Village of Tivoli
Local Waterfront Revitalization Program

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Adopted:
Village of Tivoli Board of Trustees, April 8, 1991

Approved:
NYS Secretary of State Gail S. Shaffer, April 29, 1991

Concurred:
U.S. Office of Ocean and Coastal Resource Management, July 29, 1991

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

RECEIVED
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JUL. 24 1992

Mr. James Burgess
Chief
Coastal Programs Division
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
1825 Connecticut Avenue NW
Universal Building South
Washington, DC 20235

Dear Mr. Burgess:

Enclosed are copies of the Village of Tivoli Local Waterfront Revitalization Program (LWRP). The LWRP has been adopted by the municipality and approved by the New York State Secretary of State. In addition, your office has concurred on its incorporation into the State's Coastal Management Program as a routine program implementation action. Copies of this document are also being transmitted to State agencies, as well as selected federal, county, and local agencies.

Should you have any questions or concerns regarding this document, feel free to contact either myself or Charles McCaffrey of this office at (518) 474-6000.

Sincerely,

for George R. Stafford
Director
Division of Coastal Resources and Waterfront Revitalization

GRS:gn
Enclosure

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

APR. 29 1991

Honorable Edward A. Neese, Jr.
Mayor
Village of Tivoli
Village Offices
48-A Broadway
Tivoli, NY 12583

Dear Mayor Neese:

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 Village of Tivoli. The Village 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 Village of Tivoli 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

VILLAGE OF TIVOLI
48A BROADWAY
TIVOLI, NEW YORK 12583
Incorporated 1872
914-757-2021
FAX 914-757-5416

Gayle T. Trombly
Village Clerk
Grace M. Simmons
Deputy Clerk
Susan B. Davis
Treasurer
Edward A. Neese, Jr.
Mayor
atherine A. Warnefeld
Deputy Mayor
Marie A. Gruntler
Trustee
Lorraine C. Reid
Trustee
Kevin J. Rifenburg
Trustee

April 19, 1991

Honorable Gail S. Shaffer
Secretary of State
New York State Department of State
162 Washington Avenue
Albany, NY 12231-0001

Dear Secretary Shaffer:

The Tivoli Village Board of Trustees formally adopted its Final Local Waterfront Revitalization Program (LWRP) on April 8, 1991. This action was taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the NYS Executive Law. Attached is a copy of the resolution passed by the Village Board of Trustees in adopting the LWRP and the SEQRA Findings Statement.

As the Mayor for the Village of Tivoli and on behalf of the entire Village, I respectfully request your consideration and approval of the Tivoli Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law.

Sincerely,

Edward A. Neese, Jr.
Mayor

EAN/gtt
Enclosures

Village of Tivoli

Resolution of the Tivoli Village Board of Trustees Adopting the Tivoli Local Waterfront Revitalization Program

Resolution offered by Trustee REID

WHEREAS, the Village of Tivoli entered into a contract with the New York State Department of State, dated January 1, 1984 for preparation of a Local Waterfront Revitalization Program; and

WHEREAS, a draft Local Waterfront Revitalization Program (DLWRP) was prepared under said contract with the guidance of the Village's Waterfront Revitalization Program Advisory Committee; and

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

WHEREAS, a DLWRP and the DEIS were referred to appropriate local, county, State, and federal agencies in accordance with State and Federal requirements; and

WHEREAS, a public hearing was advertised and held by the Mayor and Village Board of Trustees on November 14, 1990 to receive and consider comments on both the DLWRP, the DEIS, and the proposed LWRP Consistency Law (part of the DLWRP); and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared and accepted by the Mayor and Village Board of Trustees as complete on March 11, 1991; and

WHEREAS, the Board has reviewed the proposed SEQR Findings Statement attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby adopts the SEQR Findings Statement attached hereto and directs the Mayor to execute the Findings Certification thereon; and

BE IT FURTHER RESOLVED, that the Tivoli Local Waterfront Revitalization Program is hereby approved and adopted.

Resolution passed at a regular meeting of the Tivoli Board of Trustees on April 8, 1991. The votes were as follows:

Edward A. Neese, Jr., Mayor AYE
Marie Gruntler ABSENT
Kevin J. Rifenburg ABSENT
Katherine Warnefeld AYE
Lorraine Reid AYE

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SECTION I

WATERFRONT REVITALIZATION BOUNDARY

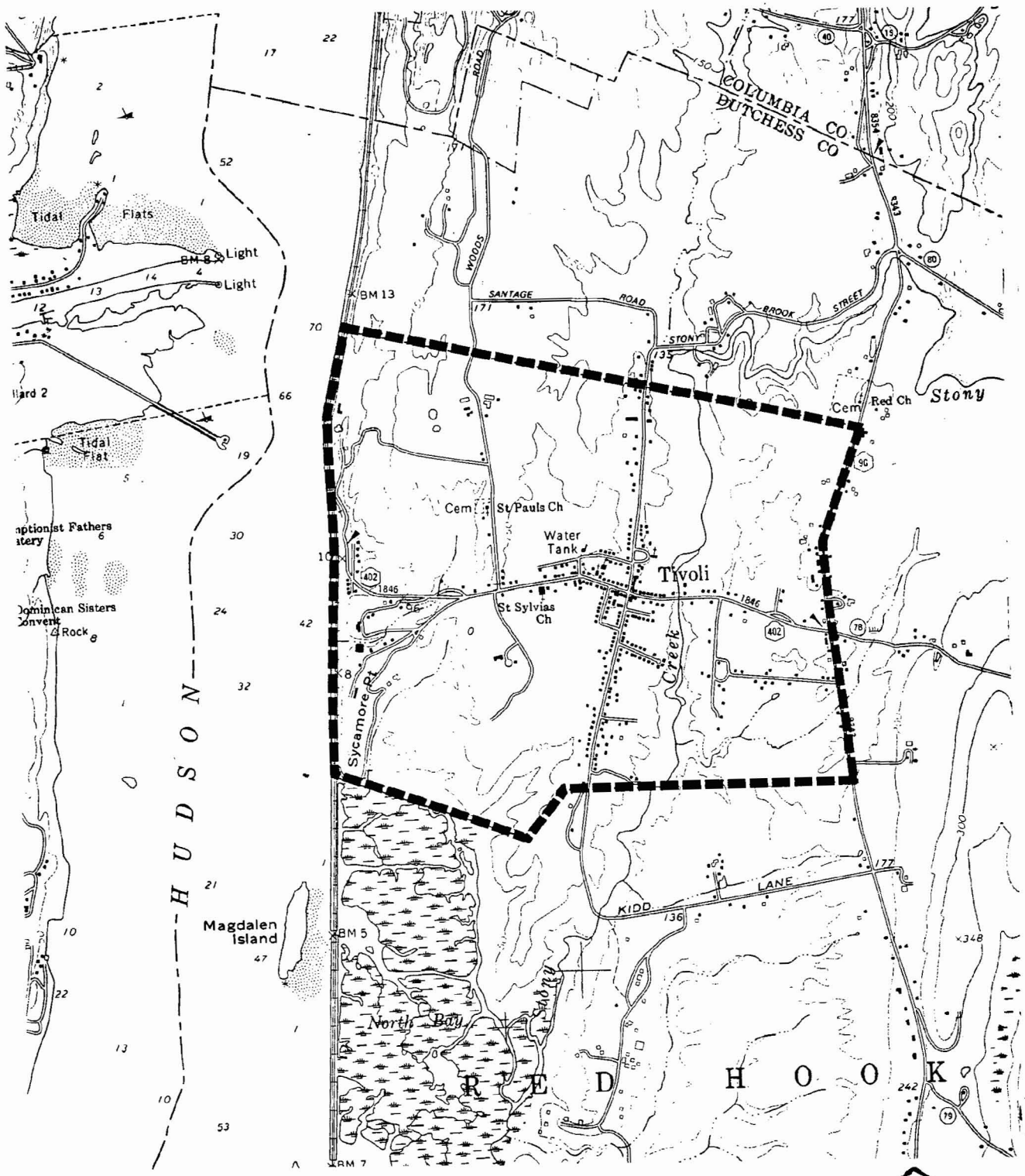
I. Waterfront Revitalization Area Boundary

The Village of Tivoli, Dutchess County, is located between New York State Route 9G on the east and the Hudson River to the west. This one mile square community is surrounded by the Town of Red Hook on its landward side. North Tivoli Bay bounds the Village on its southwest side. Across the river from Tivoli is the Town of Saugerties, Ulster County.

The Waterfront Revitalization Area (WRA) boundary includes the entire Village of Tivoli with Route 9G as the eastern inland boundary in the Town of Red Hook. The WRA extends to the water's edge on its western side because the municipal boundary of Tivoli ends at the Hudson River's eastern shoreline.

See Map 1.

TIVOLI WATERFRONT
REVITALIZATION PLAN



WATERFRONT REVITALIZATION AREA BOUNDARY AND VILLAGE OF TIVOLI BOUNDARY

LOCATION MAP

1

VILLAGE OF TIVOLI NEW YORK

SECTION II
INVENTORY AND ANALYSIS

II. Inventory and Analysis

A. Orientation

1. Community Profile and Overview of Waterfront Area

The Village of Tivoli is located in northwest Dutchess County in the Town of Red Hook on the eastern bank of the Hudson River. Tivoli is approximately 40 miles south of Albany and one hundred miles north of New York City. According to the 1990 Census, 1,035 people reside in the Village.

The Village's waterfront is approximately one mile long. The orientation of the community to the waterfront at the present time is limited because the Conrail railroad tracks lie close to the river, blocking easy access. A gated and lighted signal crossing over the tracks at the end of Broadway allows access to the immediate shore. About a dozen houses overlook the river in this section of the Village. The remainder of the Village is clustered along North Road, Montgomery Street, Broadway (where the preceding two roads meet) and Woods Road where the more recent development has occurred.

Demographic statistics show that 24% of the Village residents are at the poverty level with 116 of these people over 60 years of age. 77.3% of the households qualify the Village for U.S. Housing and Urban Development (HUD) funds (based on HUD standards of a yearly income of $21,750 per family of four).

2. Historical Development

The one square mile area of the Village is located on land originally acquired by Colonel Peter Schuyler through purchase from area Indians and a patent granted him by Governor Thomas Dongan in the latter part of the seventeenth century. During the next century and early nineteenth century, the present form of the Village took shape. Three river estates, then owned by John Reade, Henry Gilbert Livingston, and John Watts DePeyster were built. These three homes, now Callendar House, the Pynes, and Rose Hill, limited access to the river and restricted commercial and residential development along this section of the Hudson.

Formerly called Red Hook Landing, the name "Tivoli" stems from the attempt by Peter De Labigarre, a Frenchman, to construct a planned community at the river's edge. This scheme failed and De Labigarre's property was purchased by Chancellor Livingston at Public Auction in

1807. Livingston had a home constructed on the present site of the Pynes called "Le Chateau de Tivoli" from which the Village name is derived. For its first one hundred years, Tivoli on the River and Meyersville (later named Madalin) were two separate villages. In June 1872, the two hamlets were merged to officially form the present incorporated Village of Tivoli. The combined populations of the villages reached the highest level in 1900 of 1,350, thereafter declining to 1,080 in 1915, 761 in 1940, and 711 in 1980.

The Hudson River was the focal point of commercial development in the Village. The 18th century sloops docking at the Tivoli Landing, the ferry to Saugerties, commercial fishing operations, and the fact that Tivoli was a steamboat stop provided employment and economic activity which allowed the Village to prosper. Tivoli also grew with the coming of the railroad in 1851 and was a half-way point on the Hudson River Railroad.

After the turn of the century, Tivoli like many other rural areas, was beginning to change. The railroad no longer stopped at smaller communities and the river was not the focal point it once had been. With the automobile as the primary transportation mode after World War II, economic activity in the center of the Village declined. Later Tivoli lost its east-west access with the elimination of the ferry link with Saugerties after the construction of the Kingston-Rhinecliff Bridge. NYS Route 9G caused the north-south traffic to by-pass the Village commercial area, as well.

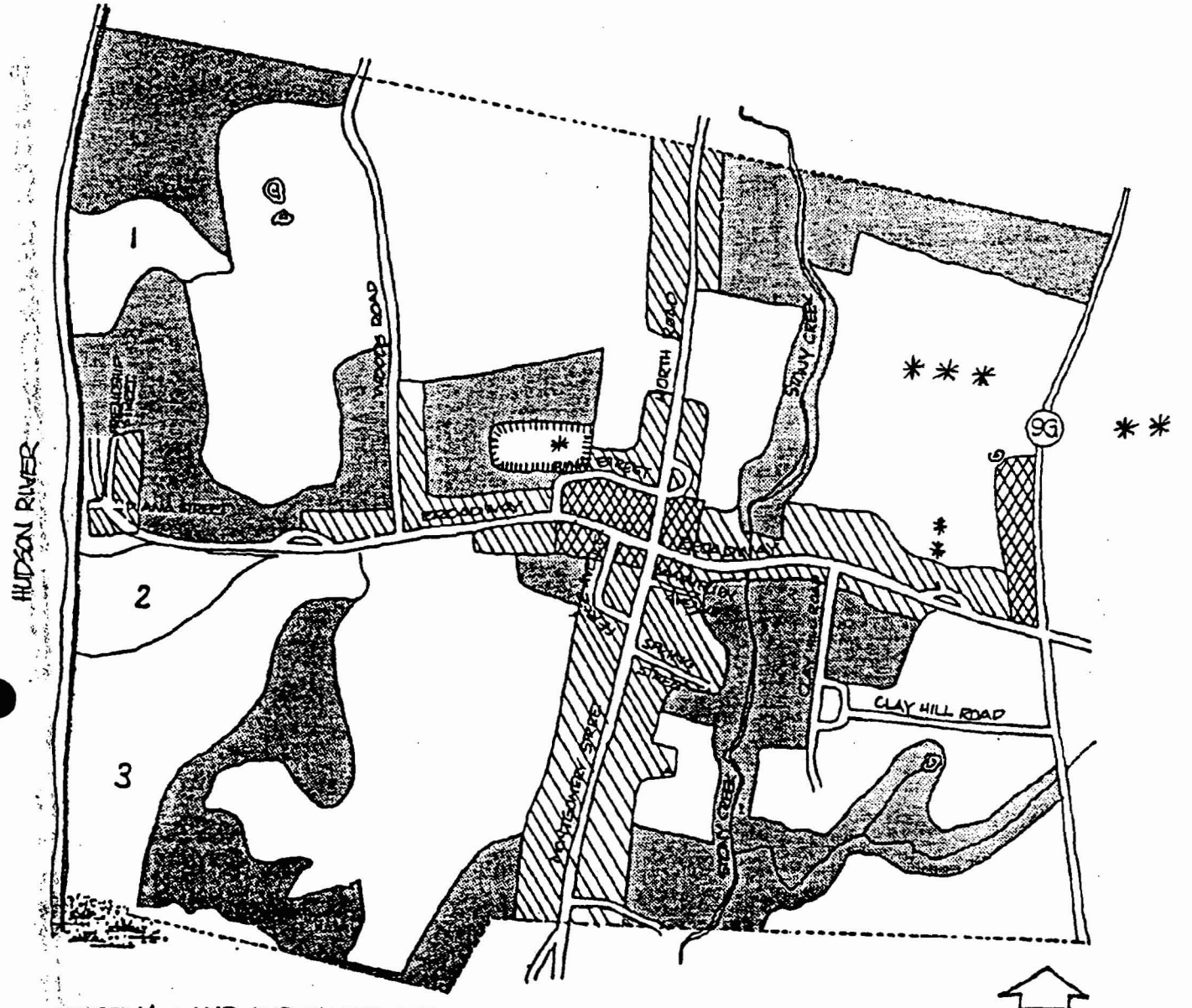
B. Land Use and Development

1. Existing Land and Water Uses (Map 2)

a. Residential

According to the 1990 Census there are 1,035 people residing in the Village of Tivoli. Most people commute to work in the Hudson, Kingston and Poughkeepsie areas. There has also been an increase in apartment rentals because of the close proximity to Bard College, along Tivoli North Bay in the Town of Red Hook. Former commercial space and storefronts are now being utilized as apartments, changing the former commercial center to a residential neighborhood.

The residential building stock in Tivoli is primarily of early to late 19th century vintage of modest size. These buildings, both individually and collectively, maintain their original design



EXISTING LAND AND WATER USE VILLAGE OF TIVOLI

- RESIDENTIAL
- BUSINESS DISTRICT
- AGRICULTURAL
- WOODLANDS
- RECREATIONAL
- * * WELL LOCATIONS

FORMAL LANDSCAPING (PRIVATE ESTATES)

1. ROSE HILL
2. THE PYNES
3. CALLENDER HOUSE

EXISTING LAND AND WATER USE
VILLAGE OF TIVOLI NEW YORK

2

character and could be considered as a National Historic Register District in the future.

Most of the residences are clustered around the Village Center, radiating out on the major thoroughfares. Another cluster of homes overlook the riverfront located in the Tivoli landing area. Residences are scattered in the wooded and agricultural areas of the Village.

Tivoli has been able to successfully compete in several federal and State funding programs for senior citizen housing because of a high level of elderly and low income residents. The U.S. Farmer's Home Administration in July 1985 gave the Housing Development Fund of St. Paul's Episcopal Church in Tivoli a $1 million loan for Provost Park, a 24-unit senior citizens housing project on Woods Road. It is an attractive colonial style addition to the Village.

Another major residential subdivision development is Tivoli Acres I and II, a 50 acre site on Woods Road. Seventy-one houses have been approved. The same developer has approval for a total of 96 condominiums clustered in six buildings just north of the original subdivision. These developments will add approximately 400 residents to the current population. Both projects are serviced by municipal sewer and water.

b. Commercial

The commercial bustle of Tivoli in the 19th and early 20th centuries has been replaced by a quiet residential community today. The recently built fire house, the Post Office, Village offices and American Legion Hall are all found on Broadway. The business area along Route 9G has a gas station, and a delicatessen and is zoned Residential Business to encourage additional business uses there.

To encourage the revival of the business area, the Village solicited funds from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program to fund curb and sidewalk restoration. As with many other communities along the Hudson River, Tivoli experienced a decline in population during the 1960's, but is experiencing a regrowth today. Although some storefronts were converted to apartments in the past, new owners of buildings in the commercial

district are rehabilitating buildings for commercial purposes. The predominantly 19th century architectural style is being preserved in this restoration movement. The old factory complex has been refurbished for commercial use on the ground floor and residential on the upper level. The former Methodist Church and parsonage have also been adapted for commercial uses. Tivoli retains its quiet residential character, and this historic Village would qualify, with its diverse collection of commercial,institutional, industrial and residential buildings, for nomination on the National Register for Historic Places.

There is at present no heavy industrial land use in Tivoli, nor is any section of the Village presently or proposed to be zoned for such use. The Village only allows light industrial uses by special permit in certain zones.

2. Deteriorated and Underutilized Areas

The obvious underutilized area in the Village of Tivoli is its business district. Many old storefronts were converted to other uses such as apartments or remain vacant, but stores are reappearing as the Village's population grows. If business demand grows, it is conceivable that the apartments may be reconverted to stores.

The old firehouse on Broadway will be restored and adapted as a new Village building. Offices of the Village Clerk, Planning Board and other agencies will be located there, as well as the Village library. An architectural survey and floorplan have been completed. Funds in the range of $1 million dollars must now be raised before construction can begin. A matching grant in the amount of $300,000 has been received from the NYS Office of Parks, Recreation and Historic Preservation.

In order to encourage more consumer traffic on Broadway, the Village has rebuilt Woods Road and will, through signage, attempt to attract visitors to Clermont State Park to make Tivoli a part of their trip. An area in the Village that has deteriorated through the years is the old landing area at the end of Broadway on the Hudson River. The bulkhead is in need of repair. The entire strip between the railroad tracks and the river is essentially vacant and used occasionally for fishing or sightseeing. There is no central sewerage in the area. Conrail often uses the area for storage and dumping of construction materials, such as railroad ties, without a permit from the Village, and locates temporary workers' housing there.

The Village is not interested in developing the limited area west of the tracks for a park because of its proximity to the high speed railroad tracks. The site has been identified by DEC in their access study as a potential site for a boat launch. A small scale facility could be located there. Such a facility would further the goals of public access and is also recommended in the recent study "Between the Railroad and the River" (Hudson River Access Forum, Sept., 1989). Consideration must be given to site distances within the navigational channel for ocean going vessels. Rocky shoals lie adjacent to the waterfront, as well.

3. Zoning

A community's zoning is its guide for future development. The Existing Zoning Map (Map # 3) illustrates the development pattern that the Village encourages. Tivoli allows residences on a minimum of 15,000 square feet lots (R15) along all existing roads except for the south side of Broadway from Woods Road west to the river. A restrictive Land Conservation zone incorporates a 1000 foot strip next to the Hudson River and a 100 foot wide strip adjacent to Stony Creek. This conservation zone promotes agricultural, recreational, and open space uses and prohibits residential uses. The R2A and R3A zoning districts allow for residences with a minimum lot size of 2 and 3 acres, but encourages agricultural land use. These districts are located generally where few municipal utilities are available (See Map 8). In November 1988 a RIA district was added to the Village Zoning Ordinance. This district is located along North Road and over to Woods Road along the Village's north boundary. A General Business district (GB) has been established along Broadway where this street intersects with North Road and Montgomery Street. This district allows for commercial activity which will not generally interfere with the adjacent residential areas. The Highway Business district was changed in 1988 to a Residential Business district (RB), which is less restrictive than the GB district. This zoning change was made to encourage uses that will not constitute a visual intrusion along scenic Route 9G, as the Mid-Hudson Scenic District Management Plan recommended (See Map7).

4. Water-Related Uses

Water-dependent uses are those uses which rely on a location in close proximity to the waterfront. Water-dependent uses in Tivoli are few because the railroad tracks make public access difficult and land area directly fronting the river is limited. Current water-dependent uses include recreational fishing, wildlife viewing and enjoying the scenic views of the Kingston-Rhinecliff Bridge, the river and the opposite shore.

A water-enhanced use is " a use that has no critical dependence on a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased if the use were adjacent to, or had visual access to the waterfront."

As the New York State Department of Environmental Conservation provides additional buffer along North Tivoli Bay, the opportunity to provide both water-related and water-enhanced recreation will increase.

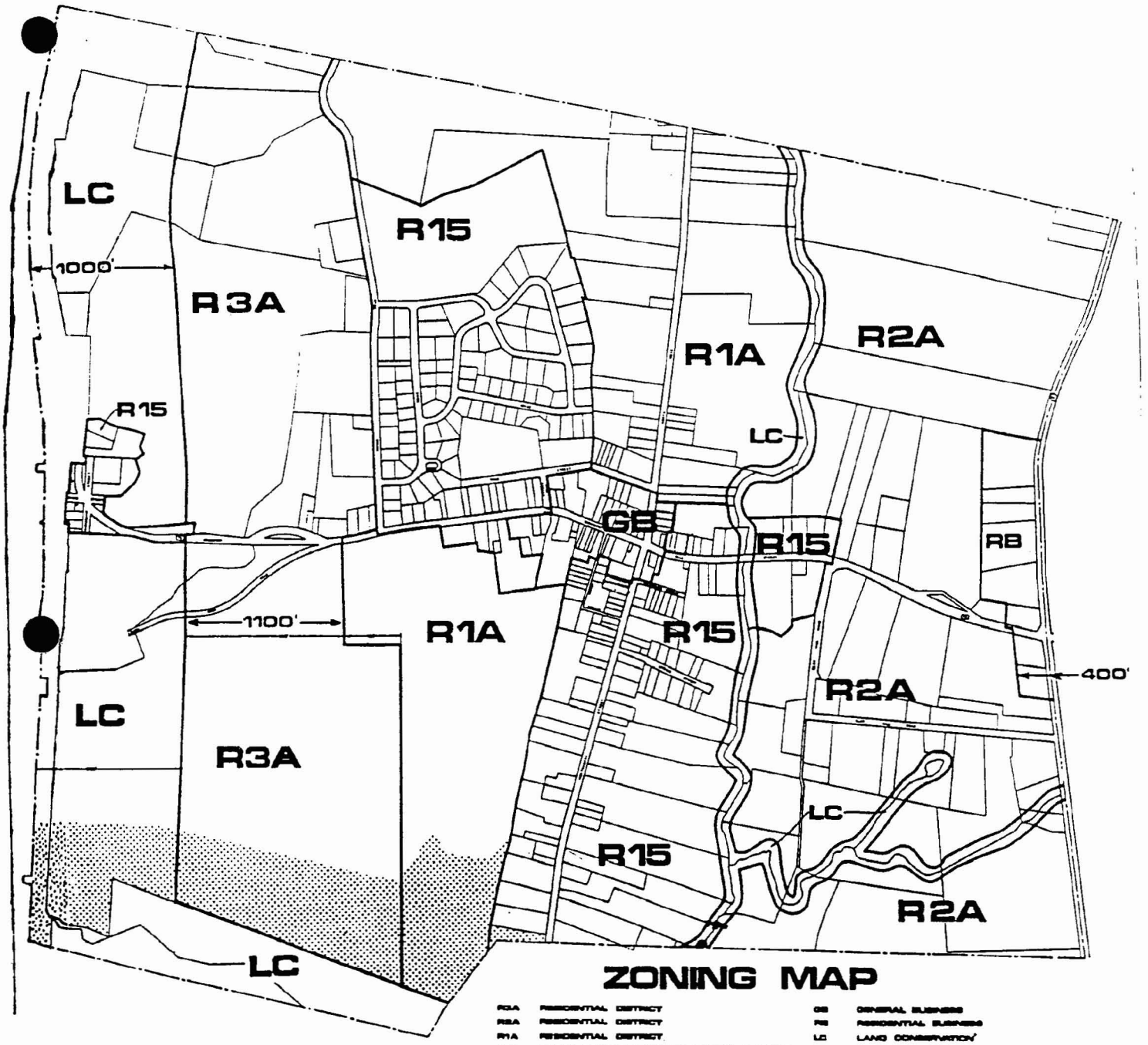
C. Natural Resources and Environmental Quality

1. Topography and Soils

The Hudson River and Stony Creek are the dominant natural features in Tivoli. The Village of Tivoli is located approximately 150 feet above the Hudson River. Abutting the river are 100 foot high bluffs on which the houses close to the river are built (Map 9). The floodplain is just wide enough for the railroad right-of-way, which includes a narrow strip adjacent to the river, and a dirt road from the landing north on the east side of the railroad. Stony Creek, which begins in the Towns of Red Hook and Clermont, flows south through a number of ravines to Tivoli Bay in the southeast corner of the Village. The bluffs and ravines along the creek comprise approximately 15% of the Village land mass and have slopes greater than 15%, restricting development in these areas. The soils are a mixture of loams, silt and clay, and are highly erodible.

The remainder of Tivoli is relatively flat. The soil consists of lacustrine silty loams and clay which average 35-40 feet deep and prevents water from recharging the more permeable and isolated sand and gravel deposits sandwiched between the clay and bedrock. This produces soils which are not well drained and limits the recharge of the ground water supply.

The soil in Tivoli has supported orchards, pastures, pond development and woodlots. Some of these soils exhibit development limitations in terms of drainage, septic systems, and groundwater withdrawal. Excessive slopes also limit development in some areas. About 25% of the top soil in Tivoli is classified as prime agricultural soil. The majority of these areas are protected by an Agricultural District (See Map 8). The remainder of the prime agricultural lands are contained within the estate areas not already in an Agricultural District or have residential development.



ZONING MAP

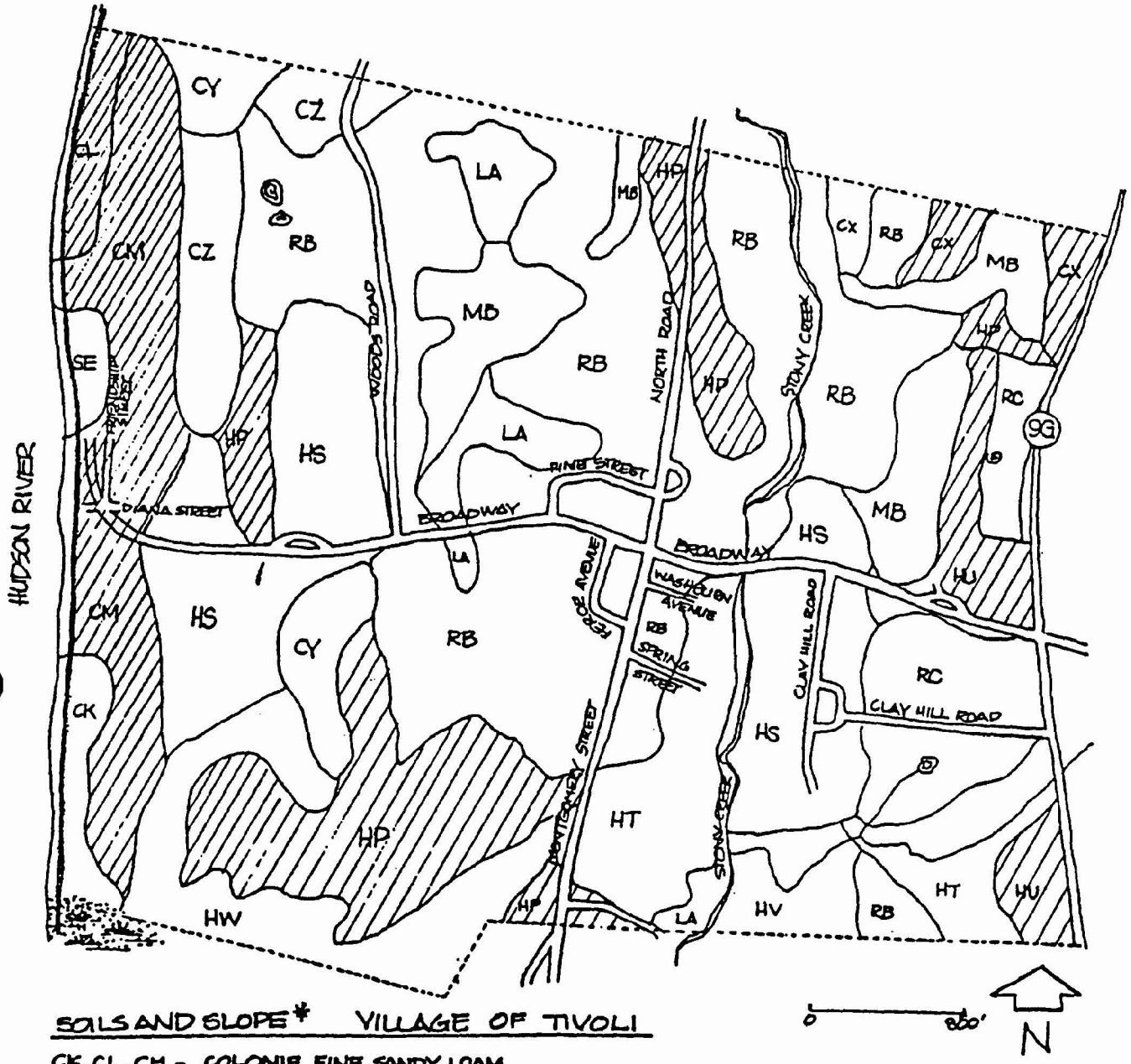
R2A RESIDENTIAL DISTRICT
R3A RESIDENTIAL DISTRICT
R1A RESIDENTIAL DISTRICT
R15 15,000 SQUARE FOOT RESIDENTIAL DISTRICT
PERMANENT EASEMENT OWNED BY THE NYS DEC

GB GENERAL BUSINESS
RB RESIDENTIAL BUSINESS
LC LAND CONSERVATION*

*ALSO INCLUDES LAND WITHIN 500 FEET OF NYSDEC REGULATED WETLAND ED-3

VILLAGE OF TIVOLI
DUTCHESS COUNTY, NEW YORK

CURRENT ZONING
VILLAGE OF TIVOLI NEW YORK



SOILS AND SLOPE* VILLAGE OF TIVOLI

CK, CL, CM -	COLONIE FINE SANDY LOAM
CX	COSSAYUNA GRAVELLY LOAM
CY, CZ	COSSAYUNA STONY SILT LOAM
HP, HS	HUDSON SILT LOAM
HT, HU, HV, HW -	HUDSON SILT CLAY LOAM
LA	LIVINGSTON SILT CLAY LOAM
MB	MADALIN SILT CLAY LOAM
RB	RHINEBECK SILT LOAM
RC	RHINEBECK SILT CLAY LOAM
SE	STEEP (NASSAU SOIL)

PRIME AGRICULTURAL SOIL

* FOR SLOPE INFORMATION REFER TO CHART #I

VILLAGE SOILS AND SLOPE
VILLAGE OF TIVOLI NEW YORK

4

CHART I
VILLAGE OF TIVOLI
SOILS AND SLOPE CHART

MAP SYMBOL	SOIL NAME and DESCRIPTION	SLOPE
-CK	Colonie fine sandy loam, hilly & steep	15-35%
*CL	Colonie fine sandy loam, level	0-3%
*CM	Colone fine sandy loam, rolling hills	5-15%
*CX	Cossayuna gravely loam, rolling hills	5-15%
-CY	Cossayuna stony silt loam, hilly	15-30%
-CZ	Cossayuna stony silt loam, rolling hills	5-15%
*HP	Hudson silt loam, gentle slope	2-8%
HS	Hudson silt loam, rolling hills	10-15%
HT	Hudson silt clay loam, rolling hills	10-15%
*HV	Hudson silt clay loam, gentle slope	2-8%
-HV	Hudson silt clay loam, hilly slope	15-30%
-HW	Hudson silt clay loam, steep slope	30+%
LA	Livingston silt clay loam	0-3%
MB	Madalin silt clay loam	0-3%
RB	Rhinebeck silt loam	0-5%
RC	Rhinebeck silt clay loam	2-5%
-SE	Steep ledgy land (Nassau soil material)	30+%

Soils with slope in excess of 15%
*Prime agricultural soils

2. Fish and Wildlife Resources

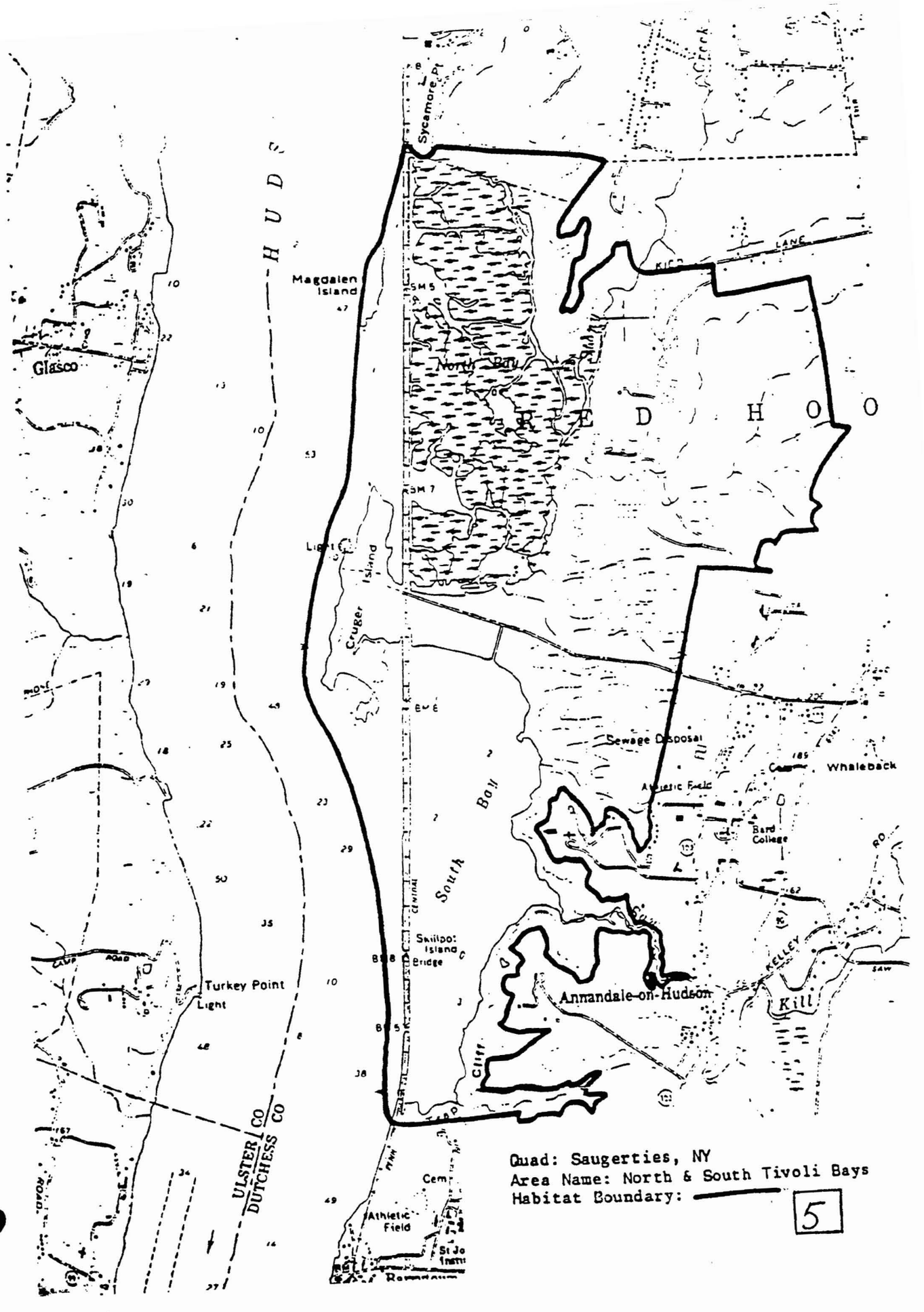
Stony Creek, the Hudson River and North Tivoli Bay are considered the important natural areas in the Tivoli area. Stony Creek is vital to the Village because it is used to supplement the Village water supply. Additionally, Stony Creek supplies fresh water to the Tivoli Bay area - a habitat that is ecologically unique and important to many varieties of fish and wildlife. Tivoli has established a land conservation zone along Stony Creek and its tributaries for protection. The Hudson River, influenced by tidal fluctuations, is a unique and complex resource.

a. Significant Habitats (Map 5)

North Tivoli Bay, as part of the North and South Tivoli Bay Significant Coastal Fish and Wildlife Habitat, the closest Significant Fish and Wildlife Habitat, is located south of the Village with a portion contained within Tivoli's municipal boundary. Encompassing approximately 1,200 acres on the eastern shore of the Hudson River, the habitat area includes tidal freshwater marsh, fresh-tidal swamp, bays, shallows, two streams, and uplands of hardwood and mixed forest and shallow fields. This habitat is ecologically unique as the largest freshwater tidal influenced bay and wetland complex surrounded by undeveloped land on the Hudson River. It is also one of four components of the Federally - designated Hudson River Estuarine Sanctuary.

Tivoli Bays are important to a variety of fish species in the Hudson River as feeding, spawning and nursery areas. Several commercially important fish species use the bays and the mouths of Stony Creek and the Saw Kill for spawning and feeding, including striped bass, alewife and blueback herring. Common freshwater species using the bays include largemouth bass, smallmouth bass, white perch and various minnows. Species that appear to be regionally rare that have been found in the bays include American brook lamprey, central mudminnow, northern hogsucker and bridle shiner. The shortnose sturgeon (endangered) may feed in the tidal channels and river shallows, but this has not been confirmed. An extremely large population of snapping turtles exists in North Tivoli Bay.

Tivoli Bay supports breeding populations of least bittern (species of special concern) American bittern, Virginia rail, marsh wren (formerly long-billed marsh wren), and in some years, sora,



Quad: Saugerties, NY
Area Name: North & South Tivoli Bays
Habitat Boundary:

5

common moorhen (formerly common gallinule), and occasionally king rail.

Many species of waterfowl use the area during the spring and fall migration periods for resting and feeding, including both dabbling ducks in the marshes, and diving ducks in the river shallows. The osprey (threatened species) was reportedly nesting in the area in the late 1950's, and is regularly seen here during migration. The Museum of the Hudson Highlands has constructed two experimental nest platforms for osprey in this area. The bald eagle (endangered) is an occasional visitor. Spotted turtle (species of special concern) wood turtle (species of special concern) and map turtle are also found in the area.

Several rare plant species occur in the Tivoli Bays wetland complex. These include the heartleaf plaintain (proposed for Federal endangered status), golden club, ovate spikerush, Parker's pipewort, Eaton's bur-marigold, estuary beggar-ticks, swamp lousewort and a rare species of panic grass.

Waterfowl hunting and muskrat trapping have been traditional outdoor recreational activities at Tivoli Bays for years. Fishing for striped bass and large and smallmouth bass in the bay area is enjoyed by the local populace. Birdwatchers from throughout the Hudson Valley region visit this area. These activities in combination with nature study produce an estimated 6,600 days of wildlife related recreational use each year. In addition, scientific research conducted on estuarine ecology at Tivoli Bays is of statewide significance.

Under New York State Department of Environmental Conservation (DEC) management, it is anticipated that proposed access improvements and trail development will increase appropriate recreational use in the area. Ongoing ecological research at Tivoli Bays (Bard College Field Station and Experimental Ecological Reserve) has attracted scientists and students from throughout the State and its designation as part of the Hudson River Estuarine Sanctuary will focus additional research and education activities in the Hudson Valley on this area.

The Hudson River is quite deep on the east side of the river, and the shipping channel is close to the Tivoli shore. This deep section of the river is a wintering habitat for the shortnose sturgeon, an endangered species. North of Tivoli is the

Germantown - Clermont Flats Significant Coastal Fish and Wildlife Habitat located on the eastern half of the Hudson River, extending from the Village of Saugerties north to the hamlet of North Germantown. The Esopus Estuary Coastal Fish and Wildlife Habitat is just east of the Village of Saugerties. Although these habitats are not directly adjacent to the Village of Tivoli, they are nonetheless important since all of the habitats in the area are dependent to some extent on the health of other similar adjacent systems.

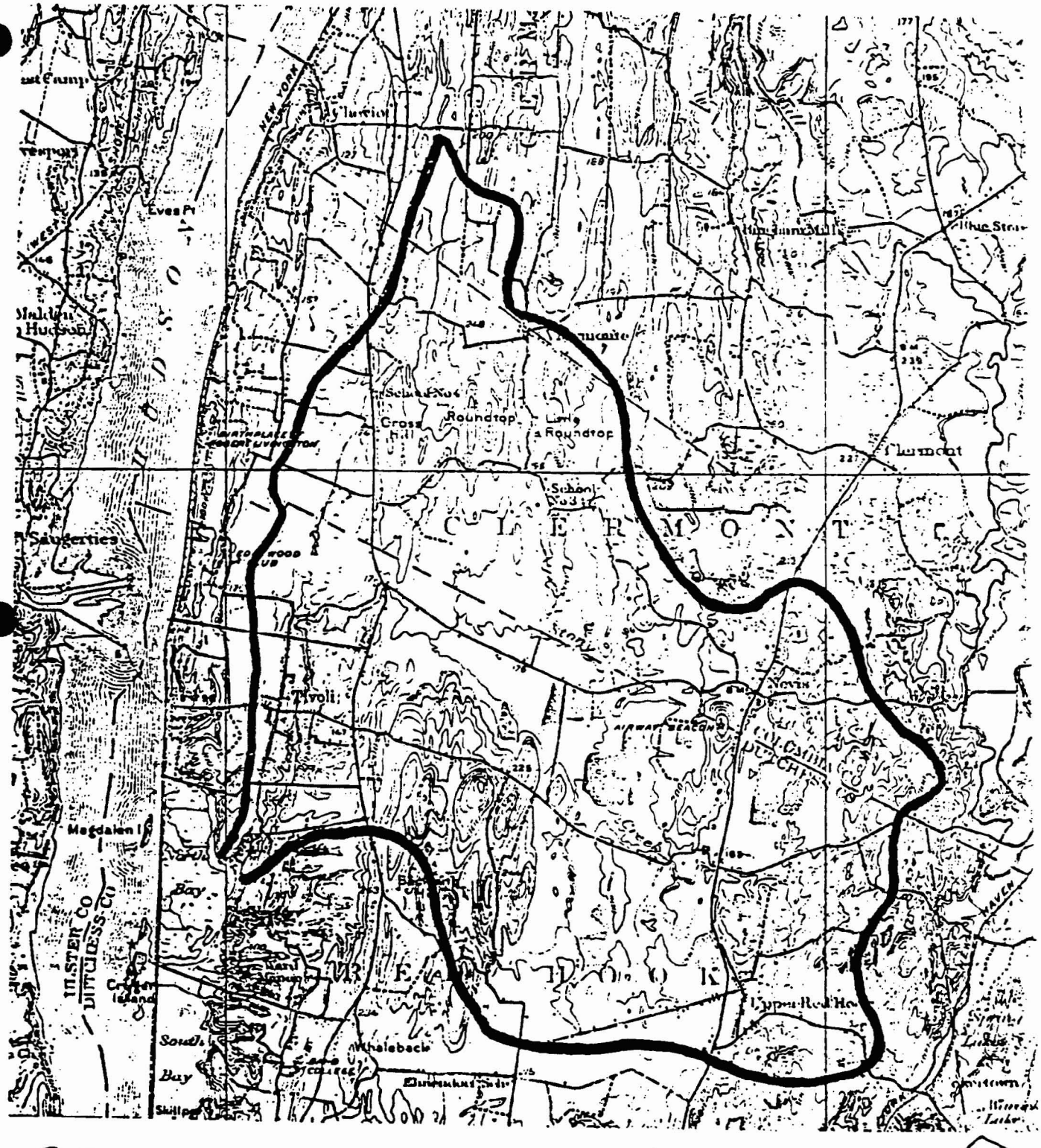
3. Wetlands

There are no upland wetlands in the Village. East of the Village in the Town of Red Hook are two large DEC designated wetlands, # SG-2 and # SG-4, which are in the recharge area of the wells used for the Village drinking water supply.

4. Water Quality

The Village of Tivoli is concerned about three areas of water quality - groundwater, Stony Creek and the Hudson River. The Village has historically depended on groundwater resources for public water consumption. The quality, as well as the quantity, of the groundwater has been an ongoing municipal problem. The chemical quality of the groundwater in the Tivoli area is generally fair, although excessive iron, sulphur, turbidity, and hardness have been reported in several areas. Favorable zones have been located where sulphur and iron problems are at a minimum. The hardness of water in Tivoli is a natural phenomenon that cannot be avoided, only treated. The need for water treatment is supported by water analyses which show a similarity in hardness between surface waters and the existing well water supplies. It is likely that the Village will have to continue to deal with the hardness of the municipal water supply.

This lack of sufficient groundwater resources to meet present needs has led the Village to look at Stony Creek and the Hudson River as potential surface water resources. A $500,000 filtration plant capable of delivering 72,000 gallons per day has been built on Stony Creek. The Stony Creek, also known as the White Clay Kill outside of the Village in the Town of Red Hook, drains a watershed of 22.2 square miles in the towns of Red Hook and Clermont (see Map #6). It also is the primary source of upland drainage into North Tivoli Bay.



STONY CREEK WATERSHED BOUNDARY

0 — 34,000' — N

WATERSHED OF STONY CREEK (22.2 SQ. MILES) 6

VILLAGE OF TIVOLI NEW YORK
ROBBE P. STIMSON · CONSULTANT

The water quality classification for Stony Creek is "D". DEC Region 3 Fisheries Unit is presently proposing that the stream segment upstream 3.9 miles from the mouth to Tributary 6 be upgraded from D to C(T). DEC also asserts that the (T) standard, which indicates that the waterbody is suitable for trout, should be included in any future proposal to change the classification of this stream.

In 1987, the chief of the Groundwater Quality Management Section of the DEC reconfirmed the Department's intention to upgrade a portion of Stony Creek to Class "A" upstream from Tivoli's water supply intake point. This was in response to Tivoli's application for reclassification of Stony Creek to "AA" submitted in July 1986. The State Health Department supports the recommendation to upgrade the classification of Stony Creek to "A".

The Hudson River, as it flows past Tivoli, is classified "A" suitable for all uses including a public water supply. As a supplement to the Village water supply, however, the cost of pumping water from the Hudson up 300' to the height of the water tower is prohibitive. Stony Creek should be protected for its water supply and drainage attributes. However, Stony Creek is a limited resource, and is not a year-round constant source of water. It is likely that future significant growth can only be satisfied by additional water supply from other sources, such as an intake from the Hudson River.

Recognizing that other communities along the Hudson River may look seriously toward the River for additional water supply needs, the Village of Tivoli would support the concept of (and participation with) a regional planning entity that would research the feasibilities of, and cumulative impacts associated with, possible regionalization of water supply needs from the Hudson River.

D. Agriculture

With the completion of the Erie Canal in 1825, the transportation of upstate grain crops down the Hudson River to New York City increased. Tivoli benefitted greatly from this river traffic, which had the effect of changing the major agricultural activity of the area from grain production to orcharding and eventually to dairying. The railroad link from New York City to Tivoli in 1851 increased employment and industrial development, allowing dairy products to be transported quickly. The Hudson Valley continued into the early 20th century to be the major milk supplier for New York City and the surrounding region.

While agricultural use of land in Tivoli is not extensive at this time, a good potential for agricultural development exists because of the suitability of the soil. Agricultural land in the Village is separated into three parcels (see Map # 8). The agricultural land within the Village is greater than 25% land of Statewide Significance but less than 25% prime farmland. A portion of Dutchess County Agricultural District Number 20 is within the Village of Tivoli's Waterfront Revitalization Area.

E. Historic Resources

On March 7, 1979, the Secretary of the Interior approved for inclusion in the National Register of Historic Places sixteen miles of riverfront estates extending from the Columbia County line south through the Village of Tivoli and the Towns of Red Hook and Rhinebeck and ending in the hamlet of Staatsburg in the Town of Hyde Park. Dominated by thirty-six historic country estates, the Sixteen Mile District is one of the largest in the nation to have received such recognition. This National Register District was further enhanced in May 1979 when a contiguous area, which extends two miles north from Clermont State Historic Park, was approved for inclusion on the National Register. This National Register District, composed of eight individual estates, is known as the Clermont Estates National Register District.

The three estates in Tivoli: Rosehill, Callendar House, and the Pynes contain most of the actual acreage of Tivoli's section of the Sixteen Mile National Register District (see Map #7). In addition to the main houses, these estates have numerous outbuildings which include boathouses, tenant houses, barn complexes, gate houses, ice houses and stables. A substantial amount of property is used for various agricultural activities. Designed landscapes lead to and surround the mansions. The Sixteen Mile National Register District also includes all the buildings around the old Hudson River Landing on Friendship Street and lower Dock Road and St. Paul's Church on Woods Road.

Because of its relative geographic isolation, the entire Village of Tivoli has changed little through the years. The lack of modernization, of industrial development, of suburban subdivisions (until recently), and shopping centers has created a small but comfortable rural community. Tivoli's commercial buildings, its old churches, the modest wood frame houses, institutional buildings and old factory building together exemplify a 19th century Hudson River community that has remained intact except for the great elm trees that once lined the community's streets.

Approximately one third of the Village's land area is listed on the National Register of Historic Places. The rest of Tivoli contains historic structures that merit inclusion on the National Register for Historic Places. Hudson River

Heritage (HRH) has surveyed these structures to determine their eligibility for listing. A nomination should be made to the National and State Registers using the HRH data. The Old Firehouse already has been listed as a historic structure on the State and National Registers. The Village is part of the Dutchess County Historic Trail.

The NYS Office of Parks, Recreation, and Historic Preservation has identified the Tivoli area as sensitive for the presence of archeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceded by archeological investigation through consultation with the State Historic Preservation Officer when necessary.

F. Scenic Resources

1. The Mid-Hudson Historic Shorelands Scenic District

The Village of Tivoli is part of the Mid-Hudson Historic Shorelands Scenic District, as designated under Article 49 of the Environmental Conservation Law, and the first to be established in New York State. The District extends from Germantown Landing Road in the north to West Market Street in Hyde Park. It encompasses parts of the Towns of Germantown, Clermont, Red Hook, Rhinebeck, and Hyde Park, and all of the Village of Tivoli, the only municipality to be incorporated entirely within the Scenic District. The eastern boundary generally follows Routes 9 and 9G, and the east shore of the Hudson River constitutes its western boundary.

The Village of Tivoli is cognizant that the State's proposed designation of Tivoli as a Scenic Area of Statewide Significance is based upon the Village's orientation to the Hudson and views of the Catskill Mountains, as well as the importance of the estates as designated landscapes and open space. Views are obtained from the river landing area and at the rise of Broadway as one descends to the river landing. The western panorama also contributes significantly to the character of the estates as they are oriented towards the river and the Catskills. As DEC provides additional buffer along Tivoli North Bay, opportunity for public visual access to this habitat and the Hudson River will increase.

The Village of Tivoli and the Scenic District as a whole have been inventoried and analyzed in the Mid-Hudson Historic Shorelands Scenic District Management Plan. The management plan concludes that the Mid-Hudson Historic Shorelands Scenic District is a unique and highly significant land area that encompasses natural and human resources related

to the concept of scenic beauty, and to the history and environmental distinction of the Hudson River Valley and New York State. These scenic resources interrelate in a unified character and are experienced without regard for jurisdictional boundaries. The area's attractive visual and historic character can be threatened by serious adverse development, and contemporary development trends indicate increasing pressures for changes in land use. The district's antique and pastoral environment make it highly vulnerable to adverse visual impact. Present land-use and planning mechanisms vary across numerous jurisdictional divisions and as presently constituted, may not be fully adequate to control the visual impact of proposed changes. A synopsis of the findings documented in the Mid-Hudson Historic Shorelands Scenic District Management Plan are as follows:

- The District is a unified historic, ecological and scenic land resource with clearly defined physical boundaries.

- The District's scenic quality is decisively influenced by view and vistas oriented across the Hudson River to the western prospect in Ulster and Greene Counties.

- The Hudson River, together with its tidal bays, islands and immediate land frontage is the District's prominent physical feature. Stream/ravine formations which cross the District to outflows at the river are also important natural land resources.

- Historic, nationally significant landscape gardens (designed ornamental grounds) constitute extensive acreage on nearly forty contiguous riverfront estates located in the District.

- The District is distinguished by its pastoral landscape character which is considered a scenic resource closely tied to the area's historic and cultural roots.

- Public parkland is extensive in the district and presents the area's scenic resources in all their variety.

- The area is a vast repository of several hundred historically significant structures ranging from elaborate estate mansions to the humble dwellings of the area's first settlers.

- Additional examples continue to be identified and documented.

- Individual river hamlets located in the District represent settlement patterns that retain the general character of their historic development.

- Within the Hudson River Valley Scenic Roads Program, proposed by the Department of Environmental Conservation, nearly all the public roads in the District have been deemed eligible for scenic road designation under Article 49 of the Environmental Conservation Law. The area's rural, local roads are especially evocative of the District's heritage as many had their origins as country lanes over 200 years ago. Transportation planning should address their unique character.

- The District encompasses seven separate local jurisdictions. The "scenic zone" includes six additional municipalities. Each jurisdiction is responsible for land-use controls in its sector of the District or zone. Planning and land-use policies vary across jurisdictional lines.

- District-wide, locally initiated programs include the Hudson River Shorelands Task Force, which has provided a unified focus in the area since 1976. Representing the municipalities in this District, this kind of multi-jurisdictional, locally supported organization is seen as being a critical tool in the District's future stewardship.

- Current land-use trends and demographic analysis suggest increasing development pressures in the District and its "scenic zone". Contemporary housing, industrial works and roadside commercial uses are increasingly proposed for the area. In these cases, the visual quality of modern development has the potential of causing serious adverse impact to the area's identified scenic quality.

- Tourism and recreational use are important public functions in the District and are significant to the area's quality of life. Centered on the Hudson River, the area's parkland and public access sites, tourism and recreation utilizes the area's resources in an appropriate way. This use could be enhanced in the future resulting in economic and preservation dividends.

The management outcome of the Scenic District Management Plan is determined by the cooperation of the seven municipalities to promote and manage the scenic district. Tivoli is represented on the Shorelands Task Force.

2. Scenic Roads

In recognition of the unique scenic qualities of the Hudson River Valley, the State Legislature of New York passed the Scenic Roads Law (Chapter 836) in 1981. The purpose of the Law is to provide for a study of the scenic qualities of certain road corridors in the Hudson Valley and to recommend a method for preserving and enhancing those qualities.

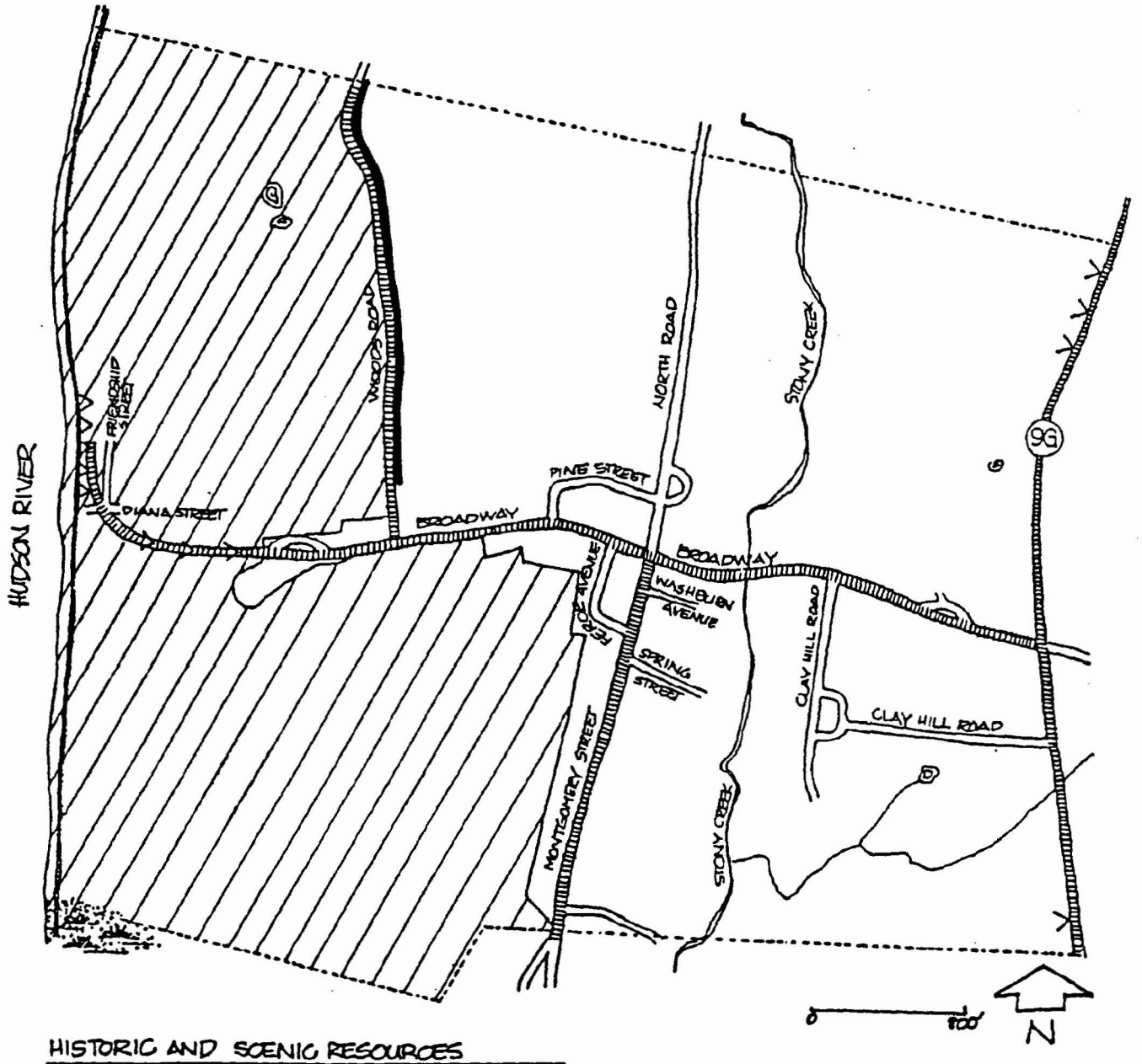
The resulting report, "The Hudson Valley Scenic Roads Program" represents a coordinated effort involving State, County, and local governments, as well as the private sector. Goals of the program are:

- to strengthen the regional identity of the Hudson Valley by identifying the Valley's unique scenic qualities and their regional unity and significance;
- to protect, preserve, and enhance the natural and man-made scenic beauty of the Hudson Valley;
- to promote a greater awareness of the aesthetic qualities of the Valley through an educational program of the Valley's scenic, ecological, cultural, and historical resources;
- to provide economic benefits to the Valley through increased tourism and through the preservation and enhancement of the landscape resulting in increased property values;
- to provide a sound implementation strategy according to the values of each participating community which allows for State and local cooperation; and
- to establish a viable model for the scenic road program which can be applied throughout New York State.

The intent of this State-mandated study is to develop recommendations for the designation and implementation of a Scenic Roads System in the Valley. To accomplish this task, the study included the following steps:

- criteria and a method for evaluating the scenic qualities of road corridors;
- recommendations for official scenic road designation;
- a program for the protection and preservation of scenic road corridors;

TIVOLI WATERFRONT
REVITALIZATION PLAN



HISTORIC AND SCENIC RESOURCES

TIVOLI SECTION OF THE 16MILE NATIONAL REGISTER DISTRICT

SCENIC VISTAS (PUBLIC ACCESS)

SCENIC HIGHWAYS (OF LOCAL SIGNIFICANCE)

VILLAGE ROADS
MONTGOMERY STREET
WOODS ROAD

COUNTY ROADS
BROADWAY (79)

STATE ROADS
ROUTE 9G

SCENIC HIGHWAYS
(DESIGNATED UNDER ARTICLE 49 OF THE NYS ENVIRONMENTAL CONSERVATION LAW)

7

HISTORIC AND SCENIC RESOURCES
VILLAGE OF TIVOLI NEW YORK

- specific methods of enhancing scenic road corridors;
- costs and available funding sources for implementation of the program; and
- an action plan for implementation at the various levels of government.

Four roads in and adjacent to the Village of Tivoli were included in this State of New York study. N.Y. State Route 9G, county-owned Broadway and the Village-owned Woods Road and Montgomery Street (see Map #7) in Tivoli were found to be eligible for nomination as scenic roads. Woods Road has been designated, a 1.37 mile section from St. Paul's Church north to the Columbia County line, by the Department of Environmental Conservation under Article 49 of the Environmental Conservation Law.

Both Woods Road and Montgomery Street are part of a scenic road network which connects the Village of Tivoli to Tivoli Bay Estuarine Sanctuary to the south and Clermont State Park to the north. The corridor of Woods Road is predominantly woodlands. New York State Route 9G was nominated as a scenic road due to the frequent western vistas of the Hudson River and the Catskill Mountains from the Town of Red Hook north to the Catskill Bridge. Broadway,which traverses the Village from 9G to the Hudson River, was selected based on the quaint Village commercial district and the road's views of and access to the Hudson River. The Village-owned Montgomery Street has no distant views or vistas, but is densely lined with 19th century houses.

The Hudson Valley Scenic Roads Program Report encourages local governments to adopt a scenic review process and include local law preservation and enhancement policies in proposed comprehensive land use plans. Two handbooks published by the Heritage Task Force for the Hudson River Valley Inc. are designed to provide guidelines for local government in developing programs and local laws to protect scenic resources. These publications are entitled Scenic Roads Handbook and Scenic District Handbook, and are available from the Heritage Task Force at the DEC Region 3 offices in New Paltz. The review process would establish guidelines for preservation and enhancement policies to assist those affected governments in their land use programs. A very useful sign ordinance has been proposed through the scenic roads program and has been included by the Village of Tivoli in their local zoning.

G. Public Access & Recreation

Broadway provides the only direct point of public access to the Hudson River in the Village of Tivoli. It bisects the Village from 9G to the river. An at-grade

crossing of the railroad tracks is gated and lighted, but the frequent passage of high speed trains still presents a potentially dangerous situation. It is unlikely that there will be any additional access points in the future given the steep topography of most of the waterfront and minimal land area west of the railroad tracks.

A deteriorating bulkhead and collapsed dock are all that remains of a former railroad siding and ferry dock. A deteriorated gravel surface boat launch owned by CONRAIL is used informally by the general public. Parking is limited. The site is identified in the Hudson River Access Forum report as having significant potential. CONRAIL uses the adjacent area as a construction staging area. Due to the railroad crossing and a seriously eroded river bulkhead, the Village cannot encourage extensive riverfront use. The 1966 Comprehensive Plan for Red Hook and Tivoli projected an increased recreational need for Tivoli of an additional 4½ acres by 1990.

The Village's primary recreational area is Memorial Park, which includes a playground and ballfield on Pine Street off Broadway. This area comprises approximately four and a half acres. Funds have been raised in the Village to develop the ballfield and the adjacent pavilion and playground. The construction of tennis courts and an ice skating rink are included in long-range development plans.

The activities for Tivoli Community Day are located here and consist of a parade, booths in the pavilion, contests and a Saturday night dance. The Village also sponsors a summer camp program for all community children, ages 6-12. This program should be enhanced by educational programs about Tivoli Bay and Hudson River resources. Managers of the Estuarine Sanctuary should be approached concerning development of such a program.

H. Development Considerations

1. Flooding and Erosion

Areas subject to a 100-year flood lie along Stony Creek, the railroad right-of-way, and an unnamed tributary emptying into North Tivoli Bay (Map 8).

Stony Creek has been documented as flooding as much as 100 feet on each side of the creek bed. The bulkhead in the landing area on the Hudson has been eroded by tidal fluctuations and ice. The wakes from the vessels in the navigation channel have also contributed to the erosion problem and increase the hazard during flood periods.

2. Public Services and Facilities

a. Water

Tivoli's present water system combines a new dammed surface water supply and filtration plant on Stony Creek (south of Broadway) and its older groundwater/well supply (Map 2). Tivoli's water use is primarily domestic, and current needs are being met. Demand will increase, however, through both residential and commercial growth.

The original water system was installed in 1938-40 as a Works Progress Administration (WPA) project. A 1953 study showed a per capita water use of approximately 35 gallons per day (GPD). A 1984 study indicated water consumption was 50 gallons per capita per day. Anticipated summer use is now 90,000 gallons per day. The well system is still in use, but at a substantially lower capacity than its original rating. The well, drilled in 1957 in the Village ballfield adjacent to the 150,000 gallon elevated water tank, was to serve the Tivoli Acres subdivision. By 1982 this well had become the mainstay of the Village's water supply, but its dry weather yield dropped below 20 GPM. At this time the Village Board contracted with BCI Geonetics Inc. for the purposes of conducting a test boring program and a comprehensive study of the area and to identify an additional water supply.

This study was supplemented in 1984 by a study by Robert J. Ganley, a consulting engineer, who analyzed the Tivoli water supply problem and provided the following conclusions:

- The Village and the area surrounding Tivoli are in a poor ground water area.

- The water producing strata below this area is thin and often contains wet blue clay that either clogs the formation or can, with overdumping or improper development, intrude into the voids surrounding the well and completely clog them.

- Although the Village has used ground water from numerous small wells for its water supply for over forty years, it has had numerous water shortages and water quality problems.

- Stony Creek, which flows through the Village, could be developed as a surface water supply that would result in a reliable system when combined with the groundwater supply.

A decision was made to develop Stony Creek into a new surface water supply, and a dam and filtration plant were constructed south of Broadway. The new system began operation in 1990. The Stony Creek water filtration plant is only intended to be used as a backup or supplement to the current groundwater system should the need arise. Stony Creek is a limited resource, and is not a year-round constant source of water. It is likely that future significant growth can only be satisfied by additional water supply sources such as an intake from the Hudson River.

It is important to preserve the quality of water in Stony Creek. The Lamunyan Construction and Demolition landfill site and the Village of Tivoli landfill are in the Stony Creek watershed, as is the proposed landfill for incinerator ash from the Dutchess County Resource Recovery Facility. The Village will continue their efforts to help ensure that these facilities do not contaminate Stony Creek as a water supply.

b. Sewage Disposal

The Village of Tivoli is served by a central sewage disposal system which was originally built in 1938-40. In 1972 this primary treatment facility was replaced with a state-of-the-art tertiary aeration system with a design capacity of 50,000 GPD, based on the average daily demand of 30,000 GPD. This system could be expanded to double its present capacity, but expansion would be costly, would require extensive modification, and must meet strict DEC standards. The Village has a sewer fund established and has submitted an application to HUD for a construction grant to expand the plant. Although sanitary sewers are separated from the storm water drainage, storm water infiltration still causes combined sewer overflows. As more housing units are constructed and flow increases, the combined sewer overflows will occur more frequently. The Village has undertaken a program of removing tree roots from the sewer lines, but the problem of sump pumps emptying into sewer lines remains to be addressed.

c. Roads and Transportation

The Village's eastern boundary is formed by N.Y.S. Route 9G which bypasses the general business district and is the major road to Poughkeepsie and Hudson. The business district's major connector road with Route 9G is Broadway or County Route 78. Broadway, the only non-village road in Tivoli, runs east-west 1.4 miles through the heart of the Village to the old ferry landing on the Hudson.

Chart II which describes the Village roads follows on the next page.

Montgomery Street-North Road is the major north-south route through the Village. Connecting roads lead to Route 9G. Woods Road, serves the northwestern portion of the Village and connects to County Route 35 and Clermont State Park, Columbia County.

By and large, only local traffic frequents the roads of Tivoli and specifically, the general business district of the Village. New signage directing travelers off of Rt. 9G could be encouraged. Also, visitors to Clermont State Park can now be directed into the Village via Woods Road since the road has been improved. If traffic on Woods Road should increase to an extent that requires widening the road, impacts on the scenic corridor from widening would have to be mitigated.

In terms of public transportation, the Dutchess County Loop System provides bus service from Tivoli south to Poughkeepsie on a daily commuter schedule.

Summary of Key Findings and Issues

1. The prime characteristic of Tivoli is its historic and residential quality. This Village character should be maintained.

2. Tivoli has a number of unique assets which should be preserved, including:

   - The Village's many historic resources should be protected and restored.

   - The Village's scenic resources and important viewsheds should be protected and enhanced.

- Tivoli, as part of the Mid-Hudson Historic Shorelands Scenic District, and the Department of State's proposed Estate District Scenic Area of Statewide Significance has qualities which subject it to development pressure. Scenic quality protection should be a part of any review of new development proposals.

- The Village's agricultural resources should be protected and preserved for agricultural use to the maximum extent possible.

- The Village's habitat resources should be protected. Uses for public recreation and education which are consistent with protection of the resource should be encouraged.

- A public education program concerning all these resources should be developed. This LWRP supports the recommendation of the Greenway Council to consider establishment of an education center at Tivoli Bays.

- The combination of these unique resources will attract visitors to Tivoli. A signage system should be developed within the Village to direct tourists to points of interest in the Village, to Tivoli Bay State Nature and Historical Preserve, and Clermont State Park.

3. Development should be restricted in those areas with highly erodible soils, floodplains, wetlands, watershed areas, steep slopes, lack of central water and sewer facilities, and other environmental constraints.

4. The existing Village water and sewer systems have known capacity limitations due to environmental and hydrological constraints. Therefore, any significant expansion of uses dependent on these services must address the issues raised by these limitations.

5. New commercial uses in the general Business District will complement the "village atmosphere" of Tivoli, and should be encouraged.

6. All of Tivoli's waterfront areas, including the riverfront landing and the riverfront bluffs, are an extremely sensitive and fragile resource. Thus, while the area has exceptional scenic values and the landing is the only opportunity for public access to the river,

it is imperative that the fragile resources be protected. Any intensive development (for example, industrial, commercial, high density residential, and public utilities) is generally not suitable for Tivoli's waterfront areas, due to physical limitations and the absence of central sewer service.

7. While State Coastal Policies encourage water-dependent and water-enhanced uses, any such uses in Tivoli must be limited by the fragile nature of the coastal resources. Accordingly, water-related uses in Tivoli should focus on passive recreational uses, especially those relating to walkways or trails along the river and in the vicinity of North Tivoli Bay.

8. The riverfront landing area provides the Village's only opportunity for increasing public access to the Hudson. Uses such as a DEC boat launch should be explored, provided that they are consistent with preservation of the area's scenic quality and environmental limitations.

9. Public access to the Hudson River needs to be increased through appropriate use of DEC-owned lands around Tivoli North Bay for water-related and water-enhanced uses.

10. The Village of Tivoli lacks the funds and resources necessary to implement the goals set forth in this plan. It will be imperative that the Village work with other agencies and levels of government to accomplish these goals.

CHART #II

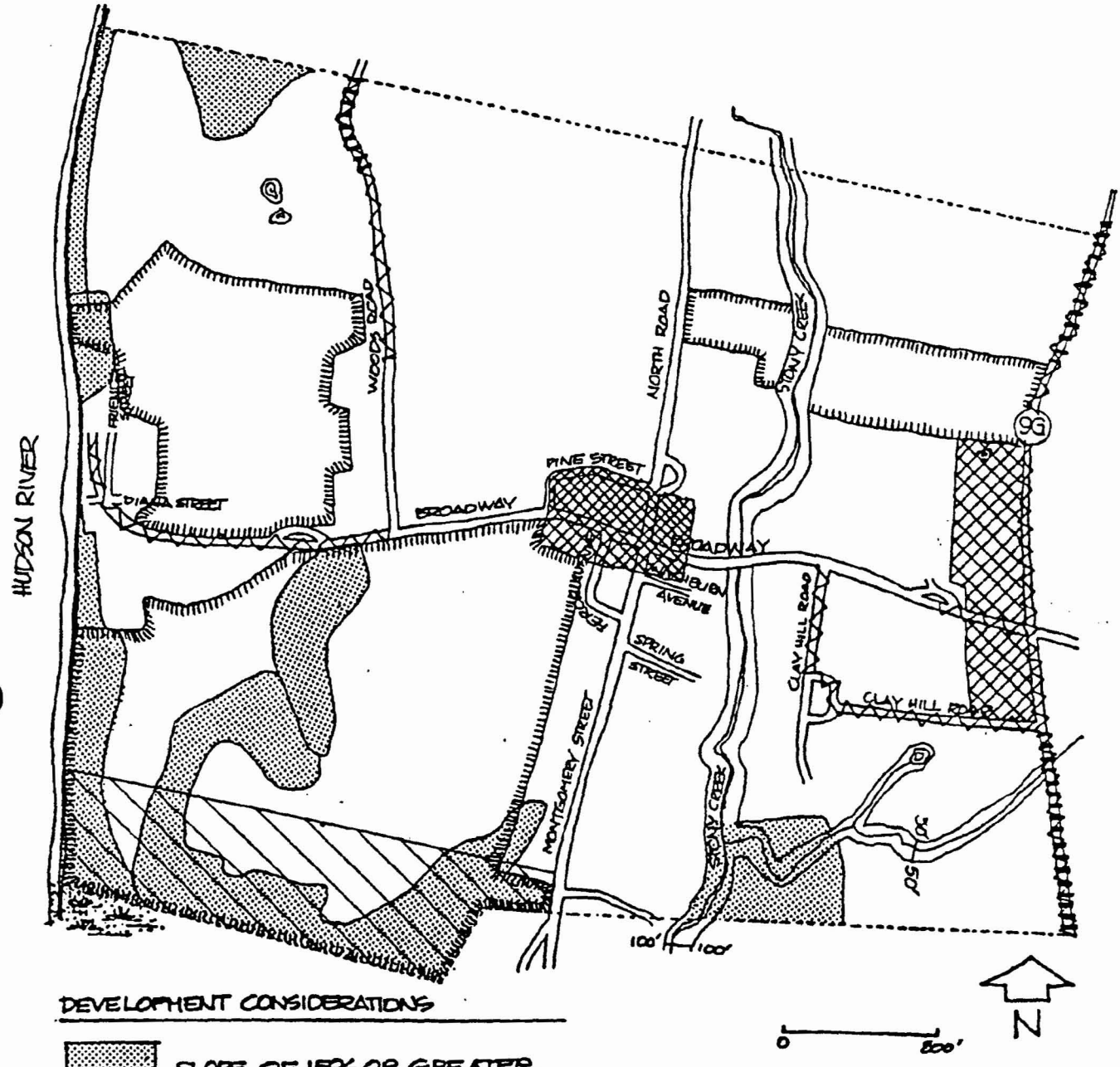
VILLAGE OF TIVOLI ROAD SYSTEM

Name	Length	Lanes	Pavement	Jurisdiction	Condition
*Broadway	1.4	2	high grade bituminous	County	poor
Clay Hill Rd.	.5	2	crushed stone & bituminous	Village	fair
Diane St.	0.5	2	crushed stone & bituminous	Village	fair
Feroe St.	.16	1	high grade & bituminous	Village	good
Friendship	.13	2	dirt & bit bitminuous	Village	fair-good
Dock Rd.	.5	2	bituminous	Village	fair
*Montgomery St.	.54	2	high grade bituminous	Village	good
North Rd.	.6	2	low grade bituminous	Village	fair
Old Rt. 402	.08	2	dirt	Village	poor
Pine St.	.19	2	high grade bituminous	Village	good
Spring St.	.15	2	high grade bituminous	Village	good
Washburn	.06	2	high grade bituminous	Village	good
*Woods Rd.	.55	2	high grade bituminous	Village	good

TOTAL: Village Road Miles 3.01 miles
County Road Miles 1.4 miles

*New York State designated scenic roads.

TIVOLI WATERFRONT
REVITALIZATION PLAN



DEVELOPMENT CONSIDERATIONS

- SLOPE OF 15% OR GREATER
- BUSINESS DISTRICTS
- AGRICULTURAL LAND
- NO PUBLIC WATER
- NO SEWER
- FLOOD HAZARD AREA (50' EACH SIDE)
- AREA TO BE ACQUIRED BY NEW YORK STATE THRU FEE SIMPLE TITLE AND/OR CONSERVATION EASEMENT

DEVELOPMENT CONSIDERATIONS

VILLAGE OF TIVOLI NEW YORK

VILLAGE OF TIVOLI TOPOGRAPHY

TOPOGRAPHY
VILLAGE OF TIVOLI NEW YORK

SECTION III
WATERFRONT POLICIES

DEVELOPMENT POLICIES

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

EXPLANATION OF POLICY

The central business district constitutes the underutilized area in Tivoli. A revitalization of the business district has begun, although storefronts that were converted to apartments in the past remain in that use. New uses are primarily commercial. The Village has begun working on the rehabilitation of the old fire house into a Village Hall and public library. All rehabilitation of structures should protect the 19th century architectural character of the Village.

To generate enough consumer traffic to support the new businesses in Tivoli, visitors to Clermont State Park and Montgomery Place should be encouraged to include Tivoli in their tour. The Village is already on the Dutchess County Historic Trail.

In contrast to the downtown business district, very different circumstances apply to the Village's waterfront. The riverfront landing once hosted steamboats and the Saugerties-Tivoli ferry. However, the railroad tracks (now used for high speed trains) have created a major safety issue in crossing the tracks to reach the waterfront. These factors, together with the other environmental considerations (e.g. habitat protection, agricultural soils, lack of infrastructure, etc.) are a major limitation to any future development in this area.

Plans for future development of the waterfront must therefore be limited to an appropriate scale. The bulkhead and landing are now deteriorated but could be repaired. The riverfront could accommodate a small boat launch, as noted in DEC's public access study. The site has been recommended for such a facility in the recent study "Between the Railroad and the River" (Hudson River Access Forum, September 1989).

Any development on the riverfront should not block views to the water from Broadway and should be of a scale and architectural style consistent with the existing character of the community. Consideration should also be given for views of Tivoli from the other side of the river.

There is at present no heavy industrial land use in Tivoli, nor is any section of the Village presently or proposed to be zoned for such use. The Village only allows light industrial uses by special permit in certain zones. Light industry can be accommodated in the vicinity of the central business district.

To be allowed to locate in the Village, such uses must meet at least the following minimum criteria under current zoning:

1) Prior to the issuance of a building permit, the applicant must provide a statement from the New York State Department of Environmental Conservation stating that the applicant's proposal meets all the established air quality standards.

2) Noise. It shall constitute a nuisance for any person, firm or corporation to permit the emission of measurable noises, as measured at the individual property lines, to exceed 70 decibels during the period between 6 a.m. and 10 p.m., or 60 decibels during the period between 10 p.m. and 6 a.m.

3) Glare. It shall constitute a nuisance for any person, firm or corporation to permit the edge of the beam of any artificial light source to cross the boundary line of the lot on which this light source is situated. For this purpose, the edge of the beam is defined as the surface at which the intensity of light does not exceed 10 percent of the luminescence of the center of the beam.

4) Odor. It shall constitute a nuisance for any person, firm or corporation to permit the emission of any odor that, as measured at the individual property line, offensively affects the sense of smell.

Tivoli in not an urban area. In adopting zoning and in evaluating development proposals, in areas identified by the Village as appropriate for development, the following guidelines will apply:

1) The action should enhance existing and anticipated uses;

2) The action should serve as a catalyst to private investment in the area;

3) The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;

4) 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;

5) The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;

6) The action should improve the adjacent, upland, and across the river views of the water, and, at a minimum, must not affect these views in an insensitive manner;

7) The action, if appropriate, should have the potential to improve public access to the riverfront and other natural environmental areas.

In Tivoli, revitalization efforts will focus on the Central Business District area. All 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; 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.

See Policies 21, 23, 24, 25.

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

POLICY 2A **ADJACENT TO THE VILLAGE COASTAL WATERS, WATER ENHANCED USES SHOULD BE LIMITED TO EXISTING LOW DENSITY RESIDENTIAL AND AGRICULTURAL AREAS ON THE BLUFF TO THE NORTH AND SOUTH OF THE RIVER LANDING.**

EXPLANATION OF POLICY

As noted throughout the LWRP, both the Landing Area and the Bluff Areas have severe development constraints. Because of this, provision for appropriate water-dependent and water-enhanced uses may be severely limited.

The following uses and facilities are considered potentially appropriate as water-dependent activities along the Tivoli waterfront:

1) Recreational activities which depend on access to coastal waters such as fishing, boating, viewing wildlife of the Hudson River and the Estuarine Sanctuary, and fishing on Stony Creek;

2) Flood and erosion protection structures (for example: breakwaters, bulkheads);

3) Support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations). Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

4) Scientific/educational activities, which, by their nature, require access to coastal waters.

Other water-dependent uses, as listed in the State's Coastal Policies are not appropriate for Tivoli.

Similarly, appropriate water-enhanced uses are limited due to the unique resources and development constraints in Tivoli. Water-enhanced uses should be limited to activities such as active and passive recreation, agriculture, athletic fields, game preserves, parks, playgrounds, plant nurseries, and wildlife preserves. The Village's LC Conservation Zoning District so limits permissible activities.

Based on the above, the existing low-density estate character of the bluffs on the riverfront should be preserved.

Facilities such as industrial, high density residential, and large scale public utilities are not suitable for Tivoli's waterfront. Adequate upland is available for such uses.

POLICY 3 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO TIVOLI.**

POLICY 4 **THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO TIVOLI.**

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

EXPLANATION OF POLICY

The Village of Tivoli is served by a tertiary treatment sewer system which can be expanded to double its present capacity of 50,000 gallons per day.

The Village water system is adequate for existing demand.

The immediate Hudson River shoreline is not, however, served by either public water or public sewer facilities.

POLICY 5A **COMMERCIAL, LIGHT INDUSTRIAL AND HIGH DENSITY RESIDENTIAL DEVELOPMENT WILL BE LOCATED IN AND ADJACENT TO THE CENTRAL BUSINESS DISTRICT IN THE UPLAND VILLAGE AREA WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE AVAILABLE.**

EXPLANATION OF POLICY

Commercial development will be located in the central business district and along Route 9G. Light industrial development will be limited to the same areas and subject to additional and more stringent controls.

High density development will be limited to lot sizes of 15,000 square feet (R15) or cluster development based on the R15 residential zone and is presently allowed adjacent to the central business district. All future development will only be allowed subject to the availability of water and provision of adequate sewage disposal.

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 and in areas suitable for such development, State and local 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. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government; and if necessary, legislative and/or programmatic 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 WILL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

EXPLANATION OF POLICY

Part of the North and South Tivoli Bays Significant Habitat is located in the Village of Tivoli.

It is essential that any potential impacts on North and South Tivoli Bays 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 impacts on the tidal flows in the bay and wetlands may have serious consequences for the fish and wildlife, since these actions may significantly affect the vegetative composition. Additionally, changes in existing patterns of water quality, turbidity, temperature or depth would impact directly on the species using this freshwater wetland and bay complex. Freshwater inflows from Stony Creek and the Saw Kill are especially important. Non-point source pollutants from the watershed, including herbicides, could have a detrimental effect on the fish and wildlife habitat. Elimination of wetland or shallow areas through dredging, filling, or bulkheading would result in a direct loss of valuable habitat. Activities that would subdivide this relatively large, undeveloped area into smaller fragments should be restricted. Extensive cutting of the forest vegetation surrounding the bays could adversely affect use of the area by many fish and wildlife species.

See Policies 12, 33, and 37.

POLICY 7A **THE LOCALLY SIGNIFICANT HABITATS OF STONY CREEK AND THE HUDSON RIVER ALONG TIVOLI'S WATERFRONT WILL BE PROTECTED, PRESERVED AND IMPROVED. THE HUDSON RIVER BLUFFS, TIVOLI BAY, AND STONY CREEK SHOULD BE PROTECTED FROM OVERDEVELOPMENT.**

EXPLANATION OF POLICY

It has been proposed that the Stony Creek water classification be upgraded to "A" (suitable for a public water supply). This action will impact water discharge permits in the Stony Creek watershed and over time improve the stream's water quality.

Conservation easements should be utilized to meet land buffer preservation goals for the North Tivoli Bay area (Note map #5). Conservation easements would be less expensive than fee title acquisition of land and would maintain the property on the Village tax rolls.

Additionally, the Village should work with DEC and area farmers to insure that coastal waters and especially Tivoli Bays are protected from non-point source pollution.

See Policies 12, 33, and 37.

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.**

POLICY 8A **THE DISPOSAL OF SEPTIC WASTE AND THE ESTABLISHMENT OF DUMPS WITHIN THE VILLAGE LIMITS AND WITHIN THE STONY CREEK WATERSHED SHALL NOT BE ALLOWED.**

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 as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

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

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

It is important to preserve the quality of the water in Stony Creek. The LaMunyan construction and demolition landfill and the Village of Tivoli landfill are in the Stony Creek watershed, as is the proposed landfill for incinerator ash from the Dutchess County Resource Recovery facility. The Village is extremely concerned about the potential adverse impacts from the incinerator ash landfill since it is within the Stony Creek Watershed.

Village law requires that a local permit be issued for disposal of waste within the Village limits.

The pumping of cesspools and septic tanks shall be permitted; however, the disposal of the contents thereof shall not be permitted within the Village of Tivoli except as approved by the Village Board.

No dump as defined in Village law shall be permitted within the Village of Tivoli except as approved by the Village Board. No burning of garbage, trash, refuse, junk or waste material of any kind shall be permitted in the Village of Tivoli except as approved by the Village Board.

The disposal of hazardous waste is subject to existing local laws and laws of the State of New York regulating hazardous waste. Strict enforcement should continue at the State level.

For the purpose of this policy, railroad ties and construction debris shall be considered hazardous waste. Conrail shall be discouraged from using the Village waterfront area as an intermediate storage facility for railroad ties and other debris. Further, Conrail shall be strongly encouraged by the Village to remediate any dumping of railroad ties and construction debris that has already taken place along the railroad tracks in the Village of Tivoli.

See Policies 7, 7A, 31A, 36, 38, 38A, 39, and 40A.

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

EXPLANATION OF POLICY

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

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

POLICY 9A **IMPROVE PUBLIC ACCESS TO THE HUDSON RIVER IN AREAS PUBLICLY OWNED.**

EXPLANATION OF POLICY

New York State DEC should increase the public access to the Tivoli Bay area by allowing public use of buffer lands around Tivoli Bay for recreation purposes and in a manner compatible with protection of the resources.

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 fishing off Tivoli, and throughout the Hudson River, has historically been an active industry for many years. The economies of the industry and pollution in the River brought an end to this era after World War II. Recently, the environment for such activity has shown signs of improvement, although many obstacles still exist and actions which improve the quality and management of the fisheries stock and which provide onshore facilities for commercial fishing are encouraged given the limitations of the Tivoli waterfront.

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. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources. Actions by public agencies must be evaluated as to whether they will impede existing utilization or future development of the State's commercial fishing resources.

On the local level, within the Village of Tivoli, the provision of small scale commercial fishing, including the docking of fishing boats and the provision of related services, should be permitted where the land area is sufficient and the possible odor, traffic, and aesthetic impacts do not negatively impact adjacent land uses.

FLOOD AND EROSION HAZARD 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

The erosion aspects of this policy are not applicable because there are no Coastal Erosion Hazard Areas in Tivoli. In coastal lands identified as being subject to high velocity waters

caused by hurricane or other storm wave wash, 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 Dutchess County Office of Disaster Preparedness and Civil Defense prepares plans for Dutchess County, including Tivoli.

Areas subject to a 100-year flood lie along Stony Creek, the railroad right-of-way, and the unnamed tributary emptying into North Tivoli Bay. The Village of Tivoli participates in the Regular Phase of the National Flood Insurance Program (Effective date: August 1, 1984).

No structure temporary or permanent; fill for any purpose; deposit; obstruction; storage of materials or equipment; or other uses shall be permitted which, acting alone or in combination with existing or future uses, will unduly affect the efficiency or the capacity of the floodway or unduly increase flood heights, cause increased velocities or obstruct flow under flood conditions.

See Policies 14 and 17.

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 the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

See Policy 17A.

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

EXPLANATION OF POLICY

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.

The old bulkhead at the river landing is the only riverfront erosion problem in the Village. This dangerous dock and bulkhead have been eroded severely by tidal fluctuation of ice over the past 100 years. This section of Tivoli's waterfront must be stabilized.

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 shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

See Policy 13.

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

EXPLANATION OF POLICY

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore 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.

There is no room for dredge spoils in the river landing area or along the riverfront in Tivoli. Since the channel is immediately adjacent to Tivoli's riverfront, it is unlikely that any mining, excavation or dredge activities would take place due to bedrock exposure underwater on Tivoli's side of the channel.

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.

See Policy 13.

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 SET BACK 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

Non-structural measures within identified flood hazard areas shall include, but not be limited to: (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, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

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.

POLICY 17A **BUILDING SETBACKS FROM BLUFFS, STREAMS AND WETLANDS SHALL BE SUFFICIENT SO THAT DANGER FROM FLOODING AND EROSION IS MINIMIZED.**

EXPLANATION OF POLICY

Flood prone areas along the Stony Kill are restricted from construction within 100 feet each side of the centerline by the Land Conservation zoning district. Within 1,000 feet of the riverfront and within 1000 ft. of the North Tivoli Bay area, building construction is limited to structures associated with agriculture, outdoor recreation, parks, playgrounds, and nature preserves. These shall be set back 50 feet from the tops of the bluff along the river.

The Village's participation in the Regular Phase of the National Flood Insurance Program addresses many of these problems through regulations pertaining to development in designated

flood hazard areas and includes such non-structural measures as setbacks, elevations above flood level, and floodproofing in flood hazard areas.

GENERAL POLICY

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

EXPLANATION OF POLICY

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation. Major actions, therefore, should take into account and be supportive of Tivoli's indigenous rural residential character.

PUBLIC ACCESS POLICIES

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

EXPLANATION OF POLICY

Public recreation resources are found in and adjacent to Tivoli Bays Estuarine Sanctuary and Significant Habitat. Access to this area should be improved by providing additional marked trails to the water's edge to allow hiking and portage of canoes to the Tivoli North Bay.

The hike from the existing DEC parking lots, located on Route 9G and Kidd Lane in Red Hook south of Tivoli, to the Estuarine Sanctuary is long and makes the sanctuary inaccessible to a

large group of people. Additional access to Tivoli Bays could be provided via the DEC easement in the Village of Tivoli and via a boat launch at the Riverfront landing area.

In response to the Greenway Council Report, the Village should explore linkages with access opportunities in adjoining municipalities, particularly Red Hook.

To ensure that public access to the waterfront is maintained and increased, the Village of Tivoli will:

a) Preserve public access, both physical and visual, to the Hudson River and the opposite shoreline, wherever feasible, and discourage development that is insensitive to the preservation of access.

b) Improve adjacent and upland views of the water wherever feasible, through private volunteer efforts and through site plan review and other land use controls.

c) Seek cooperative agreements with the State and federal governments regarding long-term use and management of State and federal park lands and natural areas along the waterfront that insure public access for recreation and promote other opportunities for mutual cooperation and assistance.

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 during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

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 substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; 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 with 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. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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

3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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.

POLICY 20 **ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

EXPLANATION OF POLICY

Since there are little or no recreation facilities providing specific water-related recreational activities within Tivoli, access to the publicly-owned lands of the coast at large should be provided for activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the river. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Tivoli LWRP. These include: the development of a coastal trails system and the provision of access across transportation facilities to the waterfront. Such facilities should be provided on public lands purchased by DEC to buffer the Tivoli Bays Estuarine Sanctuary. Any future development in the estates area should provide such facilities as part of site design.

Prior to any development occurring in the water or on the immediate waterfront, the New York State Office of General Services 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.

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 probability 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 Policy 19 of "access", and "public lands or facilities").

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

      1) 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.

      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 water-related recreation resources and facilities.

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

      i) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

      ii) 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; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. 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 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. 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. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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 **INCREASE PUBLIC ACCESS TO THE TIVOLI BAYS ESTUARINE SANCTUARY AND ADJACENT BUFFER LANDS THROUGH PROVISION OF A WIDE VARIETY OF WATER RELATED RECREATION FACILITIES AND EDUCATIONAL PROGRAMS.**

POLICY 21B **PROVIDE BOATING ACCESS TO THE HUDSON RIVER THROUGH CONSTRUCTION OF A STATE BOAT LAUNCH NEAR THE VILLAGE LANDING AND A CANOE LAUNCH INTO NORTH TIVOLI BAY.**

EXPLANATION OF POLICY

Water-related recreation includes such obviously water-dependent activities as boating, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Because most waterfront land has been privately owned, the residents of Tivoli have generally experienced little contact with the resources of Tivoli North Bay. Purchases by DEC of upland buffer have created opportunities for overlooks, wildlife observation stations, and hiking trails. Such facilities should be developed in Tivoli which would link to similar facilities along the Sanctuary in the Town of Red Hook.

Educational programs should be developed for use in the Village of Tivoli summer recreation program for children. Field trips into the sanctuary could be provided for the children, supported by educational material in the Public Library and posting of scheduled educational programs on an announcement board at the Library or in Memorial Park.

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 (of a scale compatible with the limits of the resources and access opportunities) 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 water-dependent uses will require a case by case analysis.

Construction of a canoe launch for canoe trips in the Sanctuary would provide for water dependent recreation and further wildlife observation activities.

The Village Landing has been identified in the Hudson River Access Forum's report as having significant potential for a boat launch. An existing gravel-surfaced ramp owned by CONRAIL is deteriorated. This should be repaired by either CONRAIL or DEC for use as a public boat ramp.

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

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
mental health facilities
hospitals
schools, universities
nature preserves
multiple family residential uses, and
appropriate commercial uses

Because the railroad tracks lie along the edge of the Hudson River in Tivoli, the types of uses likely to be provided outside of the Estuarine Sanctuary are passive forms of recreation such as trails and observation points for viewing the river and the western shorelands and for observing wildlife.

Prior to taking action relative to any development, agencies should consult with the State Office of Parks, Recreation, and Historic Preservation. And the Village for the opportunity to participate in project planning.

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.

HISTORIC RESOURCES 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.**

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 effective efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

Three estates in Tivoli - Rosehill, Callendar House and the Pynes -with their outbuildings and environs are listed on the National Register of Historic Places as part of the Sixteen Mile Historic District. Also included in the District are the old Hudson River Landing on Friendship Street and lower Dock Road and St. Paul's Church on Woods Road. The old Village Firehouse has been listed on both the State and National Registers of Historic Places.

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 located within the boundary of an approved local waterfront revitalization program.

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 shall be deemed to 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 (a) above plus any other appurtenant fixture associated with a building structure or earthwork.

3) All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an

historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

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.

The NYS Office of Parks, Recreation, and Historic Preservation has identified the Tivoli area as sensitive for the presence of archeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceeded by an archeological investigation through consultation with the State Historic Preservation Officer when necessary.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.

EXPLANATION OF POLICY

This policy is currently not applicable to the Tivoli LWRP because no Scenic Areas of Statewide Significance have, as yet, been designated by the NYS Secretary of State. However, the Department of State has completed the inventory and analysis work for proposing ten candidate Scenic Areas of Statewide Significance in the Hudson River Valley. The Village of Tivoli falls within the proposed Estate District Scenic Area of Statewide Significance. Designation of the Estate District by the Secretary of State is still pending.

POLICY 24A PREVENT IMPAIRMENT OF SCENIC RESOURCES INCORPORATED WITHIN THE MID-HUDSON HISTORIC SHORELANDS SCENIC DISTRICT.

EXPLANATION OF POLICY

The Village of Tivoli is wholly contained within the Mid-Hudson Historic Shorelands Scenic District, designated under Article 49 of the Environmental Conservation Law.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve: (a) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and (b) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource. The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

-- 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;

-- clustering or orienting structures to retain views, save open space and provide visual organization to a development;

-- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

-- removing deteriorated and/or degrading elements;

-- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;

-- 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;

-- using appropriate materials, in addition to vegetation, to screen unattractive elements;

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

PRESERVATION OF THE ESTATES

Each estate landscape must be carefully evaluated to determine its important historic and scenic elements. These may include the main house and yard, historic gardens and significant trees,

the gateway and gatehouse, the entry avenue, and accessory buildings. Every effort must be made to retain these elements within any new development.

Continued use of many of these estates as private dwellings is preferred, but adaptive reuse of the main house with or without additional changes in uses of the surrounding acreage may be necessary. If residential units or other new buildings are proposed, cluster type of development is the most desirable option to pursue. Unlike a traditional subdivision approach, cluster development can preserve the visual and historical integrity of the estate grounds by maintaining a single road access and screening new structures from the river and the main roadway.

The cluster technique can be effectively utilized to preserve the character of the estate property while accommodating new residential development. Clustering would provide a development pattern far more consistent with Scenic District objectives than a traditional lot-by-lot subdivision approach.

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 OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

EXPLANATION OF POLICY

See Policy 24A for a discussion of the Mid-hudson Historic Shorelands Scenic District.

Woods Road, from St. Paul's Church north to the Columbia County line, has been designated as a Scenic Road under Article 49 of the Environmental Conservation Law. The scenic corridor of Woods Road is predominantly rural with a canopy of trees, primarily evergreens. In the case of new development, a buffer of trees at least twenty-five feet deep should be preserved on either side of Woods Road and only a limited number of curb cuts or driveways should be allowed. Care should be taken not to encourage a level of traffic which would require widening of the road and loss of its intimate, winding character. Signs should be grouped at intersections to avoid proliferation of individual signs.

To improve the corridor of Route 9G, landscaping of existing businesses will be encouraged. Clustering of new businesses, limitation of curb cuts, and placing parking behind structures can be used to avoid strip development and associated negative visual impacts. The original landform should be retained wherever possible, and construction design and materials should reflect the historic nature of the area.

There are few opportunities for viewing the Hudson River from public property. Views are available from the end of Broadway, at the Village Landing, and from land west of the railroad tracks. These views should not be blocked by new development.

The opportunity for public overlooks will be created as DEC provides upland buffer along North Tivoli Bay. The buffer lands do slope up from the water and provide views to the Tivoli Bays, the Hudson River, and its western shorelands. Public facilities, such as overlooks with benches, should be provided by DEC so that local residents and other visitors can enjoy the views.

AGRICULTURAL LANDS POLICY

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

EXPLANATION OF POLICY

There is limited agricultural use of land in Tivoli at this time, but there is good potential for agricultural development because of the suitability of the soils. Agricultural land in the Village is separated into three parcels (see Map 8). The agricultural land within the Village is greater than 25% land of Statewide Significance, but less than 25% prime farmland. In addition, a portion of Dutchess County Agricultural District Number 20 is within the Village of Tivoli's Waterfront Revitalization Area. Land formerly in agricultural use within the Village is presently zoned 3 acre and 2 acre lot residential which provides for the principal uses of agriculture; dwelling - one family; farm; farm house; parks - public and private; and playgrounds.

Given the Program's application to a narrow strip of land, implementing a policy of promoting agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a Statewide or national basis.

The Program policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand.

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

In consultation with the Village of Tivoli, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State Law and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) 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 DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

EXPLANATION OF POLICY

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as will be 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.

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

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 water 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.

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

EXPLANATION OF POLICY

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards

are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs 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.

DEC Region 3 Fisheries Unit has proposed that Stony Creek be reclassified from "D" to "C(T)." Since the Creek is a source of water supply for Tivoli, its classification should be further upgraded to "A" above the dam to protect the water supply. In addition, the State Department of Health supports the recommendation to upgrade the classification to "A."

In 1987, the Chief of the Groundwater Quality Management Section of DEC reconfirmed the Department's intention to upgrade a portion of Stony Creek to Class "A" upstream from Tivoli's water supply intake point. This was in response to Tivoli's application for reclassification of Stony Creek to "AA" as submitted in July, 1986.

The Hudson River as it flows past Tivoli is classified "A", suitable for all uses including water supply, and should remain so classified.

See also Policies 7, 38.

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.

On the other hand, the Village is presently served by municipal water and sewer facilities except in the waterfront area. Connection of new development to these facilities will promote efficiency and would generally be the preferred option. However, in unusual circumstances the Village and other regulatory agencies could consider allowing smaller alternative systems.

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 storm water 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 Village has an existing separated stormwater and sewage system, but there are still roof drains and sump pumps that empty into the sewer lines. This condition presents an enforcement problem that is difficult and costly to correct, but the Village is working on plans to do so.

See Policy 37.

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

EXPLANATION OF POLICY

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Any new water-dependent activities on Tivoli's waterfront, where permitted, shall provide pump-out facilities to protect the "A" classification of the Hudson River and the Tivoli Bays Significant Habitat. In addition, such activities shall include, where appropriate and feasible, protective measures to mitigate impacts from fuel transfers, oil and grease from bilge pumpout, hydro-carbon emissions in exhaust gases, and impacts from toxic anti-foulant paints.

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

EXPLANATION OF POLICY

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. However, there is no room for dredge spoils in the river landing area or along the riverfront in Tivoli. Since the channel is immediately adjacent to Tivoli's riverfront, it is unlikely that any mining, excavation or dredge activities would take place due to underwater bedrock exposure on Tivoli's side of the channel.

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

See Policy 39 for definition of hazardous materials.

For the purpose of this policy, creosote railroad ties are identified as hazardous materials and shall not be stored or disposed of in a manner which would contribute pollutants to the Hudson River or the Significant Habitat. Transfer of coal from river to land transportation modes also can contribute pollutants to the Hudson River and should be closely monitored.

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 these sources of pollution include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. Through the use of the Village Zoning Regulations and site plan review provisions, best management practices will be used to reduce such non-point pollution sources if any are identified in the future. Similar techniques are discussed as pertinent to the policies on erosion control (Policy 12) and stormwater runoff (Policy 33).

Guidelines regulating development or construction to be used in implementing this policy include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such efforts shall include, but not be limited to, the use of stormwater detention basins, rooftop runoff disposal, rooftop detention, parking lot storage and cistern storage.

2. The construction site, or facilities, should fit the land, particularly with regard to its limitations.

3. Natural ground contours should be followed as closely as possible and grading minimized.

4. Areas of steep slopes, where high cuts and fills may be required, should be avoided.

5. Extreme care should be exercised to locate artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.

6. Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.

7. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.

8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.

9. Sufficient ground cover should be applied to restrain erosion on that portion of the disturbed area undergoing no further active disturbances.

10. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.

11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity, and volume, and runoff resulting from facilities constructed.

12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.

13. The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

14. Rather than merely minimize damage, take the opportunity to improve site conditions wherever practicable.

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 principal sources of drinking water in the State, and therefore must be protected.

The Hudson River, as it flows past Tivoli, is classified "A" suitable for all uses including a public water supply. As a supplement to the Village water supply, however, the cost of pumping water from the Hudson up 300 feet to the height of the water tower is prohibitive. Stony Creek should be protected for its water supply and drainage attributes. However, Stony Creek is a limited resource, and is not a year round constant source of water. It is likely that future significant growth can only be satisfied by additional water supply from other sources, such as an intake from the Hudson River.

Recognizing that other communities along the Hudson River may look seriously toward the River for additional water supply needs, the Village of Tivoli would support the concept of (and participation with) a regional planning entity that would research the feasibilities of, and cumulative impacts associated with, possible regionalization of water supply needs from the Hudson River.

POLICY 38A **THE STONY CREEK AND ITS WATERSHED ARE THE PRIMARY WATER SUPPLY FOR THE VILLAGE OF TIVOLI. NO ACTION WILL BE UNDERTAKEN WHICH WILL ADVERSELY AFFECT PERCOLATION, INFILTRATION AND RECHARGE IN THE AREA OF STONY CREEK, VILLAGE WELLS OR THE TIVOLI CREEK WATERSHED.**

EXPLANATION OF POLICY

The Village has historically depended on groundwater for its water needs. In 1972 the Mill Pond Dam broke on the Stony Creek and a noticeable drop in the Village wells was noted. Since 1972, the Village has suffered a number of serious water shortages and has not been successful in locating alternative groundwater resources to meet the Village needs. The Village Board of Trustees decided, based on engineering studies, to dam Stony Creek and build a filtration plant to supplement existing groundwater resources. In order to protect this water

supply, the New York State Department of Environmental Conservation should upgrade the Stony Creek water classification to an "A". DEC-designated wetland #SG-2 should not be filled or encroached upon by development. Refer to policies 7A, 8A, 31A, 40A.

It is important to preserve the quality of the water in Stony Creek. The Lamunyan construction and demolition landfill and the Village of Tivoli landfill are in the Stony Creek watershed, as is the proposed landfill for incinerator ash from the Dutchess County Resource Recovery facility. The Village is extremely concerned about the potential adverse impacts from the incinerator ash landfill since it is within the Stony Creek watershed.

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

EXPLANATION OF POLICY

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include 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 generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, 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: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 371) has been adopted by DEC.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas; atmospheric loading; and degradation of scenic resources.

As noted in other policies, Stony Creek supplies water to the Village, and it is thus imperative that the Stony Creek watershed be protected from pollution.

Conrail uses the waterfront area as a staging area for construction and repair activities, including temporary housing for employees. The staging area shall be operated in a manner that will not contribute pollutants to the soil, air, ground water and surface water.

See Policy 36, 37, 38.

POLICY 40 **EFFLUENT DISCHARGE 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

A number of factors must be considered 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 electric generating facility.

POLICY 40A **EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES WILL NOT BE UNDULY INJURIOUS TO A PUBLIC WATER SUPPLY AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

EXPLANATION OF POLICY

Consolidated Edison has purchased large tracts of land east of Tivoli in the Town of Red Hook over the past several years. Any water discharge in the Stony Creek watershed from a major energy facility may significantly impact the water quality of the Stony Creek for public water consumption purposes. Any discharge in the vicinity of the Tivoli Bays may adversely impact the Significant Habitat. Refer to Policies 7, 30, 31, 36.

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 toxics and their economic and environmental effects on coastal resources.

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

The policies of the State and this Local Waterfront Revitalization Program 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 Waterfront Revitalization 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 in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

EXPLANATION OF POLICY

There are no upland freshwater wetlands in the Village of Tivoli, but DEC-designated upland wetlands #SG-2 and #SG-4 east of the Village should be preserved because of their importance for groundwater recharge and pollutant treatment.

The Tivoli Bays Significant Habitat and Estaurine Sanctuary is also a DEC-designated wetland. Tidal wetlands include the following ecological zones: coastal freshwater marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act.

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

- 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;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

See policies 7, 38.

SECTION IV

PROPOSED LAND AND WATER USES AND

PROPOSED PUBLIC AND PRIVATE PROJECTS

A. Proposed Land and Water Uses

The proposed land and water use plan for the Village of Tivoli has been developed based on its historical development, existing land use and environmental attributes. The physical constraints which limit development and the public utilities which provide opportunities for development have been considered in Tivoli's proposed land and water use plan (see Map #10). The land and water use plan is based on the policies described in Section III.

Five general land use categories are proposed in the Village of Tivoli. These categories describe areas with similar characteristics.

The Village of Tivoli has proposed the following five general land and water use categories:

1. Village Residential - The residential character of Tivoli has developed along Broadway from State Route 9G to the Hudson River and on Montgomery Street and North Road. The aforementioned streets are serviced by 6" water mains and some sewer service (see map #7). These streets plus Woods Road are best suited for residential development due to the available utilities, the topography of the surrounding land and limited agricultural activities. The Village residential area will allow single to multi-family residential development with minimum lot sizes of 15,000 square feet.

   The waterfront area also has some residential uses which are encouraged to continue through use of the R15 district. West of the railroad tracks, water dependent uses such as a boat launch are proposed.

2. Agricultural and Low Density Residential - This area includes sections of the Village that are presently open agricultural land or woodlands. To promote agricultural use in these areas, residential building will be limited to one house on two and three acre lots in all sections except for the area zoned RIA, which allows one residence pr every one acre. The R1A district is adjacent to the R15 zoning district. The Planning Board has the authority to mandate clustering to preserve land for open space purposes.

3. Business - Business land use will be continued and encouraged in the Village business area where North Road and Montgomery Street meet Broadway and in the designated area along the west side of State Route 9G. The focus for commercial revitalization will be those buildings in the business district which are underutilized.

4. Land Conservation - Due to a combination of resource attributes which include steep topography, flooding, agricultural land, wetlands and aesthetics, the Village

has designated a Land Conservation District which allows only agriculture, outdoor recreation areas, and wildlife preserves in the following locations:

a. Within 1,000 ft. of the Hudson River to the north and south of the Village river landing.

b. Within 1,000 ft. of the Village southern boundary from the Hudson River along Tivoli Bay to the Village residential area on Montgomery Street.

c. 100 ft. each side of Stony Creek as it passes through the Village.

d. 50 ft. each side of tributaries to the Stony Creek in the Village.

5. Recreation - The existing Memorial Park can be expanded as needed to meet future use demands such as tennis and swimming facilities. Memorial Park is centrally located to the business district and the residential areas. The Village of Tivoli would like to continue to develop additional active recreation use of the Memorial Park location. The location between Friendship Street and the railroad tracks is compatible for a linear riverfront park.

B. Proposed Public and Private Projects

The revitalization of the Village of Tivoli will be accomplished in part through the following projects which have been designed to support the policies and objectives of this LWRP:

1. Riverfront Access - The Village of Tivoli has no public access to the Hudson River. The only possibility for river access in the Village is located at the old river landing at the western end of Broadway. This river landing area is presently under the private ownership of several residents and Conrail. The Village will support any efforts by DEC to construct a new boat launch where the deteriorated launch now exists.

2. Bulkhead restoration - The river landing bulkhead no longer exists, and the riverfront is seriously eroded. 400-500 ft. of new bulkhead should be constructed to stabilize the riverbank and facilitate boat docking. The New York State Department of Transportation estimates concrete bulkhead construction at $500-$1,000 per linear foot, or a total bulkhead cost from $200,000-$500,000. Restoration of the landing could potentially provide docking for passenger boats bringing visitors to Clermont and Montgomery Place.

3. Adaptive Reuse of the Old Firehouse - Use of the firehouse for Village offices and the Public Library would significantly boost Tivoli's downtown revival. An

architectural survey and floor plans have been completed; and a fund-raising committee, Friends of the Firehouse, has been established. Costs for rehabilitation and reuse are estimated at $1.3 million.

4. Business District Revitalization - The Village business district in the center of Tivoli has eleven commercial buildings, some of which could house more than one business per building. Only five of these commercial buildings are being used for actual business activities.

To promote the commercial revitalization of the Village of Tivoli, both public and private interest and resources must work together. The public actions recommended to assist and promote the Village commercial revival are as follows:

Commercial Revitalization Task Force - The Mayor of Tivoli and the Village Board of Trustees will establish a Commercial Revitalization Task Force which will represent the interests of local businesses, Village commercial property owners and local government. The focus of this task force will be the following:

Assess Existing Village Commercial Resources

- Inventory commercial buildings and present use;
- Evaluate local and state tax abatements;
- Analyze demographic and traffic flow information;

Promote the Village Commercial Potential

- Increase traffic flow through the Village with the aid of Clermont State Park and Tivoli Bay Estuarine Sanctuary;

- Promote commercial viability of Tivoli through local real estate brokers and State or county commercial development programs;

- Develop programs and activities in the village business district such as fairs, flea markets, antique shows, community day activities, art or craft shows, etc.

- Evolve the task force into a local chamber of commerce.

The proposed Village business district revitalization could be assisted through a Village commercial feasibility study that would recommend a selection of commercial uses for the old factory building that would act as a focal point and bring consumers into the Village. A restaurant,

winery, or national mail order house are only a few examples of the kind of anchor commercial activity that would draw people into the Village and would thereby support a number of other smaller retail shops. The feasibility study would be a cooperative effort of the Village government and private business interests and will include local tax incentives for business related commercial real estate development in the Village.

5. Village Housing - The Village of Tivoli is primarily a residential community with much of its building stock over 100 years old. A number of these older houses need to be restored. The following options exist for addressing this issue:

   a. National Register Nomination - To increase the Village's awareness of its historic background and uniqueness, the data gathered by Hudson River Heritage Task Force will be used to prepare nomination papers for properties eligible for listing on the National Register of Historic Places. A National Register designation of the entire Village would make the community more competitive for federal and State funds and would increase the resale value of real property in the Village. The project cost to complete a National Register nomination for Tivoli is approximately $6,000.

   b. Historic Preservation Education Program - The Village will develop guidelines for the appropriate repair and rehabilitation of the historic structures and distribute the information to property owners. Cost: $4,000.

      The State Historic Preservation Office should be consulted when projects are planned to ensure that the Secretary of the Interior's Standards for Rehabilitation of Historic Structures are met.

      The Village will also investigate possible local involvement in the New York State Rural Housing Preservation Program to assist the low income and elderly homeowners and renters in the Village with energy conservation and technical assistance. This program offers State funds for the local administration of rural housing rehabilitation projects which may apply to the Village of Tivoli.

6. Memorial Park Improvements - The park is an excellent community facility and features a baseball field, sheltered picnic site and mature trees. This Village recreational area can be upgraded with selective improvements that should be done incrementally over time, and which collectively will enhance this fine Village park.

Landscaping amenities such as new shade trees and ornamental plantings would create more of a park-like atmosphere. An evergreen strip planting should be considered to establish a park boundary between the water tower and the basketball court. The basketball court and the playground could be improved with new equipment and tied together in an integrated way with railroad tie terracing and ornamental shrubs.

The water tower, which visually dominates the park area and is noticeable from miles around the Village, should be kept freshly painted to harmonize with the environment.

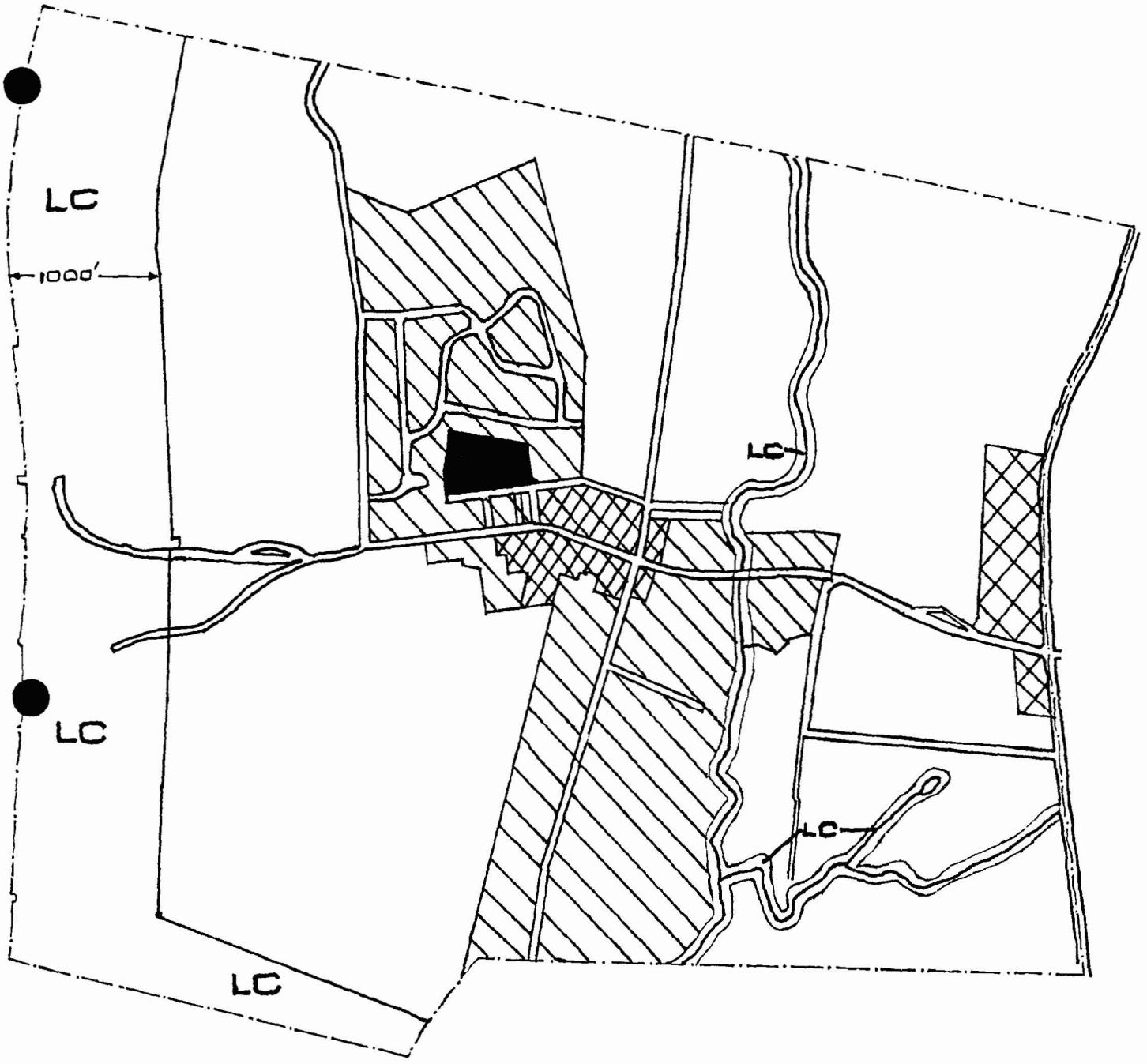
Possible future park expansion is being considered to include the upgrading of handicap accessibility to all the recreational services; an improvement of the bleacher system and picnic area; upgrade the recreational equipment in the children's play area; the addition of cooking facilities; and to alleviate a serious drainage problem along the eastern portion of the park. The estimated cost for the above is approximately $17,000.

Long term plans for expansion of the park facilities would include a tennis court and/or swimming pool.

7. Village Road Restorations - Due to clay soils and the associated bad drainage, the Village roadbeds have a tendency to shift the frost each winter. A major program for Village road restoration has begun which involves the actual rebuilding of the Village roads over a number of years. The program would involve annual reconstruction of sections of Village roadbeds which includes drainage, gravel beds, and a higher grade bituminous surface. This Village-wide road restoration program with State assistance will reduce the annual maintenance for the Village roads and decrease insurance rates due to the reduced liability of the Village.

8. Sewer Improvements - In order to accommodate the revitalization sought by the LWRP, the existing Tivoli Sewage Plant needs to be upgraded and expanded. Since these improvements will be costly, the Village will be seeking funding assistance and has received a $250,000 HUD grant. Upgrading of the plant would also further the purposes of Policies 33, 38, and 38A.

9. Project Location Map - See map #11 Tivoli Waterfront Revitalization Plan.



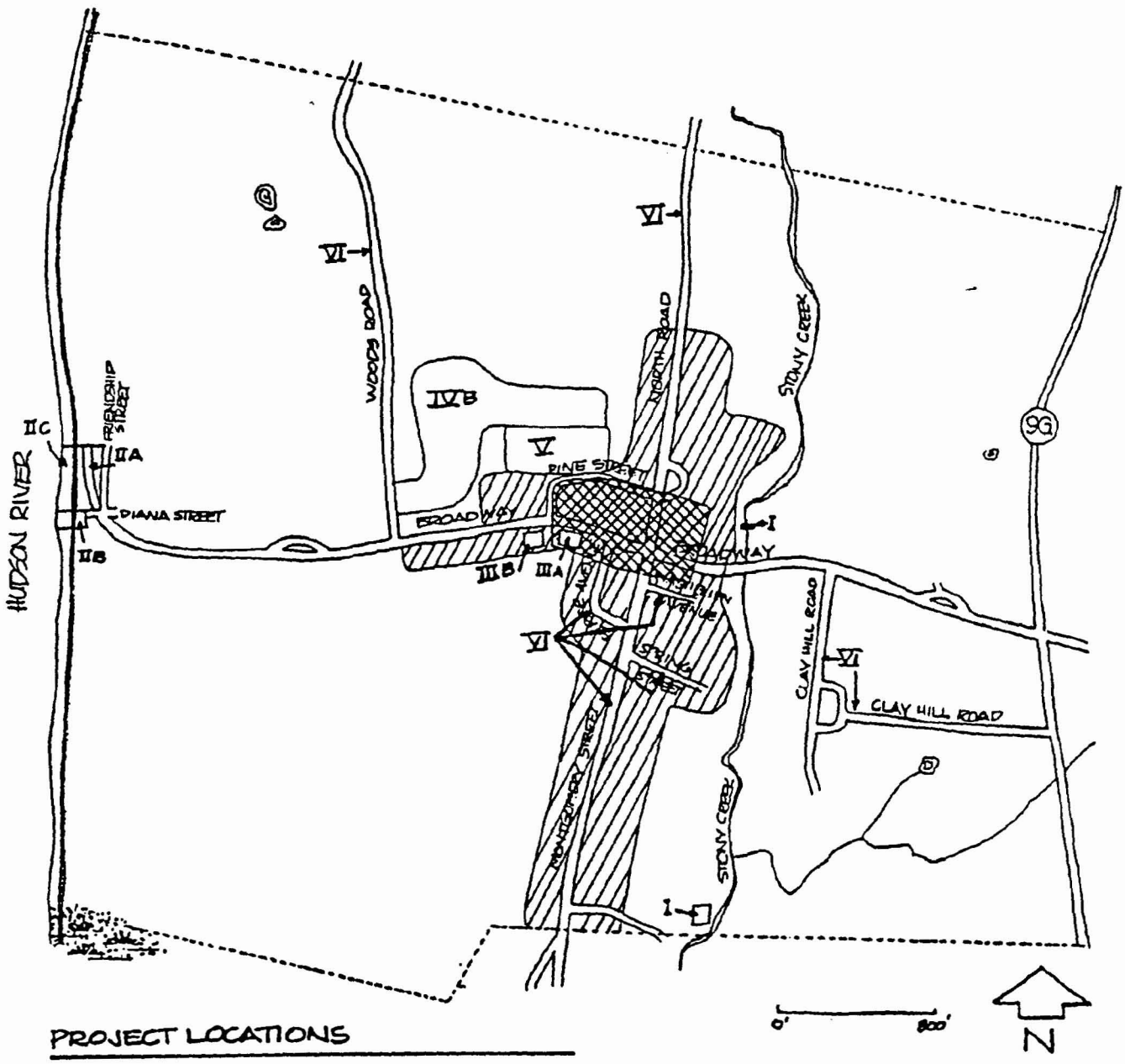
PROPOSED LAND AND WATER USE

- VILLAGE RESIDENTIAL
- AGRICULTURAL AND LOW DENSITY RESIDENTIAL
- BUSINESS DISTRICTS
- RECREATIONAL
- LC LAND CONSERVATION

PROPOSED LAND AND WATER USE — 10

VILLAGE OF TIVOLI — NEW YORK

TIVOLI WATERFRONT
REVITALIZATION PLAN



PROJECT LOCATIONS

I. ADEQUATE PUBLIC WATER SUPPLY
POSSIBLE DAM AND FILTRATION PLANT LOCATION

II. RIVERFRONT ACCESS
- A. RIVERFRONT PARK
- B. ESTABLISH SAFE RAIL CROSSING
- C. REPAIR BULKHEAD

III. COMMERCIAL REVITALIZATION
- A. OLD FACTORY BUILDING
- B. OLD FIREHOUSE

IV. VILLAGE HOUSING
- A. NATIONAL HISTORIC DISTRICT (POSSIBLE)
- B. TIVOLI ACRES SUBDIVISION

V. MEMORIAL PARK IMPROVEMENTS

VI. VILLAGE ROAD PROJECTS

11

PROPOSED PROJECTS LOCATION
VILLAGE OF TIVOL NEW YORK

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

The following are tools for the implementation of the program.

A. Local Laws and Regulations
B. Other Public and Private Actions
C. Management Structures
D. Financial Resources
E. Review of Proposed State and Federal Actions

A. Local Laws and Regulations Necessary to Implement the Local Waterfront Revitalization Program

1. Existing Local Laws and Regulations

a. Zoning Law

The Zoning Law was adopted in 1989. It includes a Land Conservation District (LC) 1,000 feet deep along the Hudson River and Tivoli North Bay and 100 feet deep measured from the centerline on both sides of the Stony Creek. Along tributaries to Stony Creek the LC District is 50 feet deep on either side, measured from the centerline of the tributary. No uses are permitted by right, but agriculture, game preserves, outdoor recreation uses, parks, playgrounds, and wildlife preserves are special permitted uses. The LC district supports both the water quality and scenic policies of the LWRP, while providing for limited water-dependent recreation.

Two business districts are provided by the Zoning Law, a General Business (GB) district in an area one and two blocks deep along Broadway in the Village Center and a Residential Business (RB) district on NY Route 9G limited to approximately 1/3 mile of highway near the intersection with Broadway (County Route 78). These districts recognize the existing commercial activity in these areas and direct new businesses to these same areas. Both districts also allow light industry by special permit. These districts support Policy 5 by encouraging development where public services and facilities already exist, Policy 1 by encouraging a concentration of economic activity to strengthen existing uses, and Policy 25 by discouraging strip development and preserving neighborhood character.

The remaining zoning districts are residential districts of densities varying from 3 acres per unit to 15,000 square feet per unit. The R15 district is located where central water and sewer is available and existing development patterns are dense. The R1 district provides for expansion of the Village Center but at a lower density, in areas where connection to the central water and sewer is practicable. The R3 district lies behind the LC district along the Hudson River on land presently in large estates. The R2 district lies along Route 9G except where the RB district is located.

Provision for mandatory clustering in the zoning allows for preservation of open space and other natural resources in land subdivision. The minimum area per unit allowed in a development is 12,000 square feet. Structure height is limited to general height of other structures in a zoning district, which in Tivoli generally does not exceed two stories. Combined, these two provisions can preserve neighborhood character and protect scenic views. Signs are regulated as to size and placement, and are considered an accessory use. Sections on site plan approval and landscaping allow review of site treatment of uses in the two business districts, special permitted uses, and residential uses of five or more units.

b. Subdivision Regulations - The Village of Tivoli adopted the present subdivision regulations in January of 1973. The subdivision regulations provide the structure for the Planning Board to review and mitigate any subdivision proposal within the Village limits.

The Planning Board has the opportunity through the subdivision process to guide future growth and development with the aid of zoning, and to negotiate changes to the site plan for the betterment of the Village's physical well-being (sewers, water and streets), as well as the aesthetic improvement (setbacks and landscaping).

c. Flood Plain Regulations - The Village adopted standard flood plain regulations in 1987.

d. State Environmental Quality Review (SEQR) - The Village of Tivoli adopted a local SEQR ordinance in August of 1977. The Village Planning Board acts as a SEQR review committee for the Village Board of Trustees. The Village Board, with the assistance of the Planning Board, could expand the State list of Type I actions to include additional concerns of the community.

2. **Additional Law Adopted**

a. Local Consistency Law - A local consistency law was adopted to ensure that the actions of all Village agencies will be consistent with the LWRP.

B. Other Public and Private Actions Necessary to Implement the LWRP

1. Streetscape - The Village of Tivoli will work with private property owners and businessmen to preserve the historic fabric of the community. The Village can apply for grants for facade rehabilitation and provide street amenities that will improve the appearance of the community. Planting new trees and caring for older trees is an example of such activity.

2. Housing Rehabilitation - All residential buildings should be upgraded to meet existing health and safety requirements. The Village housing is the responsibility of the individual property owners. The Village will continue, as in the past, to take advantage of housing rehabilitation funds and through the Village Building Inspector's office will issue certificates of occupancy to only those units that meet code.

   The Village can develop a "Pride in Tivoli" campaign and foster through neighborhood groups and preservation guidelines the appropriate rehabilitation of Tivoli's housing stock.

3. Commercial Revitalization - Private enterprises in Tivoli's commercial buildings will be encouraged through an organization of commercial property owners, local business people and representatives of local government. This organization will work together to create an attractive Village commercial environment with tax abatement programs and possibly evolve into a new Tivoli Chamber of Commerce. This Village Chamber of Commerce could then call upon the national organization's technical resources to further advance the local objective.

4. Community Involvement - The Tivoli Community Association (TCA) was formed in 1987 to provide an opportunity for local residents and Village officials to work together to maintain and improve the character of Tivoli. The T.C.A. sparked an interest in recycling which led to a mandatory recycling resolution by Village officials. In addition, the TCA sponsored a Village Wide Yard Sale Day which drew 1000 visitors to the Village in 1989 and raised money for the rehabilitation of the Old Firehouse. As a non-profit organization, the TCA will be involved in fund-raising activities for the Old Firehouse and other projects.

C. Management Structures Necessary to Implement the Local Waterfront Revitalization Program

The Mayor of the Village of Tivoli and the Village Board will be responsible for overall management and coordination of the LWRP.

Each Village agency will be responsible for determining whether its actions are consistent with the LWRP. The Planning Board will make recommendations to the agencies, Mayor, and Village Board concerning consistency of actions with the Local Waterfront Revitalization Program.

Whenever a proposed action is located within the Waterfront Revitalization Area, the local agency under whose jurisdiction that action falls shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent with the LWRP. Prior to making a determination, the agency shall refer the action to the Planning Board for review and recommendation as to whether the action is consistent with the LWRP. The Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modifications that can make the action consistent with the LWRP or better advance the LWRP policies and standards. The recommendations of the Planning Board shall be made in written form and considered by the local agency in making its finding concerning consistency.

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 determines with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not be inconsistent with 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 result in an overriding Village, regional or State-wide public benefit; and

4. The action will advance one or more of the other LWRP policy standards and conditions.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board. Such files shall be made available for public inspection upon request.

D. Financial Resources Available to Implement the Waterfront Program

The Village will depend upon the Department of Environmental Conservation for construction of the boat launch. The Estuarine Sanctuary Management Program should develop the recreational facilities associated with North Tivoli Bay as part of the implementation of the Management Plan. Repair of the bulkhead at the Landing would be part of any proposal to use the Landing for docking of commercial vessels.

The assistance of community or civic organizations will be essential in the expansion of Memorial Park and renovation of the Old Firehouse.

As appropriate, the Village will also seek the assistance of other governmental entities. The Dutchess County Planning Board has provided valuable professional services to the Village in the past. The nomination of historic resources to the National Register of Historic Places could be assisted by a grant from the New York State Council on the Arts. The Village could also seek participation in the Certified Local Government Program of the Office of Parks, Recreation and Historic Preservation.

As permitted by the Department of State, the Village will use implementation funding from the State Coastal Management Program to support its proposed projects.

E. Review of Proposed State and Federal Actions

The Village will review proposed State and federal actions within the waterfront area in accordance with procedures established by the New York State Department of State. Such procedures are set forth in Appendix A.

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 U.S. 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 and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation 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 approved LWRPs. 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; and that the consistency requirements can not 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 Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

A. State and Federal 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 Program
3.00 Farm Worker Services Programs.
4.00 Permit and approval programs:

- 4.01 Custom Slaughters/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 Licenses

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

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

2.00 Permit and approval programs:

2.01 Letter Approval for Certificate of Need
2.02 Operating Certificate (Alcoholism Facility)
2.03 Operating Certificate (Community Residence)
2.04 Operating Certificate (Outpatient Facility)
2.05 Operating Certificate (Sobering-Up Station)

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 ofLocation)
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

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 COMMERCE

1.00 Preparation or revision of statewide or specific plans to address State economic development needs.

2.00 Allocation of the state tax-free bonding reserve.

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 Certification 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 Wholesale 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 modifica-tions 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 jurisdic-tion of the Department.

2.00 Classification of Waters Program; classification of land areas under the Clean 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 Project.

9.00 Permit and approval programs:

Air Resources

- 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

Lands and Forest

9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable

Fish

9.30 Underground Storage Permit (Gas)

9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

9.32 Digger's Permit (Shellfish)

9.33 License of Menhaden Fishing Vessel

9.34 License for Non-Resident Food Fishing Vessel

9.35 Non-Resident Lobster Permit

9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits

9.37 Permits to Take Blue-Claw Crabs

9.38 Permit to Use Pond or Trap Net

9.39 Resident Commercial Lobster Permit

9.40 Shellfish Bed Permit

9.41 Shellfish Shipper's Permits

9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

9.43 Approval - Drainage Improvement District

9.44 Approval - Water (Diversions for) Power

9.45 Approval of Well System and Permit to Operate

9.46 Permit - Article 15, (Protection of Water) - Dam

9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf

9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway

9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances

9.50 Permit - Article 15, Title 15 (Water Supply)

9.51 Permit - Article 24, (Freshwater Wetlands)

9.52 Permit - Article 25, (Tidal Wetlands)

9.53 River Improvement District Approvals

9.54 River Regulatory District Approvals

9.55 Well Drilling Certificate of Registration

Solid Wastes

9.56 Permit to Construct and/or Operate a Solid Waste Management Facility

9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.58 Approval of Plans for Wastewater Disposal Systems
9.59 Certificate of Approval of Realty Subdivision Plans
9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.65 State Pollutant Discharge Elimination System (SPDES) Permit
9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

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 of 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.

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 a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program
- 2.06 Rural Preservation Companies Program
- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

2.00 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)
2.02 Operating Certificate (Family Care Homes)
2.03 Operating Certificate (Inpatient Facility)
2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

2.01 Establishment and Construction Prior Approval
2.02 Operating Certificate Community Residence
2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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

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
7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE 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 Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced 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 or the funding of such activities.

DIVISION OF 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)

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 highways system
(c) Highway and parkway maintenance facilities
(d) Barge Canal
(e) 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 of 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 branchlines abandoned by Conrail

3.05 Subsidies program for passenger rail service

4.00 Permits 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 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])

4.10 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 spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

2.00 Planning, development, financing, construction, major renovation or expansion of 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

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, break-waters, 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 or 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.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

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)).

ENVIRONMENTAL 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 plans 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
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.422 Business and Industrial 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 States 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 Intermodel 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
15.952 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 Areawide 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)

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. FEDERAL AND STATE PROGRAMS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

a. Department of the Army Corps of Engineers

Bulkhead construction: The restoration of the deteriorated bulkhead at the river landing will require a permit.

b. Department of Interior

1) Outdoor Recreation - Acquisition, Development and Planning: Such assistance could be used to expand Memorial Park.

2) Historic Preservation Grand-in-Aid could be used to prepare a nomination to the National Register of Historic Places.

c. Housing and Community Development (Rural Areas): Assistance could be utilized to upgrade Tivoli's housing stock.

d. Small Business Administration Loans: Assistance could be used to promote and finance commercial revitalization of the Village business district.

2. State Actions and Programs

a. New York State Council on the Arts: Architecture and planning grant funds could be used to prepare educational material describing appropriate repair and rehabilitation of historic structures.

b. Department of Environmental Conservation: Permits would have to be acquired through the Division of Regulatory Affairs to replace the bulkhead on the Hudson River.

c. Division of Housing and Community Renewal has funds to assist in the establishment of local Rural (housing) Preservation Co. and a rural incentives grant program that could apply to the renovation of the firehouse.

d. Department of Parks, Recreation and Historic Preservation

1) Certified Local Government could be enlisted to assist in preparing nomination papers for the National Register of Historic Places.

2) Historic Preservation Funds could be used to renovate the firehouse following its nomination to the National Register of Historic Places.

e. Department of Transportation

Financial Assistance for Municipal Street Improvements can be used to improve the Village roads.

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

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

A. Local Consultations:

The Town of Red Hook is the only local municipality to be effected by Tivoli's LWRP. The Town has been notified by the Waterfront Advisory Committee chairman of all local policies and projects of this program. No problems or need of Town assistance has been noted.

B. Regional Consultation:

1. Dutchess County Planning Department: The Planning Department was briefed in the planning stages of the LWRP and has since worked closely with the Planning Board to upgrade the Village zoning. The Planning Department has also been notified of the draft LWRP and is in total support of the program.

2. Hudson River Shorelands Task Force:

The Task Force has reviewed the draft LWRP, and no comments have been received to date.

C. State Agency Consultation:

The following State agencies and contact people have been notified during the development of the LWRP regarding specific projects:

1. Department of Environmental Conservation:

-Stony Creek Reclassification:	
Caesar Manfredi	914-761-6660
Peter Mack	518-457-6956
Bill Garvey	518-457-6780
-Stony Creek Dam Construction:	
George Kuch	518-457-5557
Ed Karath	518-457-2672
-Riverfront Bulkhead Construction	
Ralph Manna	914-255-5453

2. Department of Transportation

-Railroad Grade Crossing:	
Bruce Smith	518-457-1046

Dick Wiita 518-457-1046
-Village Road Improvements
Thomas Lanes 914-431-5700
-Riverfront Bulkhead Construction
Dot Waterways 518-457-4420

3. Department of Parks, Recreation and Historic Preservation:

-Village National Register Nomination
Neil Larson 518-474-0479

4. Division of Housing and Community Renewal

-Commercial Revitalization and Village Housing
John Oster 518-473-8536
Bob Gallivan 518-473-8536

D. Federal Consultation and Conrail

1. Army Corps of Engineers

-River Bulkhead Construction and Stony Creek Dam
Ed Meiser 518-272-2410
Robert Caligari 212-264-3567

2. Soil and Water Conservation Service

-Stony Creek Dam
Norm Benson 914-677-3194

3. Conrail

-Grade Crossing Signal
J.E. Gerstner 914-631-5633
-Property Acquisition for Riverfront Park
Emery Simkulak 201-465-7071

E. Review of Draft LWRP by State, Federal and Local Agencies

The Draft LWRP (with DEIS) was reviewed and accepted by the Village Board of Trustees and forwarded to the NYS Department of State (DOS). The DOS

then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the NYS Waterfront Revitalization of Coastal and Inland Waterways Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all protentially affected State and federal agencies, Dutchess County, adjacent waterfront municipalities, and other interested organizations. Comments were reviewed by the Village and DOS and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

SECTION VIII

OBTAINING LOCAL COMMITMENT

OBTAINING LOCAL COMMITMENT

PURPOSE:

The Local Waterfront Revitalization Program for the Village of Tivoli represents a program that impacts not only the waterfront of the community, but the Village in its entirety from Rt. 9G to the Hudson River. Those projects and policies discussed and set forth in this document will impact the future development and quality of life for all who live in the Village for years to come. In the past, public documents have been organized and published in a vacuum only to be shelved with their programs and recommendations seldom implemented. The establishment of public participation policies in the 1970's has demonstrated that local government documents composed under direct scrutiny by the community produce programs that are most likely to be accepted and implemented. This concept of public involvement in the government decision process has fostered a better community understanding of the programs designed to meet and further their own community needs.

The Village of Tivoli Board therefore assigned the Village Planning Board to develop a Local Waterfront Revitalization Program addressing the local needs and concerns that the Village Board and the community at large can support and implement. This type of local commitment has required the Village Planning Board to design the following program to promote the success of this Village-wide project.

METHODS AND PROCEDURES:

The first step in obtaining local commitment for the development and implementation of the Village of Tivoli Local Waterfront Revitalization Program was the establishment of the Village Planning Board as the Steering Committee. A planning board in any community is in a position to monitor not only the development of their jurisdiction but also intimately understands the problems and limitations of their community. The members of the Tivoli Waterfront Revitalization Steering Committee are active community leaders who are involved with other civic minded organizations as noted below:

Susan Davis - Chairman, Tivoli Planning Board; Vestry, St. Paul and Trinity Church; Friends of Clermont; Chairman, Red Hook Heart Fund Drive; Associate member, Tivoli Rescue Squad; Chairman, Tivoli Rezoning Committee.

George Virgin - Vice Chairman, Tivoli Planning Board; Tivoli Building Inspector; Village of Tivoli businessman.

Sam Phelan - Tivoli Planning Board; Liaison, Hudson River Shorelands Task Force; Treasurer, Taconic Farms, Friends of Clermont.

John Rector - Tivoli Planning Board; Adjutant, American Legion; Senior Warden, Masonic Order.

Cristine Kane - Dutchess County Cooperative Extension and Dutchess County Environmental Management Council.

The Tivoli Planning Board committed itself to meeting as the Steering Committee twice each month to deal with waterfront revitalization issues. One half of their normal public meetings, the 3rd Monday of each month, were organized as public forums to discuss the development of the plan, while an additional day each month was set aside as a workshop with the consultant. Two public meetings were held, one public informational meeting in February 1984 to orient the community on the basics of the program, and a public hearing in May 1984 for a review, discussion and comment of the draft document.

This Steering Committee also was in contact with the following local organizations and businesses to further the local understanding and to foster a higher degree of public participation in developing a comprehensive Local Waterfront Revitalization Program:

Tivoli Fire Department, Company #5
Tivoli Fire Department, Ladies Auxiliary
Tivoli Rescue Squad
American Legion, Harris Smith Post #524
Monumental Lodge #374 Order of the Eastern Star
St. Paul and Trinity Church
St. Sylvia Roman Catholic Church
Tivoli Community Association

Businesses:

Champlins Deli
Clyde Clelland Plumbing and Heating
Mason Farms, Inc.
A. Pease & Sons
Ralph's New & Used Cars, Inc.
Tivoli Properties, Inc.
Tivoli Stud Farm
Hotel Morey
Technical Copier Services
Tivoli Laundromat
Tivoli Confectionary
Tivoli Wine & Liquors
Tivoli Pantry

The Steering Committee established a field office for the consultant in the Village Hall for each Monday and/or Tuesday to encourage even more local feedback for the Steering Committee.

The Steering Committee was in constant contact with the Village Board to insure the program's acceptance and implementation.

APPENDIX A

GUIDELINES FOR LOCAL REVIEW OF

PROPOSED STATE AND FEDERAL ACTIONS

APPENDIX A

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

1. Purposes of Guidelines - 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.

   The Act also requires that state agencies provide timely notice to the Village 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.

   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.

2. Definitions

   Action means

   A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA); occurring within the boundaries of an approved LWRP; and 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.

   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:

   a. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

b. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

c. That will result in an overriding regional or statewide public benefit.

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 the 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.

3. Notification Procedure

When a state agency is considering an action as defined above, the state agency shall notify the Mayor of the Village of Tivoli.

Notification of a proposed action by a state agency:

Shall fully describe the nature and locations of the action; 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;

Should be provided to the Mayor 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 Mayor should be considered adequate notification of a proposed action.)

If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Mayor can serve as the state agency's notification to the Village.

4. Local Government Review Procedure

Upon receipt of notification from a state agency, the Village will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Mayor, the state agency should promptly provide the Village with whatever additional information is available which will assist the Village to evaluate the proposed action.

If the Village cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding,

the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

If the Village 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 Section 5 below shall apply. The Village 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 Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

5. Resolution of Conflicts

The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

If the consultation between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

If the consolidation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either part 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.

Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will

discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

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.

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.

B. Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Comments

1. Direct Actions

   a. 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 Mayor of the Village of Tivoli and to other interested parties.

   b. 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.

   c. 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 Village has "no opinion" on the consistency of the proposed direct federal agency action with the LWRP policies.

   d. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, 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.

   e. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the Mayor of Tivoli.

2. Permit and License Actions

   a. 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 Mayor and will identify the Department's principal reviewer for the proposed action.

   b. Within thirty (30) days of receiving such information, the Mayor 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 the LWRP policies.

c. When DOS and the Mayor 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 Mayor upon receipt.

d. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, which ever is later, the Mayor will notify DOS of the reasons why a proposed action may be inconsistent or consistent with the LWRP policies.

e. After the notification, the Mayor 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 Village has "no opinion" on the consistency of the proposed action with the LWRP policies.

f. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village on a proposed permit action, DOS will contact the Mayor to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.

g. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Mayor.

3. Financial Assistance Actions

a. Upon receiving notification of a proposed federal financial assistance action in Tivoli, 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 Mayor of the Village of Tivoli. A copy of this letter will be forwarded to the Mayor and will serve as notification that the proposed action may be subject to review.

b. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Mayor. DOS may, at this time, request the applicant to submit additional information for review purposes.

c. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional

information, whichever is later. The review period may be extended for major financial assistance actions.

d. The Mayor 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 Mayor) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the Village has "no opinion" on the consistency of the proposed financial assistance action with the LWRP policies.

e. 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 Mayor to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

f. A copy of DOS' consistency decision letter to the applicant will be forwarded to the Mayor.