Routes 79 and 91. Route 79 runs between Stony Point and the Village of Haverstraw with a stop at Letchworth Village. Route 91 runs between Tomkins Cove and New City. TOR also operates a flexible route program which offers curb to curb service to senior citizens and handicapped persons, provided that at least 48-hour notice is given.

Red and Tan lines operates a fixed bus route, #47, between Stony Point and the Port Authority Bus Terminal in New York. This bus route is an expansion of the service provided by the #11A bus route; which terminates in Haverstraw. The #47 bus route essentially provides rush hour service to New York City in one morning and return service to Stony Point in the evening. In addition, there is an evening run into New York City from Stony Point.

Short Line operates a bus route between New York City and Newburgh. However, passengers are only picked up when travelling north to Newburgh.

I. SCENIC RESOURCES

The suburban expansion of the past few decades within the Town of Stony Point has changed the character of the community from what was largely a rural, recreational "backyard" of New York City to what is now a suburban, yet still comparatively rustic recreational "fringe" of the city.

Amongst the increasing regularity of large lot subdivisions and shopping centers remain a surprising number of features of outstanding visual quality that evoke a warm feeling, a positive human response. Awareness of these scenic resources by Stony Point residents is vital in any effort to preserve these unique, natural and man-influenced sections of the town. Due to their dwindling supply, and coupled with an increasing population and leisure induced demand, these scenic areas require a high priority for protection and conservation and a low priority for development.

The following inventory of scenic resources includes a number of areas or features already protected either through public parklands or private holdings. However, many wetlands, streams, views, trails and other significant Stony Point landscapes are not owned by the public and are therefore potentially susceptible to alteration or destruction. Local conservation groups and Town and County government must act to protect these scenic resources. Efforts should be made to acquire exceptional scenic areas by fee, or by conservation easements held by the Town or land trust.

Other techniques which the Town should consider to preserve the scenic resources include establishing a local scenic road program, pursuing State Scenic Road designation for segments of U.S. Route 202/9W - south of Bear Mountain State Park, and creating scenic districts and critical environmental areas. The Town could also create a scenic overlay zone.

In unavoidable situations where new development or changes in land use within or near a recognized scenic area or feature does occur, the Town will require the applicant, through site plan and project design review, to make all reasonable efforts to harmonize and not interfere with the visual character of the landscape. In addition, since the entrances and surroundings of the scenic locale are often as visually important as the scenic area itself, methods to preserve such fringe and buffer areas are necessary. For example, the establishment of visual corridors along trails and parks, bikeways, stream courses, or ridges may be enhanced by the creation of scenic easements or the use of public dedication by involved property owners.

Scenic resources appearing in this inventory include outstanding examples of one or more of the following:

- a panoramic view
- a landscape which exemplifies unique contrast, variety or harmony in:
 - terrain
 - vegetation
 - pleasing aesthetic qualities of built-natural landscape interrelationships
 - ephemeral qualities (seasonal features)
 - streetscapes

Local Scenic Resources

The Town of Stony Point offers spectacular scenic vistas and panoramic views from its upland areas, as well as from several ground level locations (viewing locations are depicted on Map 3). The most exceptional views can be experienced in the following areas:

1. Traveling north along U.S. Route 9W from the northern end of Tomkins Cove to Bear Mountain State Park, views of the ecologically and topographically diverse environment of Iona Island are revealed, as well as the tranquility of the Hudson River, the rolling hills of Westchester County, and the architecture of the Bear Mountain Bridge.
2. Iona Island offers scenic vistas and panoramic views of the fresh water marsh, streams, the Palisades Mountains and Westchester Hills.
3. Screened views of the Hudson River, Grassy Point Marinas and the Palisades in the background are revealed from the Stony Point Battlefield Historic Site. Trees along the ledge should be selectively trimmed to enhance views.
4. Exceptional views of Haverstraw Bay can be experienced along River Road in Grassy Point.
5. Views of Grassy Point from the Bay, however, are not as spectacular. Several possible historic structures have been left to deteriorate. Every effort should be made by the community to conduct a historic survey of the structures to determine National Register eligibility status and to ultimately restore these structures, as appropriate.
6. Views of the Stony Point Battlefield Historic Site, the Westchester Highlands, as well as Grassy Point, can be experienced from Hudson Drive.

7. The Hudson River, upstream where the Bear Mountain Bridge marks the northern most tip of Rockland County, can be viewed from Perkins Memorial Drive near Bear Mountain.
8. Below Bear Mountain, U.S. Route 202/9W south follows the westerly side bank of the Hudson River for approximately one mile. The meandering streams and wetlands of Iona Island below and the rolling Westchester hills to the east can be seen along this stretch of U.S. Route 202/9W.
9. Scenic views can be seen from many other sites along U.S. Route 9W (i.e. Boulderberg Manor), as well as from Bay View Drive, Mott Farm Road, Lincoln Oval, Lighthouse Court, Main Street, Freehill Road, and Jackson Drive. Many views open up considerably during the winter and early spring when the deciduous trees are bare.

Additionally, New York State has officially designated the following roadways as Scenic Roads under Article 49 of the Environmental Conservation Law:

- Roads within Bear Mountain State Park, including Seven Lakes Drive, U.S. Route 9W and 202 and the road to Iona Island; and
- Bear Mountain Bridge.

Hudson Highlands Scenic Area of Statewide Significance

The Hudson Highlands Scenic Area of Statewide Significance (SASS) encompasses a twenty mile stretch of the Hudson River and its shorelands and varies in width from approximately 1 to 6 miles. The SASS includes the Hudson River and its east and west shorelands. It extends from its northern boundary, which runs from the northern tip of Scofield Ridge, Denning Point and the base of Storm King Mountain to its southern boundary at Roa Hook and the southern limits of the Bear Mountain State Park. At the SASS's northern and southern extremes, the SASS extends across the Hudson River to the mean high tide line on the opposite shoreline.

The Hudson Highlands SASS, (see Exhibit II-E), is comprised of a total of twenty-eight (28) subunits. Five (5) of those subunits are in the Town of Stony Point, (see Exhibits II-F and II-G). Descriptions of subunits located in the Town are provided in Appendix A.

Negative Visual Elements

The scenic attraction is adversely affected as follows:

- Grassy Point:** Abandoned barges, dilapidated structures, abandoned automobiles, appliances, litter, overhead utility lines, U.S. Gypsum Plant.
- Beach Road:** Abandoned garbage trucks, litter, auto parts, unkempt auto repair shops.
- Stony Point Battlefield:** Litter on south shore, dilapidated dock on north shore.
- From Route 9W:** View of Indian Point Power Plant
Tilcon Quarry Operation
Orange and Rockland Power Plant
Abandoned barges on Grassy Point

J. WATERFRONT ACCESS

Access to the Hudson River Waterfront is of three different types: (1) federal, State and Town parkland, (2) commercial boat yards, and (3) quasi-public access through waterfront clubs. Each type of facility offers a somewhat different range of facilities. A small number of access sites are available for public use along the Stony Point Waterfront. 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 federally-owned facility at Iona Island offers passive waterfront access by permit only. The State-operated facilities at Bear Mountain State Park and Stony Point Historic site also offer passive waterfront access.

An opportunity exists at Stony Point Battlefield to rehabilitate the dock on the north shore (see "Historical Development of the Waterfront Area" and Inventory and Analysis) and possibly to create a trail connecting Stony Point Battlefield Historic site on the south shore with Beach Road in Grassy Point. Boats may be launched within the Town of Stony Point at the existing marinas, with the exclusion of the Stony Point Marina and Yacht Club which does not have the facilities for boat launching.

The following public waterfront access sites are located in the Town:

1. Stony Point Battlefield Historic Site - exhibits, hiking, picnicking, scenic views, unofficial walking trail to the Hudson River and beach (south side); unofficial dock and fishing (north side).

2. Bear Mountain State Park - picnicking, trails, scenic vistas and panoramic views, boat launch.
3. Iona Island - trails, scenic vistas, environmental education.
4. Riverside Park - picnicking, fishing, passive recreation, scenic views, limited parking.
5. Keahon property (Town-owned parkland) - passive recreation, picnicking, limited parking.

In addition, the Minisceongo Boat Club and Seaweed Yacht Club offer quasi-public access.

The following private waterfront access sites are located in the Town (see Map 3):

1. Willow Cove Marina
200 Hudson Drive
2. Belle Harbor Marina
Beach Road
3. Boatland On Hudson
East Main Street
Slips - 120
4. Stony Point Marina and Yacht Club
4 Hudson Drive
5. Kenway Marina
Slips - 200
6. Minisceongo Yacht Club
Slips-104
7. Seaweed Yacht Club
Beach Road

K. SUMMARY OF UNDER-UTILIZED, ABANDONED OR DETERIORATED SITES

1. Bear Mountain State Park (Map 2) - Iona Island is under-utilized by Stony Point Town residents. In order to walk the Island, a visitor must first obtain a permit from the research center on site. Because of this permitting process, Stony Point residents rarely take advantage of this spectacular ecological resource. The

visitor permit system should be redesigned to allow for greater use by Stony Point Town residents (see Section D).

A public boat launch available at Bear Mountain is another under-utilized use. Although the boat launch is a facility serving an appropriate water-dependent use, the Town, as well as the Palisades Interstate Park Commission, should attempt to increase resident use of the boat launch site.

2. Jones Point (Map 2) - It appears that some of the older homes in Jones Point may be eligible for listing on the National Register of Historic Places. Listing properties on the National Register increases the eligibility for federal tax incentives and funding, to help restore and preserve these important resources.

There is an existing bicycle route in this area which is under-utilized and should be restored. The trail requires reconstruction and better signage. This bicycle route could provide an important component for a linear trail along the waterfront.

3. Tomkins Cove-Quarry (Map 2) - The Tomkins Cove area offers spectacular views of the Hudson River and Westchester Highlands. However, efforts have not been taken to preserve, enhance or to make these views more accessible to the public.

Scenic stopping places should be created along U.S. Route 9W and possibly along Gays Hill Road. Scenic road designation should be pursued to encourage the preservation and enhancement of the vistas along these roads.

4. Stony Point Town Center (Map 2) - Vacant and under-utilized land exists adjacent to the marinas on Hudson Drive. This land offers an opportunity to create a waterfront trail linking the Stony Point Battlefield Historic Site with Hudson Drive and an opportunity to create a boat launch and scenic overlook. The Stony Point Battlefield Historic Site is not being utilized to its fullest potential. An abandoned dock exists on the north shore of the site, although it is located on privately-owned land. The restoration of this dock should be encouraged (see Existing Land and Water uses, Section D-4). If restored, this dock could provide an opportunity for boaters to dock and enjoy the park. An opportunity also exists to develop a walking trail from the Stony Point Battlefield Historic Site to Hudson Drive. There is also an opportunity to create a boat launch and scenic overlook. These opportunities should be pursued.
5. Grassy Point (Map 2) - Much of the housing in Grassy Point is fairly old. It appears that several structures located along Grassy Point Road may be eligible to be listed on the National Register of Historic Places.

L. SUMMARY OF WATER-DEPENDENT AND WATER-ENHANCED USES

1. **Bear Mountain State Park (Map 2) - The boat launch at Bear Mountain is a water-dependent use. It primarily serves as a launching and docking site for private and commercial boaters along the Hudson River (see Section D, Existing Land and Water Uses).**

Iona Island is a water-enhanced use. The Island is part of the Hudson River National Estuarine Research Reserve. The Island is used for camping, bird watching, river viewing and waterfront trail walking.

2. **Jones Point (Map 2) - The existing walking and biking trail is a water-enhanced use.**

Jones Point also offers opportunities for waterfront viewing. These areas should be preserved.

3. **Tomkins Cove (Map 2) - Tomkins Cove offers spectacular river views which are water-enhanced uses.**

Orange and Rockland Power Plant and the Tilcon Quarry are water-dependent uses since they require large amounts of water for their operation. Air emissions, as well as future development activities, should be closely monitored.

Development activities within these facilities should be closely monitored to minimize any impacts to surrounding land and water uses.

4. **Stony Point Town Center (Map 2) - The Stony Point Battlefield Historic Site is a water-enhanced use providing a trail and stopping places to view the river. In the past, the dock on the north shore provided a water-dependent use.**

Marinas along Hudson Drive provide a water-dependent use.

The Stony Point Light House is a water-enhanced use. This important historic resource should be preserved.

5. **Grassy Point (Map 2) - The County-owned beach provides a water-dependent use. This area should be better maintained.**

Several marinas and a boat sales yard provide water-dependent uses.

US Gypsum is a water-dependent use since it has shipping facilities on the Hudson River. Unofficial fishing areas provide water-dependent uses in this section of Town.

The Town-owned parkland along the Hudson River should be developed to maximize its use by local residents for active and passive recreational activities.

M. SUMMARY OF IMPORTANT WATERFRONT ISSUES

1. Need to provide additional public access opportunities to the Hudson River.
 - This issue was raised for discussion in the initial draft of the LWRP. At the time when that draft was prepared, existing waterfront public access opportunities were minimal. Access was available only to private marina members, and the public opinion survey (see Appendices B-C) indicated public access to be a key concern of Town residents. Since that time, the Town has obtained waterfront properties in two areas along the Hudson River, which it will devote for recreational purposes.
2. Need to acquire additional land for recreation and public access to the waterfront.
 - As noted above, the Town has recently acquired land for recreation and public access to the waterfront. The Town does not plan to purchase additional waterfront land at this time, but may consider options in the future.
3. Need to provide additional recreational opportunities such as a public boat launch, waterfront trail or park.
 - At present, the Town of Stony Point does not have a public boat launch. The need and desire for a public boat launch scored very high in the public opinion survey. The Town has purchased a number of properties along the Hudson River which should be evaluated for the development of a public boat launch facility.
4. Need to enhance and protect waterfront views.
 - Stony Point has spectacular scenic vistas and panoramic views. The waterfront public opinion survey indicated views to be of utmost importance. Several opportunities exist to further enhance views by selectively thinning and removing distracting elements. There are also mechanisms, such as Scenic Road designations and overlay districts, that the community should utilize to protect views.

5. **Need to restore and preserve historic resources.**
 - **The inventory and analysis reveals that many structures in Stony Point could be eligible for National Register listing. The public opinion survey rated the preservation of historic resources higher than any other question.**

6. **Need to protect wetlands, drainage basins and habitats from environmentally inappropriate development.**
 - **Wetlands are an invaluable resource. They serve as a habitat for a wide diversity of wildlife and plant flora. Stony Point has several wetland areas. The Town also has three State-designated Significant Coastal Fish and Wildlife Habitat areas – Hudson River Mile 44-56, Iona Island and Haverstraw Bay.**

7. **Need to control the number, design and density of docks and moorings. The inventory and analysis indicated that the number, design and density of docks and moorings is beginning to impact the community and its resources.**
 - **Road traffic to marinas during boating season is beginning to impact normal traffic flow. Although Grassy Point Road, River Road and Beach Road are components of a designated bicycle route, it is hazardous to ride during the spring and summer months due to the increased traffic.**

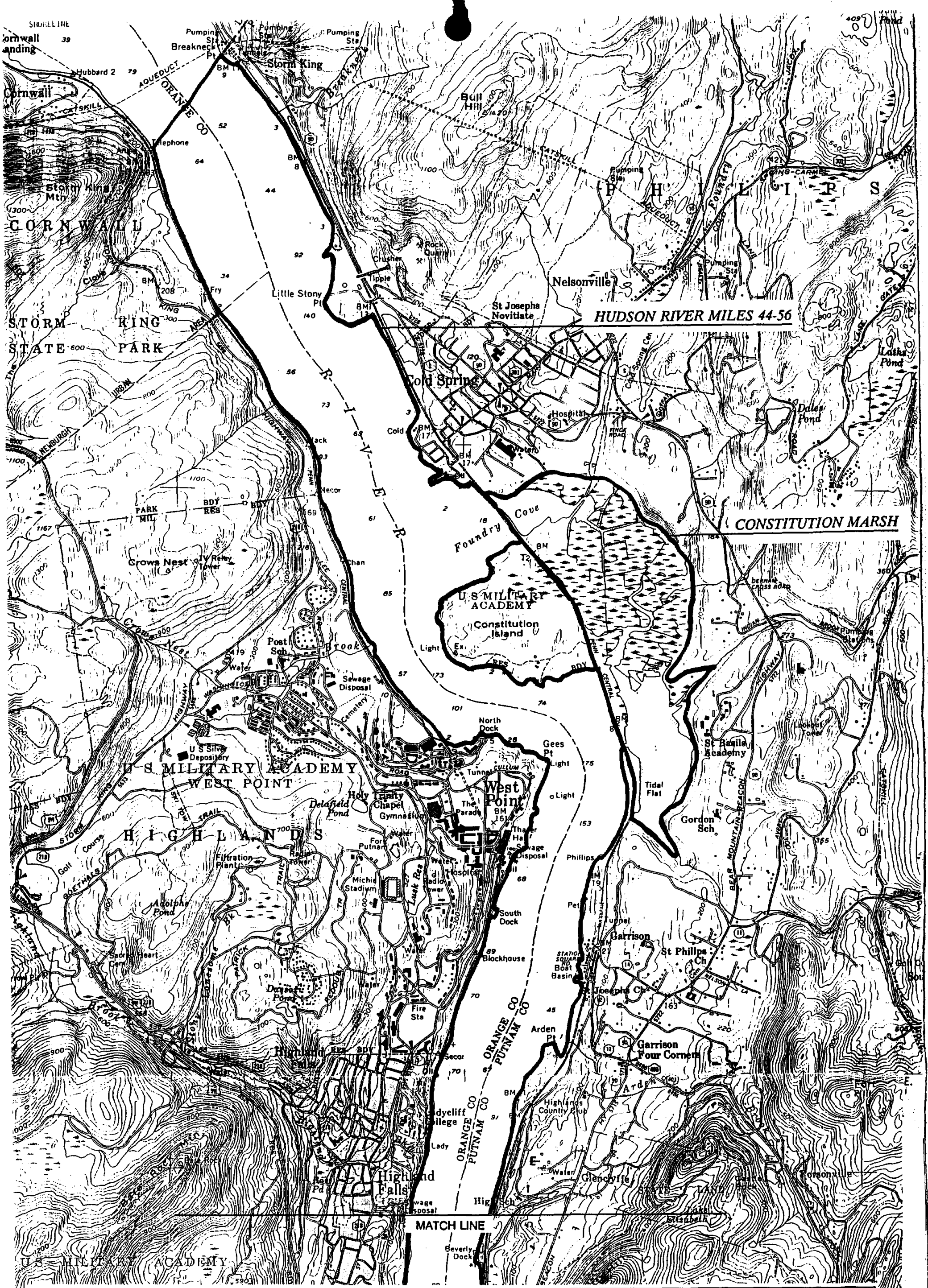
 - **The design, density and number of docks is beginning to impact views to and from the Hudson River. In some areas where, in the past, one could see the river, today only a dock, boat or travel lift can be seen.**

 - **The design, number and density of docks and moorings could impact the area's significant habitats. The Haverstraw Bay's Significant Coastal Fish and Wildlife Habitat is close to most of the marinas. Haverstraw Bay poses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River Estuary. Haverstraw Bay is a nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon. It is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic manhaden, and blue claw crab. Haverstraw Bay is a critical habitat for most estuarine dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game and forage fish species. Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or warm temperatures in Haverstraw Bay, would adversely affect the fish and wildlife resources of this area. Any physical modifications of the habitat or adjacent wetlands**

through dredging, filling or bulkheading, would result in a direct loss of valuable habitat area.

8. Need to prevent unsuitable development in floodways and in the 100-year floodplain.
 - Seasonal flooding occurs along most of the Stony Point shoreline. Unsuitable development, such as residential construction should be prevented in these areas.
9. Need to balance the distribution of water-dependent and water-enhanced resources between marinas and other uses.
 - Public access to the Hudson River in Stony Point is limited, since most of the water-dependent recreational uses are community operated marinas.

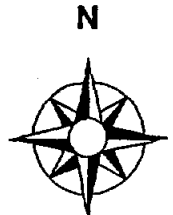
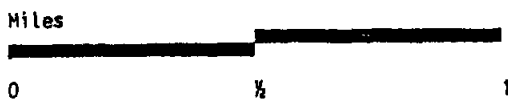
Because of the very limited availability of waterfront land, further expansion of the marina industry without strict design and development guidelines would only exacerbate the problem of public access. In promoting development along the river, therefore, priority should be given to water-dependent uses such as fishing and boating and to water-enhanced uses such as pedestrian and bicycle trails, picnic areas, and scenic overlooks.

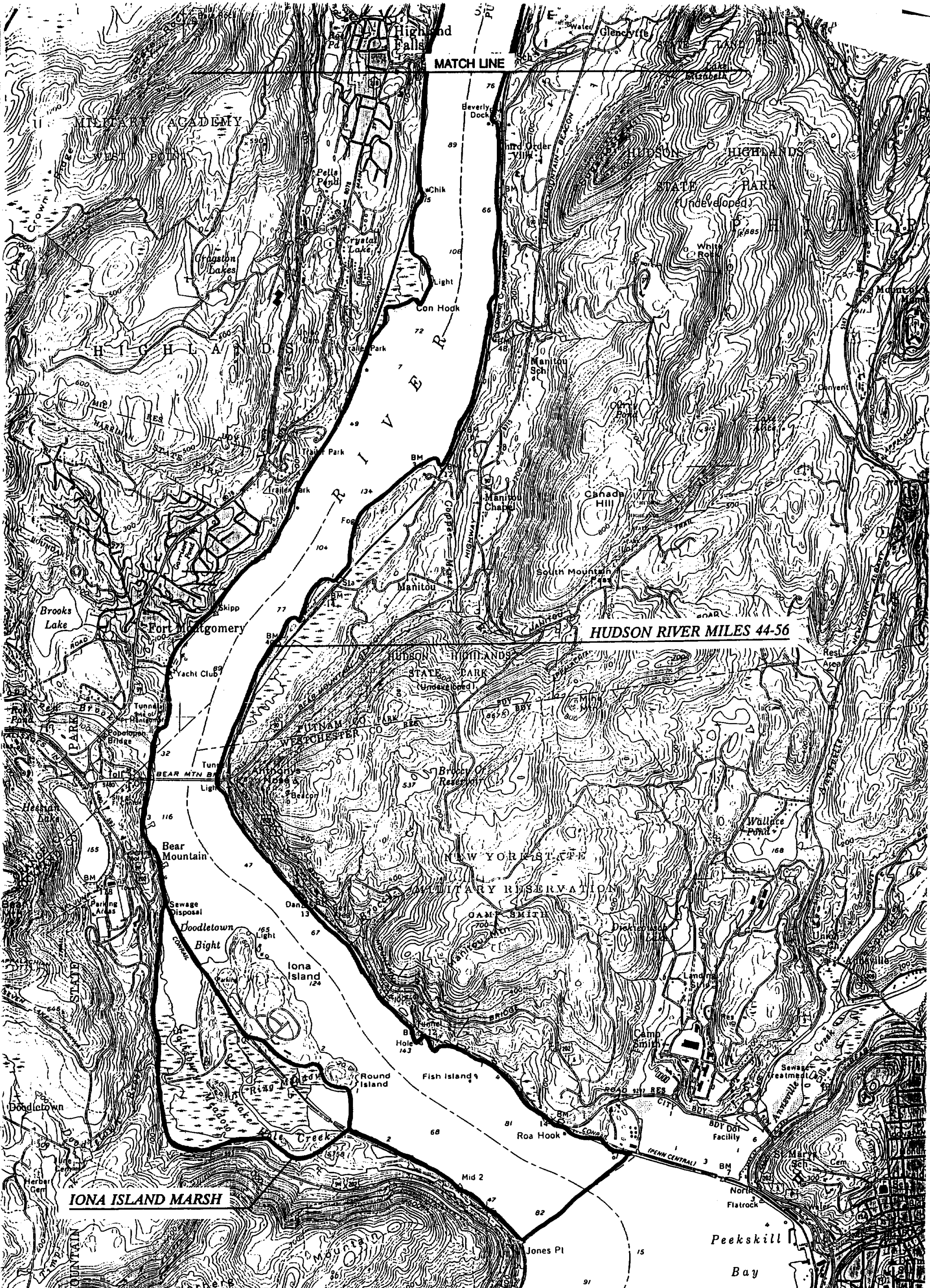


SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

EXHIBIT II-A

Hudson River Miles 44-56 (In part) /
Constitution Marsh

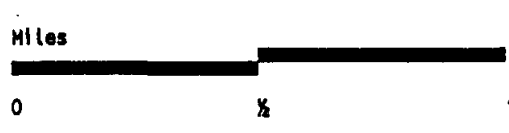


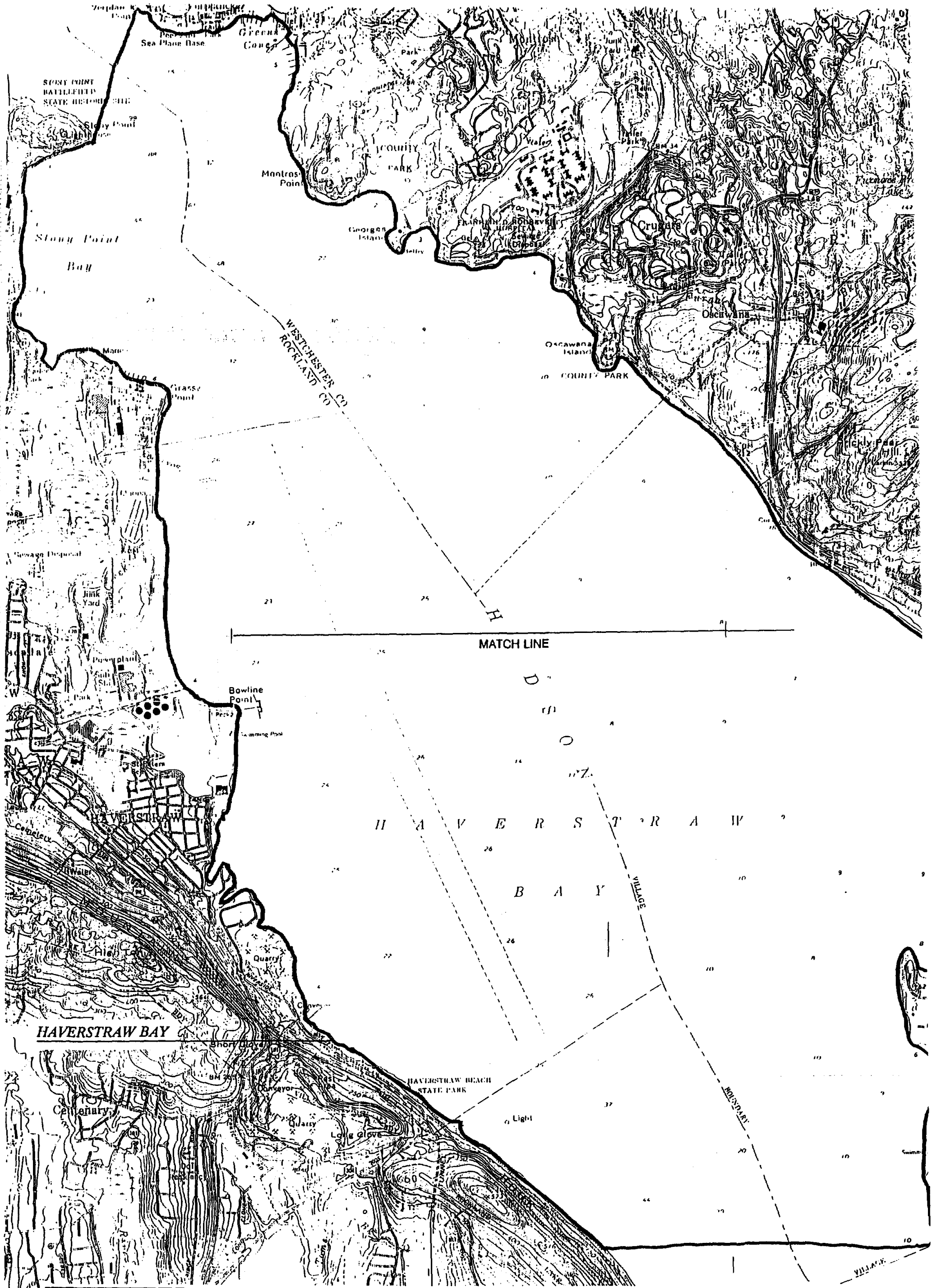


SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

EXHIBIT II-B

Hudson River Mile 44-56 (In part) / Iona Island Marsh

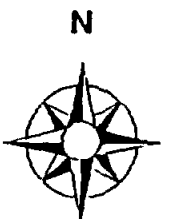
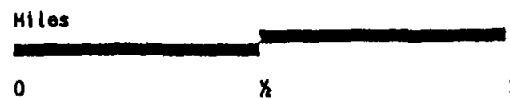




SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

EXHIBIT II-C

Haverstraw Bay (In part)



**HUDSON HIGHLANDS SCENIC AREA
OF STATEWIDE SIGNIFICANCE:
SHEET NO. 5**

New York State Department of State, Division of Coastal Resources and Waterfront Revitalization
November 1992



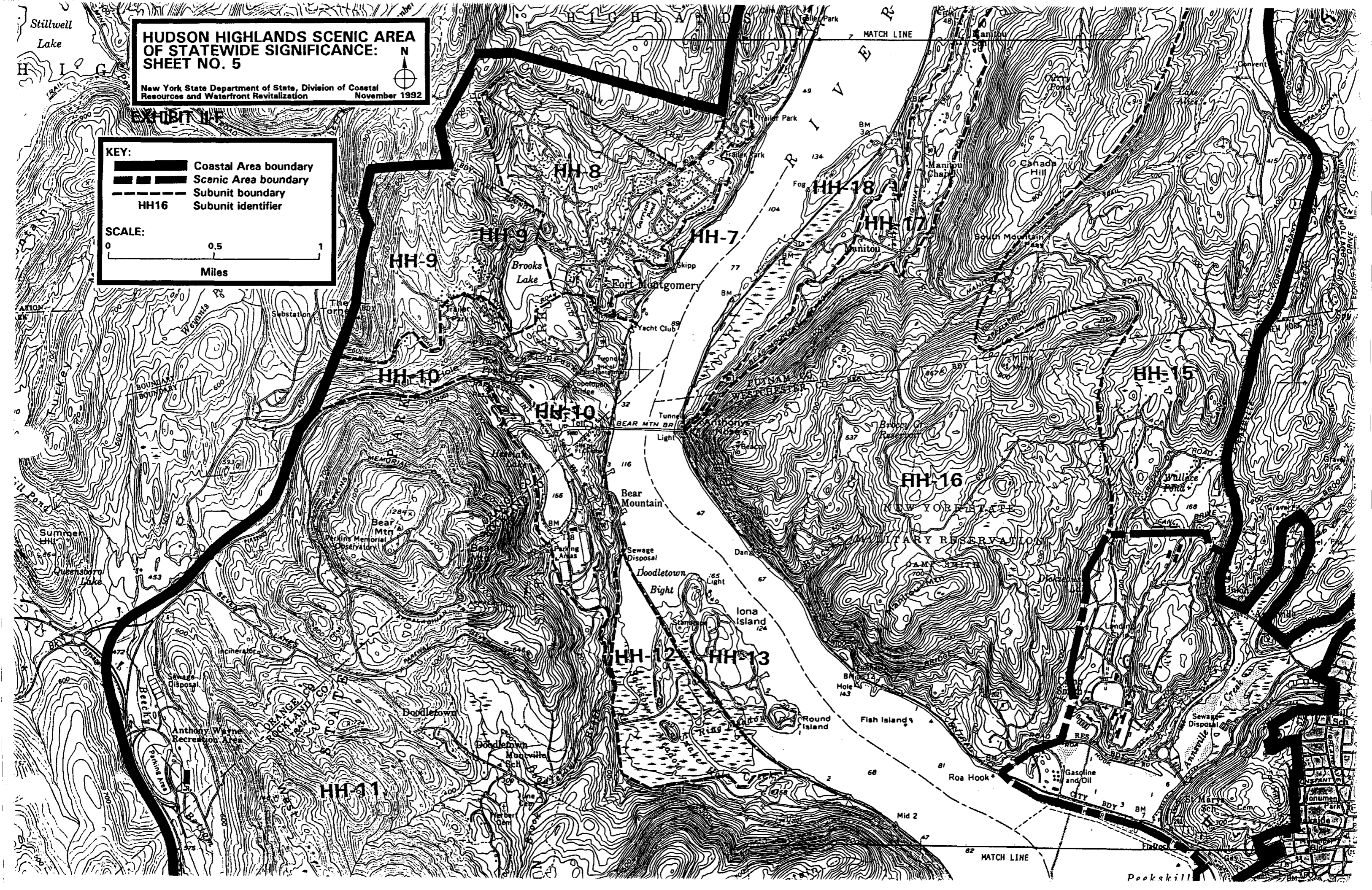
EXHIBIT III

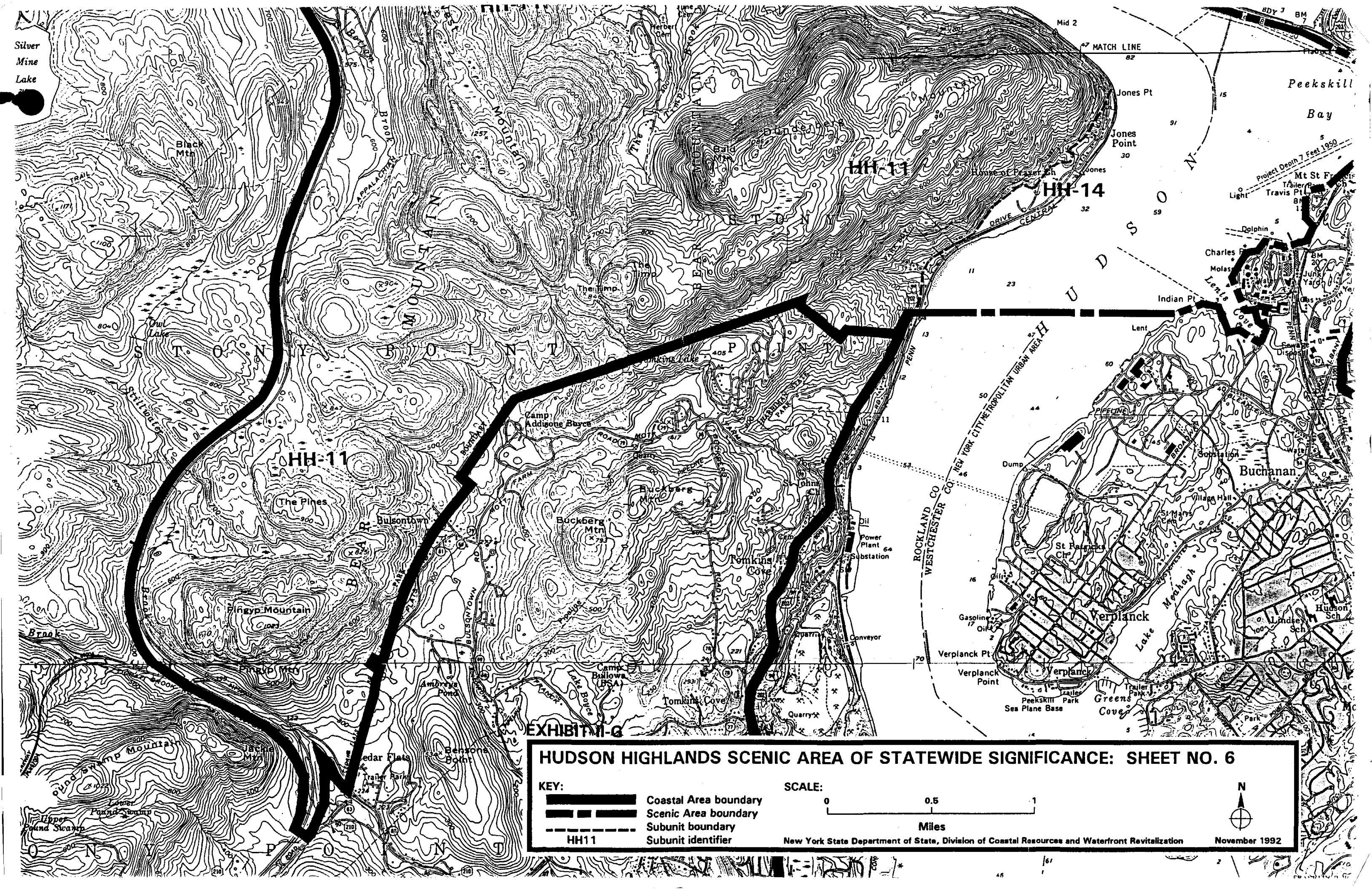
KEY:

- Coastal Area boundary
- Scenic Area boundary
- Subunit boundary
- HH16 Subunit identifier

SCALE:

Miles





Silver Mine Lake

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater

Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

Black Mtn
Owl Lake
Stillwater

Stillwater





Brook

Upper Pond Swamp
Lower Pond Swamp

Upper Pond Swamp
Lower Pond Swamp

HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 6

KEY:

-  Coastal Area boundary
-  Scenic Area boundary
-  Subunit boundary
-  Subunit identifier

SCALE:

0 0.5 1
Miles

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

November 1992

SECTION III

WATERFRONT REVITALIZATION PROGRAM

POLICIES

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.

SECTION IV
PROPOSED LAND AND WATER USES
AND PROPOSED PROJECTS

SECTION IV: PROPOSED LAND USES AND PROJECTS

A. PROPOSED LAND USES

A significant component of the Town's Local Waterfront Revitalization Program is the recommendation of proposed land uses and projects, both public and private, within the waterfront coastal area. An evaluation and inventory of the natural and man-made resources, an analysis of waterfront conditions and potential improvements, a review of the waterfront public opinion survey, and discussion of applicable State, local and federal policies have served as the basis for determining proposed land uses and preferred projects for Stony Point's waterfront.

The land uses currently proposed for the Stony Point waterfront coastal area are illustrated in generalized form on Map 4, Proposed Coastal Area Land Use Plan (LUP).

There are eleven (11) categories of land use shown on the LUP Map. The map indicates the following:

1. The Rural Density Residential and Senior Citizen Housing areas coincide with areas currently zoned in that category.
2. The Low Density Residential areas include the residential areas, the entranceway to the waterfront area, and the areas between the two concentrations of marina and other waterfront uses.
3. The Low-Medium Density Residential area includes the residential community of Grassy Point.
4. The Commercial areas include the business areas zoned for that purpose along the easterly side of Route 9W.
5. The Light Industrial areas include land zoned and used in the category lying west of the Ba-Mar Basin marshlands, and also west of the railroad and northwest of the Stony Point Battlefield Park site.
6. The Municipal Use area coincides with the Town garage site situated west of the railroad, while the Public Utilities area includes land currently housing facilities of Orange and Rockland Utilities.
7. The Water-Related Industrial area generally coincides with the U.S. Gypsum waterfront industrial site.
8. The Planned Waterfront areas embrace the marina and related use areas east of the Low Density Residential area and between the Low Density Residential area

and the Stony Point Battlefield Park site. The Planned Waterfront areas also include all of the waterfront area east of the railroad, between the park site on the south, and Jones Point on the north.

9. The Waterfront Recreation/Open Space areas coincide with the Stony Point Battlefield Park site and lands under the jurisdiction of the Palisades Interstate Park Commission. Also indicated in this category are the wetland areas in Grassy Point; some of the land is owned by the State of New York under the jurisdiction of the NYS DEC. In addition, the two local park sites recently acquired by the Town are depicted in this category.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS

The following projects are proposed to implement the coastal policies. Administrative and legal measures are described in Section V.

Trails

1. A walking and hiking trail could begin at the Haverstraw Town Line and follow along the water's edge through the County owned property to Munn Avenue. It would then continue on Grassy Point Road, Hudson Drive and ultimately link with the Stony Point Battlefield Historic Site.
2. Several bike trails exist within the Stony Point waterfront coastal area boundary. Better signage should be developed for the existing trail which follows Grassy Point Road, River Road and Beach Road. In addition, the bike trail which connects Jones Point with Route 9W should be restored.

Improvement of Waterfront Property

There are few undeveloped properties on the Stony Point waterfront. The Town has recently purchased a number of parcels which have been, or will be, developed for recreational activities. The Town should investigate the potential for development of a public boat launch on its newly acquired waterfront properties. In addition, Iona Island could provide passive recreational opportunities for Town residents such as wildlife and river viewing, if permits were easier to obtain for residents.

All efforts to acquire waterfront access or property, through donations or easements, should be diligently pursued.

Barge Removal

Removal of abandoned barges and other vessels from the river will improve the appearance of the waterfront.

Scenic Resource Preservation/Scenic Overlooks

Several locations along Route 9W, Grassy Point Road, Beach Road, and Mott Farm Road offer spectacular views of the Hudson River. Safe scenic stopping places should be provided and measures should be taken to insure that view sheds are protected.

Documentation to designate Route 9W as a scenic road began several years ago. These efforts should continue. Other roads should also be considered for scenic road designation.

Historic Area Improvements and Protection

In order to encourage private restoration in the Town's historic areas and to enhance its visual continuity and historic context, a number of improvements and protection measures should be implemented. Among them are the following:

1. Restoration of potentially historic buildings in the Grassy Point and Jones Point area should be encouraged.
2. In order to protect the historic structures within the Town, historic buildings should be inventoried and documented. In addition, local Historic District designation should be considered.

SECTION V

TECHNIQUES FOR IMPLEMENTING THE

LOCAL WATERFRONT REVITALIZATION PROGRAM

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

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS

LIKELY TO AFFECT IMPLEMENTATION

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

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

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

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

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

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

OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

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

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

NEW YORK STATE BRIDGE AUTHORITY [regional agency]

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clear Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities

- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - a) Water Quality Improvement Projects
 - b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Projects.

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State

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

Hazardous Substances

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

Lands and Forest

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

Marine Resources

- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit
- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit

- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25 - Tidal Wetlands

Mineral Resources

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

Solid waste

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

Water Resources

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

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

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

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

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

DEPARTMENT OF HEALTH

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

- 2.00 Permit and approval programs:
- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility - except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp
- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

HOUSING FINANCE AGENCY

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

INTERSTATE SANITATION COMMISSION [regional agency]

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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

METROPOLITAN TRANSPORTATION AUTHORITY [regional agency]

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources or facilities.

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund Programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.02 Posting of Signs Outside State Parks

- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services programs.
- 10.00 Urban Cultural Parks Program.
- 10.01 Federal 106 Historic Review
- 10.02 New York State 14.09 Historic Review

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF SOCIAL SERVICES

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

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.

- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highway system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development to the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permit and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division permit for Use of State-Owned Property

- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spill and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant or easement and other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to actions under its discretionary economic development programs, such as the following:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects
- 4.00 Administration of state-funded capital grant programs

DIVISION OF YOUTH

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

2. Federal Agencies

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

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

ENVIRONMENT PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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

- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

B. FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

- a. Department of Defense, Army Corps of Engineers
 - 1) Channel Improvements, etc: Funding and/or approval to repair deteriorated bulkheads along the River in the Town and to remove abandoned barges in the river are necessary to maintain navigation and improve the shoreline appearance.
- b. Department of the Interior
 - 1) Outdoor Recreation--Development and Planning: Such assistance could be used to aid in the development of a recreational Master Plan for Iona Island.
 - 2) Historic Preservation Grants-in-Aid: Could be used to restore historic properties in the Town.
- c. Department of Housing and Urban Development
 - 1) CDBG Small Cities Program: Assistance in various activities to revitalize Stony Point Town Center.

2. State Actions and Programs

- a. Department of Environmental Conservation
 - 1) Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment: If issued in conformance with LWRP policies will help preserve the water quality of the Hudson River.
 - 2) Scenic Road Designation: For Route 9W.
- b. Office of Parks, Recreation and Historic Preservation
 - 1) Land and Water Conservation Funds: A matching grant program for the acquisition and/or development of outdoor park and recreation facilities. Can be used to develop or improve facilities at Grassy Point, Beach Road, Hudson Drive, the Stony Point Historic Site, and the proposed waterfront trail and boat launch.

- 2) Environmental Quality Bond Act of 1986 (EQBA) -Municipal Parks Program: A matching grant program for the acquisition and/or development of municipal parks and recreational facilities and for the protection of open space. Can be used to develop or improve facilities at Grassy Point, Beach Road, Hudson Drive, the Stony Point Historic Site, and the proposed waterfront trail and boat launch.
 - 3) Nomination to State and Federal Register of Historic Places: Can designate appropriate structures and districts making them eligible for funding and tax incentives.
 - 4) Historic Preservation Funds: Can be used for restoration of significant structures.
 - 5) Historic Preservation Review: Federal 106 and State 14.09 Historic Preservation Review can be used to protect and/or enhance historic or potentially historic resources when either federal or State funding or permitting is involved.
- c. Department of State
- 1) Funds for LWRP Implementation: Can be used for pre-construction activities such as historic preservation and revitalization studies, and the conservation trust feasibility study plus detailed design of the park projects, as well as construction of a trail system and boat launch.
- d. Department of Transportation
- 1) Design, Construction and Rehabilitation of State Highways: Can include improvements to Route 9W to create scenic overlooks, and preserve and maintain vistas.
- e. New York State Council on the Arts
- 1) Architectural and Environmental Arts Program: Can be used to fund historic and revitalization studies, trail design studies as well as urban design studies.
 - 2) Construction and Rehabilitation: Can be used to fund improvement programs in the historic district.

f. Office of General Services

Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

SECTION VII
CONSULTATION WITH OTHER
AFFECTED FEDERAL, STATE, REGIONAL
AND LOCAL AGENCIES

SECTION VII: CONSULTATION WITH OTHER AFFECTED STATE, REGIONAL AND LOCAL AGENCIES

A. LOCAL CONSULTATION

The original Waterfront Advisory Committee (WAC) included members of the Town Board, members of business and civic groups and residents of the waterfront area. In the course of preparing the 1989 Draft LWRP, WAC consulted with other Town agencies whose actions or functions may be affected by the LWRP. Public workshop meetings were held on a regular basis while drafting the LWRP. In addition, a waterfront public opinion survey was distributed by a local Boy Scout troop to local residents. In the period of time after the distribution of the 1989 Draft LWRP, several meetings were held with the Town Board to discuss the implementation of the LWRP. The Town Board also held at least two public hearings on prospective zoning amendments.

B. REGIONAL CONSULTATION

Rockland County Planning Department: The Waterfront Advisory Committee met several times with County Planning officials to discuss county-wide impacts of the proposed LWRP.

C. STATE AGENCY CONSULTATION

1. Department of State: Consultation with the Department of State took place throughout the preparation of the LWRP. In addition to matters dealing directly with this program, discussions were held concerning the implementation and legal and programmatic concerns.
2. Office of Parks, Recreation and Historic Preservation: Consultation with the OPRHP was held in regard to data on archaeological and historic resources, in particular the Stony Point Battlefield Historic site.
3. Palisades Interstate Park Commission: Consultation with the PIP Commission was held in regard to the status of the Iona Island Management Plan.

D. FEDERAL CONSULTATION

The Army corps of Engineers was contacted throughout preparation of the LWRP in regard to status of dredging permits and enforcement.

E. REVIEW BY FEDERAL AND STATE AGENCIES

The 1989 Draft LWRP (with Draft Environmental Impact Statement) had the benefit of

an initial 60 day review as regulated under the State Environmental Quality Review (SEQRA) and Article 42 of the Executive Law. Substantive changes were made to the 1989 Draft LWRP in response to comments received during that 60 day review, and subsequently by the Town.

The revised Draft LWRP (with supplemental Draft Environmental Impact Statement) was reviewed and approved by the Town Board and forwarded to the New York State Department of State. The Department of State then initiated a 60 day review of the (revised) Draft LWRP pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the Draft LWRP were distributed to all potentially affected State agencies, Rockland County, and adjacent waterfront communities. Comments received on the Draft LWRP were reviewed by the Town and the Department of State, and changes made to the LWRP, which are detailed in the Final Environmental Impact Statement.

SECTION VIII
LOCAL COMMITMENT

SECTION VIII: LOCAL COMMITMENT

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

A. WATERFRONT ADVISORY COMMITTEE

Upon reviewing a grant to prepare a LWRP, the Town Board invited interested citizens and local board members to participate in the program. The committee included members of the Town Board, members of business and civic groups and residents of the waterfront area.

The original committee was responsible for guiding and developing the initial program which resulted in the 1989 Draft LWRP. The committee met at least once every six weeks during the planning phase. The entire committee endorsed the program originally developed. Subsequently, the Town Board continued the initiative of the Committee and consulted with the Committee in discussing revisions to the LWRP.

B. PUBLIC MEETINGS

All of the workshop meetings were posted at the Town Hall and open to the public. In addition, several public meetings were held to explain the purpose of the program, to identify its potential benefit to the community, and to determine public concerns. Additional public meetings were scheduled to offer an opportunity for the public to respond to the revised LWRP draft. A final public hearing was held prior to Town Board approval.

C. QUESTIONNAIRE

During the preparation of the 1989 Draft LWRP, a public questionnaire was equally distributed at two Grand Union supermarkets in March 1988, to solicit public input on a variety of waterfront issues. The results from 204 responses are presented in the Appendices of this report, (see Appendix B and C).

APPENDIX A
HUDSON HIGHLANDS SASS

HH-10 Hessian Lake Subunit

1. Location

The Hessian Lake subunit is located on the western banks of the Hudson River at the juncture of the Bear Mountain Bridge crossing and the beginning of the Palisades Parkway. The northern boundary of the subunit follows Old Mine Dock Road and Mine Road from the Hudson River west to the coastal area boundary, a common boundary with the HH-7 Con Hook, HH-8 Fort Montgomery and HH-9 Brooks Lake subunits. The southern and western boundaries of the subunit follow the coastal area boundary south from Mine Road to the Palisades Interstate Parkway, then east along the Palisades Interstate Parkway, and then south along the base of Bear Mountain to Seven Lakes Drive and finally to U.S. Route 9W, a common boundary with the HH-11 Bear Mountain State Park subunit. The subunit extends across the Hudson River and shares a common boundary with the HH-18 Manitou Marsh and HH-16 Anthony's Nose subunits on the eastern shorelands of the Hudson River. The subunit includes approximately 1.25 miles of the Hudson River shoreline and extends inland for between 0.25 and 1.25 miles. It is located in the Town of Highlands, Orange County, and the Town of Stony Point, Rockland County. Consult the Hudson Highlands SASS map sheet number 5 for subunit boundaries (see Exhibit II-F).

2. Scenic Components

a. Physical Character

The Hessian Lake subunit is comprised of steep banks descending to the Hudson River, a level plateau and the Popolopen Gorge. The Hudson River makes a sharp bend through this subunit, directed or contained by the topography. Water features include Doodletown Bight, Hessian Lake and the spectacular Popolopen Brook. The brook exhibits tremendous variety as it flows through the subunit. The confluence with the Hudson River features a broad mouth with slow flowing water contained between steep slopes and two rocky promontories. Less than half a mile from its mouth the brook has the character of a narrow, fast flowing mountain stream with small waterfalls. Immediately above this is a 30 foot dam, with a cascading overflow. The dam, built to send water to a nearby mill, holds back Roe Pond, an extensive mill pond shrouded in hemlocks. Above the pond the gorge narrows into the Hell Hole, where the Brook flows through pools and rapids and over waterfalls. There is a dramatic contrast between the mature mixed woodland which coats the steep banks and slopes and the manicured clearings of public recreation areas located on the plateau around Hessian Lake.

b. Cultural Character

The subunit is dominated by State park lands and features a mix of formal

recreation facilities and a natural, undisturbed and well-maintained public wildlands. A cluster of residential development is located in the southern portion of the subunit along Mine Road. A yacht club and wastewater treatment plant are sited on the Hudson River at the end of Old Mine Dock Road.

The Bear Mountain State Park, part of the Palisades Interstate Parks system, was the first developed recreational park in New York State. The creation of the park began in 1910 with a gift of 10,000 acres of land west of the Hudson River from Mrs. Mary Harriman. This and contiguous parcels subsequently acquired constitute the Bear Mountain and Harriman State Parks. Capital for land purchase and development was provided by a \$1,000,000 trust fund from Mrs. Harriman and \$2,500,000 in bonds issued by the State. Early park planning and development were initiated by the Palisades Interstate Park Commission, and the National Park Service provided design assistance on the many structures and formal layout of the park. The development and preservation of the park is a key part of the American movement in the early 20th century to preserve scenic beauty.

The Hessian Lake subunit has great historic significance. Located on the banks of the Popolopen Brook are the sites of Fort Montgomery to the north and Fort Clinton to the south, two important fortifications in the Revolutionary War. Constructed at the start of the war, they were reinforced by a chain strung across the Hudson River between Fort Montgomery and Anthony's Nose designed to stop British ships from reaching West Point. In October of 1777, Sir Henry Clinton led a British attack on the forts, marching over Dunderberg Mountain to successfully capture and destroy the American defenses after an intense battle. A violent skirmish at Lake Sinnipink, now known as Hessian Lake, led to hundreds of fatal casualties, with the bodies cast into the lake resulting in its nickname as "Bloody Pond". The remains of Fort Clinton are part of the Trailside Museum and include a star redoubt and embankments. The remains of Fort Montgomery, a major military fortification enclosing 20 acres includes three redoubts. The site has been excavated and was designated a National Historic Landmark in 1972.

The Hessian Lake recreation area includes a large lake and sweeping lawn surrounded by wooded hillsides, a hub of human activity in a wild setting. The main buildings of the Bear Mountain State Park are found in this area, a cohesive group of rustic structures closely harmonizing with the physical characteristics of the subunit. The largest structure and focus of activity is the large Bear Mountain Inn, completed in 1915. The inn is a two story structure of rough, uncoursed stone with log timbers and a gable roof. As attendance at the Park increased, additional structures were added through the 1920's and 1930's to aid visitors in the interpretation and enjoyment of the park's physical and cultural character. The increase in attendance was due mainly to the rapid improvements in access

to the area through major transportation projects such as the railroad, the Bear Mountain Bridge, Seven Lakes Drive, Storm King Highway and Popolopen Drive. The Palisades Interstate Parkway is a significant transportation feature in the subunit. It improves access to the Park and creates a landscaped transportation corridor which bisects the subunit. The Palisades Interstate Parkway opened in 1951. Although conceived of as a landscaped, scenic drive, it soon became a major commuter artery. In spite of its heavy use, the parkway still retains the design integrity that is associated with the parkways of Robert Moses.

Battered walls of uncoursed stone, simple floor plans and unembellished surfaces distinguish the additional buildings. These address a variety of residential, recreational and support functions and include stone lodges and residences, a dock, boathouse, bath house and swimming pool, garages, storehouses, the administrative building and the Trailside Museum. The design, materials and scale of the structures conform to the character of their natural surroundings. The resulting organic forms complement the forest growth around each structure and mesh man with the environment.

The Palisades Interstate Park Commission, using plans designed by the National Park Service, engineered and constructed the park structures using labor largely provided by the Civilian Conservation Corps, the Temporary Emergency Relief Administration and the Works Progress Administration. The style and design of the structures were consistent with national park architecture of the 1930's, yet was also consistent with the local landscape. The few modern structures which have been added to the State park have been sensitively designed and located and are not discordant.

The Bear Mountain Bridge, a truly spectacular structure, spans the Hudson River from Anthony's Nose on the east to Popolopen Creek and Fort Clinton on the west. In 1922 the State Legislature authorized a privately owned bridge to be built across the Hudson River at Bear Mountain. The Harriman family, through the Bear Mountain Hudson River Bridge Company, built the bridge at a cost of \$6,000,000. Construction began in 1923, and the bridge opened in 1927. At the time of completion it was the longest suspension bridge in the world, the first bridge built with steel cables and the first passenger bridge crossing the Hudson River south of Albany. The bridge spans the Hudson River 153 feet above the water, while the two steel towers rise 355 feet above their foundation piers, set in solid rock on the river banks. These towers hold the 18 inch cables which support the 1,632 feet suspension span. The total length of the bridge is 2,257 feet, and the roadway is 38 feet wide with a 5 foot sidewalk on each side. The sidewalk is now part of the Appalachian Trail. In 1940, the State purchased the bridge for \$2,275,000. The Bear Mountain Bridge is a significant historic feature, both for its engineering advances and transportation impact on the

Hudson Highlands. The Popolopen Bridge, visible from the Bear Mountain Bridge, is an old arched-truss iron bridge that carries U.S. Route 9W across the gorge formed by the Popolopen Brook.

The toll house on the west side of the Bear Mountain Bridge is a random-coursed, rustic stone structure. It was completed at the same time as the bridge and is a significant contributing element to the Bear Mountain Bridge. It is also a significant structure in its own right, with the eclectic design containing elements of the Tudor, Elizabethan and English cottage styles, making it the most important structure of its type in the Hudson Highlands.

The area has wildlife interest and benefits from management as a protected wilderness area. The presence of wildlife provides ephemeral characteristics. Contrasts of an ephemeral nature are to be found in the subunit. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The bustling human activity associated with the State park is an important ephemeral characteristic which enhances the scenic quality of the subunit.

The formal and wilderness landscape settings are both well-maintained. There are no discordant features in the subunit, although a trailer park off Mine Road and the wastewater treatment plant and structures at the yacht club off Old Mine Dock Road do impair the scenic quality of the subunit.

c. Views

The sharp bend in the Hudson River at this point provides striking views directed and contained by the topography. Views of Anthony's Nose are particularly impressive from the vicinity of Old Mine Dock Road. Views are composed of a wide variety of natural and manmade landscape components. Long and unobstructed views extend up the Hudson Valley to the north, notably from the Bear Mountain Bridge. Views from the Hudson River include the wooded mouth of the Popolopen Brook, the wooded bluffs, and the Bear Mountain Bridge. The many well-designed structures provide strong manmade focal points complementing the wooded backdrop of mountain peaks.

3. Uniqueness

The Hessian Lake subunit is unique in the State. It includes the first developed recreational park in New York State and features a unique blend of engineered elements, including the Bear Mountain Bridge, the Palisades Interstate Parkway and the collection of park buildings, all set in a natural landscape.

4. Public Accessibility

Most of the Hessian Lake subunit is in public ownership, and its recreation facilities and trails are accessible to the public. The subunit also has high visual accessibility provided by the Palisades Interstate Parkway, the Bear Mountain Bridge, U.S. Route 9W and 202, the Hudson River and the heavily visited Hessian Lake recreation area and trails within the Bear Mountain State Park. The Bear Mountain State Park is visited by over 2 million people annually. The Bear Mountain Trailside Museum and Zoo are visited annually by over 500,000 people.

The subunit is also visible from subunits on the eastern shorelands and from the passenger trains that run along the eastern banks of the Hudson River. An important public access facility in the subunit is the Bear Mountain State Park Dock, which established the first public access to the park when it was completed in 1910. The dock provides physical and visual access to the Hudson River. This is used during the summer months by a Day Liner excursion vessel which operates from New York City, providing opportunities to the general public for visual access to the Hudson Highlands from the Hudson River.

5. Public Recognition

The Hessian Lake subunit receives a very positive public recognition, notably for its historic and recreational value. The Bear Mountain Bridge and U.S. Routes 9W and 202 are designated Scenic Roads under Article 49 of the Environmental Conservation Law. The subunit comprises part of the Bear Mountain State Park Historic District, listed on the State and National Registers of Historic Places. The site of Fort Montgomery is a designated National Historic Landmark. The Bear Mountain Bridge is recognized for its historic and engineering value and is listed on the State and National Registers of Historic Places. The protection of land and the development of the State park system in the Bear Mountain area has historical and symbolic significance as an early recognition of the scenic value of the Hudson Highlands.

6. Reason for Inclusion

The Hessian Lake subunit is included in the Hudson Highlands SASS because it has high scenic quality. It encompasses a dramatic Hudson Highlands setting with well-sited and well-designed manmade features. There is an extensive variety of landscape features, including a creek mouth, tumbling brook, the Hudson River, a lake, flat plateau and steep bluffs. Contrasts exist between scenic components, emphasizing texture, form and line particularly associated with the graceful bridge structures, the rustic park structures and between the formal recreation areas and the wild, natural areas. The scenic components are unified by the woodland coverage and the common theme of open space protection and public recreation. The public parkland is highly accessible and highly visible from local roads, the trails and recreation facilities in the State park, the Bear

Mountain Bridge, the Hudson River and the opposite shoreline. It receives public recognition as part of the Bear Mountain and Harriman State Park. Three designated Scenic Roads, the Bear Mountain Bridge, U.S. Route 9W and U.S. Route 202, are designated under Article 49 of the Environmental Conservation Law. Fort Montgomery is a National Historic Landmark; and the cluster of park buildings are part of the Bear Mountain State Park Historic District listed on the State and National Registers of Historic Places, along with the Bear Mountain Bridge. The subunit is free from discordant features.

HH-11 Bear Mountain State Park Subunit

1. Location

The Bear Mountain State Park subunit is a large subunit located on the western shorelands of the Hudson River. The northern boundary of the subunit extends east from the coastal area boundary along the Palisades Interstate Parkway, and then south along the base of Bear Mountain to Seven Lakes Drive and U.S. Route 9W, a common boundary with the HH-10 Hessian Lake subunit. The subunit then follows the edge of the marshlands at Salisbury Meadows, a common boundary with the HH-12 Iona Island Marsh subunit, to the Hudson River. Here the subunit extends across the Hudson River to the mean high tide line on the eastern shorelands of the Hudson River, in part a common boundary with the HH-16 Anthony's Nose subunit. The boundary of the subunit moves inland at Jones Point, running along the base of Dunderberg Mountain to U.S. Route 9W, which it follows to its intersection with the coastal area boundary at the southern boundary of the Bear Mountain State Park. The western boundary of the subunit is the coastal area boundary, running south along the Palisades Interstate Parkway to the junction with Cedar Flats Road. Here the subunit boundary extends north and east to form the southern boundary of the Hudson Highlands SASS, extending along the coastal area boundary and following the southern boundary of the Bear Mountain State Park to the Hudson River. The subunit is approximately 6 miles long and 4 miles wide. It is located in the Town of Highlands, Orange County, the Town of Stony Point, Rockland County and the City of Peekskill and Town of Cortlandt, Westchester County. Consult the Hudson Highlands SASS map sheets, numbers 5 and 6, for subunit boundaries (see Exhibits II-F and II-G).

2. Scenic Components

a. Physical character

The subunit is composed entirely of State park land, its dramatic and varied topography comprised of steep mountains and deep valleys. The peaks, rising to over 1000 feet, include the extensive, rugged and steep Bear, Bald, and Dunderberg Mountains, as well as the lesser West, Pines, and Pingyp Mountains. Extensive mature mixed woodlands cover the landscape. The dominant water

features in the subunit are the numerous mountain streams, some seasonal, which tumble through the mountain landscape. These include Bottom Brook, Timp Brook, and Doodletown Brook. The subunit includes a section of the Hudson River shoreline where the steep mountain landscape at Jones Point creates a sharp turn in the river, pinched by adjoining subunits into the glacially formed fjord of the Hudson Highlands.

b. Cultural Character

The Bear Mountain State Park, part of the Palisades Interstate Parks system, was the first developed recreational park in New York State. The creation of the park began in 1910 with a gift of 10,000 acres of land west of the Hudson River from Mrs. Mary Harriman. This and contiguous parcels subsequently acquired constitute the Bear Mountain and Harriman State Park. Capital for land purchase and development was provided by a \$1,000,000 trust fund from Mrs. Harriman and \$2,500,000 in bonds issued by the State. Early park planning and development was initiated by the Palisades Interstate Park Commission, and the National Park Service provided design assistance for the many structures and formal layout of the park. The development and preservation of the park is a key part of the American movement of the early 20th century to preserve scenic beauty.

In the hollow between Dunderberg, West Mountain and Bear Mountain is the historic settlement of Doodletown. Once a hamlet occupied by woodsmen during the 19th century and later by workers in the Palisades Park system and the Iona Island arsenal, the settlement is now a ghost town.

The extensive trail network throughout the subunit includes the historic route of the 1777 British attack on Fort Montgomery at the mouth of the Popolopen Creek. A feature to be found on the trails over Dunderberg Mountain is the remains of the uncompleted Dunderberg Spiral Railway. This gravity railway was planned to serve a hotel on the summit of the mountain. Although construction on the railway began in 1890, funds soon ran out and the project was never completed. The landscaped corridor of the well-designed, scenic Palisades Interstate Parkway passes along the entire western boundary of the subunit, and the scenic Perkins Memorial Drive serves the Perkins Memorial Tower, a five story stone observation tower on the summit of Bear Mountain. The Appalachian Trail winds through much of the subunit, crossing the summit of Bear Mountain. The idea of Benton Mackay, a U.S. Labor Department policymaker, the Appalachian Trail is a long distance footpath that stretches from Maine to Georgia along the entire Appalachian Mountain chain. The Bear Mountain section of the Trail, opened in 1923, formed the first section of the 2,025 mile trail, which was finally completed in 1937.

The area has wildlife interest and benefits from management as a protected wilderness area. The presence of wildlife provide ephemeral characteristics, and contrasts of an ephemeral nature are to be found in the subunit. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The bustling human activity associated with the State park is an important ephemeral characteristic which enhances the scenic quality of the subunit.

Few built features have been permitted in this part of the State park. The subunit is a large, generally undisturbed public wild land and is generally well maintained. There are very few discordant features visible in the subunit. These include infrastructure related to the State park, such as extensive parking lots and maintenance depots related to the Anthony Wayne Recreation Area.

c. **Views**

The peaks and hillsides of the subunit offer extensive panoramic views of the Hudson River Valley, and the surrounding Hudson Highlands, extending north to the mountains around Garrison, Cold Spring and West Point and south to the New York City skyline. Views within the subunit are often contained by the surrounding mountains and woodland. Focal points include the Bear Mountain Bridge, the Torne, Iona Island, Manitou Marsh and Anthony's Nose. The views from the overlooks on the Perkins Memorial Drive, which winds its way around Bear Mountain, and from the summit of Bear Mountain are particularly spectacular. The City of Peekskill, Westchester County's garbage generated power plant and the nuclear power complex at Indian Point, all situated across the Hudson River from Dunderberg Mountain, detract from some of the dramatic Highland views, introducing urban and industrial elements into the natural wildlands of the Bear Mountain State Park and the surrounding Hudson Highlands. However, these features are often screened from view in many of the trailside vistas by woodland and topography. Views from the Hudson River are of the steep wooded bluffs and high mountain peaks.

3. **Uniqueness**

The Bear Mountain State Park subunit consists of a large area of public and undisturbed wildlands in a coastal highlands setting that is unique in the State.

4. **Public Accessibility**

The Bear Mountain State Park subunit has extensive public, physical and visual accessibility. It is highly visible from the Palisades Parkway, the Bear Mountain Bridge,

the Hudson River, adjacent subunits, from subunits on the eastern shorelands and from the passenger trains that run along the eastern banks of the Hudson River. U.S. Route 9W traverses the eastern portion of the subunit offering views of the Hudson River and the eastern shore. The Anthony Wayne Recreation Area provides public access to the western edge, while the Perkins Memorial Drive and Observatory provides vehicular access to the peak of Bear Mountain. The Appalachian Trail winds through much of the subunit crossing the Bear Mountain peak. This is just one part of an extensive trail network within the subunit.

5. Public Recognition

The Bear Mountain State Park subunit receives strong positive public recognition, notably as a valued State park and the southern gateway to the Hudson Highlands. U.S. Route 9W is a designated Scenic Road under Article 49 of the Environmental Conservation Law, as are several other stretches of local roads within the park. The subunit comprises part of the Bear Mountain State Park Historic District, listed on the State and National Registers of Historic Places. The protection of land and the development of the State park system in the Bear Mountain area has historical and symbolic significance as an early recognition of the scenic value of the Hudson Highlands.

6. Reason for Inclusion

The Bear Mountain State Park subunit is included in the Hudson Highlands SASS because it has high scenic quality. There is much variety in the topography of the subunit, with steep mountains, rocky summits and deep valleys, unified in the vegetative coverage. A high degree of contrast is found in texture, form and line, brought about by the abrupt changes in skyline and the meeting of river and mountain. The large area of public and undisturbed wild lands in a coastal highlands setting is unique in the State. As State park land the subunit has excellent accessibility. The subunit is also visible from the Palisades Parkway; the Bear Mountain Bridge; the Hudson River; adjacent subunits, including those on the eastern shore of the Hudson; and from the passenger trains that run along the eastern shore Hudson River. It is recognized as part of the State park system and as the southern gateway to the Hudson Highlands. Scenic resources receive broad public recognition. Several scenic roads designated under Article 49 of the Environmental Conservation Law are located in the subunit, including U.S. Route 9W. The Bear Mountain State Park Historic District is listed on the State and National Registers of Historic Places, and the Bear Mountain area has historic and symbolic significance as an early recognition of the scenic value of the Hudson Highlands. There are few discordant features in the subunit.

HH-12 Iona Island Marsh Subunit

1. Location

The Iona Island Marsh subunit is located to the south of the Bear Mountain Bridge and west of Iona Island. It is bounded on the northeast by the Conrail railroad tracks, a common boundary with the HH-13 Iona Island subunit, and to the south and west by the steep slopes of Dunderberg and Bear Mountains, a common boundary with the HH-11 Bear Mountain State Park subunit. The subunit is approximately 1 mile long and 0.5 miles wide. It is located in the Town of Stony Point, Rockland County. Consult the Hudson Highlands SASS map sheet number 5 for subunit boundaries (see Exhibit II-F).

2. Scenic Components

a. Physical Character

The subunit is a large, undisturbed marsh dominated by water features and an extensive wetland habitat. The marsh developed as a result of the changing course of the Hudson River, caused when glacial ice, unable to follow the original sharp turns of the river created by fault zones, carved new channels and left the old channel to silt up, forming a deep tidal marsh. The subunit is a cove composed of Salisbury and Ring Meadows, large tidal wetlands separated by the Snake Hole Creek. The Doodletown Brook meanders through the meadows and empties into the Doodletown Bight which reaches far into the subunit. The two creeks form areas of open water. The rocky outcrops on the edge of Iona Island rise abruptly from the marsh, contrasting with the overall flatness of the subunit. Vegetation is dominated by wetland and aquatic plants, with shrubs and hedgerows on the upland area.

b. Cultural Character

The subunit is a designated wildlife refuge and is preserved and maintained as a natural wild landscape. The diversity and abundance of wildlife within the subunit provide ephemeral characteristics which enhance the scenic qualities of the subunit. The colors, tones and texture of the subunit change throughout the day and the seasons, increasing the scenic quality of the subunit with the addition of positive ephemeral characteristics. The access road to Iona Island and the railroad run through the marsh area, separating the wetland areas and forming discordant features that detract from the scenic qualities of the wetland.

c. **Views**

Low level views from within the Iona Island Marsh subunit are contained by the tall vegetation which, from this perspective, obscures the horizon. Views within the subunit are across the wetlands to the surrounding mountains. Iona Road and U.S. Route 9W provide sweeping views of the meadows and the surrounding mountains. The view from the access road north to the Bear Mountain Bridge through the tall wetland vegetation is particularly impressive. The steep mountain slopes and the Bear Mountain Bridge provide striking focal points and combine to form a dramatic backdrop to internal views of the subunit and views out from the subunit.

3. **Uniqueness**

The Iona Island Marsh subunit is a unique marsh and estuary habitat and one of the largest, undeveloped tidal wetlands on the Hudson River.

4. **Public Accessibility**

The Iona Island Marsh is part of the Bear Mountain State Park and is owned by the Palisades Interstate Park Commission. Educational use of the marsh is offered through programs run by the Hudson River National Estuarine Research Reserve, providing public access to the marsh. The subunit is highly visible from the Iona Island access road, the Bear Mountain Bridge, U.S. Route 9W and the Bear Mountain Bridge Road. The marsh is particularly visible from the upland sections of surrounding subunits.

5. **Public Recognition**

The Iona Island Marsh subunit receives wide public recognition due to its high visual accessibility and is highly valued by the general public as a wildlife refuge. The Marsh is a designated Significant Coastal Fish and Wildlife Habitat, part of the Hudson River National Estuarine Research Reserve, and a registered National Natural Landmark. The protection of land and the development of the State park system in the Bear Mountain area has historical and symbolic significance as an early recognition of the scenic value of the Hudson Highlands. Iona Island Road is a designated Scenic Road under Article 49 of the Environmental Conservation Law.

6. Reason for Inclusion

The Iona Island Marsh subunit is included in the Hudson Highlands SASS because it is of high scenic quality. There is a high degree of variety and contrast between the water features and vegetation and a varied and interesting coastline configuration. The landform of the subunit contrasts with the steep mountains that surround it. The diversity and abundance of wildlife species in Iona Marsh are unusual in the lower Hudson River and add to the scenic value of the subunit. The changing colors and textures of the marsh vegetation, enhanced by dramatic changes in weather conditions and the contrast between wetlands and open water, add significantly to the scenic qualities of the subunit. Iona Island Marsh is a unique marsh and estuarine habitat, one of the largest, undeveloped tidal wetlands on the Hudson River. The subunit has excellent accessibility and public recognition. Iona Island Road is a designated Scenic Road under Article 49 of the Environmental Conservation Law; and the subunit constitutes the middleground of views from the Bear Mountain Bridge and the Bear Mountain Bridge Road on the eastern shore of the Hudson River, also designated a Scenic Road under Article 49. The marsh's natural resource values are recognized through its Significant Coastal Fish and Wildlife Habitat designation, inclusion in the National Estuarine Research Reserve, and its designation as a National Natural Landmark. The subunit is free from discordant features.

HH-13 Iona Island Subunit

1. Location

The Iona Island subunit is located along the west bank of the Hudson River south of the Bear Mountain Bridge. The Conrail railroad tracks form the western boundary, a common boundary with the HH-12 Iona Island Marsh subunit. The subunit extends across the Hudson River and shares a common boundary with the HH-16 Anthony's Nose subunit on the eastern shorelands of the Hudson River. The subunit is approximately one mile long and 0.25 miles wide. The subunit is located in the Town of Stony Point, Rockland County. Consult the Hudson Highlands SASS map sheet number 5 for subunit boundaries (see Exhibit II-F).

2. Scenic Component

a. Physical Character

The subunit is a rugged and rocky island with many abandoned structures. The island was formed as a result of the changing course of the Hudson River caused when glacial ice, unable to follow the original sharp turns of the river created by fault zones, carved new channels. The extensively cleared landscape is regenerating into second growth scrub and woodlands, but remains a scarred landscape in a very scenic setting in the narrows of the Hudson River, south of

the Bear Mountain Bridge. Restoration of the derelict land and some structures is in progress, returning the land to the naturally scenic condition prevalent in the rest of the Bear Mountain State Park. Water features dominant in the subunit are the Hudson River, Ring Meadows and Snake Hole Creek. The island has unique climatic advantages, lying at the northern limits of the mild sea breezes blowing up from the mouth of the Hudson, causing milder winters and earlier springs than in other parts of the Hudson Highlands.

b. Cultural Character

The subunit has an interesting and varied history. Over 3000 years ago, it hosted early Indian settlement, remains of which have been found on the island and are now exhibited in the Trailside History Museum at the Bear Mountain State Park. Plans to fortify the island during the Revolutionary War were never fulfilled, although the island was occupied briefly by British troops. In the mid-19th century the island was the site of horticultural and viticultural experiments, and it became known for its grapevines, peach orchards and seed-propagation houses. Late in the 19th century the ownership of the island continued to change hands. It eventually became a private summer resort, and then a popular excursion playground, featuring picnic grounds, an amusement park and a hotel. In 1899 the navy purchased Iona Island and constructed a military complex, including a large munitions plant and a supply depot. The island was acquired in the 1960s by the Palisades Interstate Park Commission, which began the process of restoration of this much-impacted landscape.

Iona Island is recognized for its wildlife importance, notably as a wintering ground for bald eagles. The diversity and abundance of wildlife within the subunit provides ephemeral characteristics which enhance the scenic qualities of the island.

The abandoned structures set within the disturbed landscape of the Island are discordant features within the subunit, although their negative impact is being reduced as the site undergoes restoration.

c. Views

The subunit projects far into the Hudson River, providing extensive views of the Hudson River. The length of the views extends some 2 to 3 miles to the north and south, although these are somewhat contained by turns in the river around Anthony's Nose and Dunderberg Mountain. Views from the Hudson River are of the low island set against the background of wooded mountains. The mountain peaks and the Bear Mountain Bridge provide dramatic focal points fully visible from the subunit, and the surrounding Hudson Highlands provide a spectacular backdrop.

3. Uniqueness

The subunit is not unique, although the existence of such a large island in the Hudson River is rare.

4. Public Accessibility

The Iona Island subunit is highly visible. It is prominent in views from the Hudson River, the Perkins Memorial Drive to the summit of Bear Mountain, U.S. Route 9W, the Bear Mountain Bridge Road, the Bear Mountain Bridge, the railroad on the east shore of the Hudson River and the City of Peekskill. The island is part of the Bear Mountain State Park, but has limited public physical access. The island is closed to the public from December 1 to April 1, during the over-wintering on the island of bald eagles, while in the other months only those with permits from the Bear Mountain State Park are allowed beyond the railroad, limiting access to the subunit. Educational use of the marsh and the island is offered through programs run by the Hudson River National Estuarine Research Reserve. The research reserve has proposed the adaptive reuse of the vacant former marine barracks as a site for a Hudson River Center for Education and Research. This would also include the development of a trail network on the island and result in increased public accessibility to the subunit.

5. Public Recognition

The Iona Island subunit is publicly recognized as a component in the views from the surrounding subunits, notably from the Bear Mountain State Park, the Bear Mountain Bridge and the Bear Mountain Bridge Road. The latter two roads are designated Scenic Roads under Article 49 of the Environmental Conservation Law, in part because of the views they offer of the Bear Mountain State Park, including the Iona Island subunit. It is also recognized and valued by the public as a protected wildlife habitat, part of the Hudson River National Estuarine Research Reserve and as part of the Bear Mountain State Park. The protection of land and inclusion of the subunit in the State park system in the Bear Mountain area represents a public recognition of the scenic value of the subunit.

6. Reason for Inclusion

The Iona Island subunit is included in the Hudson Highlands SASS because it is of high scenic quality. The coastline configuration provides a variety of landscape features, and there is a dramatic contrast between the low island, marshlands, creek mouths, the Hudson River and the surrounding mountainous landscape of the Hudson Highlands.

Publicly recognized as a valuable wildlife habitat and as part of the Bear Mountain State Park, the subunit has limited physical access but is an important component in views from surrounding subunits and from two Scenic Roads designated under Article 49 of the

Environmental Conservation Law. Several vacant and derelict structures set in the disturbed landscape of the subunit constitute discordant features, although their impact is being reduced through restoration activities.

HH-14 Jones Point Subunit

1. Location

The Jones Point subunit is located on the west bank of the Hudson River at the base of Dunderberg Mountain. The western boundary of the subunit runs inland from Jones Point along the base of Dunderberg Mountain to U.S. Route 9W, which it follows to its intersection with the coastal area boundary at the southern boundary of the Bear Mountain State Park. The subunit extends across the Hudson River to the mean high tide line on the eastern shorelands of the Hudson River. It extends south approximately 1.5 miles from Jones Point along the Hudson River and averages 500 feet wide. It is located in the Town of Stony Point, Rockland County and the City of Peekskill, Town of Cortlandt and Village of Buchanan, Westchester County. Consult the Hudson Highlands SASS map sheet number 6 for subunit boundaries (see Exhibit II-G).

2. Scenic Components

a. Physical Character

This subunit is composed of a narrow, gently rising bank of the Hudson River to the south of Jones Point, adjacent to the steep wooded hillside of Dunderberg Mountain. The Hudson River adjacent to the subunit is nearly one mile wide, although it appears more narrow, pinched by adjoining subunits into the glacially formed fjord of the Hudson Highlands. Mature mixed woodlands are interspersed with landscaped clearings along the banks of the Hudson River.

b. Cultural Character

Jones Point is a landmark on the Hudson River and, along with Dunderberg Mountain, forms part of the southern gateway to the Hudson Highlands. The Conrail railroad tracks, Liberty Drive, and U.S. Route 9W run the length of the narrow subunit. It contains a small settlement whose roots go back to the site of an early ferry crossing to Peekskill, the settlement originally being known as Caldwell's Landing. The scattered housing is served by Liberty Drive, named after the "Liberty Ships", cargo vessels used to supply troops in the European conflict during World War II. These ships were anchored offshore for many years after the war. A monument to the Liberty Ships is located on Route 9W at a point where the broad expanse of the Hudson River which hosted the moored vessels provides a backdrop for the monument. The picturesque House of Prayer Church is situated on Liberty Drive. Extensive industrial development to the

south and east of the subunit, including the Indian Point nuclear plant across the Hudson River, is a discordant feature and detracts significantly from the high scenic quality surrounding the subunit.

c. **Views**

Views from the subunit are contained by the bends in the Hudson River and are directed across the river to the City of Peekskill and the villages of Buchanan and Verplanck. The incongruent structures of industrial development on the eastern shorelands of the Hudson River dominate the views from the subunit, providing negative focal points. Views from the Hudson River are of the scattered residential development set in landscaped clearings on the low, wooded plateau below the rounded, wooded peak of Dunderberg Mountain.

3. **Uniqueness**

The Jones Point subunit is part of Dunderberg Mountain, a unique landform that creates a sharp bend in the Hudson River.

4. **Public Accessibility**

The pattern of land ownership in the small Jones Point subunit limits public accessibility. It has high visual accessibility from the Hudson River, from settlements on the eastern shorelands and from the passenger trains that run along the eastern banks of the Hudson River.

5. **Public Recognition**

The Jones Point subunit receives positive public recognition as part of the southern gateway to the Highlands and is a landmark for travellers on the Hudson.

6. **Reason for Inclusion**

The Jones Point subunit is included in the Hudson Highlands SASS because it has a variety of positive scenic components, including the broad expanse of the Hudson River, the unique landform of Jones Point, and the picturesque settlement of Liberty Drive with the House of Prayer Church. The broad Hudson River contrasts with the narrow lowland banks. The subunit is highly visible from local roads, the Hudson River and from the eastern shorelands of the Hudson River. It is recognized as part of the southern gateway to the Hudson Highlands, and Jones Point creates a dramatic bend in the Hudson River, a landmark for travellers.

APPENDIX B
SUMMARY FINDINGS
PUBLIC OPINION SURVEY

SUMMARY FINDINGS FROM THE STONY POINT
WATERFRONT PUBLIC OPINION SURVEY

Equal numbers of the Stony Point Waterfront Public Opinion Survey form have been distributed at each of the two Grand Union Supermarkets, one in the northern area of Town and one on the southern border, on Saturday, March 19, 1988 between the hours of 9:00 a.m. and 5:00 p.m.

204 surveys were completed at that time. 17 respondents were non-residents. A separate analysis was conducted for this group.

Question 1 187 respondents were Stony Point Town residents.

Question 2 Approximately 55% of the respondents lived west of Route 9W, 22% lived east of Route 9W.

Question 3 63% of the respondents indicated viewing as a primary waterfront recreational activity.

38.5% picnicked on the waterfront, 37.4% were boating enthusiasts, while 34.2% participated in fishing or crabbing.

*Question 4a 29.4% of the respondents believed that fishing/crabbing facilities should be improved.

26.2% thought picnic areas should be expanded or improved.

24% believed biking facilities should be improved.

*Open ended question with examples.

Question 4b 34.2% suggested that they would like to see more parks.

31% believed additional bike trails should be provided.

29.4% of the respondents suggested that a public boat launch should be provided.

Question 5 More than 76% of the respondents believed that protecting waterfront views was very important, while only 2.3% did not think it to be important at all.

54.2% believed that increasing public access to the waterfront was very important while 8.9% thought it not to be important.

More than 87% of the respondents believed the preservation of historic resources (i.e., structures: House of Prayers Church; landscapes: Stony Point Battlefield, Iona Island) to be very important while only 3.4% thought it was not important at all.

Between 35-47% believed the preservation of private marina uses and industrial/commercial water dependent uses to be important.

Question 6 Between 73-74% of the respondents considered commercial development and or the construction of condominiums and townhouses not an important use for any undeveloped waterfront parcel on Grassy Point, while approximately 12.5% believed these uses to be very important.

63.8% of the respondents considered a park or boat launch a very important use for any undeveloped parcel, only 6.1% considered this not to be an important use.

48% believed a fishing pier to be very important.

32.3% believed a marina to be a very important use while more than 43% believed this not to be an important use at all.

Question 7 Approximately 54% of the respondents disapprove of the expansion of private marinas while 21% favor this policy.

More than 71% favor the possibility of creating a public boat launch off Grassy Point; only 15.7% disapprove such action.

83.1% of the respondents favor the possibility of developing a trail connecting Stony Point Battlefield with Tomkins Cove and Grassy Point. 3.1% disapprove of this concept.

More than 82% favor the acquisition of waterfront property when it becomes available; only 6.9% disapprove of this action.

87.9% favor working with Palisades Interstate Park Commission to possibly rehabilitate the dock areas at Stony Point Battlefield historic site.

Question 8 More than 86% of the respondents believe it is appropriate for Stony Point to purchase additional land for recreation and public access to the waterfront.

Only 23.4% favor keeping the waterfront as it is today.

1. Number of respondents who reside in the Town of Stony Point: 187

2. Place of Residence:

Grassy Point	5	3%
Jones Point	11	6%
Tomkins Cove	18	10%
East of Route 9W	41	22%
West of Route 9W	103	55%
None of Above	19	4.8%

3. Recreational activities in which you presently participate on the Stony Point Waterfront:

a. Fishing/Crabbing	64	34.2%
b. Picnicking	72	38.5%
c. Boating	70	37.4%
d. Hiking	58	31%
e. Biking	43	23%
f. Viewing	118	63.1%
g. Other	10	5.3%

*4.A. Which do you believe need more or improved facilities:

a. Fishing/Crabbing	55	29.4%
b. Picnicking	49	26.2%
c. Boating	38	20.3%
d. Hiking	38	20.3%
e. Biking	45	24%

B. What other amenities should be provided:

a. Jogging Trails	46	24.5%
b. Bike Trails	58	31%
c. Public Boat Launch	55	29.4%
d. Parks	64	34.2%
e. Picnic Tables	50	26.7%

* Open Ended Question

APPENDIX C

ANALYSIS OF THE STONY POINT WATERFRONT

PUBLIC OPINION SURVEY

C. ANALYSIS OF THE STONY POINT WATERFRONT PUBLIC OPINION SURVEY

5. The following issues of concern in the riverfront areas have been discussed by the Waterfront Advisory Committee:

a. Increasing public access to the waterfront:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
91 (54.2%)	62 (36.9%)	15 (8.9%)
Total Number of Respondents		- 168

b. Protecting waterfront views:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
133 (76.9%)	36 (20.8%)	4 (2.3%)

c. Preservation of industrial/commercial water dependent uses (i.e., quarry operation):

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
26 (16.4%)	61 (38.4%)	72 (45.3%)

d. Preservation of private marina uses:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
34 (20.6%)	74 (44.8%)	57 (34.5%)

e. Preservation of historic resources (i.e., structures: House of Prayers Church; landscapes: Stony Point Battlefield, Iona Island).

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
131 (87.9%)	13 (8.7%)	5 (3.4%)
Total Number of Respondents		- 149

6. It is possible that an undeveloped waterfront parcel might become available on Grassy Point. This land could be used for a public purpose or sold for private development. Please rate the following options:

a. Waterfront commercial development:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
22 (13.5%)	21 (21.9%)	120 (73.6%)

b. Condominiums, townhouses, small shops:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
20 (12.2%)	22 (13.4%)	122 (74.4%)

c. Park, boat launch:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
104 (63.8%)	49 (30.1%)	10 (6.1%)

Total Number of Respondents - 163

d. Fishing pier:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
76 (48.1%)	57 (36.1%)	25 (15.8%)

e. Marina:

<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
50 (32.3%)	38 (24.5%)	67 (43.2%)

Total Number of Respondents - 155

7. Several projects have been proposed for the waterfront. Please indicate whether you favor, disapprove, or have no opinion of each of the following:

a. Continue expansion of private marinas:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
32 (21.1%)	82 (53.9%)	38 (25%)
Total Number of Respondents	-	152

b. Create a boat launch off Grassy Point:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
113 (71.1%)	25 (15.7%)	21 (13.2%)
Total Number of Respondents	-	159

c. Develop a trail connecting Stony Point Battlefield with Tomkins Cove and Grassy Point Marsh:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
133 (83.1%)	5 (3.1%)	22 (13.8%)
Total Number of Respondents	-	160

d. Acquire additional waterfront property when it becomes available:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
132 (82.5%)	11 (6.9%)	17 (10.6%)
Total Number of Respondents	-	160

e. Work with Palisades Interstate Park Commission to revitalize the dock areas at Stony Point Battlefield Park:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
138 (87.9%)	6 (3.8%)	13 (8.3%)
Total Number of Respondents	-	157

8. Do you feel it is appropriate for Stony Point to:

a. Encourage new development along the waterfront:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
56 (37.1%)	62 (41%)	33 (21.9%)
Total Number of Respondents	-	151

b. Remain the same as it is today:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
33 (23.4%)	65 (46.1%)	43 (30.5%)
Total Number of Respondents	-	141

c. Purchase additional land for recreation and public access to the waterfront:

<u>Favor</u>	<u>Disapprove</u>	<u>No Opinion</u>
123 (86.6%)	10 (7%)	9 (6.3%)
Total Number of Respondents	-	142

APPENDIX D

FRESHWATER WETLANDS ORDINANCE

(Adopted: March 9, 1993)

FRESHWATER WETLANDS

Chapter 17B

FRESHWATER WETLANDS

- § 17B-1. Legislative intent.
- § 17B-2. Title.
- § 17B-3. Definitions.
- § 17B-4. Permits required; exceptions.
- § 17B-5. Application for permit; processing.
- § 17B-6. Public hearing.
- § 17B-7. Decision on permit application.
- § 17B-8. Standards for making determinations.
- § 17B-9. Conditions on permit; recording of findings.
- § 17B-10. Effect on other laws and regulations.
- § 17B-11. Bond requirements.
- § 17B-12. Revocation or suspension of permit.
- § 17B-13. Penalties for offenses; enforcement.
- § 17B-14. Tax abatement.
- § 17B-15. Review and appeal.
- § 17B-16. Severability.
- § 17B-17. When effective.

[HISTORY: Adopted Stony Point Town Board 8-11-76.
Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 6.
Building construction administration — See Ch. 7.
Filling or diverting of streams and watercourses — See Ch. 15.
Subdivision regulations — See Appendix, Part III.

17B01

5-25-82

Amendments to the Freshwater Wetland Law of the Town of Stony Point, Adopted March 9, 1993

1. Section 17B-2, Definitions, is amended to read as follows:

"Freshwater wetlands. The term freshwater wetlands shall mean lands and waters of the Town of Stony Point which meet the definition established in Section 24-0107(1) of the New York State Freshwater Wetlands Act, and which have an area less than 12.4 acres.

2. Section 17B-3 Definitions, is amended to read as follows:

"The Town administrative agency which shall approve or disapprove permits to be issued under this ordinance. The Board of Review shall consist of the members of the Planning Board."

3. Section 17B-4B is amended to read as follows:

"Any wetland which is less than one (1) acre in size."

4. Section 17B-5B(3) is amended to read as follows:

"(3) A map showing the boundary of the freshwater wetlands, the location of flags for the purposes of identifying the freshwater wetlands boundary for the purpose of a site inspection, and the location of the proposed regulated activity."

5. Section 17B-5, Application for permit; processing is amended to read as follows:

"J. The Board of Review may retain, as necessary, a person, firm or agency qualified in the identification and evaluation of freshwater wetlands, to assist in the review of wetlands permit applications."

6. A new section, 17B-18, Freshwater Wetlands Map, is added to read as follows:

"This ordinance is accompanied by a map entitled, "Freshwater Wetlands Map of the Town of Stony Point, dated March 9, 1993," which map is hereby made a part of this ordinance. Said map identifies the location of wetlands, provided that if there is a conflict as to the precise location of a wetlands, the precise location thereof shall be determined by reference to the definitions contained in this Ordinance. Said Freshwater Wetlands Map may be amended from time to time by the Planning Board for any of the following reasons:

- a. To correct or clarify the location of wetlands;
- b. To eliminate from the jurisdiction of this Ordinance particular wetlands deemed to be insignificant for the purpose of this Ordinance.
- c. To incorporate supplementary maps that correct, clarify or affirm in detail the location of any wetlands."

17B01(A)

§ 17B-1. Legislative intent.

- A. The Town Board of the Town of Stony Point finds that freshwater wetlands are invaluable town resources in that, if preserved in an undisturbed natural condition, they provide flood protection, wildlife habitats, open spaces, water resources and recreation and other benefits.
- B. It is the intent of the Town Board to protect the citizens of the Town of Stony Point by preserving, protecting and conserving freshwater wetlands to prevent their despoliation and destruction and to regulate the use and development of such wetlands consistent with the general welfare and beneficial development of the town.

§ 17B-2. Title.

This ordinance shall be known and may be cited as the "Freshwater Wetlands Ordinance of the Town of Stony Point."

§ 17B-3. Definitions.

The following terms shall have the meanings given herein:

APPLICANT — Any person who files an application for any permit issued by Board of Review pursuant to this ordinance, including the agent of a real property owner or a contract vendee.

BOARD — The Freshwater Wetlands Appeals Board established by Article 24 of the State Environmental Conservation Law.

BOARD OF REVIEW — The town administrative agency which shall approve or disapprove permits to be issued under this ordinance. The Board of Review shall consist of the Town Engineer and two (2) other members who shall serve without compensation for terms of four (4) years each. Such members shall be selected by a majority vote of the Town Board. Within thirty (30) days of the effective date of this ordinance, the Town Board shall select the non-

Engineer members of this Board, one (1) of whom shall serve for two (2) years and one (1) of whom shall serve for four (4) years. All subsequent appointments shall be for four (4) years.

FRESHWATER WETLANDS — Lands and waters designated as "freshwater wetlands" of the town by the final Freshwater Wetlands Map prepared by the Department of Environmental Conservation of the State of New York and filed with the County Clerk, and as further defined by § 24-0107 of the New York State Environmental Conservation Law.

PERSON — Any corporation, firm, partnership, association, trust, estate, individual or any unit of government or agency or subdivision thereof.

POLLUTION — The presence in the environment of man-induced conditions or contaminants in quantities or characteristics which are or may be injurious to property or to plant or animal life.

PROJECT — Any action resulting in direct or indirect physical impact on a freshwater wetland, including but not limited to any regulated activity.

REGULATED ACTIVITY — This term includes:

- A. Any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate, either directly or indirectly, from any freshwater wetland.
- B. Any form of dumping, filling or depositing of any soil, mud, sand, gravel, rubbish or fill of any kind, either directly or indirectly, into a freshwater wetland.
- C. Erecting any structures or roads, the driving of pilings or placing of any other obstructions in a freshwater wetland, whether or not changing the ebb and flow of the water.
- D. Any form of pollution of a freshwater wetland, including but not limited to installing a septic tank.

running a sewer outfall, discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland.

- E. Any other activity which substantially impairs any of the several functions and benefits of freshwater wetlands as set forth in § 24-0105 of the New York State Environmental Conservation Law.

SELECTIVE CUTTING — The periodic removal of trees, individually or in small groups, in order to realize the yield and establish a new crop and to improve the forest, which removal does not involve the total elimination of one (1) or more species of trees.

§ 17B-4. Permits required; exceptions.

- A. Except as provided in Subsection B of this section, no person shall conduct a regulated activity unless such person has first obtained a permit pursuant to this ordinance.
- B. No permit under this ordinance shall be required for:
- (1) The depositing or removal of the natural products of freshwater wetlands by recreational or commercial fishing, shellfishing, aquaculture or hunting or trapping where otherwise legally permitted.
 - (2) The activities of farmers and other landowners in grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selective cutting of timber, draining land or wetlands for growing agricultural products and otherwise engaging in the use of the wetlands or other land for growing agricultural products. This Subsection B(2) shall not exclude structures not required for enhancement or maintenance of the agricultural productivity of the land or any filling activities. Such farmer or landowner conducting an activity excluded by this Subsection B(2) shall notify the Board of Review, in writing, prior to conducting

the activity, of his intention to engage in same, stating the approximate acreage of freshwater wetland affected, the location thereof, the methods to be employed and the uses to be made of such land. A soil and water conservation plan prepared by a Soil and Water Conservation District and filed with the Board of Review shall be deemed sufficient notification for the purposes of this subsection.

- (3) Public health activities, orders and regulations of the State or County Department of Health.
- (4) Activities subject to the review jurisdiction of the State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment under Article VII or Article VIII of the State Public Service Law, respectively. The standards and restrictions of this ordinance will be applied by said bodies in determining whether to issue a certificate of environmental compatibility and public need under such Articles.
- (5) Any actual and ongoing emergency activity which is immediately necessary for the protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include, for example, search and rescue operations, preventive or remedial activities related to large-scale contamination of streams or other bodies of water, floods, hurricanes and other storms and public health concerns. Within five (5) days of the end of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this ordinance, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the Board of Review, setting forth the pertinent facts regarding such emergency, including an explanation of the life, property or resource values such activity was designed to protect or preserve.

- (6) Any activity located in a freshwater wetland where such wetland is located in more than one (1) town.

§ 17B-5. Application for permit; processing.

- A. Any person proposing to conduct or cause to be conducted a regulated activity not exempt under § 17B-4B hereof shall file an application for a permit with the Town Clerk, in quadruplicate. The Clerk shall retain one (1) copy and immediately forward the other three (3) to the members of the Board of Review.
- B. Such application shall include the following information:
- (1) A detailed description of the regulated activity.
 - (2) The purpose of the activity.
 - (3) A map showing the freshwater wetland affected and the location of the proposed regulated activity.
 - (4) The owners of record of lands covered, in whole or in part, by the affected freshwater wetland or adjoining same, and the names of known claimants of water rights from such freshwater wetland.
- C. An application shall not be deemed to be completed until the Board of Review receives all such information and any additional information reasonably requested of the applicant in a reasonably complete and reasonably satisfactory form.
- D. No sooner than thirty (30) days and not later than sixty (60) days after its receipt of a completed application for a permit regarding a proposed regulated activity and after the publication of a notice of hearing pursuant to Subsection E of this section, the Board of Review shall hold a public hearing on such application at a suitable location in the town.
- E. Notice of hearing.
- (1) The Board of Review, within twenty-one (21) days of receipt of a completed application, shall provide the

applicant with a notice of hearing which the applicant shall publish at his or her own expense at least fifteen (15) days prior to the date set for the hearing, at least once in each of at least two (2) newspapers of general circulation in the Town of Stony Point.

- (2) At least fifteen (15) days prior to the date set for the hearing, the applicant shall, by certified mail, provide notice of hearing to all owners of record of land covered by or adjoining the affected freshwater wetland and to all known claimants of water rights from said freshwater wetland.
- (3) The notice of hearing shall:
 - (a) State the name of the applicant.
 - (b) Specify the location and outline the scope of the proposed regulated activity.
 - (c) Specify the date, time and place of the public hearing on the application.
 - (d) Specify that persons wishing to be parties in interest and eligible to be heard at such public hearing, if any, should file a notice of appearance with the Town Engineer by a specified date, together with a statement of the precise grounds of support of, opposition to or interest in the application.
 - (e) Specify that any person who wishes to be a party in interest without filing a notice of appearance may do so by appearing at the public hearing and indicating his or her desire to be a party in interest if a public hearing is held.
 - (f) Specify that if no notices of appearance are timely filed by any party in interest and if the applicant waives any public hearing, then the public hearing may be cancelled by the Board of Review.
 - (g) Specify that the application, including all documents and maps therewith, is available for public inspection at the office of the Town Clerk.

- F. The Board of Review shall make the application, including all documents and maps associated with it, available for public inspection at the office of the Town Clerk.
- G. If no timely notice of appearance has been filed as provided in the notice of hearing published pursuant to Subsection E of this section and the applicant waives, in writing, any public hearing on his or her application, the Board of Review may dispense with a public hearing and in such instance shall provide public notice of the cancellation of the hearing.
- H. For any notice cancelling a hearing which has been scheduled, notice shall be given on the same basis as the notice of public hearing provided in Subsection E of this section.
- I. The Board of Review may establish reasonable application fees to assist in its implementation of this ordinance.

§ 17B-6. Public hearing.

- A. Any person may appear as a party in interest at a public hearing, notwithstanding the failure of such person to file a timely notice of appearance, by appearing at the hearing and making known his desire to be a party in interest.
- B. All parties in interest shall be afforded an opportunity to present oral and written arguments on issues of law and policy and an opportunity to call witnesses in their behalf and to present oral and written evidence on issues of fact. The Board of Review may permit the parties in interest to cross-examine witnesses.

§ 17B-7. Decision on permit application.

- A. Where a public hearing has been held regarding a permit application, the Board of Review shall either issue the permit requested, with or without conditions, or deny the

application. The decision by the Board of Review to issue or deny a permit after public hearing shall be made, in writing, within thirty (30) days after said hearing is held. If no decision is rendered, the application shall be deemed approved.

- B. Where no public hearing regarding a permit application has been held, because no notice of appearance was filed with regard to the public hearing and a hearing was canceled pursuant to § 17B-5G of this ordinance, the Board of Review shall compile an official file consisting of documents submitted by the applicant and any additional documents relied on by the Board of Review with respect to the application. The Board of Review may also take notice of general, technical or scientific facts within the specialized knowledge of the Board of Review. Any document made part of such official file shall be available for inspection by the applicant and any interested member of the public. On the basis of such file, the Board of Review shall either issue the permit requested, with or without conditions, deny the application or order a public hearing to be held pursuant to the provisions of this ordinance. The decision by the Board of Review to issue or deny a permit or to order that a hearing be held shall be based on the official file and shall be made, in writing, within thirty (30) days of its completion of the official file and, in any event, within sixty (60) days of its receipt of a completed application. If no decision is rendered within such time period, the application shall be deemed approved. Where there have been no objections filed regarding a proposed project, the issuance of a permit shall be deemed to be a written decision by the Board of Review.
- C. A copy of the decision of the Board of Review on each application for a permit under this ordinance shall be mailed by the Board of Review as soon as practicable following such decision to the applicant and, if a public hearing has been held regarding the application, to each party in interest.

§ 17B-8. Standards for making determinations.

- A. In granting, denying or conditioning any permit, the Board of Review shall consider the effect of the proposed activity with reference to the public health and welfare, fishing and flood, hurricane and storm dangers and protection or enhancement of the several functions of the freshwater wetlands and the benefits derived therefrom which are set forth in § 17B-3 of this ordinance. The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this subsection.
- B. Duly filed written notice by the state or any agency or subdivision thereof to the Board of Review that the state or any such agency or subdivision is in the process of acquiring the affected freshwater wetland on which a proposed regulated activity would be located by negotiation or condemnation shall be sufficient basis for denial of a permit for such regulated activity. Such notice may be provided at any time prior to the Board of Review's decision to issue or deny a permit for the regulated activity.

§ 17B-9. Conditions on permit; recording of findings.

- A. Any permit issued pursuant to this ordinance may be issued with conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this ordinance and the provisions of the Board of Review's rules and regulations adopted pursuant to this ordinance.
- B. The Board of Review shall set forth, in writing, in the file it keeps regarding a permit application its findings and reasons for all conditions attached to any permit.

§ 17B-10. Effect on other laws and regulations.

- A. To the greatest extent practicable, any public hearing held pursuant to § 17B-6 of this ordinance shall be incorporated

with any public hearing required by or pursuant to the New York State Town Law, Village Law, General City Law, General Municipal Law or Environmental Conservation Law relating to approvals or permits otherwise required for the undertaking of regulated activities on the freshwater wetland or adjacent area in question.

- B. No permit granted pursuant to this ordinance shall remove any person's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

§ 17B-11. Bond requirements.

- A. The Board of Review may require that, prior to commencement of work under any permit issued pursuant to this ordinance, the permittee shall post a bond with the Board of Review, in any amount determined by the Board of Review, conditioned upon the faithful compliance with the terms of such permit and for the indemnification of the town for restoration costs resulting from failure to so comply. Such bond shall be issued by a corporate surety authorized to do business in the state and shall be in favor of the town. It shall remain in effect until the Board of Review certifies that the work has been completed in compliance with the terms of the permit or the bond is released by the Board of Review or a substitute bond is provided.
- B. The Board of Review shall set forth, in writing, in the file it keeps regarding a permit application its findings and reasons for imposing a bond pursuant to this section.

§ 17B-12. Revocation or suspension of permit.

- A. The Board of Review may suspend or revoke a permit issued pursuant to this ordinance where it finds that the permittee has not complied with any or all terms of such permit, has exceeded the authority granted in the permit or

has failed to undertake the project in the manner set forth in the application.

- B. The Board of Review shall set forth, in writing, in the file it keeps regarding a permit application its findings and reasons for revoking or suspending a permit pursuant to this section.

§ 17B-13. Penalties for offenses; enforcement.

Violation, penalties and enforcement of this ordinance shall be as specified by Title 23 of Article 71 of the New York State Environmental Conservation Law.

§ 17B-14. Tax abatement.

Any freshwater wetland as defined herein shall be deemed subject to a limitation on the use of such wetlands for the purposes of property tax evaluations in the same manner as if an easement or the like had been acquired pursuant to the General Municipal Law. Assessed value shall be based, during the duration of such agreement or restriction, on the uses remaining to the owner thereof.

§ 17B-15. Review and appeal.

- A. Any party to any proceeding before the Board of Review may make an appeal to the Board in accordance with Title 11 of Article 24 of the State Environmental Conservation Law from any order or decision of the Board of Review, or any officer or employee thereof, issued or made pursuant to or within the scope of this ordinance, provided that such appeal is commenced by the filing with the Board of a notice of appeal within thirty (30) days after service of such order or after notice of such decision given, as the case may be.
- B. Any decision or order of the Board of Review, or any officer or employee thereof, made pursuant to or within the scope

of this ordinance may be reviewed at the instance of any person, including but not limited to any owner of the affected wetland or adjacent area and any resident or citizen of the town, in accordance with Article 78 of the State Civil Practice Law and Rules, provided that such review is commenced within thirty (30) days of the filing of such decision or order.

§ 17B-16. Severability.

If any section of this ordinance or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstances, and to this end the provisions of each section of this ordinance are hereby declared to be severable.

§ 17B-17. When effective.

This ordinance shall take effect upon the filing with the Clerk of the town of the final freshwater wetlands map by the State Department of Environmental Conservation pursuant to § 24-0301 of the New York State Environmental Conservation Law applicable to any or all lands within the town.

APPENDIX E

FLOOD DAMAGE PREVENTION LOCAL LAW

FLOOD DAMAGE PREVENTION

Chapter 17A

FLOOD DAMAGE PREVENTION

Local Law

No. 3

1987

A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, § 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36

- § 17A-1. Findings.
- § 17A-2. Statement of purpose.
- § 17A-3. Objectives.
- § 17A-4. Word usage; definitions.
- § 17A-5. Applicability.
- § 17A-6. Basis for establishing areas of special flood hazard.
- § 17A-7. Interpretation; conflict with other laws.
- § 17A-8. Severability.
- § 17A-9. Penalties for offenses.
- § 17A-10. Warning and disclaimer of liability.
- § 17A-11. Designation of local administrator.
- § 17A-12. Development permit.
- § 17A-13. Powers and duties of local administrator.
- § 17A-14. General standards.
- § 17A-15. Specific standards.
- § 17A-16. Floodways.
- § 17A-17. Appeals board.

17A01

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§ 17A-18. Conditions for variances.

[HISTORY: Adopted by the Town Board of the Town of Stony Point 3-24-87 as Local Law No. 3, 1987.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 6.
Building construction administration — See Ch. 7.
Electrical Code — See Ch. 13.
Filling or diverting of streams and watercourses — See Ch. 15.
Zoning — See Ch. 39.

Be it enacted by the Town Board of the Town of Stony Point as follows:

§ 17A-1. Findings.

The Town Board of the Town of Stony Point finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Stony Point and that such damages may include the destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

§ 17A-2. Statement of purpose.

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 by provisions 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 in flood heights or velocities:

¹ Editor's Note: This local law superseded former Ch. 17A, Flood Damage Prevention, adopted 1-9-75.

- 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.

§ 17A-3. Objectives.

The objectives of this local law are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 17A-4. Word usage: definitions.

- A. Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meanings they have in common usage and to give this local law its most reasonable application.
- B. As used in this local law, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this local law or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 through A99, V, VO, VE or V1 through V30. It is also commonly referred to as the "base floodplain" or the "one-hundred-year floodplain."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING — Any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR — Has the same meaning as "basement."

COASTAL HIGH-HAZARD AREA — The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1 through V30, VE, VO or V.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary - Floodway Map and the water surface elevations of the base flood.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — Has the same meaning as "regulatory floodway."

FLOOR — The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR — The lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this local law.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term

also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this local law.

ONE-HUNDRED-YEAR FLOOD — Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — That at least fifty-one percent (51%) of the actual cash value of the structure, excluding land value, is above ground.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 17A-13B of this local law.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — The initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or

foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for the improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE — A grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

§ 17A-5. Applicability.

This local law shall apply to all areas of special flood hazards within the jurisdiction of Stony Point.

§ 17A-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report, entitled the "Flood Insurance Study for the Town of Stony Point of Rockland County, New York," dated September 30, 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, which is hereby adopted and declared to be a part of this local law. The Flood Insurance Study and maps are on file at 74 East Main Street, Stony Point, New York.

§ 17A-7. Interpretation; conflict with other laws.

- A. This local law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.
- B. In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 17A-8. Severability.

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

§ 17A-9. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who

violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars (\$250.) or imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Stony Point from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law, for which the developer and/or owner has not applied for and received an approved variance under §§ 17A-17 and 17A-18, will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 17A-10. Warning and disclaimer of liability.

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the areas of special flood hazard or that uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Stony Point, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

§ 17A-11. Designation of local administrator.

The Building Inspector is hereby appointed local administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

§ 17A-12. Development permit.

A development permit shall be obtained before the start of construction or any other development within the areas of special flood hazard as established in § 17A-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to

scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

A. Application stage. The following information is required where applicable:

- (1) The elevation, in relation to mean sea level, of the proposed lowest floor, including basement or cellar, of all structures;
- (2) The elevation, in relation to mean sea level, to which any nonresidential structure will be floodproofed;
- (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 17A-14C(1);
- (4) A certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 17A-15; and
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§ 17A-13. Powers and duties of local administrator.

Duties of the local administrator shall include but not be limited to:

A. Permit application review. The local administrator shall:

- (1) Review all development permit applications to determine that the requirements of this local law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the areas of special flood hazard. For the purposes of this local law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of § 17A-14E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 17A-6. Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 17A-14D(4), in order to administer § 17A-15, Specific standards, and § 17A-16, Floodways.**C. Information to be obtained and maintained. The local administrator shall:**

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or

cellar, of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.

- (2) For all new or substantially improved floodproofed structures:
 - (a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
 - (b) Maintain the floodproofing certifications required in § 17A-14 and 17A-15.
- (3) Maintain for public inspection all records pertaining to the provisions of this local law, including variances, when granted, and certificates of compliance.

D. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries.

- (1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified areas of special flood hazard and actual field conditions.
- (2) Base flood elevation data established pursuant to § 17A-6 and/or 17A-13B, when available, shall be used to accurately delineate the areas of special flood hazard.
- (3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.

F. Stop-work orders.

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 17A-9 of this local law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the local administrator. Disregard of a stop work order shall be subject to the penalties described in § 17A-9 of this local law.

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

H. Certificate of compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this local law.
- (2) All other development occurring within the designated flood hazard area will have upon completion a certificate of compliance issued by the local administrator.
- (3) All certifications shall be based upon the inspections conducted subject to Subsection G above and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§ 17A-14. General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 17A-13A(3). This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 17A-13B or 17A-14D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface

elevation of the base flood more than one (1) foot at any point.

- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 17A-13B, the requirements of § 17A-16, Floodways, shall apply.

§ 17A-15. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 17A-6, Basis for establishing areas of special flood hazard, and § 17A-13B, Use of other base flood and floodway data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresi-

dential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:
 - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of

resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.
- (3) The local administrator shall maintain on record a copy of all such certificates noted in this section.
- C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 17A-13B or two (2) feet above the highest adjacent grade where no elevation data is available.
- (1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.
 - (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade;

- (c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

§ 17A-16. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 17A-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 17A-6 and 17A-13B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

§ 17A-17. Appeals board.

- A. The Zoning Board of Appeals as established by Town of Stony Point shall hear and decide appeals and requests for variances from the requirements of this local law.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this local law.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;

- (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection D above and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.

- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 17A-18. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 17A-17D(1) through (12) have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that
- (1) The criteria of Subsections A, D, E and F of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

APPENDIX F

LOCAL LAW NO.3, 1994

APPENDIX F: LOCAL LAW NO.3, 1994

**AMENDMENT TO THE ZONING LAW (CHAPTER 39)
TOWN OF STONY POINT, NEW YORK**

Be it enacted by the Town Board of the Town of Stony Point as follows:

SECTION 1. §39-20, Establishment of Districts, is hereby amended by deleting the symbol and title for the WPD District.

SECTION 2. §39-20, Establishment of Districts, is hereby amended by adding a new symbol and title following the existing SR entry, as follows:

"PW Planned Waterfront District"

SECTION 3. §39-22 subparagraph D is hereby amended to read, as follows:

"D. The area of the Hudson River within the Town shall be in the same zoning district as that of land adjacent to the Hudson River; zoning district lines shall be drawn perpendicular from the shoreline to the Town's waterside boundary."

SECTION 4. Article V, Supplementary Yard and Setback Requirements, is hereby amended by adding a new §39-55 to read as follows:

"§39-55 Riverfront setback. No building or structure shall be erected within fifty (50) feet of the mean high-water line of the Hudson River. Said fifty (50) feet riverfront setback shall be derived by measuring the shortest perpendicular distance from any building to the mean high water line. Where any structure permitted under the zoning cannot be located on a shallow, irregularly shaped or substandard sized lot held in single or separate ownership, due to the riverfront setback restrictions, the Town Board may approve, by special permit pursuant to Article XVII of this chapter, a reduction in the riverfront setback provided that no such structure may be situated closer than twenty (20) feet to the mean high water line. The minimum setback shall not apply to a boat ramp, bulkhead, travel lift or similar structure which must be located adjacent to the mean high water line. The layout and design of any structure within fifty (50) feet of the mean high water line or adjacent to the mean high water line must also be approved by the Planning Board pursuant to Article IX of this chapter."

SECTION 5.

Article VI, Supplementary Building Requirements, is hereby amended by adding a new §39-64 to read as follows:

"§39-64 Building width at Hudson Riverfront. The total cumulative width of opaque buildings, structures, fences or walls more than thirty (30) inches in height erected on properties adjacent to the Hudson River shall not occupy more than sixty percent (60%) of the width of a parcel as measured along a line parallel to other adjacent streets measured at the front yard. Of the remaining open area, one (1) uninterrupted space shall be at least twenty-five (25%) percent of such parcel width; roadways, driveways and "see-through" fencing may occupy the uninterrupted space."

SECTION 6.

Article VI, Supplementary Building Requirements, is hereby amended by adding a new §39-65 to read as follows:

"§39-65 Development coverage for Hudson River parcels. The maximum development coverage for properties situated adjacent to the Hudson River may be increased on a seasonal basis for purposes of allowing winter outdoor storage of boats associated with the principal use of the parcel on the condition that adequate provision is made for ingress and egress for emergency vehicles and for fire lanes between stored boats, and provided that visual access to the Hudson River is maintained in the arrangement for seasonal storage. The arrangement on the site for seasonal boat storage shall be subject to review by the Town's Fire Inspector and Building Inspector, subject to the following standards:

All access roads providing ingress and egress for emergency vehicles shall be a minimum of twenty-five (25) feet in width. On land, storage areas for water craft shall be laid out in such a manner as to provide a minimum of six (6) fire lanes between each double row of boats. Double row shall be construed to mean "beam to beam" alignment with each double row terminating in a distance not exceeding three hundred (300) linear feet. Single row storage (bow to bow or stern to bow) may be utilized at the discretion of the boat yard, but must also employ six (6) fire lanes between each single row of boats with a distance not exceeding three hundred (300) feet.

Dry rack storage is not an authorized form of outdoor storage under this section."

SECTION 7.

Article IX, Site Development Plan Review, is hereby amended by adding the following subparagraph G to §39-91, Objectives, to read as follows:

"G. Hudson River development. In addition to all other considerations set forth above, the Planning Board shall consider the following factors in its review of site development plans for properties adjacent to the Hudson River:

- (1) The quality and extent of view from the adjacent public streets through the property to the Hudson River.
- (2) The design and relationship of development to the waterfront as viewed from the Hudson River.
- (3) The design and function of any easement or other access provided to the water's edge, including new bulkheading."

SECTION 8.

Article XII, Conditional Use and Special Permit Standards, is hereby amended by adding a new §39-121, to read as follows:

"§39-129.1 New or expanded marinas, docks, related uses and facilities. The creation of new or expansion of existing marinas, docks related uses and facilities may be permitted where authorized, subject to the following requirements:

- A. There shall be an adequate water supply system to serve a marina.
- B. Marinas shall provide adequate capacity to handle vessel sewage, either by means of on-site pump-out facilities, or connection to a treatment plant. All marinas with fueling facilities shall provide pump-out facilities at each fuel dock. The determination of adequate capacity shall take into account anticipated boat use on a transient and seasonal basis.
- C. Adequate and convenient restroom facilities for the use of marina patrons shall be provided.
- D. Adequate parking shall be provided. In no case shall parking be located within twenty (20) feet of the mean high water line. Parking areas shall utilize porous pavements and other approved measures, including vegetative buffers, catch basins, retention areas and berms, to control stormwater runoff and non-point pollution.

- E. Docks and slips shall be designed and configured so that they: do not interfere with navigation or the rights of adjoining owners and the public to use the river; do not harmfully affect the environment or estuarine areas; and are appropriately lighted to provide adequate warning to boaters, but not to produce glare. The underwater portions of docks, including piles, shall only be composed of materials which are chemically inert and will have no adverse affect on the environment or water quality. The number and configuration of docks and slips shall be determined on a case-by-case basis considering the location, limiting natural features of the sites, demonstrated need, and compliance with other State and federal laws.
- F. Boat maintenance areas and activities. All boat maintenance activities which involve potential sources of pollution shall be performed over dry land and under cover. Control of by-products, debris, residues, spills and stormwater runoff shall comply with applicable regulations. All drains shall lead to a sump, holding tank or pump-out facility for treatment and disposal by approved methods. Drainage of maintenance areas directly into surface or ground water shall be prohibited.
- G. Adequate and convenient access and circulation shall be provided on site for fire fighting and public safety vehicles.
- H. Each marina shall provide for the collection and proper disposal of solid waste, grease, oil and gasoline.
- I. Any marina or related uses and facilities which dispenses gasoline, diesel fuel, mixed fuels, engine oils and similar supplies shall maintain sufficient material for the collection and absorption of spilled petroleum products in the event of spills.
- J. Adequate screening, as defined in the Zoning Law, from adjacent residential uses shall be provided.
- K. Adequate fire protection to serve the marina or related uses or facilities shall be demonstrated or otherwise provided by the applicant.
- L. Outdoor boat storage areas shall be situated so as to have minimal visual impact on adjacent and surrounding residential properties and views of the water from public roads.

- M. All other pertinent matters which are related to the public health, safety and general welfare.
- N. The location of facilities shall not interfere with developed and natural beach areas.
- O. For permanent structures, the applicant shall demonstrate that the facility shall have no undue adverse affect on fish and wildlife habitats.
- P. The applicant shall demonstrate that the facility shall not unreasonably alter the natural flow of any water body, or affect the storage capacity of any areas in or tributary to that water body."

SECTION 9.

§39-191, Definitions, is hereby amended by changing the definition of "Coverage, Development" to read as follows:

"COVERAGE, DEVELOPMENT - The percentage of the upland area of a lot covered by buildings, parking and loading areas, accessory structures, outdoor storage areas, including boat storage areas, and other areas devoted for use in conjunction with the principal or accessory uses of a lot."

SECTION 10.

§39-31, Tables of General Use Requirements, Column B and B-1, R-W District, No. 3, to be amended to read as follows:

"3. Churches and similar places of worship and buildings for religious instruction, but not including schools of general instruction." D

SECTION 11.

§39-31, Tables of General Use Requirements, Column B, R-W District, No. 4, to be amended to read as follows:

"4. Waterfront trails, parks, scenic overlooks, and playgrounds."

SECTION 12.

§39-31, Tables of General Use Requirements, Column C and C-1, R-W District, No. 2, to be amended to read as follows:

"2. Nursery schools." f

SECTION 13.

§39-31, Tables of General Use Requirements, Column D and D-1, R-W District, to be amended to read to delete No. 1.

- | | | |
|----|--|---|
| | | sale area,
whichever
requirement is
less. |
| 2. | Churches and similar places of worship | 200 square
feet of floor
area or 5 seats
capacity,
whichever is
greater
(schools same
as No. 1). |
| 3. | 1-family residences | 1/2 dwelling,
plus 2 for any
home
occupation,
plus 1 for each
non-transient
roomer or
boarder up to
a maximum of
6, not more
than 3 of
which shall be
visible to the
public way. |
| 4. | 2-family detached residences | |
| 5. | Libraries, museums and art galleries | 150 square
feet in such
use, plus 1 for
each
employee." |

SECTION 16.

§39-31, Tables of General Use Requirements, Column G, R-W District, to be amended to add new No. 2, to read as follows:

- "2. A buffer of not less than 100 feet shall be provided between any use and any designated wetland area."

SECTION 17.

§39-31, Tables of General Use Requirements, Column B and B-1, SR District, to be amended to read as follows:

- "1. Public parks, waterfront trails, and scenic overlooks.
2. Wetland conservation areas" -

SECTION 18.

§39-31, Tables of General Use Requirements, Column D, SR District, No. 1, to be amended to read as follows:

- "1. 1-family detached residence" M

SECTION 19.

§39-31, Tables of General Use Requirements, Column E, SR District, to be amended to read as follows:

- "1. Accessory to any 1-family residence or agricultural use, the following private structures: greenhouses, barns, silos, tool sheds, garages, tennis courts, swimming pools and other similar structures.
2. Accessory to a 1-family residence: storage of not more than 1 unoccupied trailer or boat not exceeding 35 feet in length.
3. Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1 year old, not more than 2 horses over 6 months old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
4. Keeping of not more than 2 non-transient roomers or boarders.
5. Accessory parking subject to Column F.
6. For any residence and home occupation, if any on the premises, 1 announcement sign not over 10 feet from the designated street line. Where illuminated, such signs shall be kept indirectly illuminated by a constant light integral to the sign.
7. For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 15 feet from the designated street line.

8. Accessory home occupations."

SECTION 20.

§39-31, Tables of General Use Requirements, Column F, SR District, to be amended to read as follows:

"At least one parking space for each unit of measurement listed or as otherwise noted below:

1. 1-family residences 1/2 dwelling,
plus 2 for any
h o m e
o c c u p a t i o n,
plus 1 for each
n o n - t r a n s i e n t
r o o m e r o r
b o a r d e r u p t o
a m a x i m u m o f
6, n o t m o r e
t h a n 3 o f
w h i c h s h a l l b e
v i s i b l e t o t h e
p u b l i c w a y."

SECTION 21.

§39-31, Tables of General Use Requirements, Column G, SR District, to be amended to read as follows:

- "1. A natural vegetative buffer with a minimum dimension of the respective setback may be required as a condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed.
2. A natural vegetative buffer of not less than 100 feet shall be provided between any use and any designated wetland area.
3. An application for a 1-family residence shall not be deemed complete until all required Town and State wetland permits have been obtained and submitted."

SECTION 22.

§39-31, Tables of General Use Requirements, is amended by adding a new PW section, to read as follows:

Column A, District:

"PW"

Column B, Uses Permitted by Right, and Column B-1, Use Group:

- "1. Public recreational facilities requiring waterfront access such as boat launches and fishing piers.
2. Waterfront parks, trails and scenic overlooks.
3. Maritime centers and similar facilities which utilize the waterfront for educational, recreational, or scientific purposes. K
4. Municipal community centers. K
5. Existing marinas and related uses. K
6. Existing oil and fuel storage and distribution facilities." K

Column C, Conditional Uses by Planning Board (Subject to Articles XI and XII), and C-1, Use Group:

- "1. Fish bait and tackle shops. L
2. Small boat (less than 20 feet), sailboard and accessory equipment rental and sales shops." L

Column D, Uses by Special Permit of the Town Board (Subject to Articles XII and XVII), and D-1, Use Group:

- "1. Expansion of existing marinas or new marinas and related uses such as:
 - a. Facilities for hauling, launching and dry storage of boats. K
 - b. Facilities for building, repairing, and maintaining, boats, marine engines, and

- other marine equipment up to 100 tons.
- c. Sales of items specifically related to marina use. K
- d. Facilities for docking and mooring of boats. K
- e. Facilities for pumping out marine holding tanks. K
- f. Facilities for dispensing of fuel or lubricants, provided no more than 15,000 gallons of fuel are stored. K
- 2. Public utility structures and rights-of-way. a
- 3. Membership clubs such as beach, country and yacht clubs dependent on a waterfront location. K
- 4. Expansion of existing oil and fuel storage and distribution facilities." K

Column E, Accessory Uses Permitted by Right:

- "1. Use accessory to membership clubs, as follows:
 - a. Boathouses, boat launches.
 - b. Health and fitness clubs.
 - c. Dining, entertainment and bar facilities located within the principal building.
 - d. Club *administrative offices*.
 - e. Other uses accessory to membership clubs.
- 2. Off-street parking and loading areas or structures, in accordance with Article VII.
- 3. For any structure for sale or rent, one temporary non-illuminated "for sale" sign or "for rent" sign not over 15 square feet in area, located at least 15 feet from the designated street line.

4. One detached identification sign indirectly illuminated along a public street shall not exceed a total sign area of 25 square feet, shall not have a height over 4 feet, and shall have a setback of 15 feet.
5. Identification sign, indirectly illuminated for each building, provided that it is located not closer than 10 feet from any street or driveway and shall not exceed a total sign area of 10 square feet, nor a height of 3 feet."

Column F, Minimum Off-street Parking Spaces:

"At least one parking space for each unit of measurement listed or as otherwise noted below:

- | | | |
|----|--|---|
| 1. | Maritime centers | 300 square feet of floor area. |
| 2. | Membership clubs | 2 members, plus 1 space per 2 seats in any dining room or bar. |
| 3. | Fish bait and tackle shops | 150 square feet of floor area. |
| 4. | Small boat and sailboard rental and sales shops | 150 square feet of floor area. |
| 5. | Marinas and related uses | 2 boat slips, and 25 % of such spaces shall be double length to accommodate cars with trailers; plus 1 per 150 square feet of office space; plus 1 space for each 2 employees; plus 1 space per 125 square feet of floor area devoted to marina sales facilities. |
| 6. | Oil and fuel storage and distribution facilities | Two employees." |

Column G, Additional Use Requirements:

- "1. A buffer of not less than 30 feet shall be provided between any use first permitted in this district, and any lot in a residence district.

A buffer of not less than 50 feet will be provided between any conditional use or special permit use and any lot in a residence district.

2. Outdoor storage areas shall be screened from any adjoining property by fences or other permanent materials or walls acceptable to the Planning Board.
3. A buffer of not less than 100 feet shall be provided between any use and any designated wetland area."

SECTION 23.

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "K" as follows, after use group "J":

"Use Group K	Minimum Lot Area (sq.ft. unless otherwise noted) 1 acre	Minimum Lot Width (feet) 150
	Required Front Yard Depth/ Front Setback (feet) 50/50	Required Side Setback/ Total Setback (feet) 50/100
	Required Rear Setback (feet) 50	Required Side and Rear Yard Depth (feet) 25/30
	Required Street Frontage (feet) 100	Maximum Building Height (feet) 45
	Development Coverage (percent) 50	Floor Area Ratio 0.40"

SECTION 24.

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "L" as follows, after use group "K":

"Use Group L	Minimum Lot Area (sq. ft. unless otherwise noted) 20,000	Minimum Lot Width (feet) 50
	Required Front Yard Depth/ Front Setback (feet) 25/25	Required Side Setback/ Total Setback (feet) 25/50
	Required Rear Setback (feet) 35	Required Side and Rear Yard Depth (feet) 25/30
	Required Street Frontage (feet) 50	Maximum Building Height (feet) 45
	Development Coverage (percent) 50	Floor Area Ratio 0.40"

SECTION 25.

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "M" as follows, after use group "L":

"Use Group M	Minimum Lot Area (sq. ft. unless otherwise noted) 4 acres	Minimum Lot Width (feet) 300
	Required Front Yard Depth/ Front Setback (feet) 75/75	Required Side Setback/ Total Setback (feet) 75/150
	Required Rear Setback (feet) 100	Required Side and Rear Yard Depth (feet) 75/100
	Required Street Frontage (feet) 150	Maximum Building Height (feet) 35
	Development Coverage (percent) 20	Floor Area Ratio 0.20

SECTION 26. Amendments to Zoning Map

Amend the Zoning Map (§39-21) by incorporating the modifications reflected in the attached Map V-A entitled Proposed Waterfront Zoning Map, dated July 1993, revised April 26, 1994.*

SECTION 27. Severability

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 28. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

* Post Note: Town Zoning Map has been revised to reflect Map V-A, and amendments now appear on the Zoning Map, revised July 1994. (See Map 5 of this LWRP).

APPENDIX G
ADDITIONAL LAND USE STANDARDS

APPENDIX G: ADDITIONAL LAND USE STANDARDS

The general land use standards set forth in the sections below originally were intended as additional guidelines to supplement the zoning standards identified in Appendix F. However, the items listed in A and B below have, with appropriate revisions, been incorporated into Appendix F. The remaining standards set forth in the original Appendix G, with the exception of items listed in A and B, should be dealt with under a Harbor Management Plan (HMP).

- A. Piers, Docks, Wharfs, and other Structures, Such as Bulkheads, Lying in or Projecting into Water Bodies.
1. Facilities shall not interfere with navigation.
 2. The location of facilities shall not interfere with developed and natural beach areas.
 3. For permanent structures, the applicant shall demonstrate that the facility shall have no undue adverse effect on fish and wildlife habitats.
 4. The applicant shall demonstrate that the facility shall not unreasonably alter the natural flow or storage capacity of any water body.
 5. Where possible, materials placed in the water should be untreated. Treatment of construction materials with preservatives shall occur at least one hundred (100) feet from any water bodies. Treated materials shall be air dried at least fourteen (14) days before the materials are used.
 6. Structures shall be installed at least one (100) feet away from freshwater and tidal wetlands designated by the Department of Environmental Conservation.
 7. Structures shall extend no more than one hundred (100) feet perpendicular from the shoreline, in the Planned Waterfront District and Special Recreation District.
 8. Structures shall extend no more than 250 feet perpendicular from the shoreline in the Planned Waterfront District.
 9. Structures accessory to residential uses shall not exceed six (6) feet in width.
 10. In the Planned Waterfront District and Special Recreation District, no more than one dock shall be constructed per 100 feet of shore frontage.
- B. Structures Built On, Over, or Abutting a Pier, Wharf, Dock or Other Structure Extending Beyond the Mean High-Water Mark.

1. No new structure shall be built on, over or abutting a pier, dock, wharf or other structure extending beyond the mean high-water mark of a water body in the Planned Waterfront District. In the Planned Waterfront District, said structures may be built if they require direct access to the water as an operational necessity.
2. No existing structures shall be converted to residential dwelling units in any district.
3. No new structure, if permitted, shall obstruct the view to the water from a public facility.
4. Permitted structures shall not extend horizontally beyond the limits of the pier, dock, wharf, or other structure extending beyond the mean high water mark of a water body and shall not exceed twenty (20) feet in height.

C. Parking Areas.

1. Parking areas should be set back at least twenty (20) feet from the mean high water mark of a water body and at least twenty-five (25) feet from streams.
2. Parking areas should be adequately screened from adjacent uses with the use of vegetation, earth berms and topography.
3. Visual buffering should be used between the parking area and the river and between roads and parking areas. Low vegetated screens, earth berms or walls of natural materials shall be used to mitigate views of paved areas and vehicles.
4. Large open areas should be avoided by the incorporation of vegetated buffer strips or islands.

D. Roads.

The following standards should apply to the construction and maintenance of roads and/or driveways and drainage systems, culverts, and other related features:

1. New permanent roads and driveways should be set back at least one hundred (100) feet from the mean high-water mark of a water body unless no reasonable alternative exists as demonstrated by the applicant. If no reasonable alternative exists, the road or driveway shall be set back as far as possible, but no less than fifty (50) feet for slopes up to ten (10) percent. Where slopes exceed ten (10) percent, setback should be increased by twenty-five (25) feet for each ten (10) percent increase in slope. This provision shall not apply to water crossings nor to roads or driveways that provide access to permitted structures and facilities

which are located nearer to the shoreline because they require access to water as an operational necessity.

2. Roads should be designed to minimize the number of water crossings. Roads and driveways should be set back twenty-five (25) feet from streams.
3. Permitted roads in the shoreland area should be located, so as to reasonably minimize their visibility from a water body.
4. Road banks should be no steeper than a slope of two (2) horizontal to one (1) vertical, and should be graded and stabilized according to appropriate provisions for erosion and sedimentation control.
5. Road grades should be kept less than ten (10) percent except for short segments of less than two hundred (200) feet.
6. The width of roads and driveways should be limited to the width necessary to serve the intended use.
7. Roads should be crowned or graded to provide surface drainage.
8. In order to reduce runoff velocities, drainage ditches should be trapezoidal or parabolic in cross section rather than v-shaped.
9. In order to prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches should be designed, constructed, and maintained to empty into an unscarified buffer strip at least fifty (50) feet in width on slopes up to ten (10) percent between the outflow point of the ditch and the mean high-water mark of a water body, as defined. Where slopes exceed ten (10) percent, the buffer strip should be increased twenty-five (25) feet for each ten (10) percent increase in slope.
10. The Planning Board may approve roads with buffer strips less than prescribed above upon a showing by the applicant that an exception is necessary and that appropriate techniques will be used to reasonably avoid sedimentation of the water body. Such techniques may include, but not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to reasonably avoid sedimentation of the water body.
11. In order to reduce the force of runoff, ditch relief (cross drainage) culverts, drainage dips and water turnouts should be installed in a manner effective in directing drainage onto unscarified buffer strips of at least fifty (50) feet in width before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- a. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - b. On roads having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
 - c. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
12. Surface drainage patterns should be designed to provide positive flow to ditches, catch basins or other drainage structures.

E. Clearing of Vegetation for Development.

The following standards were also originally contained in Appendix G, and should be reviewed as part of a Harbor Management Plan before final standards for clearing of vegetation during development are established:

1. Clearing of trees and other vegetation may be allowed for those structures and uses permitted according to the Land Use Table contained herein. Soils depth, structure and composition will be established prior to any disturbance. Any soils lost due to improper or insufficient stabilization will be replaced as soon as feasible, but no later than 30 days after their loss, with topsoil or other soil of compatible composition to the original soil, as determined by a soils scientist or other expert approved by the Planning Board. Vegetation used for permanent stabilization will be native and suitable, unless otherwise recommended by a conservationist, natural botanist or competent plant specialist, and approved by the Planning Board. The clearing of any vegetation in any District within the Waterfront Coastal Area shall be limited to that which is necessary for uses expressly authorized in that district. No clearing shall occur within seventy-five (75) feet of the mean high-water mark in any waterfront except to remove safety hazards.
2. Within one hundred (100) feet, horizontal distance, of the mean high-water mark of water bodies, a buffer strip of vegetation shall be preserved. Soils depth, structure and composition will be established prior to any disturbance. The width of this buffer strip may be increased by the Planning Board in areas of steep slopes or poorly drained soils, in areas adjacent to lakes with a water quality problem, or in other environmentally sensitive areas. Clearing or planting of trees and other vegetation within the one hundred (100) foot buffer strip is limited to the following:

- a. No cleared openings shall be created, except to locate uses permitted within the buffer strip such as, but not limited to, water-dependent facilities, water crossings and public recreation areas.
 - b. Selective cutting of up to thirty (30) percent per ten (10) year period of the total number of trees four (4) inches or more (DBH) and shrubs four (4) feet high or taller on any site may be permitted provided spacing between trees shall not exceed ten (10) feet. However, in areas adjacent to DEC designated wetlands the allowable cuts shall be reduced to twenty (20) percent.
 - c. Pruning of live branches within seventy-five (75) feet of the mean high-water mark shall not exceed twelve inches in height above the ground level.
 - d. In order to protect water quality and wildlife habitat, existing shrubs under four (4) feet in height and ground cover shall not be removed, except as allowed under paragraph a.
 - e. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in cleared openings created in excess of the limits defined herein, those openings shall be replanted with native trees at least three (3) feet in height unless existing new growth is present.
 - f. All cleared brush or slash shall be removed from the buffer strip.
 - g. New plantings shall be limited to species native to the area.
3. Outside the buffer strip, the following provisions shall apply:
- a. Cleared openings shall not exceed thirty (30) percent of the lot area or ten thousand (10,000) square feet, whichever is less. This shall include, but is not limited to, areas designated for principal and accessory structures, driveways, sewage disposal areas, and lawns.
 - b. Selective cutting of trees in non-cleared areas shall not exceed thirty (30) percent of their total number on any lot in a ten (10) year period.
 - c. Brush or slash shall not be piled higher than four (4) feet.
4. Cleared openings in existence on the effective date of this Ordinance may be maintained. Any soils lost due to improper or insufficient stabilization will be replaced as soon as feasible, but no later than 30 days after their loss, with topsoil or other soil of compatible composition to the original, as determined by a soils

scientist or other expert approved by the Planning Board. Where such openings exceed the limits defined above, they shall not be enlarged.

Summary for Clearing

	<u>Buffer Strip</u>	<u>Remaining Shoreline</u>
Shrubs & ground cover less than 4ft. tall	0% except to site permitted uses	No limit
Shrubs 4ft. or greater greater in height and trees 4 in. or more in diameter (DBH)	30%/10 years	40%/10 years
Storm-damaged, diseased, unsafe vegetation	No limit, but replacement required	No limit
Vegetation in Resource Protection District next to a great pond	0% except for safety hazards	0% except for permitted uses
Cleared openings	None except to site permitted uses	Up to 10,000 square feet or 30% of lot whichever is less
Slash	Not allowed	No piles higher than 4 feet

F. Erosion and Sedimentation Control.

Erosion and sedimentation in the Coastal Management Area should be controlled under a special set of standards established in a local law governing such concerns. A suggested model for an Erosion and Sediment Control Local Law is set forth in Appendix K of this document.

G. Soils.

All land uses should be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environment impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

APPENDIX H

**PROCEDURAL GUIDELINES FOR COORDINATING
NYS DOS & LWRP CONSISTENCY REVIEW
OF FEDERAL AGENCY ACTIONS**

APPENDIX H: PROCEDURAL GUIDELINES FOR COORDINATING NYS DOS & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

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

PERMIT AND LICENSE ACTIONS

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

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

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Program Coordinator. A copy of this letter will be forwarded to the Coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Program Coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date of DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions. DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
4. The Program Coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the Program Coordinator) from the start of the review period

received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

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

APPENDIX I

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

**APPENDIX I: NEW YORK STATE DEPARTMENT OF STATE COASTAL
MANAGEMENT PROGRAM**

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

A. Action means:

- 1. A "Type I" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQR);
- 2. Occurring within the boundaries of an approved LWRP; and
- 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

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

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a State agency, the Town will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Town agency, the State agency should promptly

provide the Town with whatever additional information is available which will assist the Town to evaluate the proposed action.

- B. If the Town cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the State agency in writing of its finding. Upon receipt of the Town's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Town does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Town's approved LWRP.
- D. If the Town notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The Town shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Town shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever the Town has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - 1. Upon receipt of notification from the Town of Stony Point that a proposed action conflicts with its approved LWRP, the State agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Town representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the Town and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Town shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

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

APPENDIX J
WATERFRONT CONSISTENCY LAW

APPENDIX J: WATERFRONT CONSISTENCY LAW

TOWN OF STONY POINT

LOCAL LAW NO. 4, 1994

Be it enacted by the Town Board of the Town of Stony Point as follows:

GENERAL PROVISIONS

"I. Title:

This local law will be known as the Town of Stony Point Waterfront Consistency Law.

II. Authority and Purpose:

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

2. The purpose of this local law is to provide a framework for agencies of the Town of Stony Point to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.

3. It is the intention of the Town of Stony Point that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the Town take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

4. The substantive provisions of this local law shall only apply while there is in existence a Town Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions:

1. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:
 - (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
 - (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
 - (4) any combinations of the above.

This law does not apply to Type II, excluded or exempt actions as defined in the S.E.Q.R.A. regulations 6 N.Y.C.R.R. Part 617.

2. "Agency" means any board, agency, department, office, other body, or officer of the Town of Stony Point.
3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Town of Stony Point, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Town of Stony Point Local Waterfront Revitalization Program.
4. "Coastal Assessment Form (CAF)" means the form, contained in Appendix A, used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
5. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

6. "Direct Actions" mean actions planned and proposed for implementation by an agency such as, but not limited to, a capital project, rule making, procedure making and policy making.
7. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Town of Stony Point, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Town of Stony Point.

IV. Waterfront Advisory Committee:

1. A committee is created and shall be hereafter known as the Town of Stony Point Waterfront Advisory Committee (hereafter "Committee"). The Committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policy standards and conditions.
2. The Town Board of the Town of Stony Point is hereby authorized to appoint five (5) persons to said Committee, all of whom shall be residents of the Town. Of the members of the Committee first appointed, one (1) shall hold office for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years from and after his or her appointment. Their successors shall be appointed for the term of five (5) years from and after the expiration of the terms of their predecessors in office. Vacancies shall be filled by the Town Board by appointment for the unexpired term. Members may be removed by the Town Board for cause and after public hearing.
3. The Town Board shall annually appoint one (1) committee member to serve as chairperson of the Committee. Upon failure of the Town Board to appoint a chairperson, the members of the Committee are to elect a chairperson.
4. The Committee shall have the power to adopt rules of procedure for the conduct of business within its jurisdiction including, but not limited to, rules of attendance and conduct for the members themselves.
5. The Committee is empowered to receive and expend such funds as may be appropriated by the Town Board for expenses of the Committee. The Committee shall serve without compensation.

V. **Review of Actions:**

1. Whenever a proposed action is located in the Town's Coastal Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein.
2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assess the consistency of the proposed action.
3. The agency shall refer a copy of the completed CAF to the Committee within ten (10) days of its submission and prior to making its determination shall consider the recommendation of the Committee with reference to the consistency of the proposed action.
4. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein. The Committee shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.
5. The Committee shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Committee and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion.

The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.

In the event that the Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.

6. The agency shall make the determination of consistency based on the CAF, the Committee's recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within thirty (30) days following receipt of the Committee's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter.
7. Actions to be undertaken within the Coastal Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Stony Point LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
 1. Revitalize the deteriorated and underutilized waterfront areas of Stony Point (Policies 1, 1A, 1B, and 1C).
 2. Retain and promote commercial and recreational water-dependent uses (Policies 2, 2A, 2B and 2C).
 3. Strengthen the economic base and small harbor character of the Stony Point waterfront by encouraging the development and enhancement of traditional maritime uses and activities (Policies 4, 4A, and 4B).
 4. Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5, 5A, 5B and 5C).
 5. Expedite local permit procedures and use performance standards for development within the waterfront area (Policy 6).
 6. Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B, 7C, and 8).
 7. Encourage and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 9A, and 10).

8. Minimize flooding and erosion hazards through non-structural means, carefully-selected, long-term structural measures, and appropriate siting of structures (Policies 11, 12, 13, 14, 15, 15A, 16, and 17).
9. Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
10. Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 1, 1A, 1B, 1C, 2, 2A, 2B, 2C, 9, 9A, 19, 19A, 19B, 19C, 20, 20A, 20B, 20C, 21, 21A, 21B, 21C, 21D, 22, and 22A).
11. Protect and restore historic and archeological resources (Policies 23 and 23A).
12. Protect and upgrade scenic resources (Policies 24, 24A, 25, 25A, 25B, and 25C).
13. Site and construct energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 35, 36, 38, 39, 40, 41, 42, 43 and 44).
14. Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).
15. Protect surface and groundwater from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 34A, 35, 36, 37, 38, 39, 40, and 44).
16. Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 15A, and 35).
17. Handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment (Policies 34, 34A, 36, and 39).
18. Protect air quality (Policies 41, 42, 43).
19. Protect freshwater wetlands (Policy 44).
8. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken

unless the agency makes a written finding with respect to the proposed action that:

1. Reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions.
3. The action will advance one or more of the other LWRP policy standards and conditions; and
4. The action will result in an overriding Town, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

9. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

VI. Enforcement:

The Town Zoning Enforcement Officer shall be responsible for enforcing this Chapter. No work or activity on a project in the Coastal Area which is subject to review under this Chapter shall be commenced or undertaken until the Zoning Enforcement Officer has been presented with a written determination from an agency that the action is consistent with the Town's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with the Chapter or any conditions imposed thereunder, the Zoning Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

VII. Violations:

- (1) A person who violates any of the provisions of, or who fails to comply with any decision or conditions imposed by this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred (\$500) dollars for a conviction of a first offense and punishable by a fine of one thousand (\$1,000) dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

- (2) The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty."

VIII. Severability:

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

IX. Effective Date:

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

APPENDIX K

**DRAFT OF A MODEL
EROSION AND SEDIMENT CONTROL LAW**

APPENDIX K: DRAFT OF A MODEL EROSION AND SEDIMENT CONTROL LAW

Section 1: Title

This law shall be known as the Town of Stony Point Erosion and Sediment Control local law.

Section 2: Findings of Fact

- a) The extensive alteration of the natural landscape, resulting from clearing and grading of land during construction and the creation of impervious areas has greatly increased the rate and volume of stormwater runoff and accelerated the natural processes of erosion and sedimentation.
- b) The public health, safety and general welfare of the Town of Stony Point has been adversely affected by erosion and sedimentation into its surface waters. In the Town of Stony Point, stormwater runoff is an important nonpoint contributor to surface water degradation.
- c) Regulation of development by means of performance standards governing site design and construction of development projects will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 3: Statement and Purpose

It is the purpose of this local law to promote the public health, safety and general welfare by:

- a) Minimizing development-induced soil erosion, sedimentation and stormwater runoff.
- b) Controlling, restricting or prohibiting development activities which alter natural drainage systems, flood plains, stream channels and natural protective barriers, including beaches and wetlands, which contribute to the accommodation of flood waters and retention of sediment.
- c) Controlling, restricting or prohibiting land use activities which increase non-point source pollution due to erosion and sedimentation.
- d) Assuring that future land and water uses in the Town are design and constructed using best management practices to control flooding, erosion and sedimentation.

Section 4: Statutory Authorization

This local law is enacted pursuant to Section 10 of the Municipal Home Rule Law to promote the public health, safety and general welfare of Town citizens through land use regulations intended to control erosion or sedimentation within the entire Town.

The variance provisions of this local law shall supersede any inconsistent portions of the Town Law Section 267-a, and govern the subject of variances in this local law.

Section 5: Definitions

- a) **Best Management Practice** - Procedures and methods pertaining to construction activities which are intended to prevent erosion and sedimentation, retain valuable topsoil and minimize water pollution.
- b) **Building Inspector** - the person(s) appointed by the Town Board to enforce the provisions of Chapter 39 and this Chapter.
- c) **Construction** - The siting, building, erection, extension, or material alteration of any structure, the use of which requires permanent or temporary location on the ground.
- d) **Development** - Any man-made change to improved or unimproved real property, including but not limited to constructing buildings or other structures, creating access to and circulation within the site, clearing of vegetation, grading, providing utilities and other services, parking facilities, drainage systems, methods of sewage disposal and other services, and creating landforms. Development also includes significant alteration of natural resources in preparation for development, such as the dredging or filling of wetlands, ponds or other natural drainage areas.
- e) **Drainage Systems** - Includes gutters, swales, pipes, conduits and superstructures for the collection and conduction of stormwater to an adequate facility for its storage and disposal.
- f) **Erosion** - The wearing away of land as a result of the action of natural forces of man-related activities.
- g) **Erosion, Sedimentation and Stormwater Runoff Control Plan** - A drawing prepared by a New York State licensed professional engineer showing the proposed use of the site and the methods, techniques and improvements, both during and after construction, that will be employed to control erosion, sedimentation and stormwater runoff, which shall employ best management practices.

- h) **Excavation** - The removal, addition, or alteration of soil, sand, or vegetation by digging, dredging, drilling, cutting, scooping, or hollowing out.
- i) **Filling** - The deposition of natural or artificial material so as to modify the surface or subsurface conditions of upland or underwater land.
- j) **Grading** - The alteration of the surface or subsurface conditions of land, lakes, ponds, or watercourses.
- k) **Municipal Permit** - Any permit, grant, approval, license, certificate or other authorization issued by the Town of Stony Point, including but not limited to permits for building, grading, demolition, clearing and excavation and subdivision and site plan approvals.
- l) **Natural Drainage** - The stormwater runoff resulting from topographical and geological surface conditions, prior to clearing, regrading or construction.
- m) **Natural Watershed** - An area of land which in its natural state and prior to any and-made change, and due to its topography and geology, drains to as particular location within that area.
- n) **Natural Protective Feature** - A nearshore area, beach, or wetland and the vegetation thereon.
- o) **One-Hundred Year Flood Plan** - The land area subject to the highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent chance of occurring each year), as said level is shown on the Federal Emergency Management Agency Flood Insurance Rate Maps on file in the Town Clerk's office, Town of Stony Point.
- p) **Sedimentation** - The processes that operate at or near the surface of the ground to deposit soils, debris and other materials either on other ground surfaces or in water channels.
- q) **Site Preparation** - The activities of stripping, excavating, filling, and grading to facilitate construction or other use of the land.
- r) **Stormwater Runoff** - That part of precipitation that flows over the land surface.
- s) **Stripping** - The process of mechanically scraping away topsoil.
- t) **Structure** - Any object constructed, erected, installed or placed on land or in water, including buildings, sheds, mobile homes, tanks, bulkheads, piers and docks and any additions or alterations thereto.
- u) **Topsoil** - The natural surface layer of soil.

Section 6: General Provisions

- a) This local law shall apply to all property within the Town of Stony Point.
- b) **Activities Requiring a Permit:** None of the following activities shall be undertaken until an approval has been issued under the provisions of this local law:
 - 1) Grading or stripping which affects more than five thousand (5,000) square feet of ground surface.
 - 2) Excavation or filling involving more than three hundred (300) cubic yards of material within any parcel or any contiguous area.
 - 3) Site preparation on slopes which exceed fifteen (15) feet of vertical rise to one hundred (100) feet of horizontal distance.
 - 4) Site preparation within one hundred (100) feet of wetlands or a beach.
 - 5) Site preparation within the one hundred (100) year flood plain of any watercourse.
- c) **Exceptions**
 - 1) Minor clearing or excavation work not incident to a substantial change in the existing use of the land, which may be reasonably expected not to contribute to any additional on-site generated runoff or degradation of any lands or water beyond the boundaries of the property involved.
 - 2) Emergency repairs on public or private objects, necessary for the preservation of life, health or property, or taken to implement and accomplish the beneficial purpose of this local law as set forth herein under such circumstances where it would be impracticable to obtain approval of the planning board prior to making such emergency repairs.
 - 3) Routine maintenance or repair work on public or private roads or utility line rights-of-way where interim and permanent erosion and sediment control measures will be undertaken. To the maximum extent practicable, vegetation, shall be used as a stabilizer and method of filtering and slowing stormwater flow from road surfaces.

Section 7: Compliance

All development construction, excavation and landscaping activities shall be conducted in accordance with the approved erosion, sedimentation and stormwater runoff control plan and the requirements of this local law.

Section 8: Application Process

- a) Any applicant for a municipal permit to conduct a development, construction or excavation activity within the Town of Stony Point which is subject to this local law shall submit an erosion, sedimentation and stormwater runoff control plan to the Building Inspector.
- b) Upon receipt by the Building Inspector of any application for a municipal permit to conduct any activity regulated by this law, the Building Inspector shall refer the applicant to the Planning Board to obtain approval of an erosion, sedimentation and stormwater runoff control plan. No municipal permit shall be issued nor shall any application therefor be deemed complete until the Planning Board has first issued its approval of the erosion, sedimentation and stormwater runoff control plan.
- c) Such plan shall contain the following elements, which may be integrated into a site plan or subdivision plat submitted for approval pursuant to applicable Town law:
 - 1) A vicinity map drawn to a scale of not less than two thousand (2,000) feet to one (1) inch showing the relationship of the site to its general surroundings.
 - 2) A plan of the site drawn to a scale of not less than one hundred (100) feet to the inch, showing the location and description of the property boundaries, site acreage, existing natural and man-made features on and within five hundred (500) feet of the site boundary, including roads, structures, water sources, utilities, topography including existing contours with intervals of not more than five (5) feet where the slope is ten percent or greater and not more than two (2) feet where the slope is less than ten percent, soil characteristics, location of wooded areas, the depth to seasonal high water table, and a copy of the Soil Conservation District Soil Survey where available.
 - 3) Location and description of proposed changes to the site and existing development on the site, which includes:
 - a) All excavation, filling, stripping and grading proposed to be undertaken, identified as to the depth, volume, and nature of the materials involved.
 - b) All areas requiring clearing, identified as to the nature of vegetation affected.

- c) All areas where topsoil is to be removed and stockpiled and where topsoil is to be ultimately placed.
 - d) All temporary and permanent vegetation to be placed on the site, identified as to planting type, size, and extent.
 - e) All temporary and permanent erosion and sediment control measures including soil stabilization techniques and stormwater drainage and storage systems including ponds, recharge and sediment basins (identified as to the type of facility, the materials from which it is constructed, its dimensions, and its capacity in gallons).
 - f) The anticipated pattern of surface drainage during periods of peak runoff, upon completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system.
 - g) The location of all roads driveways, sidewalks, structures, utilities and other improvements; and
 - h) The final contours of the site at intervals of no greater than two (2) feet.
- 4) A schedule of the sequence of installation of planned soil erosion and sediment and runoff control measures as related to the progress of the project including anticipated starting and completion dates.

Section 9: Performance Standards for Approval of Erosion, Sedimentation and Stormwater Runoff Control Plans

- a) The site erosion and sedimentation control measures shall be appropriate for existing topography, vegetation and other salient natural features of the site. The plan shall indicate that the development will preserve natural features, minimize grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate or velocity of surface water runoff.
- b) Site grading, excavation and filling shall minimize destruction of natural vegetation, the potential for erosion, sedimentation and stormwater runoff and the threat to the health, safety and welfare of neighboring property owners and the general public. During grading operations, appropriate measures for dust control shall be undertaken.
- c) Erosion, sedimentation and stormwater runoff shall be controlled prior to, during, and after site preparation and construction.

- d) Areas exposed by site preparation shall be protected during site construction with temporary vegetation and/or mulching.
- e) Natural drainage patterns shall be protected and incorporated into site design. Where natural drainage patterns are demonstrated to be adversely affecting a beach or wetland, drainage patterns may be altered in a manner which reduces the threat to such beach or wetland and does not create other flooding or erosion problems.
- f) Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is tripped of its vegetation cover more than thirty (30) days prior to commencement of construction. Soils exposed or disturbed by site preparation shall remain so for the shortest practicable period of time during site clearing, construction and restoration.
- g) Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps and mulching shall be used to ensure that sedimentation is minimized and mitigated.
- h) In no case shall stormwater be diverted to another property either during site preparation or after development.
- i) During the construction period, disposal of stormwater runoff generated by development activity shall be handled on-site. Baling, mulching, debris basins, silt traps, uses of fibrous cover materials or similar measures shall be used to contain soil erosion on the site.
- j) All projects, regardless of the area of groundwater removal and/or grading, shall retain a natural vegetative buffer zone along waterbodies, including wetlands and marshes, which will confine visible siltation to the twenty-five (25%) percent of the buffer zone nearest to any land-disturbed activity. If necessary, other forms of erosion control measures will also be included.
- k) Natural land features such as shallow depressions shall be used, wherever possible, to collect stormwater on-site for recharge. Under no circumstances, however, shall such a feature be used if subsurface conditions cause a stagnant pool to develop.
- l) Site designs shall reduce impermeable paving.
- m) Stormwater runoff shall not be directly discharged to surface waters, marshes and wetlands. Stormwater pollutants shall not be discharged directly into a wetland, but shall be attenuated by using holding ponds, sedimentation basins, perimeter berming, vegetated buffer areas and other measures that reduce flow velocity and increase storage time. Water discharged from these systems shall be of acceptable quality before discharge into

wetlands and surface waters. Pollutants shall not be discharged into wetlands. In addition, any filtering devices constructed as part of the drainage system must be adequately maintained in order to function properly.

- n) All wetland vegetation shall be maintained. Dredging and site construction should not disturb wetlands either by direct removal or vegetation or substrate, or by the alteration of adjacent slopes that would undermine the stability of the substrate. Grading equipment shall not be allowed to enter into or cross any watercourse or wetland.
- o) Subsurface sediments shall be maintained to provide structural support for the soils of the wetlands.
- p) The elevation of a wetland shall not be altered.
- q) No wetland buffer zone vegetation shall be disturbed by grading, erosion, sedimentation, or direct removal of vegetation.
- r) Fill shall not encroach on natural watercourses, constructed channels, wetlands, or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
- s) Trails and walking paths along waterbodies shall be sited and constructed so they are not a source of sediment.
- t) The amount and velocity of runoff from a site after development shall approximate its predevelopment characteristics. However, if the site is adjacent to coastal waters, storm water shall be contained on-site, to the maximum extent practicable, to prevent direct discharge of runoff to coastal waters.
- u) Natural flood plains and major drainage swales shall not be altered or disturbed in a manner which decreases their ability to accommodate and channel stormwater runoff and flood waters. If no practicable alternative to the location of development, roadway, driveways, and similar surfaces within these areas exists, such facilities shall be sited and constructed to minimize and mitigate the amount and velocity of stormwater entering the channel, floodplain or swale.
- v) No land having a slope equal to or greater than twenty-five (25%) percent shall be developed or disturbed except for conservation measures or measures intended to remove debris which inhibits the functioning of the swale. Natural vegetation and topography shall be retained to stabilize soils and reduce the volume of stormwater overflow.
- w) On lands having slopes of less than twenty-five (25%) percent, but composed of highly erodible soils, development proposals shall include consideration of the load-bearing capacity of the soils. Unless it can be demonstrated that the soils can be stabilized with

a minimum of on-site disturbance and no adverse impacts to the stability of neighboring properties, the development proposal shall not be approved as submitted.

- x) All permanent (final) vegetation and mechanical erosion control measures called for in approved plans shall be installed within the time limits specified by the Planning Board.

Section 10: Variances

A variance may be granted by the Zoning Board of Appeals of the Town of Stony Point upon receipt of an application from a property owner which demonstrates unnecessary hardship from the imposition of such regulations.

Section 11: Inspection, Restoration, Certificate of Occupancy and Fines

- a) **Inspection**

Inspection for soil erosion, sedimentation, and runoff control plan compliance shall be conducted by the Building Inspector to determine that the work has been completed in accordance with such plan. The plan may be modified by mutual agreement if, after installation, the Planning Board deems that the installed measures are not adequate to meet the performance standards.

- b) **Restoration**

Any clearing, excavation or development of land in violation of this local law shall be corrected forthwith after written notice by the Building Inspector. In the event that corrective action is not taken as directed within a reasonable time, the Town may, at its own expense, take corrective action to restore the property or initiate legal action to prevent unlawful or unauthorized activity. The cost of restoration shall become a lien upon the property upon which such unlawful activity occurred.

- c) **Certificate of Occupancy**

No certificate of occupancy shall be issued by the Building Inspector until all work required to be completed pursuant to the plan has been satisfactorily done.

- d) **Fines**

Any person undertaking clearing, excavation or development of land in violation of this local law, upon conviction, shall be guilty of a misdemeanor, punishable by a fine of not less than two hundred and fifty (\$250) and not more than five hundred (\$500) dollars. Such person shall be deemed guilty of a separate offense for each day during which a violation of this local law is committed or continues.

Section 12: Severability

Each separate provision of this local law is deemed independent of all other provisions herein so that if any provision(s) of this local law be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 13: Effective Date

This local law shall take effect on the date on which it is filed with the Secretary of State.