

Town of Rhinebeck Local Waterfront Revitalization Program

Adopted:
Town Board, February 13, 2007

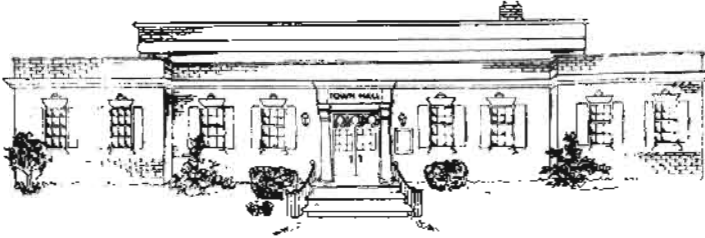
Approved:
NYS Secretary of State Lorraine A. Cortés-Vázquez, April 24, 2007

Concurred:
U.S. Office of Ocean and Coastal Resource Management, July 27, 2007

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

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

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231.



80 East Market Street
Rhinebeck, New York 12572
(845) 876-3409
(845) 876-5885/Fax

TOWN of RHINEBECK

Adoption of the Town of Rhinebeck Local Waterfront Revitalization Program

Resolution offered by Paul Niedercorn
Seconded by Ellen Silverstein

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

WHEREAS, a Draft Local Waterfront Revitalization Program (DLWRP) and related local laws were prepared under the guidance of the Town's Local Waterfront Revitalization Advisory Committee; and

WHEREAS, a Full Environmental Assessment Form was prepared and considered for the Draft 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 Negative Declaration was subsequently issued by the Town Board, as Lead Agency, on February 14, 2005 in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

WHEREAS, a DLWRP, including all proposed local laws, were circulated by the Department of State to appropriate local, county, state, and federal agencies in accordance with the requirements of Executive Law, Article 42 ; and

WHEREAS, all meetings of the Town's Local Waterfront Revitalization Program Advisory Committee were open to the public, and that the LWRP was accessible from the Town website for public review and comment, and a public hearing was advertised and held by the Town Board on January 10, 2005 to receive and consider comments on the DLWRP; and

WHEREAS, the Town laws needed to implement the Town of Rhinebeck Local Waterfront Revitalization Program were enacted for Historic Buildings Protection (on February 14, 2005) and Local Consistency Review (on January 8, 2007) by the Town Board and filed with the New York State Department of State; and

WHEREAS, modifications were made to the Draft Local Waterfront Revitalization Program in response to comments received;

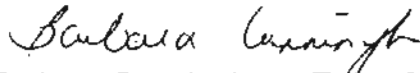
NOW THEREFORE, BE IT RESOLVED, by the Rhinebeck Town Board, New York, that the Town of Rhinebeck Local Waterfront Revitalization Program for the Town of Rhinebeck is hereby approved and adopted.

BE IT FURTHER RESOLVED, that the Rhinebeck Town Board hereby directs the Supervisor of the Town to formally transmit the adopted LWRP, and all related local implementing laws, to the New York State Secretary of State for approval pursuant to Article 42 of the NYS Executive Law -- the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Councilman Arthur Dod Crane aye
Councilman Paul Niedercorn
Councilwoman Ellen Silverstein
Councilwoman Linda Souers absent
Supervisor Steven Block aye

Resolution passed at a regular meeting of the Rhinebeck Town Board on February 12, 2007

Certified this 13th day of February, 2007



Barbara Cunningham, Town Clerk



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

ELIOT SPITZER
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

April 23, 2007

Honorable Steven Block
Supervisor
Town of Rhinebeck
80 East Market Street
Rhinebeck NY, 12572

Dear Supervisor Block:

I am pleased to inform you that the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) has been approved, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the Town's valuable waterfront resources.

State agencies will be notified that your LWRP has been approved and will be advised their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

I look forward to working with you as you endeavor to revitalize and protect your waterfront. If you have any questions, please contact Jeffrey Beach in our Division of Coastal Resources at 518-473-2472.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorraine A. Cortés-Vázquez".

Lorraine A. Cortés-Vázquez

LACV:JB\gn

JUL 30 2007



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

BB/ser

JUL 27 2007

Mr. George R. Stafford
Director, Division of Coastal Resources
New York Department of State
41 State Street
Albany, New York 12231

Dear Mr. *George* Stafford:

Thank you for the New York Division of Coastal Resources' June 20, 2007, request that the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) be incorporated into the New York Coastal Management Program (CMP). You requested that the Town of Rhinebeck LWRP policies described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on June 22, 2007, and OCRM's decision deadline was extended until July 27, 2007.

Based on our review of your submission, we concur, with the exceptions described below, that the incorporation of the Town of Rhinebeck LWRP is an RPC and we approve the incorporation of the LWRP policies as enforceable policies of the New York CMP. Federal Consistency will apply to the approved policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

See enclosed list of the changes incorporated into the New York CMP.

CHANGES NOT APPROVED

OCRM is not approving the incorporation of the Town of Rhinebeck LWRP Waterfront Revitalization Policies 3, 4, and 29. As noted in the LWRP document and the state's Approval and Findings document, these New York State Coastal Policies are not applicable to the Town of Rhinebeck.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Carleigh Trappe at (301) 713-3155, extension 165, if you have any questions.

Sincerely,

John King, Chief
Coastal Programs Division

Enclosure: Policies Approved and Incorporated into the New York CMP



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**SECTION I
LOCAL WATERFRONT
REVITALIZATION AREA BOUNDARY**

The New York State Legislature in 1981 enacted the Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) to implement the State Coastal Management Program (CMP) at the State level of administration. The CMP and Article 42 establish a balanced approach for managing development and providing for the protection of resources within the State's designated coastal area by encouraging local municipalities to prepare Local Waterfront Revitalization Programs (LWRPs). A LWRP may expand the coastal boundary to add areas that would contribute to or benefit from the coastal area by amending the coastal boundary to include appropriate adjacent areas.

New York State Coastal Management Program Boundary

The NYS Coastal Management Program boundary description for Rhinebeck is as follows:

Beginning at the Town's municipal boundary with the Town of Red Hook within the mid-channel of the Hudson River, the LWRA proceeds east along the Rhinebeck-Red Hook municipal boundary to a point 500 feet east of the centerline of Lemon Lane; then south along a line 500 feet east of, and parallel to, Lemon Lane to a point 500 feet north of the centerline of Hook Road; then east along a line 500 feet north of, and parallel to, Hook Road to a point 500 feet east of Old Post Road; then south along a line 500 feet east of, and parallel to, Old Post Road to the Village of Rhinebeck municipal boundary; then west, south, and east along the Village of Rhinebeck municipal boundary to a point 500 feet east of the centerline of U.S. Route 9; then south along a line 500 feet east of, and parallel to, U.S. Route 9 to the Town of Hyde Park boundary; then west along the Rhinebeck-Hyde Park boundary to the Town's boundary in the Hudson River; then north along the Town's municipal boundary within the Hudson River to the point of origin.

See [Map 1, "Waterfront Revitalization Area Boundary"](#), which displays the location of the LWRA.

SECTION II INVENTORY AND ANALYSIS

A. OVERVIEW

Nestled in the historic Mid-Hudson Valley, adjacent to the magnificent river that gives the valley its name and character, the western portion of the Town of Rhinebeck is of unique natural and man-made beauty. This natural beauty has been admired for centuries and has inspired many from all walks of life to settle here and leave their stamp upon the landscape. These ranged from Dutch farmers and businessmen who built sturdy farmhouses to financial magnates who oversaw the construction of large riverfront estates with landscaped gardens designed in the romantic style.

The attractiveness of the juxtaposition of the active farms together with the open and wooded areas, the interest and beauty of the historic buildings -- particularly residences in the areas of Rhinecliff hamlet and the large estates paralleling the River -- as well as views of the majestic Hudson River itself and west bank, including vistas of the Catskill Mountains, have long been recognized as worthy of preservation.

Historically, the Town of Rhinebeck has been a rural area intermixed with more intensive residential and commercial activity focused in and around the Village of Rhinebeck. Farms devoted to vegetable and fruit growing, wholesale flower production, the raising of cattle and milk production, and horse farms are important features in the economic life of the Town. In addition, the visual and scenic appeal of these farms provides a sense of desirable openness and well-being to residents, business people and tourists.

In the past, the Town was on the periphery of areas where major development had occurred. While the Kingston-Rhinecliff Bridge brought increasing numbers of people through the Town of Rhinebeck, growth in the Town was relatively slow. Economic activity fueled by the emergence of IBM in Kingston, Poughkeepsie and Southern Dutchess County, caused residential and commercial growth to be centered there but some “spillover” effect obviously was felt within the Town of Rhinebeck.

The Town of Rhinebeck's largest population increase occurred in the decade between 1970 and 1980 when the number of residents in the Town grew by approximately 25 percent. The rate of growth had been about 23 percent in the 1960 to 1970 decade and much smaller in the preceding decades. The combined population of the Town and Village of Rhinebeck in 1980 was 7,062.

	<u>1960</u>	<u>1970</u>	Change 1960-1970 <u>Percent</u>	<u>1980</u>	Change 1970-1980 <u>Percent</u>
Total Town Population	4,612	5,658	22.7	7,062	24.8
Unincorporated Town	2,519	3,322	31.9	4,520	36.1
Village of Rhinebeck	2,093	2,336	11.6	2,542	8.8

As shown, during this 20-year period the growth in the unincorporated portion of the Town was even more substantial. From 1960 to 1970, the unincorporated Town population increased about 32%, and from 1970 to 1980 more than 36%.

Since 1980 the pace of growth in population has slowed considerably, at least in part due to a nation-wide trend in decrease in average household size but perhaps even more so due to an increase in the number of persons who have a second residence in Rhinebeck, generally a weekend home, while maintaining their principal residence and being counted by the U.S. Census Bureau elsewhere.

Overall growth within the Town during the 20-year period, 1980 to 2000, was approximately 10.0 percent, with an increase of approximately 21 percent from 2,542 persons to 3,077 persons occurring within the Village of Rhinebeck and an increase of less than 4 percent from 4,520 persons to 4,686 persons occurring within the unincorporated portion of the Town, i.e. those lands outside the Village. On-going build-out of The Gardens, a 255-unit multi-family townhouse development within the Local Waterfront Revitalization Area (LWRA) and in the unincorporated portion of the Town, will in itself cause a significant change in this trend when the 2010 Census occurs.

	<u>1980</u>	<u>1990</u>	Change 1979-1990 <u>Percent</u>	<u>2000</u>	Change 1990-2000 <u>Percent</u>
Total Town Population	7,062	7,558	7.0	7,763	2.7
Unincorporated Town	4,520	4,833	6.9	4,686	(3.0)
Village of Rhinebeck	2,542	2,725	7.2	3,077	12.9

While not all projects discussed have come to fruition, Rhinebeck has been experiencing development pressures throughout the past few decades. These development pressures have included proposed projects on both sides of the River that could directly or indirectly impact local residents.

More than fifteen hundred units of conventional subdivision and large scale residential development proposals (e.g. Weingarten, Creed and The Gardens) have come before the Town Board and Planning Board in the past two decades and some, like The Gardens, are now in construction. Also of concern throughout the period have been several other large parcels of land in Rhinebeck that may be subject to development pressures, e.g. a Dutchess County ash landfill site which had once been proposed within the southern waterfront area of the Town which could have significant impacts on the Town's ground and surface waters and scenic resources, and the expanded programming at the County Fairground that has continued to attract increasing numbers of visitors. A major planning issue is the effect of these pressures on the large river estates in visual terms, as well as with regard to access.

Town residents and officials have repeatedly voiced concern about plans for proposed projects in the area which they feel could be detrimental to Rhinebeck from environmental and scenic points of view. A couple of decades ago these included a proposed coal port in the Kingston area; a Hudson River water skimming project; a proposed Con Edison power plant on the Dutchess / Columbia

County border; and toxic waste disposal areas. Today, such issues as potential Metropolitan Transit Authority (MTA) expansion within the waterfront area of the Town or alternatively the establishment of rail passenger service on the west bank of the Hudson, The Landing at Kingston and Ulster project across the Hudson on the Tilcon Site in Kingston, the St. Lawrence Cement project, also on the west bank of the Hudson and north of the Dutchess / Columbia County line, and potential transmission corridor improvements are considered significant by the Town.

Fortunately, Rhinebeck has a rich history of people, citizens and officials caring about their community. Since the 1970's, several groups have been formed, studies have been undertaken, and efforts have been made to preserve and enhance the natural and man-made environments of Rhinebeck. The Town has also worked with adjacent communities in the Mid-Hudson Valley to respond in a coordinated manner to development pressures and threats to the area's scenic, historic and environmental resources.

The initial preparation of this Local Waterfront Revitalization Program in the late 1980's and its completion today represent a major planning and policy initiative consistent with the Town's status today like all of its neighboring communities as a member of the Hudson River Valley Greenway and a Hudson River Valley Greenway Compact community. More specifically, the Rhinebeck LWRP through its policies, proposed land and water uses, and proposed projects incorporates the five basic criteria identified as the basis for attaining the goal of a Hudson River Valley Greenway Compact community, namely commitments to natural and cultural resource protection, regional planning, economic development, public access and heritage environmental education.

The following portion of Section II is composed of various inventory subsections relating to current conditions within the Town and an analysis of issues or areas of concern, problems and opportunities. Some of the issues presented are of a general nature and others express more specific concerns.

B. EXISTING LAND USE

[See Map 2, "Existing Land Use".](#)

The Town's LWRA, extending more than seven miles north to south (with more than eight miles of shoreline) and varying from three-quarters to two and three-quarters miles east to west, is a rural and estate area to the west of the commercial and higher density residential area centered in the Village of Rhinebeck. The hamlet of Rhinecliff, a historic landing area, provides a second, but smaller, commercial and high density residential focus. The Village and hamlet are well-defined in comparison with the less intensely developed rural and open space areas surrounding them.

1. Agriculture

Agricultural lands are located throughout the LWRA. Agriculture has represented the predominant land use historically in the LWRA and remains significant to the Town as an important economic resource for the community and as an important visual resource for both residents and visitors.

Currently, the primary agricultural activities in the Town are fruit, vegetable, nursery stock and wholesale flower production, a dairy farm, cattle breeding operation and numerous horse farms. Timber and firewood harvesting is also ongoing.

Many of the farms within the LWRA have been included within the State agricultural districting program (see [Map 10, "Summary of Major Development Considerations"](#)). In this program, enrolled farmers grossing over \$10,000 income from agricultural activity are able to benefit from reduced land assessments, and thereby a reduction in taxes, in return for a multi-year (at least eight year) commitment to remaining in farming. In addition, some owners of horse farms have been able to obtain tax benefits from horse breeding.

2. Higher Density Residential

Residential uses, including homes on relatively small lots, (generally less than one-half acre) and apartment and town house development are located primarily within the hamlet of Rhinecliff, as well as long the Route 308 corridor. There is also a scattering of homes north of the Village along Route 9. The Village and hamlet areas are quite clearly defined because of the extent of relatively undeveloped (i.e., agricultural, vacant, wooded or wetland) areas surrounding them.

3. Rural/Estate Residential

The Rural/Estate Residential category consists of large estates lining the River, generally west of River Road and Mill Road. While the Land Use Map shows the location of the house and accessory building(s) and some surrounding land in the residential designation, but the major portion of the estate properties is shown as vacant or agricultural. Scattered houses away from the Village and hamlet, but along major roads, are also included in this category.

4. Commercial

Commercial uses in the waterfront area are found within the hamlet of Rhinecliff. In addition, a few commercial sites are located south of the Village along Route 9, along Route 308, north of Rhinecliff and at the intersection of Hook Road and Old Post Road.

5. Industrial

Industrial activity is limited in terms of light manufacturing to several small uses in the Hook Road area of the Town.

6. Utilities and Communications

Sites in the utilities category include the water treatment plant on Slate Dock Road, the sewage treatment plants on Astor Drive and at Vanderburgh Cove, a property located on Morton Road used for a radio transmission tower, and the cable television tower and accessory facilities on Tator Hill Road.

7. Transportation

Included in this category are the Rhinecliff train station and the Town Landing at Rhinecliff (a portion of the Town Landing is also listed under “Recreation”) as well as the Town Highway Department facility and a private bus garage on Rhinecliff Road.

8. Recreation

Recreation uses located within the waterfront area include the Town Recreation Center and Park, the adjacent and recently-acquired Rhineson property which is presently being planned for park expansion, the Town Landing at Rhinecliff (a portion of which is also included in the Transportation category), Ferncliff Forest, the Southland Foundation and Wilderstein properties and the Town’s portion of a 25-mile bike / hike trail.

9. Public/Semi-Public

Several properties throughout the waterfront area of the Town, or on nearby lands, are shown in the public/semi-public designation. These include the aforementioned Town Highway Department garage, churches and church-related operations, cemeteries, libraries, the area hospital and nursing homes.

10. Vacant

More than fifty percent of the land in the waterfront area of the Town is considered vacant, i.e., without an identified active use. The vacant areas include wooded, wetland and brush areas. These vacant, wooded and wetland areas serve as an important visual resource complementing the agricultural areas, the historic structures and the beauty and open space setting provided by the Hudson River. In addition, they serve an important ecological function in providing watershed areas and habitats and breeding areas for plants, fish and wildlife. Maintained in their natural state, the bush, wooded and wetland areas serve to assist in flood and erosion control, air quality amelioration and noise absorption.

11. Water-Dependent Uses

At this time, the primary publicly available site for water-related use is the Town Landing in Rhinecliff, which the Town is improving to enhance water-dependent uses and which is presently used by cruise boats, recreational fishermen, boaters (including ice boaters) and by commercial shad fishermen. Fishermen also utilize the shores of the Hudson River throughout the waterfront area and to a lesser extent Crystal Lake in the Village of Rhinebeck and outside the LWRA.

Fishermen with and/or without specific permission fish off the shores of the Landsman Kill and other streams at a variety of locations and enter the areas primarily across private property. Moreover, fishermen and duck hunters enter the Astor Cove and Vanderburgh Cove area under similar conditions.

Property owners of landing sites included in the inventory subsection on Coastal Access Points may launch or dock boats at those locations for private recreational use, but these activities are generally limited by the need to cross the railroad tracks at grade level at most locations. There are no retail commercial or industrial uses located adjacent to the River.

12. Water-Enhanced Uses

All properties not dependent on the water, but located adjacent to, and with views of, the Hudson River or any of its tributaries can be considered water-enhanced uses. The largest percentage of land adjacent to the River remains in estate properties. Most of the estates are currently in residential use; however, some are or have historically been in institutional uses, such as Ferncliff Nursing Home, the former Holy Cross School property and Linwood Sisters of St. Ursula. In addition, some commercial enterprises in Rhinecliff, including restaurants, an inn and small offices, could be considered water-enhanced, but at this point these businesses do not capitalize as extensively as they might on their riverfront views. Other activities, such as picnicking at the Town Dock, also are enhanced by waterfront location and views.

13. Analysis of Existing Land Use

a. Preservation of the Rural/Low Density Qualities of the Town

Preservation of agriculture within the waterfront area of the Town is important from an economic perspective, as well as a means of protecting open space and scenic resources. In order to insure the continuation of an important element in the Town's economy and to preserve the rural qualities of the Town, it is important to have viable agricultural activities. Currently, the agricultural district program (preferential assessment) provides some financial relief to farmland owners and farmers in the Town.

Several Rhinebeck farm owners have renewed or joined the County Agricultural District, signing up for a multi-year commitment to agricultural activities. As land values increase, taxes on agricultural land rise and pressure for residential and/or commercial development increases, it may become more and more difficult to keep land in agricultural uses. Rollback penalties, which are part of the agricultural districting program, may serve as a limitation, but not an absolute deterrent to development. In the recent past, some newer agricultural activities in the waterfront area, such as raising horses, appear to be adding other positive dimensions to the viability of agriculture in the Town.

The rural/low density appearance and qualities of the Town are also being threatened by increasing proposals for development on estates and large parcels of land. How, when and where the parcels are developed, how much land will be preserved for agriculture and/or open space, how development is sited on a property relative to road frontage and preservation of natural features, and whether an agricultural and/or open space greenbelt will be maintained around the Village core, will all affect the rural open space appearance and qualities of the Town. The use of conservation easements is being employed as another prime method of preserving active agricultural land. The Winnakee Land Trust and other not-for-profit agencies are working to acquire conservation easements on land in the Town's waterfront area. Possible financing support for this effort may be available through the Dutchess County Bond Fund, from the NYS Hudson River Valley Greenway or in the form of matching funds from the NYS Department of Agriculture and Markets under their farmland preservation initiatives.

b. Preservation of Scenic and Historic Structures and Scenic Views

It is desirable to maintain the scenic and historic qualities of the estates as they are viewed from major roads and from the River, or from the western shore of the Hudson River. Thus, preservation and restoration of existing historic structures, e.g., Wilderstein, siting of development relative to roads and to River frontage, and preservation of natural features along the roads and the riverside must be important planning considerations.

c. Preservation of Village Core Focus

While there has been historically a significant difference in the level of development within the Village and in the coastal areas of the Town, the distinction between the more rural and Village/hamlet areas has become difficult to maintain.

Increased pressure for residential development in the Town and at the boundaries of the Village and Town will make it necessary to take deliberate steps to maintain the rural open appearance of the Town and to continue the concentration of more intense uses in or near the Village. An issue of concern to Village and Town residents, as evident during on-going 2003-2005 discussions led by the Town's Comprehensive Plan Committee, is how to maintain, over time, those greenbelts of agriculture and open space that currently substantially surround the Village of Rhinebeck and the hamlet of Rhinecliff.

Pressure for commercial sprawl also exists and it is desirable to continue with the Village as the primary center and Rhinecliff as the secondary center of social, cultural, recreational and commercial activity, with only limited commercial activity in other portions of the Town's waterfront area.

d. Water-Dependent and Water-Enhanced Uses

At this time, water-dependent uses are limited (see also discussion under Coastal Access Points). Future proposals for development of estate properties and/or landing sites by public or private interests may include plans for water-enhanced or water-dependent uses. An important consideration is retaining, enhancing and creating, wherever possible, water-dependent uses such as marinas, fishing stations, launching ramps; a related consideration is maintaining, enhancing and/or creating public access to and use of the new facilities.

C. ZONING

The below discussion of “Zoning” is based on the Town’s Zoning Law, as adopted in 1989 and based upon the Town’s then-current Comprehensive Plan. The Town’s Comprehensive Plan is currently being updated, with adoption by the Town Board anticipated during 2007. The Comprehensive Plan Committee made recommendations for amendments to the Zoning Law to reflect even more strongly the land use policies discussed in Section III of this LWRP. The zoning changes reinforce the protection of agricultural land and scenic and historic resources. The former five-acre zones were recommended to be increased to ten- and twenty-acre zones that promote cluster developments. The hamlet and former one-acre zoned areas were recommended for Traditional Neighborhood Design compatible with hamlet-scaled development of grid streets and small lots.

See [Map 3, “Zoning”](#).

1. Residential

The majority of the land in the waterfront area of the Town is zoned Residential 5-Acre (R5A) District, a classification “intended to allow limited development in rural areas at a density that, if appropriately sited, including through the encouragement of cluster development, will help preserve the sense of openness in the Town’s scenic and agricultural areas and respect the environmental sensitivity and aesthetic qualities of these lands”. The R5A District generally requires five acres per single-family or two-family dwelling and covers all Riverfront areas of the Town except the hamlet of Rhinecliff and its immediate environs.

One and two-family dwellings and associated accessory uses and structures are permitted by right in the R5A District, as well as agricultural and conservation uses including stables. The special permit uses requiring approval by the Planning Board reflect a wide variety of

uses such as elderly residential development, educational and/or institutional uses, hospitals, nursing homes, alternate care facilities, and offices, conference centers, and land-extensive recreational facilities that are suitable for large lot, low-density areas and that might serve as appropriate adaptive re-use possibilities for the large estates within this District. Permitted waterfront uses include marinas, boat clubs, docks and boat ramps.

The Residential 3-Acre (R3A) District, a low-density residential classification where the minimum lot area for a single-family or two-family dwelling is three acres, is found within that portion of the LWRA on the east side of NYS Route 9 in areas both north and south of the Village of Rhinebeck. The permitted uses in this District are the same as in the R5A District, but the authorized density is slightly higher. Additional special permit uses within the R3A District include but are not limited to fairgrounds, hotels and motels, extractive operations including soil mining, and public or franchise utility stations or structures.

The second most predominant zoning district in the local waterfront revitalization area is Residential 1-Acre (R1A) District, a classification “intended to allow more concentrated, medium density residential development near the Village of Rhinebeck and where potentially served by municipal central water and common sewage facilities” and wherein “clustering is encouraged ... to preserve significant open spaces and foster pedestrian and bikeway linkages between residential neighborhoods and the business, service and recreational facilities located near the Village center”.

The R1A District permits single-family or two-family dwellings on minimum one-acre lots in the hamlet of Rhinecliff and on land adjacent to the Village of Rhinebeck, including areas along Rhinecliff Road and Old Post Roads, as well as an area east of Route 9 (south of the Village), and authorizes multi-family residential development by special use permit. The number of permitted and special permit uses, while including residential and agricultural uses, is somewhat more restrictive in this District, reflecting a more densely populated area where some of the special permit uses which require large parcels of the R5A and R3A would not be appropriate. As in the case of the R5A District, the earlier-cited waterfront uses are permitted.

Clustering of residential development is both permitted and encouraged in any of the above three districts, R5A, R3A or R1A, with subdivision and/or site plan approval required from the Town Planning Board.

2. Commercial

Commercial zoning is limited within the Town’s LWRA.

A small area of Highway Business Park (HBP) District land lies between Hook Road and Route 9G, while a small zone of Gateway (G) District is adjacent to Route 9 south of the Village. A variety of general uses, business and service uses, and commercial uses, including both retail and wholesale activities, are authorized either by right or special use permit

within the HBP District. The Gateway District is far more restrictive in its authorization of “small-scale professional, administrative and related office uses at the southern approach or gateway to the Village of Rhinebeck”.

In addition, an area of about two square blocks in the hamlet of Rhinecliff has been designated as Rhinecliff Business (RB) District. This District permits a variety of retail commercial and office uses, as well as hotel and tourist home uses which could be appropriate to this small central business area. In the words of the Zoning Law, the RB District “is intended to allow small-scale commercial uses to service the local needs of the Rhinecliff hamlet”.

3. Land Conservation

The Town’s Land Conservation (LC) District “is intended to provide for conservation, open space and limited recreational use of the Town’s most ecologically-sensitive lands, including those most closely related to the principal watercourses throughout the Town”. The LC District includes Ferncliff Forest, a wooded area that has been recognized as necessary for preservation, and land on both sides of the Mudder Kill, which rises out of the Snyder Swamp area in the northern part of the Town. Also included in this District are lands extending 75 feet from the mean high water mark on either side of NYSDEC-classified streams. This District has been designed to protect environmentally sensitive and flood-prone areas and permits very limited uses, generally recreational or nature-oriented, with minimal site improvement or structures required.

The LC District is complemented by a Flood-Fringe Overlay (FF-O) District implementing the FEMA program and a more recently adopted Water Resource Protection Overlay (WRP-O) District providing both for additional protection of stream corridors and wetland buffers and for protection of groundwater aquifers.

4. Planned Development

The Planned Residential Development Overlay (PRD-O) District “encompasses those lands described within the Town Comprehensive Plan as areas with strong potential for provision of municipal water and sewer service through a cooperative private and public development program”.

Among the early recommendations of the present Master Plan Committee is a proposal for the Town Board’s adoption of a Zoning Code amendment eliminating the PRD-O District.

5. Analysis of Zoning

The zoning classification of lands and related provisions for clustering throughout the Town’s LWRA have been designed to protect the rural and open space qualities and environmental features of this area, to provide for a range of densities suitable for a variety

of housing types and for limited commercial development where appropriate. Maintenance of large-lot zoning in the western portion of the Town also serves to aid in protection and enhancement of scenic and historic areas, of ground water supplies and, to some extent, agricultural areas. Authorization for water-dependent recreational uses is also provided within the framework of the R5A and R1A Districts.

In addition, the R1A and Rhinecliff Business Districts correspond to a more dense residential development pattern and a small concentration of commercial activity within the hamlet of Rhinecliff. While some additional areas along the highway corridors of the Town to the north of the Village (and outside the LWRA) have been zoned for highway business activities and office and research park uses, partially reflecting the presence of the Kingston-Rhinecliff Bridge, generally the Town Plan and zoning regulations reflect a desire to maintain and build upon the vitality of the traditional Village and hamlet centers and avoid commercial sprawl.

D. ENVIRONMENTAL FEATURES

See [Map 4, “Natural Resources Inventory”](#).

1. Geology, Soils and Topography

Bedrock in the waterfront area of the Town is Austin Glen graywacke and shale. The Austin Glen formation consists of coarse, dark gray sandstone or fine-grained conglomerate composed of firmly cemented rounded fragments. The cliffs that rise 50 to 100 feet above the railroad at Rhinecliff and the Sturgeon Point Cliffs are shale, however, most of the small outcrops of bedrock are sandstone. Elevations generally range from mean tide level to 50 to 200 feet, but the summit of Mt. Rutsen located in Ferncliff Forest, the highest point in the waterfront area, is 350 feet above mean tide level.

Most of the waterfront area consists of clay soils with a high water table which necessitates limitations on allowable development densities without the provision of central sewer and water supply systems (See [Map 10, “Summary of Major Development Considerations”](#)). Soil materials are also comprised of glacial till, lake clay and terrace sand, as well as recent deposits of alluvium, tidal marsh sediments and fill. Many of the soils in the Town are suitable for various types of agriculture (see [Map 4, “Natural Resources Inventory”](#)). Hudson soils, including clay and sand, tend to intermix near the River where they form sloping bluffs which are subject to erosion or slumping and sliding. Alluvium, or stream deposited silt, is found in Snyder Swamp. Also, fill has been utilized to form the railroad beds.

2. Groundwater

The Village of Rhinebeck and portions of the hamlet of Rhinecliff, adjacent areas along Route 308, including the on-going multi-family development known as The Gardens at Rhinebeck, and a small section of River Road to the Ferncliff Nursing Home are serviced with public water from the Rhinebeck Village system, which utilizes water from the Hudson River. The bulk of the Town relies on groundwater from individual wells. Most of the waterfront area is composed of thick glacial till and lacustrine silt and clay surficial aquifers. The till has a low recharge capability and the silt and clay recharge rate is even lower; both have yield rates that are similarly low. In addition, densities for any uses relying on septic systems must be low to avoid negative impact on groundwater, since it takes a relatively long time to dilute effects of any pollutants.* A few portions of the waterfront area have sand and gravel aquifers that are more productive in terms of yield. The bedrock aquifers are primarily shale and the average depth of wells into bedrock is over 120 feet.

* See Robert Gerber, *Water Resources Study for Dutchess County, June 1982.*

3. The River

The Hudson River is a 315 mile long river that flows from the Adirondack Mountains in the northern part of the State to New York City. At sea level below Troy, the River becomes tidal and navigable. Tidal freshwater, which extends from Troy south generally to Hyde Park, is available in Rhinebeck. The River, classified "A" by the NYS Department of Environmental Conservation, in fact, serves as the source for the water supply system serving the Village of Rhinebeck, the hamlet of Rhinecliff, and other properties in the vicinity. It also serves as a water source for the Port Ewen area of the Town of Esopus on the west bank.

The mid-line of the Hudson River is the western boundary of the Town. The River provides many opportunities for residents and visitors. The Hudson offers a unique and an essential open space, as well as a scenic area that is a major visual focus within the western-most portions of the Town.

The scenic attributes of the River are further discussed in the sections on historic and scenic features and scenic roads and vistas. Its presence is both overpowering and calming, and the benefits to residents of the Town are many-fold. The Hudson provides a travel way for long and short distance commercial and recreational boating and fishing. At this time, boat docking in Rhinebeck is limited, but use of the renovated Town Landing in Rhinecliff and consideration of other prospective access locations is certain to increase.

The Hudson, within the waterfront area of the Town, also provides a deep-water estuary system unique in the northeastern United States. The deep holes off Sturgeon Point serve as a winter habitat area for much of the resident population of the short-nose sturgeon (an endangered species); the River also serves as a spawning area for the American shad. Two

deep water areas within the Town portion of the River have been categorized as significant habitat areas by the New York Department of Environmental Conservation. (See below Section 10 on Significant Coastal Fish and Wildlife Habitats.)

4. Islands

Jones Island, a small private island just north of Vanderburgh Cove, is available only for private recreation purposes, but can serve as a scenic interest area and an orientation point for boaters.

5. Freshwater Wetlands Affected by Tides

See [Map 5, “Coves / Freshwater – Tidal Wetland Areas”](#).

These habitats are among the Town's most significant scenic and biological resources. The wetlands are found in the natural and railroad-impacted coves of the Town, supporting extensive and varied vegetation and animal life.

In his 1978 report Hudson River East Bank Natural Areas, Clermont to Norrie, Erik Kiviat, Executive Director of Hudsonia, lists the following cove areas from north to south within the Town: Mandara South Cove, Matambeson Cove, Clifton Point Cove, Astor Cove, Slate Dock Cove North, Slate Dock Cove Middle, Long Cove, Cattail Cove, Stream Cove, Suckley Cove and Vanderburgh Cove. Of the several coves in the Town, Astor Cove, Suckley Cove and Vanderburgh Cove are considered the most ecologically significant.

Mr. Kiviat indicates that whereas the Tivoli Bays cove area in the Town of Red Hook is the most significant wetland resource area between Clermont and Norrie Point, the Suckley/Vanderburgh area is rated second in importance because of its size, uniqueness and relatively unspoiled estuarine condition. Vanderburgh Cove is important to spawning and feeding fish and migrating ducks and an osprey feeding area. It is used by resting marsh wrens, herons, and egrets in late summer.

The New York State Department of State has designated the Vanderburgh Cove and Shallows as a Significant Fish and Wildlife Habitat (see Appendix B.).

The Dutchess County Environmental Management Council (EMC) has also named Astor Cove, the Vanderburgh Cove with surrounding ridges, Jones Island, Suckley Cove, and nearby shallows of the Hudson River as a Significant Natural Area. Astor Cove, a habitat which also supports extensive fish and birdlife, is particularly important because its stand of wild rice provides a valuable feeding area for ducks.

6. Freshwater Wetlands Buffer

See [Map 10, “Summary of Major Development Considerations”](#).

Extending up from the River, wooded areas with steep slopes form a framework around the wetlands. These areas are periodically cut with streams and drainage ways. Much of this area is underlain with clay or sand soils that are subject to sliding or slumping if vegetation is removed. The forested/vegetated slopes provide habitat for small animal and wildlife. There are also some portions of the buffer areas that are highlighted with cliffs and promontories, such as those found at Sturgeon Point.

7. Freshwater Wetlands/Standing Water Areas

See [Map 4, “Natural Resources Inventory”](#).

Many isolated wetlands exist throughout the waterfront area of the Town. The open water areas surrounded by varied wetland vegetation are valuable from ecological and scenic points of view. The major freshwater wetland in the Town is Snyder Swamp, a hardwood swamp with permanent standing water in parts. It provides a source for both the Mudder Kill and the Rhinebeck Kill. This extensive area of approximately 110 acres adjacent to Ferncliff Forest, is regulated under the New York State Freshwater Wetlands Act because of its extensive land area, being far greater than the threshold of 12.4 acres, and is further zoned Land Conservation (LC) District by the Town. Activities such as draining, filling, dredging and other possible alterations are not permitted in this wetland area, which is currently in private ownership and zoned for residential use. Erik Kiviat prepared an extensive study, commissioned by Hudson River Heritage Inc., on the Mudder Kill and Snyder Swamp, and the Dutchess County Environmental Management Council (EMC) designated Snyder Swamp (together with Ferncliff Forest and the Mudder Kill) as Significant Natural Areas.

The Town has over thirty freshwater wetlands protected under Article 24 of the State Environmental Conservation Law (the Freshwater Wetlands Act) in the Kingston East and Rock City series of designations in Dutchess County. Within the Town’s Coastal Area there are eleven designated freshwater wetlands, and they are as follows:

- KE-4 - - Class II
- KE-5 - - Class II
- KE-6 - - Class III
- KE-7 - - Class III
- KE-8 - - Class III
- KE-9 - - Class III
- KE-24 - - Class II
- KE-26 - - Class II
- KE-27 - - Class II
- KE-29 - - Class II
- HP-31 - - Class I

These designated wetlands are indicated on a NYS Freshwater Wetlands Map that was promulgated on July 15, 1987 pursuant to Article 24.

Refer to LWRP Appendix E for the location of the above designated freshwater wetlands on the NYS Freshwater Wetlands Map.

8. Streams

Two primary streams, the Landsman Kill and the Rhinebeck Kill, join and flow across the waterfront area of the Town and drain southwest into Vanderburgh Cove and then into the Hudson. The Landsman Kill is stocked with fish and provides recreational fishing for anglers of all ages. These two streams merge at the millpond located on Mill Road. The Fallsburg Creek also drains into Vanderburgh Cove. In the northern portion of the waterfront area, the Mudder Kill flows in a northerly direction from Snyder Swamp and reaches the Hudson River within the Town of Red Hook. As noted above, the Mudder Kill, together with Ferncliff Forest and Snyder Swamp have been designated as Significant Natural Areas by the Dutchess County Environmental Management Council.

The Town Conservation Advisory Council developed and has carried out a program to monitor the quantity and the quality of the Rhinebeck Kill and Landsman Kill. The portion of the Landsman Kill between the Millpond and Vanderburgh Cove has been classified "C" by the Department of Environmental Conservation, indicating that the Kill is "suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes and primary contact recreation." The remaining portions of the Landsman Kill in the area (except Crystal Lake), the Fallsburg Creek, the Rhinebeck Kill and the Mudder Kill are designated "D" waters, which indicates that these waters are suitable for "secondary contact recreation, [and]... will not support the propagation of fish, but must be suitable for fish survival." Crystal Lake is classified "B" which indicates that the waters should be usable for swimming. In addition, Crystal Lake must meet the "B(T)" water quality standards which further indicates that dissolved oxygen levels should be appropriate for trout waters.

The Town has requested that DEC upgrade the classification of the following major streams in order to maintain or improve water quality: the Landsman Kill from the Millpond to its source to "B(T)," the Rhinebeck Kill to "C(T)", the Fallsburg Creek to "C(T)" and the Mudder Kill to "C".

9. Forested Areas

Many stands of mature hardwood trees are dispersed throughout the Town. The most significant area is Ferncliff Forest, which has extensive deciduous stands with scattered white pine and groves of hemlock. This area has been set aside as a preserve with limited recreational uses, such as hiking trails and picnic and camping sites. Mt. Rutsen, within

Ferncliff Forest, is the highest point of land in the waterfront area. The observation tower on the mountain is in a state of disrepair; the securing of funds for the rehabilitation or reconstruction of the tower would be desirable but may not be an attainable objective. Also within Ferncliff Forest, Mt. Rutsen Pond, a semi-natural pond, drains into nearby Snyder Swamp. A management plan for the 192 acre Ferncliff Forest area is currently in preparation by a not-for-profit group, Ferncliff Forest Preserve, Inc., which has taken over responsibility for the property after more than 20 years of management by the Town Rotary Club. Ferncliff Forest has been zoned for Land Conservation, which limits development of the site.

As mentioned above, Ferncliff Forest has been designated together with Snyder Swamp and the Mudder Kill, as a Significant Natural Area by the Dutchess County Environmental Management Council.

10. Significant Fish and Wildlife Habitats (see Appendix B)

Four of the thirty-nine Significant Coastal Fish and Wildlife Habitats within the Hudson Region lie within or adjacent to the Rhinebeck LWRA. These important habitats were designated by the Department of State Division of Coastal Resources.

- a. Vanderburgh Cove and Shallows. Vanderburgh Cove and Shallows is located on the east side of the Hudson River, approximately four miles south of the Village of Rhinebeck, in the Towns of Rhinebeck and Hyde Park, Dutchess County (7.5' Quadrangles: Kingston East, N.Y.; and Hyde Park, N.Y.). Vanderburgh Cove is an approximate 100 acre, shallow, (less than 10 feet deep at mean low water), tidal, freshwater bay, separated from the open river by the Conrail tracks and land. The cove is connected by hydrology to the River via two bridges under the railroad tracks, and contains dense beds of water chestnut, wild celery, Eurasian water milfoil, pickerel weed, and yellow pond lily. Emergent marsh vegetation (e.g., river bulrush and cattail) is present only around the margin of Vanderburgh Cove. Outside of the railroad is an approximate 1,000 foot wide extension of the shallow water area in Vanderburgh Cove, encompassing approximately 300 acres. The latter area is predominantly sub-tidal, with a silt substrate and beds of aquatic vegetation. These shallows are located adjacent to a natural deepwater channel in the Hudson River, so the area is not subject to habitat disturbance from periodic maintenance dredging. The land area bordering Vanderburgh Cove and Shallows is predominantly deciduous forest on moderate to steep slopes. However, since the 1970's, new residential development has been increasing in adjacent areas.

Vanderburgh Cove and Shallows is one of the largest contiguous areas of shallow, freshwater, sub-tidal flats in Dutchess County. Areas such as this are extremely valuable fish and wildlife habitats. However, the importance of this area is limited somewhat by its small size relative to similar habitats

elsewhere in the Hudson River, and possibly by the abundance of water chestnut within Vanderburgh Cove. Suckley Cove is a high quality portion of the habitat, with minimal human disturbance.

Vanderburgh Cove and Shallows is a productive littoral area located near the lowest reaches of shallow freshwater in the Hudson River, which is a critical area for many fish species. The shallow, sub-tidal beds provide spawning, nursery, and feeding habitats for anadromous species such as striped bass, American shad, and white perch, and for a variety of resident freshwater species, such as largemouth bass, carp, brown bullhead, yellow perch, and shiners. The Landsman Kill and Fallsburg Creek also attract spawning runs of smelt, alewife, and blue-back herring, although the extent of reproduction has not been documented. Concentrations of spawning anadromous fish generally occur in the area between mid-March and July, with substantial numbers of young fish remaining well into the fall (October-November). Vanderburgh Cove and Shallows may also serve as a feeding area for populations of short-nose sturgeon wintering in the adjacent deepwater channel. The abundant fisheries resources in Vanderburgh Cove and Shallows provide valuable opportunities for recreational (and possibly commercial) fishing, attracting anglers from throughout

Dutchess County. Fishing pressure is generally concentrated near the tributary stream mouths and at railroad bridges.

- b. Kingston Deepwater Habitat. The Kingston Deepwater Habitat encompasses a six-mile stretch of the Hudson River extending approximately from the City of Kingston in Ulster County and the hamlet of Rhinecliff in Dutchess County south to the southern boundary of the Margaret Lewis Norrie State Park in Dutchess County. The area is located in the Towns of Rhinebeck and Hyde Park in Dutchess County and the Town of Esopus in Ulster County (U.S.G.S. 7.5' Quadrangles: Hyde Park, N.Y. and Kingston East, N.Y.). The significant habitat area is a nearly continuous river bottom trench, where water depths of 50 feet or greater occur.

The Kingston Deepwater Habitat is the northern-most extensive section of deepwater habitat in the Hudson River. Deepwater estuaries such as this are rare in the eastern United States and the Hudson River is the only river in New York State that contains these ecosystems.

Deep water areas trap pockets of denser saline water, providing wintering habitat for short-nose sturgeon and supporting a diversity of marine species in the Hudson River. Recent fisheries investigations of the Hudson River in this area indicate spawning, as well as wintering of sturgeon in the Kingston Deepwater Habitat area. This area is also significant since it is largely responsible for the abundance of marine species upriver (the northern range limit for many in New York), especially during periods of low freshwater flows (summer). The majority of both Atlantic and

short-nose sturgeon taken for age-growth analysis during the 1936 biological survey came from Rhinecliff and Port Ewen. During the spring spawning run of shad, commercial drift netting takes place in the area.

- c. The Flats. The Flats is located in the middle of the Hudson River, roughly between the hamlet of Barrytown and the City of Kingston, in the Town of Ulster and City of Kingston, Ulster County, and the Towns of Red Hook and Rhinebeck, Dutchess County (7.5' Quadrangle: Kingston East, N.Y.). The fish and wildlife habitat is an approximate four and one-half mile long underwater ridge, most of which is shallow (less than 10 feet deep at mean low water), fresh-water, inter-tidal mud flats, and sub-tidal aquatic beds (predominantly wild celery and Eurasian water milfoil). The Flats is bordered to the west by the Hudson River navigation channel, resulting in potential habitat disturbance from periodic maintenance dredging.

The Flats is one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River. Areas such as this are extremely valuable fish and wildlife habitats, and are not found in other coastal regions of New York State.

The Flats is one of the primary Hudson River spawning grounds for American shad. Between mid-March and June, adult shad concentrate between Kingston and Coxsackie, and spawning occurs primarily on extensive flats, shoals, sandbars, and shallow areas near the mouths of tributary creeks. These fish may move into adjacent deeper areas while tidal currents are strong. Reproduction by shad in the Flats area supports much of the commercial gillnet fishery for this species on the Hudson River, which is one of the largest such fisheries in the U.S. The importance of the Flats is highlighted by the fact that it is the only area on the Hudson where commercial fishing is prohibited during the shad spawning period. The Flats also serves as spawning, nursery, and feeding habitat for striped bass, white perch, and various resident freshwater species. Concentrations of the early developmental stages of several anadromous species occur in this area.

Short-nose sturgeon and Atlantic sturgeon may also use the area to feed (especially during slack water in late spring and summer), or as a resting area during river-wide movements, or as a slightly preferable habitat when water temperatures are warmer than in adjacent deeper waters (i.e., in early spring and fall). High catches of short-nose sturgeon occur in channels adjoining the Flats, particularly on the east side. The abundant fisheries resources in this area provide an excellent recreational fishery, attracting anglers from nearby portions of Ulster and Dutchess Counties.

Significant concentrations of waterfowl also occur in The Flats area. Dense growths of wild celery provide valuable feeding areas for many species of

ducks, and are especially important during spring (March-April) and fall (mid-September-- early December) migrations. Concentrations of diving ducks, such as redhead, canvasback, common goldeneye, and mergansers, are regularly found out in the Flats. During calm weather, this open river area is also used by dabbling ducks, including mallard, black duck and blue-winged teal, and provides a refuge from hunting pressure in shoreline areas.

Adjacent to, but outside of the Town of Rhinebeck, is the Rondout Creek Significant Coastal Fish and Wildlife Habitat, located along the westerly shore of the Hudson River. It lies near the confluence of Rondout Creek and the Hudson River within the City of Kingston and the Town of Esopus.

Each of the three (3) Significant Fish and Wildlife Habitats located within the Town of Rhinebeck is more fully described within LWRP Appendix B.

11. Flood and Erosion Hazard Areas

See [Map 10, "Summary of Major Development Considerations"](#).

The flood hazard areas within the Town, as displayed in the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA), include the cove areas along the Hudson, as well as areas surrounding the Rhinebeck Kill, the Landsman Kill and the Fallsburg Creek, all draining southwestward toward the River. In the northern part of the Town, Snyder Swamp with waters flowing into the Mudder Kill is also delineated as a flood hazard area.

Stream bank erosion from tidal action or navigation on the Hudson is not considered a serious problem at this time. The fact that the railroad has elevated the tracks along the River and maintains its rail bed lessens tidal erosion impacts on other areas. The steep slopes along much of the river bank, however, are subject to slides and need to be protected, especially the area near Suckley Cove, north of Jones Island, which is considered an area of critical erosion. Moreover, the surface waters need to be protected from excessive sediment loading and siltation.

12. Air Quality

Air quality in the waterfront area of Rhinebeck has been classified as Level II as defined by Title 6 Part 272.3 NYCRR, which is used for areas of "predominantly single and two-family residences, small farms and limited commercial services and industrial development." While there are no monitoring stations either within or adjacent to the Town of Rhinebeck, the nearest being in Millbrook, it is known the Mid-Hudson Region of which Rhinebeck is a part has become in recent years a non-attainment area for ozone and also experiences more isolated instances of particulate concentrations in excess of accepted standards.

13. Analysis of Environmental Features

- a. Protection of Ground and Surface Water. It is important to protect the Town ground and surface waters against pollution from a variety of residential, commercial and industrial sources. These include contamination and runoff from inadequate septic systems, road salting and the use of herbicides, pesticides and/or fertilizers by farmers, home gardeners and railroad maintenance crews. Any negative impacts on streams tend to affect the cove and ultimately the River as well.

Of particular concern more than fifteen years ago was a Dutchess County ash landfill site proposed for the southern portion of the coastal area, on the Southlands Foundation tract just west of Route 9. Such a use could have been detrimental to groundwater, as well as to the Fallsburg Creek, the Landsman Kill and to Vanderburgh Cove, in addition to causing the loss of an outstanding equestrian facility.

Moreover, since the Hudson River serves as a source of drinking water for some communities, including the Village of Rhinebeck water system, as well as an important ecological habitat, all efforts to protect and improve the quality of the water should be encouraged and activities which could threaten the quality of the water should be discouraged.

The NYS Department of Environmental Conservation is responsible for classification of streams in the State. Rhinebeck has previously requested and will continue to request reclassification, or upgrading, of streams in the Town -- particularly the Landsman Kill, Rhinebeck Kill, Mudder Kill and Fallsburg Creek -- to attempt to improve the water quality of these streams and, in the case of Landsman Kill, to derive further protection under the NYS Stream Protection Act (ECL Article 15).

- b. Protection of Environmentally Sensitive Areas. Environmentally sensitive areas of the Town need to be retained and protected from alteration and pollution.

Among the Town's most valuable natural resources are the tidal coves and wetlands, particularly the Astor Cove and the Vanderburgh and Suckley Cove areas, which are being threatened to some extent by various development factors including pollution of streams (e.g., by runoff from road maintenance practices and agricultural uses, but particularly by railroad maintenance practices). The railroad practices historically included: (1) the spraying of the railroad bed and surrounding area with herbicides to limit the growth of vegetation near the tracks, a practice which may kill plant life in the cove wetland areas and threaten fish, animals and bird life and habitats, and

(2) scattering of old railroad ties permeated with creosote or other wood preservatives that can both add chemicals to the coves which can harm plant, fish and animal life within the cove and can block water passing through areas under railroad bridges (thus interfering with tidal flow), which also affects plant, fish and wildlife in the cove areas.

The freshwater wetland/standing water areas of the Town, especially the large Snyder Swamp area, also need to be protected against pollution and encroachment or alteration -- as do the several creeks and forested areas of the Town. Snyder Swamp, while regulated under the NYS Freshwater Wetlands Act, may be under some future pressure, particularly along its outer edges, since the property is entirely in privately hands and zoned for residential use.

Erik Kiviat, Executive Director of Hudsonia, in his 1978 and 1982 report on The Mudder Kill and Snyder Swamp, recommended that an integrated stewardship should be considered for Ferncliff Forest and Snyder Swamp because of a continuation of vegetation species, an inter-relationship between water and drainage systems, extensive wildlife use (including the significant cerulean warbler population) -- all of which tie the two areas together ecologically.

- c. Impact Assessments for Significant Habitat Areas. Impact assessments are essential in dealing with the following significant habitat areas either within or adjacent to the Rhinebeck LWRA:

Vanderburgh Cove and Shallows - Any activity that would substantially degrade water quality in Vanderburgh Cove and Shallows could affect the biological productivity of this area. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Application of herbicides or insecticides along the railroad right-of-way or adjacent uplands may result in adverse impacts on the fish and wildlife resources of the area. Alteration of tidal fluctuations in Vanderburgh Cove and Shallows could have significant impacts on fish and wildlife; increased tidal exchange may improve habitat quality in the cove. During the early 1980's, a railroad bridge opening to the cove was made smaller, and this may have had detrimental effects. Disruption of natural plant communities or benthos in the area could reduce its value as a fish and wildlife habitat, although control of water chestnut may be desirable or necessary to maintain certain species. Any physical disturbance of the habitat, through dredging or filling (including dredge spoil disposal), would result in a direct loss of valuable habitat area; any dredging activities needed to maintain the existing channel should be scheduled in mid to late summer to minimize potential impacts on most aquatic organisms and migratory birds. Thermal discharges,

depending on time of year, may have variable effects on use of the area by aquatic species and survival is often directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish concentrations through impingement of juveniles and adults, or entrainment of eggs and larval stages. Significant human encroachment into adjacent areas may limit use of Vanderburgh and Suckley Coves by certain species, but potential impacts may be mitigated somewhat by controlling soil erosion and discharges of polluted runoff. Existing areas of natural vegetation bordering Vanderburgh Cove and Shallows should be maintained for their value as cover, perch sites, and buffer zones. Enhancement of public access to increase compatible human uses of fish and wildlife resources in the area may be desirable.

Kingston Deepwater Habitat. Activities that would affect the water quality, temperature, turbidity or freshwater to saline distribution in the deep water portions of the River may adversely impact on the estuarine community. Major reduction in overall depths within the deep water trench may also have adverse effects on the sturgeon spawning, wintering, and continued use of the habitat. Deposition of dredged material or natural sediments, especially if contaminated, may degrade the quality of this unusual area.

The Flats. Any activity that would substantially degrade water quality in the Flats could affect the biological productivity of this area. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Oil and other hazardous substance spills are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Disruption of plant communities or benthos in the area through dredging or filling (including dredge spoil disposal), could reduce its value as a fish and wildlife habitat, no new navigation channels should be cut through the area. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species; shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of eggs and larval stages.

Rondout Creek Habitat. As in the case of the three Significant Coastal Fish and Wildlife Habitats within the Rhinebeck LWRA, any activity that would substantially degrade water quality in the Rondout Creek or near its confluence with the Hudson River could affect the biological productivity of this area which lies on the westerly shore of the Hudson opposite Rhinebeck.

- d. Flood and Erosion Prevention and Control. Many portions of the Town, primarily along the creeks, are subject to flooding, and other portions of the Town, particularly along the Hudson shore, are subject to erosion. Development of large estates along the riverfront, use of land for agricultural purposes, and the availability of sufficient amounts of vacant, more easily buildable land, as well as limited development pressures, all have helped to preserve the bulk of such flood and erosion-prone areas in their natural state. However, as further development is proposed, the issue of preservation of natural features to avoid flood and erosion hazards needs to be considered. In particular, development must be set back from streams and bluff areas and maintenance of natural vegetation in these areas must be required. In addition, local and State officials, owners and would-be owners of waterfront property (including proprietors of the railroad) should bear in mind that the mean level of the Hudson River and its tidewater bays, coves and tributaries is subject to change. Scientists have estimated that due to both accelerating glacial melt and to the subsidence of coastal lands, the mean river level in this area has risen approximately one foot during the past century, and it is expected that, during the next century, it will rise three to five feet.

- e. Analysis of Air Quality. Because of the rural character of Rhinebeck, the air quality has for the most part remained satisfactory though, as cited, the Mid-Hudson Region has become in recent years a non-attainment area for ozone. Any proposed industrial activity that could negatively impact air quality must be avoided.

E. RECREATION AND OPEN SPACE AREAS

1. Recreation and Open Space Sites

A variety of recreation and open space areas are important elements of the waterfront, as well as components in the everyday lives of Rhinebeck residents and assets for visitors to the area. These areas provide opportunities for passive and active recreation and provide desirable undeveloped, naturally landscaped settings for visual appeal and environmental protection. They are needed by young and old, able-bodied, as well as handicapped persons.

It was felt that to best assess recreational needs in the waterfront area, it was desirable to determine the availability of recreation and open space areas in the whole Town as part of the LWRP preparation. The recreation and open space areas available throughout the Town and Village were subsequently inventoried (a full listing and an overlay map of Recreation and Open Space is available in the Planning Board Office of Town Hall). On this inventory, those areas designated as public refer to sites where ownership is public or semi-public and access is available without permission or fee. Sites listed in the private category are privately owned and public access is not always available. These latter sites, therefore, represent open space and limited recreation resources.

Generally, the recreation areas can be further classified as active or passive recreation areas. The active recreation areas contain facilities such as basketball courts, tennis courts, soccer, field hockey, softball and other playing fields, and boat docking and launching facilities. These include Town, Village, and school-owned sites.

The open space and passive recreation areas are generally utilized for visual appeal and for less organized/non-facility oriented activities, such as hiking, utilizing nature trails or bird watching. Included within the passive recreation/open space areas of the Town are Ferncliff Forest, the Wilderstein property, the Rhineson property recently acquired by the Town and Village, cemeteries, the Southlands Foundation property and other farmland properties included within the agricultural district program and small subdivision parkland properties which were never developed for active use.

In addition, an extensive trail network is maintained throughout the Town on private and public lands by equestrian and snowmobile organizations. Bicycle routes, as planned by the Winnakee Land Trust and adopted by the Town Board, have been designated throughout the LWRA including along River, Morton and Mill Roads and along Route 308 between the Village of Rhinebeck and Rhinecliff. The Town is exploring various locations for expanding a public bikeway/trail system, including utilization of portions of the abandoned Central New England railroad bed which extends in a northeasterly direction from the hamlet of Rhinecliff. All of this activity is consistent with the regional objective of developing within the LWRA key sections of a continuous north-south Hudson River Greenway Trail with direct linkages to Red Hook, Hyde Park and the Village of Rhinebeck.

Wetland and flood-prone areas of the Town adjacent to the River and creeks are also included in the open space category. They serve important ecological and scenic functions and need to be preserved in their natural state to avoid flooding and erosion hazard problems. The creeks and cove areas are used for recreational fishing and the Vanderburgh Cove area is also sometimes utilized for duck hunting.

Use of coastal access points for recreational purposes is discussed below.

2. Analysis of Recreation and Open Space Opportunities

The Town currently has several recreation sites, including different types of facilities (see inventory chart in appendix); however, the need for certain types of public sites and facilities remains. Some of the issues facing Rhinebeck residents and officials are: how to gain additional access points to the River and/or its tributaries for water-related recreation activities; where and how to provide for expanded recreation activities; where and how to provide an expanded recreation parking area at the Town Recreation Park, located on the south side of Rhinecliff Road at the Town/Village boundary and additional ball fields for Town-wide use; how to provide a Town-owned ball field in Rhinecliff; and how and where to create a public trail system that could be used by hikers, bicyclists, horseback riders and cross country skiers.

The recent acquisition by the Town and Village of the Rhineson property provides a location for focusing the Town's effort to expand its recreational facilities, with an on-going master planning process underway to define the type and timing of improvements to be undertaken there. Consideration also continues to be given to acquiring easements for a pedestrian trail from the Village of Rhinebeck to Wilderstein and the Town Dock, and it is anticipated that at some future time, the lawns, woods, cove, and river access at Wilderstein will be more available to the public for low intensity recreational uses. Morton Landing, adjacent to Wilderstein, has been deeded to Wilderstein Preservation, Inc.

The need for maintaining open space is also very great. Some of the issues involved with protection of open space areas are included under discussions of agricultural areas and environmentally sensitive natural areas. The appearance of the Town, as well as protection of natural features, requires attention to preservation of significant portions of these open space areas now devoted to agriculture, creek beds, wetlands or as part of wooded or brush land areas. The major issue involved with open space areas is how to protect them in their entirety, where desirable or necessary, and/or how to minimize negative impacts of some development proposed within current open space areas.

F. COASTAL ACCESS POINTS

1. Coastal Access Sites

See [Map 6, "Coastal Access Points"](#).

The coastal access points, or points of access to the Hudson River, represent outstanding short and long range recreational and open space assets for the Town of Rhinebeck. They are treated separately from the other recreation and open space areas because of their importance to waterfront planning in the Town.

In recent years, the Hudson River itself has played a relatively minor role in the life of the Town, primarily because of the limited public access to the River. The railroad tracks along the shoreline have severely limited safe access to the River for commercial and recreational activities. In addition, the presence of the large estates bordering the Rhinebeck shore (except at Rhinecliff) restricted enjoyment of the vistas of the River and significantly limit utilization of land near the River to a very few individuals and groups.

The historic Town Landing at Rhinecliff has provided the only major public access to Rhinebeck's Hudson River shore since the construction of the railroad. The first ferry service on the Hudson River was conducted at Rhinecliff and ferry service to Kingston was available until the late 1950's.

Revitalization of the site was begun in 1979 with the reconstruction of the landing and launch sites. Steel bulkhead was initially installed in the northern and central portions of the

site and fill was added to create a recreation area. A boat ramp was then created and areas were set aside for temporary mooring of boats. Efforts have continued to improve the dock and provide expanded parking in order to enhance this major recreation area of the Town. Additional work has been undertaken to add bulkhead to stabilize the southern portions of the site and to add equipment and landscaping in the seating/picnic area to create opportunities for enjoying the scenic vistas. Related maintenance and upgrading is a perpetual project, The Clearwater, a Hudson River education ship, has utilized the dock for promotion of the environmental protection, preservation and enhancement of the Hudson River, as has Fireboat Harvey, and other vessels including tour boats use the site. They will be encouraged to continue use of the dock to stimulate tourism and economic activity in the Town. Limited pedestrian ferry service was initiated in 1985 between Kingston and Rhinecliff but has since been terminated. Restoration of this service would be desirable; an exploratory committee is meeting at this time to consider restoration of this service and expansion to include other location(s), including Tivoli.

The desirability of there being additional locations for public access to the River has long been recognized and remains under study by the Town Dock Committee. As part of the preparation of the LWRP and as depicted on [Map 6](#), an inventory was undertaken of all properties, dock sites, landing and points in the Town that currently or historically have provided River access. Preliminary analysis has been undertaken to determine: (1) which, if any, of the inventoried sites might provide opportunities for future public access, and (2) some of the advantages and disadvantages of specific sites. At this time, only the Rhinecliff Dock area is usable for direct public access to the River; however, Long and Slate Docks, Wilderstein and Vanderburgh Cove offer possibilities for access which the Town would like to facilitate and study further.

2. Analysis of Coastal Access Opportunities

Several factors have limited public access to the River for the last century. A primary factor has been the development of the railroad along the shore-line of the Town and the policies and practices of railroad management which have severely restricted public and private access to the River. Higher speed train traffic has limited what were once considered usable grade crossings and bridges over the tracks and are now in various stages of disrepair. The Town of Rhinebeck and the NYS Department of Transportation (NYSDOT) have recently restored the pedestrian and vehicular bridges which lead to the Town Dock. The only other overhead crossing presently allowing access to the River in Rhinebeck is a crossing on the private estate, the Meadows (Leacote). There is strong public interest in seeing the existing overhead crossings preserved and maintained, and new ones installed at Slate Dock and at Morton's Dock.

A further issue, also particularly timely because of continuing concern over the future status of railroad holdings, is the future of land holdings beyond the minimal road bed requirements. The railroad owns many parcels which once gave the public some access to the water -- e.g., Long Dock and Slate Dock, which are of significance as possible future

public access sites. Additionally, the Central New England railroad bed from its terminus in Rhinecliff to the Red Hook Town line is an important link in creating a public trail system.

Another factor limiting access has been the pattern of the large estate development along all parts of the Town's riverfront (except in Rhinecliff), which has restricted access to all but a small minority of Town residents. As estates are rehabilitated, renovated or possibly subdivided, it will be important to examine the inventoried access points to determine how access can be enhanced or increased, e.g., how can the land west of the railroad tracks which now forms, or subsequently will form, a part of Wilderstein best be utilized.

While the Town Landing at Rhinecliff remains the Town's only public access, it is important that this area continue to be improved to include a variety of recreational and transportation opportunities for residents and visitors. The Town needs to continue efforts to secure restored and expanded ferry service and consider the issue of increasing opportunities, if appropriate, for commercial fishing and boating interests and excursion boat dockage.

G. HISTORIC AND SCENIC FEATURES

See [Map 7, "Mid-Hudson Historic Shorelands Scenic Area"](#).

The beauty and value of Rhinebeck's historic and scenic assets cannot be overstated. The uniquely attractive visual character of the Town results from the combined impact of natural and manmade settings.

The historic and scenic features that have inspired both residents and visitors for centuries are set amidst the majesty of the Hudson River and the adjacent land forms such as the Catskill Mountains, coastal bluffs, forests, and wetlands, together with riverfront estates with their architecturally interesting structures and expansive landscaped grounds. The riverfront estate areas have been complemented by village-scale historic residential and commercial development in the Village of Rhinebeck and Rhinecliff and by the rural historic structures and attractive farm fields.

Beginning in the 1970's several significant steps have been taken to officially recognize the historic and scenic features of the Town and surrounding areas and to make efforts to enhance and preserve the natural and manmade environments. Some of the major steps that were undertaken are listed briefly below and further description of groups formulated, actions taken and studies completed presented where otherwise pertinent within this LWRP.

- The Hudson River Shorelands Task Force was established in 1976 with representatives from Hyde Park, Rhinebeck, Red Hook and Tivoli to act as a liaison between private property holders, the relevant State and Federal agencies, institutional property owners and local government officials. Funding through private

grants was obtained to gather additional data to continue documentation of the scenic and historic features of the area and to develop plans to aid in restoration and maintenance, as well as to protect the visual environment. Working with local government, State and Federal regulatory agencies and private interests, the Task Force (now reconstituted as The Winnakee Land Trust) strives to interpret the unique environment for the benefit of the Historic Districts, the Scenic District and the region as a whole.

- The Mid-Hudson Historic Shorelands Scenic District, so designated, includes not only the Sixteen Mile Historic District (discussed below) and the Clermont Historic District, but also the River landings and pastoral lands connecting the River and the major State road paralleling the River.
- A Management Plan for the Scenic District was completed in 1983 and endorsed by the communities in the District. Moreover, since the scenic quality of the District is greatly enhanced by views across the Hudson River, the Management Plan included a description of the Scenic Zone which encompasses the river frontage extending 2,000 feet west of the high tide line (see [Map 7](#)). Thus, portions of the Towns of Esopus, Kingston, Ulster and Saugerties, the City of Kingston and Village of Saugerties in Ulster County and the Town of Catskill in Greene County are considered part of the viewscape communities in the Scenic District. Sections of the City of Kingston and Towns of Ulster and of Esopus are notably directly across the Hudson River from Rhinebeck.

1. Architectural Sites, Structures and Features

Discussion of Architectural Sites, Structures and Features

See [Map 8](#), “Estates within the Coastal Area”.

In 1979 the Sixteen Mile Historic District¹ was surveyed by Hudson River Heritage, Inc., in an effort to document historic sites and facilitate the preservation of the area's riverfront estate properties. Buildings within this historic district encompassing the riverfront estate areas of the Towns of Clermont, Red Hook, Rhinebeck and Hyde Park were placed on the National Register of Historic Places; in the Town of Rhinebeck, the Sixteen Mile Historic District area was generally west of River Road, Morton Road and Mill Road, but excludes the hamlet of Rhinecliff, except for the train station and land between tracks and the River. The estates, wholly or partially incorporated within the District, include (from north to south) Mandara (Steen Valetje), Orlot (Ravenswood), The Meadows (Leacote), Valeur

¹ *This District was later expanded and re-named the Twenty Mile Historic District.*

(Marienruh), Ferncliff, Ankony, Ellerslie, Wilderstein, Wildercliff, Wyndcliffe (Linden Grove), Whispering Pines and Linwood (Sisters of St. Ursula).²

These magnificent estates were built along the Hudson's eastern banks in the eighteenth, nineteenth and early twentieth centuries, representing the architectural and social history of the times. They included the residences of New York's wealthy families, from the early patentees and landlords to the later financiers.

Complementing these carefully designed estates are a number of excellent examples of sturdy Dutch or Palatine architecture, representing the early settlers of the area. Many unusual and interesting design features are found in these stone houses.

Individually, most of these estate residences would meet the National Register criteria as distinctive architectural specimens, and many assume additional importance from the roles that their occupants played in State and national history. However, the special significance of the area is derived from its location along the Hudson River. The views of the River and the Catskill Mountains add a scenic dimension which rivals and enhances its historic and architectural importance.

Beginning in 1980, surveying and documentation of important historic structures throughout the unincorporated areas of the Town, including the hamlet of Rhinecliff, were undertaken. A Town of Rhinebeck Multi-Resource Area Historic District was formulated and entries were nominated by the New York State Historic Preservation Officer for inclusion on the National Register of Historic Places. See "[Summary of Major Development Considerations](#)", [Map 10](#), for locations of Multi-Resource Historic District Sites and the Sixteen Mile Historic District.

Later, in 1990, Hudson River Heritage undertook the task of elevating the Twenty Mile Historic District to National Landmark status. The District was expanded both eastward, including within the Town of Rhinebeck, and to include hamlet areas such as Rhinecliff and as such is one of the largest historic districts in the nation.

Most of the buildings in these historic districts are in quite good condition; however, as the inventories of historic buildings were completed, structures (particularly those of public interest) that were in need of repair were noted. Over the past few years, steps have been planned and/or taken to upgrade several properties. Among the most prominent properties that are currently being restored are: Wilderstein, a riverfront estate being renovated by a not-for-profit preservation group; the former Valeur, now Marienruh, another riverfront estate which is undergoing continuing renovation by private interests; and The Meadows, where a new mansion has replaced one destroyed in 1977, and the grounds, farm buildings, and fields have been rehabilitated. Furthermore, the Rhinecliff Railroad Station has been

² Grasmere, Elmwood, Fox Hollow and Glenburne are estates that are included in the coastal area (on [Map 8](#)), but are not located within the Historic District.

renovated by Amtrak, and improvements to the Kip-Beekman-Hermance property, site of one of Rhinebeck's earliest residences is under the care of the Rhinebeck Historical Society.

Analysis of Architectural Sites, Structures and Features

Residents of the Town are interested in, and concerned about, the preservation of historic structures, sites, landscapes and other features. As mentioned above, many steps have already been taken in designating historic structures, sites, and districts. At this time and for the future, community (public and private) efforts must focus on restoration, preservation and enhancement of existing historic sites, structures, landscapes and other features such as stone walls and street trees, and on creation of opportunities for adaptive re-use of historic structures. An issue that arises in regard to historic properties is the means and extent of providing information to the public regarding the characteristics and location of the site. Moreover, the issue of gaining full or limited public access to historic properties also needs to be considered. Some properties may be open to the public on a regular basis, some may be available only on occasional specific non-profit or commercial tours, others may be viewed as a result of their commercial or institutional re-use, while the remaining properties are strictly private and inaccessible to the public.

Another area of concern is the encouragement of development that is compatible with existing historic development and discouragement of development that is incompatible. It is important that new development in the Town be compatible with existing development especially in terms of scale, proportion, and color. Such new development need not be architecturally identical to existing structures, but it should not present a discordant appearance to heretofore-developed areas or to more open rural settings and estate environments -- especially as seen from public roads, adjacent properties, or the Hudson River.

2. Landscape Distinction

Discussion of Landscape Distinction

The Mid-Hudson Historic Shorelands Scenic District Management Plan highlights four categories of landscape distinction that contribute to the scenic character of the Town: (1) Estate Landscape and Grounds, (2) Pastoral Countryside, (3) Parkland, and (4) Landscape Appurtenances, including stone walls and tree-lined roads. A discussion of parkland can be found above in the subsection on Recreation and Open Space Areas.

The Hudson River estates within the Town have been noted not only for their architectural interest but also for the significance and interest of their landscaped grounds. The Historic Shorelands Scenic District Management Plan indicates that there are thirteen estates in the Town that are important "for their common design themes and date of construction as identified in the American Romantic Landscape Style," i.e. primarily during the period 1820 to 1880. These include those previously mentioned in the discussion of the Sixteen Mile

Historic District (from north to south): Mandara (Steen Valetje), Orlot (Ravenswood), The Meadows (Leacote), Valeur (Marienruh), Ferncliff, Ankony, Ellerslie, Wilderstein, Wildercliff, Wyndcliffe (Linden Grove), Whispering Pines, and Linwood. Additional properties within the coastal area should be considered in this context, including Elmwood, Grasmere, Foxhollow (Linden Hill), and Glenburn. Landscape designers represented include, among many other prominent personages, Louis Ehlers, Frederick Olmstead and Calvert Vaux.

The pastoral countryside refers to a combination or interweaving of visual components familiar in the rural areas of the Town; wooded areas, pastures, cropland, orchards and vineyards, irregularly placed residences and farmsteads. Within the pastoral countryside, several properties have been included in an agricultural district under the New York State Agricultural and Markets Law, which helps to encourage the protection and maintenance of substantial areas of the Town in agricultural/open space use. (See earlier discussion of agriculture under “Existing Land Use”.) To encourage sound forest management practices, a complementary Forest Tax Law provision of the State Environmental Conservation Law (the “Fisher Forest Tax Act”) is also available to qualifying landowners making appropriate forestry and conservation use, including selective cutting and reforestation activities, of their lands.

Analysis of Landscape Distinction

The need and value of protecting and restoring estate grounds to maintain and enhance the scenic beauty of the Town needs to be addressed. The landscape planning, as well as the architectural design of the major structures, is important from a historic point of view, but they are also very important as they contribute to the visual amenities of the Town. The design of estate grounds should not be overlooked in any plans to restore and renovate existing estates and/or plans to further develop or subdivide properties.

3. Stone Walls

Discussion of Stone Walls

Of the landscape appurtenances mentioned in the Mid-Hudson Historic Shorelands Scenic District Management Plan, stone walls were determined to be the most significant. These stone walls, fronting on many of the estates, have great value as historic and scenic resources. They are representative of an earlier period in the history of the Town when labor was relatively inexpensive, personal pride in one's work was high and the quality of craftsmanship was important. The walls at Steen Valetje, Ferncliff and Linwood, and along River and Mill Roads, are prime examples of walls of quite elaborate construction, with dressed and coursed facings of tooled stone, heavy granite capstones, and gently cambered rear faces designed to retain soil pressures. Found throughout the coastal area are dry-laid schist walls; both lining the roads and dividing farm fields. These form a picturesque contrast with their more formal counterparts, giving a pleasantly rustic character to the landscape.

Analysis of Stone Walls

While techniques for protection and repair of the walls are known and have been outlined in the 1980 Stone Walls report by Hudson River Heritage, many people are not cognizant of the value of the walls; the process for repair is costly and few are trained to do the repairs.

Prime concern is for the protection, repair and maintenance of the formal stone walls lining roads near the River. Many are in disrepair, and others are threatened by road maintenance and modification techniques. Salt, used to de-ice roads, can lead to disintegration of the mortar used in the wall construction. Poor drainage systems, road widening and repaving will lead to a weakening or destruction of these walls. The dry-laid schist walls experience the same impacts, but because of a lesser cost factor, have a greater potential for repair. In 1984 - 1985, walls at the Town Community Center and the adjoining property to the west were privately restored. In the same year, the Town Highway Department replaced several feet of stone wall remains during road realignment. These are examples of community interest just outside the waterfront area that can serve as inspiration for similar efforts. Hudson River Heritage, Inc. attempted a number of years ago a pilot program for the repair of walls on River Road in Rhinebeck. Plans included an in-depth inventory of all the walls, workshops for the lay person to learn how to repair walls, and an effort to find funding, which will allow some repair to be done.

4. Stone Bridges and Culverts

Scattered throughout the LWRA, i.e. on River, Ryan, Morton and South Mill Roads, are historic stone culverts and bridges. These represent a craftsmanship which should be preserved and maintained.

5. Street Trees

Discussion of Street Trees

Large old trees, many planted in the mid-to-late 1800's, contribute to the scenic beauty of Rhinebeck. They are found lining Town streets and roads, as well as on riverfront estates. Prime examples are the maples on Astor Drive and River Road and along the driveway at The Meadows (Leacote). Currently, many of these fine old trees are indistinguishable, as the surrounding land has been poorly maintained. A second prime example is the locusts bordering the former Grasmere property on Mill Road and Route 9. These are of significant historic value, since such a planting was made by Janet Livingston Montgomery in honor of her husband, General Richard Montgomery, during the Revolutionary War. Many have been destroyed.

Analysis of Street Trees

Unfortunately, it takes a long time to grow a large tree, but a short time to destroy such a valuable asset. The issues of how to best protect and maximize the life of existing large trees and implementing a sound tree planting program need to be addressed. The problem of safety and sight-distance causes a conflict between those concerns and consideration of aesthetic or historic quality. Healthy trees have had to be removed in order to relieve these concerns. Trees are subject to damage through lack of care and pruning, indiscriminate removal, inappropriate pruning in efforts to clear utility lines and rights-of-way, inadequate consideration during site planning, destroying of root systems during development and runoff of salt from the roads during the winter, as well as disease and other natural causes. Any tree-management/planting program should address these issues and should include a cooperative arrangement between the public sector and the utility companies.

6. Scenic Roads and Scenic Vistas

Discussion of Scenic Roads and Scenic Vistas

In 1981, following provisions of Article 49 of the Environmental Conservation Law, the State Legislature empowered the DEC to designate scenic highways and develop programs for their preservation and enhancement and to undertake a study regarding the "protection and enhancement" of certain roadways in the Hudson River Valley. The Heritage Task Force for the Hudson River Valley, Inc. established by the DEC in 1980, was given responsibility to advise the Department on the preparation of the study. These roadways were considered important cultural and scenic features in the landscape, providing visual and physical access to the Hudson River. Preserving and enhancing the appearance of the roadway and surrounding areas, as well as providing opportunities for better viewing of scenic vistas, were among the goals of the Scenic Roads Program. This program was designed to create a greater public awareness of the importance of scenic resources and to recommend preservation and enhancement measures. It is expected to promote the tourism economy as well.

Several scenic roads providing outstanding scenery, views to the River and mountains and access to historical, cultural and recreational facilities were outlined for the Town in the Scenic Roads Program, Volume I, prepared for the Heritage Task Force in 1983. The Rhinebeck Town Board subsequently recommended revisions to the original list of roads presented and has determined that the following roads (from south to north) should be named the official scenic roads for the Town:

- a. NY Route 9 from the Hyde Park/Rhinebeck town line to the intersection with South Mill Road;
- b. South Mill Road from the intersection with U.S. Route 9 to the intersection with Morton Road; *

- c. Morton Road from the intersection with South Mill Road to the intersection with Kelly Street; *
- d. Mill Road from the intersection with Morton Road north to the intersection with U.S. Route 9; *
- e. Kelly Street from the intersection with Morton Road to the intersection with NY Route 308;
- f. Charles Street from the intersection with Kelly Street to the intersection with NY Route 308;
- g. NY Route 308 from the intersection with Charles Street to the intersection with U.S. Route 9;
- h. River Road from the intersection with NY Route 308 to the Red Hook/Rhinebeck town line; *
- i. NY Route 199 from the Dutchess/Ulster County line on the Kingston/Rhinecliff Bridge to the intersection with NY Route 9G;
- j. U.S. Route 9 from the intersection with South Mill Road to the intersection with Montgomery Street in the Village of Rhinebeck;
- k. Astor Drive from the intersection with River Road to the intersection with Montgomery Street in the Village of Rhinebeck;
- l. Montgomery Street from the intersection with Route 9 to the intersection with Old Post Road on the Town/Village line;
- m. Mt. Rutsen Road from the intersection with Old Post Road (just north of the Village of Rhinebeck) to the intersection with River Road;
- n. Old Post Road from the intersection with Montgomery Street to the intersection with Route 9G; and
- o. NY Route 9G from the intersection with Old Post Road in the Town of Rhinebeck to the Rhinebeck/Red Hook town line.

* Named as Scenic Roads by the New York State Department of Environmental Conservation.

In 1992, the State Legislature enacted the New York State Department of Transportation's Scenic Byways Program to coordinate State activities relative to the scenic, historic, and recreational values of New York State's scenic roads and to take advantage of federal

funding. When the NYS Scenic Byways Program was created, DEC-designated (Article 49) Scenic Roads automatically became Scenic Byways.

In addition to the above mentioned land-based roads, the Hudson River (the east channel of which is within Rhinebeck's boundaries) may be considered the Town's greatest scenic highway or travel way. The Hudson offers splendid landward views for boaters of the historic estates and natural areas within the LWRA. In a less dramatic and more confined way, the railroad corridor provides another and different view of the Town's waterfront.

Although considered within the context of scenic roads, scenic vistas merit special attention and treatment. The term "scenic vistas" is used to refer to those locations or vantage points where sights of some broad expanse of unique and outstanding beauty are apparent. Generally, the vantage point for such a vista is elevated from the surrounding area to increase the extent of the view, and identified scenic vistas of primary interest are those readily available along a major road. The extent of the vista may change depending on the season of the year and the amount of foliage.

As part of the preparation of the LWRP, scenic vistas of great interest were identified (See [Map 4, "Natural Resources Inventory"](#)). The majority of those vistas identified in Rhinebeck included views of the Hudson River and Catskill Mountains. Other views are of River tributaries, wetland areas near the River, or agricultural and open space areas. Most of the vistas are located along the "scenic roads" of the Town, but one of the major vantage points is at the top of Ferncliff Forest, where an observation tower is currently in a state of disrepair. In addition, extended views from the Kingston-Rhinecliff Bridge and the Hudson River of Atalanta (former Mandara) and Orlot estates make these areas critical scenic resources.

Analysis of Scenic Roads and Vistas

It is widely recognized that the scenic roads and vistas provide valuable resources for residents and visitors to Rhinebeck. However, full appreciation of the scenic roads and vistas is not possible since many of the views are not easily enjoyed by residents and tourists for a variety of reasons including the following: (1) the scenic view areas are not marked, so that locating them may be a problem; (2) pulling off the road and parking to enjoy any vistas is difficult in most places; (3) overgrown trees and brush may obscure known views and/or (4) utility lines may negatively impact on otherwise scenic areas.

A series of major issues and considerations for the preservation and enhancement of these areas are:

- a. Protection and enhancement of the scenic values of land areas on both sides of a given scenic road including treatment of vegetation, permitting development that is compatible with the natural and man-made environment and discouraging

incompatible development, management of physical elements such as guide rails and utility poles within road rights-of-way, protection of historic and attractive features, such as stone walls and older street trees.

- b. Creation of pull-off and parking areas to improve the appreciation of scenic roads and scenic vistas.
- c. Removal or minimizing of elements that tend to detract from scenic roads and vistas, such as inappropriately placed utility poles and wires, visually incompatible structures, and excess foliage, oftentimes of invasive vegetation, that may limit appreciation of vistas.
- d. Protection of natural vegetation while creating vistas in order to minimize erosion of clay banks.

7. Scenic Areas of Statewide Significance

The Rhinebeck LWRA is located wholly within the Estates District and Esopus Lloyd District Scenic Areas of Statewide Significance (SASS) which consists of the Hudson River and its eastern shorelands extending from north to south for a distance of approximately 27 miles in the Towns of Germantown and Clermont, Columbia County, and in the Towns of Red Hook, Rhinebeck and Hyde Park and the Villages of Tivoli and Rhinebeck in Dutchess County.

The Estates District SASS consists of twenty-nine (29) subunits, including subunits 10 through 18 located in whole or in part within the Rhinebeck LWRA. As its name implies, the Estates District SASS is dominated by over twenty major and numerous minor historic estates and the Hudson River toward which they are oriented. The beauty of the region's landscape, including views of the Hudson and the distant Catskill Mountains, has been celebrated for generations, most notably in the paintings of the Hudson River School, the first indigenous art movement in the United States.

The Estates District SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in the SASS unusual variety as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features. The scenic quality of the Town of Rhinebeck's waterfront has been recognized by inclusion in the Estates District (SASS), as designated by the Secretary of State on July 22, 1993. The portion of the Estates District SASS located in the Town of Rhinebeck is approximately twenty miles long, extending from the northern town boundary line with the Town of Red Hook, Dutchess County, to the south town boundary line with the Town of Hyde Park, Dutchess County. The collection of large estates set in designed landscapes, many undisturbed natural features and significant public historic sites render the Estates District SASS unique in the Hudson River coastal area, the State and the nation.

Views of the Hudson River and views to the west shore in the Town of Esopus, the Town of Ulster, and City of Kingston are afforded from various spots within the Rhinebeck Waterfront Area, including unobstructed views from the passenger trains along the entire Town waterfront. The most expansive public views are seen from the Rhinecliff dock, train station, and adjacent areas. Other unobstructed views exist along the river at private estates. Some areas provide views of the Kingston-Rhinecliff Bridge and exceptional views of the City of Kingston at Kingston Point Park and the Rondout Creek. The Hudson River can be glimpsed from certain spots along the town's historic roads where trees have been cleared for farms and homes. The River is more visible during late fall, early spring, and winter.

Many of the finest scenic features of the Rhinebeck Waterfront Area are best appreciated from the River or the opposite shore in the Town of Esopus and the Town of Ulster and City of Kingston. The Town of Rhinebeck's coastline can be described as bucolic when seen from this advantage. From the River or the western shore one can see the small developed area at Rhinecliff and adjacent waterfront roads lined with single-family homes, many of possible historic interest. A natural escarpment and wooded bluffs rising from the River characterize the remainder of the waterfront area. Homes, estates, or farms can be seen at intervals between woodland along the top of the bluff.

The Estates District SASS is comprised of 29 subunits. The section of the Estates SASS within the Town of Rhinebeck is located within the following subunits:

- ED-10 Astor Cove
- ED-11 River Road
- ED-12 Mount Rutsen,
- ED-13 Rhinebeck Center
- ED-14 Rhinecliff Road
- ED-15 Rhinecliff
- ED-16 Rhinecliff Woods
- ED-17 Mill Road Meadows
- ED-18 Vanderburgh Cove

The scenic quality of the Estates SASS and the nine subunits within the Town of Rhinebeck are summarized below and discussed in more detail in Appendix A.

The Estates SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features. It is characterized by highly varied topography with steep slopes. For its whole length, the landform rises steeply as a bluff from the Hudson River to an upland area. Above the bluffs, the upland landscape is dominated by a series of knolls, ridges, and low hills that have irregular or rolling relief, with occasional flat depressions containing farm fields or surface water features, including ponds and wetlands. The rolling upland above the Hudson River is covered with a combination of mixed woodlands and clearings comprised of farms, open pasture and meadows, orchards

and vineyards and landscaped estates with formal gardens and sweeping lawns. Scattered development is situated throughout the upland above the bluffs, nestling into the woodland coverage and surrounded by the agricultural landscape.

Wooded bluffs dominate the Hudson River shoreline area. A shoreline railroad, including the rock-armored ballast on a series of man-made dikes that separates the coves from the river, presents a barrier between the town and the foreshore of the Hudson River.

Land use in the Estates SASS reflects the historic settlement pattern based on large estates that developed along the Hudson River. A rural pattern of development prevails with a mixture of orchards, fields, estates, and religious institutions occupying large parcels of land. Several historic estates are located at the top of the bluffs, establishing an historic architectural accent to the natural landscape. The stately lawns of the estates sweep toward the Hudson River. Views afforded from these vantage points are extensive. Most of the recent development has been carefully sited out of the major viewshed of the river, leaving the large historic estates as focal points.

The entire bluff area of the Town of Rhinebeck from Red Hook to Hyde Park is included as part of the Estates Scenic Area of Statewide Significance. The area has a variety of positive scenic components including historic estates, historic hamlet, and farmland which are unified by landform. The contrast between the wooded bluffs and the open cultivated landscape of the farmland is marked and dominates the subunit. The rolling upland hills beyond the bluffs are a patchwork of open spaces, largely maintained as woodlands and farmlands.

The historic landscape of the Subunits is comprised of estates, cultivated farms, and woodlands in a unique remnant of the 19th century land use in the Mid-Hudson region. Important National historic landscapes, landmarks, sites, and structures listed on or eligible for listing on the National Register of Historic Places make preservation of this scenic area a state issue as well as a local concern. The subunits offer full, unobstructed views of the Hudson River of five miles or more in length and broader than 180 degree. To the west, the Catskill Mountains are visible and provide a dramatic distant backdrop.

Views across the Hudson River include parts of the Esopus Lloyd District SASS, City of Kingston, and the Town of Ulster. The southern part of the Town of Rhinebeck is included in the very northern portion of the Esopus Lloyd District SASS and constitutes the middleground of its viewshed. The Esopus Lloyd District SASS extends across the Hudson River to the shoreline at Rhinebeck.

The two northernmost subunits of the Esopus/Lloyd District SASS are located within the Town of Rhinebeck since the SASS includes the river and its eastern shore. The Subunits are:

- EL-1, Big Rock and Hemlock Points
- EL-2, Esopus Uplands
- EL-3, Esopus Bluffs

These Subunits (EL-1, Big Rock and Hemlock Points, EL-2, Esopus Uplands, and EL-3, Esopus Bluffs) extend to the mean high water line on the eastern shore of the Hudson River in the Town of Rhinebeck. The scenic quality of these subunits are described in Appendix A.

H. PUBLIC AND FRANCHISE UTILITIES

See [Map 10, “Summary of Major Development Considerations”](#).

Discussion of Public and Franchise Utilities

1. Water Supply

The municipal water supply system for the Village of Rhinebeck, the hamlet of Rhinecliff and properties along Route 308 and a portion of River Road currently utilizes water from the Hudson River. The treatment plant is located on a 10.7 acre site on Slate Dock Road just off Rhinecliff Road. The plant has a treatment capacity of one million gallons per day, but is operating in excess of one-half of its capacity, or about 400,000 gallons per day with peaks of approximately 800,000 gallons per day. There are some small community well systems in the southern part of the Town and some residents on South Mill Road in the southern portion of the waterfront area get water from the Hyde Park Fire and Water District, but most residents and businesses in other portions of the Town's waterfront area get their water from individual wells.

2. Sewage Treatment

Currently, only a portion of the Village of Rhinebeck is served by a public sewer system, which system also serves The Gardens multi-family residential development located within the LWRA. The Rhinebeck sewage treatment plant (STP), located on Astor Drive, has a recently-upgraded capacity of 260,000 gallons per day, but is currently treating approximately 130,000 gallons per day. Because of relatively large lot zoning in most areas of the Town, use of individual septic systems is generally an acceptable practice. In the hamlet of Rhinecliff, where residential density is greater, there are frequent problems resulting from faulty individual systems. While installation of a public sewer system in this area would be costly, there is some consideration underway of the feasibility of linking Rhinecliff to the Village sewer system or more practicably carrying out an alternative improvement.

In addition to the Village of Rhinebeck STP, there are both several institutional sewage treatment plants in the waterfront area, including Ferncliff Nursing Home, the former Ellerslie / Holy Cross School and the Springwood Campus of Daytop, as well as another municipal facility, the Vanderburgh Cove STP with a far lesser treatment capacity and sewage flow.

3. Solid Waste Disposal

At the time of initial preparation of the LWRP, the Town was operating a landfill located outside the waterfront area, off Stone Church Road and Pells Road. This landfill (in the northeastern portion of the Town) included ample land area (some 236 acres in Rhinebeck and 71 acres in Red Hook) to meet the Town's requirements but was closed as a matter of State and local policy. The facility has been replaced by a more modern Town transfer station / recycling center on a small portion of the tract.

4. Other Utilities

Electric power is provided for area residents by Central Hudson, telephone service is available from local providers, and cable television service is available for some portions of the coastal area. Where these services are currently available, they have generally utilized utility poles; however, most new development requires underground placement of utilities.

Analysis of Utilities

At this time, limited availability of public water and sewer service in the waterfront portion of the Town restricts development opportunities in this area. Generally, widespread increases in the availability of utilities does not seem desirable, since current low density zoning in most of the waterfront area appears appropriate, relative to the Town Comprehensive Plan, groundwater conditions, other environmental constraints and desirable quality of life in the area.

Use of utility poles for electric, telephone and cable vision services often results in aesthetically unpleasant situations. Poles and wires mar scenic vistas and sights along scenic roads. Wherever possible, Town officials are encouraging underground placement of utility wires, particularly in new development areas. Where this is not possible, relocation of poles and/or combining of wires to reduce the number of poles will be encouraged.

I. TRANSPORTATION

See [Map 9, "Major Transportation Routes"](#).

1. Highways, Roads and Streets / Related Traffic Conditions

Discussion of Highways, Roads and Streets / Related Traffic Conditions

The major roads in the waterfront area are the north-south oriented U.S. Route 9, within and south of the Village, and Route 308 (West Market Street-Rhinecliff Road) from Rhinebeck Village to Rhinecliff hamlet. Since parking is permitted on both of these highways, the

effective travel way is now two lanes. The intersection of Routes 9 and 308 is signalized. Route 308 has recently been resurfaced and a narrow bike path has been incorporated on the paved shoulder.

Most other roads in the waterfront area, except for residential streets, are paved two lane rural roads of varying widths with shoulders of varying widths and conditions. Some of the roads in developments are being dedicated to the municipality and others are remaining in private ownership.

Many early roads are substandard by current specifications; however, roads in the Town constructed since 1971 have been built to the Town's specifications, whether in private ownership or dedicated to the municipality by the developer. At present, only one development in the Town has private interior road systems, although there are numerous shared driveways.

Traffic flow throughout the rural areas of the waterfront area is light to moderate. U.S. Route 9 has steady traffic throughout the day, causing intermittent delays for cars entering from side roads.

Congestion has been increasing on Route 9 throughout the years as traffic has been increasing from additional residents, shoppers and tourists traveling to and through the Town. Traffic on Route 308 near the Village is also steadily increasing, but shorter waits are necessary than for Route 9. Montgomery Street, Mount Rutsen Road and River Road are also impacted by traffic since they serve as a direct route between the Village of Rhinebeck and the Kingston-Rhinecliff Bridge for commuters, tourists and those using the Amtrak Station. The intersection of Route 199 and River Road bears heavy traffic during peak hours.

At peak hours of the working day and on weekends, Routes 9 and 308 bear a heavy traffic load. At the intersection of these two roads in the Village center, cars generally may have to wait more than a single light change before moving through. In the summer months traffic increases in each of these areas.

During special events at the Dutchess County Fairgrounds, such as Fair Days in August or other special event days, traffic may be backed up on Route 9 to the north of the Village (extending outside of the coastal area) and south to Mill Road.

There is recognition that with the development of projects now under construction and the potential development that might take place on major parcels within the Town, as well as with some increased use of the Rhinebeck Town Landing, Rhinebeck's road system will be further impacted.

The Dutchess County Planning Department³ has indicated that the intersection of Routes 9 and 308, and secondarily the intersection of Route 9 and Montgomery Street (key intersections that currently experience traffic delay described above), are locations that are expected to be the most heavily impacted by future development.

Analysis of Highways, Roads and Streets / Related Traffic Conditions

In response to local concern about the issue of increasing traffic congestion in the Town, the Dutchess County Planning Department in the Rhinebeck Transportation Study, 1984, explored ways to improve the capacity of Route 9 without significantly altering the rural appearance of the area. The Department recognized that the major problem is the intersection of Routes 9 and 308 and outlined several options, including (1) removing parking from the Route 9 and Route 308 intersection approaches in order to create three-lane roads (two lanes of through traffic and one turning lane); (2) providing alternate streets upon which traffic could divert to avoid the intersection of Routes 9 and 308; and (3) encouraging and promoting alternatives to car travel, including walking and bicycling.

To this point, it has been the position of the community to continue monitoring the situation, provide readily-accessible off-street parking to the extent possible and encourage the use of alternatives to car travel.

Today and into the future the Town and the Village must continually consider what types, location and amount of development and tourist activities they wish to encourage or permit in order to attempt to limit, or lessen, impacts of traffic congestion and to avoid negative impacts on the scenic qualities, the scenic roads and the life style of Rhinebeck residents.

2. Parking

Discussion of Parking

Except in the case of the hamlet of Rhinecliff where some on-street parking exists, parking throughout the residential areas of the Town's LWRA is primarily in driveways and secondarily along the shoulders of roads. Within the hamlet of Rhinecliff, a private parking lot for use by railroad customers is available at the Rhinecliff train station and one small public lot is located in the center of the hamlet.

Analysis of Parking

Public parking in the hamlet of Rhinecliff continues to be very inadequate. Increased use of the Town Dock will place additional pressure on the available space. The Town will urge

³ *Problems connected with impacts of proposed development were first studied by the Dutchess County Department of Planning in their Rhinebeck Transportation Study, July 1984, prepared with the assistance of the New York State Department of Transportation.*

the NYS Department of Transportation and other responsible entities to expand their existing parking facilities and will carefully examine any new development proposals to ensure that adequate parking is available to accommodate the use.

3. Transportation Services

Discussion of Transportation Services

Public or private-for-hire transportation facilities in the waterfront area are limited to the following:

- The Amtrak train, which makes its first stop north of New York City to discharge passengers at the Poughkeepsie Station and stops at the Rhinecliff Station, services arrivals and departures to and from New York City and Albany (and points north and west) several times per day.
- The County Loop Bus provides service from Rhinebeck and Red Hook to Poughkeepsie via Route 9 several times daily, Monday through Friday, and less frequently on Saturday.
- An additional private bus company provides service to Poughkeepsie and points south several times daily.
- A local taxi service has a fleet of vehicles.
- A bus company located within the waterfront area contracts with the public school system to transport approximately eight hundred to one thousand children to school daily. School buses may also be chartered by groups for outings.
- An airport limousine service provides transportation to Kennedy and LaGuardia airports on multiple occasions daily.
- Emergency transportation to local hospitals is provided by fire department rescue squads in Rhinecliff and the Village of Rhinebeck and a private ambulance service.

As cited within Section II(F), “Coastal Access Points”, consideration is being given to instituting ferry service, at least a seasonal "water bus" connecting Kingston, Saugerties and Tivoli, among other potential locations with the Town Dock, to coordinate with train arrivals and departures and otherwise promote tourism and recreational opportunities with the Town and its environs.

Private transportation modes, except for buses owned by area nursing homes and institutions, consist of use of automobiles, bicycles and walking.

Analysis of Transportation Services

Public transportation service seems adequate at present, but there is concern that if projected growth materializes, there will be a heavy impact of traffic on the road system and a need for community mini-bus service within Rhinebeck operating on a regular schedule to better serve the community.

Amtrak now offers commuter fares and free parking to the extent there is capacity in its lot. The round trip cost to New York City is still substantially more expensive than the cost of a round trip to New York City via MTA from Poughkeepsie, just 18 miles to the south. Because of the past inferiority of the MTA system, many train passengers preferred traveling by Amtrak in spite of the higher cost. Amtrak now has its first full pick-up and discharge stop out of New York City at Poughkeepsie, the economic hub of the County, thus alleviating the potential burdening of the road system by some from outside the community who had been traveling through the Town in order to get to the station at Rhinecliff.

**SECTION III
LOCAL WATERFRONT REVITALIZATION
PROGRAM POLICIES**

The Policies Section is divided according to subject headings of the State Coastal Zone Management Program. Each of the 44 policies included in the State Program is indicated by arabic numeral, e.g. 1. Additional policies that are relevant to local conditions and/or can strengthen the basic policy by local actions are indicated by a capital letter following the arabic number, e.g. 1A. In some instances, the original State policy is not applicable to Rhinebeck and that statement is so indicated. However, all policies once included in the Town LWRP and determined to be applicable, whether of State or local origin, become Rhinebeck's policies.

Policies respond to and identify solutions to issues that have been identified in Section II, Inventory and Analysis. They may contain general statements, or they may be action- and/or location-specific.

There will be a not less than tri-annual review of the LWRP by the Town Conservation Advisory Council in its role as Waterfront Advisory Committee to be certain that the policies remain applicable to the Town.

Following the policy statements are explanations of the policies and descriptions of criteria, standards or guidelines that will be used to evaluate compliance with a particular policy or policies. In general, Town decisions on public expenditures, land use decisions and review of private development plans will be measured in terms of compliance with the various policies.

In a number of instances where the basic policy covers local plans, projects or programs, the latter are incorporated into the explanation of how the policy is to be implemented.

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 Local Waterfront Revitalization Area (LWRA) in Rhinebeck is characterized as a historic, scenic, rural estate area paralleling the shore of the Hudson River which surrounds higher density residential and commercial uses centered in the hamlet of Rhinecliff and to the west of the Village of Rhinebeck. This area, encompassing the western portions of the Town, has been established as co-terminus with the State-designated Mid-Hudson Historic Shorelands Scenic District. See Map 7.

Improvements to the Rhinebeck Town Landing / Rhinecliff Dock facilities need to be continued and maintenance tasks undertaken. Once completed, these facilities will serve as a riverfront park, providing recreational boating, ice boating, fishing, picnicking and scenic viewing opportunities for area residents and opportunities for docking of cruise boats. Other coastal access points, such as Slate Dock and Long Dock, which currently have only on-grade crossing of the railroad tracks (which have been closed due to safety considerations), need to be further studied for re-utilization and redevelopment possibilities. (See chart in Inventory for initial analysis of conditions, advantages and disadvantages of sites and [Map 6](#) for location of sites.) Use of portions of the abandoned railroad right-of-way which originates at the River in Rhinecliff and continues in a northeasterly direction for hiking and/or biking trails needs to be further examined.

In recent years and in some cases decades, some of the large estates and various waterfront parcels and docks along the Hudson River have shown signs of deterioration because of neglect, high maintenance cost and problems in crossing the tracks. Preservation and, in some cases, redevelopment of these properties is desirable and possible. In the case of Wilderstein, ownership of the property has been transferred to a not-for-profit organization and a series of renovations has been undertaken with both public and private funding. The restoration site is open to the public with use of the mansion and landscaped grounds available to the public.

The following guidelines will be used in evaluating development or redevelopment actions:

1. Along the shoreline of the Town, priority should be given to uses which are compatible with the historic and scenic character of the area and which are dependent on a location adjacent to the water;
2. The action should enhance existing and anticipated uses;
3. Public action should, whenever possible, serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (i.e. a building should not be abandoned without protecting it against vandalism and/or structural decline);
5. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
6. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base;
7. The action should improve adjacent and upland views of the water and shoreline, and, at a minimum, must not affect these views in an insensitive manner; and
8. The action should have the potential or improve the potential for multiple uses of the site (particularly recreational uses).

See Policies 19A, 20A, 22, 23 and 23A.

POLICY 1A ENCOURAGE GROWTH OF THE TOURISM SECTOR OF THE TOWN ECONOMY THROUGH: (1) REVITALIZATION, REDEVELOPMENT, PRESERVATION OR ENHANCEMENT OF AREAS AND STRUCTURES WITHIN THE WATERFRONT REVITALIZATION AREA / HISTORIC SHORELAND SCENIC DISTRICT / ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE AND (2) TAKING STEPS TO INFORM THE PUBLIC OF EXISTING AREAS OF HISTORIC, SCENIC, AND RECREATIONAL INTEREST.

Explanation of Policy

Efforts to promote recreational fishing and boating, cultural activities, marinas, water-related recreational facilities, historic preservation, natural resource preservation, the preservation of vistas and views, and other activities which will make the waterfront area vital for residential, commercial and recreational usage and appealing for tourists in appropriate locations will be pursued. This will be accomplished through promoting the use of historic estates for cultural purposes, working with railroad interests to secure access to Long Dock, Slate Dock and Morton's Dock, creative use of low density zoning, clustering, and conservation easements.

In addition, the development of tourist-related activities, such as shops, small offices and personal service establishments, restaurants and bed and breakfast enterprises in the hamlet of Rhinecliff and River cruises and festivals at the Rhinebeck Town Dock, all at a limited scale, will be encouraged as a means of revitalizing these waterfront areas. Concurrently, accommodations for public parking will need to be enhanced or innovative solutions considered, such as development of additional parking on CSX lands and the use of valet parking at a satellite lot, both as recently discussed as part of the on-going renovation proposal for the Rhinecliff Hotel.

Tourism is a growing industry in the Town economy. A cultural resources map will be utilized to inform residents and visitors of local areas of historic scenic and recreational interest.

See Policies 1, 2, 19A, 23, 23A, 24A, 24B.

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

Explanation of Policy

At this time, the primary water-dependent use in the LWRA is the Town Landing in Rhinecliff. It is currently used by recreational boaters and fisherman, ice boaters, and also by commercial fishermen. While some cruise boats stop at the dock during summer months, its expanded routine use by scheduled ferry service linking Rhinebeck, Kingston, Tivoli and other communities would be on balance quite desirable provided recreational use opportunities there are not lost for the people of Rhinebeck. There are no retail commercial or industrial uses located adjacent to the River.

The following uses and facilities are considered as water-dependent. All proposals will be examined for appropriateness in Rhinebeck.

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, aquaculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Structures needed for navigational purposes (for example: dams, beacons, lighthouses);
4. Flood and erosion protection structures (for example: breakwaters, bulkheads);
5. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
6. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
7. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use they should as much as possible, be sited inland from the dependent use rather than on the shore.

Expanding the utilization and/or area of existing water-dependent uses and attracting additional water-dependent uses and activities that are consistent with Town planning objectives is a priority. See list of Hudson River "Coastal Access Points" in Section II which includes several sites that could be developed for water-related recreation purposes and/or public access including the Town Landing in Rhinecliff, Wilderstein Landing/Morton Dock, Slate Dock and Long Dock.

Marinas, boat clubs, docks and boat ramps are, and will continue to be allowed, as special permit uses in the R-1A and R-5A Districts.

When reviewing subdivision proposals or site plans, the Planning Board or other agency of the Town will carefully examine plans for development of waterfront sites and will negotiate for public access to the water.

The following guidelines will be utilized in promoting and facilitating compatible water-dependent uses:

1. Water-dependent uses that are compatible with the natural and built environment and will not negatively impact the natural, scenic or historic resources of the Town will be favored when considering new developments.

2. If, or when, publicly-owned property within the waterfront area becomes available for re-use, water-dependent uses will be considered first. Water-enhanced uses will be given second priority.
3. Permit procedures for the development of water-dependent uses will be facilitated when consistent with planning objectives.
4. Uses which are water-enhanced will be encouraged within the waterfront area, but not at the expense of water-dependent uses.
5. If there are no immediate demands for water-dependent uses within the waterfront area, but future demands are foreseeable, temporary non-water-dependent uses will be considered.

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

1. Favored treatment to areas for proposed compatible water-dependent uses with respect to use of public investment. Particular priority will be given to the construction and maintenance of docking facilities, roads, railroad facilities (including above-grade crossings), and public transportation within areas appropriate for compatible water-dependent uses.
2. Where areas suitable for water-dependent uses are publicly-owned, favored leasing arrangements will be considered for suitable or compatible water-dependent uses, if appropriate.
3. Where appropriate, consideration will be given to providing pursuant to applicable laws and regulations water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Local planning and economic development agencies will work with the State to actively promote suitable water-dependent uses on appropriate sites.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to compatible water-dependent uses.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporates the coastline into the course design, are two examples of water-enhanced uses.

See Policies 1, 19A, 20A, 21, 21A, 22.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE TOWN OF RHINEBECK.

Explanation of Policy

Policy 3 is not applicable to the Town of Rhinebeck as the Town is not one of the identified major ports of New York State.

POLICY 4 THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO THE TOWN OF RHINEBECK.

Explanation of Policy

Policy 4 is not applicable to the Town of Rhinebeck because the Town's waterfront does not contain a small harbor area as referred to in this policy. The town operates a short dock for small-scale recreational boating and provides a ramp for boat trailer access.

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

Development within the LWRA will be encouraged to locate within or in close proximity to areas where infrastructure and public services are adequate or can easily be expanded, and where topography, geology and other environmental conditions are suitable for, and able to, accommodate development. Specifically, the policy is intended to:

1. Strengthen existing residential, industrial and commercial centers, as appropriate;
2. Foster an orderly pattern of growth where outward expansion is occurring;
3. Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
4. Preserve open space; and

5. Where desirable, foster energy conservation by encouraging proximity between home, work and leisure activities.

The hamlet of Rhinecliff has public water service, but is in need of a public sewage disposal system. The feasibility of extending the Village of Rhinebeck sewage system to Rhinecliff, or providing an alternative means for sewage collection and treatment to meet the needs of the hamlet, has been explored in the past and continues to be discussed during the Town's on-going 2003 -2005 Comprehensive Plan Update. Funding remains an obstacle to carrying out this improvement for protection of the quality of surface waters which are used for public water supply. Those local, State and Federal agencies charged with allocating funds for investment in such facilities should give high priority to these needs. (See Inventory Section on Utilities.)

In general, the proposed land uses and current zoning in the waterfront area of the Town correspond to a desire to protect the natural features and historic and scenic assets, as well as to the availability or lack of availability of utilities. The bulk of the Town's waterfront area is zoned for very low density uses where utility service does not exist and is unlikely to exist. In the hamlet of Rhinecliff, and within the corridor between the hamlet and the Village of Rhinebeck, medium density is permitted reflecting the availability of water service.

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

The following guidelines will be used in making this determination:

1. The proposed site is served by, or is near to, public or private sewer and water lines;
2. Public transportation service is available within one mile of the proposed site; and
3. A cluster of commercial and/or industrial activity is within one-half mile of the proposed site.

In reviewing proposed uses or actions, and when assessing the adequacy of infrastructure and public service for proposed developments, the following guidelines should be considered:

1. Where water-dependent uses are to be located within portions of the waterfront area that are not currently serviced or cannot easily be serviced, the type and intensity of such uses shall be consistent with the capacity of the land to accommodate such use and the compatibility of the proposed project with the existing natural and built environment of the community.
2. Utility systems constructed as part of new subdivisions or commercial projects must meet Town specifications for possible inclusion in future Town-wide water or sewer systems.

3. Proposed development in waterfront areas shall be limited to levels that will not burden roads or cause congestion or safety problems or require widening, substantial grading or re-alignment of scenic roads.
4. Energy needs of the proposed land development can be accommodated by existing utility systems.
5. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities.
6. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

Priority will be given in allocation of funds for water, sewer and roadway improvements and other public services to activities which promote compatible waterfront revitalization, particularly in the hamlet of Rhinecliff.

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, the Town will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, and will work with Federal and State agencies to coordinate procedures 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 board and 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 does not jeopardize the integrity of the regulations' objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

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

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would either destroy the habitat or significantly impair the viability of a habitat.

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

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

The "tolerance range" of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the

tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration of death rates with increasing departure from conditions that are optimal for the species.

The range parameters which should be considered in applying the habitat impairment test include:

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas, three of which (Vanderburgh Cove and Shallows, Kingston Deepwater Habitat, and The Flats) lie within the Rhinebeck LWRA and are subject of below Policies 7A, 7B and 7C, with a fourth, Rondout Creek Habitat, found along the opposite westerly shore of the Hudson within the City of Kingston and Town of Ulster.

POLICY 7A THE VANDERBURGH COVE AND SHALLOWS HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Any activity that would substantially degrade water quality in Vanderburgh Cove and Shallows could affect the biological productivity of this area. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, primarily by controlling discharges from combined sewer overflows. The use of herbicides along the railroad right-of-way or adjacent uplands may result in adverse impacts on the fish and wildlife resources of the area. Alteration of tidal fluctuations in Vanderburgh Cove and Shallows could have significant impacts on fish and wild life; increased tidal exchange may improve habitat quality in the cove. During the early 1980's, a railroad bridge opening to the cove was made smaller, and this may have had detrimental effects. Disruption of natural plant communities or benthos in the area could reduce its value as a fish and wildlife

habitat, although control of water chestnut may be desirable or necessary to maintain certain species. Any physical disturbance of the habitat, through dredging or filling (including dredge spoil disposal), would result in a direct loss of valuable habitat area; any dredging activities needed to maintain the existing channel should be scheduled in mid to late summer to minimize potential impacts on most aquatic organisms and migratory birds. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species and wintering waterfowl; fish spawning activities and survival are often directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish concentrates, through impingement of juveniles and adults, or entrainment of eggs and larval stages. Significant human encroachment into adjacent areas may limit use of Vanderburgh and Suckley Coves by certain species, but potential impacts may be mitigated somewhat by controlling soil erosion and discharges of polluted runoff. Existing areas of natural vegetation bordering Vanderburgh Cove and Shallows should be maintained for their value as cover, perch sites, and buffer zones. Enhancement of public access to increase compatible human uses of fish and wildlife resources in the area may be desirable.

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

Activities that could affect the water quality, temperature, turbidity or freshwater to saline distribution in the deepwater portions of the river may adversely impact on the estuarine community. Major reduction in overall depths within this deepwater trench may also have adverse effects on the sturgeon spawning, wintering, and continued use of the habitat. Deposition of dredged material or natural sediments, especially if contaminated, may degrade the quality of this unusual area.

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

Any activity that would substantially degrade water quality in the Flats could affect the biological productivity of this area. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Oil and other hazardous substance spills are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Disruption of plant communities or benthos in the area through dredging or filling (including dredge spoil disposal), could reduce its value as a fish and wildlife habitat; no new navigation channels should be cut through the area. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species; shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant

impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of eggs and larval stages.

Other locally important coastal habitats identified in Policies 7D and E shall be protected, preserved and, where practical, restored so as to maintain their viability as habitat areas.

See Policies 8, 9, 12, 17, 30, 34, 35, 36, 37, 44.

POLICY 7D SUPPORT EFFORTS TO PROTECT AND ENHANCE THE NATURAL RESOURCES OF FERNCLIFF FOREST, SNYDER SWAMP AND THE MUDDER KILL.

POLICY 7E PROTECT THE CREEKS, FRESHWATER TIDAL WETLANDS, AND FRESHWATER TIDAL COVE AREAS DRAINING INTO AND ADJACENT TO THE HUDSON RIVER FROM ALTERATION AND/OR POLLUTANT DISCHARGE BY RESIDENTIAL, COMMERCIAL, AGRICULTURAL OR INDUSTRIAL USES.

The Landsman Kill and Rhinebeck Kill which join and flow into Vanderburgh Cove (a State DEC-designated habitat area), as does the Fallsburg Creek, must be protected. These creeks contain a variety of fresh water fish and the Landsman Kill is regularly stocked with trout. The Suckley-Vanderburgh freshwater-tidal cove area is considered a significant habitat of local and regional importance because of its size, uniqueness and relatively unspoiled estuarine condition. It is important to spawning and feeding fish and migrating ducks and serves as an osprey feeding area. It is used by marsh wrens, herons, and egrets in the late summer. The Astor Cove and Slate Dock Cove areas, as well as other freshwater-tidal cove areas of the Town that need to be protected are included on [Map 5, "Coves / Freshwater – Tidal Wetland Areas"](#), in the Environmental Features chapter of the Inventory and Analysis Section.

Ferncliff Forest, with its stands of mature hardwood trees with scattered white pine and hemlock groves is an area of local and county-wide significance. Ferncliff Forest is part of a larger ecological area with Snyder Swamp, a freshwater wetland area, and the Mudder Kill, which flows in a northerly direction. These wooded, pond, wetland and stream areas must be preserved as animal and bird habitat areas (cerulean warblers are among the significant bird populations that utilize this area), as well as for local recreational purposes (see Inventory and Analysis Section). (The Ferncliff Forest area has extensively used trails for hiking and horseback riding. The lookout tower, if it could be rebuilt, at the top of Mount Rutsen in the forest area would provide significant opportunities for viewing scenic vistas.)

Protection will be achieved through application of a combination of implementation tools, including: strict enforcement of wetland regulations; clustered development; limited to low density residential zoning within the R5A and R3A District classifications; protection of streams through the Land Conservation (LC) District's limitation on development within 75 feet from each side of a stream;

a Water Resources Protection Overlay (WRP-O) District, which serves as an expansion of the Land Conservation District to include such areas as Snyder Swamp and the Millpond area, as well as Hudson River shoreline areas, including wetlands and bluffs; preservation of open space areas through conservation easements held by non-profit preservation groups; and through environmental quality review, special use permit review (for all development within 100 feet of the normal streambank of a classified stream or NYSDEC Freshwater Wetland) and site plan review to determine that any proposed development will not be inconsistent with habitat protection.

In addition, the Town has requested that DEC upgrade the classification of these streams -- the Landsman Kill to "B(T)", the Rhinebeck Kill to "C(T)", the Fallsburgh Creek to "C(T)", and the Mudder Kill to "C" -- in order to protect and, if possible, improve the water quality. A "B(T)" classification would further protect the Landsman Kill by extending coverage under the NYS Stream Protection Act (ECL Article 15). Moreover, in an attempt to preserve the existing habitats and encourage fish and wildlife reproduction in and near the creeks and the River, the water quality levels in Rhinebeck will be maintained and improved, if possible. Dumping into the creeks, kills and river are prohibited. Adequate sewage and storm water facilities will be maintained and expanded facilities will be installed where necessary to support new development.

Moreover, the Town's Conservation Advisory Council (CAC) has recently undertaken training and is pursuing a project in bio-diversity study and associated mapping of the entire Town, including the LWRA, which will assist both project sponsors and the local boards in evaluating ecological and environmental impact of proposed development.

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 EFFECTS ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (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 DEC-defined hazardous wastes can be found in 6NYCRR Part 371.

The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste 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 refer to conventional wastes generated from point and non-point sources which are not identified as hazardous wastes, but which also cause physiological or behavioral effects and mortality of fish and wildlife. Such pollutants are also controlled by State regulations.

Fish and wildlife resources in the Hudson River (source of drinking water for the Village of Rhinebeck and hamlet of Rhinecliff and significant fish habitat and spawning area), as well as in Town creeks need to be protected. Monitoring of streams, the former Town landfill, and any other landfill sites will be used to identify pollutants from existing or prior uses. Zoning, land use controls, and site plan review procedures will be used to avoid the siting of uses within the waterfront area that could introduce hazardous wastes into air, ground and surface waters or other features of the environment and threaten fish, bird and wildlife resources, or could be directly or indirectly toxic or dangerous to humans. Any development proposed in the waterfront area must incorporate proper disposal plans to avoid ground and/or surface water pollution that could accumulate in the food chain.

See Policies 7A, 7C, 30, 33, 34, 36, 37, 39, 40.

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 WILD-LIFE 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 usage of these resources in or along Rhinebeck's creeks, cove areas and Hudson River shoreline must be made in a manner which does not negatively affect existing resources or activities. (See sub-sections on Water-Related Uses and Coastal Access Points in the Inventory and Analysis Section.) Such efforts must be done in accordance with existing State law and in keeping with sound management practices. Consideration of proposed actions will include evaluation of information on the biology of an affected species, the carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines shall be utilized to determine whether or not any proposed action is consistent with this policy:

1. Consideration shall be made as to whether an action will harm or impede existing or future utilization of Town recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes, such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking the Landsman Kill or other stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be continued or expanded in accord with existing State and local laws.

Finally, Town recommendations to DEC to upgrade classification of streams should result in maintaining or improving water quality, and thus in maintaining or increasing the supply of fish for recreational uses.

See Policies 1, 7A, 19, 19A, 20, 21, 21A, 22 and 31.

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

The renovation of the Town Dock facilities in Rhinecliff may in the future provide some opportunity and impetus to increasing commercial fishing in the Town, which is currently limited by the fact that there is only one species, the shad, that is commercially caught and legally sold (PCB concentrations limit sales of other species such as striped bass), and by the fact that there are limited docking facilities and some waning of interest by Hudson River east bank fishermen. Significant shellfish and crustacean resources are not indigenous to the area and there are currently no aquaculture activities or facilities in the Town. Moreover, as any new marina facilities may be proposed,

facilities for docking and servicing commercial fishing vessels will be encouraged. In addition, on-land aquaculture activities could be considered, if the operation would be compatible with existing uses.

Any commercial fishery development activities must occur within the context of sound fisheries management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation.

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

The following additional guidelines should be considered in determining the consistency of a proposed action with the policy:

1. A public agency's commercial fishing development initiative should not pre-empt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port.
3. An action should not impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

See Policy 21A.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDING 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, since there are no identified Coastal Erosion Hazard Areas within the Rhinebeck Waterfront Revitalization Area.

The Town participates in the National Flood Insurance Program. The flood hazard areas for 100 year floods in the Town of Rhinebeck, as defined in the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency include the tidal cove areas along the Hudson River, as well as areas surrounding the Rhinebeck Kill, the Landsman Kill and the Fallsburg Creek, all draining southwestward toward the River. In the northern part of the Town, Snyder Swamp with waters flowing into the Mudder Kill is also in a 100 year flood zone.

In the future, there will be some enlargement of the flood areas of the Town, since the mean flood level of the Hudson River and its bays, coves and tributaries is rising.

Development within the flood hazard areas of the Town indicated above shall be restricted as follows:

1. Building or other structures along the stream banks and river banks (where there are no bluffs) will be setback at least 75 feet to avoid dangers of flooding and of construction on clay soils subject to erosion. Where bluffs exist along the Hudson River, greater setback will be required (see below).
2. All new construction and substantial improvement of residential and non-residential development shall have the lowest floor, including basement, elevated to the level of the base flood elevation and/or shall have flood proofing of non-residential structures.
3. Development along streams in the Town is limited within 75 feet of each side of a stream's mean high water mark in the Land Conservation (LC) District and 100 feet thereof under the standards set forth for the Water Resources Protection Overlay (WRP-O) District.

Stream bank erosion from tidal action or navigation on the Hudson River is considered a moderate problem at this time. Strong bulkheading has been required at the Town Landing to combat wave action and winter ice. The fact that the railroad has elevated the tracks along the River and maintains its railbed lessens tidal erosion impacts on nearby areas. However, the sloping to steep banks along the River are subject to slumping and need to be protected, especially the area near Suckley Cove, north of Jones Island, which is considered an area of critical erosion.

Vegetation needs to be maintained along the sloping banks. In some cases, a grass surface that can accommodate run-off without erosion can be utilized for relatively small areas. In most cases, the existing forested conditions should be continued wherever slopes are over 10%, up to the 100 foot contour, or for a distance of 200 feet inland.

Selective trimming can be utilized to maintain or recreate viewing areas.

See Policies 12, 14, 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 and barrier islands, as such, are not found along the Hudson in the Town.

Bluffs, wetlands (including tidal shallow and mudflats) 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. A bluff is an earthen bank with a precipitous or rounded face adjoining a beach or body of water. Where there is no beach present (which is the case in Rhinebeck) the waterward limit is the mean low water of the Hudson River. The landward limit is 25 feet landward of the receding edge. The shoreline areas in Rhinebeck that rise from the River include: (1) areas of exposed bedrock, e.g. near the Kingston-Rhinecliff Bridge (Route 199) in the northwestern portion of the waterfront area, Clifton Point, near the hamlet of Rhinecliff, and in the area of Sturgeon Cliffs, and (2) areas of mixed clay and sand that form gently-to-steeply sloping bluffs which are subject to erosion. Wetlands are discussed in Policy 44.

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 of development in, or in proximity to, natural protective features must ensure that any adverse actions are avoided or eliminated.

Many portions of the Town are subject to flooding; other portions of the Town, particularly along the Hudson shore, are subject to erosion of slopes and exacerbation of dangerous slump areas. Development of large estates along the riverfront, use of land for agricultural purposes, the availability of sufficient amounts of vacant, more easily buildable land, use of very low density residential or land conservation zoning along creeks, as well as limited development pressures, all have helped to preserve the bulk of such flood and erosion-prone areas in their natural state. However, as further development is proposed, the issue of preservation of natural features to avoid flooding and erosion hazards needs to be considered during site plan and subdivision review. Where appropriate, development will be clustered away from sensitive areas. Maintenance of existing vegetation, setbacks of at least 50 feet from the streams, bluffs, and erosion prone clay soils will be required and excavation and grading of riverbank areas will not be permitted.

See Policies 1, 2, 11, 16, 17, 44.

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

Since no Coastal Erosion Hazard Areas have been designated within the Town, this policy has limited applicability for Rhinebeck.

This policy will help ensure the reduction of damage or loss from erosion protection structures (such as bulkheads that might be used for docks or other water-related uses) that because of improper design, construction and maintenance standards fail to give the protection which they are presumed to provide. If proposed as part of development or redevelopment of a parcel, the Town Planning Board and/or other agencies will examine proposed structures through site plan and subdivision review processes. Otherwise, permit reviews will be consistent with this policy.

Within waters under Rhinebeck's jurisdiction, no person may construct or alter any erosion protection structures without providing:

1. Plans and the detailed explanation necessary to determine exactly what is proposed.
2. Evidence that the structure is not likely to fail and become a danger or obstruction to navigation.
3. Evidence that the structure will effectively control erosion for at least 30 years or that a maintenance program will be undertaken to ensure its continuation for that period.

See Policies 1, 2, 14, 16, 19A, 21A.

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, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to the adjacent shorelands, thus increasing their rate of recession; and the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of the shorelands.

Site plan review, subdivision review and permit review will be used to monitor projects and developments to ensure that actions will not be taken which may result in the damage to or loss of property and endangerment of human lives. Developments along the river bank will be sited to avoid construction on clay soils and soils subject to erosion, and the following practices will be utilized for construction in the waterfront area:

1. Any proposed development shall conform with existing geological and topographic features, to the end that the most appropriate use of land is encouraged.
2. Any proposed development shall be so designed as to provide for proper surface water management through a system of controlled drainage that preserves existing drainage patterns and protects other properties.

See Policies 1, 2, 11, 12, 13, 16, 21A and 21B.

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 OF SUCH WATERS AND SHALL BE UNDER-TAKEN 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 or shoreline sediment by water, and any mining, excavation or dredging in near-shore or offshore waters changing 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.

Off-shore mining for sand and gravel deposits is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

At the present time there are no dredging, mining or excavation activities in Rhinebeck's waters. Moreover, there are no sites in the Town suitable for the deposit of dredge spoils nor are commercial excavation and/or soil mining authorized under the Town's Zoning Law within either the R5A or LC Districts which comprise the most extensive land areas within the LWRA. Any dredging,

excavation or mining activities will be accomplished in a manner that will not increase erosion or negatively affect significant habitat areas. All applicants for any such activity must receive permits from the Army Corps of Engineers and NYSDEC, which can only be issued if consistent with the LWRP. See Policy 35.

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

Explanation of Policy

This policy recognizes the public need for the protection of human life and existing investments in development and for new development which may require a location in proximity to the waterfront area or in adjacent waters to be able to function. However, it also recognizes the potential adverse impacts of such activities on the rate of erosion and on natural protective features. It requires that careful analysis be made of such benefits and long-term costs prior to expending public funds for erosion protection measures.

See Policies 1, 2, 17, 19A, 21A.

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

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

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

1. The setbacks of buildings from steep riverbank and streambank areas;
2. The strengthening of coastal landforms by the retention or planting of appropriate vegetation and, where appropriate, by the installation of drainage systems to reduce runoff and internal seepage of waters which erode or weaken the landforms;
3. Whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and
4. The flood-proofing of buildings or their elevation above the base flood level.

The installation of sand fencing, however, would generally not be appropriate for the Hudson River shoreline at Rhinebeck.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To find out whether or not an action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the character and purpose of the activity or development, and eliminate or reduce hazards. 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 offer appropriate protection, 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.

The sloping to steep earthen banks along the Hudson River are subject to land slides and erosion. These areas, and particularly the area near Suckley Cove, north of Jones Island, which is classified as an area of critical erosion, must be protected through site plan and/or subdivision review.

See Policies 1, 2, 11, 12, 14, 16, 21A, 22.

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 only be undertaken in the waterfront area if they will not significantly impair valuable coastal waters and natural, cultural, scenic, historic, resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and Town and its citizens in such matters that would affect natural resources, historic and scenic assets, water levels and flows, shoreline damage, hydro-electric power generation, and recreation. Any proposals to develop a power generating plant or major transmission lines, to withdraw water from the Hudson, or to construct a bridge across the Hudson, a limited access highway, an enlargement of the railroad right-of-way or operations, or to begin any other major project within the LWRA of the Town of Rhinebeck, adjacent towns or nearby areas, including the west bank of the Hudson, must be thoroughly examined to determine that there will be no significant negative impacts on the Town's residents or resources. All local agencies and the Waterfront Advisory Committee will abide by this policy in their environmental review of major activities.

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

It is important in the Town to protect, maintain and increase pedestrian and, where appropriate, vehicular access to public water-related recreation resources and facilities, including opportunities for swimming, boating (including excursion boats and ice boats), fishing and appreciation of scenic vistas. The major access problem in Rhinebeck involves crossing of the railroad tracks. The only public above-grade crossing (excluding the Kingston-Rhinecliff Bridge which takes travelers beyond the Rhinebeck shores) is located within the hamlet of Rhinecliff and has been a focus of Town rehabilitation and improvement efforts for the past two to three decades. The private bridge at the Meadows provides the only other vehicular bridge in the Town. Currently at-grade crossing of the railroad tracks is required to reach Wilderstein Landing / Morton Dock, Long Dock, Slate Dock, and most of the Town's other potential waterfront areas. Improved access could be accomplished in the future by public, private or a combination of efforts.

This policy calls for a balance among the following factors: the level of access to a resource or facility; the capacity of a resource or facility; and the protection of natural resources.

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

1. The existing access from public lands or facilities to public water-related resources and facilities shall neither be reduced, nor should the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless there is a significant threat to public safety from a current or proposed use.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource of facility.
 - c. The level or type of use shall be conditioned on the requirements of public safety.
3. The Town and State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. The following activities will not be permitted unless the actions are found necessary for, or to be of great benefit to, or for the common good of Town residents.
 - a. Construction of public facilities which physically prevent the provision of convenient public access to public water-related recreation resources and facilities.
 - b. 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.
 - c. Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation or facility.
5. 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.

Land use policies of the Town (see Section IV) and zoning districts (see Section V) must be evaluated in terms of traffic impacts, as well as in terms of effects on: protection of ground and surface waters; protection of historic and scenic areas; preservation of environmentally sensitive features; and development in coastal areas should be limited to levels that will not burden roads or cause congestion or safety problems. Continuation of the predominance of limited to low density

zoning and maintenance of the low density residential and agricultural uses in the waterfront area will serve to lessen potential impacts of future traffic.
See Policies 20, 20A, 21, 21A, 21B, 22, 23A and 24B.

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

Access to the publicly-owned foreshore and adjacent land within the waterfront area shall be provided for water-related recreational activities, as well as for those activities which require only minimal facilities for their enjoyment. Examples of activities requiring access would include: boating, walking along the waterfront, the enjoyment of scenic resources, bicycling, bird watching, photography, nature study, hunting and fishing. In Rhinebeck there are two significant limitations to the extent of possible public access: (1) the railroad extends along the entire shore-line physically restricting safe and ready access to the foreshore and (2) several shorefront owners have been granted underwater rights to parcels west of and adjacent to the railroad and only a portion of the Town's foreshore has remained in public (State) hands.

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

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

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

- a. 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.
- b. Pedestrian access is diminished or blocked completely by public or private development.

An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- a. Construction of public facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

- b. 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.
 - c. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
2. 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 or the protection of identified fragile coastal resources;
 - b. Adequate public or quasi-public access already exists in the vicinity; 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 maintenance and liability responsibility for the accessway.

3. The Town and State governments will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. 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.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource.
5. Within the Hudson River waters of the Town, most underwater lands --- including the foreshore, tidal waters and submerged lands under tidal waters below the mean high water line --- are owned by the State under the Public Trust Doctrine, but the rights to some underwater lands are held by private owners whose lands abut the River. While publicly-owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners could be consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety or the protection of fragile coastal resources.

In New York State, the courts have interpreted the Public Trust Doctrine to mean, when applied to recreation, that the public has the right to use public trust lands and waters for

bathing, boating, fishing and other lawful purposes when the tide is in; and when the tide is out, to walk along the foreshore to gain access to the water for these purposes and to lounge and recline on the foreshore. Upland property owners whose lands abut public trust resources have certain rights of their own. The public cannot access public trust land across private land without the owner's permission. Additionally, these upland owners possess riparian rights to the Hudson River. These rights entitle the owner to access navigable water. These rights are however limited as to the type of use which may be placed in the water, and they must be reasonably exercised. By the nature of location over the water, the exercise of these rights almost always interferes with public use of the water and the lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase or lease underwater lands. While such acquisitions in the 18th and 19th centuries were generally of large expanses of public trust lands and waters to promote the development of commerce, more recent private uses of public trust lands include marinas, commercial fishing operations and recreational boating. While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of grants of public trust lands to riparian owners. The courts have held that where some types of grants have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights have been extinguished, although the State may still regulate such lands under its police power and may authorize local governments to do so as well. The courts have also held that some grants may be invalid if the grant is not in the public interest.

The importance of the Public Trust lands for public access and as a recreational resource and the use of the Public Trust Doctrine to better protect the State's coastal areas, their living resources, and the public's right to access and enjoy them have recently been re-emphasized. Private actions that interfere with the public's opportunity to use and enjoy these commercially and recreationally productive resources have increasingly come into question.

In 1992, the NYS Legislature passed Chapter 791, codifying, in part, the public trust in underwater lands. The Legislature found that regulation of projects and structures, proposed to be constructed in or over State-owned land underwater, was necessary to responsibly manage the State's proprietary interests in trust lands. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the State. The intent of the Act was to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

Increased access to the publicly-owned foreshore will be sought through review of proposed site plans and subdivision plans for waterfront parcels and possible negotiation with developers of proposed projects, particularly where waterfront access sites have been identified (see [Map 6, "Coastal Access Points"](#) and the related inventory chart on Coastal Access Sites). In addition, the establishment of scenic lookout/parking areas such as the one

proposed at Vanderburgh Cove will also increase opportunities for passive and active recreational use of the public foreshore areas.

See Policies 1, 2, 20A, 21A, 21B, 22, 24A, 24B.

POLICY 20A REASONABLE VEHICULAR ACCESS AND PEDESTRIAN ACCESS SHALL BE PROVIDED, WHENEVER FEASIBLE, TO THE PUBLICLY OWNED FORESHORE AND PUBLIC OWNERSHIP OR EASEMENT OVER ADJOINING LAND WILL BE PURSUED, WHERE APPROPRIATE.

Current access to the foreshore is extremely limited because of the location of the railroad relative to the Hudson shoreline and the development of estates lining the River, which have, for the most part, remained in private hands. For the future, there may be several methods of providing access in addition to the Town Landing area at Rhinecliff. These include: reinforcement of the 25-mile historic hike and bike trail, development of a complementary trail system (utilizing portions of the abandoned railroad bed extending northeastward from Rhinecliff to the Red Hook Town line); the provision of access across transportation facilities to the waterfront; and the promotion of mixed and multi-use development.

As mentioned also in the explanation to Policy 19, the Town has significant problems with gaining physical access to the water's edge. Town, County and State officials need to continue to work closely with railroad interests to assure that the rail corporation maintains and repairs the bridges over the railroad. Moreover, in the remainder of the Town, any crossing of the tracks must now be done at grade except at the Astor tunnel, the Town Landing, and the vehicular bridge at The Meadows (see chart of coastal access points in Inventory and Analysis Section).

As indicated in Policy 21B, it may be desirable in the future to develop other sites, such as Slate Dock, Long Dock and/or Morton's Dock to gain access to the publicly-owned foreshore and to establish water-related public/private recreational uses.

See Policies 1, 2, 21S, 21B, 22.

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.

Explanation of Policy

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

Since the railroad borders the entire shore of the Town, there are only limited opportunities for development of water-related recreation. Sites with potential for development or redevelopment of water-related recreation and/or public access to the water are included in the list of Coastal Access Sites in the Inventory and Analysis Section. Reservation of recreational lands shall be considered in the subdivision review process. Moreover, public -- Town, County, State or Federal -- acquisition of lands for recreational purposes shall be considered, as appropriate.

Because of the sensitive environmental conditions along portions of the Hudson River in Rhinebeck, new development or activities should generally not be intensive. Bicycling, hiking, walking and other forms of passive recreation would be desirable in some locations and boating facilities in others. Site specific studies will need to be done to determine the most appropriate use for coastal access sites named.

As part of the initial preparation of this LWRP, Rhinebeck's recreation areas and facilities and open space areas were inventoried and needed improvements were noted (see Inventory and Analysis Section). Improvements given priority include those at: (1) the Town Dock / Landing Area at Rhinecliff; and (2) the Town Recreation Center and Park. More recently, the Town and Village acquired the Rhineson property on the south side of Route 308 within the LWRA and has begun the development of a master plan for long-term recreational use of this property.

Efforts to improve recreation facilities shall be undertaken with consideration of several factors, including the following:

1. Provision of access to waterfront areas and facilities.
2. Improvement of areas heavily utilized by youth for sports activities and ballgames.
3. Improvement of areas used by all age groups and household types, ranging from very young children to senior citizens.
4. In general, encouragement of some centralization of recreational facilities; however, where desirable and appropriate, in order to preserve environmentally sensitive areas and to provide a variety of passive and active recreational opportunities, sites throughout the coastal area of the Town shall be included in the recreation/open space network.

5. Wherever possible, the connection of recreation and open space areas through an off-road trail system.

In addition, in developing and reviewing specific recreation facility proposals, the community will need to consider the following factors:

1. The amount, location, type, condition and use of existing water-related recreation facilities and the demand for additional facilities.
2. The location and type of existing and proposed residential, commercial and industrial development, and the degree of pressure for additional development.
3. The development of water-related recreation must be 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.
4. If demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.
5. Ensuring that proposals for large scale development to be located on the waterfront contain water-related recreation facilities as multiple uses whenever appropriate and practicable.
6. The extent of public and/or private financial resources available for acquiring lands for recreation purposes and developing specific facilities.
7. Priority for increasing water-related recreation opportunities shall be to those areas where access can be provided by new or existing public transportation and those areas where use of the shore is severely restricted by railroads.
8. The siting or design of new development in a manner which would result in a barrier to the recreational use of a major portion of the Town's shore should be avoided as much as possible.
9. Provision of adequate boating services to meet future demand is a priority to be encouraged. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development if any is established in the Town of Rhinebeck. Boating facilities will, as appropriate, include parking, areas for excursion boat dockage and ice boating, park-like surroundings, toilet facilities, and pump-out facilities.

See Policies 1, 2, 20, 21A, 21B and 22.

POLICY 21A PROTECT, MAINTAIN, AND INCREASE FACILITIES AVAILABLE AT THE RHINEBECK DOCK TOWN/LANDING TO PROVIDE PUBLIC ACCESS FOR WATER-RELATED RECREATION ACTIVITIES INCLUDING FISHING, BOATING AND EXCURSION VESSEL DOCKAGE.

The Rhinebeck Dock / Town Landing area provides the only direct public waterfront access in the Town. Boat launching and docking areas have been provided and further improvements continue to be undertaken to stabilize portions of the site and to furnish additional areas and amenities for passive recreational activities, such as picnicking and viewing the scenic vista. The landing area can be used by excursion passenger vessels and special visitors like the Clearwater, in the interest of promoting education and the tourist economy.

Priority will be given to improving physical access to, and facilities available at, this existing Town waterfront recreation site. Efforts will be made to increase the ability of the public to get to this recreation area by making necessary transportation improvements, e.g., providing bus routes and restoring ferry service to the dock area. At this time, there is barely sufficient parking available near the Town Dock; the Town is requesting that appropriate agencies enlarge the parking area so that parking space will correspond to recreational use needs.

Since the Town Landing provides resources and facilities including boating facilities, fishing areas and a waterfront park, it shall receive priority for Town, State and Federal funding opportunities.

See Policies 1, 2, 7C, 9, 20A, 21B, 22, 35, 44.

POLICY 21B EXPLORE THE FEASIBILITY OF UTILIZING WATERFRONT ACCESS AREAS SUCH AS WILDERSTEIN LANDING/MORTON'S DOCK, SLATE DOCK, OR LONG DOCK AREAS FOR PUBLIC AND/OR PRIVATE WATER-RELATED AND/OR WATER-ENHANCED RECREATIONAL PURPOSES SUCH AS BOAT-LAUNCHING SITES, FISHING AREAS AND WATERFRONT PARKS.

The Wilderstein Landing/Morton Dock area is expected to be improved as part of the restoration efforts at the Wilderstein estate.

Long Dock and Slate Dock areas located slightly north of Rhinecliff (see [Map 6](#)), currently owned by CSX, are in poor condition and in need of refurbishing or redevelopment. Any major development would require construction of a bridge across the railroad tracks. The development of a waterfront walkway (or boardwalk) from the Town Dock to Slate Dock and ultimately to Long Dock would provide an important amenity along the riverfront.

Priority should be given, therefore, to recreational development of the Wilderstein Landing/Morton's Dock, Slate Dock, or Long Dock areas as the primary use or as a multiple use of the parcels, particularly since use of most of the shore of Rhinebeck is severely restricted by the presence of the railroad.

Public access to the Hudson River at regular intervals should be accomplished by various means including acquisition of parcels through gift or purchase, acquisition of easements or through subdivision regulation and/or site plan review requiring provision of recreation lands and/or public access as part of the development plan.

See Policies 1, 2, 19, 22.

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

Explanation of Policy

In Rhinebeck, railroad tracks parallel the Hudson River shore, so that construction of a safe means to cross the tracks must be an integral part of plans for River water-related recreation.

Some developments may present opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located along 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. Parcels located adjacent to streams or coves would have fewer access problems than those associated with riverfront parcels; however, the types of water-related recreation opportunities would differ somewhat.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to, parks, highways, utility transmission rights of way, sewage treatment facilities, hospitals*, schools and universities*, nature preserves*, major residential subdivisions (5 building lots or more), and office buildings.

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

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

Whenever a proposed development is compatible with the natural and built environments of the Town and consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore. Such developments in Rhinebeck might include the reuse or redevelopment of the large waterfront estates along the Hudson, of dock areas such as Long Dock and Slate Dock (currently owned by CSX), Wilderstein Landing / Morton Dock or other access points listed in the inventory, or of properties along the streams of the Town, such as the Millpond area of the Landsman Kill. The provision of water-related recreation shall be encouraged and/or required, if appropriate, as a multiple use through review of site plans and subdivision plans. This review will include consideration of the use of clustered development to protect sensitive environmental features and to provide areas for public access. Moreover, if practical, water-related recreation shall be available for public use.

Factors for consideration in examining recreational proposals listed in Policy 21 should be utilized for examining the recreation component of a proposed mixed-use development.

See Policies 1, 2, 20A, 21, 21A and 21B.

HISTORIC AND SCENIC RESOURCES POLICIES

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

Explanation of Policy

Structures, districts, areas or sites that are of significance in the history, architecture, archaeology 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 designated by the State Nature and Historic Preserve Trust.

4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites or identified by the State Office at Parks, Recreation and Historic Preservation.
5. A designated local landmark, a park, or locally designated historic district that is located within the boundary of the Rhinebeck Local Waterfront Revitalization Area / Mid-Hudson Historic Shorelands Scenic District.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Town, the State, its communities or the Nation include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites.

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 archaeological 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 archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures 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 archaeological 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 a judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archaeological 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 prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or

archaeological resource which has been officially certified as being imminently dangerous to life or public health. Further, this policy shall not 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 archaeological resource.

In 1979 a sixteen-mile long area, encompassing the riverfront estates in the Towns of Germantown, Red Hook, Rhinebeck and Hyde Park, was surveyed by the preservation organization, Hudson River Heritage, in an effort to document historic sites and facilitate the preservation of the area's riverfront estate properties. This work, which did not include the hamlets, became the foundation of a State and Federal designation to be known as the Sixteen-Mile Historic District, later expanded to the Twenty Mile Historic District.

In 1990 further efforts by Hudson River Heritage elevated the district to Landmark status, becoming The Hudson River National Historic Landmark District. At that time in Rhinebeck the boundaries were expanded to include the hamlet of Rhinecliff and encompass land within the bounds of Hook Road, Route 9 north of the Village, the west side of the Village, excepting the site of The Gardens multi-family development between Astor Drive and Route 308, and south down Route 9 to the town line.

About 400 buildings in the Village of Rhinebeck have also been designated as a historic district, which was placed on the National Register of Historic Places in 1979. There are also a number of individual residences and other structures of historic interest located throughout the Town and the hamlet of Rhinecliff that were incorporated into the Rhinebeck Multi-Resource Area Historic District (1987), including Grasmere, which have been listed on the National Register. In addition, Wilderstein, the Quitman House, the Old Stone Church and the Palatine Farmstead, the latter three located to the north of the LWRA, have been designated as "local landmarks" by the Town of Rhinebeck.

Most of these individual estate and rural residences would meet the National Register criteria as distinctive architectural specimens and may assume additional importance from the roles that their occupants played in State and national history. However, the special significance of the area is collectively derived from the great number of properties involved and its location along the Hudson River. The views of the River and the Catskill Mountains add a scenic dimension which rivals and enhances its historic and architectural significance.

Over the past few years steps have been planned or taken to upgrade several properties consistent with the above guidelines. A list of those being restored and expected to be restored in the near future are included in the Inventory and Analysis Section. Careful restoration/preservation efforts and appropriate reuse of historic structures, estate buildings and grounds will continue to be encouraged, especially those visible from the Hudson River or major travelled roads.

Plans for more profitable re-use of some of these estates, such as a conference center, have been considered. Well designed adaptive re-use plans which respect the historic landscape features and

preserve the character of natural lands will be encouraged, particularly those which include preservation of structures, landscaped grounds and a means for crossing the railroad tracks and facilities for public water-related recreation.

Most of the Local Waterfront Revitalization Area along the Hudson River shoreline of the Town (excluding the Rhinecliff hamlet area) is zoned Residential 5-Acre (R5A) District. This limited density zoning classification assists the Town in preserving its rural, low density qualities and appearance and in protecting the scenic, historic and natural features of the waterfront areas of the Town. Permitted uses in the R5A District include primarily agriculture, conservation and forestry uses, private stables, one- and two-family dwellings (preferably in cluster configuration), home occupations and government buildings. Special permit uses in this District include elderly housing, alternate care housing; cemetery; crematorium; educational institutions; golf course; hospital; conference center; rod and gun club; waterfront uses such as marinas, boat clubs, docks and ramps. This range of uses provides opportunity for adaptive re-use of historic estates which helps to preserve the historic and scenic areas of the Town.

Efforts of local and regional groups working to preserve and enhance the scenic and historic features of the Local Waterfront Revitalization Area, such as the Hudson River Shorelands Task Force, Hudson River Heritage, Inc., Heritage Task Force for the Hudson River Valley Inc., Wilderstein Preservation, Inc., Rhinebeck Historical Society and Scenic Hudson, Inc. have been made throughout the past three decades. Their continuing efforts and the efforts of other interests which have evolved in the interim, including The Winnakee Land Trust (successor to the Hudson River Shorelands Task Force), the Quitman Resource Center for Preservation and the NYS Hudson River Valley Greenway, will be supported.

Many techniques will be utilized to implement this policy including but not limited to:

1. Establishing historic preservation programs which will be initiated to make and keep residents aware of technical and funding assistance or tax benefits that could be received for historic preservation efforts on designated significant structures, or for certain new business enterprises within the coastal area, and provide or coordinate provision of low cost loans for preservation of historic structures;
2. Site plan and subdivision review;
3. Use of conservation easements and/or facade easements; and
4. Administration of the Town of Rhinebeck's newly-enacted Historic Buildings Protection Law (2005). See Appendix D.

See Policies 1, 1A, 2, 23A, 24A, 24B.

POLICY 23A CONSERVE, PROTECT, PRESERVE AND PROMOTE THE ADAPTIVE RE-USE OF PLACES, SITES, STRUCTURES, VIEWS AND FEATURES IN THE COASTAL AREA OF THE TOWN OF RHINEBECK OF SPECIAL HISTORIC, CULTURAL OR ARCHAEOLOGICAL SIGNIFICANCE OR WHICH BY REASON OF ASSOCIATION WITH NOTABLE PERSONS OR EVENTS, THE ANTIQUITY OR UNIQUENESS OF ARCHITECTURAL AND LANDSCAPE DESIGN ARE OF PARTICULAR SIGNIFICANCE TO THE HERITAGE OF THE TOWN.

A majority of the sites, structures, buildings and features in the waterfront area of the Town, which contribute to the historic and scenic character of the area, have been listed on the State or National Registers of Historic Places, whether by individual listing or inclusion within the Hudson River National Historic Landmark District. Additional buildings, sites, cemeteries and other features that need to be protected and preserved may be important locally and contribute to the historic and scenic qualities of the Town.

Public and private efforts will be undertaken to maintain and preserve the important features of the area, such as the trees and stone walls lining many roads within the LWRP area. Education programs will be established on techniques for preservation and repair of stone walls. Existing stone walls, stone culverts and bridges, and trees along roads shall also be protected through such measures as setting up a public/private maintenance program for wall repair and stabilization; working with highway/transportation departments to plan road improvements together with the protection of these features; and making their preservation a priority in site plan and subdivision review. Trees and walls will be protected along scenic roads by requiring the provision of scenic easements along the roads. Workshops such as those conducted during the past two years by the Quitman Resource Center on repairing and maintaining stone walls will be encouraged.

See Policies 1, 1A, 2, 23, 24A, 24B.

SCENIC QUALITY POLICIES

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (ii) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

POLICY 24A PREVENT IMPAIRMENT OF SCENIC RESOURCES INCORPORATED WITHIN THE MID-HUDSON HISTORIC SHORELANDS SCENIC DISTRICT AND THE ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE.

The following siting and facility-related guidelines will be used to review proposed development, and should be included in the design of new projects to avoid impairment of scenic resources, recognizing that each development situation is unique and that guidelines will have to be applied accordingly:

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines, roadways, or in other inconspicuous locations to maintain the attractive quality of these areas and to retain views to and from important resources;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating structurally sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading features;
5. Maintaining or restoring the original land form and vegetation, except when changes screen unattractive features and/or add appropriate interest;
6. Maintaining or adding vegetation and appropriately pruning or trimming trees to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive features, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of important resources such as historic resources, open lands, the Catskill Mountains or the Hudson River;
7. Maintaining and enhancing landscaped grounds of estate areas;
8. Wherever possible, placing utility lines underground or minimizing the number of poles by combining wires to the extent possible to diminish negative visual impacts;
9. Maintaining and preserving stone walls, gateways to estates and landscape features along roadways;
10. Using appropriate scales, forms and materials to ensure buildings and other structures are compatible with and add interest to the landscape;
11. Minimizing the effects, as much as possible, of facility operation (i.e., lighting, noise and odor); and
12. Providing waterfront access whenever possible.

The State-designated Mid-Hudson Historic Shorelands Scenic District, which is co-terminus with the Local Waterfront Revitalization Area of the Town, contains several historic districts noteworthy for their historic and scenic qualities. The historic aspects are discussed in the Inventory and Analysis section and under Policy 23.

The Sixteen Mile Historic District, later expanded to the Hudson River National Historic Landmark District and listed on the National Register of Historic Places, contains a series of estates along the River which are scenic resources of great worth based primarily on the architecture of the structures, the landscaped grounds and open space surrounding the primary buildings, and the scenic views of the Hudson River and the Catskill Mountains. These estates and other historic structures, such as those in the Town of Rhinebeck Multi-Resource Area Historic District included on the National Register, need to be protected and enhanced. Any re-use or redevelopment of the east bank estates will follow the guidelines set forth above. Identification and protection of existing trees of a significant size, that is eight inches or over in diameter, and of stone walls will be required through special permit, site plan and subdivision review requirements. Limitations on signs as to type, size and placement is regulated through the zoning ordinance. In addition, efforts will be undertaken through the environmental review process to attempt to protect the viewscape on the west bank of the River from any significant deterioration or alteration.

Portions of the Orlot and Atalanta (former Mandara) estates which are plainly visible from the Kingston-Rhinecliff Bridge and from the Hudson River are scenic resources of the utmost significance and visual accessibility and sensitivity. Any proposed plans for any development of these two estates will be reviewed with consideration of preserving these scenic resources.

In addition, the public benefit of restoring or maintaining wide views of the River from overlook areas on such estates as Linwood and Wilderstein should be recognized. Judicious tree trimming will be necessary to provide scenic vistas while protecting the environment.

Views and scenic vistas must be protected wherever they occur in the coastal area. Most of Rhinebeck's vistas are located along the "scenic roads" of the Town, but one major vantage point is at the top of Ferncliff Forest. There is an observation tower located at the top of Ferncliff Forest, but it is currently in a state of disrepair. Efforts need to be undertaken to protect Ferncliff Forest, a significant habitat area (see Policy 7A), to restore the observation tower, if feasible, and to carry out selective cutting of vegetation to enhance the vistas.

In addition, efforts will be undertaken to establish a Town program comparable to the Village programs for tree planting and preservation. Existing trees of a significant size (with a caliper of eight inches in diameter or more), hearty and of non-invasive species shall be protected through site plan and subdivision review.

See Policies 23, 23A, 25.

POLICY 24B PROTECT AND ENHANCE THE SCENIC QUALITIES OF ROADS IN THE TOWN NOMINATED AS SCENIC ROADS UNDER THE HUDSON VALLEY SCENIC ROADS PROGRAM AND THOSE DESIGNATED AS SCENIC ROADS BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

The Heritage Task Force for the Hudson River Valley, Inc., established by the New York State Department of Environmental Conservation in 1980, was responsible for the preparation of the study to nominate scenic highways in the Hudson River Valley and develop programs for their preservation and enhancement. These roadways plus others identified by the Town Board, listed in the Inventory and Analysis Section, are considered important cultural and scenic features in the landscape which provide a means of visual and physical access to the Hudson River. The goals of the Scenic Roads Program are appropriate to this LWRP policy: preserve and enhance the appearance of the roadways and surrounding areas, provide opportunities for better viewing of scenic vistas, create a greater public awareness of the importance of the scenic resources and recommend preservation and enhancement measures.

In 1985, the State Department of Environmental Conservation designated four roads in the Town as scenic roads, under authority of Article 49 of the Environmental Conservation Law: Route 199 (from and including the Kingston-Rhinecliff Bridge to Route 9G); River Road; Morton Road; Mill Road and South Mill Road.

In 1992, the State Legislature enacted the New York State Department of Transportation's Scenic Byways Program to coordinate State activities relative to the scenic, historic, and recreational values of New York State's scenic roads and to take advantage of federal funding. When the NYS Scenic Byways Program was created, DEC-designated (Article 49) Scenic Roads automatically became Scenic Byways.

Full appreciation of scenic roads and vistas is usually difficult because there are no pull-offs along roads where one can enjoy them; some roads are very narrow or in disrepair; important resources have not been well preserved; and vegetation and stone walls which give these roadways their unique character have not been well maintained. The development and continuation of programs dedicated to protecting and enhancing these resources is important to preserving the unique character of Rhinebeck.

Various local and State agencies, including the Town Board, the Town Highway Department, the County Department of Public Works and the State Department of Transportation need to coordinate efforts to: (1) provide pull-offs to view scenic vistas at appropriate locations and to (2) improve conditions of scenic roads that may be too narrow or dangerous, e.g. River Road, Astor Drive, South Mill Road and Rhinecliff Road, without extensive widening, substantial grading or rebuilding that would jeopardize specimen trees and stone walls. In addition, local boards need to work with the abovementioned highway, public works or transportation departments, as well as local utility companies (Central Hudson Gas and Electric and local communication carriers) to protect and

enhance the scenic qualities of the scenic roads by careful trimming and pruning trees along roads and by placing utilities underground whenever practicable.

Where pull-offs are created on State roads, the Town will be responsible for their maintenance.

POLICY 24C PREVENT IMPAIRMENT OF THE ESTATES DISTRICT AND ESOPUS/LLOYD SCENIC AREAS OF STATEWIDE SIGNIFICANCE.

Explanation of Policy

The Town of Rhinebeck is included in both the Estates District Scenic Area of Statewide Significance and Esopus/Lloyd Scenic Area of Statewide Significance (SASS), as designated by the Secretary of State. The Estates District and Esopus/Lloyd SASS are of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in each SASS an unusual variety as well as unity of major components and striking contrasts between scenic elements. Each SASS is generally free of discordant features. The section of the Estates District SASS within the Town of Rhinebeck is included within the following subunits:

- ED-10 Astor Cove
- ED-11 River Road
- ED-12 Mount Rutsen,
- ED-13 Rhinebeck Center
- ED-14 Rhinecliff Road
- ED-15 Rhinecliff
- ED-16 Rhinecliff Woods
- ED-17 Mill Road Meadows
- ED-18 Vanderburgh Cove

The section of the Esopus/Lloyd SASS within the Town of Lloyd is included within the following subunits:

- EL-1, Big Rock and Hemlock Points
- EL-2, Esopus Uplands
- EL-3, Esopus Bluffs

The scenic quality of these subunits and actions which could impair their quality are described in detail in Appendix A.

When considering a proposed action, agencies shall determine whether the action could affect the Estates District or Esopus/Lloyd SASS and, if so, whether the types of activities proposed would be likely to impair the quality of an identified resource. Impairment includes:

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

The following siting and facility-related guidelines will be used to review proposed development, redevelopment or re-use plans and should be included in the design of new projects to avoid impairment of scenic resources, recognizing that each development situation is unique and that guidelines will have to be applied accordingly. These guidelines are further specified in the impact assessments contained in the narratives of the SASS and each of its subunits, presented in Appendix A.

1. Siting structures and other development such as highways, power liens, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND 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

Because of the NYSDOS designation as the Estates District Scenic Area of Statewide Significance and the Esopus/Lloyd Scenic Area of Statewide Significance and because the entire Local Waterfront Revitalization Area of Rhinebeck is co-terminus with the DEC-designated Mid-Hudson Historic Shorelands Scenic District, the scenic resources of this waterfront area are discussed under policies 24A, 24B, and 24C as local resources of State-wide significance.

See Policies 24, 24A, 24B, and 24C.

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.

Land used for agriculture can be found throughout the waterfront area of the Town. Many of the farms are included in the State agricultural district program (see [Map 10, "Summary of Major Development Considerations"](#)) pursuant to the NYS Agriculture and Markets Law. Under this program, farmers grossing over \$10,000 in income from agricultural activity can benefit from reduced land assessments if they make a commitment to farming that land for at least eight years. This program alleviates some of the pressure for residential or commercial development because of increasing land values and rising taxes. By reducing some of the financial burden facing farmers today, the Town will promote the conservation of agricultural lands and the preservation of agriculture as a local industry.

Implementing a policy of promoting agricultural use of land must concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. Many 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.

This policy requires a concern for the loss of any important agricultural land.⁴ 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. In the Town of Rhinebeck, there is also concern for the maintenance of agricultural lands which are a component of "pastoral landscapes" in the Scenic District Management Plan and contribute to the scenic qualities of the shorelands areas.

A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands, or whether it is likely to be harmful to the health of an agricultural area. First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped on the Coastal Inventory (See the aforementioned [Map 10](#) for lands within an agricultural district and [Map 4, "Natural Resources Inventory"](#), for areas with prime agricultural soils). If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with this policy. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, the action may also be consistent with this policy. In that case, however, the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this policy.

The following guidelines define what needs to be considered when determining the impact of a publicly-supported activity on agricultural lands:

1. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
 - a. The action would occur on identified important agricultural land and would either (1) consume more than 10% of the land of an active farm⁵ containing such identified important agricultural lands, (2) consume a total of 100 acres or more of identified important agricultural land, or (3) divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation.

⁴ Important agricultural land shall include all land within an agricultural district or subject to an eight-year commitment which has been farmed within at least two of the last five years, or any land farmed within at least two of the five years in soil groups 1-4 as classified by the Land Classification System established by the New York State Department of Agriculture and Markets, or any land farmed within at least two of the last five years which is influenced by climate conditions which support the growth of high value crops. Additionally, agricultural land not meeting the above criteria but located adjacent to any such land and forming part of an on-going agricultural enterprise shall be considered important agricultural land.

⁵ A farm is defined as an area of at least 5 acres devoted to agricultural production as defined in the Agricultural District Law and from which agricultural products have yielded gross receipts of \$10,000 in the past year.

- b. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
 - c. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
 - 1). Public water or sewer facilities to serve non-farm structures.
 - 2). Transportation, improvements, except for maintenance of, and safety improvements to, existing facilities, serving non-farm or non-farm related development.
 - 3). Major non-agribusiness commercial development adjacent to identified agricultural lands.
 - 4). Major public institutions.
 - 5). Residential uses other than farm dwellings.
 - 6). Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land.
2. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
- a. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.
 - b. Agribusiness development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
3. In determining whether an action that would result in the loss of farmland is of overriding regional or Statewide benefit, the following factors should be considered:

For an action to be considered overriding, it must be shown to provide significantly greater benefits to the Town, region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agricultural land to the region or State, consideration must be given to its social and cultural value, its economic viability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits.

- a. An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to be a significant degree economically inter-dependent. At a minimum, this area should consist of at least 500 acres of identified important agriculture land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the coastal boundary. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
- b. In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
- c. The estimate of the economic viability of the affected agricultural area should be based on an assessment of:
 - 1). soil resources, topography, conditions of climate and water resources;
 - 2). availability of agribusiness and other support services, and the level and condition of investments in farm real estate, livestock and equipment;
 - 3). the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland;
 - 4). use of new technology and the rates at which new technology is adopted;
 - 5). competition from substitute products and other farming regions and trends in total demand for given products; and
 - 6). patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use.
- d. The estimate of the social and cultural value of farming in the area should be based on an analysis of:
 - 1). the history of farming in the area;
 - 2). the length of time farms have remained in one family;
 - 3). the degree to which farmers in the area share a cultural or ethnic heritage;
 - 4). the extent to which products are sold and consumed locally; and
 - 5). the degree to which a specific crop(s) has become identified with a community.

- e. An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
 - 1). the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife;
 - 2). the extent to which a farm landscape adds to the visual quality of an area;
 - 3). any regional or local open space plans, and degree to which the open space contributes to air quality; and
 - 4). the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and village or hamlet development.
- 4. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land, or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of the findings of an EIS, then the required minimization should be undertaken in the following manner:
 - a. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:
 - 1). prime farmland in orchards or vineyards;
 - 2). unique farmland in orchard or vineyards;
 - 3). other prime farm land in active farming;
 - 4). farmland of Statewide importance in active farming;
 - 5). active farmland identified as having high economic viability;
 - 6). prime farmland not being farmed; and
 - 7). farmland of Statewide importance not being farmed.
 - b. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

The following activities would be considered appropriate in pursuing this policy:

- a. Use of clustering to preserve areas suitable for agriculture and to allow for a critical mass of land area necessary for the continuation of agriculture.
- b. Support of the agricultural district program which reduces assessments on farmland within the district.
- c. Use of large lot, very low density, zoning.
- d. Encouragement, e.g., through zoning, of a variety of agricultural activities, including breeding of race horses and raising of cattle, growing nurseries, orchards, vineyards and horticultural production from commercial greenhouses which will help maintain and/or strengthen the agricultural sector of the Town's economy.
- e. Use of conservation easements to protect significant portions of farms.
- f. Use of transfer or acquisition/purchase of development rights to promote continuation of farming activities.

See Policies 1, 2, 22, 25.

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 lower 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 new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Articles 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 Resources and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program.

In consultation with the Town, the Department of State will comment on the State Energy Master Plan; present testimony for the record during the relevant certification 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 policies and purposes of this Local Waterfront Revitalization Program.

See Policies 1, 2, 7A, 18, 30,40.

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

Before taking any actions required for ice management, the potential effects of such actions will be carefully considered. If such actions have an adverse effect on the production of hydroelectric power; fish, wildlife or their habitats; flood levels and damage; shoreline erosion; and/or other natural or protective features, adequate methods of mitigation or avoidance of potential negative effects will be utilized.

In addition, site plan review of any waterfront development shall consider prevention of damage from ice and methods to prevent icing of near-shore waters, such as use of bubbler machines especially around docks and marinas, if appropriate. However, since ice skating and ice boating are popular winter sports in the Town, consideration will be given to leaving some or most coastal access areas in an undisturbed state to allow for enjoyment of these activities. Moreover, recognizing that there is a need to maintain navigation on the River, efforts will be made to minimize disruption of ice used for these recreational activities.

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

Explanation of Policy

This policy is not applicable. The types of energy resources addressed by this policy are not likely to be found in the Hudson River.

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, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the waterways of the Town or State. The Town utilizes the Hudson River water for drinking water and recreational purposes.

Currently only the Village of Rhinebeck, an adjacent area within the Town-outside-Village on which is being developed The Gardens multi-family residential development, and the area of Vanderburgh Cove are served by a public sewage system and associated treatment plant. Most other development is served by individual septic systems; a few institutional uses have private treatment plants.

Implementation of this policy is primarily the responsibility of the State and Federal agencies administering water quality standards, and is mandated by the following laws: State Pollution Discharge Elimination System (Environmental Conservation Law, Article 17, Title 8), Industrial Hazardous Waste Management (ECL, Article 27, Title 9), Substances Hazardous to the Environment (ECL, Article 37) and the State Certification of Public Sewage Treatment Plant Operations (ECL, Article 3-0301, Public Health Law, Section 225). Implementation of these laws is critical since pollution from sources outside the Town, as well as inside could significantly affect the water resources. Of particular concern are discharges of industrial plants north of the Town.

Moreover, proposed new commercial and industrial developments within the waterfront area will be reviewed through site plan and environmental quality review to ensure the adequacy of the existing water supply and sewage disposal facilities to support them, as well as to ensure that any underground storage tanks are constructed of non-corrosive materials to prevent leakage. Wherever possible or desirable, necessary improvements and expansions will be made in areas where the water or sewer system is inadequate. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River, its tributaries and other water resources, e.g., extending the sewer service to Rhinecliff to solve problems created by faulty individual septic systems.

In the past, the railroad's vegetation management and railroad tie disposal practices have caused pollution and disturbance of the Town's wetland cove areas. Use of pesticides and herbicides must

be reduced and, if possible, eliminated and used ties must be properly removed from the roadbed area.

See Policies 7A and 33.

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

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted 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 establishment by the State pursuant to the Federal Clean Water Act.

The streams of the Town are generally classified as "C" or "D" waters, which permits use for fishing, but not swimming. The Landsman Kill is classified "D" from Crystal Lake to, and including, the Millpond area and is classified "C" from south of the Millpond to Vanderburgh Cove, whereas the Rhinebeck Kill, Fallsburg Creek and the Mudder Kill are classified "D". Crystal Lake in the Village of Rhinebeck, actually a portion of the Landsman Kill, is classified "B" which indicates that the waters should be usable for swimming. In addition, Crystal Lake must meet the standards for "B(T)" waters, which indicates that dissolved oxygen levels should be appropriate for trout waters. The Hudson River is classified "A" in this area because of its use as the water supply for several communities including Rhinebeck.

The DEC in recent years reviewed the classification of all Rhinebeck streams as part of a State-wide review. The Town had requested upgrading of the Landsman Kill from the Millpond to the source to "B(T)" so that it can be protected under provisions of the Stream Protection Act. In addition, the Town also requested upgrading of the Fallsburg Creek to "C(T)", the Rhinebeck Kill to "C(T)", and the Mudder Kill to "C" to improve water quality in these streams. To the extent these recommendations were not embraced by NYSDEC, the Town continues to request consideration of these upgrades in stream water quality classification.

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATING 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 tank systems and other subsurface disposal systems, small systems serving clusters of households or commercial establishments, and/or pressure or vacuum sewers. These types of systems may be more cost effective in smaller, less populated areas, such as most of the unincorporated portions of the Town of Rhinebeck (i.e., areas outside the hamlet of Rhinecliff and the corridor between Rhinecliff and the Village of Rhinebeck) and in areas where the installation of conventional facilities are too expensive.

Plans for the use of alternative and/or innovative sanitary waste systems for developments in areas of the Town where construction of conventional facilities is not currently feasible or desirable will be encouraged and reviewed for suitability and effectiveness during site plan and/or subdivision review and in accordance with the Town Comprehensive Plan. The Town is investigating standards for such facilities and, if appropriate, may require municipal or other governmental, e.g. Dutchess County Water and Wastewater Agency, ownership and operation.

See Policy 33.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and sewer overflows. The hamlet of Rhinecliff has historically had a problem with failing septic systems caused by poor soil conditions and a moderately-dense pattern of development. The Town continues to explore the feasibility of extending the Village sewer system to the hamlet or providing alternative and affordable means for addressing this environmental issue. Installation of new combination sanitary/storm water sewer systems is not permitted. All newly installed facilities must be separate. The construction of on-site retention basins or other on-site retention facilities will be encouraged and/or required for new developments, as necessary, in order to maintain or reduce runoff to the Hudson or other water bodies. In addition, non-structural approaches, such as improved street cleaning and reduced use of road salt, will be encouraged to reduce pollution in runoff.

See Policies 31, 32, and 37.

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

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 (Navigation Law 33-C, provides for the disposal of sewage and litter in waterways). Significant fish and wildlife habitats, beaches, and public water supply intakes need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards will be followed. The Hudson River along much of the shoreline of the Town serves as a significant habitat area for finfish, including shad and short-nosed sturgeon, and also serves as the source of drinking water for the Village of Rhinebeck, portions of the Town of Rhinebeck along Route 308 and River Road, and the hamlet of Port Ewen area of the Town of Esopus. The River areas need to continue to be protected by State regulations.

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 is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. The Town shall refer all applicants for mining, dredging or excavation activities to the Army Corps of Engineers and NYSDEC for appropriate permits.

Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection of coastal resources (Policies 7A, 24, 15, 26 and 44). If dredging activities become necessary, all applicable standards and policies will be followed.

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 definition of hazardous wastes at Policy 8.

Applicants for the development of non-residential uses will be required to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal.

As indicated in the Town's Zoning Law, "all activities involving handling, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire or explosion and with adequate firefighting and fire suppression equipment and devices standard in the industry". In addition, "all applicable requirements of the New York State Uniform Fire Prevention and Building Code, NYSDEC regulations, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed". These regulations collectively provide for the design, placement, and monitoring of tank installations.

Further, the Town of Rhinebeck through the existing Water Resources Protection Overlay (WRP-O) District has provided complementary local regulations in environmentally-sensitive stream corridors and aquifer protection areas. These regulations include the specific prohibition of certain uses, including gasoline stations, within the aquifer protection area and prescribe additional local requirements for handling of hazardous materials and the design and installation of both above-ground and underground storage tanks and sewage disposal systems there.

Pursuant to local requirements and NYSDEC Part 612 through 614 regulations, all in-ground tanks of 1,100 gallon or over capacity for the storage of petroleum must be constructed of non-corrosive materials.

See Policies 8, 30 and 39.

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

Explanation of Policy

Important fish and wildlife habitats and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Actions to control stormwater surface runoff, minimize erosion and to encourage the use of alternative (organic) methods of fertilization and pest control will greatly minimize discharge. By promoting such activities and providing information on organic methods, surface drainage control and erosion control, and by carrying out thorough site plan and subdivision review processes, natural habitats and resources, recreational areas and water quality of the Town will be maintained and/or protected. Environmental Quality Review practices and application of Land Subdivision and Site Plan Review regulations will be used to ensure that best management practices are employed to mitigate construction impacts.

See Policies 14, 33, 38 and 44.

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

Explanation of Policy

Both surface and groundwater are the sources of drinking water in the Town and therefore must be protected. The Hudson River is already the source of water for the Rhinebeck Water District, which includes the Village of Rhinebeck, the hamlet of Rhinecliff and some limited portions of the Town. A high level of water treatment and sewage treatment will be maintained. The River should be protected as a water supply to meet unknown future demands.

Large scale Hudson River water withdrawal projects such as once proposed by the Corps of Engineers for New York City (the flood-skimming project) and Exxon's "water-lifting" practices, could, however, seriously threaten the freshwater supply. These types of water-withdrawal could adversely affect the water supply by resulting in northward movement of the salt front and would demand close scrutiny.

The remainder of the Town relies on individual wells. These wells must be protected from over-pumping and contamination, particularly from septic systems, agricultural chemicals and industrial uses. In addition, where there are no sewers, zoning will be used to establish appropriate densities (at least one acre per residence, but in the bulk of the waterfront area five acres will be required for each residence) and coverage to assure protection of groundwater.

The streams within the waterfront area are important fishing locations and drain into the Hudson River. Stream corridors need to continue to be protected through use of the Land Conservation (LC) District and Water Resource Protection Overlay (WRP-O) District designations and related regulations set forth under the Town's Zoning Law or through other protection mechanisms, including conservation easements, restricting development along streambeds. In addition, the Town CAC has undertaken a pilot a water quality testing program on the Landsman Kill and Rhinebeck Kill to monitor water quality with it desirable that this program both be expanded and made either a continuing or periodic effort.

Site plan review procedures and approval, and permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate environmental approvals to examine possible impacts on water quality.

See Policies 7A, 8 and 37.

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

See Policy 8 for definition and regulation of hazardous wastes.

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial and agricultural wastes, as well as unused biocides, paints, lubricants, fuels, etc., which may become more solid than liquid.

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. Transportation of solid wastes, particularly hazardous wastes, must be carried out so that no negative environmental impacts result.

An important effort undertaken by the Town since the initial preparation of the LWRP has been the closure of the former Town landfill on Stone Church Road (located outside the coastal area). The

associated development of a local transfer station and resource recovery facility as a substitute for the landfill has contributed to protection of groundwater supplies and surface waters.

Through local site plan review procedures, including through application of the earlier-cited requirements of the Town's Water Resources Protection Overlay (WRP-O) District, applicants for proposed commercial or light industrial uses shall be required to identify hazardous wastes and other solid wastes as described above. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. Only those actions that assure consistency with the LWRP policies and contain environmentally appropriate handling of wastes will be approved.

See Policies 8 and 36.

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

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is the facility discharge no 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 any applicant's request to construct a new steam electric generating facility.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE ARE 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 waters.

Proposed or existing land use in the waterfront of the Town or adjacent areas shall not cause the generation of significant amounts of nitrates or sulfates. The Town will utilize environmental quality review procedures to examine applications for proposed commercial, light industrial and institutional uses and ensure that appropriate air quality permits have been granted before any project approvals are given to assist in the State's efforts to control acid rain. These efforts will enhance the continued viability of coastal fish and wildlife habitat areas, agricultural areas, historic and scenic resources, and water 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 State air quality classification for the waterfront area of the Town is Level II, which is used for areas of "predominantly single and two-family residences, small farms, and limited commercial services and industrial development." The coastal policies of Rhinebeck's LWRP will be considered if the State proposes reclassification of Rhinebeck land areas so that standards shall be equal to or more restrictive than current standards.

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

Explanation of Policy

Proposed or existing land use in the waterfront area of the Town or adjacent areas shall not cause the generation of significant amounts of nitrates or sulfates. The Town will utilize environmental quality review procedures to examine applications for proposed commercial and industrial uses and ensure that appropriate air quality permits have been granted before any project approvals are given to assist in the State's efforts to control acid rain. These efforts will enhance the continued viability

of coastal fish and wildlife habitat areas, agricultural areas, historic and scenic resources, and water resources.

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

Explanation of Policy

No salt water or marine tidal wetlands are found within the Local Waterfront Revitalization Area or elsewhere within the Town of Rhinebeck.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. Some of the wetlands along the Hudson River shore are subject to tidal action and may be called freshwater-tidal wetlands.

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

1. 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;
2. erosion, flood and storm control;
3. natural pollution treatment;
4. groundwater protection;
5. recreational opportunities;
6. educational and scientific opportunities; and
7. aesthetic open space.

Freshwater wetlands affected by tides are among the Town's most significant scenic and biological resources. These wetlands, found in the natural and railroad-created coves of the Town, support a variety of vegetation types and wildlife habitats. Cove areas from north to south within the Town are: Mandara South Cove, Matambeson Cove, Clifton Point Cove, Astor Cove, Slate Dock Cove North, Slate Dove Middle, Long Cove, Cattail Cove, Stream Cove, Suckley Cove and Vanderburgh Cove. Of the several natural coves in the Town, Vanderburgh, Suckley, and Astor Coves are considered the most ecologically significant.

Vanderburgh Cove, together with Suckley Cove and adjacent shallows areas, has been designated a Significant Coastal Fish and Wildlife Habitat by the NYS Department of State and a Significant

Natural Area by the Dutchess County Environmental Management Council (EMC). It is important to spawning and feeding fish, migrating ducks and as an osprey feeding area. It is used by resting marsh wrens and by herons and egrets in late summer. See [Map 4, "Natural Resources Inventory"](#), and Policy 7A

Astor Cove, also named a Significant Natural Area by the EMC, supports extensive fish and birdlife. It is unique because of its stand of wild rice and as a valuable feeding area for ducks. See [Map 4, "Natural Resources Inventory"](#), and Policy 7B.

Those areas surrounded by wetland vegetation, and in some cases wooded areas, are valuable from ecological and scenic points of view. Snyder Swamp, a hardwood swamp with permanent standing water in parts, must be preserved. This area of approximately 110 acres adjacent to Ferncliff Forest is regulated under the New York State Wetlands Act because of its extensive area. Activities such as draining, filling, dredging and other possible alteration are not permitted in this wetland area which is currently in private ownership and zoned for residential use. The Dutchess County Environmental Management Council (EMC) further designated Snyder Swamp, together with Ferncliff Forest and the Mudder Kill, as Significant Natural Areas.

In addition to the above identified freshwater wetland areas, the New York State Department of Environmental Conservation has designated eleven freshwater wetland areas within the Town's Coastal Area. These wetland areas are as follows and shall be protected according to the provisions of this policy (See [Map 4, the NYS Freshwater Wetlands Map](#) in Appendix E, and Policies 7D and 7E.):

- KE-4 - - Class II
- KE-5 - - Class II
- KE-6 - - Class III
- KE-7 - - Class III
- KE-8 - - Class III
- KE-9 - - Class III
- KE-24 - - Class II
- KE-26 - - Class II
- KE-27 - - Class II
- KE-29 - - Class II
- HP-31 - - Class I

To protect wetlands it will be necessary to:

1. Avoid negative affects of various development factors including pollution of streams, e.g., by runoff from railroad and highway maintenance practices and agricultural areas.
2. Work with the railroad to ensure that the railroad either stops (or does not resume) particularly negative railroad maintenance practices including:

- a. the spraying of the railroad bed and surrounding area with herbicides to limit the growth of vegetation near the tracks which may kill plant life in the cove wetland areas and threaten wildlife habitats;
 - b. scattering of old railroad ties permeated with creosote or other wood preservatives that can both add chemicals to the coves and can block water passing through areas under railroad bridges interfering with tidal flow; and
 - c. pushing vegetation into the coves which can increase the herbicide and nitrogen levels of the coves.
3. Continue the use of the Land Conservation (LC) and Water Resource Protection Overlay (WRP-O) District requirements which includes setback of development from Town streams and wetlands areas including the Hudson River shoreline, bluff and wetland areas, stream corridors, Snyder Swamp and the Millpond.
 4. Utilize site plan and subdivision reviews and large lot, low density zoning to require adequate setback from the Hudson River shores.
 5. Utilize strict enforcement of applicable wetland regulations, both State regulations as promulgated and administered by NYSDEC and Federal regulations as promulgated and administered by the U.S. Army Corps of Engineers.

See Policies 1, 2, 7, 7B and 7C.

SECTION IV PROPOSED USES AND PROJECTS

INTRODUCTION

The description and map of the proposed land and water uses within the Local Waterfront Revitalization Area boundaries of the Town of Rhinebeck reflects a series of revisions or modifications to the Comprehensive Plan first prepared for the Town in 1969. See [Map 11, "Proposed Land and Water Uses"](#).

The modifications to the 1969 Comprehensive Plan were responses to planning issues or concerns that became apparent during the initial late 1980's preparation of the LWRP and reflect issues raised by a variety of groups and sources during the period including: the Dutchess County Planning Board in the Rhinebeck Transportation Study; the Hudson River Shorelands Task Force in the Mid-Hudson Historic Shorelands Scenic District Management Plan; the Rhinebeck Conservation Advisory Council in its role as Waterfront Advisory Committee and the Town's planning consultant.

These issues or areas of concern, which were concurrently reflected in the Town's then concurrent Comprehensive Plan Update (1989), include:

- Preservation of rural, low density qualities of the Town;
- Protection of environmentally sensitive areas;
- Provision of public access to the Hudson River and its tributaries;
- Preservation of historic sites, buildings, landscaped grounds and features;
- Preservation and enhancement of scenic vistas/areas/roads;
- Preservation of stone walls, culverts and bridges;
- Provision of public access to scenic vistas;
- Preservation of ground and surface waters;
- Preservation of agriculture and important agricultural / farmland soils;
- Preservation and, where appropriate, expansion or addition of recreation and open space areas and their uses;
- Promotion of tourism with appropriate controls;
- Improvement or mitigation of traffic and parking problems;

- Compatibility of future development with existing development, including compatibility of new architecture with historic structures;
- Limitation on sprawl of commercial development and setting of design standards to both improve existing commercial sites and guide new construction;
- Appropriate siting of development with regard to flood hazard areas or steep riverbank areas; and
- Creation and utilization of linkages for recreation and open areas.

Today, as this LWRP is being completed, the Town is nearing completion of a highly-participatory process (2003 – present) for its Comprehensive Plan Update and refining of the community's approach to carrying out these long-standing, and still very appropriate, land use policy choices.

A draft Comprehensive Plan has been issued and proposed amendments to the Town's land use controls that would implement the Plan are being prepared for consideration by the Town Board in 2007.

A. PROPOSED LAND AND WATER USES

In a manner similar to the discussion of "Zoning" in Section II of this LWRP, the below discussion of "Town Plan for Proposed Uses" is based upon the Town's current Comprehensive Plan, as adopted in 1989. The Comprehensive Plan is presently being updated with it anticipated that land use preferences will be expressed by the Master Plan Committee within the updated Plan that will reflect even more strongly the land use policies discussed in Section III of this LWRP.

Town Plan for Proposed Uses

See [Map 11, "Land Use Plan"](#)

The land and water uses plan for the Local Waterfront Revitalization Area of the Town of Rhinebeck largely reflects a desire to preserve the existing historic, scenic and environmental features of the coastal area and a desire to maintain open, low density rural and estate areas along the shoreline and surrounding the commercial and residential centers of activity in the Village of Rhinebeck and the hamlet of Rhinecliff.

Most of the waterfront revitalization area is shown in limited or low-density residential use which will permit no more than a single-family or two-family dwelling per five acres and encourage clustering and the related retention of natural environmental features, agricultural activity, preservation of historic and scenic estates and estate grounds, location of water-related recreation facilities and avoidance of construction in areas of flood or erosion hazards.

Areas north of the Village and east of the Old Post Road, as well as areas to the south of the Village and east of Route 9, are also indicated for low-density residential use with single-family residences; however, in these locations, single-family and two-family dwellings will be permitted on three acres of land.

Moderate-density residential uses, with densities of one dwelling per acre are permitted within the hamlet of Rhinecliff, within the Route 308 corridor between Rhinecliff and the Village of Rhinebeck, and along Old Post Road.

Commercial use is indicated for some of the northeastern portion of the coastal area in the vicinity of Hook Road and Route 9G. Neither public water nor sewer service is available in these areas and any use must not be a nuisance or detriment to either the environment or neighboring properties. An area of less than four blocks in the center of the hamlet of Rhinecliff is zoned Rhinecliff Business (RB) District and recommended for small-scale commercial uses. While this area currently has public water service its development is constrained by both lack of municipal sewage facilities and limited parking opportunities.

Substantial land area within the LWRA is depicted within the "public / quasi-public" category, which means that it is the policy of this LWRP to perpetuate these types of uses. These lands include the Ferncliff Nursing Home; the Astor Home; the former Holy Cross School; the Linwood Sisters of St. Ursula Retreat; the Daytop facilities (the former Rhinebeck Country School) and both the Wilderstein Preserve and Southlands Foundation properties. Smaller areas in this category include the Town Garage, water treatment plant, a firehouse, the Amtrak train station, the Starr and Morton Libraries, and a number of churches.

In addition, the Ferncliff Forest and Snyder Swamp areas are shown in a Conservation category, as are the major streams in the Town -- the Landsman Kill, the Rhinebeck Kill, Fallsburg Creek and the Mudder Kill. This category indicates environmentally sensitive and flood-prone areas where development needs to be severely limited.

The Town Recreation Center / Park, including the recently-acquired Rhineson property, is shown in the Parks category, as is a substantially smaller area in Rhinecliff, Memorial Park.

The Rhinecliff Dock/Town Landing is shown in a Water-Related Recreation category. At the Town Dock, the Town installed its first set of low floating docks for paddle sports in Spring of 2005 and rebuilt the trailer ramp for use in Spring of 2006. Additional sites are shown with an asterisk to indicate that these areas would be suitable for possible future water-related recreational uses, if it becomes feasible to provide a safe means of crossing the railroad tracks at these locations.

Additional use of the Rhinecliff Dock/Town Landing may be forthcoming as a result of the on-going study of potential passenger ferry service linking Rhinecliff with Kingston, Tivoli and other nearby riverfront communities.

The Town dock is currently used for boating, fishing, and passive recreation. Floating docks were built in 2004 for canoe/kayak launch and retrieval, and four bulkhead tie-up posts were installed to accommodate four boats. A gazebo, two grills, and four picnic tables were also built. The boat trailer launch ramp was renovated in time for use in 2006. It is preferred to the floating docks for car top boat launch and recovery by paddle boaters since the floating docks require carrying the boat further to the car parking areas. The dock area has been used for embarking and debarking ferry passengers and fishermen angling during the annual Hudson River striped bass spawn from March to June. Reinforcing the dock for new ferry service has been considered to accommodate a new larger ferryboat. Currently, the Town is focused on scheduling special events at the dock such as a summer concert series and second annual Rhinebeck Waterfront Day.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS

1. Public Projects

See [Map 12, "Proposed Projects"](#).

a. Improvements to the Town Dock / Town Landing at Rhinecliff

The Town has undertaken a series of improvements at the Town Dock/Town Landing, previously utilized as the location of the Kingston-Rhinecliff Ferry dock, and plans other improvements. (See description in Coastal Access Points Section of the Inventory Part II).

b. Waterfront Walkway.

The Town has suggested development of a waterfront walkway, or "boardwalk", along the riverfront linking the Town Dock first to Slate Dock and ultimately to Long Dock.

c. Evaluate areas suitable for establishment of Scenic Lookout / Pull-off or Parking Area(s)

The Town wishes to establish a series of scenic lookout/pull-off or parking areas throughout the Town for use of the public; generally for viewing the Hudson River with west shore areas in the background and for viewing adjacent cove areas. A study will need to be undertaken to evaluate scenic vistas shown on [Map 4](#) and to identify appropriate areas for pull-offs or parking areas. Officials will seek to utilize or acquire an easement or title to a portion of land, possibly through subdivision review, suitable for parking that will give visual access or, in some cases, physical access to a stream or cove for active and passive recreation purposes. The Town will, where appropriate, negotiate with the New York State Department of Transportation

or the County Highway Department to construct pull-off areas that the Town will maintain.

d. Continuation of a Stream Quality Monitoring Program

Many Town officials and residents wish to continue and expand the flow data and water quality testing program begun several years ago on the Landsman Kill and Rhinebeck Kill. This program under the auspices of the Conservation Advisory Council included monitoring the streams at four to six locations along the Landsman Kill and three locations along the Rhinebeck Kill. Flow gauging equipment is required for the effort as well as funds for simple tests to examine alkalinity, hardness, chlorides, nitrates and phosphates and more sophisticated tests to examine other water quality aspects including bacterial level.

e. Bio-Diversity Assessment and Mapping Project

The Town's Conservation Advisory Council has recently undertaken training and is pursuing a project in bio-diversity study and associated mapping of the entire Town, including the LWRA, which will assist both project sponsors and local boards in evaluating ecological and environmental impact of proposed development.

f. Geographic Information System (GIS)

The Town with the assistance of the Dutchess County Planning Department is developing a GIS-based series of land use and environmental features maps of the Town, including the LWRA, which will be coordinated with the bio-diversity assessment and likewise be a useful tool for both project sponsors and the local boards in planning and evaluating proposed development.

g. Improvements to the Town Recreation Center and Park / Master Planning of the Rhineson Property

The Town of Rhinebeck continues to provide maintenance and undertake improvements to the Town Recreation Center and Park on Rhinecliff Road. Recent initiatives have included the acquisition of additional land, i.e. the Rhineson property, and the initiation of a master planning process (2004 – 2005) to develop a physical plan, time schedule and budget for the development of the property for expanded park and recreation use.

h. Establishment of a Trail System

The Town is interested in establishing expanded trail systems for bicyclists, hikers, horseback riders and cross-country skiers utilizing portions of the abandoned Central New England Railroad right-of-way, as well as portions of major subdivisions set aside for this purpose. A priority link of this trail system is a path connecting the Rhinecliff Dock area and the Town Recreation Center. A 25-mile "bike and hike" trail system has, in fact, been initiated throughout the LWRA.

This initiative is consistent with the regional objective of developing within the LWRA a portion of a continuous, north-south Hudson River Greenway Trail which would include direct linkages to Red Hook, Hyde Park and the Village of Rhinebeck.

i. Study of Alternatives to Extending the Village of Rhinebeck Sewer System to Include the Hamlet of Rhinecliff and Other Locations Proposed for Future Development

The hamlet of Rhinecliff periodically experiences problems associated with faulty individual on-site septic systems supported by poor soil conditions and serving too great a density of development. Examination of the feasibility of extending the Rhinebeck Village sewer system and a fruitful search for funding to complete the project has long been an objective of the Town; alternative arrangements that might involve a combined private / public initiative that would not involve the Village's facilities and would accomplish the same objective are being considered by the Town as part of its on-going Comprehensive Plan Update.

j. Efforts to Secure Agreements and/or Funding for Necessary Construction, Maintenance and/or any Repair of Bridges across the Railroad Tracks

In addition to the efforts recently undertaken by the Town and NYSDOT which secured pedestrian and vehicular access to the Hudson River at the Town Dock / Landing in the hamlet of Rhinecliff, efforts will be encouraged to preserve the existing vehicular bridge at The Meadows and provide for the installation of bridges at Long Dock, Slate Dock, and Morton's Dock where there are existing legal rights to crossings of the railroad tracks.

k. Road scape Improvement / Efforts to Preserve Existing Trees and to Plant New Trees

Efforts will be undertaken to establish a Town program for tree maintenance and planting. Such programs will serve to protect and enhance these natural resources that contribute substantially to the scenic quality of the landscaped grounds and scenic roads of the coastal area.

1. Preparation of a Harbor Management Plan

The Town of Rhinebeck has recognized the need to manage its near shore areas of the Hudson River and intends in the future to prepare a Harbor Management Plan (HMP). The HMP would expand upon the discussion in the LWRP and more fully address potential conflict, congestion, and competition for space in the use of a community's surface waters and underwater lands and provides the opportunity to identify various alternatives for the optimum use of the waterfront and adjacent water surfaces.

Section II defined the key harbor management issues of local and regional significance concerning use of the waters and near shore areas in the Town of Rhinebeck. These are the lack of public boat docking and launch area, limited potential marina space opportunities, the limited facilities available for transient boaters and commercial tour boats, potential opportunities for shoreline trails and walkways, and the potential competing demands on the Rhinecliff Dock/Town Landing that may occur if ferry service, as presently being studied, is established between Rhinecliff, Kingston and other nearby riverfront communities.

The Town of Rhinebeck has identified throughout this Section proposed projects to address many of these issues and has established as policy the following order of priority for land uses on the immediate waterfront: water-dependent uses, water-enhanced uses, and non-water-dependent uses.

In its application of the above order of priority, the following uses and facilities are considered as water-dependent:

- uses which depend on the utilization of resources found in coastal waters;
- recreational activities which depend on access to coastal waters;
- structures needed for navigational purposes;
- flood and erosion protection structures;
- facilities needed to store and service boats;
- scientific/educational activities which, by their nature, require access to coastal waters;
- support facilities which are necessary for the successful functioning of permitted water-dependent uses; and
- commercial/recreational water transportation.

In addition to water-dependent uses, which were specifically authorized through the Zoning Law Amendments cited in Section V-A (2) and enacted in 1991, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. Water-enhanced uses are those that may benefit economically from a waterfront location, but do not require it for their operation, and provide for public enjoyment of the waterfront.

Water-enhanced uses, such as hotels, restaurants or parks often attract people to the waterfront, providing economic stimulus within the community and passive recreational public access opportunities for the general public. Allowing water-enhanced uses is often necessary and important in order to generate revenue to support or maintain water-dependent uses. Appropriate water-enhanced uses should be part of a mix of uses on the waterfront in the Town of Rhinebeck. Non-water related uses are not suitable for the Rhinebeck waterfront and the Town and other governmental agencies will make every effort to direct such uses to suitable inland locations.

In addition, upon preparation of a Harbor Management Plan, the Town will examine and consider the desirability of enacting a local law to extent Town authority to regulate structures and other activities in the Hudson River, pursuant to authority given to the Town under Article 42 of the NYS Executive Law.

m. Underwater Lands Inventory.

In consideration of the Public Trust Doctrine and related Chapter 791 of the NYS Laws of 1992, as discussed within Section III in the explanation of Policy 20, the Town will undertake a study within the Rhinebeck LWRA of the public trust lands and those lands that have been leased or granted to private interests. This inventory and assessment will have three principal objectives:

- to identify nearshore areas (underwater land) where ownership, jurisdiction and right to use the property may be unclear or undocumented in current local codes, programs and/or plans;
- to document and clarify the ownership, jurisdiction, and usage rights on these properties; and
- to evaluate how this information may affect local and State management of water and waterfront areas and, more specifically, how this information can be best utilized by the Town to improve public access and recreational opportunities, protect and promote water-dependent uses and maintain scenic quality.

2. Private or Not-for-Profit Organization Projects

a. Preservation of Wilderstein Property and Adjacent Lodge

The Wilderstein Estate, located on Morton Road two miles south of Rhinecliff and including a landmark Queen Anne-style main house, large carriage house and 35 acres (much of it landscaped), was donated about 15 years ago by its owner to Wilderstein Preservation, Inc., a not-for-profit organization committed to preserving and enhancing this property for public, educational and light recreation purposes.

An abutting property, once part of the Wilderstein Estate, containing a lodge / residence and one acre of land was also purchased by Wilderstein Preservation, Inc., jointly with Scenic Hudson, also a not-for-profit organization, to assure preservation and adaptive re-use of the lodge.

Negotiations with other property owners adjacent to the two parcels have been successfully undertaken to secure buffer areas and/or easements to assure access to the Hudson River waterfront (Wilderstein / Morton Dock area), to protect the parcels from impacts of future adjacent development, to facilitate adaptive reuse of the carriage house, and to provide opportunity for improvement of the dock area.

b. Repair to or Replacement of the Observation / Look-Out Tower at Ferncliff Forest

Ferncliff Forest Inc., a not-for-profit corporation which manages the forest preserve area, is seeking funds for the repair or replacement of the observation tower at the top of Mount Rutsen, the highest location in the coastal area of the Town. The observation tower, no longer usable because of deteriorated condition, once offered excellent views of the Hudson, the west bank of the River and the Catskill Mountains. Hiking trails lead through the forest, an environmentally important recreation area, to the top of Mount Rutsen.

c. Southlands Foundation

Southlands Foundation, located three miles south of the Village of Rhinebeck on U.S. Route 9, is a seventy year-old horse farm on 200 acres within the LWRA. Its mission is to instill in the public a love of the land, chiefly through the sport of horseback riding. In addition to a regular boarding and riding program, Southlands Foundation offer use of a marked trail system, reduced rate riding lessons for school children through an arrangement with the Rhinebeck PTSO, and a therapeutic riding program for disadvantaged students at the Anderson School in Staatsburg. This year the trails at Southlands will additionally be utilized by the local high school for conditioning athletes in its track program. The Foundation welcomes the responsible use of its facilities for similar activities. The majority of Southlands is under a conservation easement held by Scenic Hudson, Inc.

3. Joint Public/Private Projects

a. Road scape Improvement / Efforts to Promote the Repair of Stone Walls

A Town committee was formed in the early 1980's to promote the repair of stone walls, with restoration of walls along River Road as the group's first priority. Education efforts were intended to be undertaken to inform property owners, highway/public works departments and utility companies on techniques for maintenance and repair of walls. Funding was intended to be sought for repair and

maintenance of walls in order to preserve these features which significantly contribute to the character and beauty of roads designated as "Scenic Roads" in the Town. Rejuvenation of this effort would be a worthy objective.

b. Efforts to Establish Historic Preservation Programs

Town officials will work with local and regional groups interested in historic preservation, such as Hudson River Heritage, to provide education programs to make and keep residents aware of technical assistance, funding assistance for and/or tax benefits that could be received for historic preservation efforts on designated significant structures. Education programs can also be used to inform residents, officials, and utilities on techniques for maintenance and repair of historic features such as stone walls and historic landscapes. Local officials and interested citizens will also attempt to establish a program to provide and/or coordinate provision of low-interest loans for historic preservation.

c. Efforts to Establish Water-Related Recreation Facilities at Possible Coastal Access Points

Public and private efforts need to be encouraged that would permit or facilitate the siting of water-related recreation facilities at locations identified as possible future public or public/private access points, such as the Slate Dock, Long Dock or Wilderstein / Morton Dock areas (see list in Section II for other possible access sites). Careful consideration needs to be given to, and funding will have to be sought for, construction of safe above-grade railroad crossings.

d. Efforts to Restore and Expand Ferry Service

Public and private efforts need to be encouraged to restore ferry service from the Town Landing to Kingston, with links to other communities, including Tivoli, desirable.

e. Continue Municipal Support of Winnakee Land Trust Activities and Those of Other Conservation Organizations

The Winnakee Land Trust is an outgrowth of the former Mid-Hudson Scenic Shorelands Task Force. Land Trust activities have been undertaken by public officials and private citizens for projects in the public interest largely supported by private funds. Continued participation by Rhinebeck residents in Winnakee Land Trust activities, and the activities of like-minded conservation organizations, to implement recommendations outlined in the LWRP and Scenic District Management Plan will be desirable.

f. Identify Open Space Areas for Preservation and/or Protection

Identify sites in the coastal area that would be desirable for preservation and/or protection as open space or agricultural lands through such means as acquisition or transfer of development rights, use of scenic or conservation easements or clustering, most particularly focusing on those lands that by virtue of their location or their ownership might be most opportune for development.

**SECTION V
TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE PROGRAM**

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Town Laws and Regulations

a. Zoning Law (Town Code Chapter A 136)

As stated earlier in Section II of this LWRP, the discussion of the Zoning Law below, is based on the Town's Zoning Law, as adopted in 1989 (and as amended from time to time) and underpinned by the Town's then-current Comprehensive Plan. The Comprehensive Plan is presently being updated and with it anticipated recommendations will be made by the Master Plan Committee for amendments to the Zoning Law to reflect even more strongly than does the present Zoning Law the land use policies discussed in Section III of this LWRP.

1. The Zoning Law regulates how land is to be used, at what density and intensity and under what conditions. Most of the Local Waterfront Revitalization Area within the Town is zoned for residential use and the bulk is designated within the R5A Residential District for limited residential density (one single-family or two-family dwelling permitted for each 5 acres). Utilization of this five acre category assists the Town in preserving its rural, low density qualities and appearance and in protecting the scenic, historic and natural features of the waterfront areas of the Town.

Permitted uses in the R5A District include primarily agriculture and conservation uses, private stables, and one-and two-family dwellings. Special permit uses in this District include: elderly residential development, educational and/or institutional uses, hospitals, nursing homes, alternate care facilities, and offices, conference centers and land-extensive recreational and other uses, e.g. cemeteries, that are suitable for large lot, low-density areas and might serve as appropriate adaptive re-use opportunities for the large estates within the District. Authorized waterfront uses include marinas, boat clubs, docks and boat ramps.

The R3A Residential District, where the minimum residential lot area is three acres, is found north of the Village and east of the Rhinebeck Kill, as well as south of the R1A Residential District adjacent to the Village and east of Route 9. Permitted uses in the R3A District are the same as those in the R5A District are the same as those in the R5A District; however, some additional special permit uses are indicated for the R3A District which include but are not limited to fairgrounds, hotel or motel, public or franchise utility stations or structures, and extractive operations including soil mining.

Some portions of the waterfront area, primarily the hamlet of Rhinecliff, both sides of the Route 308 corridor between Rhinecliff and the Village of Rhinebeck and the Old Post Road corridor north of the Village, are zoned within the R1A Residential District, which generally requires a minimum lot area of one acre. Permitted uses are slightly more restrictive in the R1A District, and special permit uses are somewhat fewer than in the other two residential districts; however, multi-family or row dwellings and townhouses are allowed as a special permit use in this district as is private commercial parking on land abutting a business district.

Pursuant to Section 278 (formerly Section 281) of New York State Town Law, and with the specific authorization of the Town Board, the Planning Board may authorize clustering of dwelling units in the R5A, R3A and R1A Districts, provided that the density remains the same as is required for single-family dwellings. In fact, the Planning Board is further empowered to mandate the use of open space or cluster subdivision as a land development technique where the Board finds this approach to be desirable to carry out a beneficial development pattern while protecting natural and other environmental features of a project site and its adjoining lands.

The Town's Land Conservation (LC) category has been designed for environmental preservation purposes. Ferncliff Forest and portions of the Mudder Kill are included in this designation, as are lands extending 75 feet from the high water mark on both sides of NYSDEC-classified streams within the Town of Rhinebeck. The LC District is complemented by Flood-Fringe Overlay (FF-O) and Water Resource Protection Overlay (WRP-O) Districts.

Commercial zoning within the Town's waterfront revitalization area is quite limited with one area within the hamlet of Rhinecliff designated Rhinecliff Business (RB), an area along Hook Road in the northern portion of the Town (close to the Kingston-Rhinecliff Bridge approach) designated for Highway Business Park (HBP), and an area south of the Village boundary and east of Route 9 designated Gateway (G) District.

Sign regulations, parking standards, general performance standards, including criteria on storage of flammable liquids and descriptions of the threshold levels of noise, smoke, odor, particulate matter, noxious gases, glare or radioactivity that would be considered a nuisance or be detrimental to neighboring properties are also included within the Zoning Law.

In addition, a detailed site plan review procedure and associated submission requirements and review criteria are incorporated within the Zoning Law, including reference to the Town's Design Guidelines. Site plan review is used to assure that the proposed development of a site is acceptable and consistent with all of the regulations. Since much of the land in the coastal area includes large estates that are to some extent subject to development pressures, thorough site plan review is necessary to preserve the desirable resources of the Town. Currently, site plans are generally required within the

Town for use other than individual one- or two-family dwellings and agricultural or conservation uses permitted as a matter of right.

2. The Zoning Law deals most closely with Policies 1 and 2 of the LWRP relating to development in the waterfront revitalization areas. However, the large lot, low density residential zoning, particularly when coupled with clustering, can help to:
 - a. Protect historic properties along the riverfront, so that this ordinance also can serve to implement Policies 23 and 23A;
 - b. Provide sufficient area for buffer and setback areas to preserve scenic vistas and scenic roads implementing Policies 24A and 24B;
 - c. Provide a means to preserve natural habitat and environmentally sensitive areas to enforce Policies 7, 7A, 7B and 44; and
 - d. Continue agricultural activity in the Town, furthering Policy 26A.

The Land Conservation District regulations particularly address Policy 7A on the protection of the natural resources of Ferncliff Forest, Policy 7B on protection of streams, Policies 11 and 17 on flooding hazards and Policy 44 on protection of wetlands.

Sign regulations primarily implement the scenic quality policies 24A and 24B, and the section on storage of flammable liquids, complemented by the standards set forth for the WRP-O District, implements Policy 36 relating to the shipment and storage of petroleum and other hazardous materials.

The General Performance Standards can be used to implement policies dealing with protection of the natural environment, particularly Policies 7 and 44; protection of ground and surface waters, Policies 30 and 38; and maintenance of air quality standards, Policy 41.

In addition, since a site plan shows existing and proposed uses, structures, and features for a particular parcel of land and includes an inventory of open space, major natural and man-made landscape features, utility and drainage plans and access and circulation patterns, the reviewing board can examine each component part of the plan, the interrelationship of the parts and how the proposed plan relates to the surrounding area. In this way, the following policies of the LWRP can be implemented: Policies 1, 2 and 5 on development of waterfront areas; Policies 23, 23A on protection of historic sites and areas; Policies 24A and 24B on protecting and enhancing scenic resources, e.g. by requiring suitable buffer areas to maintain the open space appearance of scenic roads; Policies 7, 7A, 7B and 44, by requiring suitable setbacks to protect environmentally sensitive areas such as wetlands or animal habitat areas; Policies 11, 12 and 17 on suitable siting of buildings and other structures and undertaking activities to minimize

flooding and erosion hazards; Policies 18 and 27 on possible siting of major facilities in the coastal area; and Policies 33, 38 and 39 on protecting coastal waters.

b. Local Law Regulating Usage of the Town Dock (Town Code Chapter 58)

1. This local law indicates that the Town dock areas are closed to the general public and to all vehicles between 10:30 PM and 5:30 AM.
2. This local law has been designed to regulate the hours of public use of the Town dock in order to try to promote safe use of a public site that offers opportunities for public access for waterfront recreation activities and commercial fishing activities. This law therefore implements or enforces public access Policy 19A relating to the Rhinebeck Town Dock.

c. Local Law Regulating Disposal of Solid Wastes (Town Code Chapter 95)

1. This local law regulates the disposal of garbage and rubbish in the Town by establishing a comprehensive solid waste management / resource recovery facility program.
2. This local law implements Policy 38 of the LWRP by protecting the quality of groundwater and surface water supplies.

d. Historic Buildings Protection Law (Town Code Chapter 78) (See Appendix D)

1. This local law provides for the recognition of historic buildings within the Town and establishes a process providing for “careful, thoughtful evaluation of any proposed action that would cause the demolition or removal of any such recognized historic building”.
2. This local law implements Policies 23 and 23A on the protection of historic structures.

e. Environmental Quality Review Regulations (Town Code Chapter 68)

1. These Town regulations implement the State Environmental Quality Review Act. These regulations adopt the State regulations by reference and establish thresholds and procedures to assure full review of environmental impacts of proposed actions, improvements and developments within Rhinebeck.
2. These regulations further specify the Town’s lead agency for certain direct actions and should be modified, in response to intervening changes in State enabling legislation, to provide for the Town Board, instead of the Planning Board, as lead agency for consideration of the Town’s Comprehensive Plan.
3. These regulations implement and enforce many policies described in the LWRP, but they are especially relevant to: Policies 1, 2, and 5 on redevelopment of waterfront areas; Policies 7, 7A, 7B and 44 on protection of natural areas and fish and wildlife habitats;

Policy 8 on protection of fish and wildlife from the introduction of hazardous wastes; Policies 11 through 17 relating to flood and erosion hazards; Policy 18 regarding proposed actions; Policy 21 involving water-dependent and water-enhanced recreation; Policies 23 and 23A involving protection of historic sites; Policies 24A and 24B, regarding scenic quality; Policy 26A, involving the protection of agricultural lands; Policy 27, about siting energy facilities in the coastal area; Policy 28 on ice management practices; Policy 29 relating to any development of energy resources; and Policies 30, 32, 33 and 35 through 41 pertaining to water and air resources.

f. Flood Damage Prevention Local Law (Town Code Chapter 73)

1. This local law regulates development within the flood hazard areas of the Town, as defined on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA).
2. This local law can be used to minimize danger to life and damage to property, thus implementing the following flood hazard prevention policies of the LWRP: Policy 11, on siting of structures to minimize damage; Policy 12, on protection of natural protective features including bluffs; Policy 14, preventing increase in flooding; and Policy 17, on use of non-structural measures to minimize damage from flooding.

g. Land Subdivision Regulations (Town Code Chapter 101)

1. The Town's Land Subdivision Regulations specify how vacant land in the coastal area can be divided into building lots. The regulations included procedures for submitting plans; how lots are to be laid out; how sanitary wastes must be treated; how the water supply and distribution system is to be handled; how road and drainage improvements must be implemented. The Town Planning Board can mandate the use of cluster or open space subdivision for a particular parcel.
2. The Land Subdivision Regulations are important in implementing several policies of the LWRP including: Policies 1 and 2 on appropriate utilization or redevelopment of waterfront parcels; Policy 5, for suitable location of development with regard to public services and facilities; and Policy 17 on use of non-structural means of erosion control whenever possible. Moreover, by utilization of "open space subdivision" or clustering arrangements, these regulations can be used to: protect historic sites and areas, Policies 23 and 23A; to protect and enhance scenic resources, Policies 24A and 24B; protect environmentally significant areas, Policies 7, 7A, 7B and 44; maintain agricultural areas, Policy 26A; and require appropriate siting of buildings and structures and undertaking of activities to avoid flooding and erosion hazards, Policies 11 and 12.

As in the instance of the Town's Zoning Law, it is anticipated the Land Subdivision Regulations will also be amended upon recommendation of the present Master Plan Committee to more strongly reflect the land use policies set forth in Section III of this LWRP.

2. Additional Local Laws, Amendments to Existing Local Laws and Regulations Adopted to Further LWRP Implementation

a. LWRP Waterfront Consistency Review Law (See Appendix C)

1. This proposed law has been adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this law is to provide a framework for agencies of the Town of Rhinebeck to incorporate the policies and purposes contained in the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the coastal area; and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes.
3. It is the intention of the Town of Rhinebeck that the preservation, enhancement and utilization of the unique coastal area of the Town take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate limited population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss and degradation of living coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
4. This local law serves to implement all of the policies of the LWRP, but is primarily used to strengthen development policies 1 and 2, and to expedite permitting procedures, Policy 6. (See Management Structures, Part C. below.)

b. Zoning Law Amendment / Uses Authorized in R1A and R5A Zoning Districts (Town Code Chapter A 136)

1. The uses authorized within the R1A and R5A Districts under the Town's Zoning Law were amended in 1991 such that marinas, boat clubs, docks and boat ramps were added as special permit uses.
2. These revisions primarily serve to implement Policy 2 on siting of water-dependent uses and Policy 12 on preservation of natural protective features.

c. Zoning Law Amendment / Regulations for the Siting of Utilities and Transmission Towers (Town Code Chapter A 136)

1. The Town Zoning Law was revised in 1999 to include conditions for the appropriate siting of utilities and transmission towers (i.e. communications facilities and towers) to protect environmental features, scenic resources and public access to the water.
2. Such revisions serve to implement Policies 7A, 7B and 44 on protection of environment features, Policies 24A and 24B on protection of scenic resources, Policies 2 and 22 on siting of water-dependent uses and Policies 19 and 20 on public access to the shorefront.

B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

In addition to the local laws and regulations identified in subsection A above, a number of other public and private actions will be necessary to implement to Town's LWRP:

1. Local Government Actions Necessary to Implement the LWRP

a. Preparation and Use of Zoning Guides

These zoning guides will be used to clarify and interpret existing regulations and procedures for municipal officials, reviewing boards and applicants. The guides will consist of a series of pamphlets which will be distributed, as appropriate, according to the types of action.

These zoning guides will primarily be used to implement Policy 6 by expediting permit procedures. In addition, since the guides provide information and clarification on procedures for site plan review and subdivision review, they may strengthen use of above implementation steps discussed above.

Ultimately it is the Town's hope these guides and similar materials will be available on the Town web-site.

b. Preparation and Use of a Cultural Resources Map

Rhinebeck has prepared a cultural resources brochure with map which describes and locates places of scenic and historic importance, recreational sites and community points of interest within the Town, as well as a description and map of the Mid-Hudson Historic Shorelands Scenic District / Local Waterfront Revitalization Area.

This brochure with map is to be used by residents and visitors to increase their knowledge of and interest in natural and man-made resources of the Town. As such, it primarily implements Policy 1A on encouraging economic growth of the business sector of the Town. In addition, by increasing community awareness of its valuable historic, scenic and recreational resources, in the long run it may serve to increase the extent of efforts to preserve those resources.

c. Establishment of Position of Historic Preservation Advisor

The historic preservation advisor works with Town boards and applicants to preserve, protect and enhance historic properties.

The efforts of historic preservation advisor will serve to implement Policies 23A and 24A on protection of historic and scenic resources.

d. Use of the Mid-Hudson Historic Shorelands } Scenic District Management Plan

The Mid-Hudson Historic Shorelands Scenic District Management Plan} includes development and design guidelines so that natural and historic features can be protected, proposed developments can be designed to be consistent with the character or quality of the existing natural, scenic and historic environment. Developers can utilize the guidelines in planning projects or developments that will preserve and enhance scenic, historic and natural features of the Town and that will be compatible with existing. The Mid-Hudson Historic Shorelands Scenic District Management Plan will be used by municipal boards when reviewing proposed development projects, primarily in site plan and subdivision review.

The guidelines contained in the Mid-Hudson Historic Shorelands Scenic District Management Plan} can be used to implement several policies in the LWRP, including Policy 1 on revitalizing and redeveloping waterfront areas; Policy 2 on siting of water-dependent uses; Policies 7A, 7B and 7C on protecting significant fish and wildlife habitats; Policy 11 on siting of structures in the coastal area relative to flooding and erosion hazard areas; Policies 23, 23A, 24A and 24B on protection and enhancement of historic and scenic structures, features and areas; Policy 26A on protection of agricultural lands; and Policy 44 on protection of wetlands.

e. Efforts to Improve and/or Maintain Roadside Conditions

A variety of techniques will be utilized to improve or maintain roadside conditions, particularly on designated scenic roads. Conservation easements held by not-for-profit groups or municipalities will be encouraged to limit development immediately adjacent to the roadway. Local boards will use the guidelines found in Policy 24, and 24A-C as they work with local utility companies and local, County and State highway, transportation and/or public works departments to accomplish the underground placement of utility wires, appropriate preservation or trimming of trees, and appropriate road maintenance and improvement procedures to increase safety and protect stone walls and existing trees. Decisions on road realignments, resurfacing, speed postings, drainage work, snow removal, de-icing and any other roadway procedures should be made with regard to protection of scenic concerns.

Coordination of efforts to improve roadside conditions and to maintain and enhance scenic and historic areas and features will serve primarily to implement Policies 23, 23A, 24, 24A, 24B, and 24C.

f. Efforts to Reduce or Minimize Traffic Congestion at Intersections

Local boards and agencies at the Town and Village levels will work with the Town Highway Department, County Department of Public Works and/or State Department of Transportation to improve traffic conditions and reduce or minimize congestion at the intersection of major highways, particularly at the junction of Routes 9 and 308 in the Village of Rhinebeck and preferably through non-structural means including the encouragement of greater reliance on non-vehicular travel modes, including restoration of ferry service linking the Town Landing at Rhinecliff with nearby communities such as Kingston and Tivoli.

The Dutchess County Department of Planning undertook a transportation study which included a series of recommendations for improving present and future conditions at the intersections that are currently the most congested and that will probably be most heavily impacted by future development. The Town needs to determine which recommendation(s) it wishes to implement and work with the Village of Rhinebeck, the Town Highway Department, the County Department of Public Works and/or State DOT, as appropriate, to effectuate necessary changes.

Efforts to improve traffic conditions in the coastal area will implement Policy 19.

g. Use of Tax Incentives for New Waterfront Businesses

Under Section 485-b of the Real Property Tax Law the Town could initiate a program to grant tax incentives for new businesses that may locate along the shoreline for water-related uses that would be compatible with the existing built and natural environments, particularly where water-related recreation facilities represent a primary or multiple use of a parcel. Initial reduction of taxes could be up to 50% with decreasing incentives for the next nine years.

The Town's granting of tax incentives for development of compatible water-related uses would serve primarily to implement Development Policies 1, 1A and 2.

h. Expanded Use of Land Conservation District or Other Protective Mechanisms

Consideration might be given to expanded use of the Land Conservation District, the Water Resources Protection Overlay (WRP-O) District, or other mechanism to protect bluff areas, ridgelines, the Snyder Swamp and Millpond areas, and other environmentally sensitive areas within the LWRA.

Expanded use of the Land Conservation District or other mechanism would primarily implement Policies 7A and 7B on protection of significant habitat areas and Policy 44 on preservation of wetlands.

i. Request for Expansion of Railroad Station Parking Area

Town officials will continue to seek the cooperation and assistance of the New York State Department of Transportation and other concerned parties to enlarge the parking area near the Rhinecliff railroad station to accommodate additional numbers of train passengers and users of the Town Landing / Rhinecliff Dock facilities. This request will primarily implement Policy 19A on providing facilities to assure public access to Rhinebeck Dock area.

j. Request for Reclassification of Streams

The Town will continue to request that stream classifications be upgraded by NYSDEC so that stream corridors are adequately protected under the NYS Stream Protection Act.

k. Communication with Dutchess County Department of Public Works Concerning LWRP

Portions of River Road, South Mill Road, Morton Road and Mill Road are State-designated Scenic Roads. It is important to the preservation of the scenic character of these roadways that Dutchess County DPW employ maintenance and management techniques that will enhance and not destroy the scenic elements of these highway corridors, including such features as the presence of mature trees, stone walls, stone culverts and bridges, and limited but adequate cartway width.

l. Local Law No. 1, 2004, Greenway.

The Town Board's enactment of Local Law No. 1 of the Year 2004 provided for (1) the adoption of Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities as a statement of land use policies and principles and guides to supplement other established land use policies in the Town and (2) through related amendments to the Town's Zoning Law and Land Subdivision Regulations for guidance to reviewing agencies that the adopted policies, principles and guides may be taken into account in consideration of any discretionary action under these land use regulations.

Use of appropriate maintenance and management techniques would serve to implement Policies 24A and 24B on preservation and enhancement of scenic resources.

2. Joint Public and Private or Not-for-Profit Organization Efforts Necessary to Implement the LWRP

a. Use of Conservation Easements

1. Conservation easements may be held by municipalities or qualified not-for-profit organizations, such as local land trusts, as a means of limiting development in areas of historic, scenic, agricultural or environmental value.

2. Use of conservation easements could serve to preserve scenic, historic, agricultural and environmentally sensitive areas and thus can implement: Policies 7 and 44 on preservation of natural features and habitats; Policies 23, 23A, 24A and 24B on scenic and historic resources, and Policy 26A on agricultural resources.

b Use of Facade Easements

1. Facade easements held by municipalities or not-for-profit organizations can be used to prevent the alteration of, and facilitate the renovation of, historically significant buildings.
2. The use of façade easements can serve to implement Policies 23 and 23A on preservation and enhancement of historic structures.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

1. Local Actions

At the local government level, cities, towns, or villages with adopted Local Waterfront Revitalization Programs (LWRPs) are required to enact consistency provisions applicable to municipal agency decision-making, such as decisions involving actions requiring zoning changes, subdivisions, site plans, special use permits, municipal construction projects, and funding activities.

LWRP consistency review procedures are distinct but integrally tied to the State Environmental Quality Review Act (SEQRA) procedures. All Town agencies contemplating a direct action or receiving an application for approval of an action by others shall follow review and certification procedures set forth in the Town's LWRP Consistency Review Law. (See Appendix C)

The Supervisor of the Town of Rhinebeck and the Town Board will be responsible for overall management and coordination of the LWRP. Each Town agency will be responsible for determining whether its actions are consistent with the LWRP. A Waterfront Advisory Committee (WAC), as presently constituted pursuant to Town Code Chapter 118 in its entirety of all appointed members of the Town's Conservation Advisory Council (CAC), has been and will continue to be appointed by the Town Board to make recommendations to the Town Supervisor, the Town Board and other responsible Town agencies involved in the financing, permitting or approval of projects within the LWRA concerning consistency of actions with the Coastal Policies.

Whenever a proposed action is located with the waterfront area, the local agency under whose jurisdiction that action falls shall, prior to approving or permitting, funding or undertaking the action, seek the advice of the CAC. The CAC's advice shall be presented in writing and include, along with its consistency recommendation, any suggestions for

modifications the referring official or agency might consider that would make the proposed action more consistent with the LWRP or help advance the LWRP policies and standards.

Upon receipt of the CAC's report, the local agency with jurisdiction to approve or permit, fund or undertake the proposed action shall consider whether the proposed action is consistent with the LWRP policy standards and conditions. The local agency shall consider the consistency recommendations of the CAC, the Coastal Assessment Form, and other relevant information in making its written determination of consistency. No approval or decision shall be rendered for an action in the Town Waterfront Area without a written determination of consistency having first been rendered by the local Town agency.

In the event the CAC's recommendation is that the action is inconsistent with the LWRP, and the respective local Town agency makes a contrary determination of consistency, the local agency shall elaborate in writing the basis for its disagreement with the recommendation of the CAC, and state the manner and extent to which the action is consistent with the LWRP policy standards.

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

2. Local Review of Proposed State and Federal Actions

Proposed State and federal actions within the Town's Waterfront Revitalization Area will be reviewed in accordance with guidelines established by the New York State Department of State and set forth in Appendix F.

D. SUMMARY CHART OF LOCAL IMPLEMENTATION OF LWRP POLICIES

The following list summarizes the local laws, actions, and other mechanisms that will be used or supported by the Town of Rhinebeck to implement their LWRP.

Policy Implemented or Enforced by:

- | | |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy 1 | <ul style="list-style-type: none">- Environmental Quality Review Regulations.- Flood Damage Prevention Local Laws.- Zoning Law.- Improvements to Rhinebeck Town Dock.- Site Plan Review.- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)- Land Subdivision Regulations. |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points.
- Local Consistency Laws.
- Possible Use of Tax Incentives for New Waterfront Businesses.
- Creation of a Trail System.

Policy 1A

- Use of Cultural Resources Map.
- Use of Tax Incentives for New Waterfront Businesses.

Policy 2

- Environmental Quality Review Regulations.
- Zoning Law.
- Flood Damage Prevention Local Laws.
- Improvements to Rhinebeck Town Landing.
- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
- Site Plan Review
- Land Subdivision Regulations
- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points.
- Local Consistency Laws.
- Possible Use of Tax Incentives for New Waterfront Businesses.
- Revisions to R-1A and R-5A District Special Permit Uses.
- Regulations for Siting of Utilities and Communications Towers and Facilities.

Policy 3

- Not applicable.

Policy 4

- Not applicable.

Policy 5

- Environmental Quality Review Regulations.
- Site Plan Review.
- Zoning Law.
- Land Subdivision Regulations.

Policy 6

- Assignment of Responsibility for Coordinating and Reviewing Coastal Area Development to Waterfront Advisory Committee
- Keeping All Agencies Aware of LWRP and Consistency Review Procedures as Basis of Expediting Review.
- Local Consistency Laws.
- Use of Zoning Guide.

- Policy 7** - Not applicable.

- Policies 7A, 7B, 7C, 7D, and 7E**
 - Environmental Quality Review Regulations.
 - Zoning Law.
 - Flood Damage Prevention Local Laws.
 - Site Plan Review.
 - Land Subdivision Regulations.
 - Maintenance of Stream Monitoring Program.
 - Use of the Mid-Hudson Historic Shorelands} Scenic District Management Plan.
 - Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
 - Use of Conservation Easements.
 - Request for Reclassification of Streams.
 - Expanded Use of Land Conservation District, WRP-O District, or Other Mechanism
 - Examine Feasibility of Extending Village Sewer System to Rhinecliff or Alternative Facility Arrangement.
 - Regulations for Siting of Utilities and Communications Towers and Facilities.

- Policy 8**
 - Environmental Quality Review Regulations.
 - Review of Proposals through Land Use Permitting Procedures Included in the Zoning Law.

- Policy 9**
 - Creation of Scenic Lookout / Parking Areas.
 - Improvements to Rhinebeck Town Dock.

- Policy 10**
 - Improvements to Rhinebeck Town Dock.

- Policy 11**
 - Flood Damage Prevention Local Laws.
 - Environmental Quality Review Regulations.
 - Zoning Law.
 - Land Conservation District and WRP-O District in Zoning Law.
 - Land Subdivision Regulations.
 - Site Plan Review.
 - Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
 - Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)}

- Policy 12**
 - Flood Damage Prevention Local Laws.
 - Environmental Quality Review Regulations.

- Land Conservation District and WRP-O District in Zoning Law.
 - Land Subdivision Regulations.
 - Site Plan Review.
 - Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
 - Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)}
 - Revision to R-5A District Setback Requirements.
- Policy 13** - Environmental Quality Review Regulations.
- Policy 14** - Flood Damage Prevention Local Laws.
- Environmental Quality Review Regulations.
- Policy 15** - Environmental Quality Review Regulations.
- Policy 16** - Environmental Quality Review Regulations.
- Policy 17** - Flood Damage Prevention Local Laws.
- Environmental Quality Review Regulations.
- Zoning Law.
- Land Subdivision Regulations.
- Site Plan Review.
- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
- Policy 18** - Environmental Quality Review Regulations.
- Zoning Law.
- Site Plan Review.
- Policy 19** - Improvements to Rhinebeck Town Dock.
- Creation of Scenic Lookout / Parking Areas.
- Regulations for Siting of Utilities and Communications Towers and Facilities
- Efforts to Secure Agreements and/or Funding for Maintenance, Repair and/or Installation of Bridges over the Railroad Tracks.
 - Local Law Regulating Usage of the Town Dock.
 - Request for Expansion of Railroad Parking Area.
 - Restoration and Expansion of Ferry Service.
- Policy 20** - Improvements to Rhinebeck Town Dock.

- Regulations for Siting of Utilities and Communications Towers and Facilities.
- Policy 20A**
- Efforts to Secure Agreements and/or Funding for Repair, Maintenance and/or Installation of Bridge(s) over the Railroad Tracks.
- Policy 21**
- Environmental Quality Review Ordinances.
 - Improvements to the Rhinebeck Dock.
 - Creation of Scenic Lookout / Parking Areas.
 - Establishment of a Trail System.
- Policy 21A and 21B**
- Private and/or Public Efforts to Establish Water-related Recreation Facilities at Coastal Access Points.
 - Restoration and Expansion of Ferry Service.
- Policy 22**
- Zoning Law.
- Policy 23**
- Environmental Quality Review Regulations.
 - Zoning Law.
 - Land Subdivision Regulations.
 - Site Plan Review.
 - Historic Buildings Protection Law.
 - Efforts of Historic Preservation Advisor.
 - Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
 - Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
 - Work with Utility Companies, Town Highway Department, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
 - Private Efforts to Preserve Wilderstein Property, Lodge and Adjacent Lands.
 - Efforts to Establish Historic Preservation Programs.
 - Use of Conservation Easements.
 - Use of Facade Easements.
 - Support of Activities of Winnakee Land Trust and Other Conservation Organizations.
- Policy 23A**
- Environmental Quality Review Regulations.
 - Zoning Law.
 - Land Subdivision Regulations.
 - Site Plan Review.
 - Historic Buildings Protection Law.

- Efforts of Historic Preservation Advisor.
- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
- Work with Utility Companies, Town Department of Highways, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
- Support of Activities of Winnakee Land Trust and Other Conservation Organizations.
- Efforts to Repair Stone Walls.
- Efforts to Establish Historic Preservation Programs.
- Use of Conservation Easements.
- Use of Facade Easements.

Policy 24

- Not Applicable.

Policies 24A, 24B, and 24C

- Environmental Quality Review Regulations.
- Zoning Law.
- Site Plan Review.
- Land Subdivision Regulations.
- Efforts of Historic Preservation Advisor.
- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
- Work with Utility Companies, Town Department of Highways, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
- Private Efforts to Preserve Wilderstein Property, Lodge, and Adjacent Lands.
- Efforts to Establish Historic Preservation Programs.
- Use of Conservation Easements.
- Creation of Pull-Offs to View Scenic Vistas.
- Repair or Replacement of Lookout Tower at Ferncliff Forest.
- Support of Activities of Winnakee Land Trust and Other Conservation Organizations.
- Efforts to Repair Stone Walls.
- Revisions to R-5A District Requirements.
- Regulations for Siting of Utilities and Communications Towers and Facilities
- Communication with Dutchess County Department of

- Public Works.
- Efforts to Preserve Existing Trees and Plant New Trees.
- Policy 25** - See Policies 24A and 24B.
- Policy 26** - Environmental Quality Review Regulations.
- Land Subdivision Regulations.
- Site Plan Review.
- Zoning Law.
- Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
- Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
- Use of Conservation Easements.
- Identify Open Space Areas for Preservation and/or Protection.
- Policy 27** - Environmental Quality Review Regulations.
- Site Plan Review
- Zoning Law.
- Policy 28** - Environmental Quality Review Regulations.
- Policy 29** - Not applicable
- Policy 30** - Environmental Quality Review Regulations.
- Site Plan Review.
- Maintenance of Stream Monitoring Program.
- Possible Extension of the Rhinebeck Village Sewer System to Rhinecliff of Alternative Facility Arrangement
- Policy 31** - Request for Reclassification of Streams.
- Policy 32** - Environmental Quality Review Regulations.
- Policy 33** - Environmental Quality Review Regulations.
- Site Plan Review.
- Efforts to Provide Public Sewer Service to Hamlet of Rhinecliff.
- Policy 34** - Environmental Quality Review Regulations.
- Policy 35** - Environmental Quality Review Regulations.

- Policy 36**
 - Environmental Quality Review Regulations.
 - Zoning Law, including General Performance Standards on Storage of Flammable Liquids and WRP-O District Regulations.

- Policy 37**
 - Environmental Quality Review Regulations.

- Policy 38**
 - Environmental Quality Review Regulations.
 - Town Regulations on Solid Wastes Management / Recycling Facilities.
 - Site Plan Review.
 - Maintenance of Stream Monitoring Program.
 - Possible Extension of Rhinebeck Village Sewer System to Hamlet of Rhinecliff or Alternative Facility Arrangement.

- Policy 39**
 - Environmental Quality Review Regulations.
 - Zoning Law.
 - Site Plan Review.

- Policy 40**
 - Environmental Quality Review Regulations.
 - Site Plan Review.

- Policy 41**
 - Environmental Quality Review Regulations.
 - Zoning Law.

- Policy 42**
 - Request for Reclassification of Streams.

- Policy 43**
 - General Performance Standards Section of Zoning Law.

- Policy 44**
 - Environmental Quality Review Regulations.
 - Zoning Law.
 - Use of Conservation Easements.
 - Expanded use of Land Conservation District, WRP-O District, or Other Mechanism.
 - Flood Damage Prevention Local Laws.
 - Land Subdivision Regulations.
 - Use of the Mid-Hudson Historic Shorelands Scenic District Management Plan.
 - Use of the impairment standards contained in the Estates District and Lloyd Scenic Area of Statewide Significance (SASS)
 - Identify Open Space Areas for Preservation and/or Protection.
 - Regulations for Siting of Utilities and Communications Towers and Facilities

E. Cost Implications of Projects and Programs in the LWRP

There are three main funding implications associated with implementation of the Town's LWRP. These are the administrative costs involved in the continued local management of the LWRP, the capital and revenue costs involved in project implementation, and the costs related to maintenance and upkeep of projects.

Administration Costs

Management costs associated with the administration of the LWRP must be budgeted by the Town and financed out of general revenues. This may involve creating a separate budget item for the administration of the LWRP to cover the costs of consistency reviews, fulfilling reporting requirements, and general administrative and clerical needs if the Town finds that this adds significantly to the Town Board costs.

Capital Improvements

The second funding implication is the capital and revenue costs involved in project implementation. The Town has identified a number of LWRP projects designed to address and implement many of the LWRP Policies identified in Section III. These projects are discussed in detail in Section IV. Although the Town will need to take the lead in achieving the implementation of these projects, it is not necessary that the Town provide all of the financial resources to implement LWRP projects since financial assistance is available from public agencies or as part of a public/private partnership.

Upkeep Costs

Maintenance and upkeep of public LWRP improvements will vary from year to year depending on the types of materials chosen during design and construction, and normal wear and tear from weather. Costs will likely be built into the Town annual budget.

F. Financial Resources to Implement the Projects and Programs in the LWRP

Possible sources of funding are listed here as available grant programs. Most of these sources require a percentage contribution or funding match from the Town. This match is essential in leveraging public or private sector money. The local match generally can take a number of forms including money, the provision of materials by the Town, Town public works labor, and the monetary value of in-kind services or volunteer work and staff time. It is also advantageous to try to link LWRP project implementation to other capital improvement work that is going on within the Town, such as a public development proposal, property acquisition, or public water supply project, stretching the benefits of limited public funds and achieving multiple objectives.

The Town should evaluate the requirements necessary to obtain funds from a variety of public and private environmental and economic development programs. The Town may work with the New

York State Department of State Division of Coastal Resources and Waterfront Revitalization to identify possible funding sources. Primary available government funding programs include:

The New York State Clean Water/Clean Air Bond - Environmental Conservation Law Article 56. Project eligibility should be evaluated under different Bond Act funds, including the Safe Drinking Water Fund (Title 2), the Clean Water Fund (Title 3), and the Municipal Environmental Restoration Project Fund (Title 5).

The New York State Environmental Protection Fund - Environmental Conservation Law Article 54. The fund, administered by NYSOPRHP, provides assistance for park, recreation and historic preservation projects. Funding for the implementation of Local Waterfront Revitalization Programs, administered by the NYSDOS, is also available through this program.

The Federal "Superfund" - Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This fund provides the federal government with funds to implement short-term "removal" actions, or longer term remedial investigation and remediation of hazardous waste sites listed on the National Priorities List (NPL). The NYSDEC must request that a site be listed on the NPL. This fund was used to implement limited clean-up activities at the former Diamond International site.

Federal Environmental Response and Spill Compensation Fund - Navigation Law Article 12. This fund is available to states to implement investigation and clean-up of petroleum discharges and removal of underground storage tanks. The fund is also available to compensate injured parties, including municipalities which have lost revenue as a result of the discharge of petroleum.

Clean Water State Revolving Fund for Water Pollution Control. Financing is available to respond to non-point source pollution projects. Non-point source refers to water pollution from diffuse sources that are not directly related to a piped discharge. Examples include remediation of contamination from leaking underground storage tanks or collection and treatment of road runoff, and water body restoration such as stream bank stabilization, drainage erosion, and sediment control.

Industrial Finance Program. Provides low interest loans to private businesses for environmental improvement capital projects, including Brownfields site remediation and solid waste management.

The State Revolving Fund Program is one of the largest environmental infrastructure financing programs in the nation. Three primary loans are available through EFC: Bond-Funded Loans, Financial Hardship Loans, (including interest-free long-term), and Interest-Free Short-Term (up to two years).

Community Development Block Grant (CDBG). This program provides direct funding from the Department of Housing and Urban Development (HUD) for activities that support the reuse of industrial sites. CDBG funds are used for grants, loans, loan guarantees, and technical assistance activities. Formally a federal program, New York State has been administering the program since 2000.

Section 108 Federal Loan Guarantees. Another HUD program, may also be applicable to the industrial site reuse effort. Eligible projects include rehabilitation of obsolete structures, property acquisition and site preparation activities that could include removal of contamination from a property.

New York State and U.S. Departments of Transportation. Grants and loans may be available pursuant to the DOT Transportation Efficiency Act (TEA21), formerly ISTEA. (Industrial Access Program Chap 54 of Laws of 1985 - appropriations bill.) Note: Rhinebeck may not be eligible for these funds after the Waterfront District Zone is adopted and industrial zones are removed.

New York State Empire State Development Corporation (EDC). Program grants and loans are available as incentives to attract commercial development and may be applicable to Brownfields development. The Economic Development Fund is the primary funding program.

U.S. Department of Commerce Economic Development Administration. Grants are available to assist economic development projects.

New York State Nonpoint Source Implementation Grants Program. The NYSDEC has a grant program under its Nonpoint Source Implementation Grants Program. The Program provides grants for up to fifty percent (50%) of the cost of eligible nonpoint source water pollution assessment, planning, and abatement projects.

Private Foundation Grants. The Environmental Grantmaker's Association, 1290 Avenue of the Americas, Suite 3450 New York, New York, 10104 compiles a listing of hundreds of potential foundations and trusts which may provide funding assistance to creative environmental/economic development initiatives. The Foundation Center's satellite location at the Yonkers Public Library has a searchable database of charitable foundations.

Greenway Communities Grant Program. Provides funding for natural and cultural resource protection, regional planning, economic development, heritage and environmental education, and promotion of access to the Hudson River.

Greenway Conservancy. Provides funding for trail-related projects.

The Environmental Protection Fund. A legislatively designated long-term source of revenues available to meet the pressing environmental needs of the State. A portion of this funding is administered by NYS DOS for LWRP implementation.

Land and Water Conservation Fund. Federal monies allocated to the States by the Department of the Interior for land acquisition and development of outdoor recreation.

Pittman-Robertson Program. Federal monies from the Federal Aid in Wildlife Restoration Act, apportioned to the states for wildlife conservation and hunter education.

Sport Fish Restoration Program. Also known as the Dingell-Johnson program and amended by the Wallop Breaux Act, collects taxes on sport fishing related items and returns the monies to the states for use in fisheries management and research programs.

Biodiversity Stewardship and Research Fund. A legislatively designated vehicle to receive funds from a variety of sources; federal, state, and private; to support biodiversity stewardship, research, and education in New York State.

Forest Legacy Program. Federal monies designed to identify and protect environmentally sensitive forests that are threatened with conversion to non-forest uses.

Environmental Benefit Project Funds and Natural Resource Damages. If appropriate and in accord with law and guidance, may be provided for open space conservation.

Bird Stamp and Print. A dedicated source of revenue for management and acquisition of wetlands and associated migratory bird habitat in New York State and Canada.

Return a Gift to Wildlife. A state income tax donation program. The revenues are used for a variety of projects that benefit fish and wildlife.

State Revolving Loan Fund. Provides low-interest loans to municipalities to construct and expand sewage treatment facilities. Continuation of the state revolving loan fund depends on periodic reauthorization of the Clean Water Act with grants to states to capitalize the loan fund.

Federal Non-Game Wildlife Funding Initiative. Under consideration by the International Association of Fish and Wildlife Agencies, would provide a flexible program of grants to the states, funded through a federal excise tax on backpacks, mountain bicycles, tents, climbing gear, and similar outdoor recreational equipment.

Army Corps of Engineers, Civil Work Water Resources Development Program. Monies have been committed for the purpose of determining ecosystem restoration opportunities on the Hudson River. Additional federal funds are available on a matching basis for feasibility studies and implementation.

Gifts and Donations. A way for individuals and businesses to contribute directly to the conservation of open space through donations of land or easements.

Natural Resource Damage Claims. For harm to natural resources within the Hudson River ecosystem may be used for restoration projects to the extent consistent with law. A potential source of these funds is General Electric's settlement regarding the company's PCB contamination of the Hudson River.

The Wallace Fund for the Hudson Highlands. A private foundation supporting land acquisition in the Hudson Valley. Shared funding may be possible for properties identified for acquisition in this plan.

The Hudson River Foundation. A private foundation supporting research, education and public access to the river. Its purpose is to contribute to the development of sound public policy concerning the river's ecosystem.

The Hudson River Improvement Fund. In the fall of 1985, the Hudson River Foundation received \$1.5 million from the State of New York to endow the Hudson River Improvement Fund. Originally this money was paid to the state to settle litigation concerning the out-of-state export of Hudson River water by oil tankers--an issue first brought to public attention by the Hudson River Fisherman's Association. Through the combined efforts of Hudson River environmental groups, including Scenic Hudson, Clearwater and the New York State Department of Environmental Conservation, the Improvement Fund was created to fund projects that stress the enhancement of public use and enjoyment of the natural, scenic and cultural resources of the Hudson River and its shores.

The Hudson River Estuary Program. Administered by NYSDEC funds several categories of projects to improve open space and public access to the Hudson River.

NYS Council on the Arts. Several categories of design, program, and facility development support are available in an annual funding program.

SECTION VI
STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION

State and federal actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (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.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

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 cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to 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
- 5.00 Farmland Protection Grants from the Environmental Protection Fund

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 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)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 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 of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)

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

NEW YORK STATE BRIDGE AUTHORITY (regional agency)

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

OFFICE OF CHILDREN AND FAMILY 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 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.

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 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-Re-packer of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the 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 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 7.00 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.
- 8.00 Marine Finfish and Shellfish Programs.
- 9.00 New York Harbor Drift Removal Project.
- 10.00 Permit and approval programs:

Air Resources

- 10.01 Certificate of Approval for Air Pollution Episode Action Plan
- 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 10.04 Permit for Burial of Radioactive Material
- 10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 10.06 Permit for Restricted Burning
- 10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 10.10 Commercial Inland Fisheries Licenses
- 10.11 Fishing Preserve License
- 10.12 Fur Breeder's License
- 10.13 Game Dealer's License
- 10.14 Licenses to Breed Domestic Game Animals
- 10.15 License to Possess and Sell Live Game
- 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 10.17 Permit to Raise and Sell Trout
- 10.18 Private Bass Hatchery Permit
- 10.19 Shooting Preserve Licenses
- 10.20 Taxidermy License
- 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 10.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

- 10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 10.28 Floating Object Permit
- 10.29 Marine Regatta Permit
- 10.30 Navigation Aid Permit

Marine Resources

- 10.31 Digger's Permit (Shellfish)
- 10.32 License of Menhaden Fishing Vessel
- 10.33 License for Non-Resident Food Fishing Vessel
- 10.34 Non-Resident Lobster Permit
- 10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 10.36 Permits to Take Blue-Claw Crabs
- 10.37 Permit to Use Pond or Trap Net
- 10.38 Resident Commercial Lobster Permit
- 10.39 Shellfish Bed Permit
- 10.40 Shellfish Shipper's Permits
- 10.41 Special Permit to Take Surf Clams from Waters other than the Atlantic

Ocean

- 10.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 10.43 Mining Permit
- 10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 10.45 Underground Storage Permit (Gas)
- 10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

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

Water Resources

- 10.49 Approval of Plans for Wastewater Disposal Systems
- 10.50 Certificate of Approval of Realty Subdivision Plans
- 10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

- 10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 10.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 10.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 10.56 Approval - Drainage Improvement District
- 10.57 Approval - Water (Diversion for) Power
- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification

11.00 Preparation and revision of Air Pollution State Implementation Plan.

12.00 Preparation and revision of Continuous Executive Program Plan.

13.00 Preparation and revision of Statewide Environmental Plan.

14.00 Protection of Natural and Man-made Beauty Program.

15.00 Urban Fisheries Program.

16.00 Urban Forestry Program.

17.00 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, grants of easement and issuance of licenses for land underwater,

including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

**GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY
(regional agency)**

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

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as 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

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

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.
- 11.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

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 STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

2.10 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

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.

THRUWAY AUTHORITY /CANAL CORPORATION (regional agency)

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority and the Canal Corporation.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan
- 5.00 Direct and financial assistance related to improvements and enhancements to the State Canal System.

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) 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
 - 3.06 Financial assistance to local governments for transportation enhancement activities.
- 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 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 Corps 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.

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.

SURFACE TRANSPORTATION BOARD

- 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.

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
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- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. STATE ACTIONS OR PROGRAMS

a. Department of Environmental Conservation

Under the Stream Protection Act Regulations, the Department of Environmental Conservation should upgrade the stream classifications of the Landsman Kill to "B(T)," the Rhinebeck Kill to "C(T)," the Fallsburg Creek to "C(T)" and the Mudder Kill to "C."

b. Department of Transportation

Maintenance of the Rhinecliff vehicular bridge and the refurbishing of the pedestrian bridge over the railroad tracks are essential to continued use of recreational facilities on the Hudson River in Rhinecliff. The Department of Transportation should give these overhead crossings high priority in whatever ways necessary and appropriate for maintaining these public access facilities.

c. 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.

2. FEDERAL ACTIONS OR PROGRAMS

a. Department of Transportation, Amtrak, Conrail

Among the Town's most valuable natural resources are the various coves and wetlands along the Hudson River, particularly the Vandenburg and Suckley Coves. These are threatened by railroad maintenance practices including (1) the spraying of the railroad bed and surrounding area with herbicides, (2) the scattering of discarded railroad ties which are permeated with creosote or other wood preservatives, and (3) the pushing of vegetation from near the tracks into the coves which may add herbicides or increase nitrogen levels of the coves.

The Department of Transportation through Amtrak and Conrail should develop maintenance practices which will not contribute pollution to the Hudson River coves and wetlands.

The Rhinecliff Bridge provides access to a substantial amount of shorefront land, including the Rhinebeck Town Landing/Dock area, and is the only public vehicular above grade crossing in the Town. The feasibility of maintaining the public park and dock along the Hudson River in Rhinecliff depends largely upon the continued existence of the Rhinecliff vehicular bridge. Continuing maintenance of the pedestrian bridge at Rhinecliff would facilitate approach to the dock.

In addition, the private vehicular bridge located at The Meadows could provide public access in the future as part of new development or negotiations with the landowners.

The cooperation of the Department of Transportation through the Conrail and Amtrak operations is necessary to keep all of these bridges in place and provide adequate maintenance to the Rhinecliff vehicular bridge and upgrading and subsequent maintenance of the Rhinecliff pedestrian bridge.

b. Federal Highway Administration

Road Construction.

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b. Federal Highway Administration

Road Construction.

SECTION VII LOCAL COMMITMENT AND CONSULTATION

Local Commitment and Involvement in development of the Town of Rhinebeck Draft Local Waterfront Revitalization Program.

This Local Waterfront Revitalization Program (LWRP) is an appropriate extension of significant past and on-going planning efforts undertaken by the Town of Rhinebeck. Through various entities of the Town, the community's historic ties to the Hudson River and its environs, were examined for new opportunities to strengthen its connection to the River. The various Town committees involved in the process were comprised of community leaders, concerned citizens, and various stakeholders.

The LWRP development process has involved committee meetings, public meetings, numerous meetings with other local, regional, County, State and Federal agencies. To facilitate development of the LWRP, numerous Town meetings were held. In addition, workshops, public meetings, interviews and field visits were conducted. For purposes of preparing the Draft LWRP document, the Town and its consultants met several times with staff of the New York State Department of State to address and refine waterfront issues and enhance the LWRP document.

The Draft LWRP document was accepted for public review and comment by the Town of Rhinebeck Town Board on June 19, 2006. Similarly, the Rhinebeck Draft LWRP has been accepted by the New York State Department of State as complete and ready for public review. Copies of the Rhinebeck Draft LWRP were distributed by the New York State Department of State to local, regional, State, and Federal agencies for review during a 60-day review period. In addition, the Draft LWRP document was posted on the Town's website. At the close of the 60-day review period, the Department of State and Town of Rhinebeck jointly coordinated responses to comments received, and appropriate modifications to the LWRP document were made to address comments.

THE TOWN OF RHINEBECK LOCAL WATERFRONT REVITALIZATION PROGRAM

APPENDICES

[Appendix A](#) Scenic Areas of Statewide Significance (SASS)

[Appendix B](#) New York State Coastal Fish and Wildlife Habitats

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[Appendix E](#) NYS Freshwater Wetlands Map

[Appendix F](#) Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

Procedural Guidelines for Coordinating NYS Department of State (Dos) & Lwrp Consistency Review of Federal Agency Actions

***SCENIC AREAS OF STATEWIDE SIGNIFICANCE
FOR
THE TOWN OF RHINEBECK LOCAL WATERFRONT
REVITALIZATION PROGRAM***

***ESTATES DISTRICT
ESOPUS/ LLOYD***

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NEW YORK STATE DEPARTMENT OF STATE

***DIVISION OF COASTAL RESOURCES AND
WATERFRONT REVITALIZATION***

Excerpts from
JULY 1993
"Reprinted for Public August 2004"

Mario M. Cuomo, Governor
Gail S. Shaffer, Secretary of State

A publication of the New York State Department of State pursuant to National Oceanic and Atmospheric Administration Award No.
NA270Z0285-01.



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DETERMINATION OF THE SECRETARY OF STATE



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

GAIL S. SHAFER
SECRETARY OF STATE

DETERMINATION OF THE SECRETARY OF STATE

Coastal landscapes possess inherent scenic qualities, including the presence of water, dramatic shorelines, expansive views, historic landings, working landscapes, and great estates. In recognition of the scenic value of the coast, the New York State Coastal Management Program includes public policies for the protection of this resource. In order to implement these policies, the Department of State has embarked on a program to identify, evaluate and recommend areas for designation as scenic areas of statewide significance. The Hudson River coastal area is the first of New York's coastal regions to have undergone a comprehensive analysis of scenic coastal resources.

The Hudson River contains a diverse mix of scenic resources, featuring a complex interrelationship between man and the environment. The region has long been recognized as a scenic area of national importance. It inspired the Hudson River School of Painting in the nineteenth century, the first indigenous American art movement, and the American Romantic Landscape Movement which subsequently spread nationwide and influenced designed landscapes and parks throughout the country.

The application of the scenic resource methodology and the results of the study are contained in the document "Scenic Areas of Statewide Significance" (July 1993). The areas proposed for designation have been subject to consultation with appropriate state agencies and have undergone a lengthy public involvement process, culminating in public hearings held on June 1, 1993 (see Appendix A: Summary of Public Hearing Record). I hereby adopt the July, 1993 document "Scenic Areas of Statewide Significance" as findings in support of my determination that the areas identified meet the criteria of statewide aesthetic significance to the coastal area pursuant to 19 NYCRR 602.5 (c):

Dated: JUL 22 1998

Secretary of State

ACKNOWLEDGEMENTS

The Hudson River scenic area study has been a collaborative effort among the Department of State, the consultants, other State agencies and experts in the field of scenic landscape assessment, and the people of the Hudson River coastal region. The study was funded by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, with a grant provided under the Coastal Zone Management Act of 1972, as amended.

The records of the State Historic Preservation Office have provided a wealth of information regarding the history of the landscape as have the publications of the Olana and Clermont State Historic Sites and the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites. The assistance of James Ryan, site manager at the Olana State Historic Site, has been extensive and invaluable. The description of the estates in the Estates District Scenic Area of Statewide Significance is based in large part on the National Historic Landmark District documentation of properties published by the National Park Service. Additional assistance regarding the historic resources has been provided by J. Winthrop Aldrich, Special Assistant to the Commissioner, and Frances Dunwell, Special Assistant to the Commissioner for the Hudson River, NYS Department of Environmental Conservation; and John Doyle, Executive Director, Greenway Heritage Conservancy (formerly the Heritage Task Force for the Hudson River Valley). Carol Sondheimer, Environmental Director of Scenic Hudson, provided extensive comment and guidance as a member of the regional panel.

The Department of State extends special recognition to the public and private sector members of the statewide and regional panels whose experience in the field of scenic landscape evaluation and whose collective knowledge of the Hudson River and its shorelands helped shape the study's design and application. The following groups, agencies and institutions are among those which provided important information and insights throughout the study period.

- Local officials from the Hudson River communities of Claverack, Cold Spring, Esopus, Garrison, Grandview-on-Hudson, Highland, Highland Falls, Kingston, New Paltz, and Rhinebeck.
- The planning departments of Albany County, Greene County, Columbia County, Dutchess County, Orange County, Putnam County, Rensselaer County, Rockland County, Ulster County, and Westchester County.
- The following New York State agencies: Department of Economic Development; Department of Environmental Conservation; Department of Public Service; Department of Transportation; New York Power Authority; Office of General Services; and the Office of Parks, Recreation and Historic Preservation.
- The National Park Service and the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration.
- Alpine Development Corporation, Bard College, College of Environmental Science and Forestry at Syracuse, Greenway Heritage Conservancy (formerly the Heritage Task Force for the Hudson river Valley), Hudson River Sloop Clearwater, International Paper Corporation Research Center, Mid-Hudson Patterns, The Parks Council, Regional Plan Association, Scenic Hudson, Seaway Trail, Tappan Zee Preservation Coalition, and the University of Wisconsin at Madison.

This report was prepared by the Department of State, Division of Coastal Resources and Waterfront Revitalization (DOS) under the supervision of George R. Stafford, Division Director; Charles T. McCaffrey, Chief of the Bureau of Local and Regional Programs; and William F. Barton, Chief of the Bureau of Consistency Review and Analysis.

The initial inventory and documentation was prepared by the consultant team of Harry Dodson, Joanne Jackson, Cecily Kihn, and Bob Yaro. Preparation of the final document was completed under the supervision of Loretta Simon of DOS with the assistance of Steve Ridler.

Consultant Mary Lou Lamping Lutters designed the public participation process in consultation with DOS. Laura Zeisel, counsel for the consultant team, conducted legal research of New York State environmental laws relevant to scenic resource protection. Legal review was provided by DOS counsels Paul Heyman, Richard Hoffman, and the late James Coon.

Alan Lillyquist and Nancy Rucks of DOS were responsible for study design and project management during the initial inventory and documentation phases, assisted by Kevin Cross and Thomas Hart. DOS staff, Jeff Beach, Fitzroy Collins and Gerald Morrison assisted with the numerous community informational meetings. Kevin Millington managed document production and distribution with the assistance of Mary Ann Butler, Deborah DeLeonardis and Gary Nankey.

INTRODUCTION

New York State has a long history of recognizing the importance of scenic resources. The first widely known recognition of American landscape beauty was expressed during the 19th century in the work of the Hudson River School of painters. The American Romantic Landscape Movement also developed in the Hudson Valley before spreading to the rest of the nation. Thus, New York's landscape tradition includes appreciation of both the natural and the cultural landscape and its coastal scenic landscapes usually include elements of each.

When the State Legislature established the Coastal Management Program in 1981, their findings included:

"...that New York State's coastal area and inland waterways are unique with a variety of natural, recreational, industrial, commercial, ecological, cultural, aesthetic and energy resources of statewide and national significance." (Article 42 § 910)

The Act declares that the public policy of the State within the coastal area is "...to achieve a balance between economic development and preservation that will permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, **diminution of open space areas or public access to the waterfront**, shoreline erosion, **impairment of scenic beauty**, or permanent damage to ecological systems." (Article 42 § 912). The Federal Coastal Zone Management Act also recognizes the importance of aesthetic values in managing coastal resources. The Act states that it is the national policy "to encourage and assist the states to...achieve wise use of the land and water resources of the coastal zone, **giving full consideration to ecological, cultural, historic, and aesthetic values....**"

SCENIC POLICIES

In recognition of the scenic value of the coast, New York's Coastal Management Program (CMP) includes two policies which provide for the protection and enhancement of this unique resource. Policy 24 provides for the designation and protection of scenic areas of statewide significance; and Policy 25 requires that proposed actions located outside a designated SASS must protect, restore or enhance the overall scenic quality of the coastal area. Both policies call for agencies to determine if a proposed action would impair scenic quality.

The policies state that impairment of a landscape's scenic quality can occur in two principal ways: 1) through the irreversible modification or destruction of landscape features and architectural elements which contribute significantly to the scenic quality of the coast, and 2) through the addition of structures which reduce views or are discordant with the landscape because of their inappropriate scale, form, or construction materials. Regulations governing the designation of scenic areas of statewide significance are found in 19 NYCRR Part 602.5.

Both policies include siting and design guidelines which are to be used to evaluate the impact of proposed development, recognizing that each situation is unique and that the guidelines must be applied accordingly. The guidelines address the appropriate siting of new structures and other development; the use of scale, form and materials which are compatible with the landscape's existing scenic components; the incorporation of historic elements in new development; the maintenance of existing landforms and vegetation; and the removal and screening of discordant features.

EVALUATING NEW YORK'S COASTAL SCENIC RESOURCES

The New York coast is a mixture of developed and undeveloped areas. Central to the growth of the state, the coast is replete with evidence of the state's economic and cultural history. The interaction of man with the landscape provides part of the character that makes the New York coast a visually exciting and valued place. Its historic and working landscapes stimulate as much interest and attract as many visitors as its more natural landscapes.

Because the New York coastal landscape is so diverse, a method for evaluating the scenic quality of the state's coastal landscape must be capable of evaluating both developed and undeveloped areas of the coast. In addition, public recognition of the landscape's scenic quality is included in the criteria for identification of scenic areas of statewide significance under the Coastal Management Program. The landscape must also be visually accessible to the general public.

In order to develop and apply a method for evaluating scenic quality, the Department of State sought proposals in 1987 for the development of a scenic evaluation method. The firms of Jackson & Kihn of Philadelphia, Pennsylvania and Dodson Associates of Ashfield, Massachusetts were chosen to develop the method and apply it first in the Hudson River coastal area.

Dodson Associates had completed a scenic evaluation of the Connecticut River Valley for the Center for Rural Massachusetts of the University of Massachusetts at Amherst. Dodson Associates' approach to visual analysis recognizes the interrelatedness of landscape elements and is not limited to identifying specific viewing points and evaluating viewsheds. It is a descriptive approach which identifies the landscape elements and rates their scenic quality, taking public values into account. The Department of State first met with the consultants on January 7, 1988. Preliminary study area visits began on April 6, 1988.

New York's Scenic Evaluation Method

New York's scenic evaluation method is a participatory process involving government agencies and the general public in the development of criteria and the review of study results. The State regulations specify that the Secretary of State shall consult with appropriate State agencies before identifying and designating scenic areas of statewide significance. Accordingly, in 1988 the Department of State established a statewide panel of State agency representatives and experts in scenic landscape evaluation to assist in developing the coastal scenic evaluation method. The first meeting of the state panel was held on June 28, 1988.

The method developed recognizes the diversity of natural and cultural elements that shape scenic coastal landscapes. In order to identify and define coastal scenic components, the physical and cultural character of the coastal landscape and the geologic and historical forces which have shaped the development patterns are examined. A comprehensive listing of coastal landscape elements is developed, including geological features, water features, vegetation, historical and cultural features, and views. Those elements found in the study landscape which influence the scenic quality of the landscape are identified as scenic components. Characteristics which would render each scenic component as distinctive, noteworthy or common are described. Also rated is the extent of discordant elements in the landscape.

For example, a bluff which is very high, prominent and of varied configuration, with dramatic backdrop and shoreline and no incompatible development, is considered to be distinctive. A bluff of noteworthy scenic quality would be high with a moderately varied configuration, strong backdrop and shoreline, and minor incompatible development. Low, uniform bluffs with monotonous backdrop and shoreline and a major presence of incompatible development would be rated common.

The landscape elements and their scenic characteristics are presented in the Table of Scenic Components. The table also provides for the evaluation of the aesthetic significance of the landscape composition, the landscape's uniqueness, and its public accessibility and public recognition. The evaluation of the landscape composition focusses on the interrelationships of the landscape elements and the composition of views.

For further discussion of the rating system, see Appendix A. Appendix A also includes a sample visual evaluation form. The Table of Scenic Components is found in Appendix B.

Application of the Method

An important aspect of the scenic evaluation method is that the entire coastal area of the region under study is evaluated. After an initial survey of the entire coastal region, the Table of Scenic Components is adjusted so that it contains only those landscape elements found in the study landscape. This adjusted table is called the Regional Table of Scenic Components.

The coastal area of the region is then divided into geographic subunits based on topography and land use. Each subunit is evaluated for its scenic quality. The landscape elements of each subunit are rated individually according to the criteria on the regional table of scenic components, and the ratings are recorded on field sheets along with the evaluator's comments. The relationship of the elements to each other, the quality of the views, and the uniqueness of the landscape are also evaluated to determine the scenic quality of the subunit as a whole.

The degree of public accessibility to the subunit and the degree of public recognition of the landscape's scenic values are rated for each subunit. Public recognition is evaluated in three ways: first, through public meetings and surveys during which landscape elements are rated for scenic quality and specific areas considered scenic are identified; second, through official recognition such as government designations and public investment; and third, through evidence found in the public statements of literature and the arts.

Candidate Scenic Areas of Statewide Significance

Based on the above evaluation, candidate scenic areas of statewide significance (SASS) are identified. Candidate SASS are composed of large clusters of subunits rated distinctive. Subunits with ratings of noteworthy and common may be included in a SASS if they link distinctive subunits or otherwise contribute to the cohesiveness of the SASS, provided that the total rating of the SASS remains distinctive. Isolated subunits or small clusters of subunits rated distinctive are not considered for designation unless the subunit or cluster has an exceptionally high distinctive rating. Note should be made that the scenic resources within a candidate SASS sometimes extend beyond the boundaries of the Coastal Management Program and cannot, therefore, be included within the candidate SASS.

Detailed, descriptive narratives for each subunit and for the SASS as a whole are prepared. Scenic area maps which delineate the boundaries of the SASS and its subunits accompany the narratives. After designation, the narratives will be used by reviewers in evaluating the consistency of proposed projects with the coastal scenic policies.

Based on the field sheets, the narratives describe the nature of scenic landscape elements and their interrelationships, the significance of their scenic quality, and the degree of public accessibility and public recognition of the landscape. The historic context of the landscape is described, focussing on the forces that shaped the landscape. Understanding these historic forces enriches the appreciation of the existing scene and can serve as a guide for future management decisions. Actions which may impair the scenic quality of the SASS also are identified in the narratives. These are to function as guidelines during the review of projects proposed within the designated SASS. The candidate SASS are subject to public review. Public hearings on the proposed designations must be held and findings made by the Secretary of State before SASS may be designated.

SCENIC AREAS OF STATEWIDE SIGNIFICANCE IN THE HUDSON RIVER REGION

The Hudson River coastal area between New York City and the federal dam at Troy is the first area to be evaluated under Policy 24. The Hudson River coastal landscape has a wealth and variety of scenic resources, shaped by a unique combination of geological forces and historical events. Majestic mountains and

formidable bluffs rise above the Hudson's waters in some stretches of the river. In others, forested slopes, estate lawns, extensive marshlands and farm fields line its shorelands.

The Hudson River region has played an important role in the nation's history. It spawned the Hudson River School of Painting and the Romantic Landscape style. World renowned artists have responded to its beauty, and the works of major architects line the river's corridor. Historic river landings and villages evidence the Hudson's past as a bustling transportation corridor. Today, tourism is the major industry; and national and State parks and historic sites attract visitors from around the nation and the world.

Six stretches of the Hudson River and its shorelands have been designated as scenic areas of statewide significance. These are the Columbia-Greene North SASS, the Catskill-Olana SASS, the Estates District SASS, the Ulster North SASS, the Esopus-Lloyd SASS and the Hudson Highlands SASS. They include a fiord in the Hudson Highlands, an impressive collection of significant estates along the Hudson River's mid-section, the landscape where Thomas Cole and Frederic Church made their homes, and the pastoral landscape south of the State capital. Each designated SASS encompasses unique, highly scenic landscapes which are accessible to the public and recognized for their scenic quality.

Each designated SASS is comprised primarily of clusters of distinctive subunits. Occasionally, a noteworthy or common subunit is included in a SASS because it links distinctive subunits or contributes to the cohesiveness of the SASS. No individual distinctive subunits are proposed for designation in the Hudson River region at this time.

BENEFITS OF DESIGNATION

Designation affords special protection from potentially adverse federal or State actions which could impair the scenic quality of the SASS. Narratives prepared for each SASS describe the character and scenic quality of the SASS landscape, providing guidance to the public and regulatory agencies as to which landscape elements should be protected and which actions could impair the scenic quality of the SASS.

Additional protection of SASS can be afforded by municipalities which prepare Local Waterfront Revitalization Programs (LWRP). Local land use authority is an important tool for the protection of scenic resources. In communities with an approved LWRP all three levels of government - federal, State and local - are working toward a common goal. Of the 44 municipalities included within the candidate SASS, 25 have prepared or are preparing LWRPs. Most of the LWRPs already address to some degree the protection of scenic landscapes. Designation of the SASS does not impinge on local government decisions.

THE HUDSON RIVER STUDY

The Hudson River coastal area was evaluated from the air, from the Hudson River, from the road network and on foot. To ensure public participation in the scenic assessment process, a regional panel was appointed to oversee the study. The panel is composed of State agency members of the statewide panel, representatives of county and local government and environmental organizations, and individual citizens of the region. The Department of State and the consultants met frequently with the regional panel regarding the conduct of the study and its results. The statewide panel was also kept informed of the study's progress, and joint meetings with both panels were held as appropriate. The panels provided information to the consultants regarding the resources of the valley and reviewed the consultants' work for accuracy and reasonableness.

Meetings with both panels attending were held at the Norrie Point Environmental Center in Staatsburg on July 12, August 2, September 20 and November 15, 1988 and on September 16, 1989.

In order to assess public values regarding the scenic quality of Hudson River coastal scenic components, public workshops were held in Poughkeepsie and Greenport at which those attending were asked to rate various regional landscape elements for their scenic quality. Questionnaires were also published in area weekly newspapers, inviting the public to identify landscapes they thought were of high scenic quality. The

responses generated at the workshops and through the survey were considered during the development of the Hudson River Regional Table of Scenic Components.

When candidate SASS were initially identified, draft narratives were prepared and distributed widely in the region. The following public information meetings were held throughout the region during which residents could examine the narratives and accompanying maps:

May 14, 1990	Ulster County Office Building, Kingston
May 15, 1990	Norrie Point Environmental Center, Staatsburg
June 11, 1990	Piermont Village Hall, Piermont
June 12, 1990	Philipstown Town Hall, Cold Spring
June 13, 1990	Bear Mountain Inn, Bear Mountain State Park
June 25, 1990	Columbia-Greene Community Collage, Greenport
June 26, 1990	Coxsackie Village Board Room, Coxsackie

The draft narratives were sent to all municipalities in the study area for review and comment. Presentations were also made at public meetings of the following local government bodies in communities located in the candidate SASS:

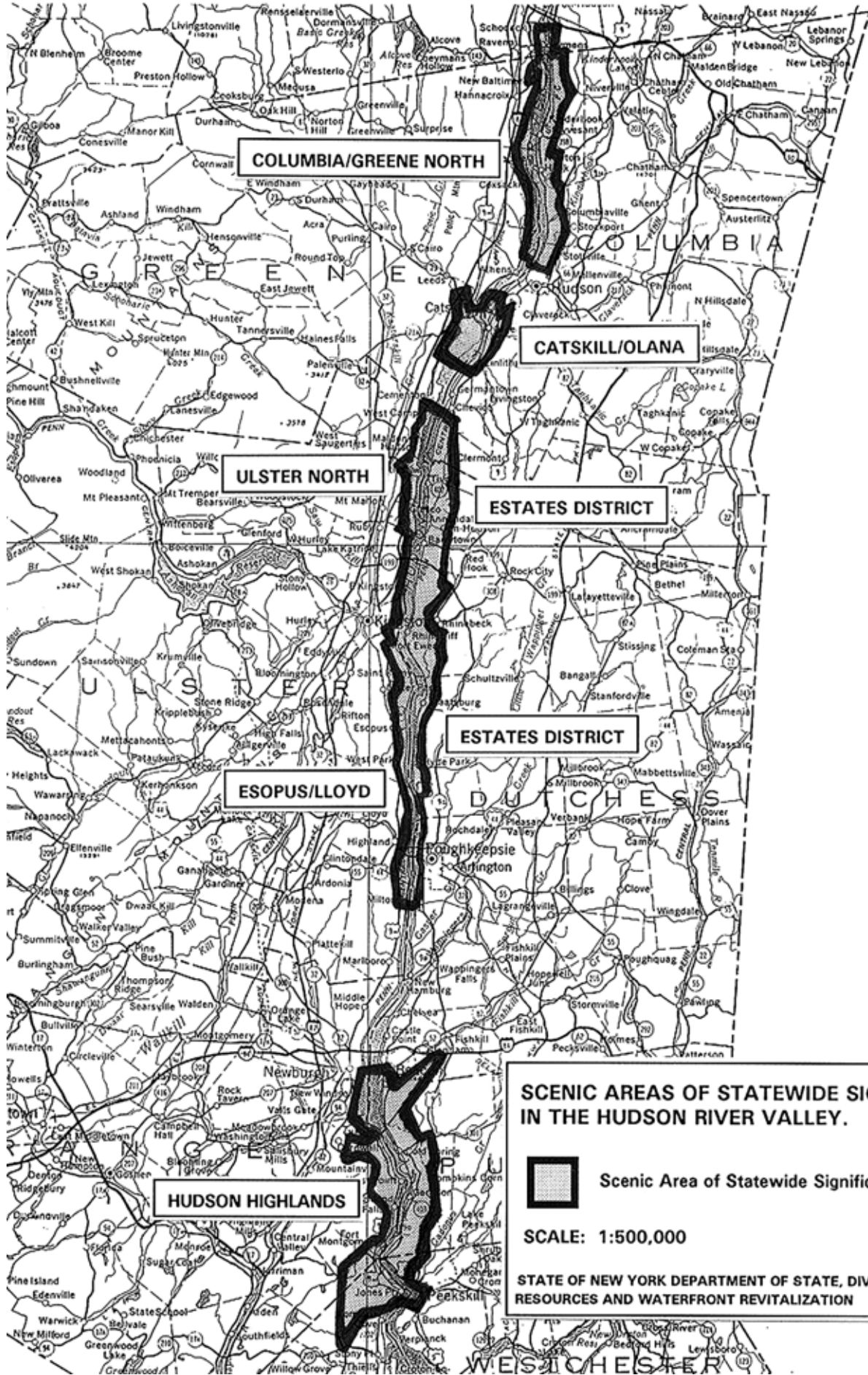
May 23, 1990	Hyde Park Town Board
June 5, 1990	Coxsackie Town and Village Boards
June 11, 1990	Athens Town and Village Boards
June 12, 1990	Philipstown Town Board
June 12, 1990	Cortlandt Town Board
June 26, 1990	Greene County Environmental Management Council
July 3, 1990	Stockport Town Board
July 9, 1990	Haverstraw Town Board
July 10, 1990	Kingston City Council
July 12, 1990	Stuyvesant Town Board
October, 1990	Saugerties Town and Village Boards

Based on comments received during this initial period of public review, the SASS narratives and maps were revised. Additional field visits were made and additional research conducted concerning the history and resources of the candidate SASS. The information collected was incorporated into the document "Scenic Areas of Statewide Significance Proposed for Designation" (April 1993). This document was the subject of further public review throughout the Hudson River region. Public hearings on the areas proposed for designation as scenic areas of statewide significance were held on June 1, 1993 at the following locations:

Columbia-Greene Community College, Greenport, Columbia County
Rhinebeck Town Hall, Dutchess County
Bear Mountain Inn, Rockland County

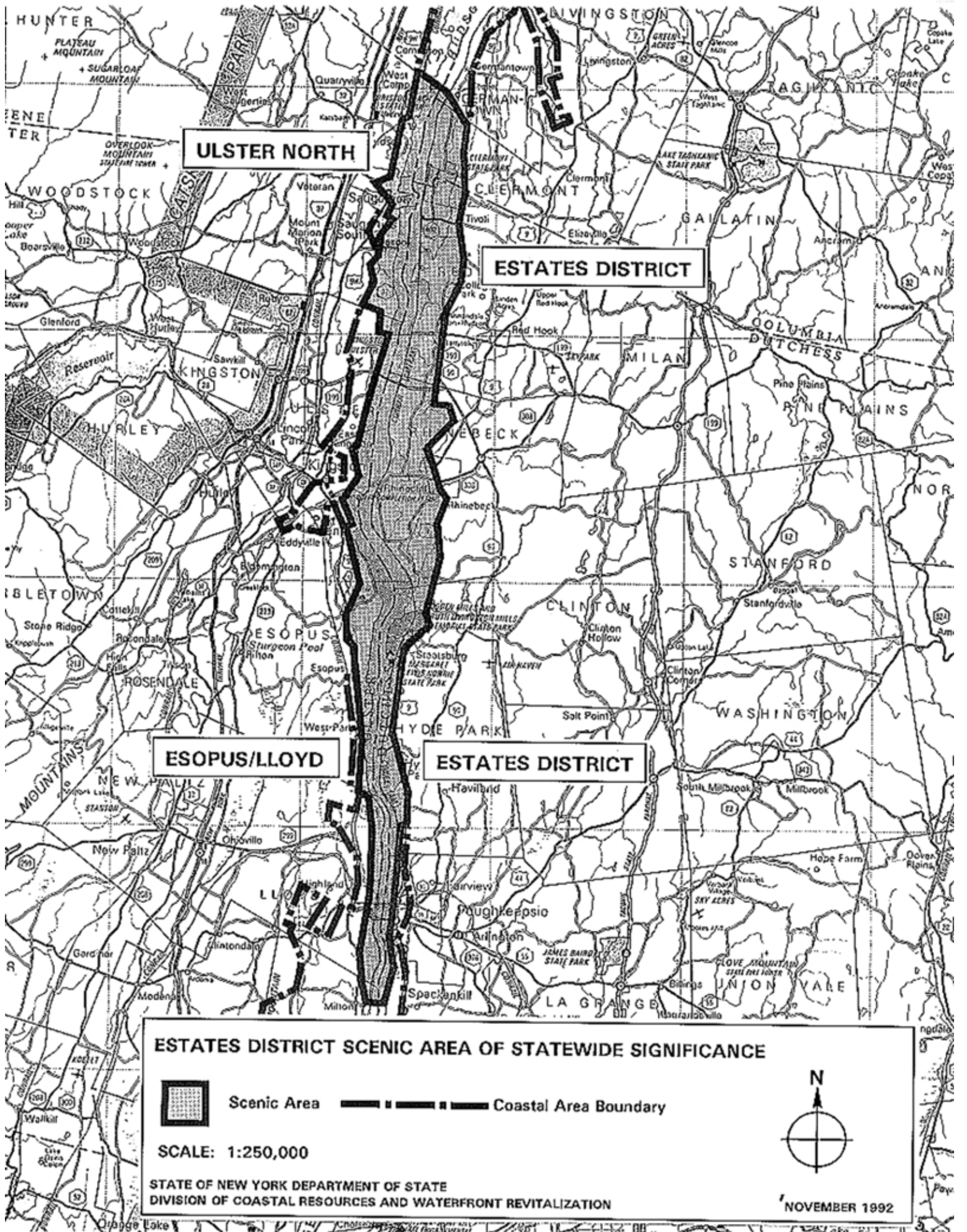
After reviewing the hearing record and all written comments received within the comment period, several minor factual revisions were made to the narratives and these are incorporated into this document. As a result of the material contained in this document, the Secretary of State determined that the six areas proposed for designation were of statewide aesthetic significance to the coastal area pursuant to the factors set forth in 19 NYCRR 602.5 (c). Policy 24 of the Coastal Management Program now applies to those areas encompassed by the SASS designation. Management plans for each SASS will be prepared as resources allow. Local governments with approved local waterfront revitalization programs will be encouraged to evaluate their program for adequacy of protection of the identified scenic resources. Municipalities not participating in the Coastal Management Program will be encouraged to prepare LWRPs, but will not be required to change current local government decision making.

HUDSON RIVER SCENIC AREAS MAP



ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ESTATES DISTRICT MAP



ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

I. Estates District Location

The Estates District Scenic Area of Statewide Significance (SASS) consists of the Hudson River and its eastern shorelands in the Towns of Germantown and Clermont, Columbia County, and in the Towns of Red Hook, Rhinebeck and Hyde Park and the Villages of Tivoli and Rhinebeck in Dutchess County. The western half of the Hudson River lies in the Towns of Saugerties, Ulster, Esopus and Lloyd, the Village of Saugerties and the City of Kingston in Ulster County.

Cheviot Road in Cheviot Landing, Town of Germantown, constitutes the landward portion of the northern boundary which continues due west across the Hudson River to meet the western boundary. The SASS extends approximately 27 miles to south of the Franklin D. Roosevelt Home National Historic Site. Its southern boundary lies 500 feet to the south of the Maritje Kill and follows the configuration of the Maritje Kill, then crosses the Hudson due west. The western boundary is the mean high water line on the west bank of the Hudson River. The eastern boundary follows NY Route 9G in Germantown, Clermont and Red Hook; NY Route 9G, Hook Road, Old Post Road and NY Route 9 in Rhinebeck; and Old Post Road and NY Route 9 in Hyde Park.

Consult the Estates District SASS map for SASS boundaries.

II. DESCRIPTION

The Estates District SASS is comprised of 29 subunits:

ED-1 Clermont, ED-2 Clermont/Tivoli Estate Farmland, ED-3 Tivoli, ED-4 Montgomery Place/Blithewood, ED-5 Tivoli Bays, ED-6 Bard College, ED-7 Annandale-on-Hudson, ED-8 Barrytown, ED-9 Astor Point, ED-10 Astor Cove, ED-11 River Road, ED-12 Mount Rutsen, ED-13 Rhinebeck Center, ED-14 Rhinecliff Road, ED-15 Rhinecliff, ED-16 Rhinecliff Woods, ED-17 Mill Road Meadows, ED-18 Vanderburgh Cove, ED-19 Dinsmore Golf Course, ED-20 Mills State Park, ED-21 Staatsburg, ED-22 Norrie Heights, ED-23 Norrie State Park, ED-24 Vanderbilt Mansion, ED-25 Hyde Park Center, ED-26 Franklin D. Roosevelt Home Estate Entrance and ED-27 Franklin D. Roosevelt Home National Historic Site.

Together the subunits constitute a landscape of national and international significance which evolved through the development of a rich cultural heritage in an outstanding natural setting. As its name implies, the Estates District SASS is dominated by over twenty major and numerous minor historic estates and the Hudson River toward which they are oriented. The beauty of the region's landscape, including views of the Hudson and the distant Catskill Mountains, has been celebrated for generations, most notably in the paintings of the Hudson River School, the first indigenous art movement in the United States.

The Hudson River in this area is a tidal estuary whose flow reverses at high tide. The Hudson has served many functions in both pre-historic and historic times which continue in the present day -- transportation corridor, trade and migration route, water supply and nurturer of the creatures, both human and animal, which make their home in or along the river. The Hudson corridor is also part of the Atlantic flyway which brings migrating species to the numerous coves, flats and marshes.

The scenic environs and the bustling commerce generated by the Hudson River's presence have successfully coexisted for centuries. Archeological evidence has been uncovered of native shoreland settlements, and

canoes were the first ferries. The native American communities called the river Mukheakunnuk, "river that flows two ways."

From colonial times this scenic landscape has attracted landed gentry, industrial magnates and historic figures who built lavish mansions. Among those who established their country seats in this area are Frederick Vanderbilt, Archibald Rogers, John Jacob Astor, Ogden Mills, Jacob Ruppert, Levi P. Morton, Chancellor Robert R. Livingston, Morgan Lewis, James Roosevelt, Franklin H. Delano, Edward Livingston, Mrs. Richard Montgomery, General DePeyster, General Armstrong and others. In the hamlets and villages is found the vernacular architecture of the people who worked the land, maintained the mansions and were employed in the commercial ventures. Evidence of the bustle of earlier times is found in the remains of old docks and bridges and overgrown roads and trails.

In 1697 a single land grant called the Great Nine Partners patent incorporated approximately 149,000 acres or one-third of what is now Dutchess County. Since there were no roads at the time, the Hudson River provided the only route for transporting the lumber and furs harvested on the land. The partners were guaranteed equal access to the Hudson through the division of the shorelands into nine equal lots. The early estates such as Clermont and the Kip-Beekman house were sited close to the Hudson to facilitate the transport of agricultural products via water to the urban markets.

By the early 1800s the natural landscape became the focal point; and the main houses, sited on rolling hills and bluffs overlooking the Hudson River, were oriented to take advantage of panoramic views. The environs of the earlier houses were altered and redesigned in the romantic style, an environmentally sensitive movement that originated in New York State and provided the foundation for national trends in landscape design and the 19th century urban parks movement.

The estates and manor houses were designed by renowned architects and landscape architects including Richard Morris Hunt, Stanford White, Calvert Vaux, Andrew Jackson Downing, Charles Platt, Hans Jacob Ehlers, Alexander Jackson Davis and the Olmsted Brothers. The region has traditionally been, and largely remains, a shining example of how the human hand can carefully and creatively enhance the beauty of a natural landscape through inspired design and the highest standards of construction, maintenance and preservation. The historically harmonious blend of the built environment with the natural setting and the remarkable lack of major discordant features, despite extensive contemporary development, has yielded a remarkably well-preserved and visually unified historic landscape of both national and international significance. The numerous coves, islands, marshes and creek beds compose a varied shoreline of great interest, while the vegetative cover of forest, pasture, orchards, gardens and expansive lawns enhances the rolling topography and frames views.

Punctuating the estate landscapes and gracing the hamlet and village streetscapes are fine examples of period vernacular architecture, comprising the former homes of tenant farmers and independent farmers, mariners and storekeepers. One room schoolhouses now adapted to other uses, inns, commercial buildings and ruins of dams at former mill sites give further evidence of the history of the area and provide focal points in interior views. The fact that so much of the fabric of the natural and cultural landscape remains is unusual and serves to enrich the individual viewer's experience of the landscape by providing evocative elements to which the he or she can relate.

III. AESTHETIC SIGNIFICANCE

The Estates District SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of its landscape character and its uniqueness, public accessibility and public recognition.

There exists in the SASS variety as well as unity of major landscape components and striking contrasts between lines, forms, textures and colors in the landscape. The collection of large estates with their designed landscapes, the many undisturbed natural features and the significant public historic sites and architectural treasures render this SASS unique in the Hudson River coastal area, the State and the nation. The Hudson River and its influence on the historical development of the area constitute the major unifying features. The SASS is generally free of discordant features, evidence of the strong conservation ethic operating there.

Although private estates cover most of the eastern shore of the Hudson River, the Estates District SASS is publicly accessible to a great extent, both visually and physically, from the Hudson River, from public streets and highways and from significant national and State parks and sanctuaries.

Because of the attraction these facilities create and because the SASS has been the subject of treatises and art works, surveys and designations at both the State and national level, the Estates District Scenic Area is well recognized by the public for its aesthetic values.

A. Landscape Character

1. Variety

The Estates District SASS exhibits an unusual variety of major components. The landform consists of rolling topography behind steep bluffs which drop 150 feet to the Hudson River. Mt. Rutsen, the highest point in the SASS at 350 feet above sea level, rises above the generally level terrain which surrounds it.

There is a variety of water features which contribute a myriad of linear elements to the landscape composition. The Hudson River is the dominant water body, its shoreline configuration changing throughout the SASS. Creeks, the principal ones being Stony Creek, Saw Kill, the Mudder Kill, the Landsman Kill, Fallsburgh Brook, Staatsburg Creek, the Indian Kill, Bard Rock Creek, Crum Elbow Creek and the Maritje Kill, meander through the landscape and cut deep ravines with waterfalls, particularly as they near the Hudson. The shoreline of the Hudson is characterized by coves, marshes and scattered islands along the eastern shore, Magdalen Island and Cruger Island in Red Hook being the two largest. When seen from a distance, however, the east bank shoreline appears unbroken because railroad causeways bridge the natural indentations and transform the east bank into a single fluid line.

The Hudson is alternately narrow and broad. It deepens to wind around points of land such as Crum Elbow and then spreads thinly over shallows and tidal flats. The varied depths influence the landscape at the river's edge, governing, along with the railroad causeway, the size and location of tidal marshes as well as the surface texture. In the areas of broad expanse the water is of greater visual consequence, while narrow sections of the river such as Crum Elbow cause each opposite shore to appear in certain perspectives as if not separated by water at all.

The coves vary in size, but all present an intimate waterscape rich with flora and fauna. Tivoli North and South Bays provide the broadest expanse of marsh vegetation interlaced with waterways. Other coves of note are Vanderburgh Cove and Roosevelt Cove. Because fill was used to form the railroad bed, some of the marshes were created when the causeways were built.

The rich variety of vegetative cover gives a textural diversity to the SASS and enhances both its scenic character and its ecological value. The sylvan corridors of the rural roads screen new development and maintain the scenic quality of these avenues of public access to the SASS. Specimen trees are found in estate gardens and along pasture edges, while mature street trees grace many hamlet and village streets. The pastoral countryside includes forests of both deciduous and coniferous species, cropland, pasture and orchards. Steep forested bluffs 100 feet high along the Hudson River operate as a buffer between upland development and the river, maintaining the corridor's rural character.

Land use within the SASS reflects the initial large land grants that were farmed by tenants and residents of the adjacent compact hamlets. Several estates are preserved as historic sites and parks, while others remain in private ownership. The forms of their stately manor houses and great lawns punctuate the forested river corridor, while their extensive stone walls and handsome gateways bejewel the rural roads and tease the imagination of the traveler as to what lies beyond these estate guardians.

Denser development is generally concentrated in villages and hamlets, and distinct edges are usually evident between the pastoral landscape and the settled centers. The Hudson River is regaining its former level of importance as a transportation and recreation corridor, drawing people to the waterfront and stimulating the revitalization of historic river landings.

Farming continues to be a major, though rapidly diminishing industry in the area. A significant portion of the SASS contains prime agricultural soils, and some farms have been incorporated into agricultural districts. The working landscape contributes texture and color as well as expansive open space to the landscape, background for the forms of the attendant structures such as barns, stone walls and fences which provide accents of color and form to the pastoral composition. In some parts of the SASS 100% of the land is in open space, covered by contrasting forests, wetlands, pastures and other vegetation.

The SASS exhibits a number of positive ephemeral characteristics: sleek thoroughbreds grazing on the horse farms, observable wildlife activities in the marshes, the seasonal operations of the working pastoral landscapes, the change in texture and color of the Hudson River's surface under various weather and light conditions, and the magnificent sunsets that tinge the Hudson and its marshes and silhouette the Catskill Mountains within the panoramic views to the west.

The interplay of water and land, the stately reserve of the tasteful manor houses, the friendly scale of the hamlets and villages, the teasing glimpses of intimate views framed by gardens and specimen trees and the breathtaking panoramic vistas up, down and across the Hudson River combine to make an ever intriguing setting for the commerce of daily life.

2. Unity

The Estates District SASS is unified by the dominance of the large estates, their orientation toward the Hudson River and the common history of the intertwined natural and cultural landscapes. Most of the estate landscapes were designed in the American Romantic Period and exhibit similar patterns and progressions. The main houses with their immediate environs of lawns and gardens are focused on the Hudson and create rhythmic openings in the woodlands along the river's corridor. The stone walls and gatehouses of the estates establish a pattern that provides a strong sense of place along the winding rural roads of the inland areas.

The villages, hamlets and landings were established either to take advantage of the river's commerce or to service the estates. Although neither the Hudson nor the estates is the economic center of the area today, the pattern of development remains essentially unchanged with clear edges still existing between the thickly settled areas and the surrounding pastoral working landscape and forested open spaces. The farmland which

surrounds the estates was once a part of them, and the connection between the commercial and residential centers and their environs is still evident, providing a model of harmonious human interaction with the natural landscape.

The Hudson River is the connector, stretching the length of the SASS, a necklace sometimes calm and blue, sometimes grey and heaving, its linear shoreline leading the eye through the composition of the panoramic views. The Hudson carved its corridor out of the surrounding upland and is the destination of the creeks which drain the upland. Its waters encircle the islands, alternately cover and reveal the flats and marshes, reflect the images of the forested bluffs, support the migrating waterfowl and carry the vessels that are guided by the lighthouses and call at the landings.

In views to the west the river sparkles behind the trees along the shore, changing color with the weather and the sunsets and influencing through this reflected light the tonality and mood of most landscape compositions. The Hudson is the unchanging element, the unifier, which influenced the topography and history of the SASS in the past and continues to dominate its physical and cultural landscape.

3. Contrast

The Estates District SASS is replete with both physical and cultural contrasts. There is first the contrast between water and land, the broad expanse of the Hudson juxtaposed with its forested slopes and estate lawns, the absorptive texture of the overhanging trees antithetical to the reflective surface of the river. The intimate water spaces of creek ravines, coves and marsh streams invite visitors, in contrast with the less tame Hudson which can intimidate the neophyte boater.

Inland, there are contrasts between land uses and the elements they contribute to the landscape. Perpendiculars contrast with horizontals in the forms of dense deciduous forests and specimen trees which stand tall along the edges of rolling pastures and appear as sentinels among their weaving folds. The sweeping lawns of the estates and the exotic species of their ornamental gardens contrast with the wildness of second growth forests. Grand houses stand out against the natural landscape and provide a scale by which to appreciate the extent of the estate grounds and their viewshed. The land folds are as drapery in a still life, providing a softly textured and colored background for the sharper architectural details of the structural forms.

Both grand and intimate views are available in the Estates District SASS. Panoramic views from the SASS to the west are dominated by the Hudson River and the distant Catskill Mountains, which loom over the western horizon and are visible from throughout most of the SASS. The designed landscapes within the SASS create more intimate views, framing these views and providing focal points and shaping more controlled compositions. Other internal views, particularly from local roads, range from intimate glimpses of estate edges and streetscapes to broad sweeps of pasture. The winding rural roads weave their way through the landscape, unfolding new compositions at each bend.

4. Freedom from Discordant Features

There are few discordant features in the Estates District SASS. Both the natural and the cultural landscape are well preserved and maintained. Historic development patterns have been continued in most cases, and vegetation provides effective natural buffers between historic landscapes and new development. Some strip development is located in isolated patches along the major highways, however. The railroad tracks along the Hudson River are discordant but not overwhelming since the tracks are of insufficient scale to affect panoramic views and are often not visible in views from the bluffs at the river's edge. The Kingston-Rhinecliff Bridge over the Hudson River also introduces an engineered element into the primarily natural landscape, but its influence on the scenic character of the SASS as a whole is minimal.

B. Uniqueness

The Estates District SASS, a major collection of significant estates with the integrity of their original settings largely preserved, is unique. Some estates have become museums or institutional properties, but most still serve their original function as country seats. The companion land uses of working farms, river landings and villages remain essentially intact.

The activities of modern life coexist in a landscape with its constitutive historic and scenic elements conserved. Designed landscapes which spawned the American Landscape Movement that subsequently spread across the country remain, as does the work of renowned architects, some of whom were ingenious innovators in the architectural history of the nation, including Calvert Vaux and Stanford White. Their works have earned for a majority of the SASS a National Historic Landmark District designation.

The fact that the land uses of the working pastoral landscape remain visually distinct from the commercial and residential centers is uncommon in the face of significant development pressure that usually yields suburban sprawl. Because the historic development pattern has been continued, the original interdependence of the hamlets and river landings with the estates and the Hudson River is still evident.

C. Public Accessibility

The Estates District SASS is moderately accessible to the public because most of the land is in private ownership and the railroad tracks along the Hudson River effectively cut off most access between the Hudson River and its shorelands. A number of former estates, however, are owned by the federal and State government and operated as parks open to the public. These provide important visual and physical access to the Hudson and its shorelands and foster public understanding and appreciation of the history and beauty of the SASS. These public properties are the Franklin D. Roosevelt Home and the Vanderbilt Mansion National Historic Sites, Clermont State Historic Site and Mills-Norrie State Park. Other sites operated by non-profit organizations, such as Wilderstein and Montgomery Place, as well as some quasi-public institutions, such as Bard College and the Linwood Retreat, provide additional, though more limited access.

The Hudson River provides visual access to the entire western portion of the SASS with views of the coves, marshes and estate buildings and grounds on the east bank of the river. The Hudson is regaining its former importance as a transportation corridor, although the presence of the railroad tracks severely limits docking opportunities, increasing the importance of the existing landings. Rhinebeck Town Landing in Rhinecliff, accessible via a bridge over the railroad tracks, provides docking for transient vessels and is a popular boat launch and viewing area.

Because the railroad lies inland from the Hudson River within Norrie State Park, Norrie Point and the marina in the park provide docking and slip rentals. Small boats can also be launched into Tivoli North and South Bays from a State car-top boat launch accessible from NY Route 9G in Red Hook. The bays and much of their associated shorelands constitute the National Estuarine Sanctuary and Research Reserve and are State-owned. These extensive holdings provide public access to one of the most significant marshes on the Hudson and to Cruger's Island.

As passenger vessels become more common on the Hudson, more members of the public other than recreational boaters will be able to view the Hudson and its shorelands from the river, including views of estate properties not otherwise accessible, thus increasing public understanding of the landscape's significance.

The railroad tracks, although minor discordant features in the landscape, provide visual access to the Estates District SASS. Since the bluffs along the tracks block views in most cases to the estates and other upland areas, the views from the trains are primarily of the Hudson River, its coves and creek mouths, islands, lighthouses, wildlife and river traffic.

Municipal waterfront parks provide additional public access to the Hudson - visual access only at the Hyde Park Railroad Station and both visual and physical access at the Rhinebeck Town Landing at Rhinecliff. In addition, village-owned land in Tivoli provides visual and physical at-grade access to the Hudson, although the land is not officially developed as a park. At Barrytown there is an above-grade vehicular bridge on a public street.

The Hyde Park Trail, an initial segment of which is now open along the Hudson River between the Franklin D. Roosevelt Home and Vanderbilt Mansion National Historic Sites with a second segment planned to connect with the Mills-Norrie State Park, traverses private property through easement arrangements and provides visual access to the Hudson River. As this trail is extended and others are developed elsewhere, public access to the interior landscape of the SASS will increase.

Ferncliff Forest in Rhinebeck, which includes Mt. Rutsen, is a private nature preserve open to the public for hiking. An observation tower at the top of the forested knob could provide panoramic views of the SASS if it were repaired.

State highways and county and local roads provide visual access to the edges and interior of the SASS. Dutchess County has included many roads in the county's network of designated Historic Tourways. Maps for self-drive tours are available from the county.

D. Public Recognition

The Estates District SASS is highly recognized by the public for its scenic and historic values. The landscape and panoramic views of the SASS were frequently the subject matter for artists of the 19th century Hudson River School of Painting, the first indigenous art movement in the United States and of international renown. Many scenes appearing in their works remain relatively unchanged.

The scenic quality of the Estates District SASS is recognized under Article 49 of the Environmental Conservation Law through designation of the Mid-Hudson Historic Shorelands Scenic District and the following Scenic Roads:

1. In Red Hook, Santage Road from its junction with Woods Road to its junction with Stony Brook Street;
2. In Red Hook, Stony Brook Street from its junction with Santage Road to its junction with NY Route 9G;
3. In Red Hook, River Road and Annandale Road;
4. In Rhinebeck, Rhinecliff, Morton and South Mill Roads and parts of the road also known as County Route 103;
5. In Rhinebeck, NY Route 199 from its junction with NY Route 9G west to the Kingston-Rhinecliff Bridge;

6. In Hyde Park, NY Route 9 from the southern border of the Vanderbilt Mansion National Historic Site northerly 2.3 miles;
7. In Hyde park, Old Post Road in the hamlet of Staatsburg for its entire length between its intersections with NY Route 9;
8. In Hyde Park, Golf Course Road in the Dinsmore Golf Course;
9. In Hyde Park, Norrie State Park Roads from the entrance to the park to both Norrie Point and the camping area.

Many roads in the area have also been designated by Dutchess County as Historic Tourways.

For more detailed information concerning the designed landscapes of the estates, the Management Plan for the Mid-Hudson Historic Shorelands Scenic District should be consulted.

Most of the SASS is included in the thirty two square mile Hudson River National Historic Landmark District designated in 1990 as the nation's largest landmark district. In addition, the SASS contains three historic districts listed on the State and National Registers of Historic Places - The Clermont Estates Historic District, the Sixteen Mile Historic District and the Town of Rhinebeck Multi-Resource District. Most of the estates included in these designations would individually meet the criteria for listing on the State and National Registers, but they gain additional significance from their grouping along the Hudson River.

The Estates District SASS is also well recognized by the general public as the location of two National Historic Sites, the Vanderbilt Mansion and the Franklin D. Roosevelt Home, both in Hyde Park. Also frequented by the public are the Mills-Norrie State Park in Staatsburg and the Clermont State Historic Site in Clermont. These public properties attract a large number of visitors each year.

During the tenure of President Franklin D. Roosevelt the SASS was the destination of international dignitaries. President Roosevelt welcomed world leaders to his home in Hyde Park, often greeting them or seeing them off at the Hyde Park Railroad Station. Photographs recording their visits are in the collection of the Presidential Library at the F.D.R. Home National Historic Site and at the Hyde Park Railroad Station Museum.

In addition to the public properties, other estates are being preserved and opened to the public, increasing the number of visitors attracted to the SASS. Montgomery Place in Red Hook, operated by Historic Hudson Valley, is open to the public. Wilderstein, in Rhinebeck, owned by Wilderstein Preservation and undergoing restoration, is open to the public on a limited basis.

Several educational and religious institutions have been developed on former estates and provide limited access to the SASS. Among them are Bard College and the Linwood Retreat.

IV. IMPACT ASSESSMENT

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

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

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

Impairment includes:

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

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

SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, 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;

COMMENT: The most notable of views available in the SASS are the panoramic views which include lawns or fields, the Hudson River and its shoreline and the distant Catskill Mountains. The siting of structures in a manner that causes them to intrude upon, block, alter the composition of or introduce discordant features into these views would impair the scenic quality of the SASS.

Interior views are less well known but equally contribute to the aesthetic significance of the landscape. They tend to be views down winding rural roads and carriage trails and glimpses of small clearings framed by vegetation. The essential character of these views is of pastoral or forested landscapes. If commercial or industrial structures or large scale residential structures were introduced into these views, they would constitute discordant features, impairing the scenic quality of the views and, consequently, the scenic quality of the SASS.

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

COMMENT: Two types of views are found in the SASS. These are 1) panoramic views, generally including fields or lawns, the Hudson River and its western shorelands and 2) intimate views of a pastoral or forested nature. If care were not taken to cluster and orient structures to retain these views, discordant features would be introduced into the views, reducing their scenic quality and impairing the scenic quality of the SASS.

If agriculture were not to remain as a viable industry, a significant amount of open space could be lost. Measures which stimulate the accelerated appreciation of farmland could lead to the loss of farmland in the SASS, to the extent that pressure on farmers to sell farms for residential and commercial development increases. Loss of the working farm landscape to other uses would reduce the unifying element of the pastoral landscape and eliminate some of the ephemeral elements of the SASS, thus impairing the scenic quality of the SASS. The failure to cluster new development at the edges of fields and adjacent to existing population centers rather than allow it to sprawl across the fields would obliterate the sharp edges between settled areas and open space, affecting the variety and contrast of the landscape composition and impairing the scenic quality of the SASS.

Other types of open space in the SASS include estate lawns and forests. The latter provide an opportunity to screen new development on the estates. Failure to preserve forested areas and to cluster structures within them in order to retain the open lawns of the estates would reduce open space and contrast in the landscape, impairing the scenic quality of the SASS. Failure to maintain the forests and use them to screen new development would eliminate the contrast between the open lawns and forested areas and impair the scenic quality of the SASS. Siting of structures in the lawn areas would alter the composition of the views, reduce open space and, in some cases, block views in the SASS, a significant component of its scenic quality.

The forested shorelands also contribute open space to the landscape composition and provide an opportunity to screen new development. Failure to retain the forests to the maximum extent practicable and screen new development within them would change the open space character of the Hudson River corridor, reduce the amount of texture and contrast of the SASS, impair the visual organization and verdant character of the Hudson River corridor and impair the scenic quality of the SASS.

The expanse of the Hudson River is itself a significant open space element in the SASS. Its ever changing surface provides a variety of contrasts with its forested shores and settled landings. The siting of extensive dock and mooring facilities would reduce the open space of the Hudson and the alternately tossing and reflective surface of the water. This would reduce the variety and contrast of the landscape, impairing the scenic quality of the SASS.

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

COMMENT: The historic structures in the SASS relate the story of the cultural landscape as well as contribute to the landscape and provide focal points in views. Architectural gems such as the Hudson River lighthouses along the western shore, estate and farm structures, streetscapes and specimen trees are examples of focal points. Other cultural elements include the estate houses and their designed landscape environs including the expansive lawns; other estate features such as gateways and entrance roads, historic barns and stone walls; historic streetscapes in the villages and river landings; and the vernacular village and farm architecture reflecting earlier agricultural practices. Failure to preserve these historic structures through incorporation in an overall development scheme would alter the cultural landscape, reduce variety and contrast of the landscape

and eliminate focal points from views, impairing the scenic quality of the SASS. Loss of historic structures would also reduce the visible story of the landscape, reducing its symbolic value and reducing public recognition of that history and value.

REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;

COMMENT: Some historic elements are deteriorated, such as stone walls and certain historic structures, but removal of these important landscape components would result in the loss of important cultural features and focal points in views as well as reduce the variety and contrast of the landscape, thus impairing the SASS. Rehabilitation rather than removal is the more appropriate action for historic structures.

The SASS is generally free of discordant features. The railroad tracks are discordant when they figure prominently in the landscape, however. This occurs primarily when the viewer is close to the tracks. Therefore, avoiding the application of herbicides in the railroad corridor which renders vegetation unsightly or failure to control scrub growth along the corridor to maintain views, can impair the scenic quality of the SASS. In addition, leaching of other pollutants from the tracks into the adjacent marshes, if such leaching were to adversely affect the viability and visual character of the marsh vegetation, would change the color and texture of the marsh and impair the scenic quality of the SASS. This loss of vegetation and marsh viability could result in a reduction of wildlife populations, reducing ephemeral elements of the SASS and impairing its scenic quality.

Bulkheads and docks in the river landings are evidencing signs of deterioration, and some waterfront areas are cluttered with abandoned structures and discarded materials. Failure to invest in the river landings, such as Rhinecliff, Barrytown and Tivoli, through repair of bulkheads and docks may increase deterioration to the extent that the bulkheads and docks become discordant features.

Rehabilitation of these docks has the added advantage of preserving opportunities to increase public access to the SASS in the future via passenger vessels and to reinforce the historic ties to the Hudson River. Increased tourism could support the continued economic health of the public and private attractions as well as of the landings and community centers, thus maintaining the character and good repair of significant scenic elements of the SASS.

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

COMMENT: The shoreline of the Hudson River is characterized by coves, marshes and scattered islands which contribute to the variety and contrast of the SASS and the interest of an undulating shoreline in many locations. Meandering streams cross the upland fields and rush through ravines as they approach the river. Actions and development which would alter the configuration of the shorelines or the relationship between water and land elements would impair the scenic quality of the SASS.

The bluffs along the Hudson River are highly erodible and subject to slumping and sliding. Their wooded character in certain portions of the Hudson River corridor significantly contributes to its scenic quality. Failure to maintain the undisturbed nature of the bluffs and their woodlands would alter the natural character of the landscape and the river corridor and impair the scenic quality of the SASS.

The topography behind the bluffs is generally rolling with some promontories. Alteration of this underlying form would diminish a unifying element of the landscape and impair the scenic quality of the SASS.

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

COMMENT: The variety, type and arrangement of vegetation in the SASS contributes significantly to the scenic quality. From marshes to wooded slopes to forests, to gardens and working farms, the natural and designed landscapes exhibit a wide range of color and texture. Vegetation screens discordant features, defines edges, softens harsh contrasts, frames views and provides focal points such as specimen trees. The wildlife supported by the various vegetation constitutes ephemeral effects on the landscape. Tree-lined scenic roads and carriage trails constitute important access ways for public experience of the landscape. Failure to preserve vegetation and provide for its continuance to the maximum extent practicable would alter the composition of the landscape, introduce discordant features through the failure to screen development, change the nature of views and significantly impair the SASS.

Vegetation also provides a buffer between the SASS and discordant elements outside the SASS and preserves the ambience of historic landscapes by screening adjacent incompatible development. As development and related traffic increase in the SASS, the importance of this buffer increases. Loss of vegetation along the edge of the scenic district and the edges of historic sites would adversely impact the historic context of the historic sites and impair the scenic quality of the SASS.

The failure to undertake selective clearing of brush along the railroad corridor at the Hyde Park Railroad Station Park will result in further diminishment of visual public access to the Hudson River and reduction in the quality of the views available there, impairing the scenic quality of the SASS.

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

COMMENT: The SASS is a living landscape which has successfully absorbed change over time because each new period of development has been compatible with the scale, design and materials of previous periods. Failure to use appropriate materials, the color and texture of which would blend new development into the historic and natural landscape, would introduce discordant features into the landscape which singularly or collectively would disrupt the unity of the SASS and impair its scenic quality.

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

COMMENT: The SASS is a living landscape which has successfully absorbed change over time because each new period of development has been compatible with the scale, design and materials of previous periods. Failure to continue to use appropriate scales, forms and materials in new development that are compatible with neighboring structures and do not dominate the landscape would introduce discordant features into the landscape which singularly or collectively would disrupt the unity of the SASS and impair its scenic quality.

Estates District Scenic Area of State Significance

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ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-1 Clermont Subunit

I. Location

The Clermont subunit constitutes part of the northernmost portion of the Estates District SASS. Its northern boundary is Cheviot Road in the river landing of Cheviot, and its southern boundary is a common boundary with the ED-Montgomery Place/Blithewood subunit bordering Tivoli Bay in the Village of Tivoli. Woods Road constitutes the eastern boundary north of Callendar House, a common boundary with the ED-2 Clermont/Tivoli Estate Farmland subunit. The eastern boundary south of the village center is the edge of the fields surrounding the village center, a common boundary with the ED-3 Tivoli subunit. On the west the boundary is the mean high tide line on the west bank of the Hudson River, part of the Ulster North SASS. The subunit is located in the Towns of Germantown and Clermont in Columbia County, in the Town of Red Hook and the Village of Tivoli in Dutchess County and in the Town of Saugerties in Ulster County. Consult the Estates District SASS map sheets, numbers 1 and 2, for subunit boundaries.

II. Scenic Components

A. Physical Character

The Clermont subunit consists of steep, wooded bluffs rising 150 feet above the Hudson River and a rolling landscape behind them punctuated with rock outcrops. Meadows and lawns of several major estates create clearings in the extensive woodlands. Vegetation is a mix of native species and the ornamental plantings of the estates' landscapes, most designed in the American Romantic Landscape Style. Mature trees line Woods Road and estate entrance roads. The land is laced with intermittent streams, and the White Clay Kill/Stony Brook cut through the fields and woodlands on their way to the Hudson.

The Hudson River is about 2,200 feet in width in this area. The shoreline of the Hudson is primarily linear with long gradual curves emphasized by the railroad tracks which are located on an eight foot high embankment. Small points occasionally project into the Hudson west of the railroad tracks.

B. Cultural Character

The cultural character of the subunit is dominated by historic estates which are part of a unique grouping of historic properties that stretches for twenty miles along the Hudson River. Some once had their own docks on the Hudson, but the docks are now in ruins and separated from the upland by the railroad tracks. In this subunit, there is only one bridge across the tracks - at Midwood - and it is in good repair and regular use. Ruins of docks and ice houses are located along the Hudson on both sides of the railroad tracks. Dry laid stone walls and rows of mature trees line Woods Road. Overgrown trails and paths on the estate grounds give evidence of one pastime followed on these country seats.

One of the most scenic and historic of the Hudson river estates is Clermont, the heart of the original 162,248 acre Manor of Livingston charter given to Robert Livingston by Governor Dongan in 1686. This original tract constituted the bottom third of Columbia County and reached east to the borders of what is now Massachusetts and Connecticut. Clermont, or the "Lower Manor", consisting of 13,000 acres, was carved out of the southwest corner of Livingston Manor for the third son of Robert Livingston, Robert of Clermont, who built the first house at Clermont in 1728. His son, the third Robert Livingston, was a judge in the Supreme Court of the Province of New York and, as delegate to the Stamp Act Congress, wrote the letter of protest to the King of England. His son, Robert R. Livingston, was an advocate of colonial rights and a

member of the Second Continental Congress, one of five chosen to draft the Declaration of Independence. During the Revolution the British, after burning Kingston, sailed up river and burned the buildings at Clermont in 1777. Charred members of the original house are a part of the existing Clermont house, constructed in 1782 on the original foundation.

Chancellor Livingston became prominent in the affairs of the new nation and, in 1781, was appointed the first United States Minister of Foreign Affairs. He was interested in mechanics and formed a partnership with Robert Fulton. Fulton's first steamboat, known to posterity as the Clermont, stopped at the Clermont wharf on its maiden voyage up the Hudson River in 1807.

The original gift of 414 acres to the State of New York, which became Clermont State Historic Site, was made by Alice Delafield Clarkson Livingston in 1962. In 1991 Honoria Livingston McVitty, the last surviving direct descendant of Robert Livingston to have grown up at Clermont, gave the State an additional 71 acres of wooded shoreland and meadows plus 88 acres of underwater land adjacent to the State Historic Site. Farm fields and woods east of Woods Road are part of the Historic Site. Ms. McVitty retained the Sylvan Cottage, once the gatekeeper's cottage, and the remaining 15 acres of the Livingston holdings north of the Historic Site.

The Clermont house is sited on bluffs overlooking the Hudson River amidst a pastoral, designed landscape of tall locust trees and ornamental plantings. Enlarged and modified several times, the house was last remodeled in the 1920s in the Colonial Revival Style. Other historic structures, including the Children's Playhouse and the Livingston Family burial site built in 1750, are located in the newly acquired parkland.

The McVitty gift includes "The Avenue," the original Eighteenth Century entrance road to Clermont which was used to transport produce from inland farms to the Clermont wharf. Stone walls and piers along Woods Road mark the beginning of The Avenue, and the white pines that line it were planted by John Henry Livingston around 1885. The Garden Path leads to a greenhouse and upper garden which includes historic plants. Carriage roads and trails wind through the property.

The Clermont subunit stretches many miles along the Hudson River and includes many smaller estates. To the south of Tivoli and north of Lower Dock Road is located The Pynes, once called Green Hill. Its main house, built perhaps as early as 1762, predates the house at Clermont because it was not burned by the British, its owner, Gilbert Livingston, having convinced the British soldiers that he was a Tory. This estate adjoins the original river landing for the Tivoli area.

Callendar House, located in the southeastern corner of the subunit south of The Pynes, consists of 175 acres, presently in two ownerships, separated by a wooded ravine. Some of this acreage is now called Tivoli Farms and is located in the Tivoli subunit. The entrance road is bordered by mature pine trees. The original portion of the main house, built in 1794, is Georgian in style and adorned with a Greek Revival colonnaded portico, while the later south wing was designed by McKim, Mead and White. There is an Italianate carriage house on the grounds.

Northwood, composed of 230 acres, most of which lie east of Woods Road, is the largest of the subunit's estates. Orchards along Woods Road and an 1875 gatehouse notify the traveler of the estate's presence. The stucco main house built in 1856 is approached through a wooded area. Other structures of note on the property are a carriage house and mounting shed along with a collection of barns.

Oak Lawn, an 1872 Second Empire masonry structure, is built at the edge of a bluff that rises steeply above the Hudson River. Then forty-six acres in size, the estate was the childhood home of Eleanor Roosevelt. The long curving entrance road begins at an 1870 gatehouse with French inspired details. Overgrown trails and

paths are still identifiable on the property. The main house has, unfortunately, fallen into extensive disrepair, and the property has been reduced to five acres and has lost its view.

Other estates, of which only a portion are located in the subunit, include Rose Hill and Teviot to the south of Clermont. Rose Hill's masonry house with its Italianate tower was built in 1843. The estate's original entry road, located just north of St. Paul's Church, is now overgrown; but its border of trees is still visible, and its gate lodge and gates still stand. Also visible along Woods Road are former farm structures of Rose Hill, some transformed into residences. Teviot still sports its 1843 Gothic Revival house graced by weeping hemlocks.

North of Clermont are Ridgely, now the Motherhouse of the Carmelite Sisters and site of an 1850 farmhouse, and Southwood and Chiddingstone, two other mid-19th century estates. The 1885 rambling main house of Midwood, less formal in demeanor than its neighbors, was designed by Michael O'Connor as a year-round home. Situated on a bluff above the Hudson River, it sports panoramic views of the Hudson and the distant Catskills. The property also has access to the Hudson River via a bridge over the railroad tracks to a small point of shoreland, the site of an old dock. Midwood is connected to the adjacent Oak Lawn via an interior road. Holcroft and Northwood are located in the most northerly portion of the subunit.

Tivoli Landing, once a bustling wharf, is now a quiet spot on the Hudson. Passenger vessels and cargo vessels alike once docked there, including the Saugerties-Tivoli ferry. Near the western shore of the Hudson River to the north of the landing stands the Saugerties Lighthouse, the oldest existing Hudson River lighthouse. Listed on the National Register of Historic Places, it has been restored as a museum and bed and breakfast. (Refer to the UN-5 Esopus Creek subunit in the Ulster North SASS for more detailed information about the Saugerties Lighthouse and other features of the western shore.)

The subunit has few discordant features. Some of the estates suffer from neglect and inappropriate bulky additions, but the landscape is generally well kept and its integrity maintained.

The railroad bed is somewhat discordant. Located on an embankment eight feet high, it parallels the straight shoreline at the foot of the bluffs and for the most part cannot be seen from the estates; but it does constitute a discordant feature from nearby river perspectives. Its scale renders it insignificant in panoramic views, however.

The railroad tracks, although not highly visible, do cut off access between the Hudson River and its uplands except for a few individual landings, including Tivoli Landing. Hudson River landings developed over two centuries of orientation to the river as an avenue of commerce. The village landing is no longer used and is in a deteriorated condition that is discordant with the surrounding estate properties. However, it does still evidence the close connection between the Hudson and historic development in the subunit.

C. Views

Views from the subunit are both deep and broad, especially from the grounds of the estates which have been designed to create, frame, and enhance the composition of the views of both the natural riverfront setting of the mansions and of the Hudson River and distant Catskills. The mansions, the river, the Saugerties Lighthouse on the western shore and the Catskills are the focal points of these views. The shorelands of the Ulster North SASS to the west are important as the middleground of these extensive views.

The Hudson River dominates many views, especially those from Tivoli Landing where the Hudson is experienced as a broad and sometimes foreboding body of water. Rough water and large waves are ephemeral effects generated on windy days.

Glimpses of the estate grounds are available along Woods Road, but in most locations the estate gatehouses and stone walls provide the only hint of the landscape beyond. Portions of the estates are visible from the Hudson River.

III. Uniqueness

The Clermont subunit, a collection of significant historic estates with both their architectural values and their designed landscapes relatively unaltered, is unique. The historic setting is irreplaceable. The estates exemplify a blending of exceptional architecture, beautifully integrated with an enhanced natural setting and oriented to take full advantage of views of the Hudson Valley.

IV. Public Accessibility

Clermont State Historic Site is open to the public and provides the opportunity for the public to experience the ambience, views and designed landscape available to the private landowner. The private estates of the subunit are visible from the Hudson River and from some locations on its western shore in the Ulster North SASS. Woods Road and other local roads provide access to the edge of the subunit and some limited visual access to estate grounds. The subunit is also visible from the trains, although the bluffs limit views to the east. Tivoli Landing provides access to the Hudson River.

V. Public Recognition

The subunit is included the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road is a designated Scenic Road under Article 49 and is an Historic Tourway designated by Dutchess County. The subunit constitutes most of the Clermont Estates Historic District and the northernmost portion of the Sixteen Mile Historic District, both listed on the State and National Registers of Historic Places. The subunit is also located in the Hudson River National Historic Landmark District.

VI. Reason for Inclusion

The Clermont subunit is included in the Estates District SASS because it contains a variety of vegetation, water features and cultural elements. Woodlands, lawns, ornamental plantings and rows of mature trees along the roadway grace the landscape. Intermittent streams, creeks and the Hudson River provide interest. Estate houses from several architectural periods, gatehouses and stone walls signal the historical significance of the area. The landscape is characterized by contrast between the lawns and mansions of the historic estates and the woodlands and Hudson River of their surroundings. The distant Catskill Mountains provide additional contrast in the sweeping views to the west from the estate grounds. The subunit is unified by the landscape design and the degree of preservation of the historic architectural and landscape elements. It is generally well kept and has few discordant features.

The subunit is unique. The estates exemplify the blending of exceptionally sited architecture integrated with an enhanced natural setting that typifies the aesthetic sensibilities of the owners and the Age of Romanticism which shaped the Estates District SASS.

The subunit is accessible via the Hudson River, Woods Road and other local roads. The Clermont State Historic Site is accessible to the public and presents an excellent sense of the total scenic character of the subunit. The remaining estates are in private (in one case institutional) ownership, but the buildings and grounds of the estates are visible from the Hudson River and from some points on the western shore in the

Ulster North SASS. Their edges and some of their fields are visible from the public roads. Portions of the subunit are also visible from the railroad trains, although the bluffs limit views to the east.

The subunit is very well known and is recognized through several designations. It is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. Woods Road is a designated Scenic Road under Article 49 and is an Historic Tourway designated by Dutchess County. The subunit is included in the Hudson River National Historic Landmark District and the Clermont Estates Historic District and constitutes a portion of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-10 Astor Cove Subunit

I. Location

The Astor Cove subunit extends along the Hudson River from just north of the Rhinebeck/Red Hook town line south to just north of Long Dock Road in Rhinecliff. Its northern boundary is a common boundary with the ED-9 Astor Point subunit, and its southern boundary is a common boundary with the ED-14 Rhinecliff Road subunit. The subunit is bounded on the east by the top of the bluffs along the Hudson River, a common boundary with the ED-11 River Road subunit. The western boundary is the mean high tide line on the western shore of the Hudson. The subunit is located in the Towns of Red Hook and Rhinebeck, Dutchess County and in the City of Kingston and the Town of Ulster, Ulster County. Consult the Estates District SASS map sheet number 3 for subunit boundaries.

II. Scenic Components

A. Physical Character

The Astor Cove subunit consists of the Hudson River, which is 2,000 feet wide in this area, and the 100 foot high steep, wooded bluffs that constitute its eastern shore. The Hudson dominates the entire subunit. The river's shoreline is straight, defined by the railroad embankment that parallels the shore, except at Mills Point and Clifton Point. To the east of the tracks are located Astor Cove and wetlands, several other coves and wetlands, and small streams and ponds. Small ravines have been cut through the bluffs by the streams. Upland vegetation consists of mature woodland and occasional meadows. The designed landscapes of several estates located in the subunit include unique specimen trees and other notable plantings.

B. Cultural Character

Land use in the subunit consists mainly of four large 20th century estates that line the bluffs and provide dramatic views of the Hudson River. Although generally set at the summit of the bluffs and the properties are primarily wooded, the houses are visible from the Hudson. Several of the mansions include extensive landscaped grounds that extend into the adjacent River Road subunit. The southern portion of the Mandara estate, located in the Astor Point subunit to the north, extends into this subunit. The estates include Orlot, Ferncliff, Marienruh (now called Valeur), and The Meadows (formerly Leacote). The subunit also contains numerous vernacular structures from the 18th and 19th centuries. Although past neglect led to the demolition of Leacote, the subunit is currently well maintained.

In the northern portion of the subunit lies Orlot, its grounds flanked by ravines extending to the Hudson. The estate entrance road predates the estate as it was in the 18th century a public road, an extension of Upper Hook Road, which leads to a small settlement called Schultz's Landing. The original Orlot farmhouse still stands, a 1 1/2 story frame house whose original fabric dates from the late 18th century. In 1940 its colonial revival main house was built on terraces leading to the lawns and the Hudson River. The estate's 350 acres were farmed and a portion was mined for iron deposits, the latter use having given the land its name. The view to the 1950s Kingston-Rhinecliff Bridge to the north is less than successful, letting the discordant features of traffic and industrial architecture intrude on the estate grounds.

Marienruh was purchased in 1868 by Louis Augustus Ehlers, the landscape gardener who designed the grounds of Ferncliff. Ehlers' designed landscape for Marienruh has subsequently been altered, and his estate house was demolished in 1908. The present mansion is the second main house on the property. Built in the

1920s for Prince Obolensky and his wife Alice Astor, the Georgian house is oriented to take advantage of the long view to the south across Astor Cove, a view now blocked by forest growth.

The Ferncliff Casino, located south of Astor Cove, was designed in the Neo-classical style by McKim, Mead & White in 1902 and was converted to a residence for Vincent Astor, son of John Jacob Astor, after the Ferncliff mansion was demolished in 1941. A tea house, also designed for Vincent Astor by David Pleydell Bouverie, is now located near the site of the original mansion. French Provincial barns and two arched bridges from the early 1900s remain.

The most significant discordant features are the industrial and mining sites visible in Ulster and Kingston, just outside the western boundary of the SASS. Because the railroad corridor along the eastern shore is not highly visible, it is not a major discordant feature except when viewed from nearby locations. The Kingston-Rhinecliff Bridge, which opened in 1957, is an undistinguished utilitarian structure that is not compatible with the historic architecture in the subunit, but it does not significantly detract from the subunit's visual quality because it is not visible from many places in the subunit.

C. Views

Views from the subunit are sweeping 180 degree panoramas from the grounds of the major estates, and many include the Kingston-Rhinecliff Bridge. Many views are framed and enhanced by the designed landscapes surrounding the mansions. In other areas of the subunit the dense forest cover limits views.

Except for Orlot and The Meadows, views have a focus to the southwest, and those downriver are three miles in length. Views to the north from south of the Kingston-Rhinecliff Bridge are blocked by the bridge which also limits somewhat the breadth of views. Views to the west extend to the Catskill Mountains. The industrial sites on the western shore across from the southern portion of the subunit are somewhat discordant and reduce the scenic quality of the views.

In the northern portion of the subunit the steep wooded bluffs along the western shore just north of the Kingston-Rhinecliff Bridge are important as the middle ground of views to the west. Recent residential development is located on the ridge of the bluffs, introducing an element of discordance to an otherwise pristine length of wooded bluffs that extends northward to Glasco.

III. Uniqueness

While some of the historic integrity of the landscape has been lost, the grouping of the estates and their grounds in the Astor Cove subunit remains unique, a grouping of historic estates designed by prominent architects and landscape architects.

IV. Public Accessibility

The subunit consists primarily of private property which is not physically accessible to the public. The subunit is visible from the Hudson River and its western shorelands and from the Kingston-Rhinecliff Bridge. An abandoned railroad right-of-way which connects Slate Dock with NY Route 9G crosses the subunit and could provide additional public access if developed as a hiking trail. A vehicular above-grade bridge crosses the railroad tracts at The Meadows.

V. Public Recognition

The subunit is located in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The Kingston-Rhinecliff Bridge and the adjacent portion of N.Y. Route 199 are designated Scenic Roads under Article 49 because of the views they offer. The Astor Cove subunit is also part of the Hudson River National Historic Landmark District and of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

VI. Reason for Inclusion

The Astor Cove subunit is included in the Estates District SASS because it contains a variety of landscape and architectural components including mature woodlands, unique specimen trees and estate plantings associated with notable early 20th century mansions. Contrast exists between the buildings and the natural elements of the surrounding grounds and woods, while the design of the estate grounds and their structures effects a strong unity among these elements.

The subunit is visible to the public from the Hudson River and its western shore and from the Kingston-Rhinecliff Bridge. The subunit is publicly recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The Kingston-Rhinecliff Bridge is a designated Scenic Road under Article 49 because of the views it offers, including views of the Astor Cove subunit. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-11 River Road Subunit

I. Location

The River Road Subunit extends for almost seven miles between the hamlet of Annandale-on-Hudson on the north and Rhinecliff Road on the south. The subunit's western boundary is a common boundary with the ED-10 Astor Cove, ED-9 Astor Point and ED-8 Barrytown subunits along the Hudson River to the west. Its eastern boundary is coterminous with the boundary of the ED-12 Mount Rutsen subunit to the east, except where the northern and southern ends of the subunit reach east to New York Route 9G. The northern boundary is a common boundary with the ED-7 Annandale-on-Hudson subunit, and the southern boundary is a common boundary with the ED-14 Rhinecliff Road subunit. The subunit is located in the Towns of Red Hook and Rhinebeck, Dutchess County. Consult the Estates District SASS map sheets, numbers 2 and 3, for the subunit boundaries.

II. Scenic Components

A. Physical Character

The physical character of the subunit consists of flat to moderately rolling upland plateau accentuated by extensive estate farm fields and pastures and divided by small swales and gullies. Rock outcroppings are found throughout. The water features of very small brooks and ponds do not play a major role in the landscape. The Mudder Kill, which rises in Snyder Swamp in the adjacent subunit to the east, is a small perennial stream that recedes to a trickle during dry summers. Vegetation consists of mature deciduous forests, fields and pastures with large specimen trees located in fields and around estate houses. Large trees also line the rural roads and estate entrance roads.

B. Cultural Character

River Road/Annandale Road winds generally north and south through the entire subunit. The corridor is lined with trees and stone walls, some dry laid and some faced and topped with cap stones. The extensive pastoral landscape which flanks both sides of the roadway is associated with estates, the main houses of which are located in the adjacent riverfront subunits to the west. These estates include Massena, Edgewater, Sylvania, Rokeby, Mandara, Orlot, Leacote, Marienruh (now called Valeur) at Clifton Point, Ferncliff and Ankony.

Some of the outbuildings, elaborate barns and farm buildings associated with the estates are located in the subunit, along with stone walls, historic gate houses and winding entrance roads. More modest rural buildings from the 18th and 19th centuries are located along the roadways. The structures in the subunit are generally well maintained.

Kipsbergen, once located on the shore of the Hudson River just north of Slate Dock in the ED-14 Rhinecliff Road subunit, was the first settlement in Rhinebeck. A railroad, its now abandoned right-of-way leading from Slate Dock to NY Route 9G and beyond, once carried commodities from inland areas to the dock and the main line of the New York Central Railroad.

The country seat of Ankony was established in the early 19th century and was named after the Indian Chief who sold the land to the Kip family in the 1680s. Its three-story Greek Revival main house, dating from 1825 and 1860, was demolished in 1979. Stables and barns remain. Mature white pines and locusts line the estate entrance road which crosses the undulating terrain.

In the southern portion of the subunit west of River Road is located a nursing home, a large institutional structure built in the 1970s on property that was formerly a part of the Ferncliff estate. The landscape designed by Louis Augustus Ehlers in part remains.

The straight, wide corridor of NY Route 199 cuts through the central portion of the subunit on its way to the Kingston-Rhinecliff Bridge, its discordant qualities softened near the Hudson River by its sunken profile there. NY Route 9G, where it borders the subunit, is also discordant. Some recent scattered roadside development and a large institutional structure in the southern portion of the subunit create minor discordance in this otherwise unified pastoral landscape.

C. Views

Views are generally of an upland landscape and can be either shallow and broad, or long, as much as two to three miles in length across open fields. The composition of the views is enhanced by the fields and vegetation, including specimen trees. Minor focal points abound, including elaborate stone walls and entrance gates. Background views are limited to nearby woods and hills. The Hudson River is rarely visible from the subunit.

Some glimpses of estate grounds are available through formal gateways and down winding entrance roads which give a tantalizing hint of the elegance waiting at their termini.

III. Uniqueness

The River Road subunit is not unique, although its landscape of extensive estate grounds is of noteworthy scenic quality.

IV. Public Accessibility

There is no public access to the private estates, but the edges of the subunit are visible to the public from River Road/Annandale Road and other rural roads and from NY Routes 9G and 199. A panoramic view may be had from the publicly accessible observation tower atop Mt. Rutsen in Ferncliff Forest Preserve. The possible development of a trail along the old railroad bed that runs across the subunit from Slate Dock on the Hudson River in the ED-10 Astor Cove subunit to NY Route 9G would greatly increase public access to the interior of the subunit.

V. Public Recognition

The River Road subunit is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. River Road/Annandale Road and NY Route 199 are designated Scenic Roads under Article 49. The subunit is included in the Hudson River National Historic Landmark District and is part of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. River Road/Annandale Road is an Historic Tourway designated by Dutchess County, and has also been selected by a Washington D.C. interest group - Scenic America - as one of the ten most scenic roads in the nation.

VI. Reason for Inclusion

The River Road subunit is included in the Estates District SASS because it contains a great variety of open space, fields and woodlands which are unified by the pastoral estate setting and the general absence of discordant features. There is moderate contrast between the fields, woods and estates. Although some discordant features exist, they do not overwhelm the landscape. The edges of the subunit are visible from the public roadways, including River Road/Annandale Road and NY Routes 9G and 199.

The subunit is recognized through the designations of the Mid-Hudson Historic Shorelands Scenic District and of the River Road/Annandale Road Scenic Road under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-12 Mount Rutsen Subunit

I. Location

The Mount Rutsen subunit is located northwest of the Village of Rhinebeck adjacent to and including Mt. Rutsen Road. The subunit's northernmost boundary extends to Rokeby Road in the Town of Red Hook. The eastern boundary follows NY Route 9G, Hook Road and Old Post Road. The edge of the farmland north of the Village of Rhinebeck constitutes the southern boundary. The western boundary lies east of the River Road corridor, a common boundary with the ED-9 River Road subunit. The subunit is located in the Towns of Rhinebeck and Red Hook, Dutchess County. Consult the Estates District SASS map sheet number 3 for subunit boundaries.

II. Scenic Components

A. Physical Character

The Mount Rutsen subunit is dominated by Mount Rutsen, a 350 foot-high hill covered with mature deciduous forest. The remaining terrain is flat to gradually rolling and is primarily forested. The forest on Mount Rutsen is protected as part of the 192-acre Ferncliff Forest Preserve donated by Mrs. Vincent Astor and composed of extensive stands of deciduous trees with white pine and hemlock groves interspersed.

Water features include Snyder Swamp, a 110 acre hardwood swamp with areas of permanent standing water which spawns several woodland creeks. Snyder Swamp, a state-regulated freshwater tidal wetland, is the source for both the Mudder Kill, which meets the Hudson River north of Astor Point, and the Rhinebeck Kill, which joins the Landsman Kill to flow into the Hudson in Vanderburgh Cove.

B. Cultural Character

Land use in the subunit outside of the forested area consists of former farmlands, small historic farmsteads and recent exurban development. The cultural character is of generally well kept residential areas and natural surroundings enhanced by sightings of the wildlife.

Several winding rural roads border and cross the subunit, including River Road, Mt. Rutsen Road and Hook Road. The northern portion of the subunit is bisected by NY Route 199 which leads to the Kingston-Rhinecliff Bridge. The widened, heavily traveled highway corridor and the recent exurban development constitute discordant features.

In the immediate vicinity of Mount Rutsen was once located a Methodist conference camp established in memory of Rutsen Suckley. Evidence remains of the sites of 19th century camp buildings, roads and landscape elements.

C. Views

Views within the subunit are limited by the generally flat terrain and dense forest cover. The interior views of historic rural homes and woodlands, stream corridors, wetlands and small pastures are of moderate scenic quality. Most views are narrow, consisting of roadway corridors and glimpses of fields. Some partial distant views of the Hudson River are available through the trees on the upper flanks of Mount Rutsen. The observation tower on the property is now open and accessible and provides long views in all directions.

III. Uniqueness

The 192-acre Mount Rutsen Ferncliff Forest Preserve is somewhat unusual, but not unique.

IV. Public Accessibility

The Mount Rutsen Ferncliff Forest Preserve is open to the public for hiking and wildlife viewing. Rural roads, including River Road, Mt. Rutsen Road and Hook road, traverse the subunit, providing visual access to the rest of the landscape. River Road is used by large numbers of commuters traveling to the Rhinecliff railroad station from NY Route 199 and the Kingston-Rhinecliff Bridge.

V. Public Recognition

The Mount Rutsen subunit is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The forested subunit also contributes to the rural and wooded viewshed of River Road, a designated Scenic Road under Article 49. The northern portion of the Mount Rutsen subunit is included in the Hudson River National Historic Landmark District and is part of the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. Individual properties elsewhere are included in the Town of Rhinebeck Multi-Resource District, also listed on the State and National Registers. River Road is an Historic Tourway designated by Dutchess County.

VI. Reason for Inclusion

Although the Mount Rutsen subunit is not distinctive, it is included in the Estates District SASS because it lies adjacent to distinctive subunits and contributes positively to the scenic character of their viewsheds. The forest cover and conservation theme of the Mount Rutsen Ferncliff Forest Preserve unifies the varied terrain and the contrasting fields and water features. The Mount Rutsen Ferncliff Forest Preserve is open to the public, and the subunit is publicly accessible via River Road, Mt. Rutsen Road and Hook Road. The subunit is visible from the local roads and viewed by the large number of commuters using River Road.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-13 Rhinebeck Center Subunit

I. Location

The Rhinebeck Center subunit consists of the central business district of the Town and Village of Rhinebeck located within the coastal area boundary west of the Old Post Road and New York Route 9. The northern boundary intersects Old Post Road just north of its junction with Mt. Rutsen Road. The western boundary parallels Old Post Road and NY Route 9 and lies along the edge of the open fields that surround the business district. The southern boundary intersects NY Route 9 south of Mill Road. Most of the district lies within the village boundaries. The subunit has common boundaries with the ED-12 Mount Rutsen, ED-9 River Road, ED-14 Rhinecliff Road and ED-17 Mill Road Meadows subunits. The subunit is located in the Town and Village of Rhinebeck, Dutchess County. Consult the Estates District SASS map sheet number 3 for the subunit boundaries.

II. Scenic Components

A. Physical Character

The terrain of the Rhinebeck Center subunit is flat to gently rolling. Vegetation consists of mature wooded areas, garden plantings, lawns and street trees. Although there are small brooks and ponds, their shoreline features are minor, and water does not play a major role in the landscape.

B. Cultural Character

The cultural character of the subunit is dominated by the tightly clustered grid pattern of Rhinebeck's historic village center. Its visual character is defined by the contrast between the dense settlement and the surrounding open fields and woodlands on gently rolling terrain. The ordered settlement pattern and adjacent open space creates a strong sense of place.

The cultural character of the town center creates a distinct and unique historic visual character. Rhinebeck has one of the Hudson Valley's most historic and best preserved village streetscapes. Accented by the Beekman Arms, reputed to be the oldest continually operating inn in America, the 18th and 19th Century architectural facades are very well preserved and maintained. Period styles range from Dutch vernacular to Federal and Victorian. Other notable features include: the Delamater House (A. J. Davis, 1844); Wager-Parisi House; Kiersted-Wells House; U. S. Post Office (replica of the Kip-Beekman house of 1700, built under the personal supervision of President Franklin D. Roosevelt); the Astor Home (McKim, Mead and White, 1914); and the Rhinebeck Community Cemetery.

Some discordant features such as gas stations and other recent development are present, but they are not major detractions.

C. Views

Views are generally short in range and limited to the streetscape. They are narrow and have a strong linear composition, framed by facades and street trees, with the Beekman Arms and other historic buildings as focal points.

III. Uniqueness

The Rhinebeck Center subunit is a unique historic village center with a great variety of well preserved historic architecture.

IV. Public Accessibility

The Rhinebeck Center subunit is accessible from the village streets and roadways. NY Route 9 is a major north-south artery and brings both commuters and tourists through the community. Rhinecliff Road intersects with NY Route 9 in the village center and connects the village with the hamlet of Rhinecliff, its railroad station and the town dock on the banks of the Hudson River, about 2.5 miles to the west in the ED-15 Rhinecliff subunit.

V. Public Recognition

The Village of Rhinebeck is well known and attracts visitors to its historic business district. The subunit is a part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. It also is included in the Hudson River National Historic Landmark District and constitutes a portion of the Rhinebeck Village Historic District, listed on the State and National Registers of Historic Places.

VI. Reason for Inclusion

The Rhinebeck Center subunit is included in the Estates District SASS because it exhibits a great variety of architecture styles unified by the intact historic character of the business district. There is some contrast between the building facades and the associated lawns and street trees. The subunit is a unique historic town center that is highly accessible to the public. It is well recognized as a tourist destination and is part of the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and the Rhinebeck Village Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-14 Rhinecliff Road Subunit

I. Location

The Rhinecliff Road subunit consists of a corridor of land along Rhinecliff Road connecting the hamlet of Rhinecliff with the Village of Rhinebeck. The subunit is bounded on the west by the mean high water line on the west bank of the Hudson River and on the east by the outskirts of the village center, a portion of which is included in the ED-13 Rhinebeck Center subunit. The subunit's northern and southern boundaries are common boundaries with the ED-9 River Road and the ED-17 Mill Road Meadows subunits, respectively. The subunit is located in the Town of Rhinebeck, Dutchess County and in the City of Kingston, Ulster County. Consult the Estates District SASS map sheet number 3 for the subunit boundaries.

II. Scenic Components

A. Physical Character

The physical character of the subunit consists of a flat to rolling upland along the corridor of Rhinecliff Road and the 150 foot high bluffs along the east bank of the Hudson River which narrows to approximately 3000 feet in width as it rounds Kingston Point on the west shore. On the east bank the shoreline is straight, formed by the railroad embankment. The construction of the railroad tracks and the piers and docks on the east bank, now abandoned, has created some small man-made coves. Vegetation consists primarily of large street trees and lawns associated with the houses along the Rhinecliff Road and the fields and pastures that lie behind the houses.

B. Cultural Character

The cultural character of the subunit is centered in the Long Dock Road area near the Hudson River north of Rhinecliff where a number of the oldest homes are located. The formerly bustling Long and Slate Docks once serviced ferries and shipping traffic, but are now idle. The earliest settlement in Rhinebeck, called Kipsbergen, was located just to the north of Slate Dock. Beside the Hudson on the north side of Slate Dock Road stands the pre-1708 Jacob Kip House and Tavern, a stone and frame building. At the intersection of Slate Dock Road and Rhinecliff Road is another ancient Kip house, and several hundred yards to the south are the ruins of the Kip-Beekman-Hermance House.

Although such signs of the former farming and shipping heritage of the area remain, recent residential and commercial development along the eastern portion of Rhinecliff Road has eroded a significant amount of the historic architectural and scenic character of the landscape. The Rhinecliff Road corridor is an historic landscape in a rural context that is undergoing changes associated with the growth of development along the highway. The road is lined with a mixture of historic homes and farmsteads along with more recent residential and commercial development.

The subunit is generally well maintained, but recent development has created numerous discordant features which detract from the overall quality and composition of views, including unscreened equipment storage areas, commercial land uses and the suburban development pattern. The railroad tracks along the Hudson are also discordant, although they do not dominate the eastern shore. Ephemeral characteristics consist of lights along the highway corridor.

C. Views

Views in the subunit are generally narrow or linear along the axis of the roadway or through clearings into adjacent subunits and are framed by trees and fields. Broad views of the Hudson River are available, however, from the western end of Rhinecliff Road. Views from the Hudson are primarily of the bluffs which rise along the shoreline. There are no major focal points.

III. Uniqueness

The subunit is not unique. It is a fairly typical rural highway corridor that is being changed by spreading development.

IV. Public Accessibility

The subunit is accessible via Rhinecliff Road and the Hudson River, but is limited to the highway and river corridors. The fields behind the immediate highway corridor are visible from Rhinecliff Road which is well travelled. Rhinecliff Road links NY Route 9, Rhinebeck Village and other areas outside the subunit with the railway station in Rhinecliff and the Town of Rhinebeck Dock, a park and boat launch facility on the Hudson River. The bluffs along the Hudson River are highly visible from the Hudson, from the trains that run along the eastern shore and from the western shore.

V. Public Recognition

The Rhinecliff Road subunit is well known because of its association with the historic Rhinebeck Village and Rhinecliff hamlet. Rhinecliff Road is also an important commuting route, providing access to the Rhinecliff railroad station as well as to the Town of Rhinebeck Dock. The subunit is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law, and the western portion of Rhinecliff Road is a designated Scenic Road under Article 49. The subunit is also included in both the Sixteen Mile Historic District and the Town of Rhinebeck Multi-Resource District listed on the State and National Registers of Historic Places. The easterly segment of the highway corridor is one of the few portions of the Estate District SASS that is not included in the Hudson River National Historic Landmark District.

VI. Reason for Inclusion

Although the Rhinecliff Road subunit is not a distinctive landscape, it is included in the Estates District SASS because it lies between and links two distinctive subunits. The subunit has a moderate variety of fields, trees and historic structures which are unified by the highway corridor. The repetitive new development reduces contrast to a moderate level as well.

The subunit is accessible to the public via the Hudson River and Rhinecliff Road, a heavily travelled Scenic Road designated under Article 49 of the Environmental Conservation Law. The land adjacent to the highway corridor is visible from the highway. The bluffs along the Hudson River are highly visible from the river and its western shore and from the passenger trains that run along the eastern shore. The subunit is included in the Mid-Hudson Historic Shorelands Scenic District, also designated under Article 49, and in both the Town of Rhinebeck Multi-Resource District and the Sixteen Mile Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-15 Rhinecliff Subunit

I. Location

The Rhinecliff subunit consists of the hamlet of Rhinecliff in the Town of Rhinebeck and the associated portion of the Hudson River west to the mean high tide line on its western shore, primarily the mouth of the Rondout Creek. The subunit is bounded on the north by the ED-14 Rhinecliff Road subunit, on the east by the ED-16 Rhinecliff Woods subunit and on the south by the ED-18 Vanderburgh Cove subunit. The subunit is located in the Town of Rhinebeck, Dutchess County and the City of Kingston, Ulster County. Consult the Estates District SASS map sheet number 3 for the subunit boundaries.

II. Scenic Components

A. Physical Character

The physical character of the Rhinecliff subunit is composed of a steep bluff rising from the banks of the river to the height of 150 feet and the dramatic 20 to 30 foot high cliffs created by the railroad cut. Vegetation consists of mature street trees in the hamlet of Rhinecliff and the meadows and dense deciduous woodlands that surround the hamlet. The 5,000 foot wide Hudson River features prominently in the subunit.

B. Cultural Character

The historic hamlet of Rhinecliff, a compact cluster of buildings nestled in a grid pattern of streets on steep slopes, was founded as Kipsbergen in 1686. Historic homes line tree-shaded streets in this small, compactly developed Hudson River port surrounded by farmland. The varied period vernacular architecture gives hints of the hamlet's history. A notable feature is the Morton Memorial Library and Community Hall, built by local resident Levi P. Morton, a Vice President of the United States.

Across the Hudson River at the western edge of the subunit stands the Rondout 2 Lighthouse, an historic sentinel which has been restored as a museum. Its flashing light constitutes an ephemeral feature on the landscape.

Large passenger vessels once frequented the town-owned Rhinecliff Landing, and ferry boats plied the river between Kingston and Rhinecliff until the 1950s. Today, Rhinecliff's historic role as a transportation center continues in part, as the historic Rhinecliff railroad station hosts large numbers of commuters who come to Rhinecliff daily to take the train. The railroad station was built in 1914 in the Mission style. Keystones crown its corbelled arches, and light transoms and side lights frame the entrances.

Rhinecliff is well maintained, but some discordant features are present, including the Kingston industrial waterfront visible in views to the west, the extensive macadam parking lots associated with the railroad station and the railroad itself which cuts off access from the hamlet to the Hudson except at Rhinecliff Landing, which is reached by a bridge over the tracks.

C. Views

Views from the subunit are extensive and include expanses of the Hudson River to the north and south, the wooded bluffs of the opposite shore, the City of Kingston, and the distant Catskills which are visible from the higher elevations in the subunit. The Rondout 2 Lighthouse in Kingston is a focal point in views from the water and the eastern shore. The hamlet's tight residential street grid frames views of the river in a linear composition. Rhinecliff Landing and the restored railroad station are dominant features in views from the Hudson. Negative elements in the viewshed include the derelict industrial facilities on the East Kingston waterfront and the recent housing development on the riverfront slopes at Port Ewen.

III. Uniqueness

The Rhinecliff subunit is unique because it is a scenic landscape which also retains its historic character and some of its historic functions as a Hudson River port and transportation center.

IV. Public Accessibility

The subunit is accessible from the hamlet streets and the Hudson River and is visible from the river, the passing railroad trains, the City of Kingston and the Rondout 2 Lighthouse. The Town-owned Rhinecliff Landing attracts large numbers of boaters and other visitors wishing to get close to the Hudson River and provides access to the hamlet from the river.

V. Public Recognition

The Rhinecliff subunit is publicly recognized through its inclusion in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. The western portion of Rhinecliff Road is a designated Scenic Road under Article 49. Rhinecliff is well known as a stop for AMTRAK passenger trains and vessels on the Hudson River. It is included in the Hudson River National Historic Landmark District and in the Town of Rhinebeck Multi-Resource Historic District listed on the State and National Registers of Historic Places. The railroad station has been maintained in a manner which recognizes its architectural value.

VI. Reason for Inclusion

The Rhinecliff subunit is included in the Estates District SASS because it is a unique scenic and historic Hudson River landing. The Rhinecliff subunit exhibits a variety of architectural styles unified by their historic character and hamlet development pattern. Contrast is found between the hamlet form, the steep bluff and the expansive Hudson River. The subunit is both visually and physically accessible via the Hudson River, the railroad trains and local streets and roads. Rhinecliff is well known for its historic railroad station and river landing. The hamlet is publicly recognized for its scenic and historic values through the designations of the Mid-Hudson Historic Shorelands Scenic District and the Rhinecliff Road Scenic Road under Article 49 of the Environmental Conservation Law. The hamlet is included in the Hudson River National Historic Landmark District and in the Rhinebeck Multi-Resource Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-16 Rhinecliff Woods Subunit

I. Location

The Rhinecliff Woods subunit has two separate sections. The northern section is located east and southeast of the hamlet of Rhinecliff. The southern section, along the Landsman Kill inland and north of Vanderburgh Cove. The subunit has common boundaries with the ED-17 Mill Road Meadows and ED-18 Vanderburgh Cove subunits and is located in the Town of Rhinebeck, Dutchess County. Consult the Estates District SASS map sheets, numbers 3 and 4, for the subunit boundaries.

II. Scenic Components

A. Physical Character

The Rhinecliff Woods subunit is composed of two sections, neither of which border on the Hudson River. The physical character of the sections differs, the terrain of the northern section being undulating, while the southern section consists primarily of the 60 foot high banks of the Landsman Kill ravine. Both sections are generally covered with dense second growth deciduous woodlands. Scattered small fields occasionally add diversity to the forested landscape in the northern section. The vegetation in the southern section is that of swamp forest. Water features include the meandering Landsman Kill, ponds and wetlands.

B. Cultural Character

The cultural character of the subunit is composed of scattered historic farm and estate buildings located at its fringes and along the portions of Mill Road included in the subunit. The subunit includes portions of three historic properties: Ellerslie, Graymere and Foxhollow. The pastures east of Rhinecliff have been continuously farmed since the founding of the hamlet. Minor discordant features include a quarry and a radio tower.

C. Views

Views within the subunit are primarily confined to the forest understory. Internal views in the southern section of the subunit are predominately linear and include the Landsman Kill's forested steep valley and associated wetlands. The Hudson River is not visible. Composition, distance, and breadth of views are minimal due to the dense forest cover. The stream and its ravine constitute focal points.

III. Uniqueness

The Rhinecliff Woods subunit is not unique. It is a fairly typical wooded upland landscape.

IV. Public Accessibility

The edges of the subunit are moderately visible from local roads.

V. Public Recognition

The subunit is not well known on its own, but it is included in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. South Mill Road, which borders portions of the southern section of the subunit, is a designated Scenic Road under Article 49. The subunit is also part of the Hudson River National Historic Landmark District and is included in the Town of Rhinebeck Multi-Resource Historic District listed on the State and National Registers of Historic Places.

VI. Reason for Inclusion

Although the subunit is not distinctive, it is included in the Estates District SASS because it is located between and links distinctive subunits and does not detract from the overall scenic quality of the SASS. The forest creates strong visual unity but lacks contrast. The Landsman Kill and its wooded ravine contribute some localized variety. Visual access is limited to the landscape edges along local roads. The subunit is neither unique nor well-known in itself, but it is part of the Mid-Hudson Historic Shorelands Scenic District and the corridor of the South Mill Road Scenic Road designated under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and in the Town of Rhinebeck Multi-Resource Historic District listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-17 Mill Road Meadows Subunit

I. Location

The Mill Road Meadows subunit consists of an extensive area of farmland southwest of the Village of Rhinebeck center. The subunit is bounded on the north by the Village of Rhinebeck center and the corridor of Rhinecliff Road included in the ED-14 Rhinecliff Road subunit. New York Route 9 constitutes the eastern boundary. Its other boundaries are common boundaries with the ED-16 Rhinecliff Woods and ED-18 Vanderburgh Cove subunits. The Mill Road Meadows subunit is located in the Town of Rhinebeck, Dutchess County. Consult the Estates District SASS map sheets, numbers 3 and 4, for the subunit boundaries.

II. Scenic components

A. Physical Character

The physical character of the subunit is of flat to gradually rolling topography. Vegetation consists of open meadows and pasture bounded by woods. Large specimen trees, including locust trees, are scattered throughout the meadows and line their edges. There is a variety of small water features such as streams, ponds and wetlands. The meandering streams have a varied but small-scale shoreline. Woodlands line the shores of the Fallsburg Creek.

B. Cultural Character

The cultural character of the subunit consists of scattered historic rural residences, estates and farmsteads located along narrow rural roads lined with stone walls and mature specimen trees. The pastoral landscape is an historic remnant of a land use that once was predominant in the Hudson River Valley and contributes to the Town of Rhinebeck's rural character. This open space also contributes to the defined edges of both the Village of Rhinebeck and the hamlet of Rhinecliff. Historic Mill Road, South Mill Road and other rural roads, lined with stone walls and locust trees, wind their way through the landscape.

Land use consists of farms, including horse farms, and estate grounds which compliment and enhance an otherwise uninteresting landform. Grazing animals and wildlife dot the meadows, creating ephemeral characteristics. Scattered older vernacular homes are reminders of the historic farm landscape.

Some of the meadows are part of the Wildercliffe and Linwood estates, the main houses of which are located in the Vanderburgh Cove subunit to the west. Other farms were once purchased by Tracy Dows and added to the Fox Hollow property in the early 20th century. Dows was an estate owner who was personally involved in farming, belonging to local farm organizations. He was an early member of the Dutchess County Agricultural Society and was partly responsible for bringing the Dutchess County Fair to Rhinebeck. Glenburn, located near Fox Hollow Road, was inherited by Dows' wife, Alice Olin Dows. The dwelling was built in 1850 and remodeled in the early 20th century. The collection of barns is an excellent example of a 19th century farm complex. The grounds include an intact designed landscape by the Olmsted Brothers. The property also contains two humpback bridges built over the Fallsburg Creek in 1850 and 1875.

Located on the Glenburn property is the studio of the late Olin Dows, son of Tracy Dows and the painter of the murals in the Rhinebeck Post Office which was constructed during the tenure of President Franklin D. Roosevelt.

Southlands Farm, which borders NY Route 9, was also once part of the Dows property. Its open space along the highway is an important landscape feature protected by a conservation easement held by Scenic Hudson, Inc.

The estate lands of Grasmere also extend eastward to NY Route 9 as well. The 1750 Steenburg Tavern, now a private home adjacent to NY Route 9, was a tenant house on the Grasmere estate. Grasmere was built by Richard Montgomery and Janet Livingston Montgomery in 1775, the same Janet Montgomery who subsequently built Montgomery Place in 1806. After the original main house of Grasmere was destroyed by fire in 1824, it was rebuilt to retain the original character. The property has been subdivided over the years, but 25 acres have remained with the main house, including early 20th century gardens in the English country house style. The stone barns of the estate are in separate ownership, and the land is still farmed. The acreage in farming has been reduced by new housing development, however.

A portion of this subunit includes farmlands formerly comprising part of Ellerslie, the 1000 acre county seat of Levi P. Morton, Governor of New York and a Vice-President of the United States in the 1880s and 1890s. Another portion encompasses the historically intact Van Steenburgh-McLaughlin farm.

The Mill Road Meadows subunit is well maintained. Except for some intrusive development along NY Route 9, the subunit is remarkably free of discordant features, considering its location along a main north-south State highway.

C. Views

Views are primarily long interior views, some extending two miles along the local rural roads and across fields and meadows to the surrounding low, forested hills. Some views across meadows may be wide, but short, depending on the depth of the meadow. Nearby hills and woods provide background. The land generally is too flat to afford views to the Hudson, but it does reach sufficient elevation at its eastern edge to provide views from NY Route 9 west across the open meadows that border the highway. Varied wooded edges and specimen trees along the roads and in the meadows frame views and create numerous and varied visual compositions. The specimen trees also provide focal points in the views.

III. Uniqueness

Although the subunit's large, undeveloped meadows are uncommon, the Mill Road Meadows subunit is not unique.

IV. Public Accessibility

The subunit is accessible and visible from NY Route 9, Mill Road, South Mill Road and the other rural roads which traverse it.

V. Public Recognition

The Mill Road Meadows subunit is located in the Mid-Hudson Historic Shorelands Scenic District designated under Article 49 of the Environmental Conservation Law. South Mill Road is a designated Scenic Road under Article 49. The subunit is also included in the Hudson River National Historic Landmark District and in the Town of Rhinebeck Multi-Resource Historic District which is listed on the State and National Registers of Historic Places.

VI. Reason for Inclusion

The Mill Road Meadows subunit is included in the Estates District SASS because it has a variety of vegetation and meadows unified by the agricultural and estate uses. Contrast exists between the forest and the meadows, and the subunit is generally free of discordant features. It is accessible and visible from NY Route 9 and local roads and is publicly recognized through the designation of the Mid-Hudson Historic Shorelands Scenic District and the South Mill Road Scenic Road under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and in the Town of Rhinebeck Multi-Resource Historic District which is listed on the State and National Registers of Historic Places.

ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE

ED-18 Vanderburgh Cove Subunit

I. Location

The Vanderburgh Cove subunit extends from the southern end of Vanderburgh Cove north to Rhinecliff. The subunit is bounded on the north by the hamlet of Rhinecliff in the ED-15 Rhinecliff subunit. Its eastern boundary generally follows the crest of the Hudson River bluffs and is a common boundary with the ED-17 Mill Road Meadows and ED-16 Rhinecliff Woods subunits. The subunit is bounded on the south by the ED-20 Mills State Park subunit and on the west by the mean high tide line on the western shore of the Hudson River. The subunit is located in the Towns of Rhinebeck and Hyde Park, Dutchess County and in the Town of Esopus, Ulster County. Consult the Estates District SASS map sheet number 4 for the subunit boundaries.

II. Scenic Components

A. Physical Character

The physical character of the subunit is composed of steep, wooded bluffs rising prominently 150 feet above Vanderburgh Cove and Suckley Cove, and Hudson River wetlands and shorelands. The northern portion of the subunit curves to the west to form Sturgeon Point. Vegetation consists of mature deciduous forest, estate lawns, specimen trees and wetlands species.

Water features are the Hudson River and its coves and associated wetlands. The Landsman Kill and Fallsburgh Creek cut through the bluffs and empty into Vanderburgh Cove. The Nature Conservancy and Scenic Hudson, Inc. have collaborated to preserve lands encompassing the lower Fallsburgh Creek, a pristine, partly tidal zone which provides habitat for significant species. This stretch of the Hudson River is about 6,000 feet wide with large shallows and mudflats along both shores.

B. Cultural Character

Eight historic estates figure prominently on the ridgeline overlooking Vanderburgh and Suckley Coves - Ellerslie, Wilderstein, Wildercliffe, Wyndcliffe, Whispering Pines, Linwood, Foxhollow and Hopeland. They evidence outstanding designed estate grounds and varied and unique architecture which accentuate their settings. The status of these properties varies from excellent (Wildercliffe) to undergoing restoration (Wilderstein), extreme disrepair (Wyndclyffe), and seriously compromised integrity (mansions destroyed at Ellerslie, Linwood and Hopelands). Most of the estates originated in the late 18th and early 19th centuries. The stucco main house of Whispering Pines was designed in 1906 in the Mission style, the main house at Foxhollow in 1909. Hopeland continues as land only, its main house having been demolished in the 1950s.

Ellerslie lies north of Suckley Cove. Now the site of the Holy Cross School, 112 acres in size, the estate was developed as a country seat by Maturin Livingston beginning about 1810. It is thought that the original mansion was designed by Benjamin Latrobe. As an 800 acre country seat with a celebrated landscape pleasure ground regularly open to the public, Ellerslie served as the house of William Kelly and his family for some fifty years. By 1888 the house was replaced by one designed by Richard Morris Hunt for Levi P. Morton, a Governor of New York State and a United States Vice-President. That house burned in 1940, and the existing school quadrangle dates from the 1950s and 1960s.

The estate landscape, which included formal gardens, paths and roads, stone walls and a man-made lake, survives, though in poor condition. Of note is the Ellerslie or Morton schoolhouse. A gable front Romantic style building located on Mill Road, it is attributed to Alexander Jackson Davis.

Wilderstein overlooks Suckley Cove and provides long views across the Cove to the Hudson River and the opposite shorelands. Its main house was originally designed in 1852 as an Italianate Villa. In 1888 it was enlarged and altered into the Queen Anne country home it is today. Its wood panelled interior, leaded glass windows and marble fireplaces were designed by J. B. Tiffany. In 1891 Calvert Vaux was engaged to enhance the landscape in the American Romantic style. The Suckley family has donated the estate to Wilderstein Preservation, a non-profit organization which is restoring the property which is now open to the public on a limited basis.

Wildercliffe lies between Vanderburgh Cove and Suckley Cove. The main house exhibits several architectural styles. The original wood-frame structure was a modest Federal style house built in 1799 for Reverend Freeborn Garretson and his wife, Catherine Livingston. Reverend Garretson was a Methodist minister who effectively propagated Methodism throughout the Hudson Valley, traveling long distances to individual congregations. Additions to the structure during the 19th century consist of a gambrel roof, French windows and library wings. Windows abound, presumably to take advantage of the views from the property, including Esopus Meadows.

The Norman-style mansion of Wyndcliffe was built in 1853. Its central tower once commanded panoramic views up and down the Hudson River, but today the house is in extreme disrepair, its grounds reduced to four acres, and its river view wholly obscured by forest growth. It was built by an aunt of the novelist Edith Wharton. She visited her aunt at Wyndcliffe. She disliked the estate and satirized it in her writings.

Linwood, which lies along the Landsman Kill, is now a private religious institution, but is accessible to the public. First developed in the 1780s by Dr. Thomas Tillotson and his wife Margaret Livingston, it was later owned by uncles of the writer Henry James, who spent his summers there as a youth, and later still by the beer baron Jacob Ruppert.

When Thomas Wolfe was a college student, he spent time at Fox Hollow, the home of the Dowses whose son Olin was a friend of Wolfe. He returned later to write Look Homeward, Angel while residing in the gatehouse of the estate. The 1906 gatehouse is located on South Mill Road and overlooks a pond on the Landsman Kill that had been impounded for an earlier mill. This sojourn inspired another work of Wolfe, entitled Of Time and the River.

The subunit is generally free of discordant features except for the railroad causeways which figure prominently at the mouth of the coves and somewhat reduce visual quality. The railroad does provide, however, the interesting ephemeral effect of passing trains framed by the expanse of the Hudson River. Other unsympathetic elements in the subunit are the institutional structures and exterior lighting at Ellerslie (Holy Cross School) and the tract housing development east of Vanderburgh Cove.

C. Views

Most of the estates in the Vanderburgh Cove subunit command superb views, framed by the sweeping estate lawns. These views are expansive, extending across Vanderburgh and Suckley Coves to the Hudson River, the Esopus-Lloyd Scenic Area on the distant western shore and the distant Catskill Mountains. The views to the north and south include the Hudson River. The Esopus Meadows Lighthouse forms a focal point in the middle of the Hudson in views to the south from most of the subunit, as does the Hoyt-Norrie peninsula and Esopus Island to a lesser degree.

A detailed analysis of the Wilderstein viewshed was performed by Scenic Hudson, Inc. in 1989. Two areas identified as being of greatest importance in the viewshed are the northern half of Mills-Norrie State Park, including the lands surrounding Mills Mansion and the Hoyt House and the shorelands that rise above the Hudson River in Esopus, land included in the Esopus-Lloyd SASS in the EL-1 Big Rock and Hemlock Point, EL-2 Esopus Uplands and EL-3 Esopus Bluff subunits. In the absence of significant visual intrusion, the expanse of the Hudson River dominates the views. The viewshed of Wilderstein intersects with that of the Mills Mansion and Hoyt House in Mills-Norrie State Park.

The corridor of the Hudson River in this subunit is primarily wooded punctuated with lawns of the estates which provide visually interesting focal points in views of the eastern shore from the Hudson River and the west shore.

III. Uniqueness

The Vanderburgh Cove subunit is a unique grouping of present or former estates and summer residences.

IV. Public Accessibility

Because the land in the Vanderburgh Cove subunit is in private ownership, the subunit is accessible only within the corridors of the local public roads. Wilderstein, however, is owned by Wilderstein Preservation, a non-profit corporation which is restoring the property for use as a house museum and nature preserve. As Wilderstein's visitation schedule becomes more extended, physical access should increase significantly.

Local roads provide views of the portions of the subunit within their scenic corridors, mostly of a wooded landscape. The shorelands of the subunit are highly visible from the Mills Estate in Mills-Norrie State Park and from the Hudson River and its western shore. The steep bluffs generally block views of the estates from the passing trains; but Vanderburgh Cove, Suckley Cove and their shorelands are visible from the passing trains.

V. Public Recognition

The Vanderburgh Cove subunit is publicly recognized through the designation of the Mid-Hudson Historic Shorelands Scenic District under Article 49 of the Environmental Conservation Law. South Mill Road, which runs through the subunit, is designated a Scenic Road under Article 49. It is also an Historic Tourways designated by Dutchess County. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District which is listed on the State and National Registers of Historic Places.

The Wilderstein Preservation Viewshed Report prepared by Scenic Hudson in 1989 is another indicator of the importance the public attaches to the scenic quality of this portion of the Hudson River. Regional and local land trusts and New York State agencies are engaged in acquiring land and conservation easements to protect the scenic quality of the Hudson River corridor in this area.

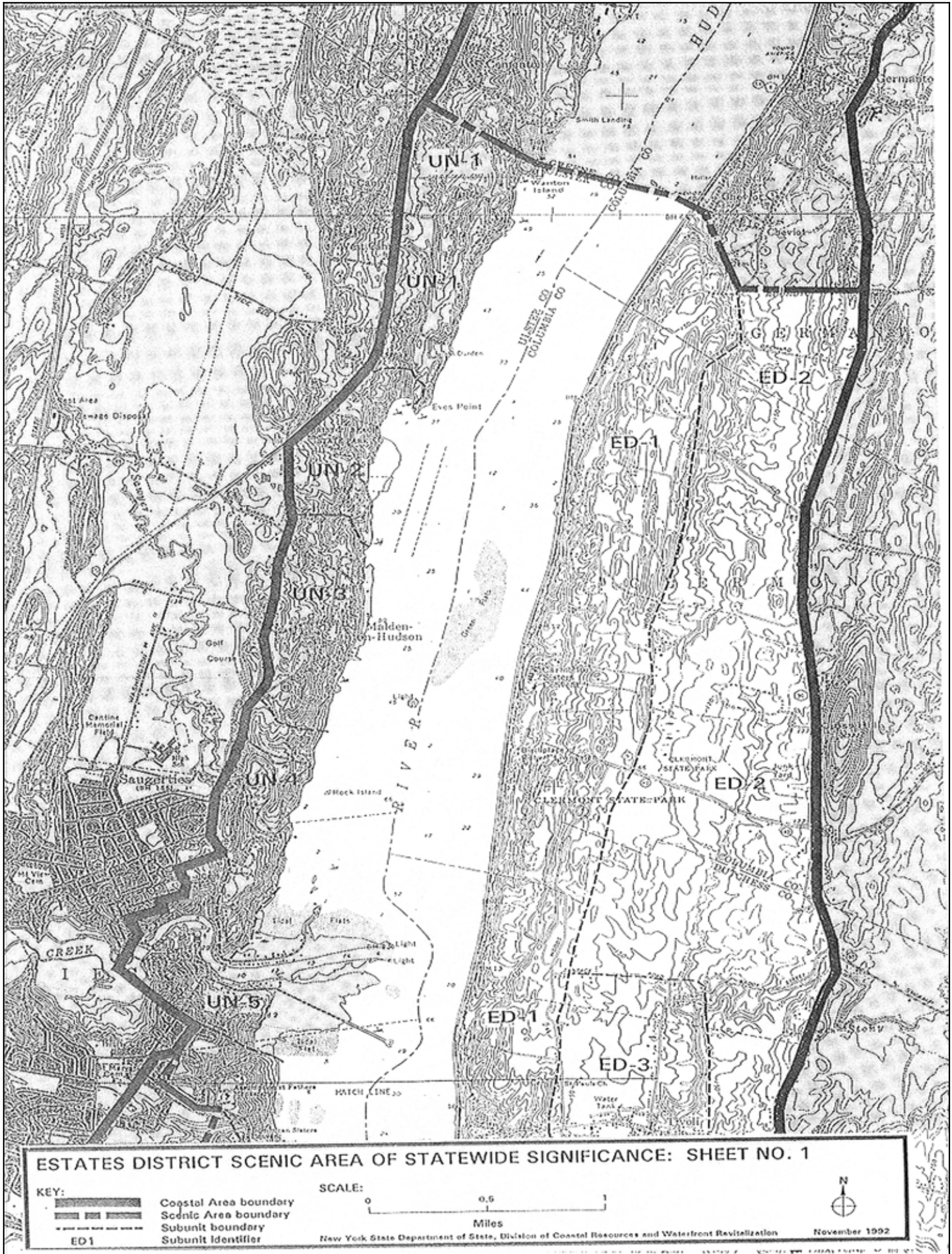
VI. Reason for Inclusion

The Vanderburgh Cove subunit is included in the Estates District SASS because it is a unique collection of historic estates with designed landscapes that incorporate dramatic views of the Hudson River, its western shorelands and the distant Catskill Mountains. The landscape exhibits a variety of terrain, water features and architectural styles unified by the estate land uses and views. The contrast between the forests, the estate lawns and the mansions is distinctive. Except for the railroad causeways, the subunit is generally free of discordant features.





The subunit is accessible via the Hudson River and local roads, although only the edges of the subunit are visible. Public access should increase when restoration of Wilderstein is completed and the estate is open to the public on a regular basis.

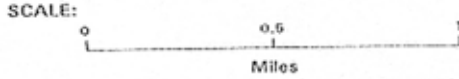
The Vanderburgh Cove subunit is publicly recognized through the designations of the Mid-Hudson Historic Shorelands Scenic District and the South Mill Road Scenic Road under Article 49 of the Environmental Conservation Law. The subunit is also included in the Hudson River National Historic Landmark District and in the Sixteen Mile Historic District listed on the State and National Registers of Historic Places. South Mill Road is also part of the Dutchess County system of Historic Tourways.

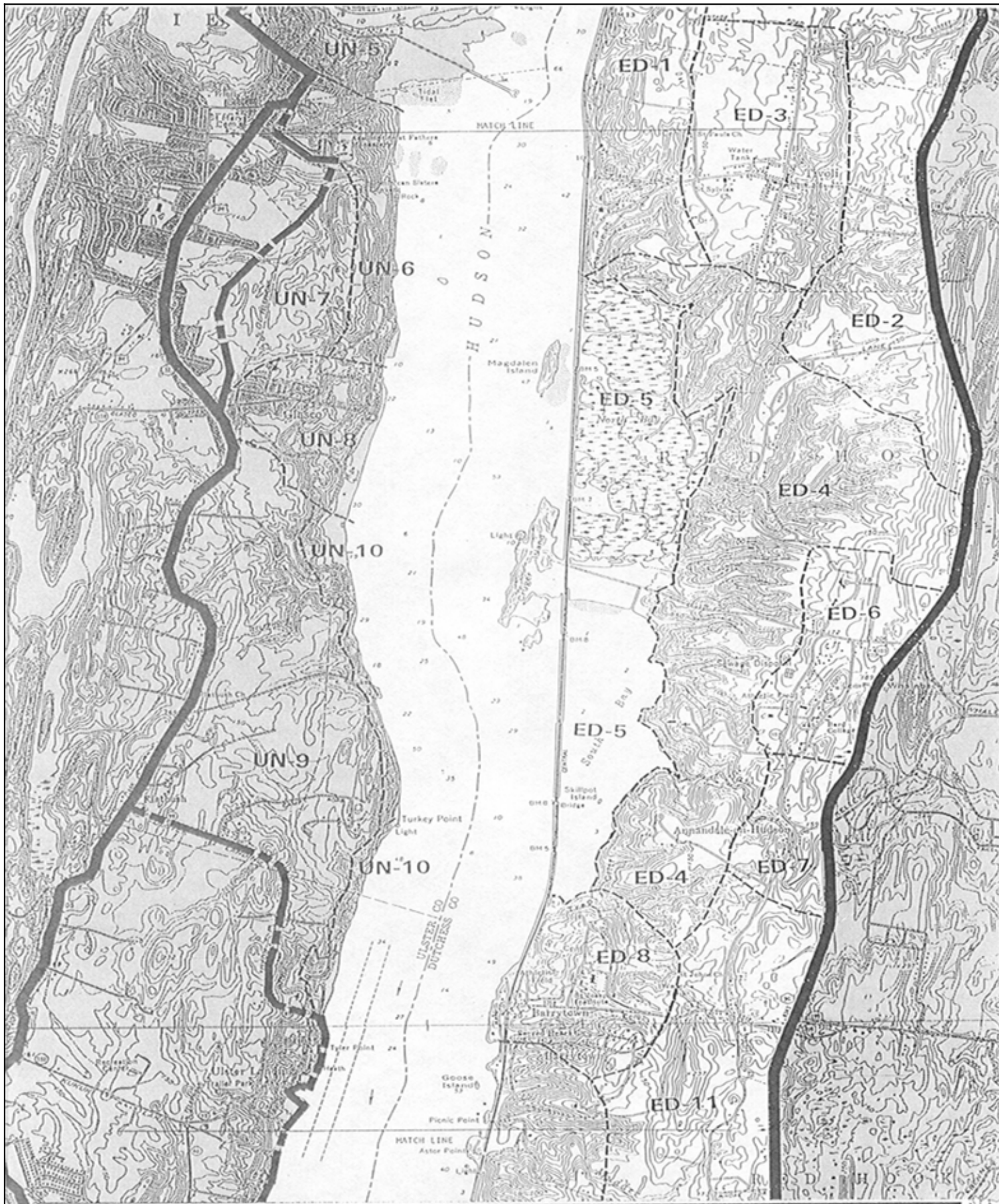
ESTATES DISTRICT SHEET 1



ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1

- KEY:**
-  Coastal Area boundary
 -  Scenic Area boundary
 -  Subunit boundary
 -  Subunit Identifier



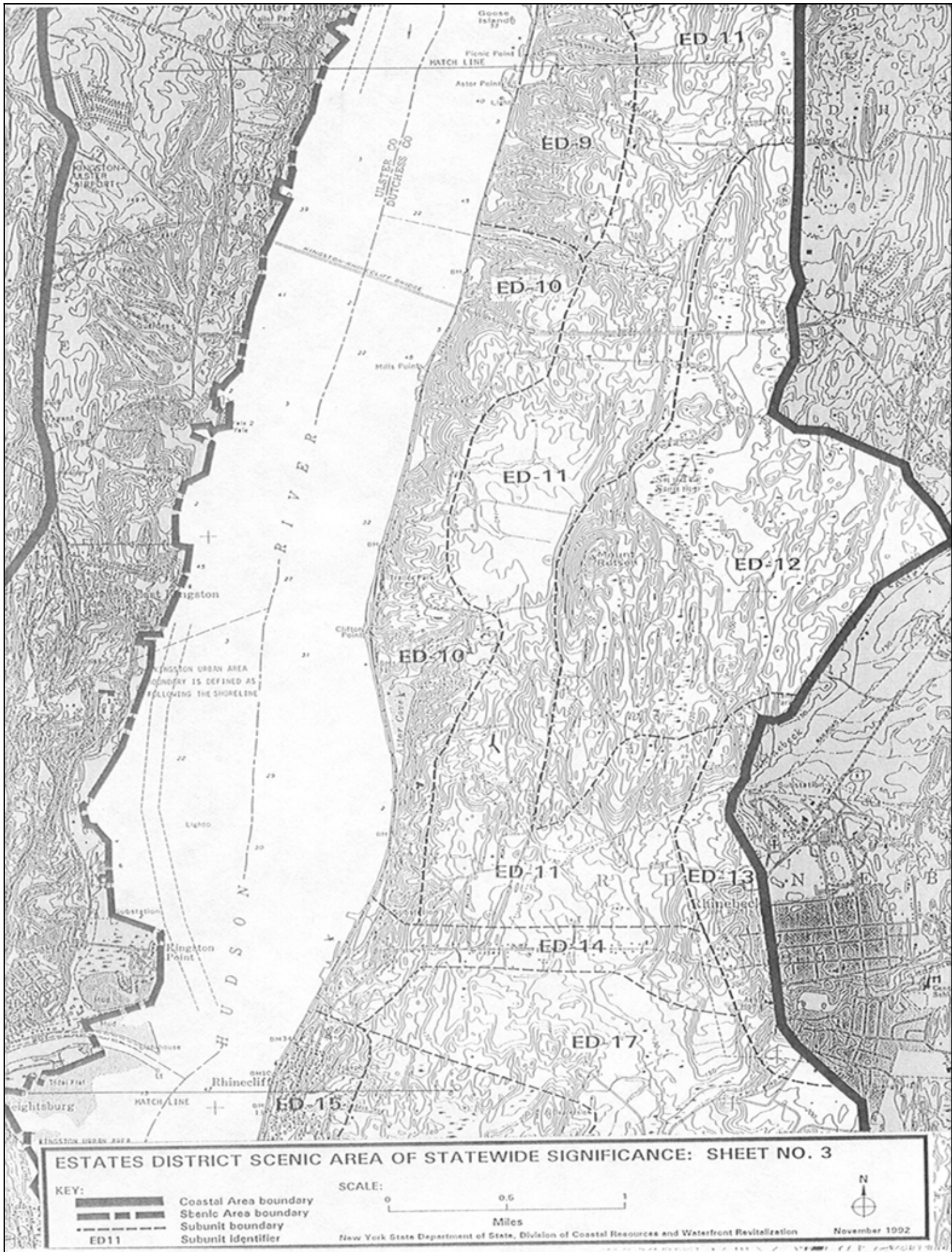


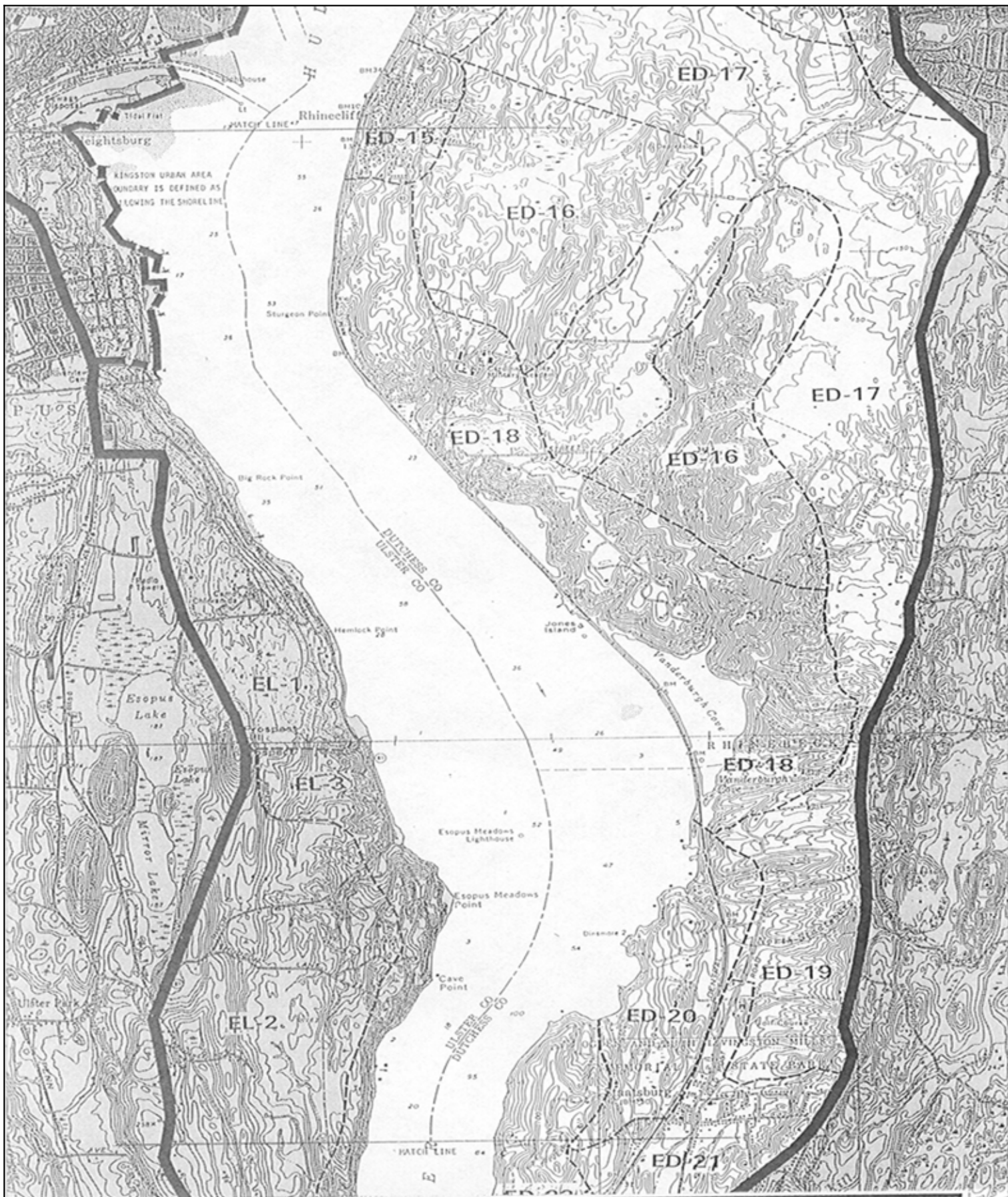
ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 2

KEY:
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 [Thin solid line] Subunit boundary
 [Numbered label] Subunit Identifier
 EDB

SCALE:
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 Miles







ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 4

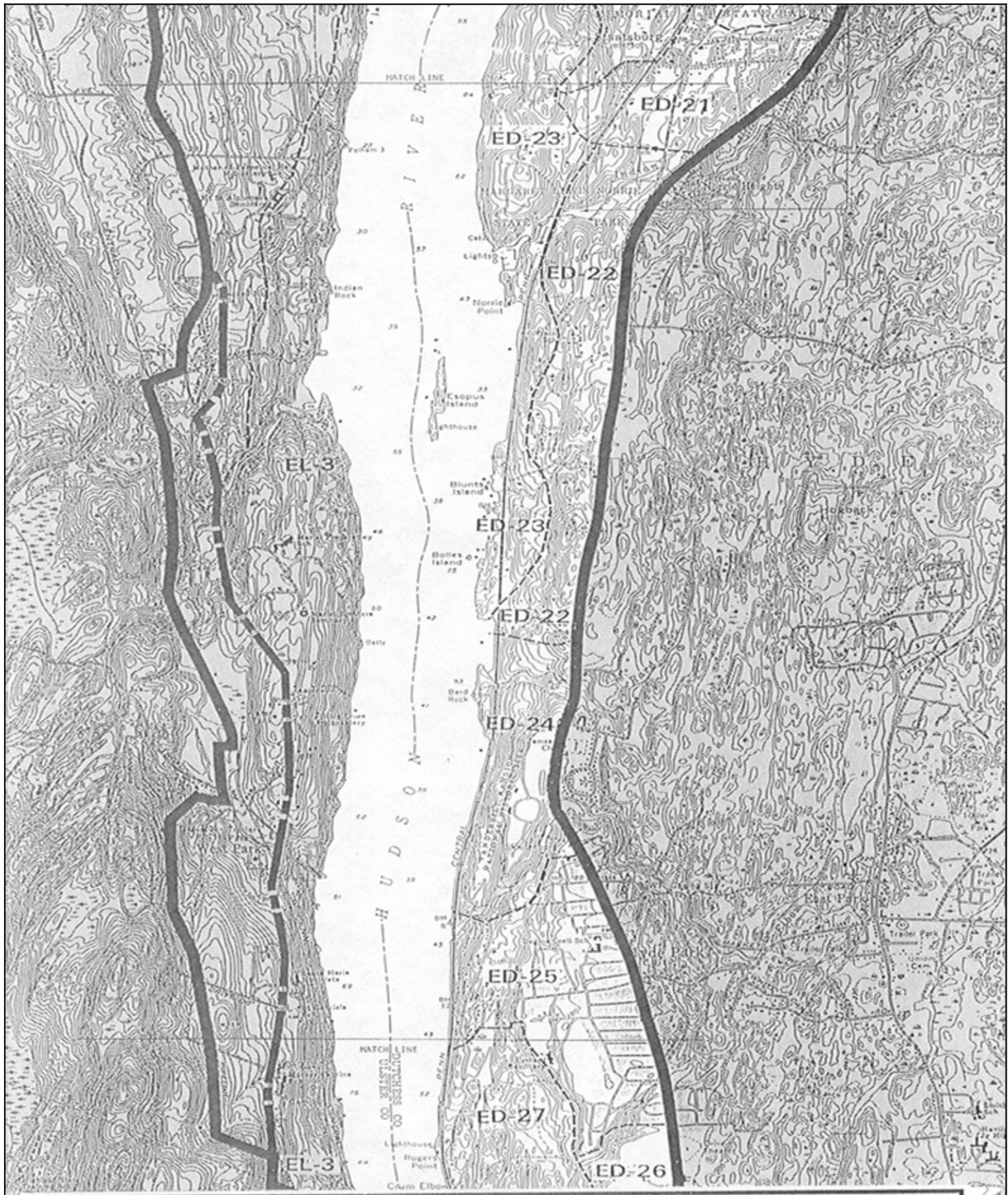
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 ED18 Subunit Identifier

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

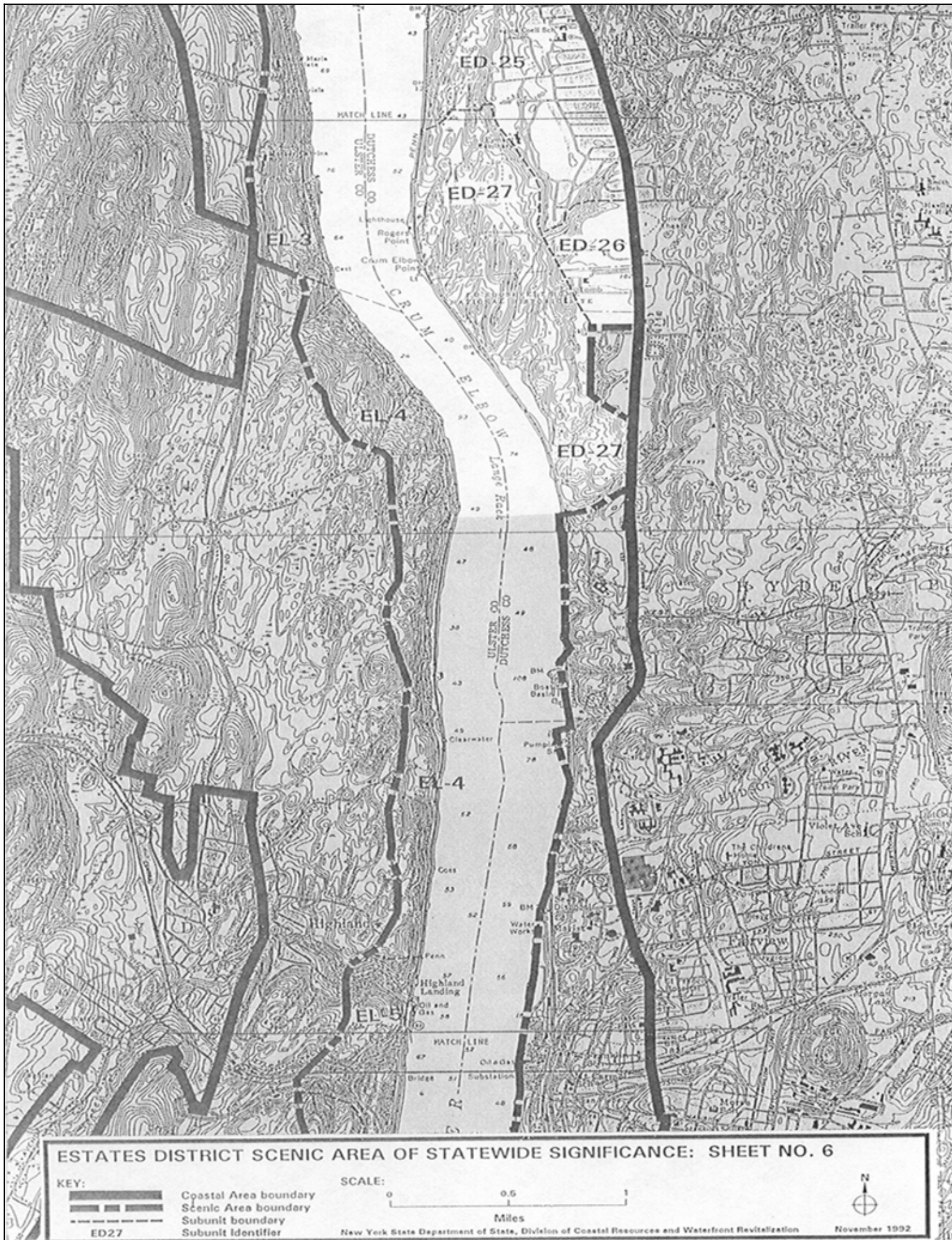
November 1992



ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 5

- KEY:
-  Coastal Area boundary
 -  Scenic Area boundary
 -  Subunit boundary
 -  Subunit identifier





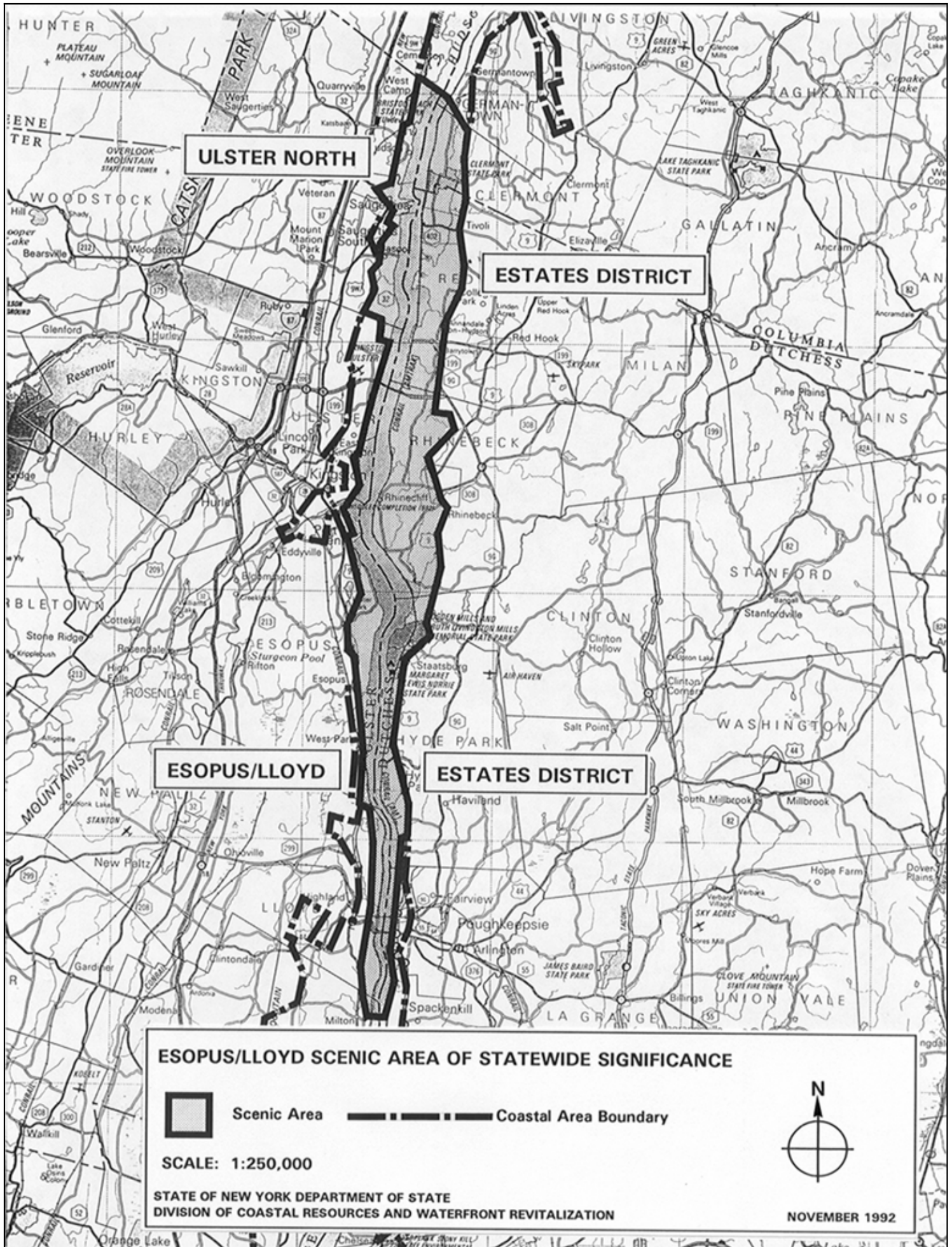
ESTATES DISTRICT SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 6

KEY:
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 ED27

SCALE:
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 Miles



ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE



ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

-  Scenic Area
-  Coastal Area Boundary

SCALE: 1:250,000

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



NOVEMBER 1992

I. Esopus/Lloyd Location

The Esopus/Lloyd SASS encompasses a seventeen mile stretch of the Hudson River and its shorelands and varies significantly in width from 0.75 to 2 miles. The SASS extends from its northern boundary, which runs from Riverview Cemetery on NY Route 9W to the Hudson River, south of the hamlet of Port Ewen, to its southern boundary on Church Road in the hamlet of Milton. The SASS includes the Hudson River from the mean high tide line on the eastern shore, for much of its length sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River.

The western boundary of the SASS follows the coastal area boundary south from Riverview Cemetery to the hamlet of Esopus, where it runs five hundred (500) feet to the east of the center line of Main Street, joining NY Route 9W to the south of the hamlet of Esopus, where it runs south along NY Route 9W to the boundary of the Towns of Esopus and Lloyd, where it follows the viewshed of the Hudson River to the junction of Red Top and Bellevue Roads, where it follows Bellevue Road to the hamlet of Highland Landing, where it follows the viewshed of the Hudson River to the intersection with the telephone lines which it follows to the intersection with NY Route 9W, then along NY Route 9W to the junction of NY Route 9W and Milton Road, where it follows Milton Road to the southern boundary of the SASS at the junction of Milton Road and Church Road, in the hamlet of Milton.

The Esopus/Lloyd SASS is located within the Towns of Esopus, Lloyd and Marlborough, Ulster County and the City of Poughkeepsie and the Towns of Rhinebeck, Hyde Park and Poughkeepsie in Dutchess County.

It is comprised of 6 subunits:

EL-1 Big Rock and Hemlock Points; EL-2 Esopus Uplands; EL-3 Esopus Bluffs; EL-4 Lloyd Bluffs; EL-5 Highland Bluffs; EL-6 Blue Point.

Consult the Esopus/Lloyd SASS map for the SASS boundary.

II. DESCRIPTION

The Esopus/Lloyd SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features.

It is characterized by highly varied topography with steep slopes, thin rocky soils and much exposed bedrock. For its whole length the landform rises steeply from the Hudson River for 100-300 feet to an upland area. Bedrock escarpments are common along the length of the waterfront. Above the bluffs the landscape is dominated by a series of knolls, ridges, and low hills that have irregular or rolling relief, with occasional flat depressions containing surface water features, including ponds and wetlands. Rising up abruptly beyond the SASS are a series of ridges stretching in a north-south direction, a northern extension of the Marlborough chain of the Appalachians. These quartzite ridges include Hussey Hill, Shaupeneak Mountain, and Illinois Mountain which provide an imposing backdrop that frames the SASS.

The entire SASS is underlain by the Ordovician-aged Austin Glen Graywacke. Deposited approximately 430 to 470 million years ago, Graywacke is an extremely hard sedimentary rock characterized by the presence of angular mineral and rock fragments in a dark claylike matrix. This formation has been highly folded and faulted causing the Austin Glen formation to become fairly erodible and permeable. The ridges to the west of the SASS are Quassaic Quartzite outcrops. These were folded at the same time as the Austin Glen Graywacke, but the quartzite is harder and less erodible than the bedrock of the SASS and the ridges remain above the landscape of the SASS. The Pleistocene glaciation covered the area with glacial sediments filling preglacial valleys, modifying the drainage system and leaving the current topography of the SASS.

The most abundant soils in the SASS are those developed on glacial till and stratified drift. These are commonly used for orchards, meadow crops and pasture. In places the hilly topography and rock outcrops are limitations to cultivation. The other soil type was developed on lake bed sediments. These soils are generally poorly drained, with a seasonably high water table. Most of the wetlands scattered throughout the SASS occur on these types of soils.

Most of the natural shoreline of the Hudson River is steep, rocky and, although quite stable, susceptible to erosion due to the very steep slopes, lack of vegetation, thin soils and exposed rock faces. The shoreline configuration is relatively smooth with a few small points and coves while the River makes two gentle turns at Esopus Meadows Point and the Crum Elbow.

Most of the streams that drain the area flow northeasterly, following trends imposed by bedrock topography, and eventually draining into the Hudson River which flows to the south. Black Creek, whose main branch flows north from the Town of Lloyd, drains much of the central part of the SASS. The Twaalfskill Creek is the main drainage system in the Lloyd waterfront, discharging to the Hudson River at Highland Landing. Numerous unnamed streams drain to the Hudson River off the bluff areas.

The rolling upland above the Hudson River is covered with a combination of mixed woodlands and clearings comprised of farms, open pasture and meadows, orchards and vineyards and landscaped estates with formal gardens and sweeping lawns. Scattered development is situated throughout the upland above the bluffs, nestling into the woodland coverage and surrounded by the agricultural landscape. Wooded bluffs and cliffs dominate the Hudson River shoreline, except in the northern portion of the SASS where the relatively large, undisturbed area of shallow, freshwater tidal flat and associated vegetation known as Esopus Meadows spreads out into the Hudson River. Once a meadow where cows grazed, the tidal wetland has become an extremely rare and valuable fish and wildlife habitat.

Land use in the Esopus/Lloyd SASS reflects the historic settlement pattern based around large estates that developed along the Hudson River. A rural pattern of development prevails with a mixture of orchards, fields, estates, religious institutions and seasonal resorts occupying large parcels of land, especially along the steep rugged bluffs and shoreline of the Hudson River. North of Esopus Meadows Point, River Road follows the shoreline. Intermittent residential development is sited along the shoreline and the road frontage. South of Esopus Meadows Point the steep slopes have precluded any shoreline development until the historic waterfront of Highland Landing, where the Twaalfskill Creek breaks the bluffs. The Town of Esopus is fortunate in that it is the first

community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge.

The Hudson River Valley has long been significant in the culture and history of both the State of New York and the United States. The region at the confluence of the Rondout Creek and the Hudson River is known to be an important archaeological area. It has been inhabited at least since the Woodland Period (100 B.C. - 1600 A.D.) and probably since Paleo-Indian times (c. 10,000 B.C.). Although the main concentration of archaeological sites is located north of the SASS, sites have been reported along the banks of the Hudson River, notably along River Road and in sheltered shoreline coves. Indians settled along the Hudson River long before European discovery of the New World. In this area the river Indians were known as the Esopus Indians, a division of the Munsee. The name Esopus is a Dutch word with origins in the Indian language. It means "land of flowing waters and high banks" and is an appropriate description of the Esopus/Lloyd SASS.

The Hudson River came to prominence when Henry Hudson explored the region in 1609. The ship's log describes the spectacular landscape. Hudson named this stretch of the Hudson River "Lange Rack", or Long Reach. Recent settlement of the Esopus/Lloyd area began in the second half of the 17th century and was concentrated around the Rondout Creek. As more settlers moved in, development spread south to Black Creek, known then as the Klyne Esopus Creek. Land grants in the Esopus Colony were given in the name of the Dutch ruler of the era.

The English took control of the Dutch Colony of New Netherlands in 1664, and the area south from the Rondout Creek to Black Creek, known as Klyne Esopus, became part of Ulster County under the jurisdiction of the Town of Kingston. All land in the area had to be reclaimed from the Kingston Commons. The English encouraged further settlement of the area, and land was cleared for agriculture and houses built. In 1811 the Town of Esopus was organized. Land in the southern part of the SASS was part of the Paltz Patent issued by Governor Andros in September 1677, the original Huguenot land grant that reached from the Hudson to the Shawangunks. This tract was sold off in the mid-18th century as small parcels and cottage lots when it became a burden to the owners.

In 1754 Anthony Yelverton came over the Hudson from Poughkeepsie, built the first house in the area now known as Highland Landing, set up a sawmill (1765) and operated the first ferry crossing (1777). His house still stands and is the oldest frame house in Ulster County. For a time this part of the hamlet of Highland was known as "Yelvertons Landing". Around this time other settlements and landings were established along the narrow shoreline of the Hudson River. Scattered development extended south through the Lewisburg settlement, the area now below the western end of the Mid-Hudson Bridge, to Blue Point, and north to Crum Elbow, where there were docks on the river serving the small bluestone quarrying activities in the immediate vicinity. Settlers subsequently moved inland above the bluffs along the early roadways. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area became known as Eltings Landing, the hub of riverside activity and a populous place. Various docks and landings in the area took the names of their owners, although the riverfront area as a whole was known as New Paltz Landing. Finally, it was called Highland Landing following the formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth accompanied by industrial development based around mills on the many streams in the waterfront

area. Orchards were first established around 1774 and spread throughout the area, along with a diversification of the agricultural base to include raspberries, currents, peaches, strawberries and grapes. This part of the Hudson Valley became world famous for its agriculture, reaping natural benefits of soil, situation and climate. The Hudson River provided the main means of transportation of the produce to the metropolitan area of New York City and beyond.

Warehouses, storage for lumber and farm produce, stores, ice houses, factories, iron works, brickyards, stone cutting quarries, mechanic shops, woodworking mills, and coal yards sprang up along the waterfront to accommodate produce and manufactured goods for shipping. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River. Sloops sailed from the area to New York City daily. A thriving waterfront community developed at Highland Landing. Away from the commercial settlements, wealthy families built spacious homes set in landscaped estates of lawns, farmland and orchards, contributing much to the scenic quality of the area.

The development of the West Shore Railroad reduced river traffic and promoted inland development. The railroad changed the character of the waterfront. The narrow strip of land at the base of the steep bluffs was used for the tracks, displacing the waterfront industrial, commercial and shipping activity. Fruit growing became the main economic activity, with the railroad offering fast distribution of produce to a wider market, replacing the Hudson River as the main distribution route. Although active orchards still survive today, the industry is of a much smaller scale, and once active farmland and orchards have become woodland or built development.

Rowing, racing and regattas were a big sport on the Hudson River along the Lloyd waterfront from 1839 to 1950. The best remembered are the Intercollegiate Regattas which began in 1895 and continued until 1950. Crews came from all over the East and spent several weeks in the area. Columbia University's boathouse, built on the site of the old Knickerbocker Ice House midway between Highland Landing and Crum Elbow, is a reminder of this era, although the facility has fallen into disrepair. Painted school emblems, faded with age, can still be seen on the rock escarpments above the Hudson River.

The physical character and cultural and historical development of the Esopus/Lloyd SASS, outlined above, has resulted in the current settlement and land use patterns and led to the present day landscape and architectural character. This includes several historic estates, monasteries and religious schools. These structures, located at the top of the bluffs, establish an historic architectural accent to the natural landscape. The stately lawns of the estates sweep toward the Hudson River. Views afforded from these vantage points are extensive. Most of the recent development has been carefully sited out of the major viewshed of the river, leaving the large historic estates as focal points. The rolling upland hills beyond the bluffs are a patchwork of open spaces, largely maintained as woodlands and farmlands.

The working waterfront at Highland Landing; the well preserved historic estates with their distinctive individual architectural styles; and the active farms, orchards and vineyards represent a remnant of a traditional land use in the Mid-Hudson region. The long history of the evolution of the estates along the Hudson River with their many different owners, all with their own story to tell, gives a sense of continuity and meaning to the landscape. This helps to provide the Esopus/Lloyd SASS with a symbolic link to its historic past.

The association of the Esopus/Lloyd SASS with the author John Burroughs, who lived at Riverby, has symbolic value and meaning for the area. He published his first significant nature essay in the Atlantic Monthly in 1865 and produced numerous articles and books about the natural world until his death in 1921. Burroughs is credited with creating a receptive environment for conservation legislation and establishing the nature essay as a literary form.

III. Aesthetic Significance

The Esopus/Lloyd SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition.

There exists in the SASS an unusual variety of major components, a unity of major components; striking contrasts between scenic elements and a general lack of discordant features. The SASS is both visually and physically accessible to the general public, and its scenic quality is well recognized by the public. The scenic quality of the Esopus/Lloyd SASS is significant based on the existence of the following physical and cultural characteristics.

A. Landscape Character

1. Variety

The Esopus/Lloyd SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a long stretch of bluffs along the Hudson River shorelands. While this is by far the most striking of topographical features, there are also extensive areas of rolling upland behind the bluffs, exposed rock faces along the bluffs and tidal flats and shallows along the base of the bluffs.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the rolling uplands are interrupted by a combination of farmsteads, pastures and meadows, orchards and vineyards, and landscaped estates, residences and religious institutions. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at Esopus Meadows. This is a relatively large, undisturbed area of shallow, freshwater tidal flats. The diversity and abundance of wildlife and the changing patterns, colors and textures associated with the tidal flats provide a variety of ephemeral characteristics which enhance the scenic qualities of the SASS.

The land use pattern varies considerably within the SASS. There are a number of dispersed historic estates located on the bluffs above the Hudson River, surrounded by a mix of woodlands, farms, and more recent development. The architectural style of the historic estates and buildings varies considerably throughout the scenic area. This reflects the tastes of individual landowners, the long history and evolution of estates in the SASS and the long standing picturesque movement throughout the Hudson Valley.

2. Unity

The Esopus/Lloyd SASS is unified by its topography, dominated by the bluffs that front the Hudson River. While internally the individual landform components vary, the SASS is a coherent geological feature. The vegetation, dominated by mature, mixed woodland, unifies the various landforms. The presence of the Hudson River is a unifying theme, shaping the topography, influencing cultural patterns and providing a common scenic element central to the SASS.

3. Contrast

There are many striking contrasts between the basic scenic elements in the Esopus/Lloyd SASS. The contrasts in topography and landform are mainly one of contrast in line and form. The rolling uplands contrast with the steep bluffs. The shoreline configuration of these bluffs contrasts with the tidal flats of Esopus Meadows, the mouth of Black Creek and the numerous small points and coves. The Hudson River varies in width and depth; and its currents create varying patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The wooded areas contrast with the open meadows and orchards of the agricultural landscape and the formal landscape estates and open residential spaces. This provides contrasting textures in the landscape composition and rich color contrasts between vegetation types which change with the season. The rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors, as the natural form is impacted by geomorphological processes such as erosion and weathering, and deposition. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions enhance the aesthetic feel of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson vary with the season and weather conditions, providing contrasts in texture and color. The spring colors of apple blossom contrast with the fresh greens of new leaves. In particular, the diversity and abundance of wildlife occurring in the Esopus Meadows area and the changing patterns, colors and textures associated with the tidal flats provide ephemeral characteristics which enhance the scenic qualities of the SASS.

4. Freedom from Discordant Features

The Esopus/Lloyd SASS is generally well-preserved and free from discordant features. The main concentration of discordant features is to be found in the Highland Bluffs subunit, which historically has featured a working waterfront. Recent residential and commercial development has taken place throughout the SASS through subdivision of farmsteads and estates and along major highways. This has occurred with less respect for the topography of the area than was exhibited in the early settlement of the area, resulting in a dispersed settlement pattern and an increasing feel of

suburbanization. The physical and cultural components of the SASS are generally well maintained.

B. Uniqueness

The historic estates of the Esopus/Lloyd SASS form part of a series of estates on both sides of the Hudson River throughout the Mid-Hudson Region that is unique in the State. Each estate is unique in its own right with a distinctive individual architectural style and history. Many of the estates have been maintained in their historic form. The well-preserved estates form a unique grouping of historic landscaped estates and religious buildings. Unlike other parts of the Hudson River Valley, most have direct access to the shore of the Hudson River, unrestricted by the railroad. In addition to the estates, the landscape of the SASS is comprised of farms, orchards and vineyards and represents a unique remnant of a traditional land use of the Mid-Hudson Region.

The broad expanse of tidal flats of Esopus Meadows is a unique landform in the Hudson River, and tidal flats of a comparative size are rare in other coastal regions of New York State. Their presence contributes to the scenic value of the subunit. At the border between shallow and deep water stands the only wooden lighthouse on the Hudson River, the Esopus Meadows Lighthouse, a unique maritime feature in the region.

C. Public Accessibility

The land ownership pattern related to the low density development and large land holdings scattered throughout the Esopus/Lloyd SASS has resulted in few opportunities for public access. Public accessibility is mostly limited to local roads which run through the SASS. Physical access to the shoreline of the Hudson River is limited, both from the upland and from the Hudson River itself.

In the Town of Lloyd the upland parts of the SASS are separated from the waterfront by the West Shore Railroad, limiting physical access to the Hudson River. The Town of Esopus, however, is fortunate in that it is the first community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge. This increases the opportunity for physical access to the Hudson River in the northern half of the SASS.

The vehicle pull-in off River Road, to the south of Hemlock Point, provides opportunities for public access to the Hudson River shoreline. A small park with river trails, owned by Scenic Hudson, Inc. and managed by the Town of Esopus, is located off River Road at Esopus Meadows Point. Known as Lighthouse Park, it provides access to the Hudson River shoreline. Scenic Hudson also owns waterfront land to the south of the park and has plans to develop an environmental education facility on the property. Scenic Hudson has recently completed the purchase of 142 acres of riverfront land at the mouth of Black Creek. Future plans see the site developed for passive public recreation, improving public accessibility to the subunit.

Views from within the Esopus/Lloyd SASS are extensive and significant. From much of the area, long and broad views of the river and its surrounding landscape are available. Views from the Hudson River include the historic estates, wooded bluffs, orchards, the Esopus Meadows Lighthouse and beyond the SASS to the Catskill Mountains. These views are often enclosed by the steep bluffs

along the river corridor. Cross river views from the upland and shoreline of the Esopus/Lloyd SASS include the Hudson River and the Estates District SASS on the eastern shore. These views are often full and unobstructed.

River Road runs along the bluff top before dropping down to the shoreline and offers extensive views of the Hudson River and the Estates District SASS on the eastern shore. NY Route 9W provides some vistas of the Hudson River and the Estate District SASS. Unfortunately, there are no opportunities to pull off the road to take advantage of this scenery, and the speed and volume of traffic on the road makes it extremely hazardous to view while driving. The Hudson River can be seen from spots along Bellevue Road, notably in the late fall and winter when the leaves have fallen.

The most expansive views from the southern portion of the SASS are available from Highland Landing which provides exceptional views of the Mid-Hudson Bridge, the Railroad Bridge (an engineering landmark listed on the National Register of Historic Places and now under consideration for adaptation as a pedestrian promenade) and the Town and City of Poughkeepsie. The Johnson Iorio Memorial Park is located at the end of Haviland Road, adjacent to the western edge of the Mid-Hudson Bridge and set into the bluffs above Highland Landing. The park has no access to the Hudson River and only limited views due to vegetation, although views of the Mid-Hudson Bridge are spectacular. Views are available to the west and northwest from the pedestrian walkway on the Mid-Hudson Bridge.

The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The access road, Blue Point Road, winds through the historic vineyard landscape to the main building complex which is set on the bluffs overlooking the Hudson River, the Mid-Hudson Bridge and the City of Poughkeepsie. Trails on the estate lead to Blue Point, which offers expansive views south down the Hudson Valley.

The Esopus/Lloyd SASS figures prominently in the middleground of views from the Estates District SASS. Indeed, many of the finest scenic features of the Esopus/Lloyd SASS are best viewed from the river or the opposite shore. From the Hudson River, the estates and state parks and from local roads the rugged bluffs of the western shore dominate the views, with occasional glimpses of waterfront settlement, bluff top estates and agricultural activity. Views of the western shorelands are significant from the Mills-Norrie State Park and the Vanderbilt Mansion and Franklin D. Roosevelt Home National Historic Sites. The Esopus/Lloyd SASS is clearly visible to passengers in the trains on the east bank of the Hudson River. The recent completion of the Hyde Park Trail on the eastern shore linking the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites, with plans to continue to the Mills-Norrie State Park, will provide greater public visual access to SASS. The SASS is also dominant as the middleground in views to the west from the City of Poughkeepsie, which has extensive park areas and public land along the River.

The distant Catskill Mountains and the ridges of Hussey Hill, Shaupeneak Mountain, and Illinois Mountain, immediately beyond the Esopus/Lloyd SASS, provide a dramatic backdrop to the many estates and monasteries gracing the landscape. The steep wooded bluffs above the Hudson River and the rolling upland provide a dramatic setting for the numerous landscape features. The composition of the SASS is well balanced with many positive focal points including the Poughkeepsie Railroad Bridge, the Mid-Hudson Bridge, the architecture of the historic structures,

the Esopus Meadows Lighthouse and the estates on the eastern shore. The variety of lengths of views, compositions, backgrounds and significant focal points combines to enhance the scenic quality of the views available in the Esopus/Lloyd SASS.

D. Public Recognition

The scenic and aesthetic quality of the Esopus/Lloyd SASS has achieved a high degree of public recognition. It receives strong public recognition as the view from River Road, a designated Scenic Road under Article 49 of the Environmental Conservation Law. The SASS is well recognized as the middleground of views to the west from the Estates District SASS on the eastern shore of the Hudson River. The numerous estates include Wilderstein, the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites and the Mills-Norrie State Park, all of which are visited by large numbers of the general public. The SASS is also recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid-Hudson Bridge, also a designated Scenic Road, and from Locust Grove and the Hudson River State Hospital both National Historic Landmarks.

There are four properties and structures in the Esopus/Lloyd SASS listed on the State and National Registers of Historic Places, receiving public recognition for their historical and architectural significance. These are the Esopus Meadows Lighthouse, Riverby, the Anthony Yelverton House and the Poughkeepsie Railroad Bridge.

The scenic and aesthetic quality of the SASS has received public recognition through the action of the State and environmental not-for-profit organizations which have sought to protect individual parcels of land within the SASS from development. Land has been purchased at Esopus Meadows and Black Creek, while the scenic qualities of the Regent Champagne Cellar have been identified in the State's recent Open Space Plan.

IV. IMPACT ASSESSMENT

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

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

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

Impairment includes:

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

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

SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, 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;

COMMENT: For much of the length of the Esopus/Lloyd SASS, the Hudson River is bounded by steep undeveloped wooded bluffs that figure prominently in views within the SASS, notably from the Hudson River, and in views of the SASS from the eastern shorelands of the Hudson River, part of the Estates District SASS. Siting of structures on the slopes or crests of these bluffs would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands that would impair the scenic quality of the SASS.

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

COMMENT: The Esopus/Lloyd SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic farmsteads and estate houses punctuate, but do not dominate the landscape of rolling upland pastures, orchards, vineyards,

landscaped estates and woodland. Recent, poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization that has been established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types, causing the textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship to be lost, thus impairing the scenic quality of the SASS. The use of topography and existing vegetation and the clustering of new development can assist in maintaining scenic quality.

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

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

REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;

COMMENT: The SASS is generally free of discordant features, and structures are generally well maintained.

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

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

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

COMMENT: The variety of vegetation in the SASS makes a significant contribution to the scenic quality of the SASS. The tidal flats of Esopus Meadows, open farm fields, orchards, vineyards, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River would change the character of the river corridor and impair its scenic quality. Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats and the associated vegetation of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands and impairing the scenic quality of the SASS.

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

COMMENT: The SASS is generally free of discordant elements. Existing development generally respects and is compatible with the landscape. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

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

COMMENT: The existing structures located within the SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. Failure to design new development or alterations to existing structures in a form that complements the scenic quality of the SASS would adversely impact the SASS. Inappropriate scale, form, color and materials which are incompatible with the existing land use and architectural styles of the area and cannot be absorbed into the landscape composition would impair the scenic quality of the SASS. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

Esopus/Lloyd Scenic Area of Statewide Significance

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ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-1 Big Rock and Hemlock Points Subunit

I. Location

The Big Rock and Hemlock Points subunit is the most northerly subunit of the SASS, and its northern boundary is the same as the northern boundary of the Esopus/Lloyd SASS, which runs from Riverview Cemetery on NY Route 9W to the Hudson River. The subunit extends south for approximately 2 miles to the vicinity of Prospect Hill, south of the hamlet of Port Ewen, and varies in width from one to two miles. The subunit includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary being the coastal boundary. It is located in the Town of Esopus, Ulster County and the Town of Rhinebeck, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 1 for subunit boundaries.

II. Scenic Components

A. Physical Character

The landform of this subunit is dominated by steep wooded bluffs averaging 200 to 250 feet in elevation and the rolling upland atop the bluffs. Vegetation consists of mature woodland, open meadows, secondary and scrub growth and landscaped lawns. The shoreline exhibits a gentle curve and contains small coves and points, including Big Rock and Hemlock Points. The Hudson River is over a mile wide, with marshes and shallows at its edge. Esopus Meadows stretches south along the shoreline from Hemlock Point. This important landscape feature is a relatively large, undisturbed area of shallow, freshwater tidal flat.

B. Cultural Character

The subunit has scattered residential development, although recent subdivisions and the replacement of summer camps with permanent residential structures have led to the spread of residential development in the subunit. River Road runs dramatically along the blufftop in the northern part of the subunit and alongside the Hudson River in the southern section.

Hemlock Point is an Indian burial site, discovered when River Road was widened. To the south of Hemlock Point is another point in the Hudson River. This is the site of the old Schleede Brickyards, which closed in the 1930's, the last of three brickyards in the Town of Esopus to remain in operation. Remains of old kilns and foundations can be seen amongst the vegetation, and broken brick still lies in the small bay, known as Brickyard Cove.

The subunit contains several historic houses and estates located along River Road. At the corner of River Road and Broadway is a wood and stone house built in 1767 and restored in 1941. This was the Van Vliet homestead, one of the early settlers in the area. The house was known as the "Jug Tavern" during Revolutionary times, and George Washington was reputed to have stopped there.

Inland from the old Schleede Brickworks is the site of the stone house built in the early 18th century by James Niese on a land grant from Queen Anne. This now is the site of a more modern home. Several of the historic estate structures are intact, set in a well-maintained estate landscape of sweeping lawns. Well-maintained stone walls are an important landscape feature. Some of the estates are being developed, and suburban houses now dominate these properties creating a discordant feature on the landscape.

Many of the summer camps that clustered along the shore of the Hudson River, located on the narrow strip of land below River Road, have been converted into residences. On the wooded bluff and the open meadows of the rolling upland are the numerous deteriorated structures associated with Camp Chi-Wan-Da, a former boys camp. A number of interesting modern designs blend in well with the landscape, respecting the contours, existing vegetation and views from River Road. Despite these examples of good design, the recent spread of residential development in the subunit overpowers the historic settlement pattern and adds an element of discordance to the scenic quality of the subunit. Ongoing construction at the Port Ewen Water Treatment Works alongside the Hudson River just north of Hemlock Point provides a further discordant element. The diversity and abundance of wildlife occurring in the Esopus Meadows area and the changing patterns, colors and textures associated with the tidal flats provides ephemeral characteristics which enhance the scenic qualities of the area.

C. Views

Views from the subunit provide full and unobstructed views of the Hudson River and its eastern bank, part of the Estates District SASS. The views are up to 20 miles long and are very wide to the northwest and southeast. The historic Esopus Meadows Lighthouse is a focal point in the views to the southeast and is important in views from the shorelands and the Hudson River. From the top of the bluff, the Catskill Mountains to the west provide a dramatic backdrop to the rolling woodlands and farmlands that border the western edge of the subunit. The composition of the views is of distinctive quality, with a good balance of foreground, middleground and background components. Views within the subunit are wide and long from the Hudson River, featuring the bluffs on both sides of the river, but are limited and constrained by the woodlands and steep slopes on the upland areas.

III. Uniqueness

The broad expanse of tidal flats at Esopus Meadows is a unique landform in the Hudson River, and tidal flats of a comparative size are rare in other coastal regions of New York State.

IV. Public Accessibility

The land ownership pattern related to the low density development scattered throughout the subunit has resulted in few opportunities for public access, although the subunit is highly accessible from the Hudson River and from River Road, which runs close to the Hudson River throughout the subunit. A parking area located to the south of Hemlock Point provides opportunities for direct public access to the Hudson River shoreline. The subunit can be viewed from the eastern shoreline, part of the Estate District SASS, and is highly visible from the passenger trains on the east bank of

the Hudson River and from Wilderstein. Scenic Hudson, Inc. recently prepared detailed, comprehensive viewshed analyses for the Mills-Hoyt State Historic Site and for Wilderstein. This subunit was a focus of this work.

V. Public Recognition

The Big Rock and Hemlock Points subunit is recognized by the public as the view from the scenic River Road and as the middleground of views from the estates on the eastern shore of the Hudson River, especially Wilderstein. River Road, which passes along the shore in the southern half of the subunit and rises to the top of the bluff in the northern half, is a designated Scenic Road under Article 49 of the Environmental Conservation Law.

VI. Reason for Inclusion

The Big Rock and Hemlock Points subunit has high scenic quality and is both physically and visually accessible to the public. It features historic estates located on a long and steep bluff overlooking a wide section of the Hudson River. The landscape composition features a variety of scenic components. A moderate contrast exists between the historic houses in a landscaped setting and the natural wooded areas and between the steep bluffs and the tidal flats of Esopus Meadows. The recent subdivision of the estates has resulted in the spread of residential development, contributing an element of discordance which detracts from the scenic quality of the subunit.

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-2 Esopus Uplands Subunit

I. Location

The Esopus Uplands subunit is located inland on the western side of the Hudson River. It stretches south along the coastal boundary from River Road to the hamlet of Esopus and continues south along NY Route 9W to Winding Brook Lane. It is nearly six miles in length and up to one mile in width. The crest of the steep bluffs of the Hudson River shoreline creates the eastern boundary, and the western boundary follows the coastal boundary and NY Route 9W. The subunit is located in the Town of Esopus, Ulster County Consult the Esopus/Lloyd SASS map sheets, numbers 1 and 2, for subunit boundaries.

II. Scenic Components

A. Physical Character

The landform of this subunit is the gently rolling upland plateau behind the Hudson River bluffs. The subunit exhibits generally moderate topographic relief at elevations of 100 to 225 feet and features Prospect Hill rising to over 350 feet. The varied vegetation creates a diverse tapestry of mature woodlands, meadows, orchards and landscaped lawns. Water features are not prominent in the landscape.

B. Cultural Character

The land use in the subunit is a mix of farms, orchards, historic and modern residences and religious properties. The landscape and structures of the subunit are generally well-maintained. Stone walls are an important landscape feature and provide a link to the historic landscape pattern of the subunit. Off River Road, just before it turns north to follow the Hudson River, is the old Terpening Cemetery. This is where many of the original settlers of the area were buried in the 18th and 19th centuries. The cemetery is now maintained by the Town of Esopus. At the end of Hermance Road, running through the site of the historic Hermance Farm, is an old stone and wood tavern built in 1807. It was remodeled in 1902 and is now a residence. An 1818 stone house, located on NY Route 9W to the south of the Three Brothers Egg Farm, has an interesting history, having served as an underground railroad for runaway slaves prior to and during the Civil War. Just south on NY Route 9W is an 1837 frame house. Recent residential development mixes with these historic residential structures scattered along NY Route 9W and the few local roads passing through the subunit.

The historic landscape features are generally well maintained in open settings of landscaped lawn surrounded by farmland and woodland. The landscaped setting of the Mount Saint Alphonsus Seminary, built on the historic Pell Estate, dominates the central part of the subunit. Stone walls and trees front NY Route 9W, and long, tree lined driveways lead to the seminary buildings which are located in the adjacent Esopus Bluffs subunit. The face of an old gravel pit, now weathered into the landscape, and a restaurant along NY Route 9W are minor discordant features, but have no

significant impact on the scenic quality of the subunit. The farming activities provide an important ephemeral element to the subunit.

C. Views

The Esopus Uplands subunit has limited direct views of the Hudson River. Where these exist, the views from the subunit generally extend in varying directions for up to 2 to 3 miles in length and 90 to 180 degrees in width, although longer and wider views are available in all directions from Prospect Hill. Views within the subunit are across large fields and are contained by the surrounding woodlands and hedgerows which are set against the background of the Catskill Mountains to the west and the distant rolling hills to the east of the Hudson River. The composition of the landscape comprises many positive scenic components including architecturally significant structures, orchards, fields and woods. The scattered farmsteads and neighboring monasteries punctuate the landscape composition, creating strong focal points.

III. Uniqueness

The subunit is not unique. The continued existence of large religious properties within a large estate setting is uncommon in the State.

IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit has resulted in few opportunities for public access. Public accessibility in the subunit is limited to N.Y. Route 9W and local roads. The area around Prospect Hill is visible from the Hudson River and the eastern shore, part of the Estates District SASS. Scenic Hudson, Inc. recently prepared detailed, comprehensive viewshed analyses for the Mills-Hoyt State Historic Site and for Wilderstein. This subunit was a focus of this work.

V. Public Recognition

Public recognition is limited primarily to local and regional knowledge of the subunit.

VI. Reason for Inclusion

The Esopus Uplands subunit has a rich variety of scenic components including woodlands, hedgerows, open fields, orchards and architecture. The components provide contrast, yet are unified because they blend into the landscape. The subunit is moderately accessible to the public and is generally free from discordant features.

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-3 Esopus Bluffs Subunit

I. Location

The Esopus Bluffs subunit is located on the western shore of the Hudson River extending from the base of Prospect Hill in the north to the Cast benchmark at Crum Elbow in the south. The subunit is relatively long, comprising a 7.5 mile stretch of steep bluffs, and narrow, ranging from one to two miles in width. The subunit includes the Hudson River from the mean high tide line on the eastern shore, sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary following the viewshed of the Hudson River from River Road south to Winding Brook Lane and south along NY Route 9W to the Esopus/Lloyd Town line. The subunit is located in the Town of Esopus, Ulster County and the Towns of Rhinebeck and Hyde Park, Dutchess County. Consult the Esopus/Lloyd SASS map sheets, numbers 1, 2 and 3, for subunit boundaries.

II. Scenic Components

A. Physical Character

The landform of this subunit consists primarily of steep wooded bluffs overlooking the Hudson River. The shoreline of the Hudson River is curving with numerous small coves and points. The wooded Esopus Meadows Point marks a significant curve in the Hudson River. Off the point lies Esopus Meadows, a relatively large, undisturbed area of shallow, freshwater tidal flats. This area was once a meadow where cattle grazed but rises in the river level have covered this feature. Further south the heavily wooded course of Black Creek winds through the center of the subunit and enters the Hudson River at a small cove with accompanying tidal flats. Black Creek is named for the black coloration of the creek's bottom due to tannic acid from the hemlocks which abound along the banks. Out in the Hudson River adjacent to the confluence with Black Creek is Esopus Island, located in the Estates District SASS. Vegetation in the subunit is varied with good contrast between mature woodland, meadows and landscaped lawns and estates.

B. Cultural Character

The land use in the subunit is a mix of religious institutions, historic estates and residences, and contemporary residential development. The West Shore railroad runs along the shore in the southern part of the subunit before moving inland at West Park.

The subunit is rich in historic mansions carefully sited on the bluffs with sweeping lawns and landscaped woodlands running down to the Hudson River. Many of these structures date back to the late 19th century, although the history of estate development in the subunit goes back to the early settlements and the first Patents. Many of the main houses have been converted for institutional use by religious organizations and continue to be well-maintained today, allowing the traditional estate landscape that has evolved from the early 18th century to continue in a modern day form.

Historic stone and brick walls and gatehouses mark the western boundary of the southern section of the subunit along NY Route 9W. Throughout the subunit stone walls and hedgerows are important scenic features, defining estate boundaries, edging clearings and separating fields, orchards and woodlands. They are constructed mostly of local fieldstone, although there are some more ornate cobblestone boundary walls. The stone walls are generally well maintained.

The historic and religious structures include Esopus Meadows Lighthouse, Mount Saint Alphonsus Seminary, the former Alton B. Parker estate, the former Marist Preparatory School, the former Oliver Payne estate, Ascension Church, Riverby, Holy Cross Monastery, Santa Maria Novitiate, and Mother Cabrini School.

During the 1800's, when the Hudson River was the main traffic artery from upstate to New York City, the United States Lighthouse Service constructed a series of lighthouses along the River to warn traffic away from dangerous shallows. Over time the lighthouses were modernized and automated. Located off Esopus Meadows Point is the Esopus Meadows Lighthouse, warning vessels to stay away from Esopus Meadows shallows. Construction of the original structure began in 1838. Damage by ice floes brought the structure to ruin within 30 years. A new structure was built in 1871 on an artificial island. It is the only Hudson River lighthouse to be built with a woodframe and sheathed in clapboard. The lighthouse-keeper was replaced with an automated navigational aid when the Coast Guard acquired the lighthouse service in 1965. Accessible only by water, the lighthouse is in a slightly deteriorated condition, although there are plans to restore the structure since the Coast Guard has leased the lighthouse to the "Save Esopus Lighthouse Commission." The lighthouse is listed on the State and National Registers of Historic Places and is a reminder that the Hudson River has been an important navigation way for centuries.

Mount Saint Alphonsus Seminary is a massive grey stone building that stands out in the center of the subunit overlooking the Hudson River. This religious property is located on the site of the Cliffwood Estate of Robert L. Pell, Esq. To the north of the present Seminary is Pelham Dock, a reminder of the prosperous days of agriculture in the area when Pell ran his expansive model orchard and fruit farm. He had over 25,000 trees in his orchard and also produced large quantities of grapes, currants and small fruit. In his time he was one of the largest fruit shippers in the world. The Pell estate, with its Tuscan Revival Roman Villa set in a landscaped setting, was one of the finest country seats in the region.

The Civil War blockade proved disastrous for overseas trade, and Pell was forced to mortgage his farm. It was acquired by his son-in-law in 1869, and in 1904 the 235 acre Pell estate was sold to the Redemptionist Fathers, who razed the mansion and built their House of Studies and Convent dedicated to their founder Saint Alphonsus. Completed in 1907, the four and a half story granite building is 444 feet long with two wings and a 90 foot high tower. The structure has 200 dwelling rooms and a chapel seating 250. It is located 200 feet above the Hudson River and dominates the blufftop in views from the Hudson River, Norrie Point State Park and the Vanderbilt Mansion National Historic Site. In 1963 a convent was added to the property.

South of the seminary is Indian Rock, the site of the Walter P. Seaman House, a two story clapboard building constructed in 1870. Indian Rock is so named because it once held a clearly visible carving

of an Indian. This so-called "petroglyph" is located on the Hudson River shore across from Esopus Island, where Indian Councils were held. Indian artifacts have been found throughout the area.

Adjacent to Indian Rock is Rosemont, the former home of Judge Alton B. Parker, the presidential candidate who lost to Theodore Roosevelt in 1904. This is the site of an old tavern visited by some of the men from General Vaughn's fleet on the night before they attacked Kingston in October 1777. Rosemont and its gatehouse are situated on Parker Avenue, which winds through orchards and woodland to the Hudson River at the old Esopus or Elmores Landing, located on Rosemont's property. At its height Rosemont was a farm of about 200 acres comprising orchard, vineyards, dairy and livestock and landscaped gardens. Rosemont has been renamed Lamont Landing and is being restored to its former estate use.

South of Black Creek lies the site of the historic Payne Estate, focused on the Payne Mansion built in 1905. The massive Mediterranean palazzo with an open central court is located on a 500 acre estate in a formal landscaped setting with barn complexes, greenhouses, a gatehouse and dock. The main building is constructed of steel reinforced concrete faced with soft imported Italian limestone, which has not weathered well in the climate of the region. Other features of the mansion are a red terracotta tile roof and classic detailing, including balustrades, balconies, columns, and piazza. Oliver Hazard Payne, a leading financier who had been a founder of the Standard Oil Company, commissioned Carrere and Hastings, best known for the Main Branch of the New York Public Library on Fifth Avenue, to design the mansion, the last and arguably the most luxurious millionaire's house built on the Hudson River.

The mansion stands on the site of two previous historic estates, themselves located on the site of part of the Pell's large landholding in the area. These were the estates of Colonel George Watson Pratt and Colonel John Jacob Astor, grandson of the famous Astor. Astor built an imposing brick and stone mansion named Waldorf, which was later sold a couple of times, modified and the estate expanded and extensively landscaped prior to being purchased by Payne. Waldorf was razed in 1910, and the only remnants of the earliest era of the estate's development are a stone reservoir, driveways and garden paths, and some old specimen trees.

Payne died in 1917, and the estate went to one of his nephews. In 1933 it was turned over to the City Mission Society of the Protestant Episcopal Diocese of New York. In 1942 the Marist Brothers bought all of the estate that lay between NY Route 9W and the Hudson River. The property was used as a preparatory school, utilizing Payne's buildings, including the mansion, with new structures added. In 1963 the school moved to Cold Spring, and this property was used over time for a multitude of purposes. Today it is a retreat center and summer camp. The Marist Brothers have maintained the buildings and grounds. More recently the Payne Mansion and the boathouse were sold, and the house has been faithfully restored to its former glory as a private residence.

South of the Marist Brothers Seminary is the historic Ascension Church and Rectory. The fieldstone church was consecrated in 1842, and the rectory was built in 1859. This Episcopal church was attended by many of the descendants of the original settlers in the area and the rich estate owners, who over the years funded improvement works in the church.

The Holy Cross Monastery, located on portions of the former riverfront farm and estate of John Mulford, a prominent figure in the ice house business, and before him by Major General Daniel Butterfield, was established at the turn of the 20th Century by Father John Huntington, founder of the Episcopal Order of the Holy Cross. Father Huntington established the monastery, dedicated in 1904, which has remained the Mother House of the Order and a considerable influence throughout the Anglican world.

South of the Holy Cross Monastery is Riverby, the estate of the writer John Burroughs. In 1873 Burroughs purchased a nine acre fruit farm, including an old Dutch farmhouse and barn. Here he constructed a three story stone house that was to remain his permanent residence for the rest of his life. In his early days at Riverby, Burroughs did his writing in the main house. However, in 1881 he constructed a separate building to act as his study.

John Burroughs' study at Riverby is a small one story frame building with a shingled hip roof, located below the main house and above the riverbank, looking east across the Hudson River. The interior consists of a single room which still contains Burroughs' original furnishings and many of his mementos. The exterior and interior appear basically the same as in Burroughs' day. He later added a further 9 acres from the estate of John Mulford. The study at Riverby is listed on the National Register of Historic Places.

John Burroughs published his first significant nature essay in the Atlantic Monthly in 1865. He produced numerous articles and books about the natural world until his death in 1921. Burroughs is credited with creating a receptive environment for conservation legislation and establishing the nature essay as a literary form. Burroughs entertained many famous people at Riverby including Theodore Roosevelt, Oscar Wilde, Henry Ford, Thomas Edison and John Muir.

There is a cluster of historic homes around the junction of NY Route 9W and Floyd Ackert Road running down to the Hudson River. These are close to the site of early farms in the area which stretched along the route of the predecessor of NY Route 9W. Heartsease, although remodelled and enlarged, is in fact based on one of the original West Park farmhouses. This property was owned by Hilda Smith, a significant national figure in the field of education of industrial workers. She opened the Vineyard Shore School on the site in 1929. This closed in 1932, and seven years later the Bryn Mawr Summer School, a summer school for women in industry, relocated to these building and became the Hudson Shore Labor School. The school remained here until 1952 when it became part of the Labor Management Program at Rutgers University.

South of Heartsease is Vincroft, another site of an old farmhouse. It is a small estate encompassing a late 19th century stone mansion. Lawns now sweep down to the Hudson River where once there was farmland and vineyards. South of Vincroft, located on the east side of NY Route 9W near the junction of Floyd Ackert Road, is a Greek Revival residence believed to have been designed by Alexander Jackson Davis and built in 1835. It is one of the best examples of this architectural style in Ulster County. The large house has five bays and a portico with Ionic columns overlooking the Hudson River. Later named "Aberdeen", the property was once part of Hilda Smith's Labor Schools, but is once again a residence. There is a stone house down by the dock on the Hudson River. Originally a dock-keeper's home, this building is now a residence. The building resembles the plan of the Ascension Church rectory.

Another large estate was once located in this part of the scenic area. The first deed recording a sale of this property was dated 1729 when the property was bought by Abraham Deyo from the early Patentees. In 1798 it was acquired by John Dumont after passing through the hands of Michael Devoe. The Dumont Estate amounted to over 700 acres around the turn of the 19th century. After further changes in ownership this property became a much smaller riverfront estate of 101 landscaped acres, owned by a Dr. Gill beginning in 1863. The West Shore Railroad split Dr. Gill's property in the 1880's, separating the waterfront parcel from his upland farm. Gill's residence on the property appeared to be one building but was in fact three older historic structures joined together. The house was modified further by the next owner, Frank Seely, "the Soda Water King". Following further changes in ownership, including a spell as an hotel, the property is once again a residence.

South of the original Dumont property lies what were once three estates. The site of Grace Hill, the estate of New York businessman John U. Brookman, lies just to the west of the SASS. Opposite Grace Hill, between NY Route 9W and the Hudson River, is the site of the Glyn Albyn estate. This featured a Gothic Revival residence, an architectural style popular in the mid-19th century, in a landscaped garden setting of 25 acres. This brick house has an asymmetrical plan and features a tower, clustered chimneys, gables, balconies and ornate detailing. Glyn Albyn was once part of the estate to the south which featured a brick building, Malvern Hall, overlooking the Hudson River. This latter estate features the cobblestone wall that fronts NY Route 9W.

Between 1921 and World War II the three estates of Grace Hill, Glen Albyn and Malvern Hall were acquired by the Congregation of Christian Brothers. The gothic house at Glen Albyn was modified and became their Novitiate while Malvern Hall was used for classes. In the early 1970's the order sold about 800 acres of land to a development company, and shortly thereafter the former Malvern Hall on the property was destroyed by fire.

The religious property at the southern end of the scenic area is the Mother Cabrini School. Once again the site of an early estate, this property was purchased in 1890 by Mother Cabrini, founder of the Missionary Sisters of the Sacred Heart. She purchased the property from a Jesuit group which had established a Novitiate on the site in 1873. The Sacred Heart Orphanage which was founded here has grown throughout the years, and the facilities expanded.

Esopus Meadows is a relatively large, undisturbed area of shallow, freshwater tidal flats. The diversity and abundance of wildlife occurring in the Esopus Meadows area and the changing patterns, colors and textures associated with the tidal flats provide ephemeral characteristics which enhance the scenic qualities of the subunit. The area has historically been a rich fishing ground and a popular location for duck hunting. The duck blinds that dot the flats add visual interest. There are few discordant features in the subunit. The historic relationship of stately mansions with sweeping lawns overlooking the Hudson River, surrounded by woodlands, is largely intact with very few inappropriate structures or clearings. The subunit is very well maintained.

C. Views

The subunit offers full, unobstructed views of the Hudson River, while the Catskill Mountains provide a strong and dramatic backdrop. The many and varied mansions and monasteries set in

large well-maintained lawns amid landscaped estates provide striking focal points and contribute to the predominantly pristine character of the river corridor throughout the subunit. River Road offers sweeping views of the river and eastern shore, part of the Estate District. The Esopus Meadows Lighthouse is a prominent focal point in the view across Esopus Meadows, both from the shorelands and the Hudson River. The massive House of Studies at Mount Saint Alphonsus, located 200 feet above the Hudson River, dominates the bluff top in views from NY Route 9W, the Hudson River, Norrie State Park and the Vanderbilt Mansion National Historic Site and is a prominent focal point in the northern half of the subunit. The Vanderbilt Mansion National Historic Site, Esopus Island, Norrie Point, the Hoyt property, Mills Mansion, the Locusts and Wilderstein are focal points on the eastern shore which feature in views from the subunit.

III. Uniqueness

The well preserved estates form a unique grouping of historic landscaped estates and religious buildings, and unlike other parts of the Hudson River Valley, most have direct access to the shore of the Hudson River, unrestricted by the railroad. As the only wooden lighthouse on the Hudson River, the Esopus Meadows Lighthouse is a unique maritime feature in the region. The broad expanse of tidal flats at Esopus Meadows is a unique landform in the Hudson River, and tidal flats of a comparative size are rare in other coastal regions of New York State.

IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit has resulted in few opportunities for public access. Accessibility is provided by local roads, limited to the designated scenic River Road in the north and NY Route 9W in the south. The subunit is highly visible from the Hudson River within the subunit, the passenger trains that run on the east bank of the Hudson River and from the eastern shorelands which are part of the Estate District SASS. Several public parks and sites, located on the eastern shore, provide visual access to the subunit. These include the heavily visited Vanderbilt Mansion National Historic Site, Franklin D. Roosevelt Home National Historic Site, Norrie State Park, Mills Memorial State Park, and Wilderstein. Scenic Hudson, Inc. recently prepared detailed, comprehensive viewshed analyses for the Mills-Hoyt State Historic Site and for Wilderstein. This subunit was a focus of this work. The recent completion of the Hyde Park Trail on the eastern shore between the FDR Home and Hyde Park, with plans to continue to the Mills-Norrie State Park, will provide greater public visual access to this subunit. Consult the Estates District SASS, subunits ED-23, ED-24, and ED-27 for the location of viewing areas.

A small park with river trails, owned by Scenic Hudson, Inc., and managed by the Town of Esopus, is located off River Road at Esopus Meadows Point. The "Lighthouse Park" offers public access to the Hudson River, and views from the park include the historic Esopus Meadows Lighthouse and estates on the eastern shore as focal points. Scenic Hudson also owns waterfront land to the south of the park and plans to develop an environmental education facility on the property. Scenic Hudson has recently completed the purchase of 142 acres of riverfront land at the mouth of Black Creek. Future plans see the site developed for passive public recreation, improving public accessibility to the subunit.

V. Public Recognition

The Esopus Bluffs subunit is well recognized as the middleground of views to the west from the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites and the Mills-Norrie State Park, all of which are visited by large numbers of the general public. River Road in the northern portion of the subunit is known for its views of the Hudson River and is a designated Scenic Road under Article 49 of the Environmental Conservation Law. Riverby and the Esopus Meadows Lighthouse are listed on the State and National Registers of Historic Places, receiving public recognition for their architectural and historic significance.

The scenic and aesthetic quality of the subunit has received public recognition through the action of Scenic Hudson, Inc., an environmental not-for-profit organization which has sought to protect views and provide access in the vicinity of Esopus Meadows Point and Black Creek. This evidences the importance of the subunit in views from the eastern shorelands, part of the Estates District SASS, and in particular from the Ogden Mills and Ruth Livingston Mills Memorial State Park and the Wilderstein Estate. Consult the Estates District SASS, subunits ED-20 and ED-18 for the location of viewing areas.

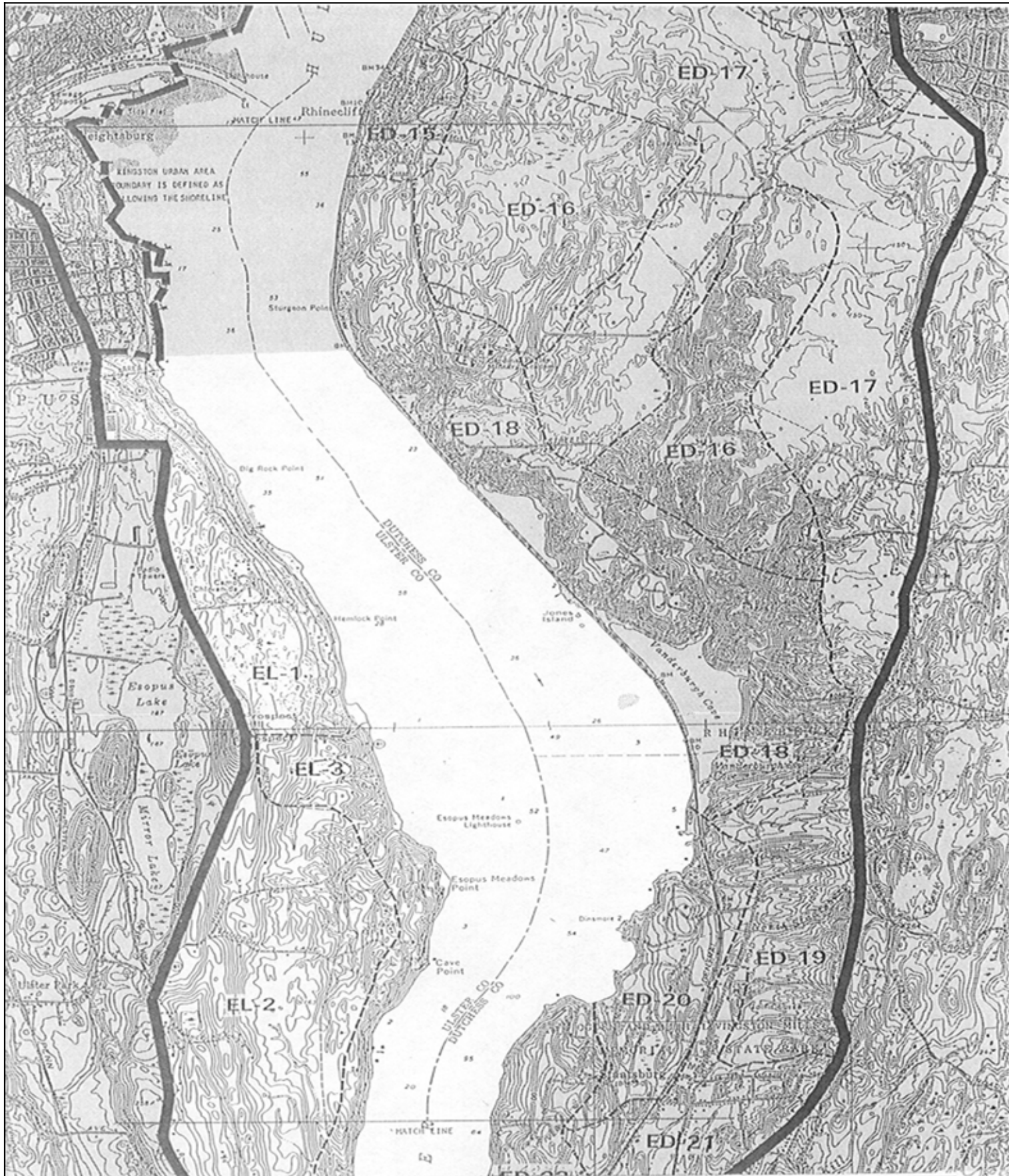
VI. Reason for Inclusion

The Esopus Bluffs subunit exhibits a variety of landscape components unified by the landform. Vegetation is varied with good contrast between fields, landscaped estates, mature woodland and the wetland vegetation of Esopus Meadows. There is a striking contrast between the architectural form and the landscaped setting of the historic estates and the texture of the wooded bluffs, and between the steep bluffs and the tidal flats of Esopus Meadows. The subunit is an integral part of views to the west from the Estate District SASS on the eastern shore of the Hudson and forms the middleground of views from several significant National Historic Sites and State Parks.

The subunit is recognized by the public through the designation of River Road as a scenic road under Article 49 of the Environmental Conservation Law, and the listing of Riverby and the Esopus Meadows Lighthouse on the National and State Registers of Historic Places. The significant land purchases by Scenic Hudson, Inc. for public access also recognizes the importance of the subunit both as a scenic landscape in itself and as the middleground of views from the eastern shore of the Hudson River. The eastern shorelands are a designated Scenic Area under Article 49 of the Environmental Conservation Law and are included in the Estates District SASS, partially because of the views to the western shores.





The subunit is accessible via the Hudson River, NY Route 9W and local roads and is visible from the railroad trains and estates on the eastern shore of the Hudson, including Vanderbilt Mansion National Historic Site, Franklin D. Roosevelt Home National Historic Site, Norrie State Park, Mills Memorial State Park and Wilderstein. The subunit is also visible from the Hyde Park Trail.

ESOPUS/LLOYD SHEET 1



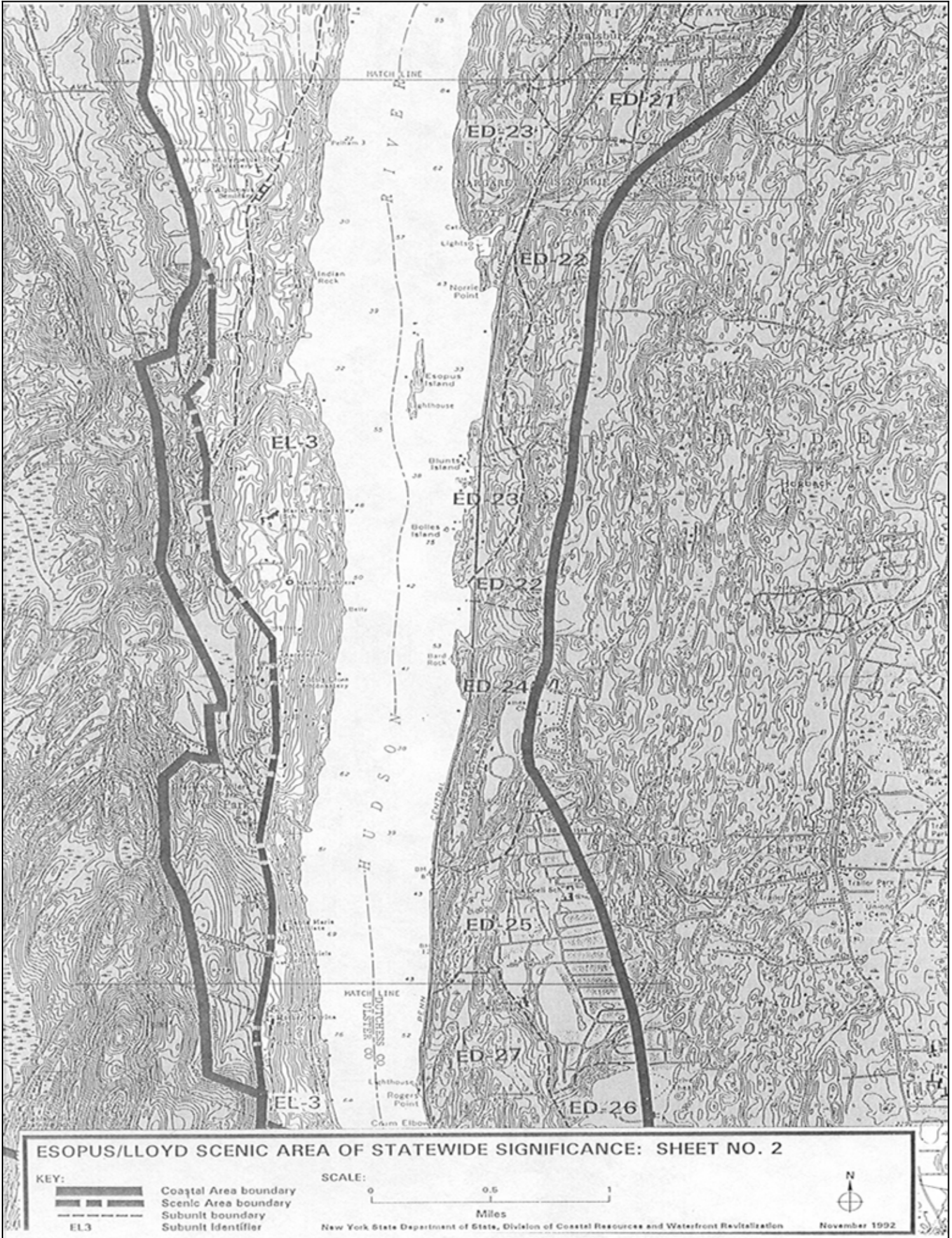
ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1

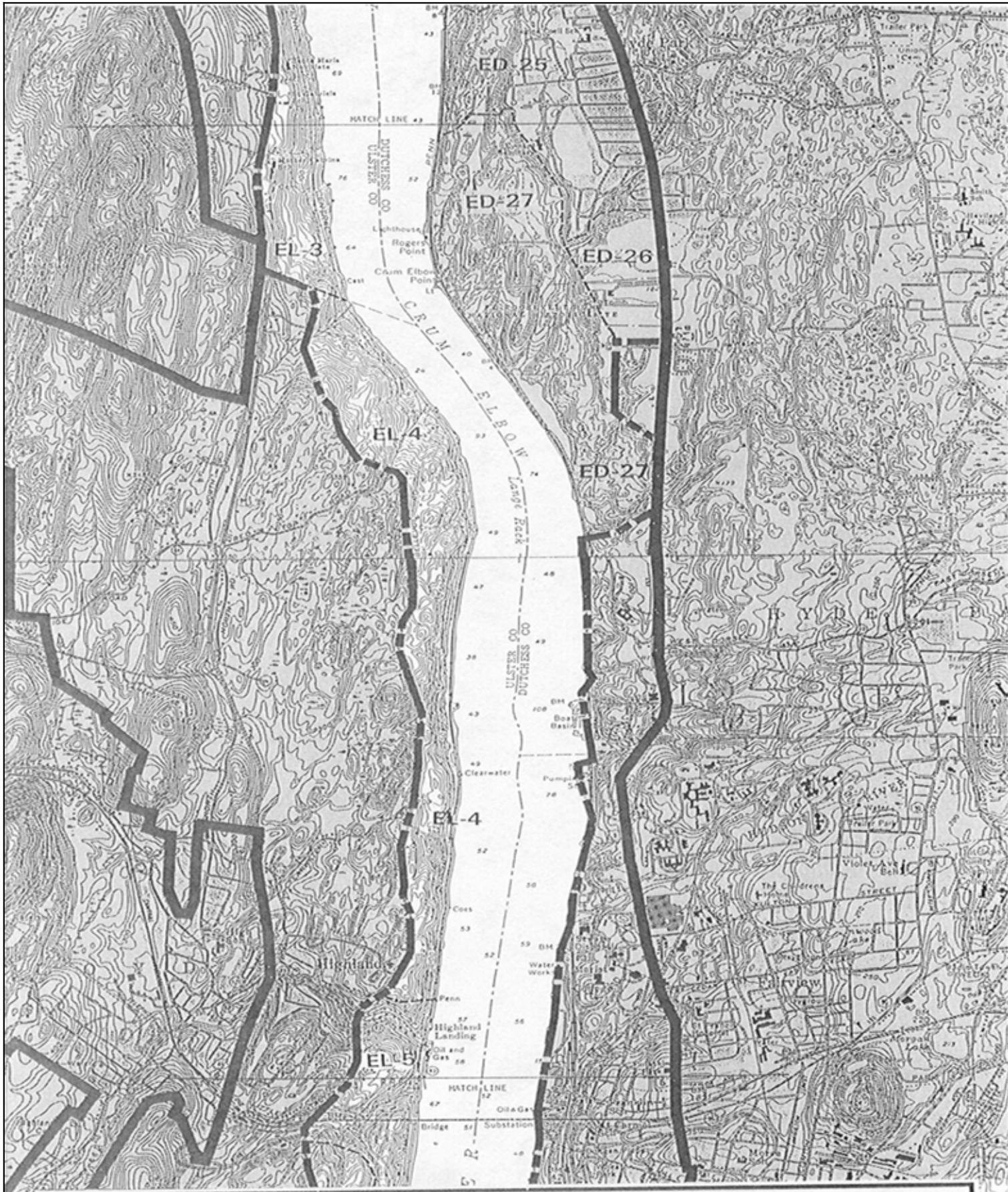
KEY:

	Coastal Area boundary
	Scenic Area boundary
	Subunit boundary
	Subunit Identifier







ESOPUS/LLOYD SHEET 2





ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3

- KEY:**
-  Coastal Area boundary
 -  Scenic Area boundary
 -  Subunit boundary
 -  Subunit identifier



COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Kingston Deepwater Habitat

Designated: **November 15, 1987**

County(ies): **Dutchess; Ulster**

Town(s): **Rhinebeck, Hyde Park; Esopus**

7½' Quadrangle(s): **Hyde Park, NY; Kingston, NY**

<u>Score</u>	<u>Criterion</u>
40	Ecosystem Rarity (ER) An extensive area of deep, freshwater, estuarine habitat; rare in New York State; but somewhat common in the Hudson River. Geometric mean: $(25 \times 64)^{1/2} = 40$.
36	Species Vulnerability (SV) Shortnose sturgeon (E) wintering area.
0	Human Use (HU) Commercial netting of shad in overlying waters, but no significant human use of the deepwater habitat.
16	Population Level (PL) Concentrations of sturgeon and other estuarine species are unusual in New York State.
1.2	Replaceability (R) Irreplaceable.

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 110$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

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

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: KINGSTON DEEPWATER HABITAT

HABITAT DESCRIPTION:

Kingston Deepwater Habitat encompasses a six mile stretch of the Hudson River extending approximately from the City of Kingston in Ulster County and the Village of Rhinecliff in Dutchess County south to the southern boundary of the Margaret Lewis Norrie State Park in Dutchess County. The area is located in the Towns of Rhinebeck and Hyde Park in Dutchess County and the Town of Esopus in Ulster County (7.5' Quadrangle: Hyde Park, N.Y. and Kingston East, N.Y.). The significant habitat area is a nearly continuous deepwater section of the river, from 30 feet to the bottom, especially where water depths of 50 feet or greater occur.

FISH AND WILDLIFE HABITAT:

The Kingston Deepwater Habitat is the northernmost extensive section of deepwater habitat in the Hudson River. Deepwater estuaries such as this are rare in the eastern United States and the Hudson River is the only river in New York State that contains this ecosystem type. Deepwater areas provide wintering habitat for shortnose sturgeon (E) and support a diversity of marine species in the Hudson River. The Kingston Deepwater Habitat is probably the northernmost wintering location of shortnose sturgeon in the Hudson River. Recent fisheries investigations of the Hudson River indicate spawning as well as wintering of sturgeon in this area. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical year round. Shortnose sturgeon use the portion of the river which generally is greater than 30 feet in depth. This area is also significant since it is largely responsible for the abundance of marine species upriver (the northern range limit for many in New York), especially during periods of low freshwater flows (summer). The majority of both Atlantic and shortnose sturgeon taken for age-growth analysis during the biological survey in the 1930's came from Rhinecliff and Port Ewen. During the spring spawning run of shad, commercial drift netting takes place in the surface waters overlying this area.

IMPACT ASSESSMENT:

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

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

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

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

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

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

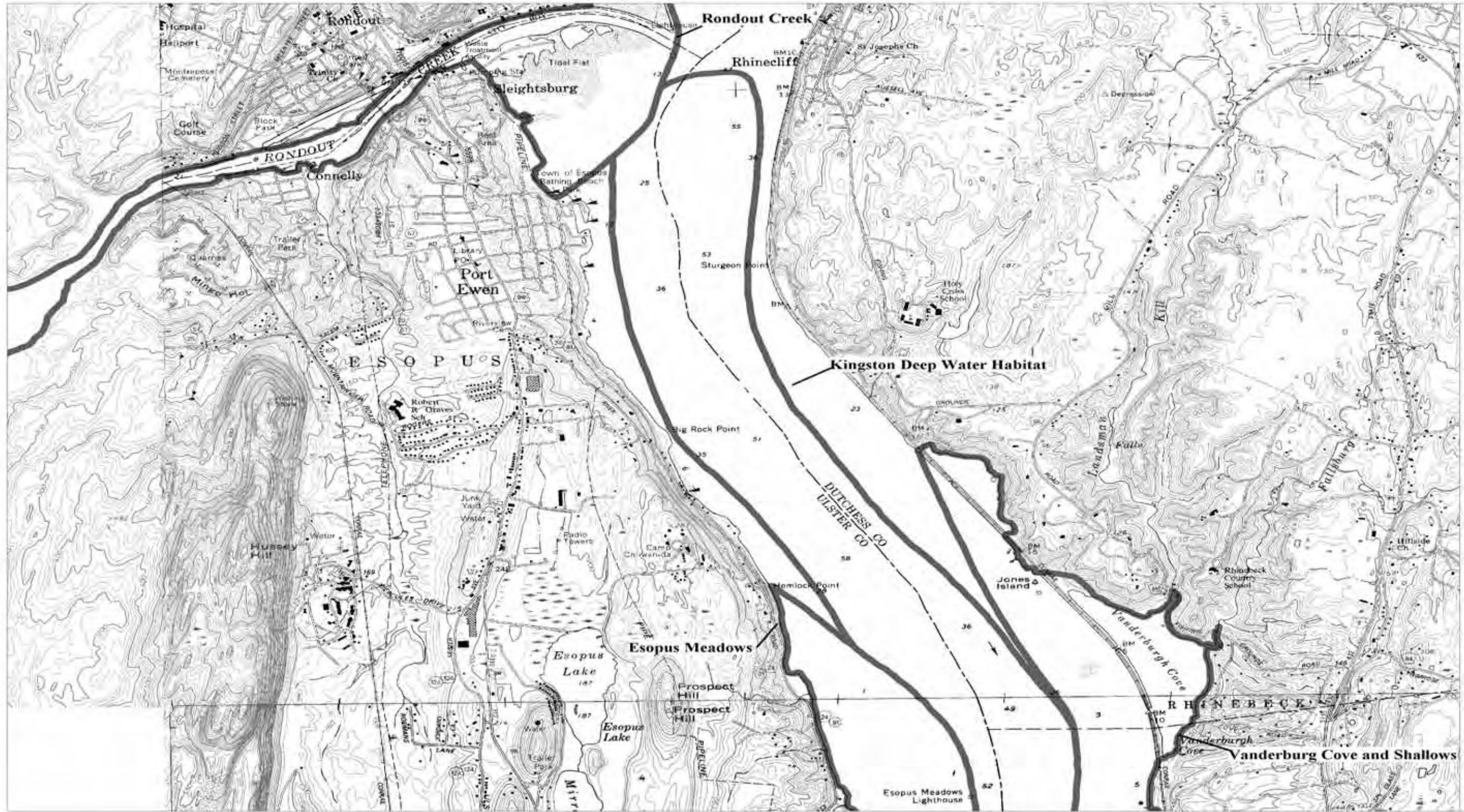
The tolerance range of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the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

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

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

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

Activities that would substantially degrade water quality, including changes in temperature, turbidity, or freshwater to saline distribution in the deepwater portions of the river, would result in significant impairment of the habitat. This area may be especially sensitive to discharges of wastewater, sewage effluent or agricultural runoff. Major reduction in overall depths within this deepwater trench would also have significant adverse effects on use of the habitat by shortnose sturgeon. Deposition of dredged material or natural sediments, especially if contaminated, would degrade the quality of this ecosystem. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

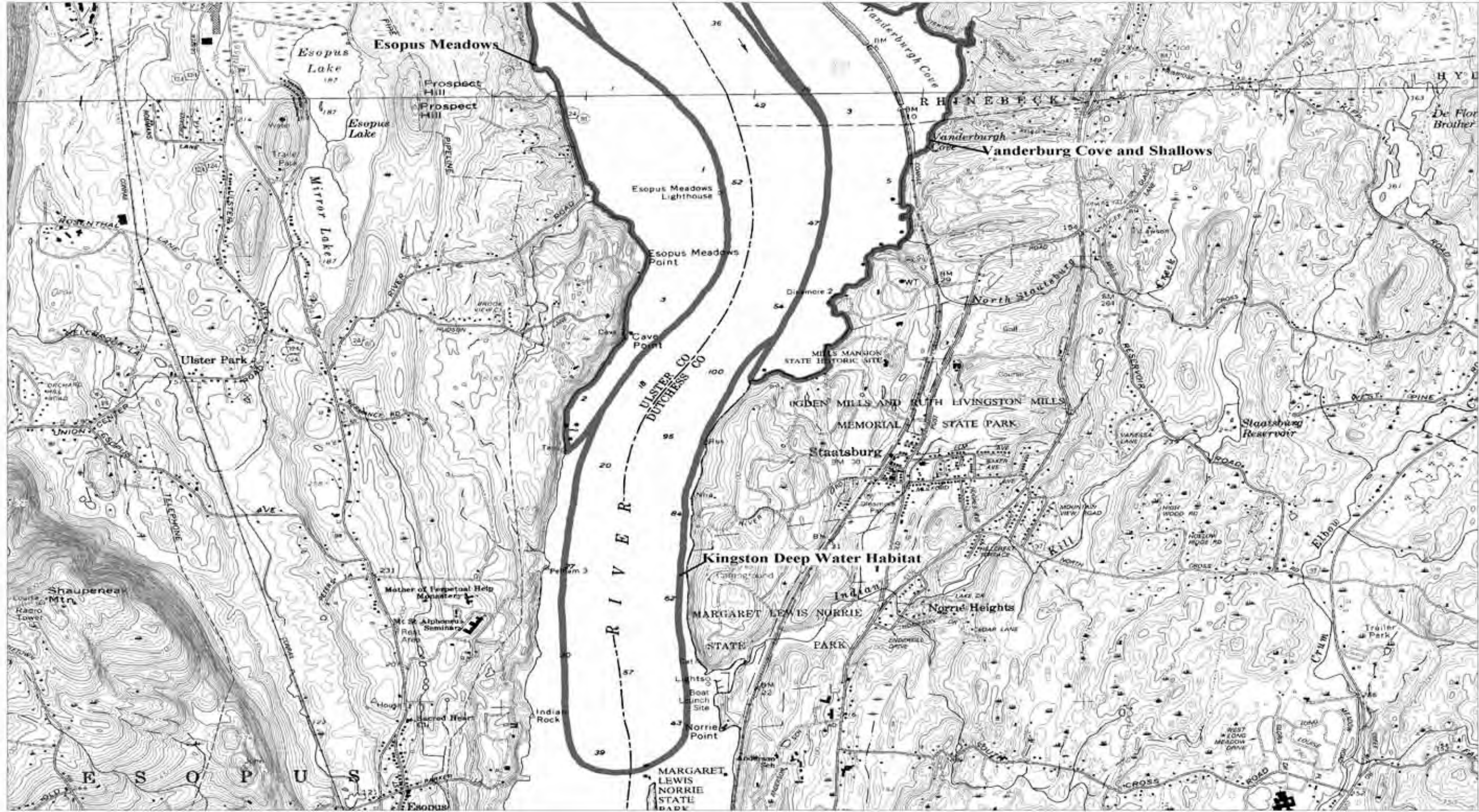


Significant Coastal Fish and Wildlife Habitats

- Esopus Meadows (In Part)
- Rondout Creek (In part)
- Vanderburgh Cove and Shallows (In part)

Kingston Deep Water Habitat (In part)
Part 1 of 2





Significant Coastal Fish and Wildlife Habitats

- Kingston Deep Water Habitat (In Part)
- Esopus Meadows (In Part)
- Vanderburgh Cove and Shallows (In part)



COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **The Flats**

Designated: **November 15, 1987**

County(ies): **Ulster; Dutchess**

Town(s): **Ulster, Kingston; Red Hook, Rhinebeck**

7½' Quadrangle(s): **Kingston East, NY**

<u>Score</u>	<u>Criterion</u>
64	Ecosystem Rarity (ER) An extensive area of shallow, freshwater, tidal flats; rare in New York State.
0	Species Vulnerability (SV) Shortnose sturgeon (E) occur in the area, but habitat use is not adequately documented.
18	Human Use (HU) Area supports a commercial shad fishery of statewide significance; recreational fishing attracts anglers from Ulster and Dutchess Counties. Additive division: $16 + 4/2 = 18$.
16	Population Level (PL) One of the major shad spawning areas in the Hudson River; concentrations are unusual in New York State.
1.2	Replaceability (R) Irreplaceable.

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 118$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

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

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: THE FLATS

HABITAT DESCRIPTION:

The Flats is located in the middle of the Hudson River, roughly between the hamlet of Barrytown and the City of Kingston, in the Town of Ulster and City of Kingston, Ulster County, and the Towns of Red Hook and Rhinebeck, Dutchess County (7.5' Quadrangle: Kingston East, N.Y.). The fish and wildlife habitat is an approximate four and one-half mile long underwater ridge, most of which is shallow (less than 10 feet deep at mean low water), freshwater, intertidal mud flats, and subtidal aquatic beds (predominantly wild celery and Eurasian water milfoil). The Flats is bordered to the west by the Hudson River navigation channel, resulting in potential habitat disturbance from periodic maintenance dredging.

FISH AND WILDLIFE VALUES:

The Flats is one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River. Areas such as this are extremely valuable fish and wildlife habitats, and are not found in other coastal regions of New York State.

The Flats is one of the primary Hudson River spawning grounds for American shad. Between mid-March and June, adult shad concentrate between Kingston and Coxsackie, and spawning occurs primarily on extensive flats, shoals, sandbars, and shallow areas near the mouths of tributary creeks. These fish may move into adjacent deeper areas while tidal currents are strong. Reproduction by shad in The Flats area supports much of the commercial gillnet fishery for this species on the Hudson River, which is one of the largest such fisheries in the U.S. The importance of the Flats is highlighted by the fact that it is the only area on the Hudson where commercial fishing is prohibited during the shad spawning period. The Flats also serves as spawning, nursery, and feeding habitat for striped bass, white perch, and various resident freshwater species. Concentrations of the early developmental stages of several anadromous species occur in this area.

Shortnose sturgeon (E) and Atlantic sturgeon may also use the area to feed (especially during slack water in late spring and summer), or as a resting area during river-wide movements, or as a slightly preferable habitat when water temperatures are warmer than in adjacent deeper waters (i.e., in early spring and fall). High catches of shortnose sturgeon occur in channels adjoining The Flats, particularly on the east side. The abundant fisheries resources in this area provide an excellent recreational fishery, attracting anglers from nearby portions of Ulster and Dutchess Counties.

Significant concentrations of waterfowl also occur in The Flats area. Dense growths of wild celery provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September - early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in The Flats. During calm weather, this open river area is also used by dabbling ducks, including mallard, black duck, and blue-winged teal, and provides a refuge from hunting pressure in shoreline areas.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

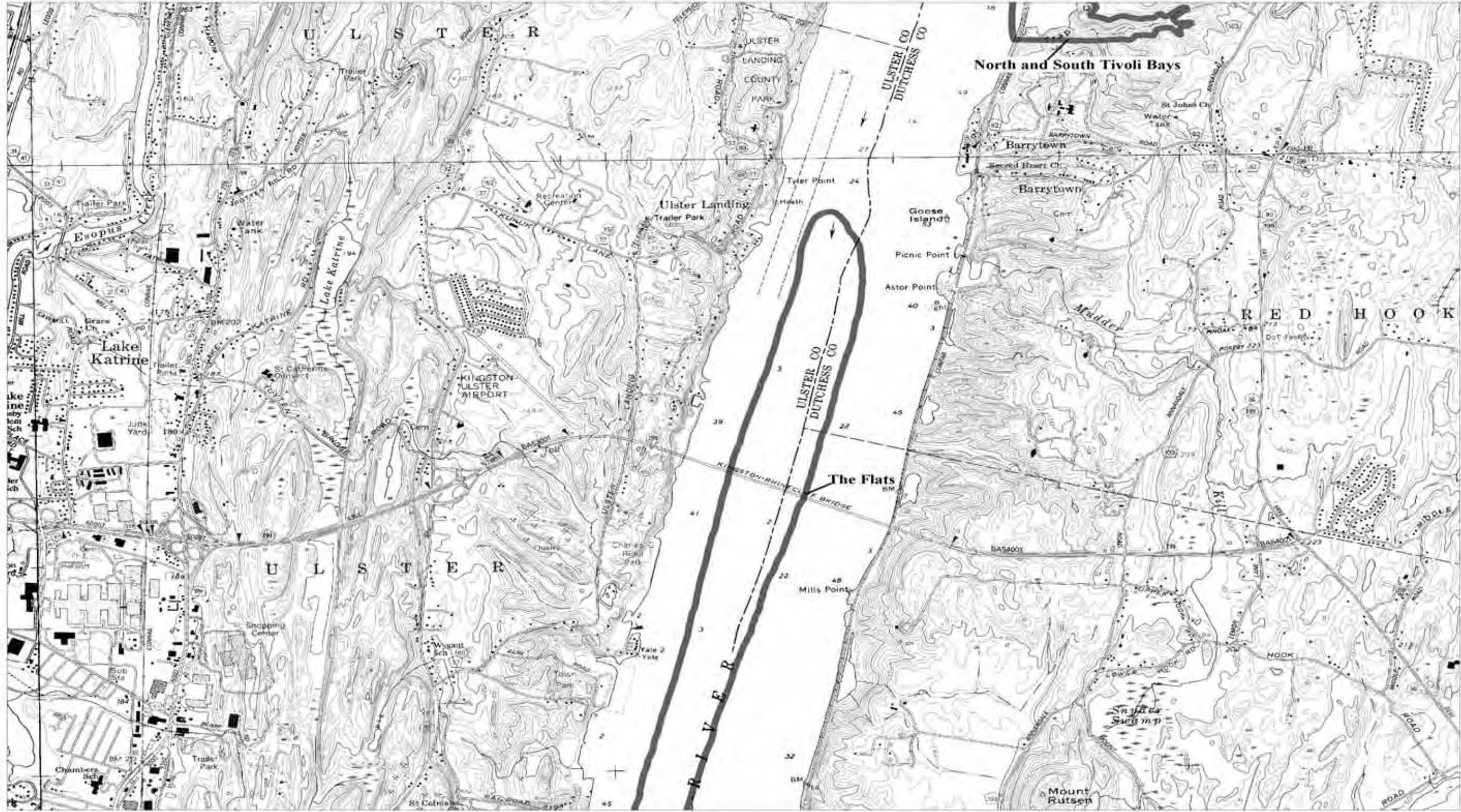
1. physical parameters such as living space, circulation, flushing rates, tidal amplitude,

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

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

Any activity that would substantially degrade water quality in The Flats would affect the biological productivity of this area and result in significant impairment of the habitat. Species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Oil and other hazardous substance spills are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Disruption of plant communities or benthos in the area through dredging or filling (including dredge spoil disposal), would reduce its value as a fish and wildlife habitat; no new navigation channels should be cut through the area.

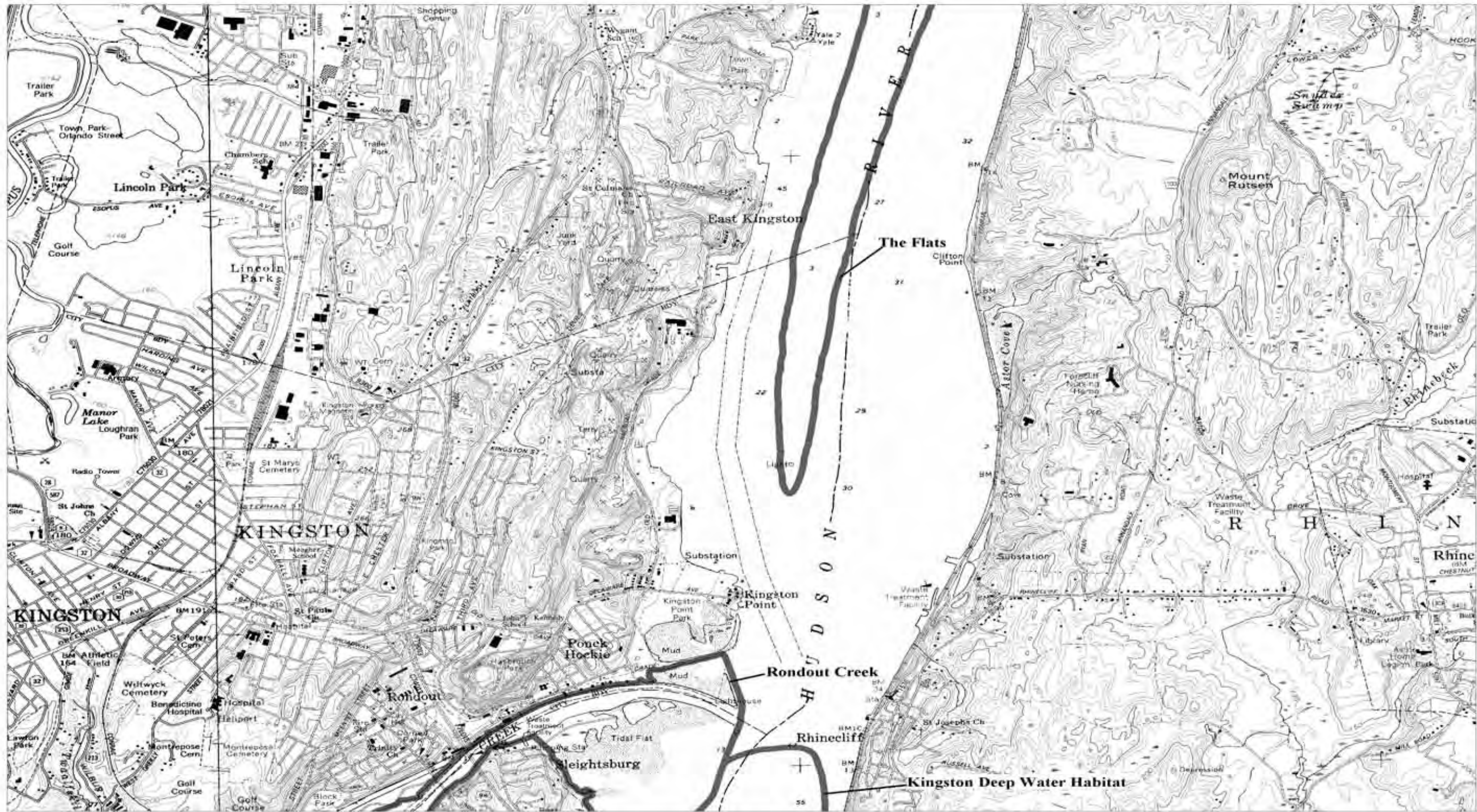
Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species; shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of eggs and larval stages.



Significant Coastal Fish and Wildlife Habitats
The Flats (In part)
Part 1 of 2
North and South Tivoli Bays (In part)



New York State
Department of State
Division of
Coastal Resources



Significant Coastal Fish and Wildlife Habitats

- The Flats (In part)
- Kingston Deep Water Habitat (In part)
- Rondout Creek (In part)

New York State
Department of State



Division of
Coastal Resources

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Vanderburgh Cove and Shallows**

Designated: **November 15, 1987**

County: **Dutchess**

Town(s): **Rhinebeck, Hyde Park**

7½' Quadrangle(s): **Kingston East, NY; Hyde Park, NY**

<u>Score</u>	<u>Criterion</u>
9	Ecosystem Rarity (ER) Relatively large, sheltered, freshwater tidal coves and adjoining shallows; unusual in Dutchess County.
0	Species Vulnerability (SV) Shortnose sturgeon (E) may occur in the area, but habitat use not adequately documented.
4	Human Use (HU) Waterfowl hunting attracts visitors from throughout Dutchess County.
4	Population Level (PL) One of the major waterfowl concentration areas in Dutchess County.
1.2	Replaceability (R) Irreplaceable.

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R] = **20**

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

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

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: VANDERBURGH COVE AND SHALLOWS HABITAT

DESCRIPTION:

Vanderburgh Cove and Shallows is located on the east side of the Hudson River, approximately four miles south of the Village of Rhinebeck, in the Towns of Rhinebeck and Hyde Park, Dutchess County (7.5' Quadrangles: Kingston East, N.Y.; and Hyde Park, N.Y.). Vanderburgh Cove is an approximate 100 acre, shallow, (less than 10 feet deep at mean low water), tidal, freshwater, bay, separated from the open river by the Penn Central railroad.

The cove is hydrologically connected to the river via two bridges in the railroad, and contains dense beds of water chestnut, wild celery, Eurasian water milfoil, pickerelweed, and yellow pond lily. Emergent marsh vegetation (e.g., river bulrush and cattail) is present only around the margin of Vanderburgh Cove, and where two small tributaries, the Landsman Kill and Fallsburg Creek, empty into the area. Also included in the habitat is Suckley Cove, a similar 30 acre area to the north of Vanderburgh Cove.

Outside of the railroad is an approximate 1,000 foot wide extension of the shallow water area in Vanderburgh Cove, encompassing approximately 300 acres. The latter area is predominantly subtidal, with a silt substrate and beds of aquatic vegetation. These shallows are located adjacent to a natural deepwater channel in the Hudson River, so the area is not subject to habitat disturbance from periodic maintenance dredging. The land area bordering Vanderburgh Cove and Shallows is predominantly deciduous forest on moderate to steep slopes, including a portion of Ogden and Ruth Livingston Mills Memorial State Park and Wilderstien, a not-for-profit historic site and nature preserve. However, since the 1970's, new residential development has been increasing in adjacent areas.

FISH AND WILDLIFE VALUES:

Vanderburgh Cove and Shallows is one of the largest contiguous areas of shallow, freshwater, subtidal flats in Dutchess County. Areas such as this are extremely valuable fish and wildlife habitats. However, the importance of this area is limited somewhat by its small size relative to similar habitats elsewhere in the Hudson River, and possibly by the abundance of water chestnut within Vanderburgh Cove. Suckley Cove is a high quality portion of the habitat, with minimal human disturbance. Vanderburgh Cove and Shallows is a productive littoral area located near the lowest reaches of shallow freshwater in the Hudson River, which is a critical area for many fish species. The shallow, subtidal beds provide spawning, nursery, and feeding habitats for anadromous species such as striped bass, American shad, and white perch, and for a variety of resident freshwater species, such as largemouth bass, carp, brown bullhead, yellow perch, and shiners. The Landsman Kill and Fallsburg Creek also attract spawning runs of smelt, alewife, and blueback herring, although the extent of reproduction has not been documented.

Concentrations of spawning anadromous fishes generally occur in the area between mid-March and July, with substantial numbers of young-of-the-year fish remaining well into the fall (October-November). Vanderburgh Cove and Shallows may also serve as a feeding area for populations of

shortnose sturgeon (E) wintering in the adjacent deepwater channel. The abundant fisheries resources in Vanderburgh Cove and Shallows provide valuable opportunities for recreational (and possibly commercial) fishing, attracting anglers from throughout Dutchess County. Fishing pressure is generally concentrated near the tributary stream mouths and at railroad bridges.

Significant concentrations of waterfowl also occur in the Vanderburgh Cove and Shallows area. Dense growths of submergent vegetation provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September - early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in the flats. The more shallow cove areas are used by dabbling ducks, including mallard, black duck, wood duck, and blue-winged teal, especially during inclement weather. Rafts of several hundred birds have been observed in Vanderburgh Cove during fall migrations. Consequently, this is one of the most popular waterfowl hunting areas in Dutchess County, second only to Tivoli Bays. Depending on weather conditions, some waterfowl may remain in the area throughout winter. Although occasional observations have been reported, the extent to which other bird species, such as loons, grebes, gulls, wading birds, shorebirds, and osprey (T), may use the area has not been well documented.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

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

Any activity that would substantially degrade water quality in Vanderburgh Cove and Shallows would result in significant impairment of the habitat. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal.

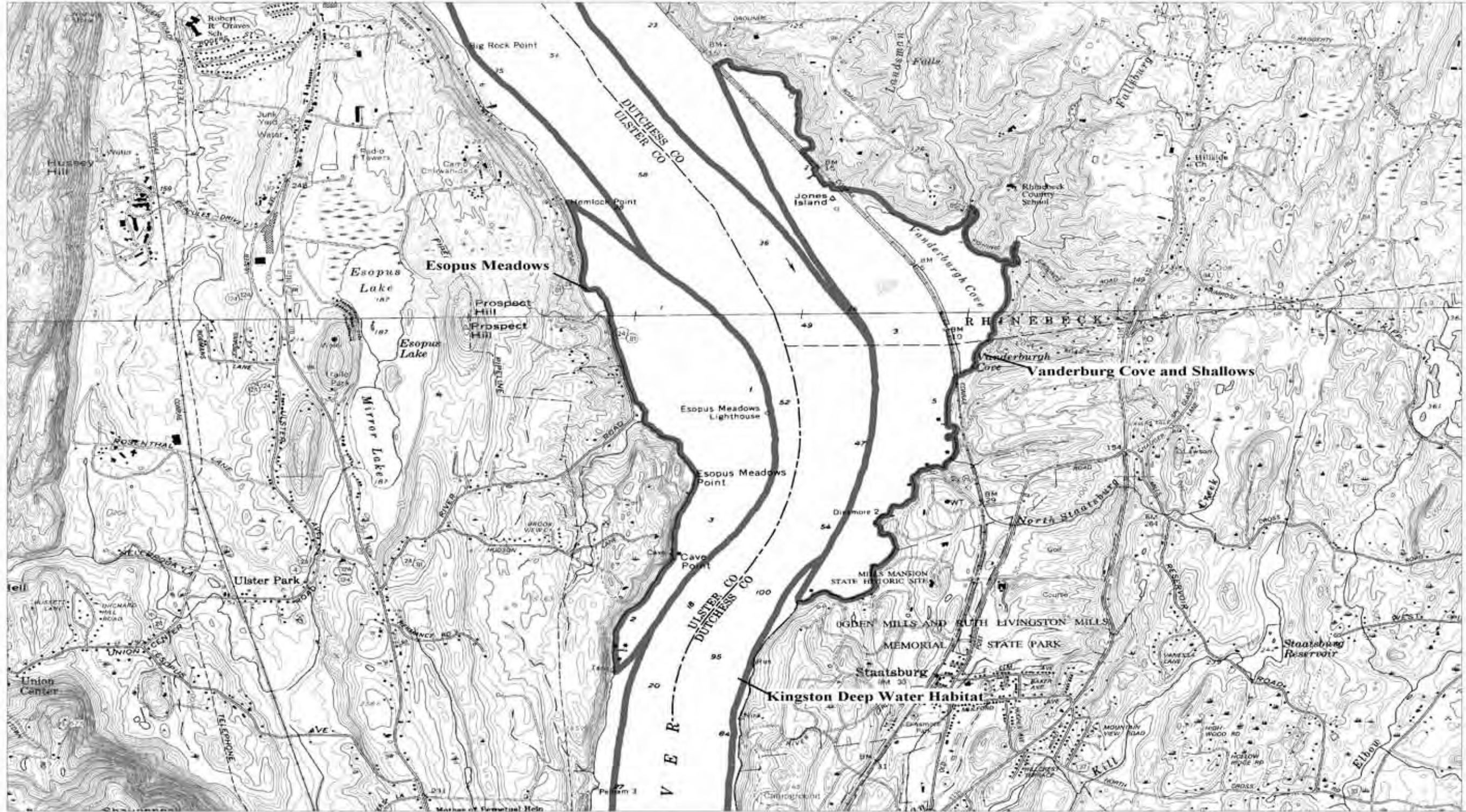
Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Application of herbicides or insecticides along the railroad right-of-way or adjacent uplands may result in adverse impacts on the fish and wildlife resources of the area.

Alteration of tidal fluctuations in Vanderburgh Cove and Shallows could have significant impacts on fish and wildlife; increased tidal exchange may improve habitat quality in the cove. During the early 1980's, a railroad bridge opening to the cove was made smaller, and this may have had detrimental effects. Disruption of natural plant communities or benthos in the area could reduce its value as a fish and wildlife habitat, although control of water chestnut may be desirable or necessary to maintain certain species. Any physical disturbance of the habitat, through dredging or filling (including dredge spoil disposal), would result in a direct loss of valuable habitat area; any dredging activities needed to maintain the existing channel should be scheduled in mid to late summer to

minimize potential impacts on most aquatic organisms and migratory birds. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species and wintering waterfowl; fish spawning activities and survival are often directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages.

Significant human encroachment into adjacent areas may limit use of Vanderburgh and Suckley Coves by certain species. Existing areas of natural vegetation bordering Vanderburgh Cove and Shallows should be maintained for their value as cover, perch sites, and buffer zones. Enhancement of appropriate public access to increase compatible human uses of fish and wildlife resources in the area may be desirable.

Esopus Meadows Vanderburgh Cove and Shallows Map



Significant Coastal Fish and Wildlife Habitats

- Kingston Deep Water Habitat (In part)
- Esopus Meadows
- Vanderburgh Cove and Shallows



Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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

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

STATE OF NEW YORK
JAN 11 2007
FILED

County
City of Rhinebeck
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2007

A local law Waterfront Consistency Review Law
(Insert Title)

Be It enacted by the Town Board of the
(Name of Legislative Body)

County
City of Rhinebeck as follows:
Town
Village

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2007 of the ~~(County)~~(City)(Town)(Village) of Phireback was duly passed by the Town Board on Jan 8 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Barbara Blumenthal

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

(Seal)

Date: 1/9/2007

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

STATE OF NEW YORK
COUNTY OF Butchess

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

W. S. [Signature]

Signature

Attorney to the Town

Title

County _____
City of Rhineback
Town _____
Village _____

Date: 1/9/2007

TOWN OF RHINEBECK

Local Law No. 2 of 2007

Be it enacted by the Town Board of the Town of Rhinebeck follows:

GENERAL PROVISIONS

I. Title.

This Local law will be known as the Town of Rhinebeck Waterfront Consistency Review Law.

II. Authority and Purpose.

A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B. The purpose of this local law is to provide a framework for agencies of the Town of Rhinebeck to incorporate the policies and purposes contained in the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the coastal area; and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes.

C. It is the intention of the Town of Rhinebeck that the preservation, enhancement and utilization of the unique coastal area of the Town take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate limited population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss and degradation of living coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

D. The substantive provisions of this local law shall only apply when there is in existence a Town of Rhinebeck Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions.

A. "Actions" include all the following, except minor actions:

(1) projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the coastal area or the environment by changing the use, appearance or condition of any resource or structure, that:

- (i) are directly undertaken by an agency; or
- (ii) involve funding by an agency; or
- (iii) require one or more new or modified approvals, permits, or review from an agency or agencies;

(2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;

(3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect coastal resources or the environment; and

(4) any combination of the above.

B. "Agency" means any board, agency, department, office, other body, or officer of the Town of Rhinebeck.

C. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Town of Rhinebeck, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP).

D. "Coastal Assessment Form (CAF)" means the form, a sample of which is appended to this local law, used by an agency to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.

E. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.

F. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedure making and policy making.

G. "Environment" means all conditions, circumstances and influences surrounding and affecting the development of living organisms or other resources in the coastal area.

H. "Local Waterfront Revitalization Program" or "LWRP" means the Local Waterfront Revitalization Program of the Town of Rhinebeck, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Town of Rhinebeck.

I. "Minor actions" include the following actions, which are not subject to review under this chapter:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by the Coastal Erosion Hazard Area (CEHA) law where structures may not be replaced, rehabilitated or reconstructed without a permit;

(3) repaving or widening of existing paved highways not involving the addition of new travel lanes;

(4) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within Significant Coastal Fish and Wildlife Habitat areas;

(6) granting of individual setback and lot line variances, except in relation to a regulated natural feature, a bulkhead or other shoreline defense structure;

(7) minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;

(8) installation of traffic control devices on existing streets, roads and highways;

(9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;

(11) official acts of a ministerial nature involving no exercise of discretion, including building where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code.

(12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road de-icing substances, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule or regulation;
- (23) designation of local landmarks or their inclusion within historic districts;
- (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (25) local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

IV. Management and Coordination of the LWRP

A. The Town of Rhinebeck Conservation Advisory Council (Council) shall be responsible for coordinating review of actions in the Town's coastal area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative,

regulatory, administrative and other actions included in the program.

B. The Council shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.

C. The Council shall assist the Town Board in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.

D. The Council shall perform other functions regarding the coastal area and direct such actions or projects as the Town Board may deem appropriate, to implement the LWRP.

V. Review of Actions.

A. Whenever a proposed action is located within the Town's coastal area, each Town agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Section H herein. No action in the coastal area shall be approved, funded or undertaken by that agency without such a determination.

B. Whenever a Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the agency shall refer a copy of the completed CAF to the Council within ten (10) days of its receipt and prior to making its determination, shall consider the recommendation of the Council with reference to the consistency of the proposed action.

C. After referral from an agency, the Council shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Section H herein. The Council shall require the applicant to submit all completed applications, CAFs, EAFs, and any other information deemed necessary to its consistency recommendation.

The Council shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Council and the applicant or in the case of a direct action, the agency. The Council's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion. The Council shall, along with a consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.

In the event that the Council's recommendation is not forthcoming within the specified time, the agency shall make its consistency decision without the benefit of the Council's recommendation.

D. If an action requires approval of more than one Town agency, decision making will be coordinated between the agencies to determine which agency will conduct the final

consistency review, and that agency will thereafter act as designated consistency review agency for the specific action being reviewed. Only one CAF per action will be prepared. If the agencies cannot agree, the Town Board shall designate the consistency review agency.

E. Upon receipt of the Council's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in Section H herein. The agency shall consider the consistency recommendation of the Council, the CAF and other relevant information in making its written determination of consistency. No approval or decision shall be rendered for an action in the coastal area without a written determination of consistency having first been rendered by a Town agency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Council in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

F. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Section H and include a thorough discussion of the effects of the proposed action on such policy standards.

G. In the event the Council's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.

H. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III (Policies) of the Town of Rhinebeck LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with Section IV (Proposed Uses and Projects), in making their consistency determination. The action must be consistent with the policies to:

1. Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for uses dependent on a waterfront location and compatible with the historic and scenic character of the area (Policy 1).
2. Encourage tourism through preservation, enhancement and/or appropriate resources of historic, scenic and recreational interest (Policy 1A);
3. Retain and encourage the development of water dependent uses on or near coastal waters (Policy 2);
4. Ensure that development occurs where adequate public infrastructure is available (Policy 5);
5. Streamline development permit procedures (Policy 6);
6. Protect and preserve fish and wildlife habitats of local importance and those which DOS has identified as significant, from human disruption and chemical

- contamination (Policies 7, 7A, 7B, 7C, 7D, 7E and 8);
7. Maintain and expand the recreational use of existing fish and wildlife resources (Policy 9);
 8. Maintain, promote and expand commercial fishing opportunities (Policy 10).
 9. Minimize flooding and erosion hazards through proper siting of buildings and structures; protection of natural protective features; construction of carefully-selected, long-term structural measures; and the use of appropriate non-structural means (Policies 11,12,13,14,15 and 17);
 10. Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16);
 11. Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18);
 13. Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting the environment and adjacent land uses (Policies 19, 20, and 20A);
 14. Encourage and facilitate water-dependent and water-enhanced recreational resources and facilities near coastal waters (Policies 21, 21A and 21B);
 15. Encourage the development of water-related recreational resources and facilities, as multiple-uses, in appropriate locations within the shore zone. (Policy 22);
 16. Protect and enhance scenic and aesthetic resources (Policies 23, 23A);
 17. Protect and enhance scenic and aesthetic resources (Policies 24A, 24B, 24C and 25);
 18. Conserve and protect agricultural lands (Policy 26);
 19. Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 and 40);
 20. Undertake ice management practices to avoid adverse coastal impacts (Policy 28);
 21. Protect surface waters and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37 and 38);
 22. Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35);
 23. Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39);
 24. Protect air quality (Policies 41, 42, and 43) and
 25. Preserve and protect tidal and freshwater wetlands (Policy 44).

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

VI. Enforcement.

No action within the Rhinebeck coastal area which is subject to review under this Chapter shall proceed until a written determination has been issued from a Town agency that the

action is consistent with the Town's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the Town shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The Town Building Inspector, Town Attorney, Code Enforcement Officer and Police Department shall be responsible for enforcing this Chapter.

VII. Violations.

A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this Chapter shall have committed a violation, punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) for a conviction of a first offense and punishable by a fine of two thousand dollars (\$500.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

B. The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

VIII. This Local Law shall supersede and repeal Local Law No. 1 of 1989.

IX. Severability.

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

X. Effective Date.

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

APPENDIX A

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Rhinebeck agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a Town of Rhinebeck agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town of Rhinebeck Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

3. If any questions in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of agency action (check appropriate response):

(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____

(b) Financial assistance (e.g. grant, loan, subsidy) _____

(c) Permit, approval, license, certification _____

(d) Agency undertaking action:

2. Describe nature and extent of action: _____

3. Location of action: _____

Street or Site Description

4. Size of site: _____

5. Present land use: _____

6. Present zoning classification: _____

7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations): _____

8. Percentage of site which contains slopes of 15% or greater: _____

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

(1) Name: _____

(2) Size (in acres): _____

10. If an application for the proposed action has been filed with the agency, the following information shall be provided:

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: Area Code () _____

(d) Application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes ___ No ___ If yes, which state or federal agency? _____

C. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed action be located in, or contiguous YES NO to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:... _____
- (a) Significant fish or wildlife habitats?..... _____
 - (b) Scenic resources of local or statewide significance? _____
 - (c) Important agricultural lands?..... _____
 - (d) Natural protective features in an erosion hazard area..... _____

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant effect upon: YES NO
- (a) Commercial or recreational use of fish and wildlife resources?..... _____
 - (b) Scenic quality of the coastal environment?..... _____
 - (c) Development of future, or existing water dependent uses?..... _____
 - (d) Operation of the State's major ports?..... _____
 - (e) Land or water uses within a small harbor area?..... _____
 - (f) Stability of the shoreline?..... _____
 - (g) Surface or groundwater quality?..... _____
 - (h) Existing or potential public recreation opportunities?..... _____
 - (i) Structures, sites or districts of historic, archeological or cultural significance to the Town of Rhinebeck, State or nation?..... _____

3. Will the proposed action involve or result in any of the following: YES NO
- (a) Physical alteration of land along the shoreline, land under water or coastal waters?..... _____
 - (b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?..... _____
 - (c) Expansion of existing public services or

- infrastructure in undeveloped or low density areas of the coastal area?.....
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law?.....
- (e) Mining, excavation, filling or dredging in coastal waters?.....
- (f) Reduction of existing or potential public access to or along the shore?.....
- (g) Sale or change in use of publicly-owned lands located on the shoreline or under water?.....
- (h) Development within a designated flood or erosion hazard area?.....
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?.....
- (j) Construction or reconstruction of erosion protective structures?.....
- (k) Diminished surface or groundwater quality?.....
- (l) Removal of ground cover from the site?.....

4. PROJECT

YES NO

- (a) If a project is to be located adjacent to shore:
 - (1) Will water-related recreation be provided?.....
 - (2) Will public access to the foreshore be provided?....
 - (3) Does the project require a waterfront site?.....
 - (4) Will it supplant a recreational or maritime use?....
 - (5) Do essential public services and facilities presently exist at or near the site?.....
 - (6) Is it located in a flood prone area?.....
 - (7) Is it located in an area of high erosion?.....

YES NO

- (b) If the project site is publicly owned:
 - (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?.....
 - (2) If located in the foreshore, will access to those and adjacent lands be provided?.....
 - (3) Will it involve the siting and construction of major energy facilities?.....
 - (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?.....
- (c) Is the project site presently used by the community neighborhood as an open space or recreation area?.....

- (d) Does the present site offer or include scenic views or vistas known to be important to the community?.....
- (e) Is the project site presently used for commercial fishing or fish processing?.....
- (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?.....
- (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?.....
- (h) Will the project involve any waste discharges into coastal waters?.....
- (i) Does the project involve surface or subsurface liquid waste disposal?.....
- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?.....
- (k) Does the project involve shipment or storage of petroleum products?.....
- (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?.....
- (m) Does the project involve or change existing ice management practices?.....
- (n) Will the project affect any area designated as a tidal or freshwater wetland?.....
- (o) Will the project alter drainage flow, patterns or surface water runoff on or from the site?.....
- (p) Will best management practices be utilized to control storm water runoff into coastal waters?.....
- (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?.....
- (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?.....

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

If assistance or further information is needed to complete this form, please contact Town of Rhinebeck Clerk at _____

Preparer's Name: _____ Telephone Number: (____) _____

Title: _____ Agency: _____ Date: _____

—

Town of Rhinebeck Historic Buildings Protection Law

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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

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

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
FEB 22 2005

County
City of Rhinebeck
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 2005

A local law Historic Buildings Protection Law
(Insert Title)

Be It enacted by the Town Board of the
(Name of Legislative Body)

County
City of Rhinebeck
Town
Village as follows:

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

**Town of Rhinebeck
Local Law No. 1, 2005
Enactment of Historic Buildings Protection Law**

Be it enacted by the Town Board of the Town of Rhinebeck as follows:

Section 1.

The Town Board of the Town of Rhinebeck hereby amends the Town Code through the addition of the annexed Historic Buildings Protection Law as Town Code Chapter 78.

Section 2.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**TOWN OF RHINEBECK
TOWN CODE CHAPTER 78
HISTORIC BUILDINGS PROTECTION LAW**

LOCAL LAW 1 OF 2005

SECTION 1. PURPOSE AND INTENT

Within the Town of Rhinebeck, there exist a significant number of buildings of historic importance. The Town of Rhinebeck believes it important that these historic buildings be both afforded proper recognition by Town residents and protected for the continuing use and enjoyment of future residents within this community.

The Town of Rhinebeck specifically finds that many of these vital and irreplaceable historic buildings have heretofore been afforded recognition, though not protection, through their inclusion on the National Register of Historic Places.

Listed buildings within the Town-outside-Village area of Rhinebeck include those identified as "contributing buildings" within the National Register Hudson River National Historic Landmark District (1990) and its predecessor Sixteen Mile District (1979), those buildings within the Evangelical Lutheran Church of St. Peter (1975), Grasmere (1987) and Rock Ledge (1989) National Register Historic Districts, and those individual buildings included on the National Register of Historic Places, including first the Robert Sands Estate (1975), then more than thirty (30) individual buildings, or complexes of buildings, concomitantly nominated as part of the Town of Rhinebeck Multi-Resource Area (1987) and recently the Neher-Elseffer House (2003).

The Town of Rhinebeck has also designated four buildings, Wilderstein, the Neher-Elseffer House, the Old Stone Church and Quitman House, as Local Landmarks.

This Local Law is designed to provide for the protection of those historic buildings situated within the Town-outside-Village area which, by reason of their antiquity, uniqueness, setting or architectural construction, have been recognized, or may so be similarly recognized in the future, for both their contribution to a strong sense of identity within the community and for the tangible linkages the buildings provide to the Town's historic, architectural and cultural heritage.

This Local Law does not regulate appurtenances to historic buildings, i.e. stone walls, gates, fences, gazebos, gardens, landscapes or "non-contributing structures" listed within the documentation supporting the historic designations noted above. However, the Town of Rhinebeck recognizes these appurtenances as important features integral to historic properties and because of their community value encourages voluntary protection and conservation measures be considered by property owners.

Similarly, while this Local Law does not regulate exterior architectural features, including building elements such as windows and doors and cornices and materials such as roofing and siding, the Town of Rhinebeck recognizes these features as important to the

integrity of historic buildings and encourages voluntary efforts to preserve these features and where replacement may be necessary employ either in-kind architectural elements and building materials or those exhibiting similar historical style.

The purpose of this Local Law is to reinforce the importance of the historic buildings of the Town of Rhinebeck and support the objectives of the aforementioned special historic designations, the Town's Comprehensive Plan and the Local Waterfront Revitalization Program, by:

- A. Providing for the careful, thoughtful evaluation of any proposed action that would cause the removal or demolition of any such recognized historic building;
- B. Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic buildings is necessary to promote the economic, cultural, educational, and general welfare of the Town's residents; and
- C. Allowing the continuing identification and recognition of historic buildings that represent distinctive elements of historic, architectural and cultural heritage.

SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases in this Local Law shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Local Law its most reasonable application.

- A. Appurtenances -- Any structures and/or features, such as entrance gates, fences, gazebos, gardens, landscapes, stone walls, hitching posts and signs, which are accessory to the historic building, or the historic buildings, on the property.
- B. Certificate of Economic Hardship-- A certificate issued by the Planning Board authorizing removal or demolition of an historic building, or portion thereof, even though a Certificate of Removal or Demolition has previously been denied.
- C. Certificate of Removal or Demolition -- A certificate issued by the Planning Board indicating its approval of plans for removal or demolition of an historic building, or portion thereof.
- D. Contributing Building -- Any building, including residential, commercial, public, institutional and agricultural structures, having one or more of the following characteristics:
 - 1. Designated as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
 - 2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
 - 3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.

4. Designated as a "local landmark" by the Town of Rhinebeck.

All of which are referred to in this Local Law as "an historic building" or "historic buildings".

The term "contributing building" shall also apply to any building, or any other structure, that in the future is designated and included as an individual building, or building complex, or a contributing building within a district on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

E. Demolition -- Any act or process that destroys an historic building or portion thereof.

F. Demolition Permit -- A type of "building permit" issued by the Town Zoning Enforcement Officer pursuant to Section X (B) of the Town of Rhinebeck Zoning Law, Town Code Chapter A136, which is required before an historic building is removed or demolished.

G. Historic Building -- Any building having one or more of the following characteristics:

1. Designated as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.
4. Designated as a "local landmark" by the Town of Rhinebeck.

The term "historic building" shall also apply to any building that in the future may be included on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

H. Local Landmark -- Any building designated as a "local landmark" by the Town Board and referred to in this law as an historic building.

I. Non-Contributing Building -- Any building neither identified as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District, included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Historic Districts, nor either listed as an individual building, or part of a building complex, on the National Register of Historic Places, and/or designated as a local landmark by the Town of Rhinebeck.

J. Partial or Portion Thereof -- As applied to either of the terms "Demolition" or "Removal", a change in exterior building mass involving any modification in either roofline or any reduction in building footprint.

K. Planning Board -- The Planning Board of the Town of Rhinebeck.

- L. Removal – Any relocation of an historic building or portion thereof within its site or to another site.
- M. Town-outside-Village area – All area within the Town of Rhinebeck outside the Incorporated Village of Rhinebeck.
- N. Town of Rhinebeck – The Town Board of the Town of Rhinebeck.
- O. Zoning Enforcement Officer – The Zoning Enforcement Officer of the Town of Rhinebeck.

SECTION 3. CERTIFICATE OF REMOVAL OR DEMOLITION OR CERTIFICATE OF ECONOMIC HARDSHIP REQUIRED PRIOR TO ISSUANCE OF DEMOLITION PERMIT FOR HISTORIC BUILDING

- A. No person shall carry out any removal or demolition of an historic building as defined in above Section 2 of this Local Law, for which a demolition permit is required, without obtaining both a Certificate of Removal or a Demolition or Certificate of Economic Hardship from the Planning Board and a Demolition Permit from the Zoning Enforcement Officer.
- B. Where the Certificate of Removal or Demolition is required, every application for a demolition permit, including the accompanying plans and specifications, and the name, address and telephone number of the individual, contractor, or corporation, responsible for undertaking the proposed removal or demolition, shall be forwarded by the Zoning Enforcement Officer to the Planning Board within seven (7) calendar days of receipt of the application by the Zoning Enforcement Officer.
- C. The Zoning Enforcement Officer shall issue no permit for any activity regulated by this Local Law until the Planning Board has issued in the first instance a Certificate of Removal or Demolition or subsequently, upon request for review of the disapproval of such Certificate of Removal or Demolition, a Certificate of Economic Hardship.

SECTION 4. APPLICATION REQUIREMENTS FOR CERTIFICATE OF REMOVAL OR DEMOLITION AND PLANNING BOARD REVIEW PROCEDURE

- A. In all cases where a Certificate of Removal or Demolition is required, the applicant shall provide the Planning Board with the following information on the form prescribed by the Planning Board:
 - 1. Name, address and telephone number of both the applicant and owner of record if not the applicant;
 - 2. Location, tax map number, and photographs of each side of the building; and a brief description of the structure indicating approximate date of construction, name of architect if known, historic and/or architectural and archaeological

significance and a description of its setting, including related grounds, accessory buildings and structures and property boundaries;

3. Past 10 years' chronology of the use, occupancy and ownership of the property;
 4. Receipt for application fee, if any, as may be set forth on the Town's Fee Schedule as annually reviewed and established by the Town Board; and
 5. Any other information specific to the removal or demolition required by the Planning Board to make a determination on an application for a Certificate of Removal or Demolition, including data to demonstrate compliance with the "criteria for approval of a Certificate of Removal or Demolition" as set forth in below Section 5 of this Local Law.
- B. The Planning Board shall hold a public hearing within sixty-two (62) calendar days after receipt of an application completed in accordance with this Section. At the hearing, all interested persons shall be provided the opportunity to present their views. Notice of the public hearing shall both be sent by certified mail to adjacent property owners and all other property owners within two hundred (200) feet of the parcel for which the Certificate of Removal or Demolition is requested and published at least once in a newspaper of general circulation in the Town, i.e., the Town's official newspaper, at least ten (10) calendar days prior to the date of the public hearing.
- C. At the public hearing, the Planning Board may request and take testimony and entertain the submission of written evidence from any person including, but not limited to the following:
1. History of the environmental setting, use, occupancy and ownership of the property;
 2. Engineering evaluation of the physical condition of the property;
 3. The economic feasibility of rehabilitation or reuse of the historic building on the property, including consideration of both uses permitted by right and those uses permitted upon issuance of a special use permit by the Planning Board;
 4. The cost of the proposed removal or demolition;
 5. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 6. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
 7. Assessed value of the property according to the two most recent assessments;
 8. Real estate taxes for the previous two years;
 9. For income-producing property, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the

previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

10. The importance of the structure and the related property to the community's heritage; and

11. Any other information considered necessary by the Planning Board to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

D. Using the criteria set forth in below Section 5 of this Local Law, the Planning Board shall act to approve, deny or approve with conditions the application for a Certificate of Removal or Demolition within sixty-two (62) calendar days after the conclusion of the public hearing except where such time shall be extended by mutual agreement of the Planning Board and the applicant. Such determination shall be in writing and accompanied by findings. Such findings shall seek to balance, to the extent practicable, the objectives of the applicant with broader issues that may be associated with the value of the historic building to the community's heritage. Within seven (7) calendar days following the determination, the applicant shall be sent, by registered mail, either a Certificate of Removal or Demolition in the case of an approval, or a written notice of denial in the case of disapproval. A copy thereof shall be provided to both the Town Clerk's Office and the Zoning Enforcement Officer.

In the case of an approval of the application for a Certificate of Removal or Demolition, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to ensure that the activity is conducted in a manner consistent with the spirit and intent of this Local Law and to cause a dialogue with the applicant to ensure to the extent practicable opportunity is made available for the historic building to be recorded and, in the case of demolition, salvageable architectural elements are removed prior to the demolition for use in the rehabilitation of other historic buildings.

A written statement of the reasons for the denial of the Certificate of Removal or Demolition shall accompany any such denial. In the case of denial, the Planning Board shall be required to make non-binding recommendations to the applicant concerning reuse or restoration of the building. The Planning Board may also notify a governmental agency with the authority to acquire the property and prevent its demolition through exercise of its power of eminent domain.

SECTION 5. CRITERIA FOR REVIEW OF APPLICATION FOR CERTIFICATE OF REMOVAL OR DEMOLITION FOR AN HISTORIC BUILDING

A. In reviewing an application for a Certificate of Removal or Demolition for an historic building, the Planning Board decision shall consider whether:

1. The building is of such architectural or historic significance that its removal or demolition would be to the detriment of the public interest;

2. Retention of the building in its current form and/or at its present location is important to the Town's history or character;
 3. The building is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty;
 4. Retention of the building would help preserve and protect a historic place or area of historic interest in the Town;
 5. Retention will promote the general welfare by maintaining real estate values and encouraging interest in American history and architecture; and
 6. Whether throughout the review process the applicant has consulted cooperatively with the Planning Board, local preservation groups and other identified interested parties in a diligent effort to seek an alternative that will result in preservation of the historic building.
- B. In order to approve an application for a Certificate of Removal or Demolition for an historic building, the Planning Board shall find that one or more of the following criteria have been met:
1. The building or portion of the building is in such condition that it is not feasible to preserve or restore.
 2. In the case of the removal or demolition of a portion of the building, the historic characteristics of the remaining portion of the building will remain intact.
 3. After considering the interests of the public and the owner, the benefits of demolition of the building outweigh any reasonable interest in preserving the building.

The Planning Board shall further determine that the removal or demolition will not result in a significant avoidable diminution of the historic character of the community.

- C. If the Planning Board denies approval of the application for a Certificate of Removal or Demolition, the applicant may apply for relief, in accordance with the procedures set forth in Section 6 of this Local Law, on the grounds that the determination results in an economic hardship.

SECTION 6. APPLICATION REQUIREMENTS AND REVIEW PROCEDURE AND CRITERIA FOR APPROVAL OF A CERTIFICATE OF ECONOMIC HARDSHIP

- A. An applicant whose Certificate of Removal or Demolition has been denied may apply for a Certificate of Economic Hardship to obtain relief on the grounds set forth in this Section. Upon receipt of an application for relief in such form as the Planning Board may prescribe, the Planning Board shall, within thirty (30) calendar days thereafter, hold a public hearing and give notice in the same manner as required in above

Section 4 (B). At the public hearing, all interested persons shall be afforded the opportunity to present their views.

- B. At the public hearing, the Planning Board may take testimony and entertain the submission of written evidence from the applicant and/or the public, including, but not limited to the following:
1. The cost of the proposed removal or demolition and an estimate of any other cost that would be incurred relating to compliance with a Certificate of Removal or Demolition;
 2. The economic feasibility of rehabilitation or reuse of the existing building on the property;
 3. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 4. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
 5. Assessed value of the property according to the two most recent assessments;
 6. Real property taxes for the previous two years;
 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
 8. For income-producing property, the previous two years' annual gross income, itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any; and
 9. Any other reasonable information considered necessary by the Planning Board in order to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- C. To obtain a Certificate of Economic Hardship, the applicant must prove the existence of economic hardship by establishing that:
1. The building in its current state is incapable of earning a reasonable return; and/or is causing an unreasonable financial burden;
 2. The building cannot be adapted for any other use permissible under the Town's Zoning Law, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 3. Reasonable efforts to find a purchaser interested in acquiring the property at fair market value for rehabilitation and preservation have been made and have failed.
- D. The Planning Board shall take into consideration the economic feasibility of alternatives to removal or demolition, and balance the interest of the public in

preserving the historic building or portion thereof and the interest of the owner in removing or demolishing it.

- E. The Planning Board shall render its written decision and findings within thirty (30) calendar days of the conclusion of the public hearing. In the case of an approval of the application for a Certificate of Economic Hardship, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to insure that the activity is conducted consistent with the spirit and intent of this Local Law, including causing a dialogue with the applicant to insure to the extent practicable opportunity is made available for the historic building to be recorded and for salvageable architectural elements to be removed prior to demolition for use in the rehabilitation of other historic buildings.

A copy of the decision shall be sent within seven (7) calendar days to the applicant by registered mail and a copy thereof filed with both the Town Clerk's Office and the Zoning Enforcement Officer.

SECTION 7. ENFORCEMENT

All work performed pursuant to a Certificate of Removal or Demolition or Certificate of Economic Hardship issued under this Local Law shall conform to both any requirements included therein and those further requirements that may be imposed by the Zoning Enforcement Officer in the ensuing issuance of the Demolition Permit. It shall be the duty of the Zoning Enforcement Officer to inspect periodically any such work to assure compliance. In the event it is found that it is not being performed in accordance with the requirements of the Certificate of Removal or Demolition, the Certificate of Economic Hardship and/or the Demolition Permit, the Zoning Enforcement Officer shall immediately issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

SECTION 8. VIOLATION AND PENALTIES

A. Penalties for Violation.

As provided for by Section 268 of the New York State Town Law, any owner, agent, contractor, or other person, who commits a violation of the provisions of this Local Law or violation of any application or statement submitted, certificate issued or permit approved under the provisions of this Local Law, or otherwise takes parts in or assists in the violation, shall be considered liable for an offense punishable by a fine not to exceed three hundred and fifty dollars (\$350.) and/or imprisonment for not more than six (6) calendar months for a first offense.

Any subsequent violations shall further be considered offenses punishable by fine and/or imprisonment in the maximum amounts and/or terms set forth in the aforementioned Section 268 of the Town Law.

Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offence provided such initial notice and subsequent weekly notice shall be given either by registered mail or personal service.

B. Other Remedies.

The opportunity for citation of violations of the provisions of this Local Law and related imposition of the penalties herein prescribed for such offenses shall not preclude the Town or any person from instituting an appropriate legal action or proceeding in a court of competent jurisdiction to prevent either the unlawful removal or demolition of an historic building or the conduct of such work in a manner inconsistent with the requirements of both the Demolition Permit and the underlying Certificate of Removal or Demolition or Certificate of Economic Hardship, including the restraining of such activity by injunction.

C. Role of the Town Attorney.

The Town Attorney is authorized and directed to cooperate with the Zoning Enforcement Officer and institute any and all actions and proceedings necessary to timely enforce this Local Law. Any civil remedy pursued shall be in addition to and not in lieu of any criminal prosecution and penalty.

SECTION 9. TAKING OF EMERGENCY ACTION

Nothing herein shall, however, be construed to prevent the demolition in whole or in part of any building which has been officially certified pursuant to Section 106 of the New York State Town Law by the Zoning Enforcement Officer or other appropriate Town authorities as being imminently dangerous to life or public health. In the event such demolition is authorized, the property shall be cleared and left in a manner that will neither have an adverse impact on any adjacent properties nor present a public danger.

SECTION 10. SEVERABILITY

The Town Board deems the provisions of this Local Law to be severable. Should a court of competent jurisdiction find any provision of this Local Law to be invalid, such determination shall not affect the validity of any part or provision hereof other than the provision so found to be invalid.

SECTION 11. EFFECTIVE DATE

This Local Law shall be effective immediately upon its filing in the Office of the Secretary of State of the State of New York in accordance with the applicable provisions of law, specifically Section 27 of the New York State Municipal Home Rule Law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2005 of the (County)(City)(Town)(Village) of Phinebrook was duly passed by the Town Board on Feb 14 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

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

(Seal)

Date: 2/14/2005

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

STATE OF NEW YORK
COUNTY OF Dutchess

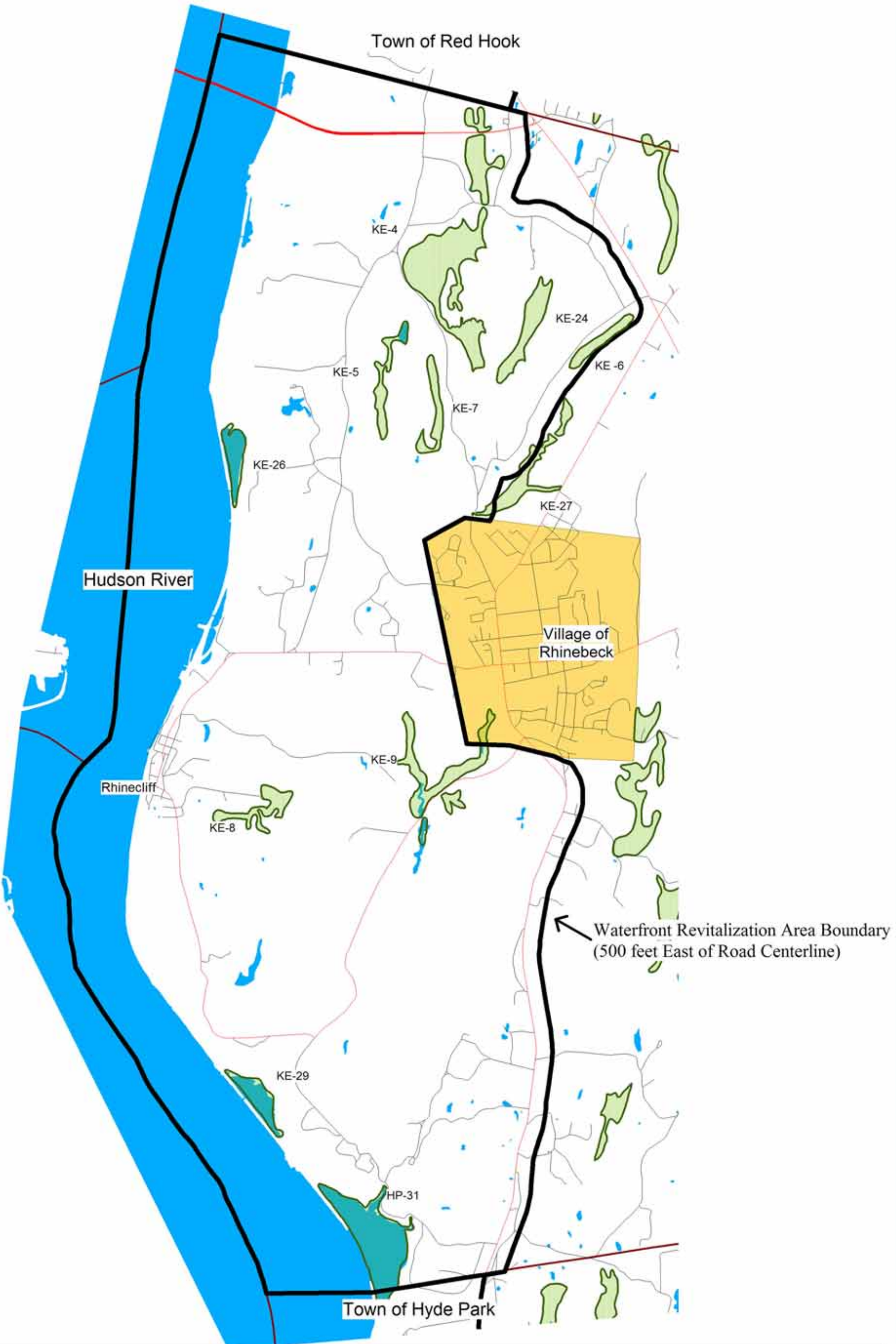
I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

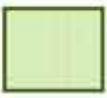
Town Counsel
Title

County
City of Rhinebeck
Town
Village

Date: February 14, 2005



Local Waterfront Revitalization Program
 Town of Rhinebeck, New York

 NYS Designated
 Fresh Water Wetlands



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

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
 - 4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

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

DIRECT ACTIONS

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

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that

the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

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