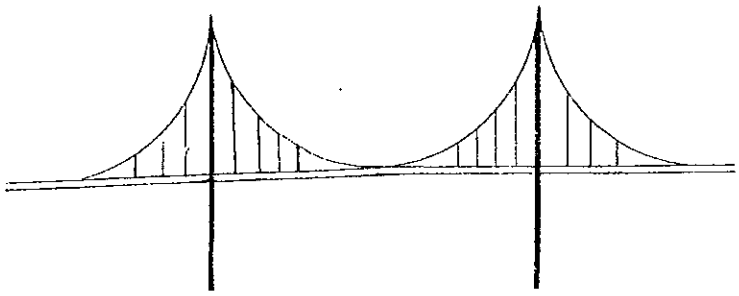

CITY OF POUGHKEEPSIE

LOCAL WATERFRONT REVITALIZATION PROGRAM

Prepared for the City of Poughkeepsie by: The Poughkeepsie Waterfront Advisory Committee

October, 1998

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1998

VISION STATEMENT

FOR POUGHKEEPSIE WATERFRONT

PREAMBLE

The City of Poughkeepsie's relationship with the Hudson River is one of its most important historical, cultural, economic and aesthetic resources. However, the Poughkeepsie waterfront is underutilized in recent decades in terms of usage, enjoyment and economic benefits. We are missing an opportunity to bring people to the City as visitors and residents.

VISION

To accomplish this, our vision is to create a riverfront that is a "front porch" of the City which respects the unique assets of the waterfront, that maintains and enhances public accessibility, that attracts private investment, creates jobs, and provides residents, tourists and visitors alike with an attractive and safe setting.

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CITY OF POUGHKEEPSIE
LOCAL WATERFRONT REVITALIZATION PROGRAM

EXECUTIVE SUMMARY

This Local Waterfront Revitalization Program (LWRP) provides the City and its residents with policy guidelines for the riverfront to help guide future land use decisions and identify environmental, aesthetic, and other factors that need special attention when any significant changes along the City's waterfront are evaluated.

This program was developed by a committee of concerned citizens who have a long-standing interest in the waterfront. The Waterfront Advisory Committee (WAC) was appointed by the Mayor and Common Council in September 1986 and has been working diligently since then. A public hearing on the program was held on June 20, 1988 at which time strong public support for the LWRP was voiced. The Common Council has held numerous meetings open to the public and resolved to submit the LWRP to the Department of State for review on September 5, 1989. Following State Review and receipt of comments in 1991, the Council again took up the topic of the City's waterfront program in late 1992 and early 1993 and again in 1996/97 in light of changed economic conditions and new State programs, most notably the Hudson River Greenway. The program contained herein represents the City's best projection and guidance about the future of the waterfront. It is anticipated this document will change over time with changing events and City interests.

The LWRP has been developed as part of New York State's Coastal Management Program (CMP), which is administered by the Department of State. Under the State's CMP, municipalities along the State's coastal shoreline, including the Hudson River as far as Albany/Troy, may develop their own local waterfront revitalization program (LWRP) which must meet State standards. The State program includes 44 policies which address a wide range of coastal matters, including development, scenic and historic resource preservation, public access, air and water quality, and erosion and flood management control. For a local program to receive State approval, a municipality must tailor these 44 policies to its particular circumstances and, in the process, provide guidelines for future waterfront use in the community.

Once a local program is approved by the Department of State, a municipality can require that all local, State and Federal actions (including planning and funding as well as development actions) be consistent with the community's LWRP. In addition, the City is eligible for additional funding to implement the waterfront program.

The City adopts this plan for the purpose of, and only so long as it contributes to, planning and implementing the revitalization of the Poughkeepsie waterfront area. When this plan no longer serves this purpose, the City may withdraw from the Coastal Management Program upon passage of a resolution of the Common Council.

Waterfront Area Boundary

The area covered by the waterfront program includes all land west of Route 9 between the borders with the Town of Poughkeepsie on the north and the south (see Map 2)*. The Route 9 arterial highway, and the railroad right-of-way which runs closely parallel to Route 9 through most of the City, create a physical and historical boundary of the waterfront area. As a result, developments east of Route 9 have only indirect impact on the waterfront area. Regulation of these impacts, especially as they relate to height limits, visual impacts, traffic flow and parking, are currently part of the existing zoning codes, which may be amended as necessary.

The area encompassed by this boundary is very diverse. It includes high-quality public parkland and open space, which few other communities along the riverfront can boast. This open space includes Waryas Park and Kaal Rock Park. Open space areas could also potentially include portions of the DeLaval site, the old Sewage Treatment Plant, Fallkill Creek and Kaal Rock. There are areas of high visual quality, providing views of the River and vistas that open up onto the mountain ranges on the other side of the River. There are spectacular panoramas both north and south from the Mid-Hudson Bridge. The wealth of historic and cultural significance in the waterfront area can be found in such individual structures as the Poughkeepsie Railroad Station, the Poughkeepsie Railroad Bridge, and most significantly, the Mid-Hudson Bridge itself. There are long-standing industrial uses at the northern and southern portions of the area, including oil storage and lumber facilities. There are single family residential areas as well as multi-family residences on either side of the Mid-Hudson Bridge. There is commercial and office development along the Main Street corridor, and regional transportation facilities such as the Poughkeepsie Railroad Station and NY Route 9.

The original waterfront area in the State program included all land between Market Street and the Hudson River. The present area, while somewhat smaller, includes all land along the immediate riverfront, all public parkland, all land subject to river flooding, all land with strong visual connections to the river, and all land near the river with steep slopes that may require special attention if and when developed.

The Future of the Waterfront

The waterfront is one of the City's prime assets and major attractions for both residents and visitors alike. The future of the City's economic health and quality of life can be greatly enhanced by a vital, well-planned waterfront that will serve as a major attraction that adds "sparkle" to the City, appealing to all age groups and income levels, providing both day and night attractions, including attractive areas in which to live and work, and maintaining and diversifying the recreational opportunities offered along the riverfront.

* All maps are located at the back of the document.

RECOMMENDATIONS

In looking at waterfront opportunities and challenges, the WAC concentrated on several key issues and a number of municipally owned waterfront parcels with major development potential. Specific recommendations are included for the future use of these parcels.

Among the most significant findings and recommendations of the WAC regarding the future of the waterfront are these:

1. Public Access

Poughkeepsie's waterfront, particularly its public open spaces, is an outstanding and unique resource that must be maintained and enhanced. The ribbons of green along the river provide the City with its beautiful visage, both from within the City and along the river. The places provide for specific waterfront activities such as fishing and boat launching as well as open spaces for group activities such as picnicking and areas of passive relaxation and enjoyment of the view of the river and its activities. Public access to the waterfront area requires not only that these areas be open to all, but also that these facilities and services that are necessary for all segments of the community to enjoy the waterfront, such as parking and security, be provided. In some cases this may be done through the public sector and in some cases through a public-private partnership.

To preserve and enhance these public spaces that add so significantly to the quality of life enjoyed here, the WAC recommends the following: (See LWRP Policies 1, 9, 19, 21, & 31.)

1) New development along the waterfront must provide for both physical and visual access to the River, where possible and appropriate.

2) Linkages between public waterfront open spaces should be developed, including a walkway along the riverfront between Kaal Rock and Waryas Parks and extending north and south, where legally and physically feasible, to the Fallkill Creek and the DeLaval site. This walkway will be part of the City's Greenway trail system (the City is a participating Greenway community), and is recommended in the January 1997 joint City/County Transportation Strategy.

3) Northern Waryas represents both a recreational resource and an opportunity for innovative economic stimulus. In addition to a waterfront walkway mentioned above, the Transportation Strategy calls for mixed use development along Water Street between Main Street and the Fallkill Creek. The Waterfront District zoning for Water Street will assist in implementation of this strategy.

4) The boat ramp at Waryas Park is an important recreational facility that serves both City and regional interests. Issues related to the appropriate location of this facility and fee structure should be evaluated as part of a Recreation Plan that is about to proceed as part of the City's update of its Master Plan.

5) Opportunities for improvement of the water quality and recreational use of Fallkill Creek should be explored. In the future, if and when State or Federal funds are available, a design study could be undertaken to recommend improvements in appearance of the Creek as well as more comprehensive engineering studies to stabilize the banks of the Creek. The City will explore the possibility of creating a Greenway trail system that will link to the waterfront trail system described above.

2. Enhancement of Undeveloped Land

To complement the public open spaces along the riverfront and to encourage a variety of uses that will have both day and night appeal to a wide range of people, the WAC recommends that presently undeveloped City-owned waterfront parcels -- Northern Waryas, which is undeveloped parkland, the DeLaval site, which was acquired for public outdoor recreation use, and the old Sewage Treatment Plant to the north of DeLaval -- be developed for a mix of uses that focus on recreation and commercial activities. Such uses can include private development, public and non-profit activities. These areas represent an important link with the City's other waterfront parks; public access must be an essential part of any activity at these locations. This approach to mixed use development is recommended in the recently completed Transportation Strategy. (See LWRP Policy 1.)

Appropriate uses at Northern Waryas and/or DeLaval include a broad range of activities that could include, singly or in combination, any of the following: tour boat and other docking; recreational activities; restaurants and/or food courts; cultural facilities including but not limited to galleries, museums, artist or theater space, amphitheater; ship building and or rowing center; farmers market; related retail shops serving activities on site, tourism, or water dependent or water enhanced businesses, or activities on site. (See Policy 2). Among the uses deserving further exploration for the old Sewage Treatment Plant are an aquarium (which would serve as a regional tourist attraction) or a fish hatchery.

3. Construction Practices

Almost the entire 2.1 mile length of the City's waterfront is protected by bulkheads in different stages of maintenance and repair. Priorities for upkeep and reconstruction of these bulkheads need to be established. The WAC recommends the City explore new funding mechanisms and other techniques that would allow for the repair of deteriorated portions of the bulkhead. New or expanded private development should be encouraged to provide for long term bulkhead repair and/or maintenance. (See LWRP Policies 11, 13, 14, & 19C.)

There are many areas of steep slopes or embankments which present a danger of severe erosion, should they be developed and/or existing vegetation removed. Of greatest concern are the following areas: west of North Water Street (vacant City land), Kaal Rock, the Corbetta site, and area west of the Central Hudson administrative offices.

The waterfront program recommends that non-structural measures, especially the retention or

planting of vegetative covers, be used to protect steep slopes in these areas. On Kaal Rock, the WAC recommends the site remain open space to avoid erosion as well as to maintain the visual quality of the promontory.

4. Transportation

Two major construction projects have been proposed in the near past. One involves a possible second Mid-Hudson Bridge crossing and the other construction of a major roadway paralleling the river.

Any proposal for a second bridge must be reviewed for its consistency with all program policies. Among the most important considerations are: 1) prevention of shoreline erosion and flooding, 2) protection of the Poughkeepsie Deepwater Habitat, 3) preservation of waterfront recreation areas and facilities, 4) preservation of existing residential neighborhoods, 5) prevention of traffic congestion and disruption of existing traffic patterns, 6) prevention of noise pollution caused by bridge traffic, 7) preservation of existing views of and from the Mid-Hudson Bridge, 8) aesthetic integrity of existing structures and visual features. (See LWRP Policy 18A)

With respect to any new road paralleling the riverfront, the following considerations will be predominant in a consistency review: prevention of increases in traffic along the immediate waterfront, disruption of existing waterfront uses, disruption of current patterns of transportation, severe environmental or other impacts due to construction or usage, visual impacts and/or loss of recreational areas, or access to them. (See LWRP Policy 18B)

Recommendations in the Transportation Strategy that are particularly relevant to improved transportation in the waterfront area include:

- Make the historic Railroad Station a regional intermodal transportation and visitor center. Metro North's planned improvements to the Station, now underway, will facilitate the Station becoming a regional center. Planned improvements include reconfiguration of railroad station parking lots to provide more commuter parking spaces; initiation of commuter parking fees in the lots and on designated on-street parking spaces; construction of a new expanded bus and taxi drop-off area at the front of the station, restoration of the covered pedestrian walkway to Main Street, facilities for bicycle storage, and construction of a parking deck on the west side of the station (funds permitting).

- The Railroad Station should function as a gateway destination, with a direct walking path between the Station and the waterfront. At minimum, this path could include the pedestrian bridge over the railroad tracks. As funds become available, this link could be expanded to include a walkway expansion to the waterfront and longer term a possible small square at Water Street and a possible elevated viewing platform.
- Stress convenient connections to Mt. Carmel, lower Main Street and the bridges to create a waterfront walking district within a 5 to 10 minute stroll of the Railroad Station.

- Signage along Route 9 should be improved to more clearly identify the City Center and waterfront areas as well as major attractions.

- Any development along North Water Street should take into consideration the ability of the

public to move easily through the area. Access should be provided but the location and nature of such access should be determined in consideration of future users, developers, Park users and City residents to insure availability to the public.

5. View Protection

The views we enjoy from our riverfront parks and the Mid-Hudson Bridge are quite beautiful, as are views down to the River and to the bluffs and mountains that stretch to the west. The ability to catch glimpses of these views from various spots in the community, the Mid-Hudson Bridge, or from the waterfront parks, provides residents and visitors alike with an enormously satisfying experience.

Preservation of visual resources and of the views themselves is a high priority of the Poughkeepsie WAC. (See LWRP Policies 24 & 25.) Among other things, the Committee recommends that:

- A number of viewing areas in the City are identified of local importance and should be preserved to the extent possible. These include visual corridors and open vistas from various public locations throughout the waterfront area and along Route 9. (See Policy 25 and Map 9).

- Amendment of the Waterfront (W) District to permit a 60' height limit exclusive of roof top mechanicals (which includes ornamentation), except on the west side of North Water Street where 40' exclusive of mechanicals is permitted, provided the total height not adversely impact significant scenic views identified in Policy 25 and Map 9. Where structures of that height will adversely affect views identified in Policy 25 and Map 9, such structures must be reduced to a height that will not impact views except that, in no instance, shall buildings be required to be reduced to less than 35' inclusive of rooftop mechanicals.

6. Water Supply

The policies of the LWRP emphasize the need to maintain a potable water supply for the City of Poughkeepsie. Maintenance of water quality is necessary not only for the Deepwater Habitat but also to ensure safe drinking water for City residents. Withdrawal of Hudson River water to supply other areas of the State must be consistent with other waterfront policies relating to natural resources and the need for protection of the River as the City's water source from salt water intrusion. (See LWRP Policy 38A.)

PROGRAM IMPLEMENTATION

1. Waterfront Height Limits

One of the techniques identified to implement the LWRP is amendment of the Waterfront (W) District. The objective is to establish building heights within the waterfront boundaries that will assure maintenance of important views. The WAC recommends that, within the existing Waterfront District, the maximum height limit would be 60' exclusive of roof top mechanical (which includes water towers or ornamentation), except on the west side of North Water Street

where the maximum height would be 40' exclusive of mechanicals, provided the total height does not adversely impact significant scenic views identified in Policy 25 and Map 9. Where structures of that height will adversely affect views identified in Policy 25 and Map 9, such structures must be reduced to a height that will not impact views except that, in no instance, shall buildings be required to be reduced to less than 35' inclusive of rooftop mechanicals.

2. Maintenance of Kaal Rock as Open Space

The program includes a policy statement that Kaal Rock, because of its visual significance and noticeable steep slopes, should remain as open space. The best way to accomplish this will be determined through a study of how to link various open spaces along the waterfront (including Waryas Park, Kaal Rock Park, and DeLaval).

3. Waterfront Advisory Committee

In order to insure the policy guidelines and program objectives contained in this document are factored into the decision-making process of various City, State, and Federal agencies and to see that recommended projects are promoted, the LWRP recommends the establishment of a permanent Waterfront Advisory Committee (WAC).

This Committee will consist of not less than 7 nor more than 15 volunteers, appointed by the **[Mayor and/or Common Council]**, who live or work in the City of Poughkeepsie and who have a long standing interest in the waterfront.

The WAC would serve in an advisory capacity to the Mayor, Common Council and the Planning Board and other relevant City officials in determining the consistency of activities or developments within the waterfront boundaries with the LWRP. WAC consistency reviews would occur within the time frame of existing Common Council and Planning Board reviews.

For all State and Federal actions which are subject to consistency reviews, the Common Council

or other lead agency under SEQRA, would determine consistency based on recommendations from the WAC. (See Table 5.1)

CONCLUSION

This Local Waterfront Revitalization Program will provide a framework with detailed guidelines for future decision-making regarding the City's waterfront that will help achieve several desirable purposes:

- It will help maintain and enhance open space and recreation assets of the waterfront;
- It will encourage development along the waterfront that will make the City an attraction for residents and visitors alike and enhance the City's economic base;
- It will preserve important views and vistas; and

- It will assure that the waterfront area provides the maximum opportunities for public enjoyment and benefit by promoting a diversity of uses and activities that appeal to the broadest range of community interests.

SECTION I

BOUNDARY DESCRIPTION

SECTION I: BOUNDARY DESCRIPTION

The City of Poughkeepsie is located in Dutchess County, New York (See Map 1 - Regional Setting) and borders the eastern half of the Hudson River surrounded by the Town of Poughkeepsie.

The Local Waterfront Revitalization Program boundary includes the area of "direct and significant" relationship with the waterfront (see Map 2, Coastal Zone Boundary):

Beginning at the northern City boundary line, going east to the eastern boundary or right-of-way of the NYS Route 9 North-South Arterial. Then south along the eastern boundary of the Route 9 Arterial right-of-way to the southern City boundary line. Then west to the middle of the Hudson River, the City's western boundary. (See Appendix A legal opinion regarding City's river boundary.)

The original waterfront area in the State program included all land between Market Street and the Hudson River. The area covered by this waterfront boundary includes all land west of NY Route 9 from the borders with the Town of Poughkeepsie on the north and south. The NY Route 9 arterial highway and the railroad right-of-way, which runs closely parallel to NY Route through most of the City, create a physical and historical boundary of the waterfront area. As a result, developments east of NY Route 9 have only indirect impact on the waterfront area. Regulation of these impacts, especially as they relate to height limits, visual impacts, traffic flow and parking, are part of the existing zoning codes.

The proposed waterfront boundary area, while somewhat smaller, includes all land along the immediate riverfront, all public parkland, all land subject to river flooding, all land with strong visual connection to the river, and all land near the river with steep slopes that may require special attention if and when developed. The area extends approximately 2½ miles along the shoreline of the Hudson River.

The area encompassed by this boundary is very diverse. It includes high quality open space, which few other communities along the riverfront can boast. This open space includes Waryas Park and Kaal Rock Park. Open space areas also potentially could include the DeLaval site, the Old Sewage Treatment Plant, the Fallkill Creek and Kaal Rock. There are areas of high visual quality, providing views of the River and vistas that open onto the mountain ranges on the other side of the River. There are spectacular panoramas both north and south from the Mid-Hudson Bridge. The wealth of historic and cultural significance in the waterfront areas can be found in such individual structures as the Poughkeepsie Railroad Station, the Poughkeepsie Railroad Bridge and, most significantly, the Mid-Hudson Bridge itself. There are long-standing industrial uses at the northern

and southern portions of the area, including oil storage and lumber facilities. There are single family residential areas as well as multi-family residences on either side of the Mid-Hudson Bridge. There is commercial and office development along the Main Street corridor and regional transportation facilities, such as the Poughkeepsie Railroad Station and NY Route 9.

SECTION II

INVENTORY AND ANALYSIS

SECTION II: INVENTORY AND ANALYSIS

For Inventory and Analysis purposes, the shoreline has been divided into five different Geographical Study Areas (GSA). Map 3 identifies parcels within the waterfront area by land use and location. Bold numbers in the margin and in brackets [0.0] refer to Map 3 Inventory and Analysis Key.

GSA #1: This area lies between the northern City border on the shoreline, and the Fallkill Creek.

GSA #2: This area lies between the Fallkill Creek and Main Street.

GSA #3: This area lies between Main Street and the old Sewage Treatment Plant.

GSA #4: This area lies between the old Sewage Treatment Plant (just north of the Pine Street/Rinaldi Boulevard intersection) and the start of the fuel storage area (just north of the Fox Street/Route 9 intersection).

GSA #5: This area begins at the two large fuel tanks south of the DeLaval *site* and extends to the southern city border along the shoreline.

The City of Poughkeepsie waterfront area has been evaluated according to the following eight factors:

A Land Use
B Natural Resources
C Public Access and Recreational Activities
D Visual Access
E Water Resources and Supply
F Flood and Erosion
G Historic Resources
H Community Facilities
I Other Planning Initiatives

A LAND USE

The City of Poughkeepsie waterfront area is characterized by a diversity of land uses. Maps 4 and 5 present Existing Land and Water Uses within the waterfront area and Existing Zoning. The very northern and southern parcels contain fuel tanks and other industrial complexes. Two municipal parks of approximately 10.34 acres (Waryas Park) and 6.6 acres (Kaal Rock Park) are located in the north-central section. Vacant land is present in several places, the largest parcel is in the south-central area. Housing projects, railroad tracks, the Route 9 corridor, and mixed commercial use account for other principal land uses in the waterfront area.

The City's western boundary is the middle of the Hudson River. A variety of public agencies may regulate various activities on or in the Hudson River, including the U.S. Army Corps of Engineers, the U.S. Coast Guard, NYS Department of Environmental Conservation, the Dutchess County Sheriff's Department, and others.

GSA #1

This area is almost totally occupied by industrial activity. It includes a decayed dock facility and a railroad spur which is in active use. There is poor road access for trucks which serve the area: North Water Street is narrow and hilly, and the overpass over the railroad tracks is narrow and has poor visibility. Water dependent uses are present.

Zoning: I-2, General Industrial District

1.1 **A.C. Dutton/Miron Lumber [1.1]** - An 11.35 acre parcel from Dutchess Avenue north to the City line has been used for wood treatment and storage. The business is dependent on the adjacent railroad line for freight, and uses a railroad spur located on the property daily. A decaying dock is located on the waterfront; it has been out of service for 20 years. The shoreline is stabilized by 90 carloads of rock placed about 20 years ago. It is zoned for industrial activities.

1.2 **Central Hudson Gas & Electric Corporation [1.2]** - Central Hudson owns two parcels in this area. One is a gas substation on 1 acre, at the end of Dutchess
1.3 Avenue, where two 560 psi gas mains **[1.3]** emerge from underneath the Hudson River; there is also a gas storage tank and other servicing facilities on this site. This substation is dependent on its waterfront location for access to the pipelines. The other parcel, which extends from Dutchess Avenue to the Fallkill Creek on 9.1 acres, passes under an elevated railway and contains several facilities including storage tanks, a power plant substation and switch yard. A submerged gasline (60
1.4 psi) **[1.4]** emerges from the River about 100 feet north of the railroad bridge, and a

1.5 cable carrying electricity **[1.5]** to the substation (formerly hung from the Railroad Bridge) is buried in the river just south of the Railroad Bridge. These facilities are all dependent on their waterfront location.

1.6 **Mechanical Construction Corporation [1.6]** - Facilities for this business are located in the Town of Poughkeepsie, but are served by a new north-south road from the old Hoffman Street within the City of Poughkeepsie. A narrow strip owned by Mechanical Construction Corp. between the road and the railroad is vacant.

This road also provides a second ingress from within the City boundary to a 40-45 foot shed on the waterfront on the A.C. Dutton Corp./Miron property in the Town of Poughkeepsie. The shed is leased to Vassar College for use as a boathouse. Crews usually go to the boathouse through Marist College (in the Town of Poughkeepsie), but use the Hoffman Street entrance twice a year to transport the boats to and from the boathouse on trailers.

1.7 **Poughkeepsie Railroad Bridge [1.7]** - The Poughkeepsie Railroad Bridge is part of an abandoned railway which spans the Hudson River between the City of Poughkeepsie and the Town of Lloyd. It has been subject to lack of maintenance and two fires. The Bridge was placed on the National Register of Historic Places on February 23, 1979.

In the City of Poughkeepsie Coastal Management Area, the Bridge is an elevated railway supported by the trestles and pylons from the ground and riverbed. It passes over the Central Hudson property.

A number of proposals for reuse of the Bridge have been advanced and are under consideration, although none has yet been adopted. These include use of the Bridge foundations for a possible second Mid-Hudson Bridge, a Greenway walkway, a light rail connection and/or a restored freight line.

1.8 **Metropolitan Transit Authority [1.8]** - The railroad property occupies all the land between Route 9 and the industrial area. North of the North Water Street overpass, there are sidings which serve Mechanical Construction Corp. and A. C. Dutton Corp./Miron Lumber with freight service. The MTA owns the railroad alignment through-out the length of the Coastal Management Area.

Other Residential and Commercial - There is a block of structures and land between Dutchess Avenue and the old Hoffman Street. On Dutchess Avenue, these
1.9 include Creative Countertops **[1.9]**, and deteriorated, vacant brick buildings **[1.10]**.

There are two brick buildings on North Water Street just north of the Fallkill Creek
1.10 on the Central Hudson property. The white brick building is the Hoffman House [1.11], an eighteenth century Federal style residence (see Section G, Historic
1.11 Resources). Behind them is a steep rock outcrop, which screens the CHG&E facilities from the two structures.

GSA #2

This area is principally occupied by parkland, the Poughkeepsie Railroad Station, and several small to medium sized commercial businesses.

Zoning: Waterfront District on the western side of North Water Street, and Waterfront District and Transportation District on the eastern side.

2.1 **Waryas Park [2.1]** - This is a major park owned by the City on approximately 4.54 acres, including approximately 1,325 feet of shoreline. The Park contains a number of facilities in the central, more heavily utilized portion near Main Street: fixed park benches, picnic tables and barbecue stands; a small playground area with play structures and a bicycle rack; a wooden platform about 14 feet square; an "ice house", and four concrete sculptures with inset tile mosaics of urban scenes and images. This area is periodically used for public festivals and gatherings (see Section C, Public Access and Recreational Activities).

In front of the ice house and wooden platform is a small concrete dock, plus a
2.2 floating wooden dock during the warmer seasons **[2.2]**. This dock is used by recreational vessels. Just north of this is a boat ramp and a paved parking area suitable for 10-15 vehicles. Additional parking is provided above, on North Water Street.

South of the Main Street cul-de-sac is open space (I acre), with the River on one side and land sloping up to the Rip Van Winkle apartments on the other. This was added to Waryas Park in 1996. At the southern end of the park is a newly restored
2.2a wooden dock **[2.2a]** built out into the water on pilings. Medium-size vessels such as the Clearwater and the Rainbow Warrior have used this dock in the past. With its renovation, the potential now exists for the dock to accommodate tour boats. Park visitors use the dock to view the river and Kaal Rock from a location more removed from the central, busier portion of the park. The shoreline in the vicinity is eroding, especially along the concrete walls adjacent to the dock.

2.3 Northern Waryas - The City owns a 5.8 acre vacant parcel **[2.3]** north of Waryas Park, between the River and North Water Street. It is flat, except for a steep slope rising to North Water Street. The shoreline is almost level with the water.

2.4 The City also owns part of the steep rock outcropping across North Water Street **[2.4]**, which overlooks the River and the Poughkeepsie Railroad Station parking lot.

2.5 **"Berncolors" [2.5]** - Two parcels make up the former Berncolors, a dye warehousing and distribution company. These parcels include 0.63 acres on the waterfront and the Fallkill Creek; and about half an acre fronting on North Water Street.

- The waterfront parcel is vacant, level, and contains a concrete bulkhead in fair condition. An old concrete docking area is cracked and broken.

- The other parcel on North Water Street contains a building used for the dye operations. The business neither requires nor is enhanced by its proximity to the waterfront.

2.6 **Poughkeepsie Railroad Station [2.6]** - This National Register landmark (see Section G, Historic Resources) on Dongan Place occupies a central location in the waterfront area and in the City, and provides rail transportation to Albany and New York City. Non-competing rail service is provided by Amtrak and Metro North. The Station is located on a bluff above the tracks, with an elevated crosswalk and stairs providing access to two sheltered platforms and to the west side of the tracks, where there is commuter parking. Additional parking is located in front of the Station.

The Poughkeepsie Railroad Station provides important commuter and other rail passenger service both locally and regionally. The Station is on a bus route and has a taxi stand. There is pedestrian access to the Station from Main Street. The Station is about 300 feet across the parking lot from North Water Street and an entrance to Waryas Park, and another 300 feet from the waterfront.

Other Commercial and Residential - The vicinity of the North Water Street and
2.7 Main Street intersection is primarily commercial. River Station Restaurant **[2.7]** is
2.8 enhanced by its views of the River. J.D. Johnson Building **[2.8]** is a multi-story brick structure that has potential for redevelopment. Other buildings are residential and commercial, plus a parking lot for about 29 vehicles.

2.9 A NYNEX telephone cable **[2.9]** lies under the Hudson River west of the end of Main Street.

Across North Water Street from Berncolors is a warehouse known as the Piano
2.10 Factory. **[2.10]**. This three story brick, white-painted warehouse at 80 North Water Street is the former Innis Dye Works. This 1880 building is eligible for listing on the National Register of Historic Places in 1982 (see Section G, Historic Resources).

2.11 Adjacent to the warehouse are three residences **[2.11]**.

2.12 **Fallkill Creek [2.12]** - (See Section B, Natural Resources).

GSA #3

This is a large area principally occupied by apartments, a public park, the Mid-Hudson Bridge, and City owned vacant land.

Zoning: R-6, Urban Density Residence District, north of the bridge, except for a parcel bordering on the river designated as a Waterfront (W) District. South of the bridge the zoning parallels the districts noted above, with the addition of a parcel designated C-1, Neighborhood Commercial District, located in the north-central part of the R-6 District.

3.1 **The Rip Van Winkle Apartments [3.1]** are in a high-rise building overlooking Waryas Park and the Hudson River. The 17-story building contains 179 units, mostly duplexes, which are low-income subsidized housing. There is a steeply sloped lawn adjoining the River that is parkland.

One and two-story modern attached apartment and condominium units and parking areas lie south of Long Street and along Gerald Street, Stout Court and Hurlihe
3.2. Street: Kaal Rock Gardens **[3.2]**, Riverview Condos **[3.3]**, Colonial Park
to Townhouses **[3.4]**, Hudson Heights Condominiums **[3.5]**, and River Terrace
3.6 Apartments and Condos **[3.6]**.

3.7 **Kaal Rock Park [3.7]** - Kaal Rock Park is located on 6.6 acres on a waterfront strip running from Kaal Rock to just west of the Hurlihe Street cul-de-sac and just north of the old Sewage Treatment Plant. There are approximately 1700 feet of shoreline. The north end contains a natural amphitheater in which concerts were once held. The Park's shoreline offers sweeping vistas of the Hudson River.

The shoreline is in a deteriorated state. There are also closed restroom facilities.

3.8 **Kaal Rock [3.8]** - Owned by the Poughkeepsie Urban Renewal Agency (PURA), Kaal Rock consists of 3.8 acres of vacant land zoned R-6, Urban Density

Residential, and its level top is accessible from the end of Long Street. This is a distinctive topographical feature which juts out into the Hudson River and separates Waryas Park from Kaal Rock Park. There are excellent views of the Hudson River. Steep bluffs drop to the River; the sides of Kaal Rock facing the parks to the north and south are also steep although less sheer.

3.9 **NYS Bridge Authority (NYSBA)** - The NYSBA maintains and operates the Mid-Hudson Bridge **[3.9]** between the City of Poughkeepsie and the Town of Lloyd. It carries Route 44/55, an important transportation corridor linking Dutchess and Ulster Counties. The Bridge was designated a Scenic Road by New York State in October, 1985, for its scenic views north and south. There is a pedestrian walkway on both sides, separated from the roadway by a railing and structural steel columns.

The Bridge passes over Kaal Rock Park. The NYSBA owns 4 acres of land, including land and structures adjacent to the Bridge.

City of Poughkeepsie - A 7.1 acre parcel south of Hurlihe Street containing approximately 681 feet of shoreline is the former site of the City Sewage Treatment
3.10 Plant **[3.10]** and is referred to in this document as the old sewage treatment plant (STP).

3.11 The only currently operating unit of the plant is the Pine Street Pump Station **[3.11]**, which pumps municipal sewerage and storm water to the new Sewage Treatment Plant just north of the City line. There also are underground utility lines serving the pump station, and a combined storm-sewer overflow outlet to the Hudson River. A dirt road provides access from Hurlihe Street to the abandoned facility and the pump station.

The plant site has views of the River south to the Hudson Highlands and north to the Mid-Hudson Bridge. It is also adjacent to the vacant DeLaval site (see GSA #4.1). An informal footpath enters the property from Kaal Rock Park. The shoreline rises 2-4 feet from the River, and exhibits some erosion.

Use of the plant site is conditional on the retention of easements to maintain the pump station and utility lines.

3.12 A 5.33 acre parcel of vacant land **[3.12]** is situated between Route 9 and the railroad tracks, and between Pine Street and Laurel Street. It is under the ownership of the Poughkeepsie Urban Renewal Agency (PURA), and zoned R-D for Research and Development. A telephone line crosses the property from north to south, and there is access to the railroad right-of-way next to the Pine Street underpass. It is known as PURA #14.

GSA #4

This area is nearly all vacant land with the largest parcel, located directly on the river, owned by the City of Poughkeepsie. Two small developments account for the only commercial activity in the area.

Zoning: Waterfront District to the west of the railroad tracks and Research and Development on the eastern side.

Vacant Land - The City of Poughkeepsie owns a 13.4 acre vacant parcel with 2,278
4.1 feet of shoreline known as the DeLaval site **[4.1]**. It is zoned W for Waterfront.

The site was purchased by the City in 1968 with a grant made under the Outdoor Recreation Development Bond Act of 1965. The grant agreement was conditional on the subsequent development by the City of public outdoor recreation uses on the site. In 1971, a Letters Patent from the State of New York granted 4.92 acres of land under the waters of the Hudson River (or formerly underwater) to the City of Poughkeepsie for the purpose of constructing a boat basin and related public access recreation facilities.

Although the DeLaval site is vacant, there is a monument commemorating the DeLaval Separator Company, a manufacturing industry which formerly operated there for over 50 years. A dirt road runs the length of the property, with gated access from the corner of Pine Street and Rinaldi Boulevard. There is an unused underpass under the railroad tracks about 800 feet south of the entrance to the site [see 4.2].

The concrete breakwater is deteriorating, and erosion is evident in places. There are excellent River views

There are three vacant private parcels **[4.2]** totalling 6.6 acres between the railroad
4.2 tracks and Route 9. A large structure still stands along the railroad tracks. There is no longer vehicular access to this building from Prospect Street. There is an abandoned underpass [4.2a] that could provide limited access to the DeLaval site.

The City of Poughkeepsie owns a small, narrow wedge of about 0.6 acres of
4.3 vacant land **[4.3]** beween Route 9 and the railroad tracks, south of this site.

4.4 There is a small privately-owned 1.27 acre parcel **[4.4]** surrounded by Route 9 and the southbound exit ramp to Fox Street. There is also a small privately-owned 0.1 acre across the exit ramp providing access to the railroad tracks. **The Poughkeepsie Cabelvision** owns 0.18 acre at the corner of Fox and Prospect
4.5 Streets, used for an Antenna/TV satellite receiving dish **[4.5].**

4.6 **Pine Street Medical [4.6]** - The Pine Street Medical Facility on the corner of Prospect and Pine Streets is the only commercial use in this GSA. The medical facility also maintains an additional small parking lot on the corner of Prospect Street. There is an abandoned exit ramp from Route 9 to Prospect Street just south of the newer, existing ramp.

GSA #5

This area is primarily in industrial use, consisting of petroleum storage and distribution facilities and electric and gas utilities. The petroleum storage and distribution facilities are dependent on the River for receiving supplies.

Zoning: I-2 throughout the entire area

Petroleum Storage Facilities and Other Industry - Two parcels on 2.4 acres lie between the railroad tracks and Prospect Street: One of these contains unused
5.1 buildings and a workyard **[5.1].** The other contains a building. (see below).

There are six parcels **[5.2 - 5.6]** between the railroad tracks and the River totalling
5.2 21.1 acres accessed solely by Prospect Street which turns sharply and goes through
to a narrow underpass below the railroad tracks. These sites either are unused or
5.6 house petroleum and distribution facilities. There is one large shared docking facility and a second smaller dock to the south.

5.7 **Dutchess Docks, Inc. [5.7]**, the largest landholder (8.4 acres) in this area, is a distributor of concrete and liquid asphalt. Materials are imported by truck or barge
5.8 as needed. The industry owns and maintains a large dock **[5.8]**, which is shared with the petroleum storage and distribution facilities. Bulkheads are in good condition and the shoreline is stable.

Public access to this area is prohibited due to industrial operations and the storage and transport of hazardous (flammable) materials.

Electric and Gas Utilities - Central Hudson Gas & Electric Corp. owns 14.3 acres west of Route 9 (South Road), accessed from Phoenix Street off of the highway,
5.9 and 3.4 acres on Fox and Prospect Streets. The South Road site **[5.9]**isthe location of a major building complex housing administrative and customer service offices, and serves as a base for operating line forces: lineworkers, gas streetworkers, and company vehicles.

5.10 The site at Fox and Prospect Streets **[5.10]** is undeveloped, and used for storage and utility poles and hardware.

5.11 A railroad spur and right-of-way owned by Conrail Corp. **[5.11]** separates the two Central Hudson properties. It lies at the rear of the Fox Street site and at the base of a steep hill behind the South Road facilities.

5.12 **Other Uses** - The Poughkeepsie Rural Cemetery **[5.12]** owns 2.5 acres of property in the City. The bulk of the cemetery is located on adjacent land in the Town of Poughkeepsie.

B NATURAL RESOURCES

Significant Coastal Fish and Wildlife Habitats

Significant Coastal and Fish and Wildlife Habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources 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 DEC, the Department of State designates and maps specific areas.

One site has been designated as a Significant Coastal Fish and Wildlife Habitat by the New York State Department of State within the City of Poughkeepsie.

The Poughkeepsie Deepwater Habitat encompasses a fourteen mile stretch of the Hudson River extending from the Villages of West Park in Ulster County and Hyde Park in Dutchess County south to the hamlet of Marlboro in Ulster County. Towns with jurisdictions included in the area are Hyde Park, Poughkeepsie, and Wappinger, Dutchess

County; and Esopus, Lloyd and Marlborough, Ulster County (See Map 6). The important fish and wildlife habitat is nearly continuous river bottom trench, from 30 feet deep to the bottom. Most of this area has water depths of 50 feet or greater, including a small area in the "Crum Elbow" section of the river which exceeds 125 feet in depth.

Deepwater estuaries such as the Poughkeepsie Deepwater Habitat are rare in the eastern United States. 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 an unusual diversity of marine species in the Hudson River. Shortnose sturgeon also use this area as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this region at depths of 45 feet to 120 feet. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area, including bay anchovies, silversides, bluefish, weakfish, and hogchokers. The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. However, commercial or recreational uses of fish and wildlife in this area are not known to be significant. However, these fish may be harmed by the presence in the river of the industrial organic compound PCB's. Such contaminants have accumulated in bottom sediments and resident fish species. Bans exist on most commercial fishing because the ingestion of the contaminated fish poses a health hazard to humans.

Topography

The waterfront Area is characterized by varied topography. Slopes of various degree are present in all GSA's (see Map 7 - Environmental Conditions). The only large parcels containing level ground extending 200 feet or more from the edge of the River are the A. C. Dutton Corp., "Berncolors", City of Poughkeepsie, land north of Waryas Park, Waryas Park, and the DeLaval site. There are no beaches or wetlands present in the Waterfront Area.

GSA #1

This area is generally level to the north of, and hilly with rock outcrops to the south of, Dutchess Avenue. There is a promontory which supports the elevated eastern side of the Poughkeepsie railroad bridge. There is also a 15 percent slope just north of the bridge.

GSA #2

The mouth of the Fallkill Creek, is the northern boundary of this Study Area. The Creek flows from east to west extending from inland areas in the Town of Poughkeepsie and easterly portions of the City of Poughkeepsie to the mouth of the Creek at the Hudson River. The portion of the Creek in the waterfront area is contained by a portion of concrete wall and Central Hudson lands on the north side, and lands of "Berncolors" on the south side. There are four small pilings on the south bank about 60 feet inland from the mouth of the Creek.

Water quality classification of the Fallkill Creek is "C" defined as suitable for fishing and boating; however, the Creek is too shallow for these purposes, except perhaps at its mouth. There is one municipal State Pollutant Discharge Elimination System (SPDES) Permit on file at NYSDEC for a combined stormwater sewer overflow outfall #005 into the Fallkill near North Water Street. A number of pipes are hung from the North Water Street bridge over the Fallkill, including sanitary sewer force mains from the Pine Street Pump Station to the City Sewage Treatment Plant, and utility lines.

This Study Area is level along the River but moderately to steeply sloped east of Waryas Park.

There is a bluff overlooking the north side of the railroad parking lot, and the Poughkeepsie Railroad Station sits at the top of a high wall about 30 feet above the tracks.

GSA #3

This area is generally hilly with rock outcrops throughout, especially where vacant land exists.

There is a promontory which supports the eastern side of the Mid-Hudson Bridge. Kaal Rock is a notable promontory separating Waryas and Kaal Rock Parks.

GSA #4

The railroad tracks separate the topography of this area; the western side is level and the eastern side is steep.

The DeLaval site is generally level, and built upon fill. Its elevation is about four feet above the River and approximately 15 feet below the grade of the railroad, separated from the tracks by a wall. The Corbetta property (GSA 4.2) is extremely steep, with elevations of 27 feet at the railroad and 87 feet at Prospect Street, and slopes of 30 to 50 percent.

GSA #5

This Area is relatively level back to a steep slope which rises east of the railroad tracks.

C PUBLIC ACCESS AND RECREATIONAL ACTIVITIES

The waterfront area is characterized by good public access in the north central portion, as a result of two public parks. The remainder of the area does not provide recreational opportunities. The only other significant public place is the Poughkeepsie Railroad Station.

GSA #1

None.

GSA #2

Waryas Park is very actively used by the public for passive recreation, including barbecues and picnics, walking, viewing the River and marina traffic, sunbathing, fishing, etc. There is no specific information on daily use of the Park, as access is uncontrolled and there are no regular supervised activities. Use is significantly heavier during the summer and warm weather months.

The boat ramp and dock are the most heavily used of the limited facilities at the Park (see Land Use section for an inventory). Use of the ramp is extensive because it is one of few public launch sites on the east side of the Hudson in this area (the other nearest public launch site is at Norrie Point in northern Hyde Park), and because of the increasing popularity of boating.

In 1996, the Ice House in Waryas Park was reopened as a concession stand with public restrooms, consistent with the recommendations of the draft LWRP. It has become a very popular spot for Park users.

Another public place in this parcel is the Poughkeepsie Railroad Station. This station is the origin/destination point for north-south travel between Poughkeepsie and New York City on Metro-North Commuter Railroad. In addition, Amtrak serves western and northern destinations.

GSA #3

Kaal Rock Park provides good public access and recreational opportunities. This park is

designed for passive recreational use. It contains a concrete walk and benches that extend several hundred feet along the shoreline, and parking for around 50 vehicles. Public use, however, is low: most people park near the water and remain in or near their cars. Use is also limited by the deteriorated condition of picnic tables and benches. The walkway along the River's edge is buckled in a number of spots due to deterioration of the bulkhead.

Between the two parks is Kaal Rock, a large rock formation which rises steeply from both parks and drops precipitously at the water's edge. Although largely overgrown, the site offers panoramic views of the Hudson River from its rocky top (see Section D, Visual Access).

GSA #4

The DeLaval site has been neither developed nor used regularly by the public, although interest has been expressed in the site for a variety of uses. Development of the property is contingent on the provision of public recreation facilities according to government restrictions (see Section A, Land Use).

The DeLaval site offers significant potential for increased public access and waterfront recreation. The City further believes that these opportunities may be optimized by encouraging a mix of public and private uses at the 13 acre site. Such a mix would create a level of activity or "critical mass" that would help to draw people to the waterfront to use and enjoy the various amenities.

A wide range of private and public uses are considered appropriate for the site and should be encouraged to support increased usage.

GSA #5
None.

D VISUAL ACCESS

There is a great variety of important views from both sides of the River. Looking from Poughkeepsie, Ulster County presents a generally picturesque and dramatic shoreline: a railroad track follows the shoreline, behind which steep wooded slopes and cliffs rise abruptly. Blue Point, where the cliffs create a promontory jutting into the river, is a striking image from open locations in the southern half of the Waterfront Area. Also visible from some lands are the Hudson Highlands 20 miles to the south, and the Mid-Hudson, a suspension bridge.

Portions of the water within the City of Poughkeepsie's coastal boundary are included in the Esopus/Lloyd Scenic Area of Statewide Significance (SASS), as designated by the Secretary of State on July 22, 1993. It encompasses a seventeen mile stretch of the Hudson River extending from Port Ewen to Milton (See Map 8). 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 unusual variety as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features. The section of the Esopus-Lloyd SASS within the City of Poughkeepsie, limited to the area below the high water mark along the City's shoreline, is included within the following subunits:

EL-5 Highland Bluffs Subunit
EL-6 Blue Point Subunit

The scenic quality of the Esopus Lloyd SASS and these subunits is summarized in Appendix C.

The view from Ulster County is aesthetically mixed; industrial complexes are visible in the extreme north and south, parks and vacant land comprise most of the middle territory.

The majority of buildings comprising the cityscape are two-story structures of relatively small scale. A notable exception is a large 17-story apartment building situated along the immediate River shoreline. Constructed of concrete, the building's height and mass create a negative visual impact. Several other high rise buildings further inland appear in contrast to the predominantly low scale urban profile.

Kaal Rock is a notable and scenic feature viewed from the western shore. Undeveloped Kaal Rock combined with the Riverfront parkland present a vista with generally open value. Predominantly low rise buildings and extensive vegetation present an impression of a generally natural shoreline.

GSA #1

The view of the Poughkeepsie shoreline in GSA #1 is not particularly aesthetic. It is primarily an industrial-working waterfront, including a lumber distribution company and Central Hudson Gas & Electric Corp. facilities. The Poughkeepsie Railroad Bridge is a prominent visual element. The view from the Poughkeepsie shoreline is mixed. Across the River, fuel tanks, a small marina (Mariners Harbor), and residences around Highland Landing are visible.

GSA #2

The view from Ulster County looks out on Waryas Park and its parking lot, the Rip Van Winkle high rise apartments, and the J.D. Johnson Plumbing Supply multi-story warehouse. The Rip Van Winkle high rise apartment house is inconsistent with the rest of the cityscape as viewed from the Bridge and the west side of the River.

The view from this area takes in the forested bluffs of the Town of Lloyd rising from the River. It includes a few scattered houses on the side of the hill, and railroad tracks at the bottom.

GSA #3

The view from Ulster County takes in Kaal Rock, Kaal Rock Park and housing developments at the top of the steep slopes north and south of the Mid-Hudson Bridge. The housing developments are low-rise units of natural colors, and are well buffered with vegetation. Their presence blends well with the natural environment.

The 70 foot promontory of Kaal Rock is a distinct visual element at the "gateway" to Poughkeepsie as seen from the Mid- Hudson Bridge, the River and Ulster County. From Kaal Rock Park, vistas of about 1,700 feet of shoreline provide a diversity of images. Blue Point (Ulster County) is most notable of these land forms.

The Mid-Hudson Bridge is designated a New York Scenic Road under Article 49 of the Environmental Conservation Law.

GSA #4

From Ulster County the view looks at the steep, forested hill rising above the flat DeLaval property, and at Vassar Brothers Hospital rising behind the hill. From the DeLaval site, there are broad views of the River and the forested bluff south of the Town of Lloyd. Views across the DeLaval site of the Ulster County bluffs and the Catskill Mountains beyond are available from Route 9. The view in both directions is generally pleasing

Appropriate private and public development of the DeLaval site could improve its visual appearance. Such development would create landscaping improvements which would be aesthetically pleasing when viewed at the site and from across the river. Structural improvements, such as bulkheading at the river's edge and architecturally pleasing buildings, also could improve the site's visual impact.

GSA #5

From Ulster County the fuel storage tanks in GSA #5 are visible. The visual impact of these tanks is mitigated somewhat by their color, a light green. The immediate foreground includes accessory uses, such as trucks, machinery, and a dock.

From this parcel the view of Ulster County is similar to that from GSA #4.

E WATER RESOURCES AND SUPPLY

The Hudson River is monitored by the New York State Department of Environmental Conservation (DEC) and rated Class A. This designation means that the water is suitable for drinking, cooking, and any other uses. The Hudson River serves as the municipal water source for the City of Poughkeepsie and the Highland Water District, as well as other municipalities.

F FLOOD AND EROSION

Analysis of flood and erosion conditions is related to soil types and flood hazard areas.

The soils within the waterfront area are mixed. The two northernmost GSAs are combinations of three different soil types, while the remaining areas are classified solely as Urban Land.

Nearly the entire shoreline is in a flood hazard zone that extends between 50 and 375 feet inland from the River at various points. The City of Poughkeepsie administers a Flood Damage Protection ordinance requiring a Development Permit for activities proposed in the flood hazard areas. These areas are identified on maps published by the Federal Emergency Management Agency. All commercial construction within this flood hazard zone must either be constructed of water impermeable materials or elevated above the base flood elevation.

GSA #1

Soil:

In this area the soil is characterized as NE for "Nassau salty silt loam, ledgy hilly phase, 15 to 30 percent slopes" parallel to Route 9 from about Hoffman Street down to Fallkill Creek. This area extends about 175 feet westward throughout, except at one point just south of the Railroad Bridge where the NE phase reaches the river, where the soil is characterized as MC for "Made Land". The NE phase is very shallow soil characterized by many outcrops

of barren bedrock. Erodibility is classified as very high. The MC phase soil is principally composed of dumps and fills from earlier brick industries. Trash and clay pits are the main items of fill. Erodibility is classified as variable. The remainder of the land in this GSA is characterized as UA for "Urban Land, Undifferentiated". No erodibility factor is given.

Flood Hazard:

Much of this entire Geographical Study area is in a flood hazard zone. The western edge of Dutchess Avenue marks the least extent of the zone, approximately 50 feet. Above this street, the zone extends up to 375 feet in from the shore, and below the street up to 150 feet. The area along both banks of the Fallkill Creek is a flood hazard zone.

GSA #2

Soil:

The NE soil phase extends parallel to Route 9 from the Creek to Main Street, branching out westerly about 175 feet throughout. The land between the River and the NE phase is characterized as MC, which is mostly Waryas Park. The remaining soil is characterized as UA.

Flood Hazard:

Aside from the parking lots in this GSA, the entire area is in a flood hazard zone, extending up to 250 feet in from the shore. Most of Waryas Park is in the zone, and is facing erosion problems produced by the wave action from barge and tanker traffic.

GSA #3

Soil:

The soil throughout this Area is characterized as UA.

Flood Hazard:

Aside from Kaal Rock and land at the south end of Kaal Rock Park, the entire area is in a flood hazard zone that extends an average of approximately 100 feet inland from the river. Kaal Rock Park is facing the same erosion problems as Waryas Park.

GSA #4

Soil:

The soil throughout this area is characterized as UA. It is composed of gray shale bedrock covered by gravel, sand, silts, fill, and clay.

Flood Hazard:

This entire GSA lies within a flood hazard zone ranging from 50 to 300 feet inland from the River.

To guard against flooding and erosion, the entire water frontage in this GSA is faced with a concrete bulkhead which tapers from a width of one foot, at the land surface, to three feet in width, at a point three feet underwater, where it rests upon a concrete cap supported by a close set timber piles. A 1982 report by Clough, Harbour and Associates found moderate to severe deterioration of the concrete and support structure. Restoration of the bulkhead is necessary.

GSA #5

Soil:

The soil throughout this area is characterized as UA.

Flood Hazard:

A very small portion of this area lies in a flood hazard zone. This zone measures from about 60 to 330 feet inland from the River at various points.

G HISTORIC RESOURCES

There are five historic sites located in the waterfront area. Sites listed on the National or State Registers of Historic Places receive certain protections under the National and State Historic Preservation Acts, respectively. All actions in the immediate vicinity of these sites are considered to be Type I actions under the State Environmental Quality Review Act.

GSA #1

Located at the south end of the Central Hudson Gas & Electric Corp. property is the Hoffman House at 129 North Water Street. This white brick, Federal style residence (ca.

1790) was probably constructed by the statesman Robert R. Livingston of Clermont and is located near Poughkeepsie's earliest river landing at the mouth of the Fallkill Creek. The Hoffman House historic inventory form also includes the adjacent Reynolds House as a contributing structure to the site's historic value. These structures were nominated for the National Register of Historic Places (NRHP) in 1982, but due to owner objection was listed only on the State Register, while remaining eligible for the NRHP.

The Poughkeepsie Railroad Bridge was listed on both the State and National Registers of Historic Places on February 23, 1979. (See Section A, Land Use.)

GSA #2

The Poughkeepsie Railroad Station on Dongan Place is an example of Italian Renaissance Revival architecture, and continues to serve its historic function. The rear of the building is a visible landmark from the Hudson River. The Poughkeepsie Railroad Station was listed on the National and State Registers on November 21, 1976.

A three story brick warehouse at 80 North Water Street is the former 1880 Innis Dye Works known locally as the Piano Factory. Located adjacent to the Fallkill Creek, an important source of water power for early industry, the functional, bracketed style Innis Dye Works is one of few remaining examples of nineteenth century industrial architecture in the region. Nominated for the NRHP in 1982, it is listed only on the State Register, due to owner objection to National Register listing.

GSA #3

The Mid-Hudson Bridge, a suspension bridge, is a designated Scenic Road by New York State under Article 49 of the Environmental Conservation Law, due to views from the Bridge.

GSA #4

None.

GSA #5

None.

H COMMUNITY FACILITIES

Transportation:

The waterfront area is served by public transportation. Regional rail transportation is provided by both Amtrak and Metro North. The Poughkeepsie Railroad Station is adjacent to Waryas Park and within easy pedestrian access to public waterfront areas. Local bus service also is available.

Roadways in the waterfront area range from regional arterial to minor local roads. Route 9, the primary north-south route on the east bank of the Hudson forms the eastern boundary of the area. Local roads are adequate for current and future residential development, but some are narrow and difficult for industrial uses in GSA #1. Substantial development in GSA #4 likely will require some improvements in the road network.

Water and Sewer:

All land within the waterfront area is served by municipal water and sewer facilities. The water source is the Hudson River. Water supply and distribution is adequate throughout the area. Water quality meets all required standards. Possible impacts of any potential withdrawal of Hudson River water by New York City south of Poughkeepsie are being evaluated and monitored carefully. Sewer capacity is adequate.

I OTHER PLANNING INITIATIVES

Other local planning initiatives in the Poughkeepsie area were reviewed during the preparation of the City of Poughkeepsie Local Waterfront Revitalization Plan. These included "Directions: The Plan for Dutchess County" and the Town of Poughkeepsie Draft Local Waterfront Revitalization Program. "Directions" contains several policies that directly relate to preservation and enhancement of the Coastal Zone, while the Town's draft LWRP provides the same rigorous analysis of their waterfront as contained in this Program, and includes a proposal for a narrow waterfront district. The City's LWRP has no inconsistency with these local planning initiatives.

During preparation of the LWRP, the City entered into a joint effort with Dutchess County to develop a Transportation Strategy. That plan was completed in January 1997. Relevant portions of the Strategy with respect to waterfront development, access to the riverfront and improved downtown circulation have been incorporated into this document.

SECTION III

STATE AND LOCAL POLICIES

SECTION III: STATE AND LOCAL POLICIES

This section includes 44 policies which address a wide range of coastal development, scenic and historic resource preservation, public access, air and water quality, and erosion and flood management controls. An in-depth explanation of each local policy is also provided.

DEVELOPMENT POLICIES

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

POLICY 1A **VACANT AND UNDEVELOPED CITY-OWNED WATERFRONT PROPERTY INCLUDING NORTHERN WARYAS, THE DELAVAL PROPERTY, AND THE OLD SEWAGE TREATMENT PLANT SHOULD BE DEVELOPED FOR RECREATION, CULTURAL, TOURISM AND COMPATIBLE COMMERCIAL USES.**

Explanation of Policies:

Any development of these properties shall proceed in conformance with the following guidelines:

1. Development must improve the existing economic base of the City, concentrating on recreational, commercial and entertainment activities that serve residents of Poughkeepsie and Dutchess County and also develop tourism potential.

2. Public access to the water's edge and recreation opportunities must be an integral part of any development of the site, including provision of a public walkway along the River. In addition to the walkway, other public open space must also be provided such as sitting areas, view points, places to fish and the like. Landscaping to create a visually attractive setting as well as variety should be part of the open space in addition to, as appropriate, public park space, sitting areas and/or lookouts.

3. Development should include a variety of mixed uses which will provide the opportunity for the activity at that location to attract people, both day and night.

4. Activities on the site should appeal to a variety of age groups and economic levels.

5. Vistas of the River and western banks from the site must be protected and maintained. Views identified in Policy 25 and on Map 9 must be preserved.

6. Development should function as a way of linking waterfront properties and creating a Greenway extending from DeLaval north to the Fallkill Creek and south to Poughkeepsie Cemetery, where possible.

7. Linkages to the rest of the City, in particular to the Main Mall and the rail station, should be established.

The three sites referenced in this policy are City-owned parcels that presently are underutilized and/or undeveloped. They offer potential both for creative private investment which would provide economic benefits to the City and for public enjoyment and usage. A mix of public and private activities is envisioned on northern Waryas, DeLaval and the old Sewage Treatment Plant (STP) with public recreation usage as a primary focus.

- Northern Waryas (GSA# 2.3) is a 5.8 acre parcel just north of Waryas Park at the foot of Main Street and just beyond the public boat launch. While dedicated parkland, this parcel has not been developed for this purpose but rather is used as an impromptu parking lot. The City's Transportation Strategy recommends that the eastern portion of northern Waryas along North Water Street has the potential to be developed for a variety of private uses including restaurants, shops and residences above the first floor.

- DeLaval site (GSA# 4.1) is a 13.4 acre parcel of land just south of the abandoned sewage treatment plant. The land was acquired with State Funds which call for public recreation use. The DeLaval site is particularly well-suited to water enhanced uses. The thirteen acre site and adjacent parcels could support a variety of complementary public and private uses which would provide significant economic benefits to the City, as well as increase waterfront access and recreation. Water enhanced uses such as restaurants, conference facilities, entertainment venues, and shops and water dependent uses such as a marina and walkway along the river would provide complementary tourist-related activities.

  Given the size of the DeLaval site and its length of shoreline, not all of the shoreline is necessary for water dependent uses. In developing the site plan, some uses may be located over the water provided an adequate area remains for a future marina development, and all navigational and environmental effects are addressed.

- Former Sewage Treatment Plant (GSA# 3.11) is a 7.1 acre parcel of land adjacent to the DeLaval site. Reuse of this parcel may be limited because of a large number of underground utility lines in the land surrounding the plant. A potential reuse for the STP could include an aquarium or fish hatchery.

The opportunity exists to develop any or all of these sites, as interest and finances permit, for a variety of recreation and entertainment oriented public and private activities that appeal not only to City residents but also bring people in from throughout the region and beyond. Priority

consideration should be given to any or some combination of the following: museum, waterfront festival facilities, conference center, docking facilities for tour boats and other boat users, and tourism related retail activities including restaurants. Residential housing potentially could be a use on these sites in conjunction with other mixed uses as provided in this paragraph and the Waterfront District zoning.

See also applicable Policies 13, 19, 21 and 25 which include provisions regarding public access and view preservation.

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

POLICY 2A **FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES RELATED TO BOTH COMMERCIAL AND RECREATIONAL FISHING ON OR ADJACENT TO COASTAL WATERS, WHERE APPROPRIATE.**

Explanation of Policies:

Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail or entertainment uses.

Currently the few water dependent uses that use the Poughkeepsie waterfront do not require extensive shoreline or water surface. If there is an increase in demand for water dependent uses, there is adequate shoreline and surface water available for reasonably foreseeable water dependent uses to allow a portion of the water surface adjacent to the DeLaval side to be used for water enhanced uses.

Water Dependent Uses

The following uses and facilities are considered desirable as water-dependent in the City of Poughkeepsie:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mariculture activities) ;

2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);

3. Uses involved in the river/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);

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. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near shipping facilities be obtained (for example: lumber imports);

7. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and Hudson River ecosystem studies);

8. 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 water dependent use rather than on the shore.

In the siting of water-dependent uses, the following guidelines should be used.

1. Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. Water, sewer, transportation, and navigation must be adequate.

2. Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should be employed so that water-dependent and adjacent uses can serve to complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

Water Enhanced 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.

Priority will be given to water enhanced uses which more directly complement the other goals for the waterfront area as expressed in this LWRP. Such water-enhanced activities must be in accordance with local policies regarding scenic resources (Policy 25) and erosion (Policies 14 through 17). Priority will be given to water enhanced uses that include public recreational access as part of the use proposed for property along the immediate riverfront (Policies 19 through 22) or promote the type of mixed use tourist-related development that includes recreational access as described in Policy 1.

POLICY 3 **FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

Explanation of Policy:

Not applicable. The City of Poughkeepsie is not located in or near any of the above referenced major ports.

POLICY 4 **STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.**

Explanation of Policy:

This policy recognizes that traditional activities occurring in and around smaller harbors contribute much to the economic strength and attractiveness of communities. The City of Poughkeepsie has a long history as a commercial port. Although little remains of the actual facilities of the harbor which served the once vibrant commercial river traffic that vitalized Poughkeepsie, the City has never lost its identification as a river community. This policy seeks to encourage this identity and activities related to the recreational and commercial use of the Hudson River.

Efforts shall center on promoting such desirable activities as mixed-use water-oriented developments, fishing, historic preservation, cultural pursuits, riverfront festivals, and other compatible activities which have made the waterfront appealing.

The following guidelines shall be used in determining consistency:

1. Priority shall be given to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water. In particular, mixed use development which offers an opportunity to develop water-dependent or enhanced activities should be encouraged (See Policies 1, 2, and 22).

2. The action will enhance existing traditional and/or desired anticipated uses.

3. The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.

4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.

POLICY 5 **ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.**

POLICY 5A **EVALUATE PROPOSED DEVELOPMENT WITHIN THE WATERFRONT AREA FOR TRAFFIC IMPACT, PARTICULARLY ALONG NORTH WATER STREET AND PINE STREET AND EVALUATE THE POSSIBILITY OF EXPANDING CARRYING CAPACITY OF THESE ROADWAYS, IF NECESSARY.**

POLICY 5B **ACCESS TO THE INDUSTRIAL AREAS IN THE NORTHERLY AND SOUTHERLY PORTIONS OF THE CITY'S WATERFRONT SHOULD BE IMPROVED TO ENABLE SERVICE VEHICLES TO GAIN ACCESS TO PRIVATE INDUSTRIES DIRECTLY FROM ROUTE 9 WITHOUT ADDING CONGESTION TO THE RECREATIONAL AND RESIDENTIAL AREAS IN THE CENTER OF THE WATERFRONT DISTRICT.**

POLICY 5C **ENCOURAGE GREATER UTILIZATION OF MASS TRANSIT FACILITIES AVAILABLE IN THE CITY OF POUGHKEEPSIE AND EVALUATE PROPOSED DEVELOPMENT RELATIVE TO ITS NEED FOR ACCESS TO PUBLIC MASS TRANSIT.**

POLICY 5D **EVALUATE PROPOSED WATERFRONT DEVELOPMENTS FOR THE POTENTIAL TO COMPLEMENT DOWNTOWN**

POUGHKEEPSIE DEVELOPMENT, PARTICULARLY THE MAIN MALL.

Explanation of Policies:

Development, particularly large-scale development, will be encouraged to locate within, contiguous to, or in close proximity to existing areas of concentrated development of a similar nature where infrastructure and public services are adequate, and where topography, geology, and other environmental conditions are suitable for, and able to accommodate, development.

The above policy is intended to accomplish the following:

1. Strengthen existing residential, industrial and commercial centers;

2. Increase the productivity of existing public services;

3. Preserve open space in sufficient amounts.

4. Encourage new development where appropriate infrastructure exists or can be provided.

As all of the City of Poughkeepsie's waterfront area benefits from municipal water and sewer services, of primary importance in the future of development is the infrastructure of public roads and mass transit bus service.

The deteriorating bridge at North Water Street and the local narrow roadways in the northern portion of the waterfront area (GSA# #1) make industrial traffic extremely difficult and present conflicts with other recreational or commercial traffic in the area. A preferable solution would be direct access to this area from Route 9. Access should be improved and/or new approach roads provided by NYSDOT to permit direct access for trucks and other large service vehicles to the oil tanks and distribution centers located in the southern portion of the waterfront area without requiring access across the DeLaval property or other non-industrial lands.

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

Explanation of Policy:

Certain types of development (see Policy 1) are appropriate at northern Waryas (GSA# 2.3), the old STP (GSA# 3.11) and DeLaval (GSA# 4.1). All agencies that must take actions shall make every attempt to coordinate their reviews so as to expedite development on these parcels without jeopardizing the integrity of their review.

Regulatory programs and procedures will be coordinated and synchronized between levels of government, and, if necessary, legislative and programmatic changes will be recommended.

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

FISH AND WILDLIFE POLICIES

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

POLICY 7A **THE VIABILITY OF THE POUGHKEEPSIE DEEPWATER HABITAT, WHICH HAS BEEN IDENTIFIED ON THE COASTAL AREA MAP AS A SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT, SHALL BE MAINTAINED ESPECIALLY FOR THE SHORTNOSE STURGEON, WHICH IS CONSIDERED AN "ENDANGERED" SPECIES.**

POLICY 7B **PERFORM A RISK ASSESSMENT FOR ANY PROPOSED EXPANSION OF EXISTING WATERFRONT INDUSTRIES, SUCH AS PRETREATMENT OF LUMBER AND FUEL STORAGE, TO ENSURE PROTECTION OF THE DEEPWATER HABITAT.**

Explanation of Policies:

The Poughkeepsie Deepwater Habitat has been designated by the NYS Department of State as a Significant Coastal Fish and Wildlife Habitat. It is the only ecosystem of this type in New York State and provides the major wintering habitat of the "endangered" shortnose sturgeon.

Activities that would affect the water quality, temperature, turbidity, or freshwater to saline distribution may adversely impact the estuarine community in this deepwater habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents, and agricultural runoff. Major reduction in overall depths along this deepwater trench may also have adverse effects on the endangered shortnose sturgeon utilizing this area. Of particular concern is a past practice of using portions of the deepwater trench as a dredge spoil dumping site. Activities such as this should be controlled to avoid interference with use of the area by shortnose

sturgeon. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

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 defined as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

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

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and

3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

POLICY 8 **PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.**

POLICY 8A **PROHIBIT THE INTRODUCTION OF NEW INDUSTRIES OR TECHNOLOGY WHICH WOULD INCREASE THE PRESENCE OF HAZARDOUS MATERIALS WITHIN THE WATERFRONT AREA AND IN PROXIMITY TO THE POUGHKEEPSIE DEEPWATER HABITAT.**

POLICY 8B **ENCOURAGE EXISTING INDUSTRIAL PRODUCTION OR STORAGE FACILITIES TO UTILIZE THE MOST CURRENT TECHNOLOGIES AVAILABLE TO MINIMIZE THE POTENTIAL THREAT FROM HAZARDOUS WASTES OR POLLUTANTS TO THE SURROUNDING ENVIRONMENT, ESPECIALLY THE POUGHKEEPSIE DEEPWATER HABITAT.**

Explanation of Policies:

The handling (storage, transport, treatment and disposal) of materials generally characterized as flammable, corrosive, reactive, or toxic included and defined in Environmental Conservation Law [527-0901(3)] are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. A list of hazardous wastes has been adopted by NYSDEC (6NYCRR Part 371).

Other pollutants are those conventional wastes, generated from point and non- point sources, not identified as hazardous but controlled through other State laws. Enforcement of these regulations are of particular concern in the operation of the petroleum storage facilities and in any potential

expansion of existing industrial production or storage facilities as well as any new industrial development proposed for areas of the Waterfront.

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

Explanation of Policy:

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

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

The recreational opportunities for fishing along the Fallkill Creek will depend on further assessment of the Creek, its water quality, improved access to the Creek and efforts required to foster the fish population of the Creek.

A diverse range of recreational fishing opportunities may be available in the City's waterfront area, as more fish species are approved for consumption.

POLICY 10 **FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS ; AND (III) 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:

Historically shad fishing has been a part of recreational and commercial uses of the Hudson River in the Poughkeepsie area. Among the potential reuses of the old Sewage Treatment Plant (GSA# 3.11) are a fish hatchery or an aquarium. Such reuses need to be evaluated in terms of local constraints such as possible odor, traffic and aesthetic impacts of such facilities on adjacent land uses.

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation. Commercial fishing development efforts should be done in a manner which ensures the maintenance and protection of the renewable fishery resources. Actions by public agencies must be evaluated as to whether they will impede existing utilization or future development of the State's commercial fishing resources.

FLOODING AND EROSION POLICIES

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

POLICY 11A **PROTECT THE FALLKILL CREEK FROM ENCROACHMENT AND PRESERVE A LINEAR OPEN SPACE ALONG THE LENGTH OF THE CREEK FOR PURPOSES OF FLOOD PROTECTION, AESTHETICS, AND RECREATION.**

Explanation of Policies:

This policy shall apply to all areas of special flood hazards identified by the Federal Insurance Administration in the report entitled "The Flood Insurance Study for the City of Poughkeepsie" dated July 5, 1983 and on accompanying maps.

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration into the systems and discharge from the systems into flood waters.

In floodways all encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels.

In flood hazard areas identified in Map 7 where human lives may be endangered by flooding, all necessary emergency preparedness measures should be taken. The Dutchess County Office of Disaster Preparedness and Civil Defense has prepared plans for Dutchess County.

In the area along the Fallkill Creek permanent structures and parking shall not be located nearer than thirty (30) feet to the tops of the banks of the creek.

Surface drainage for parking and loading areas shall be directed away from the creek. All lands within the minimum stream bank setback area shall be landscaped and stabilized to assure that erosion will not occur.

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:

Not Applicable. The natural protective features referred to in this policy are not found along the Poughkeepsie shoreline.

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.**

POLICY 13A **MAINTAIN THE BULKHEADS ALONG THE HUDSON RIVER IN GOOD CONDITION. PROPOSED OR EXPANDED DEVELOPMENT SHOULD RESTORE AND MAINTAIN EROSION AND FLOOD CONTROL MECHANISMS ALONG THEIR RIVER FRONTAGE. SUCH MECHANISMS SHALL BE DESIGNED FOR LONG TERM STABILITY.**

Explanation of Policies:

This policy is applicable along the entire 2.5 mile length of the City's waterfront where bulkheads have been constructed to protect the banks of the River from erosion. Any reconstruction or repair of bulkheads will be held to the thirty year standard of this policy. This standard should apply not only to public actions to repair deteriorated bulkheads but also to existing property owners, who should be encouraged to maintain and reconstruct the bulkhead along their water frontage, and private developers who propose new development for properties with river frontage.

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. Man-made activities shall not increase the severity or adverse effects of those processes, causing damage to, or loss of property, or endangerment of human lives. Development shall include: proper use of erosion protection structures, proper drainage or land restoration practices, and appropriate siting of structures to avoid increasing the base flood level and causing damage to otherwise hazard free areas. See Map 7 for location of flood hazard areas.

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

Explanation of Policy:

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation, and dredging should be accomplished in a manner so as not to cause reduction in the supply, and thus an increase of erosion, to such shorelands.

Although the City of Poughkeepsie does not have any public beach areas, it is important that any dredging activities in the River be sensitive to indirect impacts on other areas.

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

Explanation of Policy:

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

POLICY 17 **WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SET BACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

POLICY 17A **ENCOURAGE THE PROTECTION OF STEEP SLOPES AND HILLSIDES THROUGHOUT THE WATERFRONT AREA THROUGH THE USE OF NON- STRUCTURAL MEASURES TO PREVENT EROSION, ESPECIALLY THROUGH THE RETENTION, OR PLANTING OF, VEGETATIVE COVERS.**

POLICY 17B **PROHIBIT BUILDING ON NOTABLE STEEP SLOPE AREAS.**

Explanation of Policies:

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To the extent any (or a combination) of the non-structural approaches in Policy 17 will provide equal property and resource protection, these are preferred over structural techniques.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis should be prepared. If necessary, other materials such as plans or sketches of the activity or development of the site and alternative protection measures should also be prepared to allow such an assessment. Such measures include the retention and planting of stabilizing vegetation and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the land forms. In addition, siting structures outside the hazard area and floodproofing and elevating them above the base flood level should be pursued.

There are many areas of steep slopes or embankments within the coastal boundary. (See Map No. 4, GSA# 3.2 through 3.6, 3.9, 4.2, 4.3, and 5.6) The most significant area of steep slopes is Kaal Rock (GSA# 3.9). For GSAs #3.2 through 3.6, retention of existing vegetative cover will minimize visual impact from the River (See also Policy 25). (See Map 7 for Location of Steep Slopes.) See also Policies 12, 14, and 37.

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.**

POLICY 18A **SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE CITY OF POUGHKEEPSIE AND ITS CITIZENS IN THE DECISION FOR AN ADDITIONAL HUDSON RIVER BRIDGE CROSSING, APPROACH ROADS OR ROAD WIDENINGS, WHICH WOULD IMPACT THE CITY. FOREMOST AMONG THE CONCERNS OF THE CITY WITH REGARD TO A NEW BRIDGE CROSSING AND RELATED ROADS ARE:**

- **MINIMIZING OR PREVENTING THE DISRUPTION AND/OR RELOCATION OF EXISTING RESIDENTIAL**

NEIGHBORHOODS IN OR NEAR THE WATERFRONT BOUNDARY.

- **PREVENTING LOSSES TO THE SIZE AND/OR USE OF EXISTING WATERFRONT PARKS INCLUDING WARYAS, AND KAAL ROCK.**

- **PREVENTION OF TRAFFIC CONGESTION ON EXISTING ROADWAYS THROUGH THE CITY OR DISRUPTION OF EXISTING TRAFFIC PATTERNS.**

- **PREVENTION OF SIGNIFICANT INCREASES IN NOISE LEVEL DUE TO BRIDGE OR ROAD TRAFFIC.**

- **PREVENTION OF SHORELINE EROSION AND FLOODING, AND PROTECTION OF THE POUGHKEEPSIE DEEPWATER HABITAT, A STATE IDENTIFIED SIGNIFICANT FISH AND WILDLIFE HABITAT.**

POLICY 18B **SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE CITY OF POUGHKEEPSIE AND ITS CITIZENS IN THE EVALUATION OF ANY PROPOSAL FOR NEW ROADS OR INFRASTRUCTURE THAT WOULD DISRUPT CURRENT CULTURAL PATTERNS OF TRANSPORTATION AND/OR EXISTING WATERFRONT USES.**

Explanation of Policies:

The State and City have important interests in maintaining the viability of valuable coastal waters and resources. These interests, which include environmental, economic and social factors, should be taken into consideration when major actions affecting these resources are proposed.

An additional River Bridge and possible accompanying road construction will have major impact on existing neighborhoods, park resources, topography, shoreline damage, visual resources and other matters. Any bridge should be reviewed for consistency with all LWRP policies with respect to the items cited in Policy 18A.

The City is particularly concerned that any bridge structure, approach roads and/or related connector roads not adversely impact the established residential and neighborhood shopping areas around Mt. Carmel east of Route 9. The City especially does not want to see: demolition of sound structures, interruption or discontinuation of normal traffic patterns, destruction or physical

isolation of the residential neighborhood and/or the shopping area, significant increases in noise level due to bridge traffic.

The City is equally concerned that any bridge structures, approach roads and/or related connector roads not adversely impact the residential character and historic integrity of the Union Street Historic District, to the east of Route 9, which is on the State and National Register of Historic Places.

The City is further concerned that any bridge structures, approach roads and/or related connector roads not adversely impact use and/or size of the City's existing waterfront parks, including, Waryas, Northern Waryas and Kaal Rock, or detract from enjoyment of these facilities due to erosion or increased noise levels from bridge traffic (see Policies 19 and 20).

Finally, the City is concerned that the Railroad Station, which is on the State and National Register of Historic Places, not be adversely impacted, either in terms of structural integrity or visual setting by any bridge structures, approach roads and/or related connector roads.

Any proposal for a new road paralleling the riverfront, shall be reviewed for: the extent it results in any of the following impacts: increases in traffic along the immediate waterfront; disruption of existing waterfront uses, especially those providing an economic return to the City; severe environmental and other impacts due to construction; visual impacts and/or loss of recreational areas or the opportunity for access to them.

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 BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

POLICY 19A **ENCOURAGE CONTINUOUS PUBLIC ACCESS ALONG THE ENTIRE LENGTH OF THE SHORELINE WHERE FEASIBLE.**

POLICY 19B **PUBLIC TRANSPORTATION, INCLUDING USE OF BUSES, SHOULD BE ENCOURAGED TO LINK WARYAS PARK AND THE**

DELAVAL SITE WITH EACH OTHER AND WITH THE CENTRAL BUSINESS DISTRICT (SEE POLICIES 5A AND 21).

POLICY 19C **INCREASE THE ACCESS TO, AND ENJOYMENT OF, THE WALKWAYS OF THE MID-HUDSON BRIDGE BY ADDRESSING THE QUESTIONS OF PUBLIC ACCESS TO THE BRIDGE FROM/TO THE WATERFRONT AND PEDESTRIAN/BICYCLE ACCESS ACROSS THE HUDSON RIVER FOLLOWING RECONSTRUCTION OF WALKWAYS. COORDINATE SUCH EFFORTS WITH THE NYS BRIDGE AUTHORITY, THE CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND THE TOWN OF LLOYD.**

POLICY 19D **TOUR BOATS WHICH BRING LARGE GROUPS OF PEOPLE TO THE POUGHKEEPSIE WATERFRONT SHOULD BE ENCOURAGED.**

Explanation of Policies:

The City of Poughkeepsie, by virtue of its geography, and history of redevelopment activities in the 1970's, has a significant amount of public parkland along the Hudson River. Waryas and Kaal Rock Parks have been developed with landscaping, lighting, picnic facilities, docking facilities and a bandstand and building for small public functions. These parks allow for both local and regional access to the Hudson River.

Priority will be given to improving physical access to existing coastal recreation sites within the City of Poughkeepsie and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are waterfront parks, boating facilities, and fishing areas. Access means the ability and right of the public to reach and use public coastal lands and waters.

Implementation of these policies requires consideration of the capacity of the resources and facilities and the protection of natural resources.

The opportunity to link the public parklands and other publicly owned lands of major points of interest and recreation along the riverfront is a major goal of the LWRP and dovetails with the City being a Participating Community in the Hudson River Greenway.

The means to provide for a linkage, such as construction of a walkway and/or easement or acquisition of private waterfront lands which would create linkage from the Fallkill Creek to the southern end of the DeLaval site, and participation in the Hudson River Greenway program, shall

be explored. A waterfront walk would provide the opportunity for greater utilization of public parkland, as well as other undeveloped public lands, as points of historic or cultural interest which would broadly expand the public's enjoyment of the River. (See Map 9 for potential linkages). The City envisions a Greenway trail/walkway extending at least from the southern tip of the DeLaval site to the northern boundary of Waryas Park, a distance of approximately 1.25 miles. To link Kaal Rock Park to Waryas Park, the City will explore such options as a deck either on pilings out around or cantilevered from Kaal Rock.

The possibility of providing a walkway, or other linkage mechanisms, should be included in public construction projects in the waterfront area.

City, State or Federal agencies 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.

For the purposes of this policy a reduction in the existing level of public access includes, but is not limited to, the following:

(1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

(2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systematic objectives.

(3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar linear facilities.

(4) There are substantial increases in the following: already existing special fares (not including regular fares) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary.

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

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sale, lease or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

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 BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

Explanation of Policy:

Access addressed by this policy includes walking along the City's waterfront and/or to a vantage point from which to view the waterfront. Other activities requiring access include bicycling, birdwatching, photography, nature study, and fishing.

For these activities access can be provided by a Greenway trails system, access across transportation facilities, and the promotion of mixed and multi-use development. See also Policy 19B.

While such foreshore referenced in the policy shall be retained in public ownership, traditional sales or easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not interfere with continued public use of the public lands on which the easement is granted (see Policy 19).

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

1) Pedestrian access shall not be diminished or eliminated because of hazardous crossings required at new transportation facilities, electric power transmission lines, or similar facilities.

2) Pedestrian access shall not be diminished or blocked completely by public or private development.

3) Construction of public or private facilities shall not physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

RECREATION POLICIES

POLICY 21 **WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

POLICY 21A **BOATING FACILITIES AND ACTIVITY SHOULD BE ENCOURAGED PROVIDED THAT THEY DO NOT INTERFERE WITH OTHER RECREATION OPPORTUNITIES.**

Explanation of Policies:

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

Since so many of the neighboring communities, such as the Town of Poughkeepsie and the Town of Lloyd, are severely limited in their direct access to the River, the City's parks are of even greater regional importance as the closest public launching facility for recreational boating. The nearest public launching facilities are in Newburgh, Kingston and Staatsburg. Continued maintenance of the several docks is an important element in the effort to foster increased public utilization.

Because of the unique advantage of shoreline which is not restricted by the rail-bed, provision of adequate boating services to meet future demand is encouraged by this Program. Opportunities for public boat launching shall be encouraged. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources, with their capability to accommodate demand, and with the visual access Policies 24 and 25.

Public transportation facilities on land, such as shuttle bus services, which provide access to the waterfront area should be expanded to facilitate the linkage of waterfront areas.

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

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

POLICY 22A **USE OF THE DELAVAL PROPERTY, THE OLD SEWAGE TREATMENT PLANT AND NORTHERN WARYAS MUST INCLUDE RECREATION AS PART OF ACTIVITIES ON THE SITES.**

Explanation of Policies:

Where appropriate and where it furthers the primary purposes of development, waterfront areas can provide opportunities for recreation. Whenever developments are located adjacent to the shore at DeLaval, the old Sewage Treatment Plant or Northern Waryas, they should provide for some form of water-related or enhanced recreation use unless there are compelling reasons why such recreation cannot be provided. At minimum, a public walkway should be provided unless there are compelling reasons otherwise.

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.**

POLICY 23A **IDENTIFIED HISTORIC STRUCTURES IN THE WATERFRONT AREA SHOULD BE ENCOURAGED TO BE MAINTAINED AND/OR PRESERVED WITH ADAPTIVE REUSE WHICH IS COMPATIBLE WITH OTHER WATERFRONT POLICIES.**

POLICY 23B REUSE OF THE ICE HOUSE AS A COMMUNITY FACILITY, EDUCATION CENTER OR FOOD KIOSK IS ENCOURAGED.

Explanation of Policies:

The standing of the City of Poughkeepsie as a viable community steeped in the history and culture of the Mid-Hudson region requires the maintenance and enhancement of the historical, aesthetic, cultural and architectural heritage of the City. The intent of this policy is to protect and preserve historic structures on the State and National Register of Historic Places to the extent possible.

The structures of significance in the history, architecture, archaeology or culture of the City include the following resources:

1. The Poughkeepsie Railroad Station (GSA# 2.6);
2. The Mid-Hudson Bridge (GSA# 3.10);
3. The Poughkeepsie Railroad Bridge (GSA# 1.7).

In addition, several areas in and adjacent to the waterfront district are of specific importance for their general historic and cultural significance to the City. These areas include:

1. The Union Street Historic District
2. The North Clover - Mill Street Historic District

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the City, State, or Nation should include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing those found in the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

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, including any appurtenant fixture associated with a building, structure, or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within a historic district, that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgments about compatibility should focus on the visual and locational 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 architectural style, design, material, scale, proportion, composition, landscaping and related items of the new action must be in keeping with the character of the existing resources. Within historic districts, this would include infrastructure improvements such as street and sidewalk paving, street furniture, and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The Railroad Bridge is part of the urban waterfront and as such is a cultural and scenic resource. The Bridge represents a peculiar set of problems. Any future use of the Bridge or the right-of-way should be consistent with all policies relevant to that site.

The Train Station is a significant historic building and provides a vital economic and transportation function for the community. The improvement of parking facilities and pedestrian and vehicular access to the Station is of major importance in improving the functioning of the Station and in protecting the integrity of the public parkland and commercial areas in proximity to the Station. Expanded and improved parking must be provided to prevent continued use by commuters of the parking provided for Waryas Park. Expanded mass transit and/or off-site parking with transit links to the station should be explored as possible ways to increase parking opportunities. The exit from the Station to Main Street should be appropriately maintained and improved. The pedestrian walkway should be upgraded and improved to facilitate access to the Station by pedestrians and those using public transportation. Adaptive reuses of the walkway should be explored.

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 VEGETATION, THE DESTRUCTION, OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURE ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND

(II) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

POLICY 24A PREVENT IMPAIRMENT OF THE ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE.

Explanation of Policies:

Portions of the City of Poughkeepsie's shoreline are included in the Esopus/Lloyd Scenic Area of Statewide Significance (SASS), as designated by the Secretary of State. 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 unusual variety as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features. The section of the Esopus/Lloyd SASS within the City of Poughkeepsie is limited to the area below the high water mark along the City's shoreline. It is included within the following subunits:

EL-5	Highland Bluffs Subunit
EL-6	Blue Point Subunit

The scenic quality of these subunits is summarized in Appendix C.

When considering a proposed action, agencies shall determine whether the action could affect the Esopus/Lloyd SASS and, if so, whether the types of activities proposed would be likely to impair the scenic 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 are to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

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

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

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

-- removing deteriorated and/or degrading elements;

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

-- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;

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

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

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.**

POLICY 25A **PROTECT THE FOLLOWING AREAS OF LOCAL SCENIC SIGNIFICANCE:**

1. **HIGHEST PRIORITY: VIEWS OF THE RIVER FROM PUBLIC PARKS.**

2. **ADDITIONAL AREAS OF SCENIC SIGNIFICANCE INCLUDE THE VIEWS FROM:**
   - **A. KAAL ROCK**
   - **B. THE MID-HUDSON BRIDGE**

3. **THE VIEW FROM VASSAR BROTHERS HOSPITAL**

4. **THE VIEW FROM THE RAILROAD STATION TRACK ACCESS OVERPASS.**

5. **VIEWS OF, FROM AND THROUGH THE DELAVAL SITE.**

6. **THE VIEW FROM OUR LADY OF MT. CARMEL CHURCH STEPS.**

(ALSO MAP 9 FOR IDENTIFICATION OF VIEWSHEDS)

POLICY 25B **PROTECT VIEWS OF THE HUDSON RIVER, THE VALLEY AND THE WOODED BLUFFS OF THE ESOPUS/LLOYD SASS ON THE WESTERN SHORE FROM THE IMMEDIATE RIVERFRONT AS VIEWED FROM CITY PARKS.**

POLICY 25C **ANY NEW BRIDGE CROSSING VISIBLE FROM THE CITY'S WATERFRONT MUST REFLECT THE QUALITY AND MOTIF OF THE EXISTING MID-HUDSON BRIDGE.**

Explanation of Policies:

The following guidelines shall be used to protect the locally significant scenic resources:

- Construction within the designated viewshed will not obstruct the view to the extent practicable,

- Building materials and colors should be used that help blend the structures into the landscape,

- Construction should be of a scale, mass and bulk typical of nearby Poughkeepsie neighborhoods and buildings.

The Mid-Hudson Bridge is of local significance both for its aesthetic grace and as a symbol of the City. The Mid-Hudson Bridge was designed in the 1930's as a noted suspension bridge. It has an art nouveau quality. Its remarkable construction technique has scenic and historic importance. Any new Bridge construction should fit with the design elements of that time period. As Route 9 approaches the intersection with the Mid-Hudson Bridge (GSA#3.13), there are broad views of the Bridge itself and the wooded bluffs.

The view both north and south from the Mid-Hudson Bridge (GSA# 3.10) is of value to the City and has been recognized as part of the Esopus/Lloyd SASS. The Bridge provides views of the City itself, of Kaal Rock (GSA# 3.9) and public parkland along the River's edge (GSA# 2.1 and 3.7) Kaal Rock is the highest point along the City's waterfront and, as such, offers impressive views of the opposite shore and the River corridor. In the past, a restaurant used to be located on this promontory; however, in more recent years, the space has been vacant and unused. Because this is a unique piece of property, the preferred use is to retain this parcel as open space offering panoramic River views. Retention of Kaal Rock as open space also would provide land for possible trade for northern Waryas if and when development along North Water Street should occur.

With respect to the DeLaval site, there are significant views of the river and opposite shoreline from various spots on the property. Protection of these views is important but should not be interpreted to mean development on any or all of this site is prohibited. This policy should be interpreted so as to encourage a development plan that provides opportunity for public access at various places on the site to the shoreline to enjoy the views and placement of buildings and other structures to minimize view obstruction without unnecessarily restricting development options. Not every portion of the riverfront has to be accessible to the public nor does every single view have to be preserved from every vantage point.

Also of note is the view north from the Mid-Hudson Bridge of the Poughkeepsie Railroad Bridge. The Railroad Bridge (GSA# 1.7) comprises part of the historical context of the City and, as a national historic landmark, is of cultural significance.

Route 9, the major north-south arterial highway provides several important points of visual access (See Map 9). Proceeding north on Route 9, there are high quality views of the expanses of wooded bluffs in the Town of Lloyd and of the Catskill Mountain Ridge as the highway curves west towards the River. (GSA# 4.2 through 4.5, 5.9 through 5.11). The view from Rinaldi Boulevard and Pine Street and from the foreshore of the DeLaval property (GSA# 4.1) is of local significance because of the panoramic vistas of the River and west bank. Any development on DeLaval should be evaluated in terms of potential impact upon these important viewsheds.

Landscaping along the Route 9 corridor and proper maintenance by DOT is essential to enhancement of views from Route 9 and as the road approaches the Mid-Hudson Bridge, a designated scenic roadway.

The DOT right-of-way at the foot of Union Street and South Clover Street provides a good example of landscaping that softens a massive interchange but does not block important views across the River. Maintenance of landscaping in this ROW is particularly critical in light of the visual importance of this area. Routine maintenance by DOT should reflect this importance.

When considering a proposed action, which would not affect a scenic resource of statewide or local significance, agencies shall undertake to ensure that the action will be undertaken so as to protect,

restore or enhance the overall scenic quality of the coastal area. The siting and design guidelines outlined in Policy 24 should be considered for proposed developments in the general coastal area as they affect local resources of scenic significance.

Along the inland boundary of the waterfront area, the dominant visual features are the wooded bluffs of the western shore, and the expansive views of mountains to the west. (See Photographic Survey, p.IV-3).

AGRICULTURAL LANDS POLICY

POLICY 26 **TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE DEVELOPMENT 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 NOT AN AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.**

Explanation of Policy:

Not applicable. The City of Poughkeepsie's coastal area does not contain any agricultural lands.

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.**

POLICY 27A **ANY DECISIONS REGARDING EXPANSION OF CENTRAL HUDSON'S FACILITIES WITHIN THE CITY OF POUGHKEEPSIE'S WATERFRONT AREA MUST BE BASED ON PUBLIC ENERGY NEEDS, AND COMPATIBILITY OF SUCH FACILITIES WITH APPLICABLE ENVIRONMENT REGULATIONS.**

Explanation of Policies:

Any proposed expansion of the Central Hudson facility or proposed siting of other major energy facilities within the waterfront area could have a potentially significant impact upon many other important values pertaining to the waterfront area and must be assessed for consistency with Policies 18-25 in particular.

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

In consultation with the City of Poughkeepsie, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and X of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with coastal policies.

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:

The City of Poughkeepsie does not undertake any ice management practices within the Hudson River. Any clearance of the navigation channel of the River is performed by the U.S. Coast Guard. This policy would be of importance in the event that significant expansion of these activities was proposed which might adversely affect the Poughkeepsie Deepwater Habitat.

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the Poughkeepsie Deepwater Habitat, flood levels and damage, and rates of shoreline erosion damage.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 **ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

Explanation of Policy:

Not Applicable. The type of energy resources addressed 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 ground water but also plant site runoff, leaching, spillages, sludge, other waste disposal, and drainage from raw material storage sites. Regulated industrial discharges are those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways. Such "end-of-the-pipe" discharges are monitored and regulated by the NYS Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Department of Environmental Protection. Local vigilance must be exercised to ensure that such state and federal regulations are adequately enforced. The City will work cooperatively with State officials to this end and recommend more stringent standards when appropriate.

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 OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Explanation of Policy:

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment.

POLICY 32 **ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.**

Explanation of Policy:

Not Applicable. The City of Poughkeepsie's entire waterfront area is currently served by public sewers.

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

Explanation of Policy:

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g. construction of retention basins) and combined sewer overflows (e.g. replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Until funding for storm/sewer projects becomes available, non-structural approaches (e.g. improved street cleaning, reduced use of road salt) will be encouraged.

POLICY 34 **DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT**

SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

POLICY 34A ANY EXPANSION OF BOATING FACILITIES WITHIN THE WATERS OFF THE CITY OF POUGHKEEPSIE WATERFRONT MUST BE CAREFULLY REVIEWED FOR IMPACTS UPON THE POUGHKEEPSIE DEEPWATER HABITAT AND THE PUBLIC WATER SUPPLY FROM DISCHARGE OF ANY WASTE MATERIALS INTO THE HUDSON RIVER.

POLICY 34B ANY NEW MARINA FACILITIES WILL BE REQUIRED TO PROVIDE AND MAINTAIN PUBLIC ACCESS ALONG THE WATERFRONT. ON SHORE STORAGE OF BOATS ON PUBLICLY OWNED WATERFRONT LANDS WILL NOT BE PERMITTED. MARINE TOILET PUMP OUT FACILITIES THAT ARE HOOKED INTO THE CITY'S SEWAGE SYSTEM ARE STRONGLY ENCOURAGED.

Explanation of Policies:

Use of waterfront sites for tour boats and other boat docking facilities while compatible with other stated goals of the City's program, need to be monitored to assure compliance with specific effluent standards for marine toilets as promulgated by the NYSDEC (6NYCRR, Part 657) and to avoid adverse impacts on the Poughkeepsie Deepwater Habitat. The waste materials considered under this Policy include: sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas. (See Policies 7 and 38.) Gas pumps that may be part of new marinas should meet all State safeguards in order to insure the least possible environmental consequences, especially from spillage.

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.

POLICY 35A **ANY PROPOSED DREDGING OR DISPOSAL OF DREDGE SPOIL IN THE WATERS OFF THE CITY OF POUGHKEEPSIE'S WATERFRONT AS PART OF AN EFFORT TO IMPROVE CONDITIONS FOR DEVELOPMENT OF BOATING FACILITIES SHOULD BE REVIEWED FOR POTENTIAL IMPACT UPON THE POUGHKEEPSIE DEEPWATER HABITAT.**

Explanation of Policies:

Dredging often is necessary for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging may be proposed as a part of a development proposal. Such dredging, however, may adversely affect water quality, fish and wildlife habitats, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits are granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy Federal dredging permit standards regulated by the U.S. Army Corps of Engineers and State dredging permit standards set forth in regulations developed pursuant to ECL (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (Policies 7, 15, 24, 25).

Routine maintenance dredging of the navigational channel of the Hudson River between Peekskill and Kingston is required on a periodic basis.

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:

The transport of petroleum and other hazardous materials (See Policy 39 for definition of hazardous materials) is governed and monitored by applicable NYS regulations.

Petroleum is shipped by water to and from the City of Poughkeepsie and stored at facilities at the water's edge (GSA# 5.2-5.6). Hazardous wastes are stored at the A.C. Dutton Lumber site (GSA# 1.1) for use in the treatment of lumber. Activities at all these sites will conform with this policy and applicable State regulations.

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

Explanation of Policy:

Best management practices to reduce these sources of pollution could include, but are not limited to, soil erosion control practices and surface drainage control techniques. Similar techniques are discussed as pertinent to the policies on erosion control (Policy 12) and stormwater runoff (Policy 33).

All portions of improved multi-family and non-residential properties which are not used for buildings, accessory uses, off-street parking, walkways, and similar purposes shall be appropriately landscaped with grass, shrubs,trees, and other ground cover in such a manner as to minimize erosion and stormwater runoff.

The following general best management practices will be utilized in the coastal area of the City of Poughkeepsie:

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

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

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

4. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create erosion problems.

5. Natural protective vegetation should remain undisturbed, if at all possible, and restored when necessary.

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

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

8. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

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

10. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should be used only where vegetation and grading are not sufficient to control erosion.

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

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

POLICY 38A **INCREASED USE OF THE HUDSON RIVER AS A WATER SUPPLY FOR NEW YORK CITY SHOULD NOT RESULT IN A DEGRADATION IN QUALITY OR QUANTITY OF WATER AVAILABLE TO THE CITY OF POUGHKEEPSIE AS A SOURCE OF DRINKING WATER OR TO SUSTAIN THE DEEPWATER HABITAT. INCREASED USE BY OTHER COMMUNITIES SHALL NOT RESULT IN A CHANGE IN THE SALT FRONT LOCATION WHICH WOULD ADVERSELY IMPACT WATER INTAKE FOR THE CITY OF POUGHKEEPSIE, NOR SHOULD THE AMOUNT OF WATER INTAKE PERMITTED TO THE CITY OF POUGHKEEPSIE BE LIMITED DUE TO OTHER WITHDRAWALS.**

Explanation of Policies:

The City of Poughkeepsie depends solely on the surface water of the Hudson River for its water supply. Any action which would have an impact on the quality of the Hudson River as a source of drinking water must be thoroughly reviewed and mitigating measures investigated. Proposed activities will comply with applicable DEC regulations regarding degradation of drinking water supply.

Both Dutchess and Ulster Counties participated in recent regional planning relative to water resources for the Hudson Valley and New York Metropolitan area. Actions relative to the activation of the Chelsea Pump Station and its possible impact upon the movement northward of the salt line are crucial to the City's planning for water supply. The City will seek the maximum input possible in this matter to protect its supply of water for public consumption.

Impacts upon the River resulting from construction activity, land use management, point and non-point pollution discharges, and direct actions within the water-front area will be reviewed for their impacts on the Hudson River as a water supply.

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 GROUND-WATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS, AND SCENIC RESOURCES.**

Explanation of Policy:

The definitions of the terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 17). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901(3)). A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371). Transport of such wastes along the railroad lines or across the Mid-Hudson Bridge are of concern for the City of Poughkeepsie.

Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include atmospheric loading and degradation of scenic resources.

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

Explanation of Policy:

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water

quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

While the City does not foresee the circumstances under which a major steam electric generating facility would be proposed for its waterfront area, the presence of Central Hudson within the waterfront area makes this issue relevant. This Policy would apply if a major electric generating or industrial facility were proposed in light of the importance of the Hudson River as a public water supply and the presence of the Poughkeepsie Deepwater Habitat offshore.

POLICY 41 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

Explanation of Policy:

Waterfront 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 which embodies the requirements of the Clean Air Act and the minimum air quality control requirements applicable within the waterfront area.

POLICY 42 **COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.**

Explanation of Policy:

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

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

Explanation of Policy:

The New York Coastal Management Program incorporates the State's policies on acid rain. The City's Waterfront Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continuous viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

Explanation of Policy:

Not Applicable. The City of Poughkeepsie's Waterfront Area does not include any tidal or freshwater wetlands.

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

SECTION IV: PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. Proposed Land and Water Uses

The City of Poughkeepsie has five major areas along its waterfront. They are the Industrial areas located in the northern and southern portions of the City, public park and recreation areas, the Poughkeepsie Train Station, several parcels available for redevelopment opportunities and residential areas. The proposed land and water uses for each are outlined below.

1. **Industrial Areas**

   There are long-standing industrial uses at the northern and southern portions of the area, consisting of petroleum storage and distribution facilities and electric and gas utilities. This area is zoned I-2, General Industrial District and proposed uses largely reflect a continuation of existing industrial development.

2. **Parks and Water Recreation**

   The City has two major parks located along its shoreline, Waryas Park and Kaal Rock Park. In addition, the Fallkill Creek, provides an opportunity for public recreation opportunities.

   Both parks will continue to be used by the public for recreational purposes, including barbeques, picnics, walking, viewing the Hudson, and fishing. A public boat ramp and deep-water dock will serve as important facilities that will be used by both City and regional residents.

   Opportunities for recreational use of Fallkill Creek will be explored. The Creek will be protected from encroachment by preserving a linear open space along the length of the creek for purposes of flood protection, aesthetics, and recreation. A pedestrian linkage from the Fallkill Creek to the southern end of the DeLaval site will be explored and encouraged.

3. **Railroad Station**

   The improvement of parking facilities and pedestrian and vehicular access to the Station is of major importance in improving the functioning of the Station and in protecting the integrity of the public parkland and commercial areas in proximity to the Station. An expanded and improved parking area must be provided to prevent continued use by commuters of the parking provided for Waryas Park.

4. **Areas for Redevelopment**

   To complement the public open spaces along the riverfront and to encourage a variety of uses that will have both day and night appeal to a wide range of people, presently

undeveloped City-owned waterfront parcels – Northern Waryas, which is undeveloped parkland, the DeLaval site, which was acquired from New York State to include public outdoor recreation use, and the old Sewage Treatment Plant to the north of DeLaval and proposed to be developed for a mix of uses that focus on recreation and commercial activities. Residential housing potentially could be a use on these sites in conjunction with other mixed uses as provided in this paragraph and the Waterfront District zoning.

Given the size of the DeLaval site and its length of shoreline, not all of the shoreline is necessary for water dependent uses. In developing the site plan, some uses may be located over the water provided an adequate area remains for a future marina development, and all navigational and environmental effects are addressed.

4. **Residential Areas**

The proposed use for the remaining upland area along the eastern coastal boundary is largely a continuation of the overall residential land use pattern as permitted by the zoning law.

B. Proposed Projects

As a result of developing this program, projects are proposed which are designed to a) redevelop underutilized waterfront areas, b) improve recreational facilities and access to the waterfront area, c) link the public parklands along the waterfront to improve public accessibility and, d) protect sensitive natural resources from erosion. No changes in use are being proposed for privately owned land in the waterfront area. Existing zoning will remain unchanged except as it relates to height of structures as identified in the Waterfront District. In the future, other changes to existing zoning may be appropriate. For example, making parking standards more flexible because of the relationship to the Railroad Station may be useful. The City might find it useful to expand the list of allowable uses in the Waterfront District to encourage a wider variety of retail and other uses. The existing floor area ratio (F.A.R.) might be revised to allow additional density consistent with the proposed height standards.

The proposed projects include:

1. RFP for publicly owned land along the waterfront
2. Greenway Trail linking shoreline public parklands
3. Stabilization of the shoreline
4. Parking Deck at Railroad Station
5. Harbor Management Program
6. Fallkill Creek

1. PROPOSED OUTLINE TO PRODUCE AN RFP FOR PUBLICLY OWNED LAND ALONG THE WATERFRONT

A Request for Proposals (RFP) for waterfront development parcels under City control, either singly or in combination, may be useful to insure that important LWRP concepts, including the integration of private development at these sites with provision of public access as well as design concepts, are factored into developer plans for these sites. RFPs may be appropriate for any or all of the following sites: DeLaval (GSA# 4.1), the old Sewage Treatment Plant (GSA# 3.11), and northern Waryas along North Water Street (GSA# 2.3).

Any development of these sites should conform with the guidelines contained in the explanation of Policy 1.

Major elements that an RFP should address include:

- Proposal should identify proposed uses of the site including those devoted to private retail activities and those devoted to public use. The nature of commercial activities should be identified as well as basic structure types including height, bulk and location. Views to and from the Hudson River and the effect of proposed development on those views, should be considered. Site layout, parking, landscaping, public amenities, roadways, access points, etc. should be provided. Proposals should contain plan profiles and elevations; color presentations are encouraged. Construction materials should be identified.

- Location of public facilities should be identified. At minimum, a pedestrian walkway at least 12' wide should be provided, wherever practical.

- Familiarity with project site, including discussion of how the project will relate to other sections of the City, including downtown, the railroad station and other waterfront parcels should be demonstrated.

- Economic return to the City, including lease rental or purchase price plus annual tax payments, should be provided. In addition, service requirements and financing should be included.

- Dates for project completion, including phasing schedule, should be provided.

2. GREENWAY TRAIL LINKING PUBLIC SHORELINE LANDS

This project would create greater access by linking public waterfront lands. The intent of the project is to improve accessibility along the shoreline by providing a series of walking and/or biking trails. Linking the shoreline parks within the City is an integral part of developing a Greenway system along the eastern shores of the Hudson River which would eventually link to parks and trails in the surrounding Towns of Poughkeepsie, Hyde Park, Wappinger, Fishkill, etc. Existing City owned lands that would be linked through a Greenway system include Waryas Park and Kaal Rock Park which could be linked by a boardwalk on pilings in the Hudson River extending around Kaal Rock. The intent is that the Greenway Trail system also include the DeLaval site and the old Sewage

Treatment Plant, creating a pathway almost 2 ½ miles in length along the immediate shoreline wherever possible.

By developing this trail system, the entire public waterfront area would be linked and accessible for the public to enjoy. This project would be consistent with Policies 1,2,4,9,12,17,19,21 and 25 of the LWRP. The most significant aspect of linking the public parks along the waterfront would be to provide the public with the opportunity to enjoy the scenic value of the waterfront area and utilize the trails for recreational use.

The project would focus on studying the technical and financial requirements for pedestrian access to and around Kaal Rock and between the public lands on the waterfront. An important aspect of this project would be to establish a safety plan including proper lighting and police patrols along the trail system.

Cost Estimate

The cost of designing the trail system could be approximately $30,000. Implementation and construction costs associated with developing the trail system is undetermined at this time. Trail maintenance could be a public-private partnership.

3. STABILIZATION OF THE SHORELINE

This project would include the repair or replacement of the bulkheads along the shoreline of publicly owned lands and the formulation of a policy which would encourage private shoreline properties, when developed, to include bulkhead replacement or repair.

Replacement and repair of the bulkheads is essential for the stabilization of the shoreline and for the continued use of the shoreline properties. Continued erosion and flooding of the coastal area will further damage the environmentally sensitive shoreline and inhibit public accessibility to the shoreline parks. It also would reduce the value of privately owned land and thus may impact future development options on those parcels. This project would be consistent with all of the Flooding and Erosion Control Policies of the LWRP (11-18). In addition, stabilizing the shoreline would be consistent with the public access and recreational use policies.

Cost Estimate

The City commissioned a study in 1996 to provide recommendations on different bulkhead restoration options and cost estimates for bulkhead repair at Waryas Park. The estimated cost for Waryas Park restoration is $420,000. Design studies for the other sections of publicly-owned waterfront need to be commissioned to develop cost estimates for the remainder of shoreline.

4. PARKING DECK TO FACILITATE DEVELOPMENT ALONG NORTH WATER STREET

The City/County Transportation Strategy, proposed for adoption in 1997, calls for mixed use development along North Water Street between Main Street and the Fallkill Creek, consistent with the LWRP. To accommodate this development, the Strategy recommends construction of a parking deck on the west side of the Railroad Station, not only for increases in Metro-North ridership, but also to address parking requirements for potential new development along North Water Street. Construction of a deck to accommodate both needs is a high priority for the City.

This project is consistent with LWRP Policy 2.

Cost Estimate

As of 1996, the estimated cost of a three level parking deck on the railroad station lot was approximately $8 Million. The City and Metro North already have pledged $2 Million each towards construction of the parking deck.

5. HARBOR MANAGEMENT PROGRAM

A Harbor Management Program (HMP) would identify appropriate water uses and where such uses (as marines, jet ski areas, etc.) should occur. Specific harbor management policies and projects could be added to the LWRP as an amendment.

A HMP is not necessary at the present time because there are few water dependent uses and enough water and land area to accommodate those uses. Conflicts between the water dependent uses are minimal.

As part of its master plan revision during 1997-1998, the City will be examining the demand and locational requirements of a variety of recreational water dependent uses, including marinas, car-top boat launch, jet skis and cruise boats. The results of that analysis may lead to the desirability of a HMP. Based on the recommendations of a HMP, the City may consider construction of marina, harbor or other boating facilities or encourage the private development of any such facilities.

6. REHABILITATION STUDY OF THE FALLKILL CREEK

This project would result in a rehabilitation study for the Fallkill Creek which would focus on measures to improve the appearance and safety of the Creek from the "waterfall to the River." The Creek is a significant natural resource within the City of Poughkeepsie and should be improved and maintained for the public to enjoy. Although the Creek is bordered by private property, this study would identify stabilization methods and develop a maintenance program to ensure safety and beauty along the Fallkill. Part of the study should include identification of the possibility of continuing the Greenway trail system along the Creek. Some preliminary work on this has been done by the City Planning Department and as part of the Transportation Strategy.

A project which results in a rehabilitation study of the Fallkill Creek is consistent with Policies 9, 11, 13, 14, 16, 17, 19, 23, 24, 25, 31, 37 and 39 of the LWRP.

SECTION V

IDENTIFICATION OF TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

SECTION V: IDENTIFICATION OF TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

Task V is intended to identify the techniques by which implementation of the LWRP and the specific projects can be accomplished. A discussion of existing local laws and regulations is contained below and new laws/amendments are identified immediately following.

EXISTING LOCAL LAWS

The City of Poughkeepsie Planning Department reviewed the policies set forth in this document and compared them to both the Zoning Code and Subdivision Regulations for the purpose of determining which Zoning and Subdivision regulations would assist in implementing the said policies:

- Section 19-3.34 (Zoning) - This section of the code offers the permitted uses and general restrictions of the Waterfront District (W Zone). The boundaries described in the LWRP document include land that is mapped with this zoning designation. This zoning district is designed to encourage development that enhances the waterfront location while simultaneously protecting the physical integrity of the waterfront, and expanding the range of water oriented activities. This section will assist in the implementation of many LWRP policies.

- Section 19-4.6 (Zoning) - This section of the code is designed to promote the public health, safety and welfare as it relates to development within the 100-year floodplain. The general provisions of this section provide the Zoning Administrator with review powers, as well as the power to withhold a building permit until all requirements are met as outlined in this section. In general, this section of the code takes into account such issues as erosion control, channel obstruction, and floodplain encroachment. These concerns coincide with and aid in the implementation of many LWRP policies.

- Section 19-4.9 (Zoning) - This section regulates the construction and posting of signs in all zoning districts and supports the policies of the LWRP.

- Section 19-4.17 (Zoning) - This section assures that all proposals being reviewed by the Planning Board undergo a State Environmental Quality Review Act (SEQRA) review. During the course of a SEQRA review, potential adverse impacts, such as impacts to scenic views of the waterfront and erosion, are assessed and evaluated. SEQRA allows the Planning Board to condition proposals to mitigate potential adverse impacts. This power will assist in the implementation of many LWRP policies.

- Section 19-4.18 (Zoning) - This section of the code is designed to protect the Fallkill Creek from encroachment and to preserve a linear open space along the length of the creek. There are various restrictions in this section which enforce protection and preservation.

- Section 16-8.1 (Subdivision) - This section requires subdividers to submit additional information concerning drainage and flooding to the Planning Board prior to approval. Requiring such information will assist in implementing LWRP policies.

- Section 16-11 (Subdivision) - This section requires subdivisions to contain various public improvements such as drainage systems and park land. These improvements will assist in the implementation of some LWRP policies.

- Section 8 (Fire Prevention) - This section of the code gives the Fire Department power in the areas of fire prevention, exits, fire escapes, investigation of cause and origin, limitation of Liquified Petroleum Gas (LPG) storage, issuance of permits for 18 separate activities, inspection for fire hazards, and orders for corrections of the above. Specific conditions examined during site plan review include emergency access, water supply (hydrants), need for fire suppression or detection equipment, need for a key box, and ability of the Fire Department to fight a fire event at the specified location. In short, the entire Chapter can be used to enforce various policies of the LWRP.

Other sections of the City Code were identified by the City Department of Public Works as particularly relevant to new construction and use of infrastructure in the Waterfront area, including:

- Section 6-131, incorporating by reference the NYS Uniform Fire Prevention and Building Code dated January 1, 1984.

- Part I, Charter Laws, providing guidelines for maintenance, construction and cost assessment of street layouts (Sec.104); land acquisition (Sec. 106); street grading and paving (Sec. 110, 111); cost of improvements (Sec. 112-118); service pipes and lines (Sec. 129); and required burial of telephone and electric lines on Main Street (Sec. 201).

- Chapter 14 1/2 specifies installation, maintenance, and usage regulations for Sewers.

- Chapter 15 specifies installation, maintenance and usage regulations for Streets, Sidewalks and Public Places.

In sum, the above mentioned sections of the City Code will assist in the implementation of many LWRP policies. Furthermore, other general Zoning requirements exist, such as parking, lot and bulk, and height requirements, that will assist implementation.

PROPOSED LOCAL LAWS

The LWRP proposes two new laws or amendments to implement the LWRP:

1. Creation of Height Limits in the Waterfront District
2. Waterfront Advisory Committee and Local Consistency Law

1. Height Limits

Height limits as part of the Waterfront (W) District are proposed. The intent of these provisions is to maintain the visual resources which are currently available throughout the waterfront area as well as to preserve the existing character and visual access to the Hudson River, while at the same time promoting development along the waterfront.

The proposed height limit for structures in the Waterfront District is 60' exclusive of roof top mechanicals ornamentation, except on the west side of North Water Street where 40' exclusive of mechanicals is proposed, provided the total height does not adversely impact significant scenic views identified in Policy 25 and Map 9. Where structures of that height will adversely affect views identified in Policy 25 and Map 9, such structures must be reduced to a height that will not impact views except that, in no instance, shall buildings be required to be reduced to less that 35' inclusive of rooftop mechanicals.

All buildings and other uses proposed in the Waterfront District would be subject to review by the Planning Board in accordance with the provisions set forth in Section 19-6.1 of the City of Poughkeepsie Zoning Ordinance.

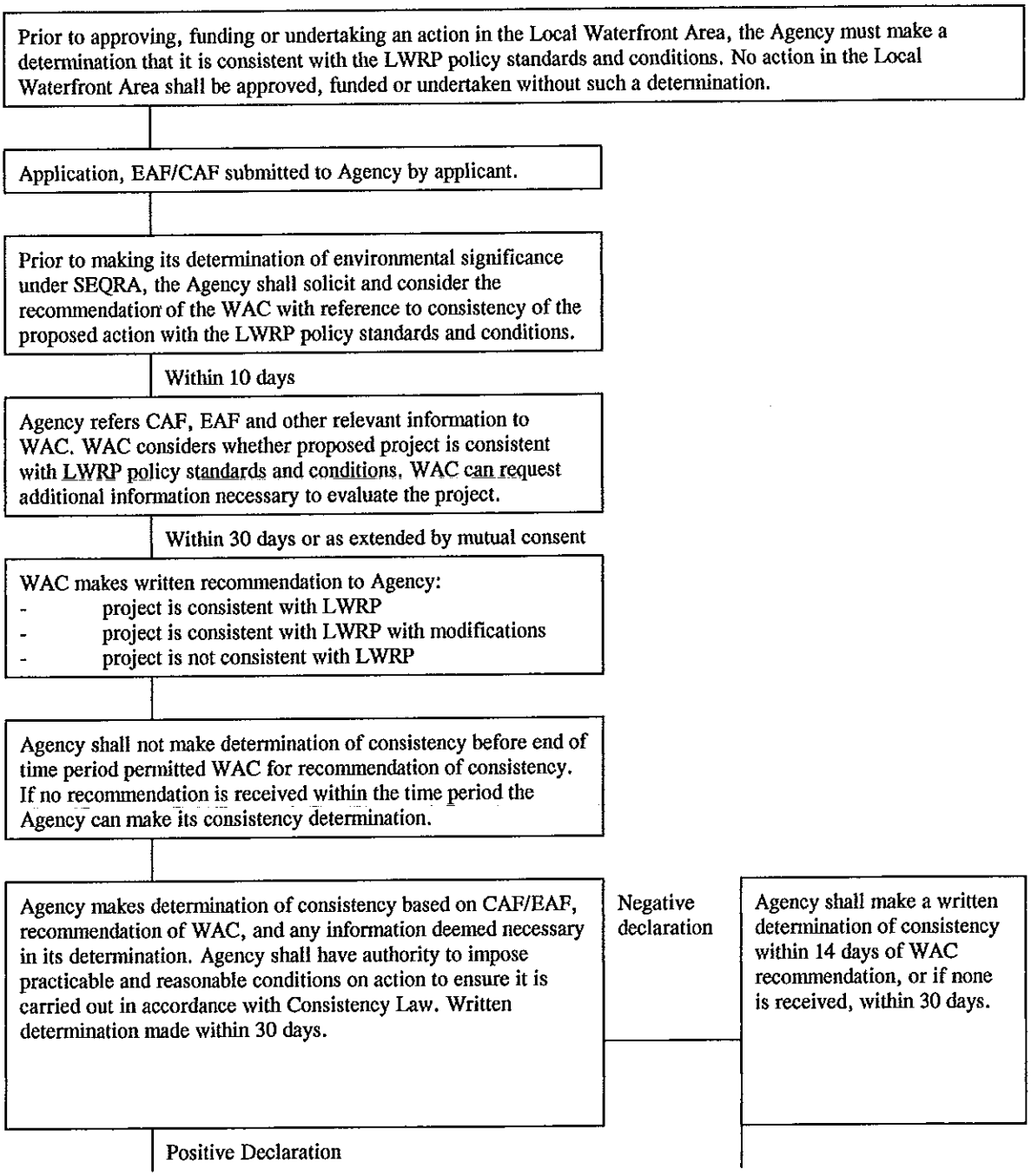
Implementation requires the adoption of an amendment to the City's Zoning Code. The text of amendments to the Zoning Ordinance is included in Appendix C.

2. Waterfront Advisory Committee and Local Consistency Law

This implementation procedure would result in the creation of a permanent Waterfront Advisory Committee (WAC) to assist in interpreting the Waterfront Program to the Mayor, Common Council, the Planning Board ZBA and the general public, and to help coordinate and/or oversee the projects identified in Task IV. The proposed Consistency Review Law is included in Appendix D. The WAC would advise the Lead Agency of government on the consistency of proposed actions in the waterfront area with the policies of the LWRP. The determination of consistency by the WAC should be an important element in the decision by the Lead Agency

relating to both the determination of significance and the eventual approval, disapproval, or modification of the proposal. A flowchart of the WAC review process is presented in Table 5.1.

TABLE 5.1: WATERFRONT CONSISTENCY REVIEW LOCAL LAW, PROCEDURAL FLOW CHART



DEIS and EIS each must contain a discussion of the effects of the action on and its consistency with the LWRP policy standards and conditions.		
Actions substantially hindering LWRP policy standards and conditions shall not be undertaken, unless there are no reasonable alternatives, adverse impacts are minimized, one or more of the other coastal policies is advanced, and results in overriding public benefit.		
CAF = Coastal Assessment Form DEIS = Draft Environmental Impact Statement EAF = Environmental Assessment Form EIS = Environmental Impact Statement LWRP = Local Waterfront Revitalization Program SEQRA = State Environmental Quality Review Act WAC = Waterfront Advisory Committee		

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

SECTION VI STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP an unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

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

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

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

1. STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program
2.00 Rural Development Program
3.00 Farm Worker Services Programs.
4.00 Permit and approval programs:
- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and Approval Programs:
- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

1.0 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 ofLocation)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency

1.31 License as a Licensed Lender
1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY

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

DEPARTMENT OF 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.

DEPARTMENT OF ECONOMIC DEVELOPMENT

1.00 Preparation/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-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
4.00 Financial assistance/grant programs:
- 4.01 Capital projects for limiting air pollution

4.02 Cleanup of toxic waste dumps
4.03 Flood control, beach erosion and other water resource projects
4.04 Operating aid to municipal wastewater treatment facilities
4.05 Resource recovery and solid waste management capital projects
4.06 Wastewater treatment facilities

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
(a) Water Quality Improvement Projects
(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

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

Construction Management
9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife
9.09 Certificate to Possess and Sell Hatchery Trout in New York State
9.10 Commercial Inland Fisheries Licenses
9.11 Fishing Preserve License
9.12 Fur Breeder's License
9.13 Game Dealer's License
9.14 Licenses to Breed Domestic Game Animals
9.15 License to Possess and Sell Live Game
9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
9.17 Permit to Raise and Sell Trout
9.18 Private Bass Hatchery Permit
9.19 Shooting Preserve Licenses
9.20 Taxidermy License

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

9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
9.30 Underground Storage Permit (Gas)
9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

9.32 Digger's Permit (Shellfish)
9.33 License of Menhaden Fishing Vessel
9.34 License for Non-Resident Food Fishing Vessel
9.35 Non-Resident Lobster Permit
9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.37 Permits to Take Blue-Claw Crabs
9.38 Permit to Use Pond or Trap Net
9.39 Resident Commercial Lobster Permit
9.40 Shellfish Bed Permit
9.41 Shellfish Shipper's Permits
9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

9.43 Approval - Drainage Improvement District
9.44 Approval - Water (Diversions for) Power
9.45 Approval of Well System and Permit to Operate
9.46 Permit - Article 15, (Protection of Water) - Dam
9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
9.50 Permit - Article 15, Title 15 (Water Supply)
9.51 Permit - Article 24, (Freshwater Wetlands)
9.52 Permit - Article 25, (Tidal Wetlands)
9.53 River Improvement District Approvals
9.54 River Regulatory District Approvals
9.55 Well Drilling Certificate of Registration

Solid Wastes

9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

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

10.00 Preparation and revision of Air Pollution State Implementation Plan.
11.00 Preparation and revision of Continuous Executive Program Plan.
12.00 Preparation and revision of Statewide Environmental Plan.
13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.
15.00 Urban Forestry Program.
16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.

2.00 Financial assistance/grant programs

3.00 Model Greenway Program

4.00 Greenway Trail

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/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

1.00 Greenway planning and review

2.00 Greenway Compact

3.00 Financial assistance/grants program

3.00 Model Community Program

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 thefunding 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

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

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

7.00 Permit and approval programs:

- 7.01 Floating Objects Permit
- 7.02 Marine Regatta Permit
- 7.03 Navigation Aide Permit
- 7.04 Posting of Signs Outside State Parks

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

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)
3.03 Operating Certificate (Enriched Housing Program)
3.04 Operating Certificate (Home for Adults)
3.05 Operating Certificate (Proprietary Home)
3.06 Operating Certificate (Public Home)
3.07 Operating Certificate (Special Care Home)
3.8 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.
2.00 Coastal Management Program.
3.00 Community Services Block Grant Program.
4.00 Permit and approval programs:
- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (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, Canal Corporation, and Canal Recreationway Commission.
2.00 Facilities construction, rehabilitation, expansion, or demolition.
3.00 Permit and approval programs:
- 3.01 Advertising Device Permit
- 3.02 Approval to Transport Radioactive Waste
- 3.03 Occupancy Permit
- 3.04 Permits for use of Canal System lands and waters.

4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
- (a) Highways and parkways
- (b) Bridges on the State 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

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

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

2. FEDERAL AGENCIES

A. 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.

B. FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).

4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).

6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).

4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.

2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

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

C. FEDERAL ASSISTANCE[1]

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

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

10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.422 Business and Industrial Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

15.400 Outdoor Recreation - Acquisition, Development and Planning

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

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

GENERAL SERVICES ADMINISTRATION
39.002 Disposal of Federal Surplus Real Property

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

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

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

FEDERAL AGENCIES

U.S. ARMY CORPS OF ENGINEERS

1. The dredging and stabilization of the shoreline and the demolition and reconstruction of the dock, boat ramp and piers at Waryas Park would require a U.S. Army Corps of Engineers permit.

This federal agency is involved in any action involving the Hudson River.

STATE AGENCIES

BRIDGE AUTHORITY

1 Because of the major impacts associated with a second Bridge crossing and the concerns the City has expressed regarding these plans, any construction project associated with a Bridge crossing or its approaches must be considered in light of the policies included in the LWRP.

EMPIRE STATE DEVELOPMENT CORPORATION

1. Any action or provision of funds for the development or promotion of tourism related activities.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Development, construction, renovation, or expansion of recreational facilities/projects.
2. Any improvements along the Fallkill Creek would require approval from the DEC since the Fallkill is a classified "C" stream; suitable for fishing and boating. There is also a SPDES Permit on file at the DEC (#005) for a combined stormwater sewer overflow outfall into the Fallkill near North Water Street.

OFFICE OF GENERAL SERVICES

1. Prior to any development occuring 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. Any actions regarding development of the DeLaval site would require consultation with OGS regarding the Letters Patent (See Task II, GSA 4.1). Such proposed development may require a release or an amendment to the Letters Patent.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

1. Provision of funding for the Greenway projects and planning, including the Hudson River Trail.

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

1. Provision of funding for Greenway projects and planning.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, construction, renovation, expansion or provision of funding for recreational facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Provision of funding for recreation services programs.
4. The proposed linkage of shoreline public parks should be designed and constructed with the cooperation and assistance of the Taconic Regional Office. This trail system would eventually link with other local trails to become part of a greenway system along the entire spans of the eastern side of the Hudson River throughout Dutchess County.
5. Prior approval of the Commissioner of OPRHP is required before leasing of the DeLaval property
6. Funding or partial funding for the repair and rehabilitation work at Waryas Park would be required through the Environmental Quality Bond Act administered by OPRHP.

DEPARTMENT OF STATE

1. Provision of funding for the implementation of an approved LWRP.

SECTION VII

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

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

During preparation of the LWRP, the following agencies were consulted:

Federal Consultations:

A draft of this document was reviewed by all appropriate federal agencies in 1994. No negative comments were received.

State Agency Consultations:

New York State Department of State
New York State Department of Environmental Conservation
New York State Bridge Authority
New York State Office of Parks, Recreation, and Historic Preservation
New York State Office of General Services
New York State Hudson River Valley Greenway Communities Council & Conservancy

Regional/Local Consultations:

City of Poughkeepsie Common Council
City of Poughkeepsie Building Department
City of Poughkeepsie Engineering Department
City of Poughkeepsie Planning Department
City of Poughkeepsie Police Department
City of Poughkeepsie Fire Department
City of Poughkeepsie Urban Renewal Agency
Town of Lloyd WAC
Dutchess County Planning Department
Hudson River Sloop Clearwater
Scenic Hudson, Inc.

SECTION VIII

OBTAINING LOCAL COMMITMENT

SECTION VIII: OBTAINING LOCAL COMMITMENT

An important aspect of developing a Local Waterfront Revitalization Program is ensuring the support and cooperation of all agencies that will be affected by the Program. The Department of State requires that these agencies be consulted during preparation of the plan and that such consideration be included in the program document.

During development of the Waterfront Program, the Waterfront Advisory Committee has sought the advice, comments and cooperation of a number of local, regional, state and federal agencies.

Local Commitment

The composition of the Waterfront Advisory Committee, with broad based representation from local governing agencies, non-profit organizations, and concerned citizens interested in the waterfront area, has insured that those agencies that may be affected by the implementation of the program were actively involved in its development.

The City of Poughkeepsie has been involved with the orderly development of its waterfront property since 1979. The City's Comprehensive Zoning and Land Use Ordinance adopted in 1979 recognized the potential of the City's waterfront by including special waterfront district regulations. Subsequently, under contract with New York State Department of State, the City Planning Department prepared a detailed inventory of the use of land within the State's designated coastal boundary and developed model regulations to facilitate appropriate new developments in this area. The zoning regulations were amended in 1980 to incorporate additional development restrictions in flood hazard areas.

In 1983, the City authorized its Planning Department to begin work on a complete Waterfront Revitalization Program. Included in this effort was the further identification of issues in waterfront management and their relationship to State policies. A public hearing was held in September, 1983. The hearing was attended by representatives of environmental, historic, resident and citizen groups. The public was informed of the developing Waterfront Revitalization Program and presented with an analysis of existing conditions and issues related to them. The attendees commented on priorities and the proposals which were presented.

In 1985, the City retained Matthew D. Rudikoff Associates, Inc. as consultants to work with the planning staff and the City to complete the Waterfront Revitalization Program. In order to assure local commitment the public was involved in the following ways:

1. A revised methodology and issue analysis incorporating comments from the previous public hearing was prepared.

2. The Hudson River Committee, appointed by the Common Council in 1976, was reactivated with representatives of the various groups previously identified. The Committee met on a regular basis to advise on the development of the LWRP, and in 1984 was reconstituted as a Waterfront Advisory Committee (WAC).

3. The WAC met with the Mayor, City Manager, and PURA representatives at appropriate intervals and with the Common Council during development of the draft issue analysis.

4. The WAC reviewed and advised on proposed uses, policies to be followed, and implementation techniques.

5. The WAC kept elected officials and interested groups informed on an on-going basis.

6. Local news media has been and will continue to be provided with background information on the LWRP to form the basis for news articles and editorials.

7. An informational public hearing was held on June 20, 1988 for public review of the draft LWRP-DEIS.

8. The New York State Environmental Quality Review Act (SEQRA) process on the LWRP document commenced on June 6, 1988 when the Common Council passed a resolution to circulate the Draft Environmental Impact Statement (DEIS).

9. On June 27, 1988, the Common Council declared itself lead agency and determined that the proposed action could result in a significant impact on the environment.

10. A letter dated September 20, 1993 from the Department of State was received identifying outstanding issues that require a resolution in order for the LWRP to be approved; and a response was sent by the WAC on May 31, 1994.

11. Predominantly new committee was appointed by the Mayor with 13 members on May 6, 1996 by memorandum to the Common Council.

12. New committee was sent in May of 1996 a copy of the latest draft waterfront revitalization plan dated June 1994.

13. New committee had first meeting in June of 1996 and has been rewriting an updating the plan since.

14. Corporation Counsel was sent on February 11, 1996 for review and comment a copy of all SEQRA documents necessary to complete the environmental review process under the New York State Environmental Quality Review Act.

15. Revisions to the Draft LWRP have been prepared and reviewed by the WAC based on comments by NYSDOS and changes warranted by intervening events since completion of the 1994 Draft LWRP. The final LWRP will be reviewed by the Common Council for adoption.

16. In September of 1997, the Common Council adopted a resolution to send the Draft Local

Waterfront Revitalization Plan (LWRP) to the NYS Department of State to solicit their comments.

17. In September 1997, the City sent the NYS Department of State the resolution and Draft LWRP for state and federal agency review. No comments were received back from the Department of State until April 7, 1998. Subsequently, the Waterfront Advisory Committee (WAC) met in May and July 1998 to review all comments received on the LWRP and DGEIS. Comments from twenty-two agencies were received: five from federal agencies, fifteen from state agencies, one from the Town of Lloyd, and one from the public (Scenic Hudson). Of these, nine entities provided comments in need of response.

18. May 1998, Notice of Completion of the FEIS was issued by the Common Council.

19. In November 1998, the WAC submitted to the Common Council recommended changes to the LWRP and recommended responses to comments.

20. March 1999, the Common Council adopted the FEIS on the LWRP.

21. April 18, 1999, the Common Council adopted the LWRP.

22. June 1999, Notice was received from NYS DEC of filing of final EIS in the SEQR Repository.

APPENDIX A

WESTERLY MUNICIPAL BOUNDARIES OF THE CITY OF POUGHKEEPSIE
MEMORANDUM FROM CITY OF POUGHKEEPSIE CORPORATION COUNSEL
JANUARY 22, 1988

WESTERLY MUNICIPAL BOUNDARIES OF THE CITY OF POUGHKEEPSIE

The westerly boundary of the City of Poughkeepsie is the middle of the Hudson River, based on Chapter 116 of the Laws of New York enacted in 1907 (that follows).

Chapter 116

AN ACT to amend chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act to amend the charter of the city of Poughkeepsie," relative to the power of said city to take and receive gifts, bequests and devises.

Became a law, April 3, 1907, with the approval of the Governor. Passed, three-fifths being present.
Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act to amend the charter of the city of Poughkeepsie," is hereby amended to read as follows:

§ 1. That portion of the territory of the state of New York, and county of Dutchess, now comprised in the city of Poughkeepsie, shall be a city known as the city of Poughkeepsie, and the citizens of this state from time to time inhabitants within said territory shall be a corporation by the name of the city of Poughkeepsie, and as such in that name may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey real or personal estate for the purposes of the corporation, and for municipal purposes of a benevolent, charitable, educational, patriotic, historical, monumental, or artistic nature, and may also accept and receive and take and hold as trustee, gifts, grants bequests and devises for like purposes, subject to the acceptance of the same by the common council, and shall also have the powers and privileges conferred by the statutes of this state upon cities of its class, as well as those conferred by this act. The boundaries of said city shall be as follows: Beginning at the mouth of a brook falling into the Hudson river on the north line of lands late of the estate of Henry A. Livingston, deceased, and adjoining lands of Alexander Fox; thence south eighty-seven degrees and thirty minutes east, as the magnetic needle now (eighteen hundred and fifty-three) points, one hundred and thirty chains to a stone set, marked C, in the lands late of William H. Worrall; thence again from the mouth of the brook aforesaid westerly to the middle of the Hudson river; thence northerly along the middle of the Hudson river to a point opposite the mouth of another small brook, or where the same joins the water of the Hudson river aforesaid, which last mentioned brook is commonly known by the name of Kidney's creek or kill, and divides the lands formerly owned by Robert L Livingston from the lands of Abraham Pells; thence east to the mouth of said brook; thence up the middle of the last mentioned brook, however it runs, to the west side of the post road leading to Albany, to a point thirty-five links southerly from the northeast corner of the lands owned by Edward Giruad*; thence south eighty-seven degrees thirty minutes east, parallel with the south line of said corporation as above named, ninety-two chains eight links to a stone set, marked C, in the lands of Thomas Sweet, westerly of the road leading to Union Corner in Hyde Park, said stone being the northeast corner of the corporation, and distant from the Hudson river in a direct line one hundred and thirty chains; thence south three degrees fifty-five minutes west, one

hundred and thirty-nine chains and sixty links (passing through the cooper shop late of Thomas R. Osborn on the north side of the Dutchess turnpike), to a stone set, marked C, as aforesaid, in the lands of William H. Worrall, the chaining on the above lines being surface measurement.

§ 2. Section twenty-nine of said chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six is hereby amended by adding at the end thereof a new subdivision of said section, to be numbered twelve, to read as follows:

12. To accept on behalf of the city of Poughkeepsie any gift, grant, bequest or device, either absolutely or in trust; and said acceptance shall be evidenced by the affirmative action of a majority of a quorum of the common council at any regular meeting, to be approved of by the mayor, or should the mayor disapprove, by the affirmative action of two-thirds of all the aldermen elected, as provided by section twenty-two of this act.

§ 3. This act shall take effect immediately.

*So in original.

APPENDIX B

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

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. Map 10 shows the location of the Esopus/Lloyd SASS.

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.

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.

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. 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.

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 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 examined in detail in "Scenic Areas of Statewide Significance" (Department of State, July 1993).

The City of Poughkeepsie waterfront is included in two subunits of the Esopus/Lloyd SASS. These are the Highland Bluffs and Blue Point subunits. These are illustrated on Esopus/Lloyd SASS map sheets, numbers 3 and 4,. In both cases only the area of the City waterfront below the high water park is included in the SASS. The scenic quality of the subunits is outlined below:

EL-5 Highland Bluffs Subunit

I. Location

The Highland Bluffs subunit is located along the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. It extends from the Penn

benchmark to its southern boundary at the South Base benchmark. The subunit is approximately 1.5 miles long and 1 mile wide. The subunit is located in the Town of Lloyd, Ulster County and the Town and City of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheets, numbers 3 and 4, for subunit boundaries.

II. Scenic Components

A. Physical Character

The Highland Bluffs subunit consists of steep wooded bluffs that rise 150 feet above the Hudson River. A few rock cliffs and the rock cuts for the railroad tracks accentuate the steepness. The shoreline is accented by the thin hard line of the railroad tracks. The subunit includes a small section of rolling upland above the bluffs in the vicinity of the Poughkeepsie Railroad Bridge as well as the access road to the Mid-Hudson Road Bridge, which approaches the bridge through a rock cutting. Vegetation consists of dense woodland, disturbed by clearing for residential lots. The Hudson River is approximately 2,000 feet wide along the subunit; and it's shoreline is straight, broken only by the mouth of the Twaalfskill Creek, which emerges from a steep but narrow valley.

B. Cultural Character

Land use is a mix of scattered residential development and a cluster of industrial and commercial uses at Highland Landing.

In 1754 Anthony Yelverton crossed the Hudson River 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). Yelverton capitalized on river trade and transportation and harnessed water power. His house still stands and is the oldest frame house in Ulster County, embodying the distinctive form and proportions of 18th century vernacular.

The Yelverton House is located on Maple Avenue, situated on a hillside a few hundred feet from the Hudson River. It is a one and a half story three bay frame structure constructed into the hillside, with a shallow horizontal orientation typical of settlement era houses in this part of the Hudson Valley. It's 18th century fabric is largely disguised by a series of 19th and 20th century improvements. These include elements from the Federal and Victorian periods and provide a unique insight into the evolution of the vernacular house over time and the local interpretation of new architectural styles. Despite the additions and alteration, the original frame of the structure is still intact, and it retains important characteristics of its type, form and period of construction.

The Yelverton House is significant as the oldest surviving remnant of this part of the hamlet of Highland, which was known as "Yelverton's Landing" and developed into an important Hudson River landing. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area then took the name of Eltings Landing and became 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 became known as New Paltz Landing. The area was called Highland Landing following formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth being accompanied by industrial development. Warehouses, lumber and farm produce storage, 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.

The development of the West Shore Railroad reduced river traffic and promoted inland development. The railroad's impact meant that the character of the waterfront changed. 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. Over the years the growing industrial economy of inland villages was also detrimental to the competitiveness of the landing. The decline of Highland Landing was completed in 1882 when fire destroyed much of the waterfront and was further sealed with the opening of the Mid-Hudson Bridge which saw the ferry close and the landing removed from transportation routes. During his Presidency, Franklin D. Roosevelt customarily used the Highland Railroad Station when traveling between Hyde Park and Washington.

Today only a few older buildings remain of the once active 18th and 19th century commercial waterfront. Now large oil and gas tanks are clustered along the shoreline at Highland Landing. There are also a marina and restaurant on the waterfront, and small residential yards carved out of the woods disrupt the continuity of the wooded bluffs. Though generally well-maintained, the industrial shoreline development, scattered exurban residential development and marinas create considerable visual clutter.

The Poughkeepsie Railroad Bridge, built in 1888, is an important historic feature on the landscape but is a visually ponderous and rigid structure. Work on the bridge was completed in 1889. The length of the bridge is 12,608 feet with a main span of 2,260 feet. The track is 212 feet above the Hudson River. The bridge has not been in use since the first of two fires in 1974 and is currently unsafe due to lack of maintenance and fire damage. It is a landmark of American civil engineering and is listed on the National Register. The bridge is presently under consideration for adaptation as a pedestrian promenade.

The Mid-Hudson Bridge is a dominating built structure within the subunit. It was opened to the public in 1930. The suspension bridge has an overall length of 3000 feet, with a main span of 1500 feet. It carries two vehicle lanes and two pedestrian walkways. The bridge was designed by Ralph Modjeski.

Discordant features include recent suburban residential development within the historic landscape, the billboards on the approach road to the Mid-Hudson Bridge, the Highland Wastewater Treatment Plant,

tank farms and residential development along the shoreline of the Hudson River to the south of the Mid-Hudson Bridge and intrusions into views from the subunit, namely a tank farm and recent residential development on the east bank.

C. Views

The subunit offers full unobstructed views of the Hudson River, although the length of the views up and down the River is constrained by the presence of the Poughkeepsie Railroad Bridge and the Mid-Hudson Bridge. The composition of views both from the shorelands and the Hudson River is linear, influenced by the straightness of the shoreline, the presence of the railroad tracks and the dominance within the views of the two bridges. Views from the pedestrian walkway on the Mid-Hudson Bridge to the north extend to Crum Elbow and are framed by the Poughkeepsie Railroad Bridge. The composition of views lacks foreground and middleground components. The City and Town of Poughkeepsie are visible across the river. This urban skyline, along with the bridges, provides focal points and provides the backdrop to Hudson River views.

III. Uniqueness

The Highland Bluffs subunit is not unique. However, the presence of the Poughkeepsie Railroad Bridge and the Mid-Hudson Bridge, significant transportation structures in the Hudson Valley, set it apart from other reaches of the Hudson.

IV. Public Accessibility

The Highland Bluffs subunit is accessible via the Hudson River and local roads running through the subunit which provide visual access to the interior. Views of the shoreline, the Hudson River and the opposite shore are available from Highland Landing and the river. There are also some trails along the bluffs which are used by local residents, although they are located on private property and are not officially open to the public. The Johnson Iorio Memorial Park is located at the end of Haviland Road, adjacent to the western edge of the Mid-Hudson Bridge, and is set into the bluffs above the Hudson River. The park has no access to the River and only limited views due to vegetation, although views of the Mid- Hudson Bridge are spectacular. The subunit is visible as the middleground in views from the Hudson River, the passenger trains that run on the east bank of the Hudson River and from the City of Poughkeepsie, which has extensive park areas and public land along the River. It is also visible in views to the west and northwest from the pedestrian walkway on the Mid- Hudson Bridge, a designated Scenic Road.

V. Public Recognition

The steep bluffs of the Highland Bluffs subunit are well known locally and are recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid- Hudson Bridge. The Mid-Hudson Bridge is a designated Scenic Road under Article 49 of the Environmental

Conservation Law. The Poughkeepsie Railroad Bridge and the Anthony Yelverton House are listed on the State and National Registers of Historic Places, receiving public recognition for their architectural and historic significance.

VI. Reason for Inclusion

The Highland Bluffs subunit has moderate scenic quality. The graceful Mid-Hudson Bridge is an important feature in the Hudson Valley and contributes to the scenic value of the subunit. It provides a dramatic contrast to the wooded bluffs that surround it. Although the subunit has limited variety, unity, and contrast of scenic components and the presence of discordant features along the waterfront at Highland Landing, it forms an integral part of the bluffs that unify the Esopus/Lloyd SASS from Port Ewen to Milton. It is bounded to the north and south by the Lloyd Bluffs and Blue Point subunits, which are distinctive.

EL-6 Blue Point Subunit

I. Location

The Blue Point subunit is located on the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. The western boundary follows the viewshed of the Hudson River south from the Mid-Hudson Bridge access road to the telephone lines, follows the telephone lines to their 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 Church Road in the hamlet of Milton. The subunit extends approximately two miles along the Hudson River and is approximately one mile wide. It is located in the Towns of Lloyd and Marlborough, Ulster County and the City and Town of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 4 for subunit boundaries.

II. Scenic Components

A. Physical Character

The subunit is comprised of tall, dramatic, curving wooded bluffs and gently rolling uplands. The bluffs rise to heights of 200 to 300 feet, and the hills reach an elevation of 350 feet in some areas. Vegetation consists primarily of dense woodland on the steep bluffs and a mix of woodland and cultivated fields, vineyards and orchards on the rolling uplands. The shoreline configuration of the Hudson River is a gentle curve that enhances the bluffs. The hard line of the railroad tracks at the River's edge accentuate the graceful curve of the shoreline. The Hudson River is about 1,800 feet wide in this area and is a very prominent feature in the subunit.

B. Cultural Character

Land use in the area is a mix of historic agriculture, recent suburban residential development and woodland. The subunit consists of an important historic cultivated rural landscape once widespread in the Mid-Hudson region. Several elegant mansions, estates and large farm complexes line the Hudson River and the rolling uplands beyond the bluffs. The surviving mix of vineyards and orchards, originally inspired by landscape architect Andrew Jackson Downing, covers the rolling upland and extends down to the Hudson River in the southern portions of the subunit. The farmland is generally well maintained, although the fields of vines off Blue Point Road around Oakes are currently overgrown and untended. The vineyard complex at Oakes is that of the famous Hudson Valley Winery, now known as the Regent Champagne Center. This 410 acre estate has developed since 1907 and features a complex of Italianate buildings. The urban structures of the City and Town of Poughkeepsie provide an element of discordance to the subunit, but do not impair the overall scenic quality of the subunit.

C. Views

The subunit provides broad, full views of the Hudson River enhanced by the open vineyard landscape. There are long views downriver from the bluffs, but the Mid-Hudson Bridge and the Poughkeepsie Railroad Bridge block views up the river corridor. The composition of views in the subunit includes a rich foreground of rolling cultivated land, set against the urban background of the Poughkeepsie skyline. The high bluffs are important in views from the Hudson River corridor, the urban character of which stands in stark contrast to the rural nature of the subunit and is a negative element in views from the subunit, particularly from the Hudson River. The Mid-Hudson Bridge provides a positive focal point.

III. Uniqueness

The Blue Point subunit is a unique historic landscape comprised of cultivated farms and vineyards which constitutes a unique remnant of 19th century land use in the Mid-Hudson region.

IV. Public Accessibility:

The Blue Point subunit is accessible via local roads in the subunit and the Hudson River and is visible from the passenger trains that run on the east bank of the Hudson River, the Mid- Hudson Bridge and the City and Town of Poughkeepsie. The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The vineyard's 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 bluffs form a backdrop in views of the Hudson River from the City and Town of Poughkeepsie, and Blue Point is particularly prominent in the views from the city's waterfront parks, Poughkeepsie

Rural Cemetery and Locust Grove, an historic site listed on the National Register and open to the public.

V. Public Recognition

The subunit is well-known in the region. The vineyards and their associated wineries are promoted as tourist attractions. The scenic qualities of the Regent Champagne Cellar has been identified in the State's recent Open Space Plan.

VI. Reason for Inclusion

The Blue Point subunit has a high variety of positive scenic components including historic estates, vineyards and orchards which are unified by the landform. The contrast between the wooded bluffs and the open cultivated landscape of vineyards and orchards is marked and dominates the subunit. The historic landscape of the Blue Point Subunit is comprised of cultivated farms and vineyards and is a unique remnant of 19th century land use in the Mid- Hudson region. The subunit is generally free of discordant features and is accessible to the public via the Hudson River and local roads. It figures prominently in views from the Mid- Hudson Bridge, a designated Scenic Road under Article 42 of the Environmental Conservation Law. The subunit is also recognized as the backdrop of views to the west from the City of Poughkeepsie and its parks.

APPENDIX C

POUGHKEEPSIE DEEPWATER HABITAT

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Poughkeepsie Deepwater Habitat**

Designated: **November 15, 1987**

County(ies): **Dutchess; Ulster**

Town(s): **Hyde Park, Poughkeepsie, Wappinger; Esopus, Lloyd, Marlboro**

7½' Quadrangle(s): **Hyde Park, NY; Poughkeepsie, NY; Wappingers Falls, NY**

Score	Criterion
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) No significant fish or wildlife related human use of the area.
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) X 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: POUGHKEEPSIE DEEPWATER HABITAT
(See Appendix F Map 6)

HABITAT DESCRIPTION:

The Poughkeepsie Deepwater Habitat encompasses a fourteen mile stretch of the Hudson River extending from the Villages of West Park in Ulster County and Hyde Park in Dutchess County south to the hamlet of Marlboro in Ulster County. Towns with jurisdiction included in the area are Hyde Park, Poughkeepsie, and Wappinger, Dutchess County; and Esopus, Lloyd and Marlborough, Ulster County (7.5' Quadrangle: Hyde Park, N.Y., Poughkeepsie, N.Y., and Wappingers Falls, N.Y.). The important fish and wildlife habitat is a nearly continuous river bottom trench, from 30 feet deep to the bottom. Most of this area has water depths of 50 feet or greater including a small area in the "Crum Elbow" section of the river which exceeds 125 feet in depth.

FISH AND WILDLIFE HABITAT:

Deepwater estuary areas such as the Poughkeepsie Deepwater Habitat are rare in the eastern United States. 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 an unusual diversity of marine species in the Hudson River. Shortnose sturgeon also use this area as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this region at depths of 45 feet to 120 feet. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area, including bay anchovies, silversides, bluefish, weakfish, and hogchokers.

The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. However, commercial or recreational uses of fish and wildlife in this area are not known to be significant.

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 appplying 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, would result in significant impairment of the habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents, and agricultural runoff.

Major reduction in overall depths along this deepwater trench would also have adverse effects on the endangered shortnose sturgeon utilizing the area. Of particular concern is a past practice of using portions of the deepwater trench as a dredge spoil dumping site. Activities such as this must be controlled to avoid interference with use of the area by shortnose sturgeon. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

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APPENDIX D

PROPOSED LOCAL LAWS

WATERFRONT DISTRICT HEIGHTS

AMENDMENT TO THE ZONING ORDINANCE
CITY OF POUGHKEEPSIE

SECTION 1: Section 19-3.34(4) of the Ordinances of the City of Poughkeepsie be amended to add a new Subsection (f) as follows:

> "Subsection (f). Maximum height of structures exclusive of rooftop mechanicals and ornamentation: (I) for structures on the west side of North Water Street between Main Street and the Fallkill Creek: 40 feet, except as provided in Subsection (iii) below; (ii) elsewhere in the Waterfront District: 60 feet, except as provided in Subsection (iii) below; (iii) where structures of maximum height will adversely affect views from the following locations: public parks, the Poughkeepsie Railroad Station, Kaal Rock, the Mid-Hudson Bridge, Vassar Brothers Hospital, DeLaval, the steps of Our Lady of Mt. Carmel Church, such structures must be reduced to a height that will not impact said views except that, in no instance, shall buildings be required to be reduced to less than 35 feet in height inclusive of rooftop mechanicals and ornamentation."

SECTION 2: This Ordinance shall take effect immediately.

CITY OF POUGHKEEPSIE WATERFRONT CONSISTENCY REVIEW LAW.

Local Law No. 10 of the year 1999

A local law to implement and provide procedures for Consistency Review for the City of Poughkeepsie Local Waterfront Revitalization Program.

Be it enacted by the Common Council of the City of Poughkeepsie as follows:

GENERAL PROVISIONS

I. Title

This local law will be known as the City of Poughkeepsie 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. This local law is intended to provide a framework for agencies of the City of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.

C. It is the intention of the City of Poughkeepsie that the preservation, enhancement, and utilization of the natural and manmade resources and water dependent uses of the City's unique coastal area take place in a coordinated and comprehensive manner to accommodate population growth and economic development and to ensure a proper balance between natural resources. Accordingly, it is the purpose of this local law to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

D. The substantive provisions of this local law shall only apply while there is in existence a City Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Applicability

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this Local Law, to the extent applicable, prior to carrying out, approving or funding any action.

IV. Definitions

A. "Actions" means either Type I or unlisted actions as defined in the S.E.Q.R.A. regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include:

1. projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

   (a) are directly undertaken by an agency; or
   (b) involve funding by an agency; or
   (c) require one or more new or modified approvals from an agency or agencies;

2. agency planning and policy making activities that may affect the environment and commit the agency to a course of future decisions

3. adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and

4. any combinations of the above.

B. "Agency" means any board, agency, department, office, other body, or officer of the City of Poughkeepsie.

C. "Coastal Assessment Form (CAF)" means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

D. "Consistent" means that the action will be in compliance to the maximum extent practicable with the City of Poughkeepsie's LWRP policies.

E. "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.

F. "Local Waterfront 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 City of Poughkeepsie, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the City of Poughkeepsie Local Waterfront Revitalization Program.

G. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the City of Poughkeepsie, as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Poughkeepsie.

H. "Waterfront Advisory Committee" means the Waterfront Advisory Committee of the City of Poughkeepsie, as created pursuant to this Local Law. The Committee may review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policies.

V. Waterfront Advisory Committee

A. A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Poughkeepsie" (hereafter "Committee). The Committee is charged with the functions, powers and duties set forth in this Local Law.

B. The Committee shall consist of fifteen (15) members who are City of Poughkeepsie residents and/or representatives of organizations that are based in the City and who have a longstanding interest in the waterfront either by virtue of their residence within the City or their participation in activities affecting the waterfront. However, only City of Poughkeepsie residents shall be voting members of the Committee. Five (5) committee members shall be appointed by a majority vote of the Common Council, and of the five, at least one shall be a staff member of Scenic Hudson, Hudson River Sloop Clearwater or a similar environmental organization based in the City. The Mayor shall appoint the ten (10) other committee members. Committee members shall serve for terms of three years with the exception of the original appointed members of the Committee who shall serve as follows:

1. Five (5) members appointed by the Council shall hold office for a term of two years.

2. Five (5) members appointed by the Mayor shall hold office for a term of three years.

3. Five (5) members appointed by the Mayor shall hold office for a term of one year.

Vacancies shall be filled by the Mayor for Mayoral appointees and Common Council for Council appointees by appointment for the unexpired term. Members may be removed by the Mayor for Mayoral appointees and by the Common Council for Council appointees, for cause.

C. Members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budget limitations established by the City.

D. The Common Council shall annually appoint one (1) Committee member to serve as Chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a Chairperson.

E. The Committee may employ such persons as may be needed as authorized by the resolution of the Common Council and pursuant to law. This Committee shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Common Council.

F. The Committee will make its own rules of procedure subject to applicable law.

VI. Functions, powers and duties of the Committee

A. The Committee shall be responsible for overall management and coordination of the LWRP and will fully participate with and advise and assist other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program. In pursuance of this task the Committee will:

1. Advise the Mayor and Common Council on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.

2. As described in Section VII of this law, review direct actions of the City and funding and permitting actions including applications for site plans, zone changes, subdivisions, and public works projects in the Local Waterfront Area as are referred to it and advise the appropriate agency as to their consistency with the LWRP.

3. Subject to approval by Common Council resolution, make applications for funding from State, Federal, or other sources to finance projects under the LWRP.

4. Maintain liaison with related City bodies, including but not limited to the Planning Board and Zoning Board of Appeals, and with other non-governmental bodies, in order to further the implementation of the LWRP.

5. Upon the request of the Mayor and/or Common Council, evaluate in timely fashion proposed actions of State agencies within the Local Waterfront Area in order to assure consistency of such actions with the LWRP, advise Mayor and Common Council of any conflicts, and participate in discussion to resolve such conflicts.

6. Assist the Mayor and Common Council in the review of proposed federal actions referred by the Department of State and provide an opinion concerning the consistency of the action.

7. Prepare an annual report on progress achieved and problems encountered during the year, and recommend such actions as the Committee considers necessary for the further implementation of the LWRP to the appropriate body.

8. Perform other functions regarding the Local Waterfront Area as are necessary and as the Mayor and/or Common Council] may assign to it from time to time.

VII. Review of Actions

A. Whenever a proposed action is located in the Local Waterfront Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policies set forth in Paragraph G herein. No action in the Local Waterfront Area shall be approved, funded or undertaken without such a determination.

B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Local Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.

C. Prior to making its determination of environmental significance under SEQR, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CAF, Environmental Assessment Form (EAF) and all other relevant information to the Committee within ten (10) days of its receipt.

D. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policies set forth in Paragraph G herein to the maximum extent practicable. The Committee shall require the applicant to submit all completed applications, CAFs, EAFs and any other information deemed to be necessary to its consistency recommendations.

E. The Committee shall render its written recommendation to the agency within thirty (30) days following referral of the required information from the agency, unless extended by mutual agreement of the Committee and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent; consistent, with recommended modifications; or inconsistent with the LWRP policies. The

recommendation shall elaborate in writing the basis for its opinion and state the manner and extent to which any inconsistency affects the LWRP policies.

The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policies or to greater advance them.

Failure by the Committee to make a recommendation upon a referral within the thirty (30) day time period or any agreed to extension shall not preclude the agency from making its consistency determination for the action.

F. The agency shall make the determination of consistency based on the CAF, the EAF, the recommendation of the Committee and such other information as is deemed to be necessary in its determination. Where it is determined that the action may have a significant effect upon the environment, the Draft Environmental Impact Statement (DEIS) and the Environmental Impact Statement (EIS) each must contain a discussion of the effects of the action on and its consistency with the LWRP policies identified as applicable.

Where it is determined that the action will not have a significant effect upon the environment, the agency shall nonetheless make a written determination of consistency within fourteen days of receipt of the Committee's recommendation, or, if none is received, within thirty days.

If the Committee's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must provide a written account describing why its determination disagrees with the recommendation.

The agency shall issue its determination within thirty (30) days following receipt of the Committee's recommendation and submission by the applicant of any additional required information. No determination shall be made before the end of the time period permitted the Committee for recommendations unless the Committee recommendation is received prior to the expiration of the permitted time period. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Local Law.

G. Actions to be undertaken within the Local Waterfront Area shall be evaluated for consistency in accordance with the following LWRP policies, which are derived from and further explained and described in Section III of the City of Poughkeepsie LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

1. Restore, revitalize and redevelop deteriorated and underutilized waterfront

areas for commercial, cultural, recreational and other compatible uses (Policy 1).

2. Develop City-owned waterfront properties, including Northern Waryas, the DeLaval property, and the former Sewage Treatment Plant for mixed uses including recreational, cultural, tourism, residential and compatible commercial use (Policy 1A).

3. Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters. (Policies 2 and 2A).

4. Strengthen the economic base of small harbor areas by encouraging uses and activities which develop and enhance traditional uses and activities which have provided such areas with their unique maritime identity (Policy 4).

5. Encourage the location of development in areas where public services and facilities essential to such development are adequate (Policy 5).

6. Evaluate proposed development within the waterfront area for traffic impact, particularly along North Water Street and Pine Street and evaluate the possibility of expanding carrying capacity of these roadways, if necessary (Policy 5A).

7. Improve vehicular access to the industrial areas in the northerly and southerly portions of the City's waterfront to enable vehicles to gain access to private industries directly from Route 9 (Policy 5B).

8. Encourage greater utilization of mass transit and evaluate proposed development relative to its need for access to mass transit (Policy 5C).

9. Evaluate proposed waterfront development for its potential to complement downtown Poughkeepsie development, particularly the Main Mall (Policy 5D).

10. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations (Policy 6).

11. Protect, preserve and restore significant coastal fish and wildlife resources including, but not limited to, the Poughkeepsie Deepwater Habitat (Policies 7, 7A, 8, 40).

12. Perform a risk assessment for any proposed expansion of existing waterfront industries in order to protect, preserve and restore the Poughkeepsie Deepwater Habitat (policy 7B).

13. Avoid the introduction of hazardous materials in or near the waterfront area and the Poughkeepsie Deepwater Habitat by, among other measures,

prohibiting the introduction of new industries or technologies which would increase the presence of hazardous materials and by encouraging existing industries to utilize the most current methods of containment (Policies 8A, 8B).

14. Expand the recreational use of fish and wildlife resources by expanding access to these resources, and develop commercial fishing opportunities (Policies 9 and 10).

15. Minimize flooding and erosion hazards through non-structural means; carefully-selected, long-term structural measures; and appropriate siting of structures (Policies 11, 13, 13A, 14, 15, 17, 17A and 17B).

16. Protect the Fallkill Creek from encroachment and preserve a linear open space along the length of the Creek for purposes of flood protection, aesthetics, and recreation (Policy 11A).

17. Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).

18. Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken especially with respect to new or expanded bridges or roads (Policies 18, 18A and 18B).

19. Maintain and improve public access to the shoreline and water-related recreational resources and facilities while protecting the environment (Policies 1, 1A, 2, 2A, 9, 19, 19A, 20 and 34B).

20. Encourage the use of public transportation to link Waryas Park and the DeLaval to each other and to the Central Business District (Policy 19B).

21. Increase access to the Mid-Hudson Bridge walkways (Policy 19C)

22. Encourage tour boats which bring large groups of people to the Poughkeepsie waterfront (Policy 19D).

23. Encourage, facilitate and prioritize water dependent and water enhanced recreational resources and facilities near coastal waters (Policy 21).

24. Encourage boating facilities and activity provided it does not interfere with other recreational opportunities (Policy 21A).

25. Encourage the development of water related recreational resources and facilities, as multiple uses, in appropriate locations along the shoreline (Policy 22).

26. Recreational activities must be part of any use of the DeLaval property, the former Sewage Treatment Plant and Northern Waryas (Policy 22A).

27. Protect, enhance and restore historic architectural cultural and archeological resources (Policies 24, 24A, 25, 25A and 25B).

28. Protect, restore and enhance scenic areas of statewide and local significance, and viewsheds (Policies 24, 24A, 25, 25A and 25B).

29. Assure that any new bridge crossing visible from the City's waterfront reflects the quality and motif of the Mid-Hudson Bridge (Policy 25C).

30. Site, construct or expand energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 27A and 40).

31. Prevent ice management practices which would damage significant fish and wildlife and their habitat (Policy 28).

32. Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 34A, 35, 36, 37, 38 and 40).

33. Provide and maintain public access along the waterfront at new marina sites; prohibit on-shore storage of boats on publicly owned waterfront lands; encourage marine toilet pump out facilities that are hooked into the City's sewage system (Policy 34B).

34. Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15, 35 and 35A).

35. Ensure that any transportation, handling or disposal of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment (Policies 34, 34A, 36, 39 and 40).

36. Protect the quality and quantity of surface and groundwater supplies (Policies 38 and 38A).

37. Protect air quality (Policies 41, 42 and 43).

H. If the agency determines that the action would cause a substantial hinderance to the achievement of the LWRP policies, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policies;

2. The action taken will minimize all adverse effects on such policies to the maximum extent practicable;

3. The action will advance one or more of the other LWRP policies; and

4. The action will result in an overriding City, regional or statewide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policies.

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

VIII. Severability and Law to Govern

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

B. Where there is a conflict or discrepancy in the application or effect of the provisions of this law with any other law, ordinance, rule or regulation of the City, the provisions of this law shall govern.

IX. Enforcement

The City Zoning Administrator shall be responsible for enforcing this law. No work or activity on a project in the Local Waterfront Area which is subject to review under this Chapter shall be commenced or undertaken until the Zoning Administrator has been presented with a written determination from an agency that the action is consistent with the City's LWRP policies. In the event that an activity is not being performed in accordance with this law or any conditions imposed thereunder, the Zoning Administrator 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.

X. Violations

A. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Law shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

B. The City 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.

XI. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

PROCEDURAL GUIDLEINES 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, DOX 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 commends 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 actin 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 acknowledgment 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 DOS' letter of acknowledgment 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.

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

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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 recom-mendations 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.

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 Revitaliza-tion 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 environ-mental 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 govern-ment 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 consi-deration 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 repre-sentatives 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.

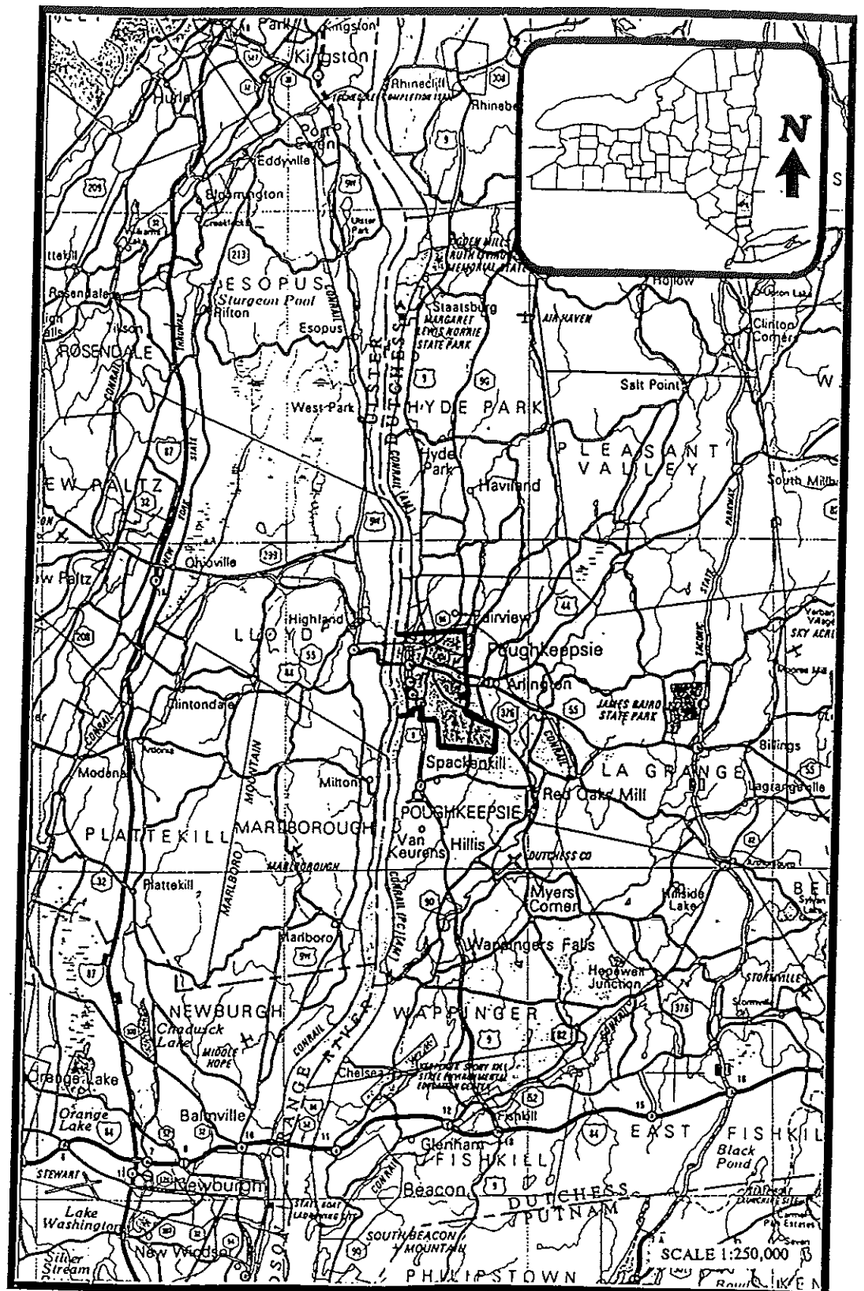
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and 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.

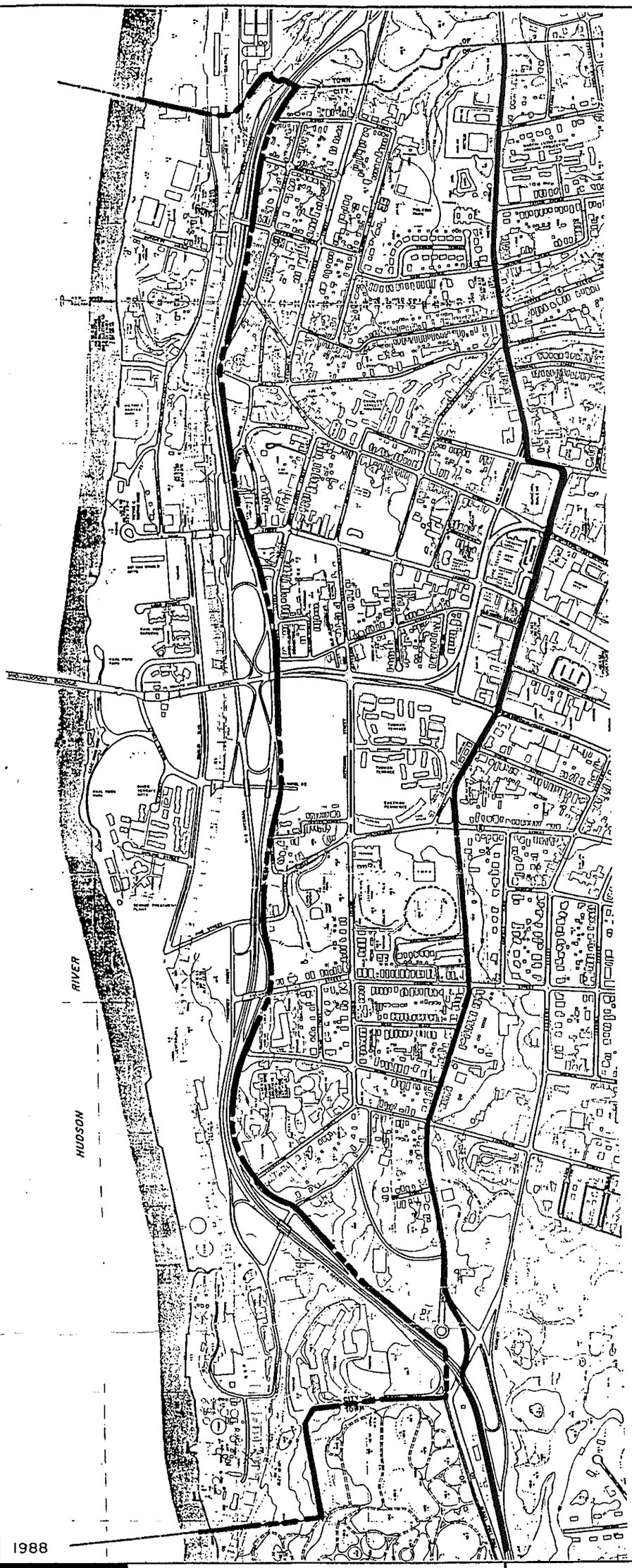
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

APPENDIX F

MAPS



Map No. 1 CITY OF POUGHKEEPSIE - REGIONAL SETTING



Legend

State Boundary

Proposed Boundary

Western Boundary is Centerline of Hudson River

400 0 400 800

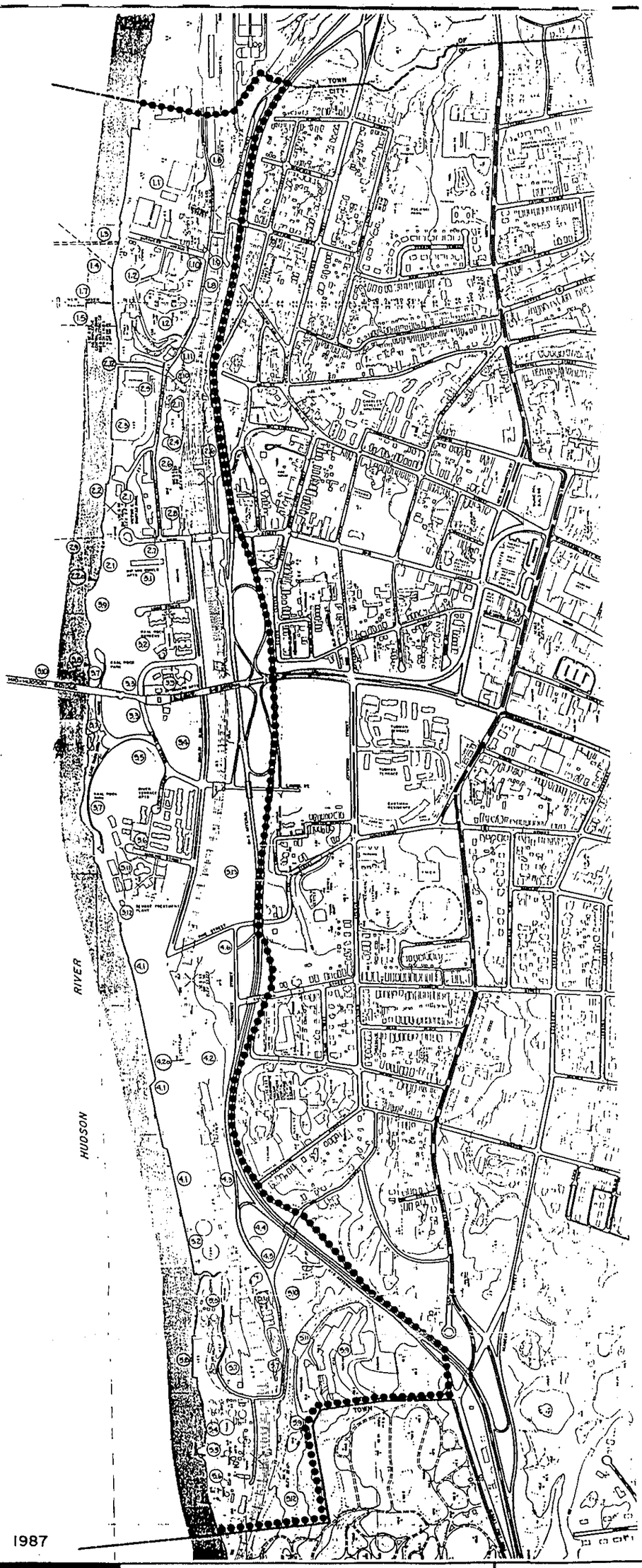
RUDIKOFF & ROHDE, INC.

Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

COASTAL ZONE BOUNDARY

Map No. 2



GSA #1

1.1 A.C. Dutton Lumber
1.2 Central Hudson Gas and Electric Corp.
1.3 Central Hudson Gas Lines (560 psi)
1.4 Central Hudson Gas Line (60 psi)
1.5 Central Hudson Electric Cable
1.6 Mechanical Construction Corp.
1.7 Poughkeepsie Railroad Bridge
1.8 Metropolitan Transit Authority
1.9 Creative Countertops
1.10 Vacant Brick Buildings
1.11 Hoffman House

GSA #2

2.1 Waryas Park
2.2 Waryas Park Dock and Boat Ramp
2.2a Waryas Park
2.3 City of Poughkeepsie - Northern Waryas Park
2.4 City of Poughkeepsie - Vacant
2.5 Berncolors - Poughkeepsie, Inc.
2.6 Poughkeepsie Railroad Station
2.7 River Station Restaurant
2.8 J.D. Johnson Bldg.
2.9 Nynex Telephone Cable
2.10 Warehouse (Innis Dye Works)
2.11 Residences
2.12 Fallkill Creek

GSA #3

3.1 Rip Van Winkle Apartments
3.2 Kaal Rock Gardens
3.3 Riverview Condominiums
3.4 Colonial Park Townhouses
3.5 Hudson Heights Condominiums
3.6 River Terrace Apartments and Condominiums
3.7 Kaal Rock Park
3.8 (omitted)
3.9 Kaal Rock - PURA
3.10 Mid-Hudson Bridge
3.11 City of Poughkeepsie - Former Sewage Treatment Plant
3.12 Pine Street Pump Station
3.13 PURA Vacant Property

GSA #4

4.1 City of Poughkeepsie - DeLaval Site
4.2 Broadway Assoc. - Vacant
4.2a Abandoned Underpass
4.3 City of Poughkeepsie - Vacant
4.4 Pasquale Ferrante - Vacant
4.5 Poughkeepsie Cablevision - Antenna/TV Satellite Dish
4.6 Pine Street Medical

GSA #5

5.1 Mid-Hudson Oil Co. - Unused Workyard and Buildings
5.2 Petroleum Storage and Distribution - Norfe Realth Co.
5.3 Petroleum - James Effron
5.4 Petroleum - Mid-Hudson Oil Co.
5.5 Petroleum - Donner Oil Co.
5.6 Murphy Tire, Inc.
5.7 Dutchess Docks, Inc.
5.8 Dutchess Docks, Inc.
5.9 Central Hudson Gas and Electric Corp.
5.10 Central Hudson Gas and Electric Corp. - Vacant
5.11 Conrail Corp. Railroad Spur.
5.12 Poughkeepsie Rural Cemetery

Legend

State Boundary — —
Proposed Boundary ●●●●●●

400 0 400 800

City of Poughkeepsie Base Map Dated March 1977

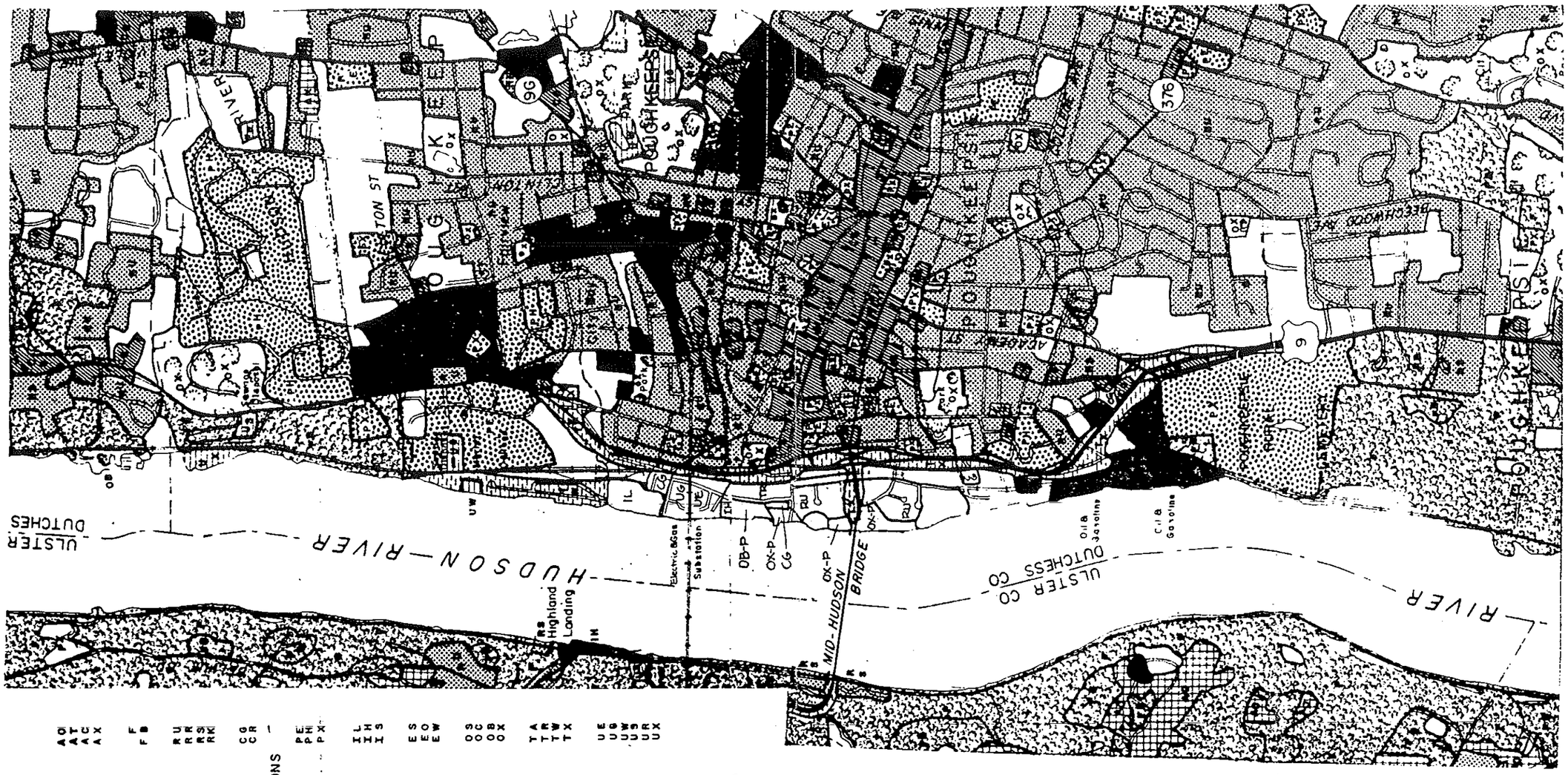
RUDIKOFF & ROHDE, INC.

Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

INVENTORY AND ANALYSIS KEY

Map No. 3



Legend

AGRICULTURE
- AO Orchards & Vineyards
- AT High Intensity Cropland
- AC Other Cropland
- AX Other Agriculture

FOREST
- F Forest Land
- FB Forest Brushland

RESIDENTIAL
- RU Urban
- RR Hamlet
- RS Rural
- RK Shoreline Development

COMMERCIAL
- CG General Commercial
- CR Resorts

PUBLIC & SEMI - PUBLIC INSTITUTIONS & FACILITIES
- PE Educational
- PH Medical & Health
- PX Other

INDUSTRIAL
- IL Light
- IH Heavy
- IS Oil & Gas Storage

EXTRACTIVE
- ES Shaft Mining
- EO Open Pit, Quarries
- EW Oil, Gas, Sulphur & Other Wells

RECREATION *
- OS Beaches & Pools
- OC Camping Areas
- OB Marinas & Boat Launching Sites
- OX Other Recreational Uses

TRANSPORTATION
- TA Airports & Related Facilities
- TR Railway Facilities
- TW Water Transport Facilities
- TX Other Transportation Facilities

UTILITIES & COMMUNICATIONS
- UE Electric Generation & Transmission
- UG Gas & Oil Transmission
- UW Water Treatment & Transmission
- US Sewage Treatment
- UR Solid Waste
- UX Other Facilities

VACANT

COASTAL AREA BOUNDARY

* Ownership State (S), Other Public (P), Private (V) eg OS-p

Map Prepared by New York State Coastal Management Program 10/78

Waterfront Area Revisions, City of Poughkeepsie, 5/87

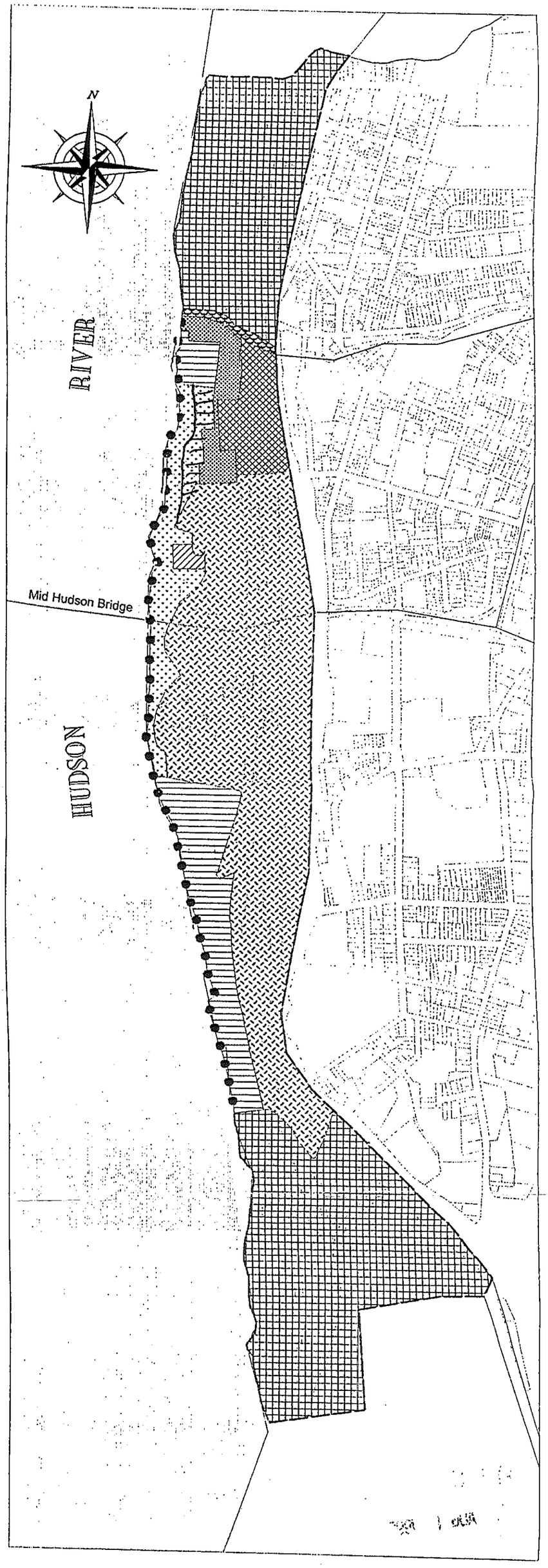
RUDIKOFF & ROHDE, INC.	Local Waterfront Revitalization Program CITY OF POUGHKEEPSIE	DATE: 5-18-87	MAP NO. 4
	EXISTING LAND & WATER USES	SCALE: 1":2000'	

1358

ity of Poughkeepsie

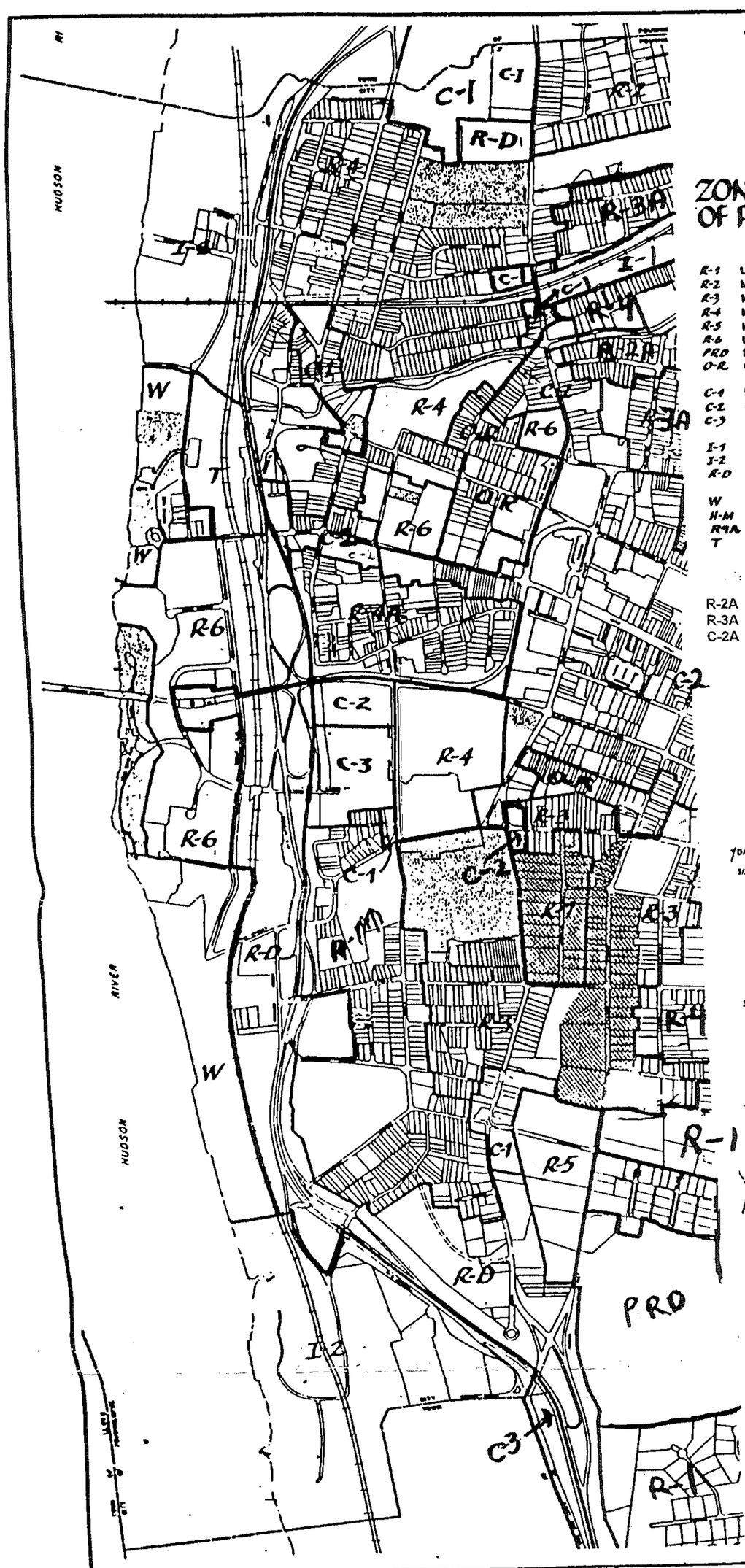
Local Waterfront Revitalization Program

- Commercial/Mixed Use
- Industrial
- Parks & Water Recreation
- Redevelopment or Open Space
- Redevelopment/Recreation
- Water Recreation
- Residential
- RR Station
- Coastal Boundary
- Riverfront Trail



roposed Land and Water Uses
Map 4A

Produced by New York State
Department of State
Division of Coastal Resources, GIS Unit
August 1998



ZONING MAP OF THE CITY OF POUGHKEEPSIE, NEW YORK

ADOPTED FEBRUARY 20, 1979

R-1 LOW DENSITY RESIDENCE DISTRICT
R-2 MEDIUM-LOW DENSITY RESIDENCE DISTRICT
R-3 MEDIUM DENSITY RESIDENCE DISTRICT
R-4 MEDIUM HIGH DENSITY RESIDENCE DISTRICT
R-5 HIGH DENSITY RESIDENCE DISTRICT
R-6 URBAN DENSITY RESIDENCE DISTRICT
PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (NOT MAPPED)
O-R OFFICE-RESIDENTIAL DISTRICT

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
C-2 CENTRAL COMMERCIAL DISTRICT
C-3 GENERAL COMMERCIAL DISTRICT

I-1 LIGHT INDUSTRIAL DISTRICT
I-2 GENERAL INDUSTRIAL DISTRICT
R-D RESEARCH AND DEVELOPMENT DISTRICT

W WATERFRONT DISTRICT
H-M HOSPITAL-MEDICAL DISTRICT
R-3A CENTRAL URBAN DENSITY RESIDENCE DIST.
T TRANSPORTATION DISTRICT
EDUCATION AND/OR RECREATION SITES
HISTORIC DISTRICTS

R-2A CENTRAL LOW DENSITY RESIDENCE DISTRICT
R-3A CENTRAL MEDIUM DENSITY RESIDENCE DISTRICT
C-2A MAIN STREET COMMERCIAL DISTRICT

DATE		
1/30/83	170 Washington St. C-1 to R&D	Ord. 7/17/79
	PURA 13A - C2 TO C3	Ord. 8/21/79
	PURA 14 - W to R&D	Ord. 9/4/79
	Market St. - OR to C-F-C	Ord. 2/6/80
	Gerald/Rinaldi - to R&D	Ord. 4/3/80
	Clinton House	Ord. 6/17/80
	Maple St. - R-5 to R&D	Ord. 9/16/80
	193 Washington St. H-M to C-1	Ord. 9/16/81
	45-47 Catharine St. R-4 to C-3	Ord. 6/16/81
	New Zone R-4A	Ord. 6/16/81
	Davies Pl. - R4 to C1	Ord. 7/21/81
	Elm. C-E-G Zone	Ord. 9/15/81
	PURA 5A & 5B to R-6	Ord. 11/17/81
3/8/84	301-321 South Ave. R&D to C-3	Ord. 3/16/83
	Hooker Ave. between Trinity Square & Forbes St. R-4 to R-3	Ord. 8/17/83
	Livingston & S. Hamilton R-4 to R-3	Ord. 8/17/83
	Holmes & Academy St. R-4 to R-3	Ord. 8/17/83
	Brookside Ave. R-4 to R-3A	Ord. 11/16/83
	Taylor Ave. & Garden St. R-4 to R-3A	Ord. 11/16/83
	Trinity Sq. to Parker Ave. R-4 to R-3A & R-3A	Ord. 12/21/83
	N. Hamilton to N. Clinton R-4 to R-3A.	Ord. 1/17/83
	Bartlett to DuBois R-4 to R-3A	Ord. 1/17/83
	E. Side of Cedar Ave. R-4 To R&D	Ord. 1/17/83
	Springside R-1 to PRD	Ord. 2/21/84
	Academy, Church, Hamilton, Montgomery Streets C-3 and R-3 to O-R	Ord. 3/19/84
10/1/84	42-44 N. Clover R-4 to C-1	Ord. 9/23/85
	1-37 Columbia St. H-M to R-D	Ord. 2/3/86
	39-49 N. Clover & 144-146 Mill R-4 to C-1	Ord. 3/3/86
	51 Montgomery R-3 to C-3	Ord. 7/7/86
10/18/86	154-162 Wilbur Blvd. R-1 to PRD	Ord. 5/4/87
10/24/89	2 Wilson Blvd. R-3 to C-1	Ord. 11/16/87
	43-46 Catharine St. R-4 to C-3	Ord. 1/2/89
	PURA Parcels 4A & 4B (Main St.) C-1 to C-3	Ord. 1/2/89
	Main St. C-3 to C-3A	Ord. 3/21/89
	Washington St. - Fallkill Place R-4 to C-1	Ord. 7/5/89
	Hooker Ave R-1 to R-3	Ord. 9/18/89
3/30/93	117 and 125 Market Street R-3 to C-2	Ord. 3/16/92
10/18/96	129 South Ave. R-3 to C-1	Ord. 6/11/93
	98-54 No. Hamilton St. & 168-170 Mansion St. R-4 to O-R	Ord. 3/15/93
	479-519 Main St. (odd #'s only) & 34-48 Winnikee Ave. (even #'s only), 15-18 No. Cherry St. I-1 to C-3	Ord. 10/18/95
	Tax Parcel 31-6661-31-817625 Fox St. & Prospect St. I-2 to R&D	Ord. 11/20/95
	Tax Parcel 31-6063-93-087505 & Tax Parcel 31-6063-60-936494 from R-4 to C-1	Ord. 6/6/96
	3,3, 5-9, 11-15, 17-37 North Water St. & 17-33, 27, 29 & 31-35 Main St. from T to W	Ord. 7/8/96

Source: Community Development Program
RPPW, Inc.

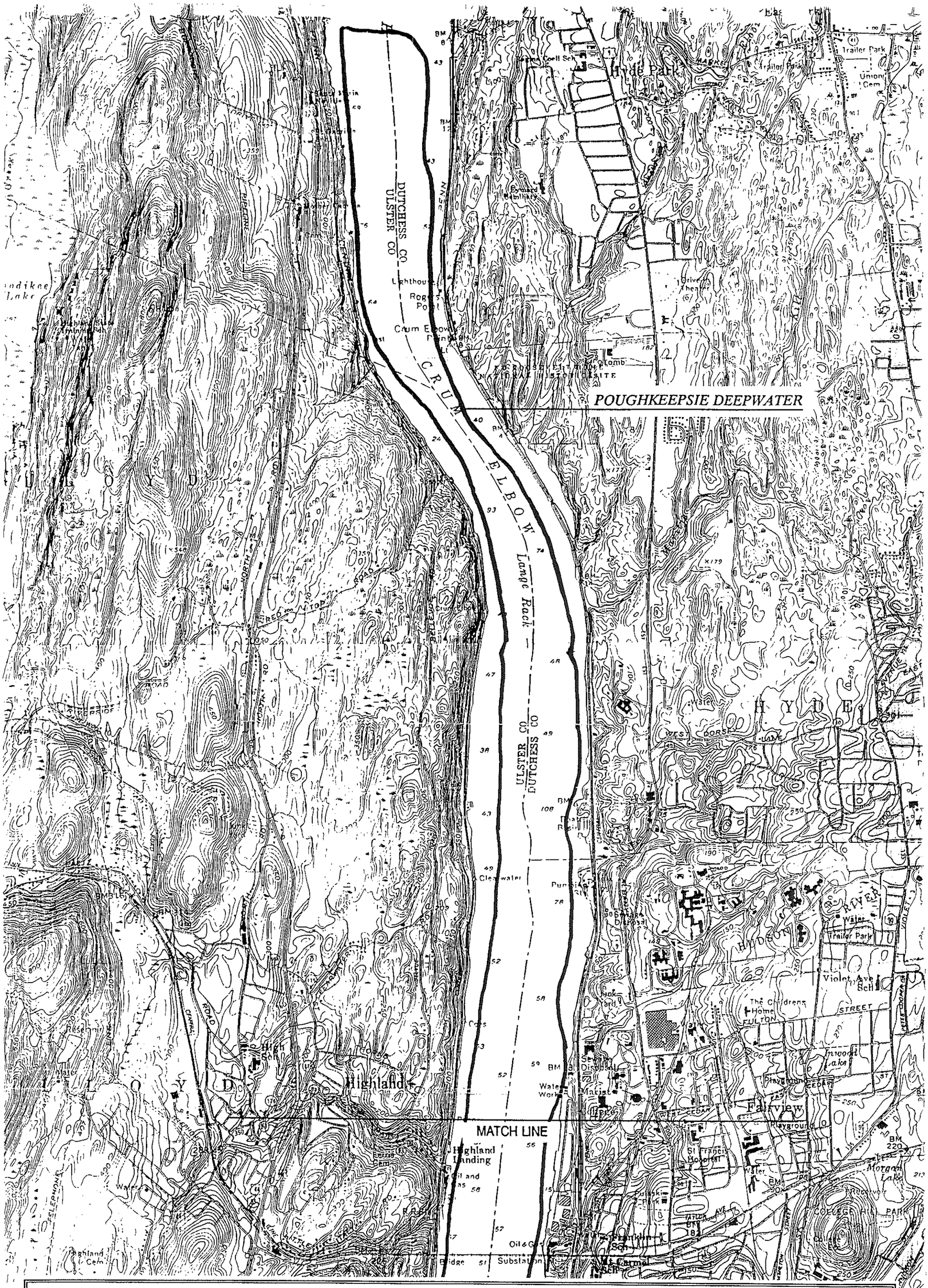
RUDIKOFF & ROHDE, INC.

Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

EXISTING ZONING MAP

Map No. 5



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Map 6

Poughkeepsie Deepwater (in part)

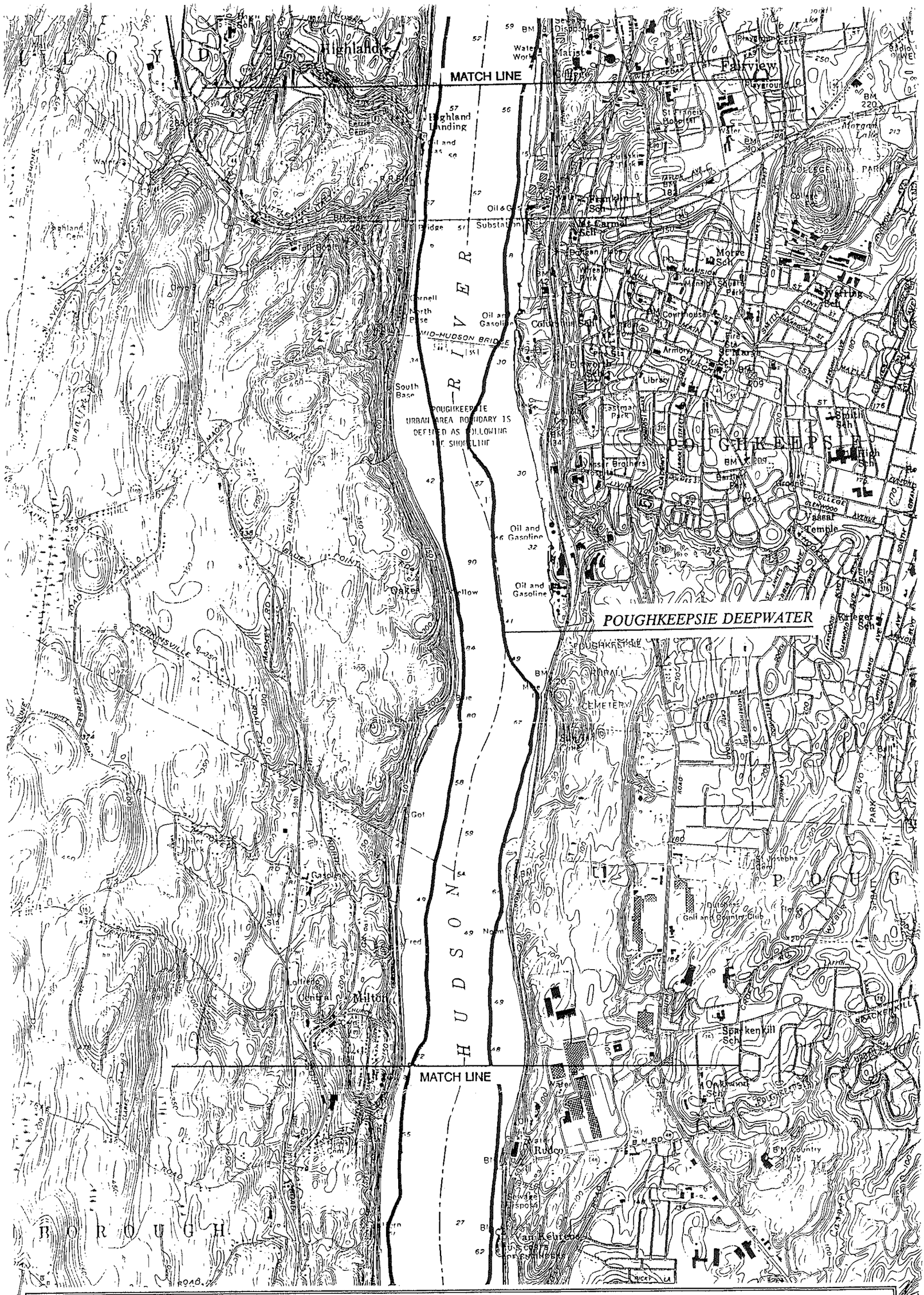
Miles

0 ½ 1

N

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

Prepared by T. Hart and G. Capoblanco September 1990



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Poughkeepsie Deepwater (in part)

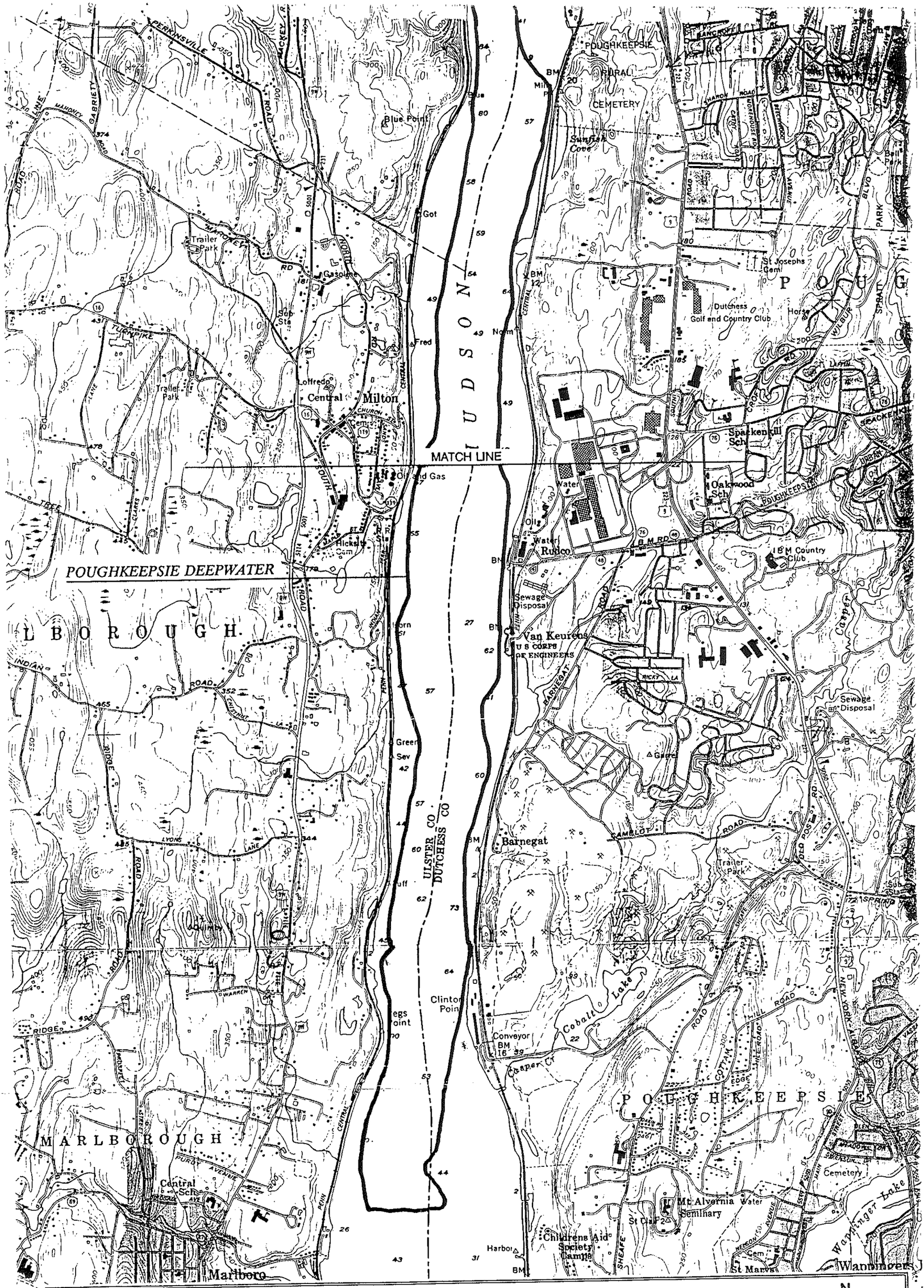
Miles

0 ½ 1

N

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

Prepared by T. Hart and G. Capoblanco September 1990



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

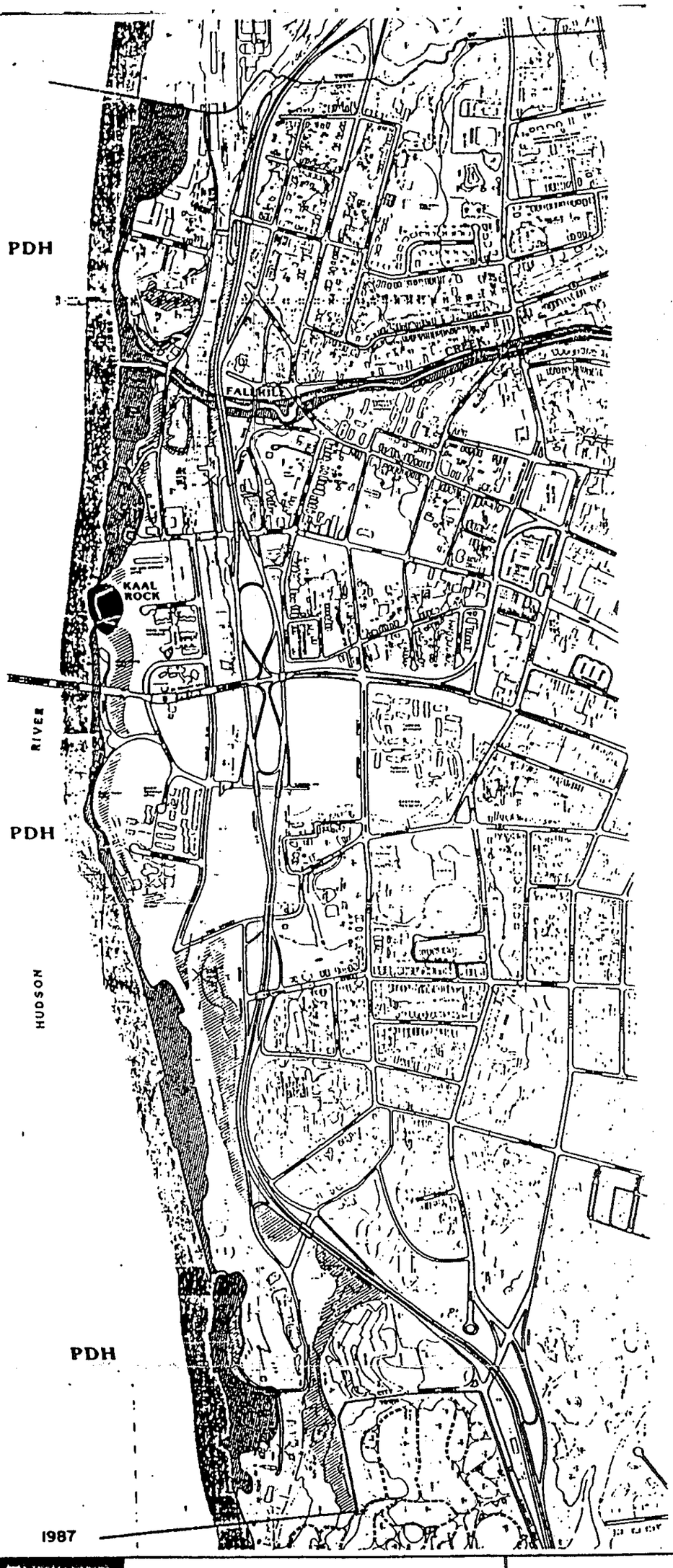
Poughkeepsie Deepwater (in part)

Miles

0 ½ 1

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

Prepared by T. Hart and G. Capobianco September 1990



LEGEND

STEEP SLOPES *

FLOOD HAZARD AREA (100 YEAR FLOOD)

PDH POUGHKEEPSIE DEEPWATER HABITAT

* Known to the Community to Pose Development Limitations

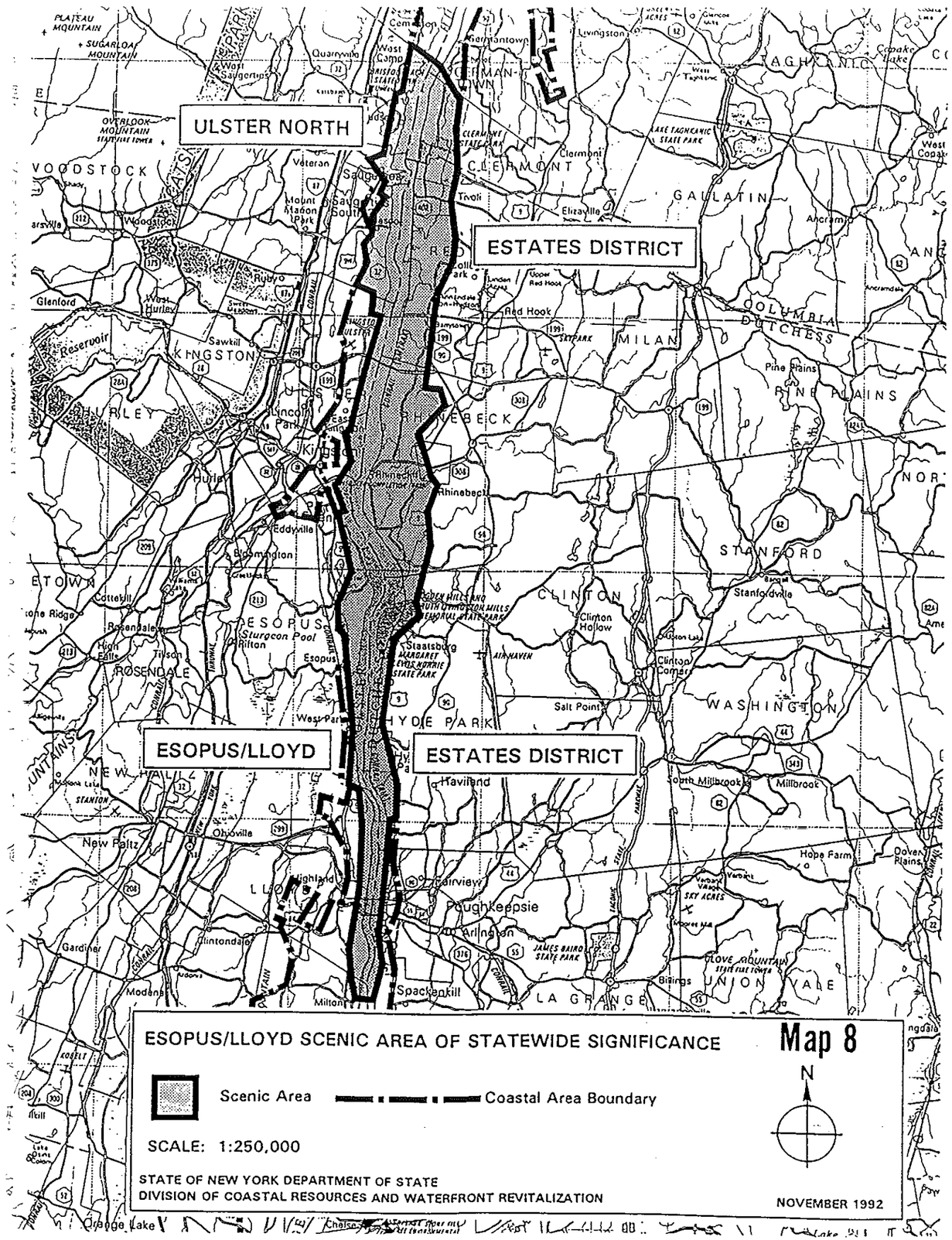
RUDIKOFF & ROHDE, INC.

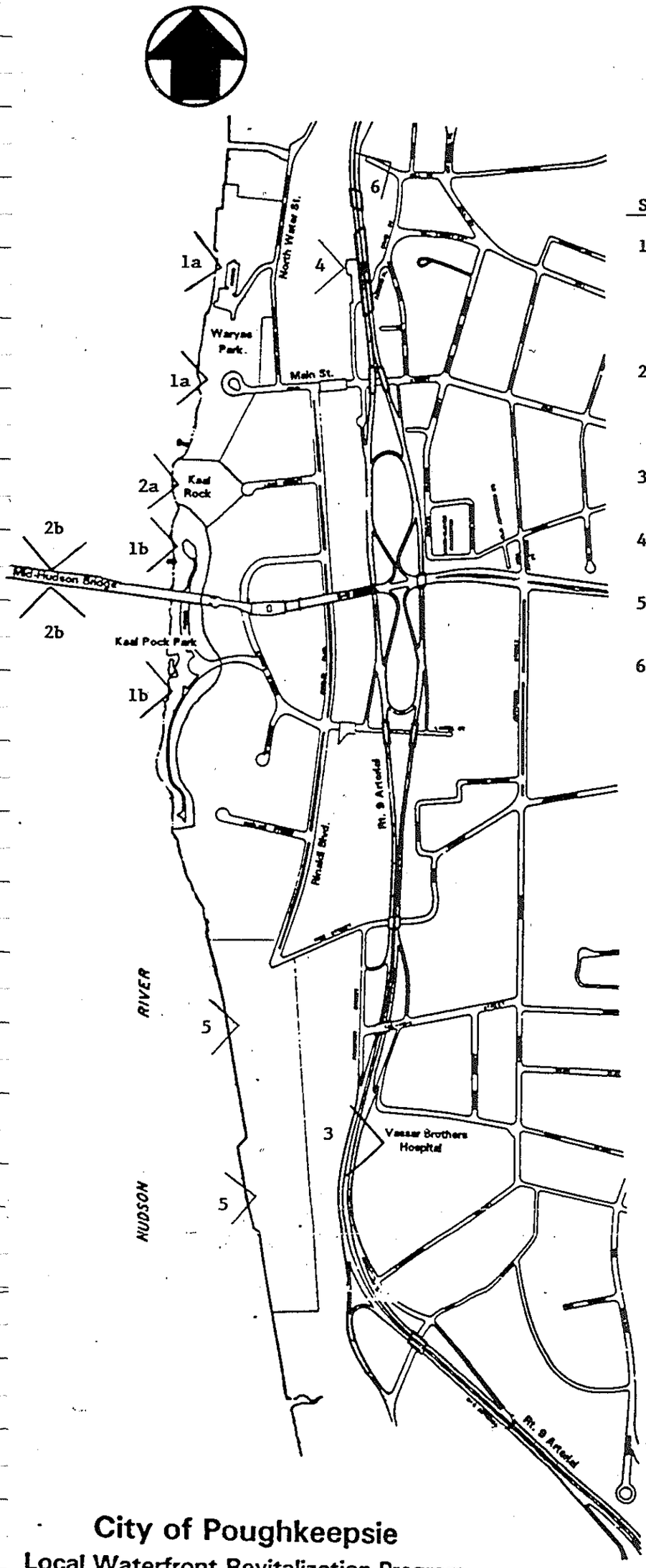
Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

ENVIRONMENTAL CONDITIONS

Map 7


ULSTER NORTH
ESTATES DISTRICT
ESOPUS/LLOYD
ESTATES DISTRICT
ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE
Map 8
N
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
Kingston
Rhinebeck
Hyde Park
Poughkeepsie
Esopus
Staatsburg
Milton
Highland
Marlboro
Milbrook
Stanfordville
Pine Plains
Tivoli
Red Hook
Clermont
Hurley
Saugerties
Woodstock
Rosendale
New Paltz
Gardiner
Modena
Wappingers Falls
Hopewell Junction
Fishkill
Beacon
Cold Spring
Garrison
Cornwall
Newburgh
Orange Lake
Chelsea
Millbrook
Hopewell Junction
Wappingers Falls
Fishkill
Beacon
Cold Spring
Garrison
Cornwall
Newburgh
Orange Lake
Chelsea
Millbrook



See also Policy 25A

1. Views of the River from Public Parks:

   a. Waryas Park
   b. Kaal Rock Park

2. Views from:

   a. Kaal Rock
   b. Mid-Hudson Bridge

3. View from Vassar Brothers Hospital

4. View from the Railroad Station track overpass

5. Views of, from and through DeLaval site

6. View from Our Lady of Mt. Carmel Church steps

Vistas*

* Locations are approximate

City of Poughkeepsie
Local Waterfront Revitalization Program

Scenic Views
Map No. 9

Final Environmental Impact Statement

CITY OF POUGHKEEPSIE

LOCAL WATERFRONT REVITALIZATION PROGRAM

March - 1999

water impermeable materials or elevated 8.8 feet above the base flood elevation. More specifically, the map entitled Environmental Conditions identifies areas which would be inundated by a 100-year flood. Coastal areas and areas adjacent to the River are within the 100-year floodplain. In addition to causing property damage, flooding also causes erosion and sedimentation, affecting water quality and siltation rates.

Natural Resources

The City of Poughkeepsie is endowed with an extensive shoreline of approximately 2 miles in length with valuable open spaces and significant fish and wildlife habitats. Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources 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 form DEC, the Department of State designates and maps specific areas.

One site, known as the Poughkeepsie Deepwater Habitat, has been designated as a Significant Coastal Fish and Wildlife Habitat by the New York State Department of State within the City of Poughkeepsie.

The Poughkeepsie Deepwater Habitat encompasses a fourteen mile stretch of the Hudson River extending from the Villages of West Park in Ulster County and Hyde Park in Dutchess County south to the hamlet of Marlboro in Ulster County. Towns with jurisdictions included in the area are Hyde Park, Poughkeepsie, and Wappinger, Dutchess County; and Esopus, Lloyd and

Marlborough, Ulster County (see Significant Coastal Fish and Wildlife Habitat Map). The important fish and wildlife habitat is nearly continuous river bottom trench, from 30 feet deep to the bottom. Most of this area has water depths of 50 feet or greater, including a small area in the "Crum Elbow" section of the river which exceeds 125 feet in depth.

Deepwater estuaries such as the Poughkeepsie Deepwater Habitat are rare in the eastern United States. The Hudson River is the only river in New York State that contains this ecosystem type.

Deepwater areas provide wintering habitat for shortnose sturgeon, and support an unusual diversity of marine species in the Hudson River. Shortnose sturgeon also use this area as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this region at depths of 45 feet to 120 feet. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area, including bay anchovies, silversides, bluefish, weakfish, and hogchokers. The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. Commercial or recreational uses of fish and wildlife in this area are not known to be significant. However, these fish may be harmed by the presence in the river of the industrial organic compound PCB's. Such contaminants have accumulated in bottom sediments and resident fish species. A ban exists on most commercial fishing because the ingestion of the contaminated fish poses a health hazard to humans.

DRAFT ENVIRONMENTAL IMPACT STATEMENT
CITY OF POUGHKEEPSIE
LOCAL WATERFRONT REVITALIZATION PROGRAM

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Appendix A
All comments received concerning the Draft Environmental Impact Statement and proposed Waterfront Plan.

Appendix B
City's responses to all comments received in Appendix A

EXECUTIVE SUMMARY

The subject of this programmatic Final Environmental Impact Statement is the Local Waterfront Revitalization Program developed by the City of Poughkeepsie Waterfront Advisory Committee. This program inventories waterfront conditions and identifies local coastal management policies to guide future activities in the coastal zone. It also identifies the land and water uses which are considered to be priorities for the City, and procedural mechanisms to achieve the program's objectives. The purpose of this document is to evaluate potential environmental effects that may result from the implementation of this program.

The evaluation of alternatives resulted in the identification of a "No Action" alternative and a less restrictive alternative. It has been determined that the "No Action" alternative would not ensure orderly development of the City of Poughkeepsie waterfront or ensure that significant natural resources would be protected to the extent possible. The evaluation indicates that the "No Action" alternative is clearly not as beneficial to the protection and enhancement of the quality of the coastal environmental as the proposed Local Waterfront Revitalization Program. Furthermore, the "No Action" alternative would not provide for the development of local coastal policies to guide future use and development of the Coastal Zone. The less restrictive alternative was also evaluated which included eliminating height limitations in the Waterfront Zone. The evaluation indicated that the elimination of height limitations would clearly impair, if not destroy, locally important scenic views. Thus, the two alternatives would not provide for orderly development of the City's most valuable aesthetic resource - the coastal zone.

Implementation of the proposed program would have generally beneficial impacts on the natural and man-made environment and on socio-economic conditions. The program would promote the waterfront for a mixture of public, semi-public, recreational and commercial uses. It would ensure that those uses which provide waterfront access to the public are encouraged. Other positive impacts would be increased recognition and protection of environmentally sensitive areas through greater regulatory control. Potential adverse impacts associated with implementation of the program are not considered significant. Therefore, mitigating measures are not needed.

There are no specific permits required for implementation of the Local Waterfront Revitalization Program. Prior to approval of the final program by the New York State Department of State, the City of Poughkeepsie must obtain local commitment to the program from the City of Poughkeepsie Common Council. A local resolution approving the program must also be forwarded to the Secretary of State along with any evidence of local support in the form of public meeting information and letters, or resolutions from private agencies, citizens groups or associations. Objections to the proposed program, if any, must also be identified. The Department of State has conferred with potentially affected state and federal agencies. The draft program was reviewed by these agencies in order to identify and resolve potential conflicts with existing agency policies. A copy of all comments received are added to this document as Appendix A.

SECTION 1

INTRODUCTION

The subject of this programmatic Final Environmental Impact Statement (EIS) is the Local Waterfront Revitalization Program (LWRP) developed by the City of Poughkeepsie Waterfront Advisory Committee (WAC). The legislative basis for this program is the Waterfront Revitalization and Coastal Resources Act which was promulgated by New York State in 1981 during the development of the State's Coastal Management Program.

The State Coastal Management Program was developed by the New York State Department of State (DOS) to further the goals of the Federal Coastal Zone Management Act. Approved in 1982, the state program contains policies to which federal and state agencies must adhere when contemplating actions or programs in or affecting the coastal zone. The State Coastal Management Program also identifies the geographic extent of the coastal zone. An EIS was prepared to address potential impacts associated with implementation of the State's Coastal Management Program including environmental, institutional and economic effects, as well as effects on coastal area growth and development, energy use and social factors (U.S. Department of Commerce, 1982). The state program was determined to have beneficial impacts in terms of enhancing the uses and value of the state's coastal areas and protecting coastal resources.

The Waterfront Revitalization and Coastal Resources Act provides the basis for local communities to develop programs which promote beneficial uses of their waterfronts and the protection of coastal resources. The local programs are intended to further the policies and goals of the state's Coastal Management program by identifying local coastal management policies based on the state policies, waterfront projects and uses appropriate to the local community, and methods of implementing these policies and projects.

When approved, the City of Poughkeepsie's Local Waterfront Revitalization Program will be incorporated into the state Coastal Management Program. The policies and procedures in the local program will be used to guide coastal area development and use. In conformance with DOS regulations, proposed state and federal agency actions in or affecting the LWRP area will be reviewed to determine their consistency with local program objectives.

It has been determined by the Lead Agency, the City of Poughkeepsie Common Council, that implementation of the Local Waterfront Revitalization Program may have a significant impact on the environment. Therefore, preparation of an EIS was required in compliance with the guidelines established in the State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR Part 617. The acceptance of the Draft EIS by the City of Poughkeepsie Common Council, triggered the Council to file a notice of completion and a copy of the Draft EIS with

involved agencies as stipulated in 6 NYCRR Part 617.10.

SECTION 2

DESCRIPTION OF THE PROPOSED PROGRAM

Purpose and Need

The purpose of developing the Local Waterfront Revitalization Program is to promote the beneficial uses and development of the coastal area in the City of Poughkeepsie and to protect valuable or significant coastal resources. The proposed LWRP, if adopted, would provide governmental bodies empowered with land-use decision making powers with a framework to guide developmental decisions within the waterfront boundary area. The guidelines set forth in the LWRP document would take into consideration such relevant environmental issues such as preservation of scenic views, public open space, increasing public accessibility to the waterfront and the overall protection of the waterfront as a locally important natural resource. If these goals are accomplished, the public would be assured the presence of a beautiful, functional waterfront which would benefit the City of Poughkeepsie for many years to come.

The LWRP is a means to implement state coastal management policies on a local level, to reflect the particular situations and circumstances unique to the community, and to guide future activities in the coastal area. Adoption of the LWRP will encourage coordinated planning and management of coastal area uses, help to maintain the existing character and quality of the coastal area, and guide future development.

Elements of the Local Waterfront Revitalization Program

The Local Waterfront Revitalization Program is comprised of several key elements:

- Inventory and analysis of waterfront conditions.

- Determination of local coastal management policies and applicable State policies.

- Identification of land and water uses, projects and procedures related to the waterfront.

In addition, the City of Poughkeepsie LWRP includes a redefinition of the inland coastal zone boundary established by the Department of State. The Local Waterfront Revitalization Program document describes these key elements in detail. A brief summary of the LWRP is provided below:

Inventory and Analysis - The inventory and analysis section of the LWRP describes existing waterfront conditions in the City of Poughkeepsie including flooding problems and effects on the coastal area, significant natural and historic resources, the existing use and potential future development of the DeLaval site, northern Waryas Park, waterfront land uses and waterfront zoning.

Local and State Policies - The second element of the LWRP, the policy section, provides the 44 state coastal policies identified by the Department of State and establishes local policies, as appropriate, to address and further these policies on a local level. The state and local policies fall into general areas such as: those which promote use of the coastal area by encouraging water-dependent and water-enhanced land uses; policies which are directed toward protecting significant coastal resources such as fish and wildlife habitats, and historic resources; and policies which address potential coastal activities such as the siting of facilities, flooding and erosion protection. The local policies are intended to provide guidelines for the future use, development and protection of the coastal area and its resources.

Specific Uses and Proposed Projects - The third element of the LWRP is the identification of specific waterfront uses and proposed projects which further the objectives of the local coastal policies. The City of Poughkeepsie LWRP identifies specific land and water uses. Among these are proposed uses for publicly owned land along the waterfront including use of the waterfront for recreation as well as commercial activities and the availability of various means of public access to the waterfront area. Specific measures are identified to try to attract the above uses. Improved stabilization of the shoreline is also identified as necessary for continued use of

shoreline properties and to protect existing land uses.

Techniques for Implementation - A key element of the Local Waterfront Revitalization Program is the development of techniques to implement the projects, uses and procedures identified as major components of the program. The City of Poughkeepsie LWRP includes addressing specific methods to implement the identified uses and procedures of the proposed program. These include: a greenway trail linking shoreline public parklands, stabilization of the shoreline, and a parking deck to facilitate development along North Water Street. The above would be accomplished through various studies and grants. Additionally, the city's zoning ordinance is expected to be amended to create a height limitation for the Waterfront Zone, which is one of the techniques identified to implement the LWRP. The objective is to establish building heights within the waterfront boundaries which will preserve important scenic views. The maximum height in individual areas will vary from 40 feet to 60 feet (exclusive of rooftop mechanicals and ornamentation) with a provision for the height to be reduced to 35 feet (inclusive of rooftop mechanicals and ornamentation) if they adversely effect views identified in Policy 25 and Map 9 of the document.

Waterfront Advisory Committee - In order to ensure the policy guidelines and program objectives contained in this document are considered in the decision making processes of various city, state, and federal agencies, and to see that the recommended projects are promoted, the LWRP recommends the establishment of a permanent Waterfront Advisory Committee (WAC).

The WAC would serve in an advisory capacity to the Mayor, Common Council, Planning Board and Zoning Board of Appeals, and would assist the lead agency of government in determining the consistency of activities or developments within the waterfront boundaries with the LWRP. WAC consistency reviews would occur within the time frame of existing government reviews.

CONCLUSION

The Local Waterfront Revitalization Program will provide a framework with detailed guidelines for future decision making regarding the City's waterfront that will help achieve several desirable purposes:

- It will help maintain and enhance recreational assets of the waterfront;

- It will encourage development along the waterfront that will make the City an attraction for residents and visitors alike;

- It will preserve important views and vistas; and

- It will assure that the waterfront area provides the maximum opportunity for public enjoyment and benefit by promoting a diversity of uses and activities that appeal to a broad range of community interests.

Redefinition of the Coastal Zone Boundary

The Waterfront Revitalization Program proposes that the Department of State redefine the inland boundary of the coastal zone to be coterminous with the boundaries of the NYS Route 9 North-South Arterial, and then west to the middle of the Hudson River, as the City's western boundary. The coastal zone proposed in the city's LWRP would include: privately-owned industrial,

commercial, and residential properties; publicly-owned parkland, areas of steep slope, and vacant land suitable for future development; and portions of the Hudson River. The area extends approximately 2½ miles along the shoreline of the Hudson River. Furthermore, this area contains the primary viewsheds of the river which link the urban area to the waterfront and enhance the city's aesthetic identity.

SECTION 3

ALTERNATIVES TO THE PROPOSED PROGRAM

Introduction

The two alternatives to implementing the proposed Local Waterfront Revitalization Program are to take no action or to adopt a less restrictive alternative. The impacts of taking no action or a less restrictive alternative are discussed in this section.

A. No Action

The City of Poughkeepsie could choose not to adopt a Local Waterfront Revitalization Program. If so, the current waterfront boundaries would remain in effect and only actions requiring state and federal funds would be reviewed for consistency with New York State Department of State's 44 waterfront policies. Further, preservation of locally important scenic views would be safeguarded only by the SEQRA process. Lead agencies with decision making powers would not have the LWRP document to guide them in important land use decisions. Further, land use decision making, be it by the Common Council, Poughkeepsie Urban Renewal Agency, Planning Board, or Zoning Board of Appeals, would not be reviewed for consistency and uniformity. The various governmental bodies would not have an overall strategy to assist in evaluating development proposals located in the waterfront area. Overall, the no action alternative could result in a waterfront policy that may sacrifice opportunities to preserve scenic views, link parkland areas, and protect and increase public access to the waterfront in general. In other words, the "No Action" alternative does not provide a mechanism for effective management of the coastal area and

its resources in the future.

More specifically, taking no action could result in a greater loss of fish and wildlife habitat, potential water quality impacts resulting from uncontrolled erosion and sedimentation, and increased risk of flooding due to future development in or affecting the floodplain.

In summary, adoption of the LWRP will provide local policies to guide coastal area management and plans to encourage water dependent or water related uses of the waterfront to maintain means of public access, to minimize potential flooding impacts and to protect significant natural resources. Conversely, the "No Action" alternative provides no guidance on coastal area development and use. Nor does it guarantee that the most beneficial uses of the waterfront will continue, or that valuable natural resources will be protected to the extent desirable.

B. Less Restrictive Alternative

An alternative to the proposed Local Waterfront Revitalization Program would be the elimination of height limitations in the Waterfront Zone for structures.

Presently, the LWRP document is recommending that the waterfront zone includes a height limitation for structures. If this height limitation was omitted from the LWRP document, chances are development would be more likely to impair, if not destroy, locally important scenic views.

SECTION 4

ENVIRONMENTAL SETTING

General Description

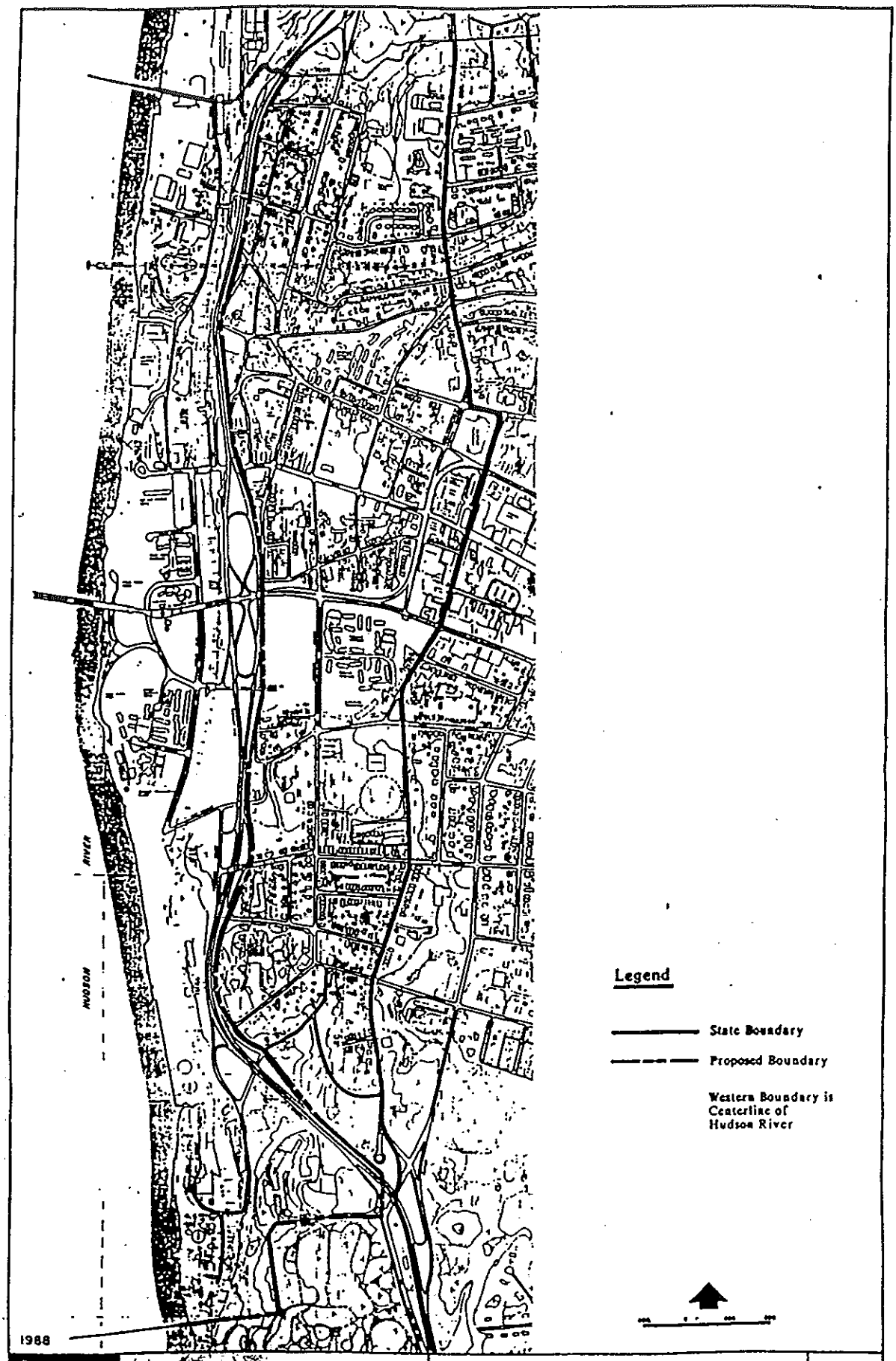
The City of Poughkeepsie covers an area of 4.78 square miles and has a coastline of about 2 miles. Figure 4-1 depicts the waterfront boundaries. The City is fairly extensively developed and supports a population of approximately 28,000+ residents. The coastal zone as now defined by the New York State Department of State has an inland boundary as Market Street. This section of the report describes existing conditions in the City of Poughkeepsie, and in the coastal area in particular, with emphasis on those conditions which may be affected by implementation of the proposed Local Waterfront Revitalization Program. Information from the Inventory and Analysis section of the LWRP document and additional supplementary sources has been used to prepare this section of the Final EIS.

Socio-Economic Factors

Land Use and Zoning

The City of Poughkeepsie is largely residential and commercial with smaller areas devoted to industrial, and public and semi-public uses. Industrial development is located primarily on the north and western sides of Poughkeepsie. Commercial development is centered around Main Street, a major roadway running generally east-west in the City. The remainder of the City is predominately residential with higher density residential development occurring mainly on the north side of the City. Figure 4-2 depicts existing land and water uses within the coastal zone.

FIGURE 4-1



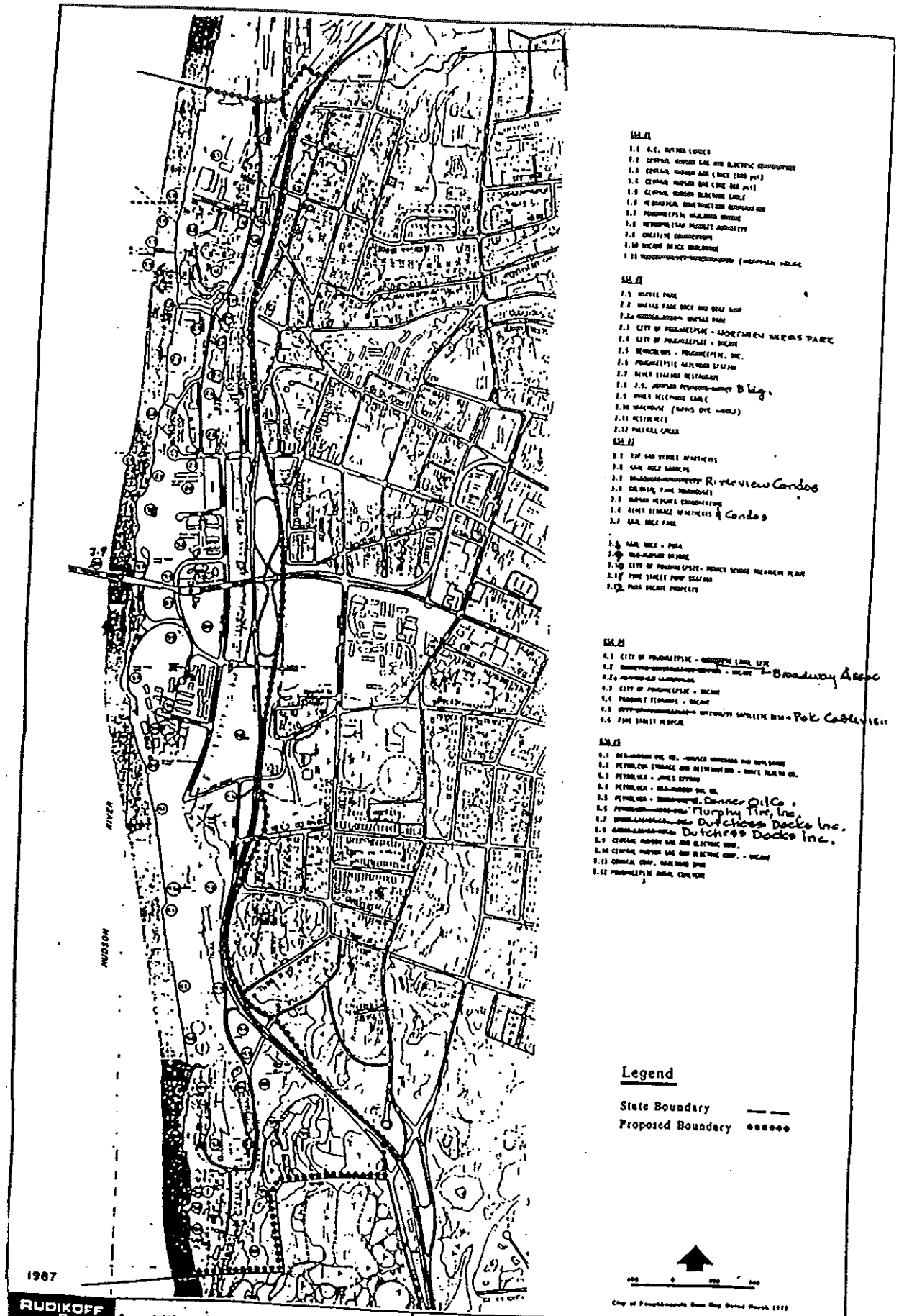
RUDIKOFF & ROHDE, INC.

Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

COASTAL ZONE BOUNDARY

FIGURE 4-2



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Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

INVENTORY AND ANALYSIS KEY

Numbered parcels refer to various specific land uses and open spaces which are identified on the map.

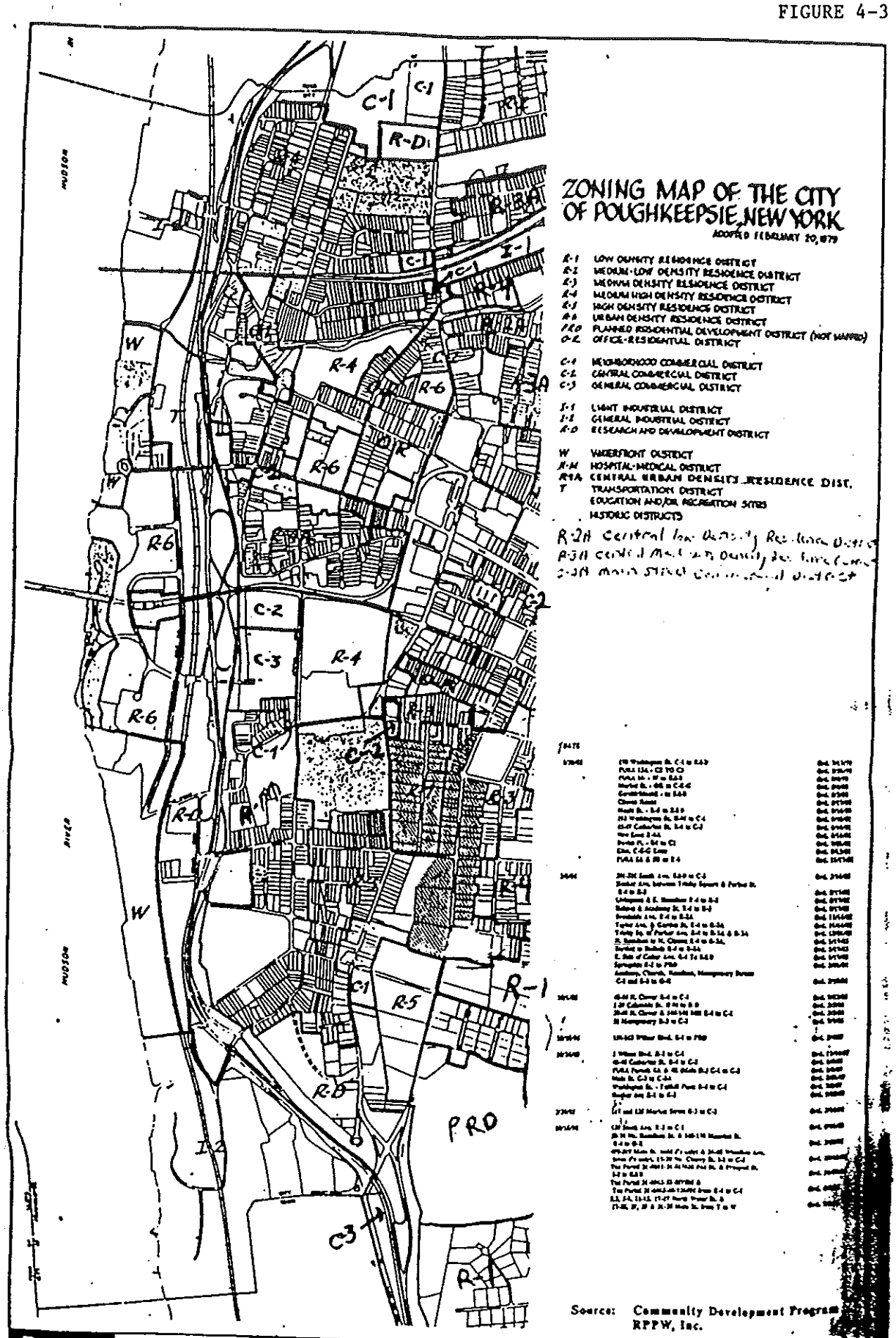
The City of Poughkeepsie waterfront area is characterized by diverse land uses. The very northern and southern parcels contain fuel tanks and other industrial complexes. Two municipal parks of approximately 10.34 acres and 6.6 acres are located in the north central section. Vacant land is present in several places, the largest parcel in the south central area. Residential developments, rail tracks, the Route 9 corridor, and mixed commercial uses account for other principal land uses in the waterfront area.

A zoning map of the City of Poughkeepsie coastal zone area is provided in Figure 4-3.

Economic Considerations

The City waterfront is economically vital to the community. The waterfront provides numerous opportunities for public access to the Hudson River at the two waterfront parks and at land owned by the Poughkeepsie Urban Renewal Agency. These means of waterfront access serve the entire City population of 28,000 residents and many non-residents throughout the County. Use of the waterfront area for development could have a positive impact on the City economy, both directly and indirectly.

FIGURE 4-3



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Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

EXISTING ZONING MAP

In addition to revenue generated through taxable properties, waterfront facilities (i.e. retail shops, restaurants, etc.) would provide employment opportunities.

The proposed action, individually and cumulatively, could result in beneficial impacts. However, the following long-term negative impacts could also be reasonably expected to occur:

1. Economic Impact to the City - the City of Poughkeepsie could possibly incur additional municipal fiscal burdens as a result of the proposed action. Increasing recreational uses and density of land uses could increase the need for additional sanitation and police services, as well as other municipal services.

2. Economic Impact to Developers - the LWRP document proposes height limitations for new structures that would be located within the waterfront zone. The intent of the height limitations is to preserve existing scenic views. A possible economic impact that could result from limiting height of structures would be a decrease in allowable floor area for new development. In some cases, the economic viability of a development relies on constructing the optimal amount of floor area which is weighed against project costs. If a developer is inhibited from increasing the density (height) of a development, an economic hardship on the developer's part could result. To further expand on this, the height limitation could render a property undevelopable if a developer is unable to obtain a suitable profit. And if this situation occurs, the City of Poughkeepsie would be indirectly impacted because additional tax revenues would not be generated from any undeveloped parcels as opposed to developed

parcels. However, with the minimum height allowed being 35 feet inclusive of rooftop mechanicals and ornamentation, the above scenario would probably occur only in rare cases, if at all.

Natural Environment and Historical Resources

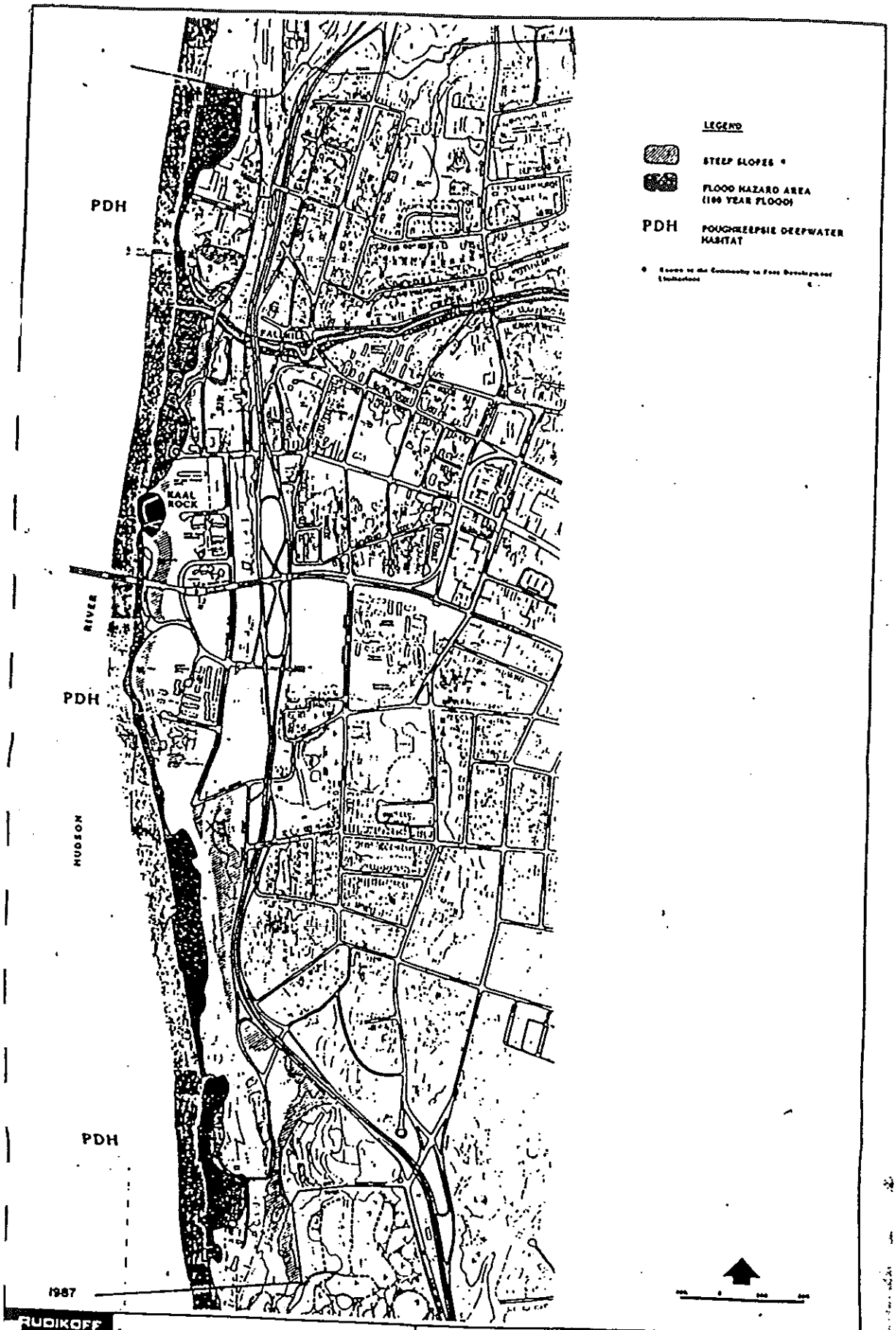
Topography

The waterfront area is characterized by varied topography. Slopes of various degree are present in all GSA's (see Figure 4-4, Environmental Conditions). The only large parcels containing level ground extending 200 feet or more from the edge of the River are the A. C. Dutton Corp., Berncolors-Poughkeepsie, Inc., City of Poughkeepsie, land north of Waryas Park, Waryas Park, and the DeLaval site. There are no beaches or wetlands present in the waterfront area.

Flood and erosion conditions are related to soil types and flood hazard areas. The soils within the waterfront area are mixed. The two northernmost areas of the coastal zone include combinations of three different soil types, while the remaining areas are classified solely as Urban Land.

Nearly the entire shoreline is in a flood hazard zone that extends between 50 and 375 feet inland from the River at various points. The City of Poughkeepsie administers a Flood Damage Protection ordinance requiring a Development Permit for activities proposed in the flood hazard areas. These areas are identified on maps published by the Federal Emergency Management Agency. All commercial construction within this flood hazard zone must either be constructed of

FIGURE 4-4



RUDIKOFF & ONDE, INC.

Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE

ENVIRONMENTAL CONDITIONS

Historical Resources

There are four historic sites and one scenic road located in the waterfront area. Sites listed on the National or State Registers of Historic Places receive certain protection under the National and State Historic Preservation Acts, respectively. All actions in the immediate vicinity of these sites are considered to be Type I actions under the State Environmental Quality Review Act.

Located at the south end of the Central Hudson Gas & Electric Corp. property is the Hoffman House at 129 North Water Street. This white brick, Federal style residence (ca. 1790) was probably constructed by the statesman Robert R. Livingston of Clermont and is located near Poughkeepsie's earliest river landing at the mouth of the Fallkill Creek. This structure was nominated for the National Register of Historic Places (NRHP) in 1982, but due to owner objection was listed only on the State Register, while remaining eligible for the NRHP. Hoffman House was most recently used by the Hudson Valley Philharmonic for auditions and administrative work.

The Poughkeepsie Railroad Bridge was listed on both the State and National Registers of Historic Places on February 23, 1979.

The Poughkeepsie Railroad Station on Dongan Place is an example of Italian Renaissance Revival architecture, and continues to serve its historic function. The rear of the building is a visible landmark from the Hudson River. The Poughkeepsie Railroad Station was listed on the National and State Registers on November 21, 1976.

A three story brick warehouse at 80 North Water Street is the former 1880 Innis Dye Works known locally as the piano factory. Located adjacent to the Fallkill Creek, an important source of water power for early industry, the functional, Bracketed style Innis Dye Works is one of few remaining examples on nineteenth century industrial architecture in the region. Nominated for the NRHP in 1982, it is listed on the State Register, but is identified only as eligible for listing on the National Register due to owner objection.

The Mid-Hudson Bridge, a suspension bridge, is a designated Scenic Road by New York State under Article 49 of the Environmental Conservation Law, due to views from the Bridge.

SECTION 5

ENVIRONMENTAL IMPACTS OF THE PROPOSED PROGRAM

Introduction

In this section, potential impacts resulting from adoption and implementation of the City's proposed Local Waterfront Revitalization Program are discussed. In general, the overall impacts of the program are expected to be positive. The program is intended to provide a balanced approach between waterfront use and development and the protection of coastal resources, consistent with the State Coastal Management Program and environmental quality requirements. While the local policies provide a framework to insure that future actions in the coastal area are consistent with City's and State coastal management objectives, the implementation plans developed by the Waterfront Advisory Commission describe the strategies which will be used on a local level to carry out specific projects and procedures in the coastal area. To summarize, these local implementation plans include: a request for proposals for publicly owned land along the waterfront, a greenway trail linking public shoreline lands, stabilization of the shoreline, and a parking deck to facilitate development along North Water Street, Harbor Management Program and Rehabilitation Study of the Fallkill Creek. Additionally, existing local laws will be utilized to carry out specific projects and procedures in the waterfront area. The plans are discussed in greater detail in the Local Waterfront Revitalization Program document. Adoption of the LWRP will encourage optimum management of the City's coastal assets and insure the continued viability of the coastal area both economically and environmentally.

Natural Environment and Historical Resources

The Local Waterfront Revitalization Program should have a beneficial effect on natural resources by encouraging greater consideration of these resources when evaluating proposed actions in the coastal area.

Socio-Economic Factors

Establishment of height limitations in the waterfront zone to protect visual views of the waterfront land, as recommended would preserve the aesthetic quality of the waterfront area. Additionally, amending the Zoning Code as it relates to the waterfront to be consistent with the LWRP would commit the waterfront, over the long-term, to those uses which are considered water-dependent, water enhanced and oriented to the public. In addition to the social benefits which could be derived from the proposed zoning amendment, additional tax revenue could be generated from recreation and/or commercial uses being encouraged to locate along the waterfront (i.e. retail stores, restaurants, gift shops, etc.).

The proposed action, individually and cumulatively, could result in beneficial impacts. However, the following long-term negative impacts could also be reasonably expected to occur:

1. Economic Impact to the City - the City of Poughkeepsie could possibly incur additional municipal fiscal burdens as a result of the proposed action. Increasing commercial activity could increase the need for additional sanitation and police services, as well as other municipal services.

2. Economic Impact to Developers - the LWRP document proposes height limitations for new structures that would be located within the waterfront boundary area. The intent of the height limitations is to preserve existing scenic views. A possible economic impact that could result from limiting height of structures would be a decrease in allowable floor area for new development. In some cases, the economic viability of a development relies on constructing the optimal amount of floor area which is weighed against project costs. If a developer is inhibited from increasing the density (height) of a development an economic hardship on the developer's part could result. To further expand on this, the height limitation could render a property undevelopable if a developer is unable to obtain a suitable profit. And if this situation occurs, the City of Poughkeepsie would be indirectly impacted because additional tax revenues would not be generated from any undeveloped parcels as opposed to developed parcels. However, with a minimum height being allowed in the waterfront of 35 feet inclusive of rooftop mechanicals and ornamentation, this entire scenario is probably unlikely.

Unavoidable Adverse Impacts

The proposed Local Waterfront Revitalization Program would have no significant unavoidable adverse impacts. The program would promote beneficial water-related uses of the waterfront, continued public access to the waterfront, increased awareness and protection of natural resources and sound planning for future development in and affecting the City's floodplains.

The reduced potential for new residential development on the ground floor along the waterfront as a result of a proposed zoning amendment might be considered negative by some individuals.

Similarly, proposed amendments to the Zoning Code for height limitations in the waterfront zone might also be construed as a negative impact by some. However, these restrictions would be consistent with the policies and goals of the Local Waterfront Revitalization Program to promote sound management of the city's coastal assets and resources for all to enjoy.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Adoption of the LWRP would not directly cause loss of resources. To the extent that specific development takes place in the waterfront boundary area, certain resources would be committed. Again, these developments will undergo a separate SEQRA review to assess their potential for adverse environmental impacts.

Energy Use

There should be no significant effect on energy use associated with the implementation of the Local Waterfront Revitalization Program. Increased tourist activity will require additional gasoline for travel by car or boat. The development of the waterfront area will create demands for power and heating fuel as well as commuting by employees. However, this is all considered normal energy consumption, and due to the relatively small size of the waterfront area and number of parcels available for development, this increase should be insignificant in comparison to existing fuel consumption city-wide.

State Coastal Policies

The Local Waterfront Revitalization Program identifies the State Coastal Management Program policies contained in 19 NYCRR Part 600.5 and in the approved State Coastal Management

Program document. The LWRP also identifies local policies which have been developed to further the objectives of the State policies at the local level. The local policies in the LWRP provide guidelines to encourage public access to the waterfront, as well as guidelines to encourage protection of significant fish and wildlife habitat and the quality of other natural resources to better manage waterfront development. The local policies also embrace existing regulatory requirements at the state and federal level which apply to activities in the coastal area. In summary, the local policies build upon the state coastal policies to provide guidelines for the best management of the city's coastal area.

SECTION 6

MITIGATING MEASURES

MITIGATION

As stated above, the proposed action would not result in a significant adverse impact on the environment. Thus, mitigation measures are not required nor are they necessary.

Although the LWRP document offers recommendations and suggestions for vacant parcels of land located in the defined waterfront area, these potential developments are not evaluated in the DEIS. When proposed, they would be the subject of an in-depth environmental assessment.

If, in fact, development does occur in the defined waterfront area, it would be the responsibility of the lead agency of the SEQRA review to require adequate and effective mitigation measures for any potential significant environmental impacts that could occur as a result of the development.

Adoption and implementation of the Local Waterfront Revitalization Program could reasonably result in the following beneficial impacts:

1. Preservation of Locally Important Scenic Views - a recommendation and concern contained in the LWRP document relates to the preservation of scenic views of the Hudson River and its surrounding area. If adopted, the LWRP document would set forth guidelines which would aid decision makers in land use decisions on development that may impact scenic

views. In general, these guidelines attempt to limit the height and placement of structures in order to preserve existing scenic views.

2. Public Access to the Waterfront - another recommendation and concern stated in the LWRP document pertains to public access to the waterfront. Presently, public access to the waterfront is hindered due to two intimidating physical structures, the railroad tracks and the north/south arterial (Route 9). Acknowledging limited accessibility to the waterfront, the LWRP documents offers or suggests that new development occurring in the waterfront boundary area provide or increase the public's opportunity to use and enjoy this important natural resource.

The local policies identified in the LWRP document provide guidance for city, state and federal agencies proposing actions in or affecting the LWRP area.

In order to insure the policy guidelines and program objectives contained in the LWRP document are factored into the decision making process of various city, state, and federal agencies and to see that the recommended projects are promoted, the LWRP recommends the establishment of a permanent Waterfront Advisory Committee (WAC).

The WAC would serve in an advisory capacity to government bodies in determining the consistency of activities or developments within the waterfront boundaries with the LWRP. WAC consistency reviews would occur within the time frame of existing government bodies.

For all state and federal actions which are subject to consistency reviews, the Common Council, Poughkeepsie Urban Renewal Agency, Planning Board or Zoning Board of Appeals, as appropriate lead agency, would determine consistency based on recommendations from the WAC.

Thus, in summary, implementation of the proposed Local Waterfront Revitalization Program would have a beneficial effect on the City of Poughkeepsie and its resources by encouraging the protection of natural resources, by seeking to expand the level of public access to the waterfront, and by promoting uses of the waterfront for recreation and commercial activities which have a large and positive impact on the City's economy. There are no adverse impacts associated with the LWRP which are considered significant. Therefore, there is no need to consider potential measures for impact mitigation.

APPENDIX A

Your coast, your future
NYSWaterfronts

George E. Pataki
Governor

Alexander F. Treadwell
Secretary of State

April 7, 1998

Ms. Carol Sondheimer
Development Director
City of Poughkeepsie
Municipal Building
P.O. Box 300
Poughkeepsie, NY 12602

Dear Ms. Sondheimer:

Please find enclosed the Federal and State comments on the City of Poughkeepsie's Draft Local Waterfront Revitalization Program (LWRP). There will also be several comments from the Department of State that will be forwarded to you.

We will call you shortly to arrange a meeting to decide how the issues raised in the comments will be addressed in the Final LWRP. If you have not already done so, would you please send us any comments received during the SEQR process.

If you want to discuss the comments before the meeting, please don't hesitate to contact me or Bonnie Devine at (518) 474-6000.

Sincerely,

Loretta Simon for

Charles T. McCaffrey, Jr.
Chief
Bureau of Local Waterfront
Revitalization Programs

cc: Colette Lafuente, Mayor

RECEIVED
APR - 9
OFFICE OF
ECONOMIC DEVELOPMENT

NYS Department of State
Division of Coastal Resources and Waterfront Revitalization
Albany, NY 12231-0001
Voice: (518) 474-6000 Fax: (518) 473-2464

~~HS~~/KM

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2 Empire State Plaza, Albany, NY 12223-1251
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George E. Pataki
Governor

Walter G. Hoefer
Director

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March 3, 1998

Charles T. McCaffrey, Jr.
Chief
Bureau of Local and Regional Programs
NYS Department of State
Division of Coastal Resources and
Waterfront Revitalization
Albany, NY 12231

Dear Mr. McCaffrey:

Thank you for writing to this office requesting a review of the City of Poughkeepsie local waterfront revitalization program.

Our agency does not have any jurisdiction over state waterways, nor do we have any programs that would be impacted by waterfront revitalization programs. In the future, you may wish to forward these proposals through local government. In this regard, I am enclosing a listing of the local Offices for the Aging in the state.

Thank you for the opportunity to comment, and I hope we have been of assistance to your office.

Sincerely yours,

Walter G. Hoefer

Enclosure

cc: Dan Degnan

LTS/KM

NEW YORK STATE
OFFICE OF ALCOHOLISM
AND
SUBSTANCE ABUSE SERVICES
1450 Western Avenue
Albany, New York 12203-3526

Jean Somers Miller
Commissioner

Neil C. Grogin
Associate Commissioner

February 10, 1998

Charles T. McCaffrey, Jr.
Chief
Bureau of Local and Regional Programs
Division of Coastal Resources and
Waterfront Revitalization
NYS Department of State
41 State Street, 8th Floor
Albany, New York 12231-0001.

Re: City of Poughkeepsie
Proposed Local Waterfront
Revitalization Program

Dear Mr. McCaffrey:

This responds to your letter of January 23, 1998 requesting this office's comments concerning the above-referenced matter.

We have reviewed the local waterfront revitalization program for the City of Poughkeepsie and found that it does not conflict with this office's policies and programs in that locality.

Thank you for providing us with the opportunity to review the proposal.

Sincerely,

Walter T. Kiang, AICP
Environmental Review Coordinator

cc: Jean Somers Miller
Neil C. Grogin
Nicolas Colamaria
Nicholas Cristo

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GD/KH

DEPARTMENT OF STATE
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George E. Pataki
Governor

State of New York
Office of Children and Family Services
Capital View Office Park
52 Washington Street – Rensselaer, NY 12144

John A. Johnson
Commissioner

March 10, 1998

Charles T. McCaffrey, Jr.
Chief
Bureau of Local and Regional Programs
Division of Coastal Resources and
Waterfront Revitalization
State of New York
Department of State
Albany, New York 12231

RE: City of Poughkeepsie
Local Waterfront Revitalization
Program

Dear Mr. McCaffrey:

Thank you for your letter of January 23, 1998 enclosing the proposed Local Waterfront Revitalization Program for the City of Pougkeepsie. The Office of Children and Family Services has no comment on the proposed program.

We appreciate your providing us with the opportunity to comment.

Very truly yours,

John A. Johnson

LHS

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRIMAN STATE CAMPUS
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

GLENN S. GOORD
COMMISSIONER

DEPARTMENT OF STATE
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February 5, 1998

Mr. Charles T. McCaffrey, Jr.
Chief
Bureau of Local and Regional Programs
NYS Department of State
Division of Coastal Resources and
Waterfront Revitalization
Albany, New York 12231-0001

Re: City of Poughkeepsie Local Waterfront Revitalization Program

Dear Sir:

Thank you for your correspondence and providing a copy of the subject booklet. DOCS operates no facilities within the Revitalization Program area and, therefore, has no comment on the City of Poughkeepsie's submission.

Sincerely,

Glenn S. Goord
Commissioner

Empire State Development

Charles A. Gargano
Chairman
and Chief Executive Officer

DEPARTMENT OF STATE
COASTAL PROGRAMS
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February 18, 1998

Alexander F. Treadwell
Secretary of State
State of New York
Department of State
Albany, New York 12231-0001

RE: City of Poughkeepsie (Dutchess County)
Local Waterfront Revitalization Program

Dear Secretary Treadwell:

I am writing to respond to the letter of Mr. Charles McCaffrey, dated January 23, 1998, with which you provided a copy of the proposed Local Waterfront Revitalization Program ("LWRP") for the City of Poughkeepsie (the "City"). Empire State Development has reviewed the City's LWRP and supports your acceptance of it.

The City's proposed LWRP is a comprehensive management program that is based on policies of the New York State Coastal Management Program. The City has identified proposed land and water resources seeking to capitalize on its relationship to the Hudson River. The City's LWRP has been informed by its vision "to create a riverfront that is a 'front porch' of the City which respects the unique assets of the waterfront, maintains and enhances public accessibility, attracts private investment, creates jobs, and provides residents, tourists and visitors alike with an attractive and safe setting". The Plan identifies appropriate opportunities for growth, recreation, access and preservation of environmentally sensitive areas and establishes a broad framework for the revitalization of its underutilized waterfront.

Thank you for this opportunity to comment on this proposed Local Waterfront Revitalization Program for one of the Hudson Valley's significant waterfront communities.

Very truly yours,

Charles A. Gargano

Charles A. Gargano

c: Charles T. McCaffrey, Jr.
Terry Trifari
Douglas Wehrle

Empire State Development Corporation
633 Third Avenue New York, New York 10017-6754 Tel 212 803 3700 Fax 212 803 3715

DEPARTMENT OF
COASTAL PROGRAMS

MAR 30 1998

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NEW YORK
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THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, N.Y. 12234

PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
THE NEW YORK STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12234

March 26, 1998

Mr. Charles T. McCaffrey, Jr.
Chief, Bureau of Local and
Regional Programs
NYS Department of State
Division of Coastal Resources and Waterfront Revitalization
Albany, NY 12231-0001

Dear Mr. McCaffrey:

The State Education Department finds that the City of Poughkeepsie's Local Waterfront Revitalization Program is consistent with Article 42 of the Executive Law. This Department has no comments on the proposed program.

If you need any further assistance, please contact Charles A. Szuberla, Office of Facilities Planning at (518) 474-3906.

Sincerely,

Richard P. Mills

cc: Charles A. Szuberla

New York State Department of Environmental Conservation
Division of Environmental Permits - Room 538
50 Wolf Road, Albany, New York 12233-1750
Telephone: (518) 457-2224 Fax: (518) 457-5965

John P. Cahill
Commissioner

April 1, 1998

Mr. Charles T. McCaffrey, Chief
Bureau of Local and Regional Programs
Division of Coastal Resources and Waterfront Revitalization
NYS Department of State
41 State Street
Albany, New York 12231-0001

Re: City of Poughkeepsie Local Waterfront Revitalization Program

Dear Mr. McCaffrey:

Staff at the Department of Environmental Conservation have completed their review of the proposed City of Poughkeepsie's Local Waterfront Revitalization Program. In the comments below, we are not requesting that any changes be made to the plan but ask that DEC staff be involved in discussions where appropriate, as indicated below.

1. Section I: Boundary Description

The proposed eastern boundary deviates from the NYS Coastal Management Zone boundary, using Route 9 instead of Market Street as the border. However, the plan presents an explanation for the change, stating that the railroad and Route 9 have formed a barrier separating Poughkeepsie's waterfront from the rest of the city. The plan provides for a level of protection for the selected waterfront area that would have been compromised if the zone was extended to Market Street. Because this change allows for an increase in the level of environmental protection for the Hudson River shoreline, we find the proposed new boundary acceptable.

2. Policy 10

Prior to further consideration of the development of a hatchery or aquarium at the site of the old wastewater treatment plant (WWTP), DEC would like to be involved in project discussions in order to avoid a conflict with the Hudson River Estuary Management Plan (HREMP). Fran Dunwell, Hudson River Coordinator, should be contacted concerning this project's consistency with the HREMP. She may be reached at (914) 256-3016.

In addition, the construction of a fish hatchery or aquarium at the site of the old WWTP may impact the water quality of the Hudson River. To reduce impingement and entrainment impacts on aquatic organisms, we recommend that water for such a facility be drawn from the Poughkeepsie Water Plant to eliminate the need for a new intake structure. The discharge should be directed to a WWTP for proper treatment and disinfection.

3. Policy 13A

This policy states that the existing bulkheads along the Poughkeepsie waterfront will be maintained to prevent erosion. While this is good in areas where bulkheads are needed for access and docking facilities, the city should consider replacing failing bulkheads with naturally vegetated areas, sloping revetments, rip rap or gabions, in areas where bulkheads are not required, to create a more natural shoreline which would provide better habitat for aquatic organisms. Information on alternative shoreline stabilization measures is contained in the Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters, EPA publication 840-B-92-002. The construction of any type of shoreline stabilization would require an Article 15, Protection of Waters permit from the DEC.

4. Policies 34, 34A and 34B

Under section 312 (f) (4) (B) of the Clean Water Act the Hudson River from Danskammer Point to Hougtaling Island has been designated an No Discharge Zone. The discharge of waste from any Marine Sanitation Device is prohibited throughout this area, which includes all of the Poughkeepsie waterfront. Any new marina should be required to construct a pump out facility. Existing marinas should be encouraged to install one. Grant funds offering a 75% reimbursement for the cost of a pump out station are still available from the DEC Division of Fish and Wildlife. To obtain an application contact Mike Gann at (518) 457-5698.

5. Section IV, Item 6 Rehabilitation Study of Fallkill Creek

Before undertaking this study the City should be encouraged to contact Fran Dunwell, Hudson River Coordinator. Fran can provide information about DEC staff and other research organizations which could provide assistance in planning and implementing such a study. She will also be able to review the study for its consistency with the HREMP..

6. Appendix C: Poughkeepsie Deep Water Habitat

Appendix C is extracted from a larger statewide list of Significant Coastal Fish and Wildlife Habitat Areas that were jointly designated by DEC and the Department of State. The section, titled Fish and Wildlife Habitat, lists several species of fish that are not commonly found in the segment of the Hudson River near Poughkeepsie, while omitting others that are. It does not mention Striped Bass, which spawn in large numbers in the deep waters off Poughkeepsie. Other species which spawn in this area are Atlantic Tomcod and White Perch.

If and when DEC and the Department of State update the significant habitat designations, it appears the deep water designation for the City of Poughkeepsie needs to be revised. In the meantime, the Department of State should make the City of Poughkeepsie aware of the additional fish species that are typically found in this area.

Thank you for the opportunity to provide comments. If you have any questions or require further information, please contact Debra Devine at (518) 457-2224.

Sincerely,

William R. Adriance

William R. Adriance
Chief Permit Administrator

cc: P. Duke
M. Gann

RECEIVED
MAR 18 1998
OFFICE OF THE MAYOR

GEORGE E. PATAKI
GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES
MAYOR ERASTUS CORNING 2ND TOWER
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA
ALBANY, NY 12242

JOSEPH J. SEYMOUR
COMMISSIONER

March 13, 1998

Honorable Colette Lafuente
Mayor, City of Poughkeepsie
Municipal Building
P. O. Box 300
Poughkeepsie, NY 12601

Dear Mayor Lafuente:

I am pleased to note that the Draft Local Waterfront Revitalization Program (DLWRP) for the City of Poughkeepsie has been submitted, and would like to offer congratulations to the City on the completion of this challenging task.

I wish to take this opportunity to briefly reiterate some of the applicable functions of the Office of General Services' Bureau of Land Management. The State of New York holds sovereign title to the seacoast and the beds of navigable inland waterways on behalf of all citizens. The use of docks, piers, etc., which are not within already granted areas will come within the purview of Article 6, Section 75(7) of the Public Lands Law (copy enclosed). When a conveyance of the State's title in underwater lands is deemed to promote a public benefit, the Commissioner of General Services is authorized to convey that interest by a grant, lease or easement. The Office of General Services (OGS), through the Bureau of Land Management, is the State agency which transacts the conveyance of these lands.

Local governments or private sector organizations, enterprises or individuals anticipating the use of lands under or formerly underwater should apply to this agency for further information regarding the State's title in lands underwater. The address is: Office of General Services, Bureau of Land Management, Mayor Erastus Corning 2nd Tower - 25th Floor, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242.

Our Submerged Lands and Natural Resources Unit has already met with the Poughkeepsie Planning Department in the fall of 1997, and is cooperating with the City on the proposal for the reuse of the DeLaval property, which is the City's largest underdeveloped waterfront parcel and contains State-owned lands formerly underwater.

Similarly, as a participant in the State's Hudson Valley Greenway program, OGS will be involved with efforts to augment this mandate with the proposed waterfront trail fronting the DeLaval and other properties. As described in Section 4 of the DLWRP, a major contribution to the Greenway Trail will be this proposed 2.1 mile waterfront access opportunity which, in part, may be constructed on the State's underwater lands.

Thank you for the opportunity to review and comment on the program. This agency looks forward to continue working with you toward the revitalization of the waterfront in the City of Poughkeepsie.

Very truly yours,

Edmond F. Schorno
First Deputy Commissioner

Enclosure

cc: Charles T. McCaffrey, Jr.
New York State Department of State

STATE OF NEW YORK
DEPARTMENT OF HEALTH

II University Place Albany, New York 12203-3399

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

February 9, 1998

FEB 12
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Mr. Charles T. McCaffrey, Jr., Chief
Bureau of Local and Regional Programs
NYS Department of State
Division of Coastal Resources and
Waterfront Revitalization
Albany, NY 12231-0001

Re: The City of Poughkeepsie Local
Waterfront Revitalization Program
(C) Poughkeepsie, Dutchess County

Dear Mr. McCaffrey:

Our office has reviewed the report entitled City of Poughkeepsie Local Waterfront Revitalization Program which was prepared by the Poughkeepsie Waterfront Advisory Committee and dated September 18, 1997.

Policy 38 of that report addresses the protection of the Hudson River in the area given it is the sole source of drinking water for the City. In the explanation of Policy 38, it is stated that "any action which would have an impact on the quality of the Hudson River as a source of drinking water must be throughly reviewed and mitigating measures be investigated".

The policy explanation should more appropriately indicate that, where an action may cause degradation to the source and no mitigation measures can be initiated to prevent such potential degradations, then the City will not permit such an action to proceed.

The NYSDOH Bureau of Public Water Supply Protection thanks both your office and the City of Poughkeepsie for the opportunity to provide comments on the City's Riverfront Revitalization Program and if you have any questions, please contact our office at (518) 458-6756.

Sincerely,

John M. Dunn, P.E.
Chief, Design Section
Bureau of Public Water Supply Protection

cc: Mr. Tramontano
Mr. Wakeman
Mr. Burke
PAG #326

LWRP

HUDSON RIVER VALLEY GREENWAY

GREENWAY COUNCIL

GREENWAY CONSERVANCY

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APR 6 1998
OFFICE OF THE MAYOR

March 30, 1998

Charles T. McCaffrey Jr., Chief
Bureau of Local and Regional Programs
New York State Department of State
Division of Coastal Resources and Waterfront Revitalization
41 State Street
Albany, New York 12231-0001

Re: Draft Local Waterfront Revitalization Program - City of Poughkeepsie

Dear Mr. McCaffrey,

The Hudson River Valley Greenway has reviewed the September 18, 1997 draft of the proposed City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). The Greenway commends the City of Poughkeepsie on its efforts to develop a comprehensive vision for its waterfront. The draft LWRP represents a significant step in the implementation of goals related to increasing public access to the Hudson River, developing a Greenway Trail, protecting sensitive environmental features and promoting tourism-related economic development.

The Greenway recommends that the following items be considered before finalizing the LWRP:

Zoning Amendments:
The draft LWRP promotes the development of the waterfront with emphasis on mixed uses, public access, linked open spaces and protection of sensitive resources. However, the implementation of these goals (with the exception of view protection) relies entirely on existing zoning regulations. The specific development guidelines contained in the State and Local Policies statements should be reflected in the City's zoning regulations. If specific guidelines exist in current zoning regulations, these should be noted in the LWRP. If specific guidelines do not currently exist, the Greenway recommends that the City consider the incorporation of new guidelines and standards to ensure that proposed development is compatible with the City's goals. Specific guidelines and standards should be considered in the following areas:

Public Access: Include a requirement for public access and an easement for development of the Greenway Trail as part of all new developments.

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APR

CAPITOL BUILDING | CAPITOL STATION | ROOM 254 | ALBANY, NEW YORK 12224 | 518-473-3835 | 518-426-0330 FAX | 1-800-TRAILS-92 | hrgreenway@aol.com

Mixed Use Development: Allow mixed use development in the waterfront district as a permitted use rather than a special use permit and include guidelines for building and facade design, lighting and signage.

Protection of Sensitive Features: Incorporate specific guidelines for protection of sensitive environmental features, including provisions for erosion and sediment control, stormwater management and protection of steep slopes. Minimum standards for best management practices for stormwater management and erosion control are contained in "New York State Guidelines for Urban Erosion and Sediment Control" (USDA, Soil Conservation Service, 1991) and "Reducing the Impacts of Stormwater Runoff from New Development" (NYSDEC, 1992).

View Protection: Incorporate the guidelines described in Policy 24A into the proposed amendment on height limits and consider additional guidelines for landscaping, signs and lighting. Additionally, requiring the use of a visual site plan or visual simulation may help to ensure that impacts to important views are minimized.

The incorporation of these guidelines into zoning regulations could be accomplished by creating a waterfront overlay zone. Additionally, the use of illustrated design guidelines may be an effective way to communicate standards for compatible development, particularly as they relate to building design, signage, lighting, pedestrian access and trail development. Greenway assistance may be available for the development of design guidelines and the City may wish to take advantage of design guidelines being developed as part of the Dutchess County Greenway Plan.

Greenway Trail:
The development of a waterfront Greenway Trail is best accomplished through the preparation of a comprehensive trail plan. Because the trail is likely to be developed in segments, an overall trail plan would allow the City to consider potential trail users and trail design issues such as width and surface material. A comprehensive trail design study would also allow the City to consider alternative routes for potentially difficult linkages such as Kaal Rock. Should the City wish to allow flexibility in trail location for private development proposals, a suitable trail easement (such as 50 feet) could be required as part of the zoning regulations for the waterfront. Documentation of the City's priorities for a Greenway Trail would also allow staging of the project for potential funding sources.

Public Participation:
The Greenway encourages the City to continue to involve the public as part of the planning process for the waterfront. Public meetings such as those held during the development of the Poughkeepsie Transportation Strategy and for the Poughkeepsie Waterfront Conference should remain an important tool for defining the future of the waterfront. A public design workshop should be an important component of a Request for Proposal process for publicly owned land along the waterfront.

Comprehensive Planning Process:
The City is currently preparing a revision to its Comprehensive Plan. It is important that the planning processes for the Comprehensive Plan and the LWRP remain closely coordinated as they relate to waterfront goals.

State and Federal Actions and Programs likely to Affect Implementation:
The City of Poughkeepsie voted to participate in the Greenway planning process in 1996. The Greenway provides technical assistance and funding (when available) for planning and projects related to the criteria included in the Greenway legislation. References to the Greenway in Section VI should be revised as follows:

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP.

Hudson River Valley Greenway (regional agency):

Greenway Communities Council

1.00 Technical and financial assistance for projects to enhance local land use planning.
2.00 Technical and financial assistance for the development of the Greenway Compact.
3.00 Technical and financial assistance for projects related to the Greenway Criteria.
4.00 Coordination with appropriate state agencies including the Office of Parks, Recreation and Historic Preservation, Department of Environmental Conservation and Department of State to ensure that state agency actions and programs are consistent with the Greenway Compact.

Greenway Conservancy for the Hudson River Valley

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands in which the Conservancy has an interest.
2.00 Technical and financial assistance related to the development of the Hudson River Valley Greenway Trail System for hiking, biking and paddling.
3.00 Technical and financial assistance for projects that enhance public access to the Hudson River for recreation and economic development purposes.
4.00 Technical and financial assistance for projects that conserve and enhance natural and cultural resources including stewardship and interpretation.
5.00 Coordination with the New York State Office of Parks, Recreation and Historic Preservation, Department of Transportation and Office of General Services in the planning and development of the Hudson River Valley Trail System.

B. State and Federal Actions and Programs Necessary to Further the LWRP

Hudson River Valley Greenway (regional agency):

Greenway Communities Council

1.00 Technical and financial assistance for projects to enhance local land use planning.
2.00 Technical and financial assistance for the development of the Greenway Compact.
3.00 Technical and financial assistance for projects related to the Greenway Criteria.

4.00 Coordination with appropriate state agencies including the Office of Parks, Recreation and Historic Preservation, Department of Environmental Conservation and Department of State to ensure that state agency actions and programs are consistent with the Greenway Compact.

Greenway Conservancy for the Hudson River Valley

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands in which the Conservancy has an interest.

2.00 Technical and financial assistance related to the development of the Hudson River Valley Greenway Trail System for hiking, biking and paddling.

3.00 Technical and financial assistance for projects that enhance public access to the Hudson River for recreation and economic development purposes.

4.00 Technical and financial assistance for projects that conserve and enhance natural and cultural resources including stewardship and interpretation.

5.00 Coordination with the New York State Office of Parks, Recreation and Historic Preservation, Department of Transportation and Office of General Services in the planning and development of the Hudson River Valley Trail System.

6.00 Provide local governments and the private sector with improved liaison, interpretation and focus relative to a variety of state and federal programs.

Thank you for the opportunity to comment on the draft LWRP. Please contact me if you have any questions regarding these comments.

Sincerely,

Andrew Labruzzo, AICP
Greenway Planner

Copy to: Colette Lafuente, City of Poughkeepsie
Roger Akeley AICP, Dutchess County Planning Department

347 Madison Avenue
New York, NY 10017-3739
212 878-7000 Tel

DEPARTMENT OF STATE
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MAR 27 1998
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GD/KM

Metropolitan Transportation Authority
State of New York

March 25, 1998

Mr. Charles T. McCaffrey, Jr.
Chief, Bureau of Local and Regional Programs
N.Y.S. Department of State
Division of Coastal Resources and
Waterfront Revitalization
Albany, New York 12231-001

Re: City of Poughkeepsie Local Waterfront Revitalization Program

Thank you for the opportunity to review and comment on the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). The service territory of MTA Metro-North Railroad, a subsidiary public benefit corporation of the Metropolitan Transportation Authority (the "MTA"), runs through the area encompassed by LWRP.

The actions of the MTA and Metro-North are generally exempt from the Waterfront Revitalization and Coastal Resources Act, (the "Act") and any local plan adopted pursuant thereto as a result of the broad statutory exemption from Article 8 (SEQRA) of the Environmental Conservation Law. New York State Public Authorities Law § 1266(11) states:

> No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial additional to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project, shall be subject to the provisions of *article eight... of the environmental conservation law*, or to any local law of ordinance adopted pursuant to such article. (emphasis added)

Pursuant to the Act, actions which are exempt from Article 8 are also exempt from the Act. In other words, the number of Metro-North actions which would be subject to the LWRP is limited to those not covered by the above-mentioned exemption or subject to a federal requirement for coastal consistency. In the majority of instances, the PAL §1266 (11) exemption from SEQRA will exempt Metro-North from coastal consistency requirements. The LWRP should acknowledge Metro-North's exemption.

If you have any questions, please contact me at (212) 878-1035.

Very truly yours,

Colleen J. Channer

Colleen J. Channer
Assistant Environmental Counsel

cc.M. Vaccari
A. Semancik
R.K. Bernard (Metro-North)
H. Permut (Metro-North)
R. Rubenfeld (Metro-North)

George E. Pataki
Governor

Thomas A. Maul
Commissioner

STATE OF NEW YORK
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES
44 HOLLAND AVENUE
ALBANY, NEW YORK 12229-0001
(518) 473-1997 • TDD (518) 474-3694

DEPARTMENT OF STATE
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March 26, 1998

Mr. Charles T. McCaffrey, Jr.
Chief, Bureau of Local and
Regional Programs
NYS Department of State
162 Washington Avenue
Albany, NY 12231-00014

Dear Mr. McCaffrey:

Thank you for the informational copy of the Waterfront Revitalization Program for the City of Poughkeepsie.

We have reviewed the material and determined that the proposed program does not appear to conflict with the policies or programs of the Office of Mental Retardation and Developmental Disabilities.

Sincerely,

Thomas A. Maul
Commissioner

TAM/ABK

CITY OF POUGHKEEPSIE
DRAFT LOCAL WATERFRONT REVITALIZATION PROGRAM

Department of State Comments

EXECUTIVE SUMMARY

- pg. ES-2, 1st line — change to *between* the borders

SECTION II - INVENTORY &ANALYSIS

- pg. II-12, 3rd para. under Significant Habitat - Add last sentence *See Appendix C for more information on this Significant Habitat.*

SECTION III - POLICIES

- Policy 1B — This is not a policy and should just be first paragraph under the policies and should read:
  Any development shall proceed in conformance with the following:

- pg. III-4, 5th para., 3rd sent. — add "*water dependent uses.*"

- Policies 2 & 2A, 1st para. — add the following definitions:

  "Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

  Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail or entertainment uses."

SECTION IV - PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

- pg. IV-3, 1st para. -- Substitute revised *Proposed Land and Water Uses (see attachment).*

- pg. IV-3, Proposed Outline..., 4th line — should read "with provision of public access *and appropriate water dependent uses* as well as..."

- pg. IV-4, 2nd para. — Last sentence should say "in Policy 1 and 1A."

- pg. IV-5, 1st para. — should read "entire public waterfront area."

SECTION V - TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM

- pg. V-3, Existing Local Laws, 2nd para. — The current Waterfront District Zoning Law does not permit many of the uses that the City is proposing along the shore. Either change the zoning, the program, or revise pg. IV-3 Proposed Project section to say *"Because all of the land in the Waterfront zoning district is in public ownership, the Local Program will guide City decisions on use, if a zoning change is necessary the zoning will be changed."*

SECTION VIII - OBTAINING LOCAL COMMITMENT

- Section VIII — Please update this section up to the present as to how local commitment was obtained for this current draft, noting the Mayor's Waterfront Advisory Committee and the process followed.

APPENDIX D - PROPOSED LOCAL LAWS

- To address concerns by the DOS Legal Office regarding the applicability of the policies to the proposed Consistency Law the summary of policies on page D-11 has been revised (see attachment). The consistency law should be revised to reflect the changes.

LHS/KH

Brian J. Wing
Commissioner

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David P. Avenius
Deputy Commissioner
Program Support and
Quality Improvement

DEPARTMENT OF STATE
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February 13, 1998

Mr. Charles T. McCaffrey, Jr.
Chief, Bureau of Local & Regional Programs
NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization
41 State Street
Albany, New York 12231

Dear Mr. McCaffrey:

I am writing with regard to the proposed City of Poughkeepsie Local Waterfront Revitalization Program.

As a state agency potentially affected by the program, we have reviewed the proposal in its entirety.

The New York State Office of Temporary and Disability Assistance has no objection to the proposed program as presented.

Thank you for the opportunity to comment.

Sincerely,

David P. Avenius

DEPARTMENT OF STATE
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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ALBERT J. BAUMAN
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN
COMMISSIONER

March 27, 1998

Mr. Charles T. McCaffrey, Jr.
Chief
Bureau of Local and Regional Programs
New York State Department of State
Albany, New York 12231-0001

RE: LOCAL WATERFRONT REVITALIZATION PROGRAM
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY

Dear Mr. McCaffrey:

The Department has reviewed the LWRP developed for the City of Poughkeepsie, outlined in your January 23, 1998 letter to the Commissioner Joseph H. Boardman. The LWRP provides the City of Poughkeepsie and its residents with policy guidelines for the riverfront to help guide future land use decisions and identify environmental, aesthetic, and other factors that need special attention when any significant changes along the City's waterfront are evaluated.

The current Poughkeepsie-Dutchess County Transportation Council's Transportation Improvement Program (October 1, 1997- September 30, 2002) does not include any major improvement project along Route 9. However, section of Route 9 between Sharon Dr. and Delafield St. is scheduled to be resurfaced in the Spring/Summer of this year.

We would like to thank you for the opportunity to review the referenced LWRP policy guidelines and to notify you that we have no additional comments at this time.

Very truly yours,

Wai K. Cheung
Civil Engineer II

By:

Akhter A. Shareef
Civil Engineer I

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO ATTENTION OF

MAR 05 1998

Regulatory Branch

SUBJECT: Local Waterfront Revitalization Program for City of Poughkeepsie

Charles T. McCaffrey, Jr.
Chief, Bureau of Local and Regional Programs
Division of Coastal Resources
New York State Department of State
41 State Street
Albany, New York 12231-0001

DEPARTMENT OF STATE
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Dear Mr. McCaffrey:

This letter is in response to your correspondence of January 23, 1998, regarding the proposed Local Waterfront Revitalization Program (LWRP) for the City of Poughkeepsie, Dutchess County, New York. The LWRP is general in nature and does not address potential impacts to waters of the United States which would result from specific proposals. As such, when final project plans are developed, they will likely need to be evaluated by this office for compliance with the regulations cited in Title 33 of the Code of Federal Regulations (CFR) Parts 320-330 and the National Environmental Policy Act (NEPA).

The Army Corps of Engineers regulates activities that include dredging or construction activities in or over any navigable waters of the United States, the placement of any dredged or fill material in any waters of the United States (including coastal or inland wetlands) or the accomplishment of any work affecting the course, location, condition or capacity of such areas. Such activities may require a Department of the Army permit, in accordance with 33 CFR 320-330.

Most waterbodies, including wetlands, intermittent streams and natural drainage courses, are considered to be waters of the United States. Currently, the State of New York Department of Environmental Conservation (NYSDEC) recognizes and maps state freshwater wetlands as those wetland areas that are 12.4 acres or more and/or are ecologically unique. A NYSDEC determination classifying an area as a non-state regulated wetland does not free a property owner from his or her obligations under the Clean Water Act; the Corps regulates the discharge of dredged or fill material into all freshwater wetlands, regardless of size.

Activities cited in the LWRP which may affect waters of the United States include, but are not limited to: a proposed walkway along the Hudson River, bulkhead repair or replacement, other bank stabilization activities, work within Fallkill Creek, a potential bridge over the Hudson River, a potential road paralleling the waterfront and commercial development along the waterfront. The City is advised to locate as many of the proposed aspects of this plan upland of any waters of the United States, including wetlands. This would include siting as much of the proposed walkway over existing land as possible and only proposing construction over the river when no other location is practicable. You are also advised to avoid proposing to place structures over or within the Hudson River that can be placed on land and still meet the project purpose. Such proposals have met strong opposition from the public and the federal resource agencies in the past.

If you have any questions, please contact Brian A. Orzel of my staff at (212) 264-0183.

Sincerely,

George Nieves
Chief, Western Permits Section

Enclosures

GH LHS/KM

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

DEPARTMENT OF STATE
COASTAL PROGRAMS
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MAR - 4 1998

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
41 State Street
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management (OCRM) has completed its review of the draft Environmental Impact Statement (EIS) for the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). Based on our review, we offer the following comments.

According to Section I (Boundary Description) of the draft EIS, the City of Poughkeepsie LWRP would result in a reduction to New York's approved coastal boundary. The original coastal boundary included all lands between Market Street and the Hudson River. The proposed change would restrict the coastal boundary to all lands west of New York Route 9, which creates "a physical and historical boundary" of the waterfront area. While the New York Department of State's (NYDOS) analysis of this boundary change finds this not to be a substantial change to the State's coastal boundary, an explanation of how this conclusion was reached must be provided to OCRM. Specifically, we are interested in the following information:

1. Explain how the original boundary for this area was determined, and what that determination was based on.

2. Demonstrate how the proposed boundary would continue to meet the Coastal Zone Management Act's boundary requirements at 15 CFR, Section 923.31. The analysis should focus on whether coastal policies that previously applied under the original coastal boundary would be affected by this boundary reduction. For example, Policy 44 (Coastal Wetlands), would no longer apply since the City of Poughkeepsie's Waterfront Area "does not include any tidal or freshwater wetlands." As part of its analysis, the State must identify whether any of the lands between the proposed boundary and the original boundary contain wetlands that were previously covered under the NYSCMP. OCRM would consider such a change to be significant.

3. Provide a reasoned analysis of the State's determination of "no significant changes."

If the state determines that in fact there would be significant changes based on the proposed coastal boundary, one solution could be to use a "tiered" approach in applying the local and state coastal policies. The boundary could remain as it was originally approved, with the LWRP policies applying in the first tier (as identified by the LWRP), and the State coastal policies continuing to apply in the second tier (from the edge of the new boundary to the inland extent of the original boundary). NYDOS's statement of this approach in the final EIS would meet the requirements for a finding of no significant change to the State's coastal boundary.

Finally, we would note that New York's routine program change request analysis should be updated to address the two new program change elements that must be considered; authorities and organization, and coordination and public involvement. Please see OCRM's Program Change Guidance, dated July 1996, for additional information on these elements.

We look forward to receiving the requested information prior to submission of the final EIS. Please call me at (301) 713-3105, Extension 150 if you have any questions or if you would like to discuss our comments.

Sincerely,

Helen C. P. Grady

Helen C. P. Grady
Coastal Management Specialist

cc: Charles McCaffrey

DEPARTMENT OF STATE
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MAR 30 1998
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The Secretary of Energy
Washington, DC 20585

March 26, 1998

Mr. Charles T. McCaffrey
Chief
Bureau of Local and Regional Programs
Division of Coastal Resources
NYS Department of State
Albany, NY 12231-0001

Dear Mr. McCaffrey:

This will acknowledge your recent letter to the Secretary of Energy.

Because the subject of your letter does not fall within the purview of the Department of Energy, we have forwarded your letter to:

Juliette Falkner
Special Assistant to the Secretary and
Director, Executive Secretariat
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

If you have any questions, please call me on (202) 586-8923.

Sincerely,

Brenda Mackall

Brenda L. Mackall
Work Group Leader
Correspondence and Records Management
Office of the Executive Secretariat

U.S. GENERAL SERVICES ADMINISTRATION
Northeast & Caribbean Region

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Mr. Charles T. McCaffrey, Jr., Chief
Bureau of Local and Regional Programs
Division of Coastal Resources and Waterfront Revitalization
N.Y.S. Department of State
Albany, New York 12231-0001

Dear Mr. McCaffrey:

We have reviewed your letter of January 23, 1998, regarding the City of Poughkeepsie Local Waterfront Revitalization Program. The proposed action has no affect on property under the control of the General Services Administration (GSA) nor will it conflict with GSA's policies.

As you requested, we will send a copy of this letter to Ms. Grady. Thank you for the opportunity to review the proposed program.

For your records, please note that Ms. Adler has resigned her position and I am currently serving in her place.

Sincerely,

Robert W. Martin
Acting Regional Administrator

Copy: Ms. Helen Grady

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LMS

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Region One - New York Division
Leo W. O'Brien Federal Building, Room 911
Albany, New York 12207

February 5, 1998
IN REPLY REFER TO:
HA-NY

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Mr. Charles T. McCaffrey, Jr., Chief
New York Department of State
Division of Coastal Resources
Bureau of Local and Regional Programs
Albany, New York 12231-0001

Re: City of Poughkeepsie Local Waterfront Revitalization Program (LWRP)

Dear Mr. McCaffrey:

We have reviewed the proposed Poughkeepsie LWRP and do not have any comments to offer. The program does not conflict with current Federal Highway Administration policies or procedures.

Sincerely,

Stanley Gee
Assistant Division Administrator

TOWN OF LLOYD

Town Hall 12 Church St., P.O. Box 897, Highland, N.Y. 12528

March 27, 1998

To: Supervisor Raymond Costantino
From: Town of Lloyd Planning Board
Subject: City of Poughkeepsie Local Waterfront Revitalization Program

The Planning Board reviewed this document at your request. We concur with the Lloyd LWRP Co-Chair Eileen Litts that it compares favorably with the plan our town adopted into local law in 1994. It appears that enhancement of Poughkeepsie's waterfront could only have a favorable impact on our viewshed.

We appreciate the opportunity to review this document, and recommend that you send congratulations and encouragement of this worthwhile endeavor.

Joseph Nucci

Joseph Nucci, Chairman
Town of Lloyd Planning Board

JN/sla

Town Clerk (914) 691-8011 / Supervisor 691-2144 / Assessor 691-2197 / Building - Zoning 691-2735 / Highway Dept 691-7631
Police 691-6102 / Town Justice 691-7544 / Highland Water - Sewer District 691-2400 / Planning Board - Zoning Board 691-7167

CS: LWRP

SCENIC HUDSON INC.

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Peter B. Sauer
Vassar Street
Poughkeepsie, NY 12601
(914)473-4440
FAX (914)473-2848
scenichu@mhv.net

March 30, 1998

Mr. Charles T. McCaffrey, Jr.
Chief, Bureau of Local and Regional Programs
New York State Department of State
Division of Coastal Resources and Waterfront Revitalization
41 State Street
Albany, NY 12231-0001

Re: City of Poughkeepsie LWRP

Dear Mr. McCaffrey:

Scenic Hudson has participated in the development of Poughkeepsie's Local Waterfront Revitalization Program (LWRP) for over a decade. When approved by the Secretary of State, implementation of the LWRP will mark the beginning of a renaissance of Poughkeepsie's waterfront for commercial and recreational activity. The LWRP should set the stage for the City's rebirth by adopting policies that will encourage the transition from an underutilized shoreline to one that will support sustainable development well into the next millennium. With this rebirth, it is our sincere hope that the scenic and visual resources key to the sustainability of the City's economy will not be compromised in the process.

At Scenic Hudson, we hope that Poughkeepsie's LWRP will be approved swiftly. However, as noted previously (and most recently at the September 5, 1997 public hearing), the plan submitted to the Department of State contains several shortcomings. Following are Scenic Hudson's concerns:

Development at DeLaval

The LWRP proposes to allow development of the DeLaval site to extend out over the Hudson. The 13.4-acre DeLaval site is large enough to accommodate development without requiring the extension of uses over the waters of the Hudson River. This proposal is contrary to previous versions of the LWRP -- and the State's own policies -- and is an infringement on the waters of the Hudson River held in the public trust. Given the substantial waterfront acreage available for development at DeLaval, the Old Sewage Treatment Plant, Northern Waryas, and along North Water Street, the plan offers no justification for building out over the Hudson River.

Protection of Views

Scenic Hudson is disappointed that two important views -- one from northbound Route 9 and the other from the historic Poughkeepsie Railroad Bridge -- were removed from the final version of this plan. The Route 9 approach to the Mid-Hudson Bridge is noted in the explanation of Policy 25C as possessing broad views of the Mid-Hudson Bridge, Catskill Mountains and wooded bluffs of Lloyd. We hope that protection of both views will be kept in the LWRP.

Setbacks Should be Required

Buildings on the waterfront generally should be set back from the river's edge in order to mitigate views to, from, and along the shore and to facilitate the provision of public access. We recommend that the LWRP include minimum setbacks of 50 feet from the River for waterfront development. For buildings with water dependent uses, the setback could be reduced to 25 feet.

Walkway Around Kaal Rock

Scenic Hudson opposes the notion of a providing a walkway -- cantilevered or on piles -- around Kaal Rock. The LWRP in several places discusses the scenic significance of Kaal Rock. A walkway parallel to the waterline would diminish the rock's sense of grandeur as it rises 70 feet above the Hudson River. The walkway and its four foot railing would detract from Kaal Rock's mass as viewed from the River, as well as the walkway over the Mid-Hudson Bridge. While Scenic Hudson strongly supports public access to the River, we believe a waterfront walkway the length of Waryas and Kaal Rock Parks with a connection on existing trails over the rock would serve the same purpose.

Kaal Rock

The plan states in Policy 25C that the "preferred use is to retain this parcel as open space offering panoramic River views." But, the plan also indicates that development would be acceptable "if the City should receive a proposal for development that the Mayor and Common Council deem satisfactory in terms of economic benefits to the City".

Although a restaurant sat atop Kaal Rock 30 years ago, nature has reclaimed its summit and the public has continued to utilize this space as an informal park. Kaal Rock is arguably the most sensitive (and last remaining) natural landmark on the City's waterfront.

Scenic Hudson appreciates the City's attempt at balancing the need for attracting development to the waterfront with protecting environmentally and visually sensitive parcels. We agree with the City that the "preferred use is to retain this parcel as open space," but we are uncomfortable with accepting development that the Mayor and Council might deem satisfactory from an economic standpoint. It is also troubling that, in spite of the City's desire to retain Kaal Rock as open space, the parcel is listed among sites for which Requests for Proposals (RFP) are appropriate.

Nevertheless, in the spirit of cooperation with the City of Poughkeepsie, we do not object to this language, which seeks to leave the City's options open with respect to the future of Kaal Rock. Scenic Hudson hopes to work closely with the City in the future in the redevelopment of its entire waterfront, including what we both prefer for Kaal Rock - public open space.

Conclusion

With the resolution of the above issues, the LWRP would serve to encourage the redevelopment of the City of Poughkeepsie's waterfront without compromising the Hudson River's sensitive visual and environmental resources.

Scenic Hudson appreciates this opportunity to provide comments on the City of Poughkeepsie LWRP to the Department of State. If you have any questions regarding these comments, please do not hesitate to call me at (914) 473-4440 extension 221.

Thank you.

Sincerely,

Jeffrey Anzevino

Jeffrey Anzevino
Waterfront Specialist/Planner

/rmm

cc: The Honorable Colette Lafuente
Carol Sondheimer
Klara B. Sauer

ARTHUR CADY
30 HOLMES STREET § POUGHKEEPSIE, NEW YORK 12601 § 914 473-5572

June 30,1998

DEPARTMENT OF STATE
COASTAL PROGRAMS
JUL 02 1998
RECEIVED

Ms. Bonnie Devine
Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Dear Ms. Devine,

Thank you for speaking with me last Wednesday about the City of Poughkeepsie's Lower Landing. Please find the enclosed items which illustrate the value of its restoration:

"A Petition Concerning the Scenic Value and History of Poughkeepsie's Lower Landing"

Map: Proposed Amphitheater and Restoration of Poughkeepsie's Lower Landing (note: amphitheater would be a new use for this location)

Drawing #1: Navigation Street, from the corner Hurlihe and Navigation Streets is reconstructed from photographs.

Drawing #2: Landing Place Cove , a flag pole view looking north at high tide, is a sketch.

Drawing #3: "Cove at Davis' Wharf", a blueprint

Map: "Poughkeepsie in 1770"

Map: "The Partition of the Estate of James Winans - 1804"

Map: "Existing Site Plan - Delaval Site, Poughkeepsie, NY"

If I can be of any assistance, please contact me at 914 473 5572.

Sincerely,

Arthur Cady

Arthur Cady

A PETITION

Concerning the SCENIC POTENTIAL and HISTORY at POUGHKEEPSIE'S LOWER LANDING

WE THE UNDERSIGNED

residents of the City of Poughkeepsie, because the scenic potential and historic value of Poughkeepsie's Lower Landing is ignored by the Poughkeepsie Waterfront Plan, petition the State of New York to

1. amend the City of Poughkeepsie Local Waterfront Revitalization Plan to reserve and protect for further study the historic and scenic resources of the Delaval/Sewage Treatment Plant Site described below (see map), and

2. direct the current expenditure for soil core sampling and designing of the Delaval/ Treatment Plant bulkhead towards restoring the original shoreline where feasible, expedient and of value.

RESTORING THIS SITE WILL:

- reunite the City and the Hudson by reconstructing the original meeting place of streets and the river
- make a well-organized entrance area
- create a pedestrian access with beaches, walkway, and public wharf for passive enjoyment and civic events (If restored, the wharf would be New York's oldest.)
- memorialize Poughkeepsie's birth with the real river port that was its birthplace
- guide the vicinity's scenic redevelopment by responding to its natural geology
- emphasize that the site is not just a viewing stand for scenery, but a part of it
- preserve both cross-river and twenty-mile down-river views at this site's primary entrance. (see the attached drawings)

POUGHKEEPSIE'S BIRTHPLACE IS A FORGOTTEN STONE WHARF AND COVE BURIED AT THE DELAVAL SITE ENTRANCE.

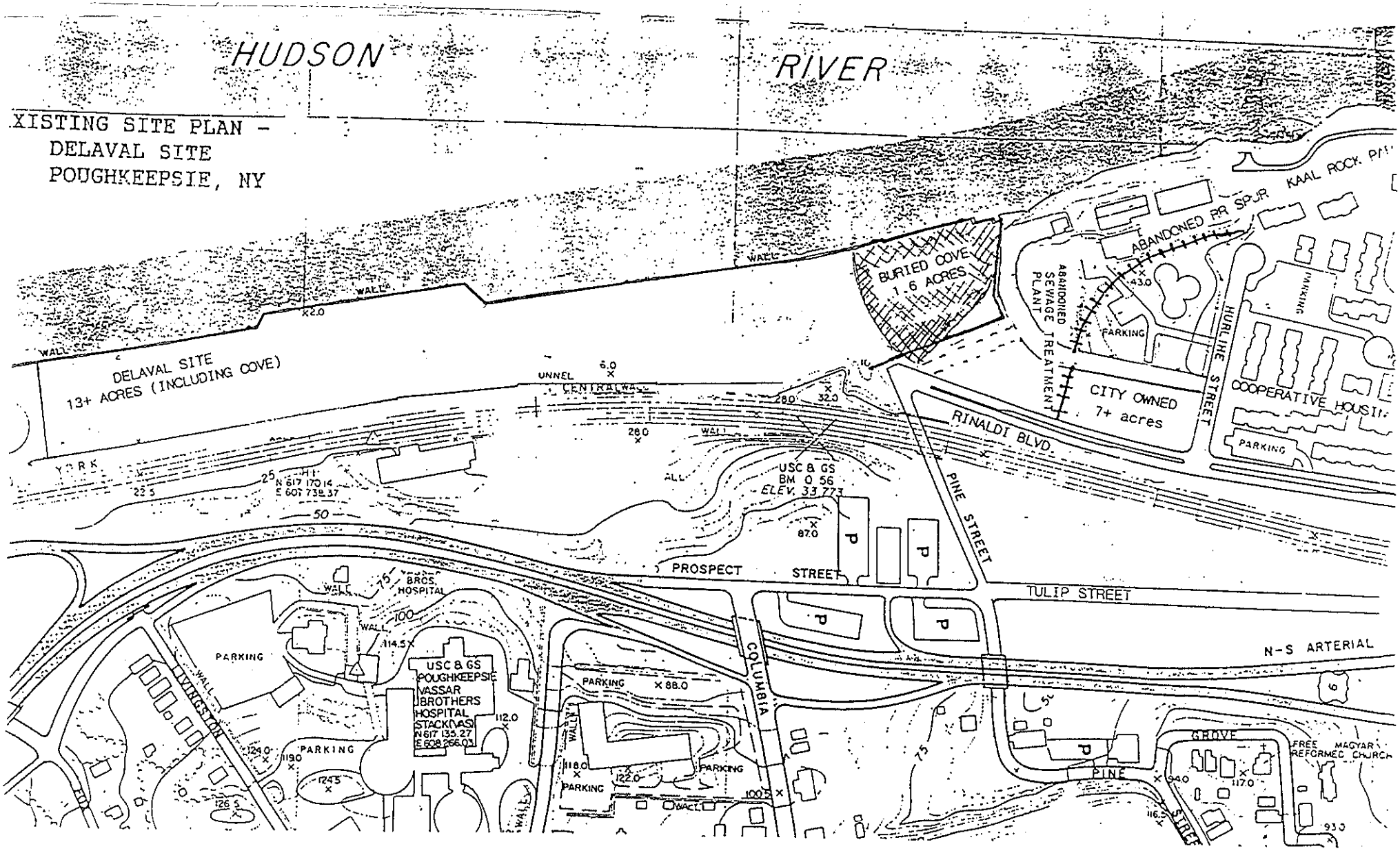
Long ago, the Delaval site was a beach used as a Revolutionary War shipyard. Two natural wharves at either end of this now obscured beach are visible today as recently discovered bedrock outcroppings near the present shoreline. In the past three hundred years, the one at the foot of Pine Street was known variously as the Landing Place, Davis' Wharf and the Lower Landing. This historic wharf and cove were accidentally preserved by landfill in the 1830s.

For the Indians who named Poughkeepsie, the Delaval site was a "front porch". Their "Uppuquiipising" has been translated as "reed covered lodge by the little water place", as well as "sheltering cove". A 1770s map shows the growth of Poughkeepsie's main streets stemming from the Landing Place. Its geology suggests that the "sheltering cove" and the city's birthplace are one and the same.

Poughkeepsie was born at this cove because of the easy transfer between canoe and foot, sloop and wagon, railroad and ferry. From this small place where river and city once met, Poughkeepsie has prospered. Articulating that the river was the source of this prosperity would nowhere be more certain, more visible, or more appropriate than by restoring this early river port.. As a gateway for people arriving by foot, vehicle or boat, or passing by train, the wharf and cove would be both a monument to Poughkeepsie's beginnings and inspiration to its renaissance.

The tidal cove that once gave shelter to new life is the only place on the Poughkeepsie waterfront where such humble beginnings can be expressed as a worthy memory. Its commemoration would complement this place with comfort, quiet, order, connectedness and beauty.

Arthur Cady
Andrea Opdyke
Leo Opdyke
Robert Boss
Lorette Kaer
Louis Stupak
Elizabeth Carter
Judith
Martin Kenyon


HUDSON
RIVER
XISTING SITE PLAN -
DELAVAL SITE
POUGHKEEPSIE, NY
DELAVAL SITE
13+ ACRES (INCLUDING COVE)
BURIED COVE
1.6 ACRES
ABANDONED PR SPUR
KAAL ROCK PR
ABANDONED SEWAGE TREATMENT PLANT
CITY OWNED
7+ acres
HURLIHE STREET
COOPERATIVE HOUSI
PARKING
RINALDI BLVD.
PINE STREET
PROSPECT STREET
TULIP STREET
N-S ARTERIAL
COLUMBIA
USC & GS
BM 0.56
ELEV. 33.773
BROS. HOSPITAL
USC & GS
POUGHKEEPSIE
VASSAR
BROTHERS
HOSPITAL
STACK(VAS)
N 617 135.27
E 608 266.03
LIVINGSTON
GROVE
PINE
FREE MAGYAR REFORMED CHURCH
WALL

APPENDIX B

RESPONSE TO COMMENTS RECEIVED ON CITY OF POUGHKEEPSIE LWRP

Twenty-two agencies responded by letter to the circulation of the draft LWRP. Of these agencies, only eight provided substantial comments or recommendations. The responses, summarized below, were discussed at the Waterfront Advisory Committee meeting on May 6th and July 8th for inclusion in the FEIS. A response from an individual, including a petition signed by nine people, was also received

New York State Office For The Aging
No comments.

New York State Office of Alcoholism and Substance Abuse Services
No comments.

New York State Office of Children and Family Services
No comments.

State of New York Department of Correctional Services
No comments.

Empire State Development Corporation
No comments.

The State Education Department / The University of the State of New York
No comments.

New York State Department of Environmental Conservation

1. Section I, Boundary Description. The DEC agrees with the City's proposed waterfront district boundaries.

Comment acknowledged, no response necessary.

2. Policy 10. In order to avoid potential conflicts with the Hudson River Estuary Management Plan, the DEC would like to be notified in advance if the former sewage treatment plant becomes proposed for use as a fish hatchery or aquarium. The DEC recommends that the water supply for such a facility should come from the City's water plant, and waste water should be piped to the waste water treatment plant.

The City will notify and consult with the DEC if a hatchery or aquarium project is proposed. The City will consult with the DEC regarding water supply and discharge from

any such proposed facility, and the City will comply fully with all state and federal laws concerning water supply and discharge.

3. Policy 13A. The DEC would prefer to see failing bulkheads along the waterfront replaced with naturally vegetated areas, sloping revetments, rip rap or gabions. The DEC also points out that shore line stabilization measures require a Protection of Waters permit.

Although vegetative covering is desirable and effective in preventing erosion near the shore, the use of vegetation directly along the shoreline as a primary means of preventing erosion is ineffective due to the scoring action of the river's current and ice flows during the winter. Riprap bulkheading is the most likely choice of shoreline stabilization treatment to be used for the majority of shoreline. Hard surface bulkheading will be used primarily where it is needed to accommodate boat docking or where the repair of existing hard surface bulkheading is most economically feasible. The City acknowledges that bulkhead construction proposals will require a Protection of Waters permit from the DEC, as well as permit approval from the Army Corps of Engineers.

4. Policies 34, 34A and 34B. The DEC would like any new marinas along the City's shoreline to be required to provide pump out facilities.

Under Policy 34B of the City's draft LWRP, pump out facilities are "strongly encouraged," but not required. Currently there are no regulations requiring new marinas to provide pump out facilities. However, the need for a pump out station will be evaluated in connection with any state or federal permits for a marina.

5. Section IV, Item 6 Rehabilitation Study of Fallkill Creek. The DEC advises that Fran Dunwell, the Hudson River Coordinator, should be contacted prior to the City conducting a rehabilitation study of the Fallkill Creek. The purpose of the consultation would be to determine consistency with the Hudson River Estuary Management Program.

The City will notify the Hudson River Coordinator prior to the initiation of a rehabilitation study of the Fallkill Creek.

6. Appendix C: Poughkeepsie Deep Water Habitat. The DEC would like the list of fish species found in the Poughkeepsie Deep Water Habitat to be corrected and corrected in the future if species found in the habitat change.

Identification of Coastal Fish and Wildlife Habitats of Statewide Significance was undertaken by the DOS and the DEC. The DOS has been made aware that several additional species can be found in the Poughkeepsie Deepwater Habitat. If and when DEC and the DOS update the significant habitat designations, the narrative will be revised accordingly. For purposes of the LWRP, the City acknowledges and has been made aware of the additional fish species that typically are found in this area.

New York State Executive Department Office of General Services
OGS would like to be consulted regarding actions involving lands underwater or formerly underwater. Their desire to be consulted has to do with possible title interests in the land.

As described in Section VI, OGS will be consulted prior to actions involving underwater or formerly underwater lands that are under OGS jurisdiction.

State of New York Department of Health
Policy 38 should indicate where an action may cause degradation to the source of drinking water and no mitigation measures can be initiated to prevent such potential degradations, then the City will not permit such an action to proceed.

The following language will be added to the first paragraph of Policy 38 Explanation: "Proposed activities will comply with applicable DEC regulations regarding degradation of drinking water supply."

The Hudson River Valley Greenway Council and Conservancy

1. Zoning Amendments. Specific development guidelines contained in the Policy statements should be reflected in the City's zoning regulations. If such specific guidelines exist in current zoning regulations, these should be noted in the LWRP. If guidelines do not currently exist, the City should consider incorporation of new guidelines and standards, in an overlay zone.

It is anticipated that the City's Zoning Code will be extensively revised after the forthcoming Comprehensive Plan is adopted. It is the City's intention to make the Zoning Code consistent with the Comprehensive Plan and the LWRP. Some of the above recommendations may be appropriate for consideration, although they appear to be generally more restrictive than the draft LWRP intends. A waterfront overlay district could be considered to accommodate guidelines that are adopted, or such guidelines could be incorporated into the existing waterfront zoning district.

2. The City should prepare a Greenway trail plan.

Policies 19 and 20 provide the City's commitment to providing public access along the waterfront. The planning staff is currently working on a greenway trail plan.

3. A public design workshop should be a component of a Request for Proposals (RfP) for publicly owned land on the waterfront.

The LWRP process has involved a considerable amount of public participation. All advisory committee meetings are open to the public, and those attending are allowed to ask questions and offer comments. The two local newspapers, the Chamber of Commerce, Scenic Hudson, Clearwater and other local civic groups and individual private citizens receive meeting notices and agendas. As part of the City's Master Plan process, there has

been extensive public outreach including: ward meetings, the establishment of a master plan task force, a survey, and public hearings. The public will continue to be involved in the planning for the waterfront.

4. The agency recommends updating Section VI of the LWRP with Hudson River Valley Greenway actions.

The list provided will be added to Section VI.

The Metropolitan Transportation Authority
The agency maintains that its actions are exempt from the Waterfront Revitalization and Coastal Resources Act and any local plan adopted pursuant thereto. The agency would like the LWRP to acknowledge Metro-North's exemption.

While the MTA is exempt from SEQRA requirements for certain actions, the Waterfront Revitalization and Coastal Resources Act (Executive Law Article 42) does not limit state agency actions that are required to be consistent to actions subject to SEQRA. The Department of State regulations regarding state agency consistency requirements do reference the SEQRA definition of actions. This is done in order, as much as possible, to coordinate coastal consistency determination with SEQRA requirements and does limit the actions that are subject to consistency outside an area with an approved Local Waterfront Revitalization Program. However, when there is an approved Local Program, Part 600.3(c) requires state agencies to be consistent with actions identified by the Secretary of State pursuant to Article 42 Section 916(1)(a)."

State of New York Office of Mental Retardation and Developmental Disabilities
No comments.

New York Office of Temporary And Disability Assistance
No comments.

State of New York Department of State

1. Several minor editorial changes on Pages ES-2, II-12, IV-5.

The requested changes will be made.

2. Policy IB is not a policy and instead should be included under the Explanation of Policy.

The change will be made.

3. Policies 2 & 2A - DOS recommends adding definitions of water-dependent and water enhanced uses.

The definitions provided by DOS will be added to the Explanation of these policies.

4. Part IV - Proposed Land and Water Uses - DOS recommends substitution of a more detailed description of land use areas.

The revised Proposed Land and Water Uses section provided by DOS will be substituted for the existing language in the LWRP, as further refined to be consistent with the City's master plan and zoning.

5. Part V - Existing Local Laws - DOS recommends that, because many of the uses the City proposes along the shore are not permitted in the current Waterfront District zoning, either the zoning should be changed or Section IV should be changed to say "Because all of the land in the Waterfront zoning district is in public ownership, the Local Program will guide City decisions on use, if a zoning change is necessary, thezoning will be changed."

Upon adoption of the City's Comprehensive Plan, the zoning will be changed to be consistent with the Master Plan and LWRP. The language of Section IV of Part V will be changed to say "The LWRP will guide City decisions on use of City-owned property, and if zoning changes are necessary, they will be made prior to its private development."

6. Section - VIII - Please update this section to the present as to how local commitment was obtained for the current draft of the LWRP.

This section has been updated to include recent activities of the Common Council, the public and the Waterfront Advisory Committee with respect to local commitment.

7. Appendix D - Proposed Local Laws - The DOS recommends that a fuller listing, of LWRP policies be included for consistency review purposes.

This fuller listing, provided by DOS, will be included as further refined to reflect the policy language and intent of the City more accurately.

State of New York Department of Transportation
No relevant comments.

Department of Army, New York District, Corps of Engineers
The LWRP is general in nature and does not address potential impacts to waters of the of the United States which would result from specific proposals. As specific project plans are developed, they will be evaluated pursuant to 33CFR Parts 320-330 and NEPA. In addition to wetlands regulated through the DEC, the Corps also regulates activities affecting wetlands pursuant to the Clean Water Act.

The words "general" and "specific" are relative terms. Therefore, it is important to clarify the relationship between Corps decision-making and the LWRP. The LWRP is sufficiently specific in that it does address many potential impacts to waters of the U.S. that would result from specific proposals. The Corps must evaluate specific project plans not only pursuant to 33 CFR Part 320-333 but also pursuant to federal consistency requirements in 15 CFR Part 930, Subparts C and D.

Activities directly undertaken by the ACOE and activities requiring ACOE authorization are required, pursuant to the consistency provisions of the CZMA, to be consistent with the State CMP or an approved LWRP. Those activities also would be required to meet federal and state regulatory decision-making standards. However, to the extent the ACOE or another federal agency's direct permit or funding decisions are discretionary, those decisions must be guided by an approved LWRP as a component of New York's CMP.

While many activities affect coastal waters, not all activities result in adverse significant effects. This is recognized in ACOE regulatory standards relatina to nationwide permits and letters of permission. Activities that currently are authorized under ACOE nationwide permits include certain new bulkheads and other bank stabilization activities, fill in wetlands and other waters of the US and certain in-water structures such as docks. The cumulative effects of activities authorized under ACOE nationwide permits can be significant in certain areas. That is why the DOS requires many activities that might be authorized under nationwide permits to be reviewed for consistency with the CNR. or an approved LWRP. Where these activities would not be consistent with the CMP they may not be authorized under ACOE nationwide permits. Conversely, activities that would be consistent with the CMP or an approved LWP.P, and meet federal and state regulatory standards should be authorized.

The adoption of an LWRP results in a long-term enforceable and defensible comprehensive program for the coastal area, incorporating enforceable and defensible decision-making standards that are based on a careful and thorough analysis of conditions and needs in the coastal area of a municipality. Developed in partnership with the State and reflecting local, regional, and State circumstances and needs, the City's LWR-P identifies appropriate areas for new development and redevelopment where natural resource constraints are limited and development is necessary or appropriate, and where existing infrastructure is adequate to support that development. The LWRP also protects important or sensitive undeveloped areas and resources from inappropriate development and uses. Through the CMP and LWRPS, the State and coastal municipalities are able to provide a highly effective means of addressing not only the direct effects of uncoordinated and unplanned development but also many of the cumulative and secondary impacts of activities in the coastal area, by limiting, direct, funding, and approval actions so as to protect important coastal natural resources and areas, and directing or "targeting" approvals, funding, and other actions to areas that are appropriate for certain uses and development. The need to provide this "balancing" of

competing needs is addressed in the CZMA, the State CMP and this LWRP. This LWRP has been developed to address and advance national, state and local objectives.

While specific detailed uses are not identified for the entire LWRP area, the LWRP does contain a comprehensive program for the use of the coastal area. The City of Poughkeepsie has a developed urban waterfront and the level and type of development identified in the LWRP is appropriate and should be approved unless, in the course of regulatory review, a specific aspect of an otherwise consistent proposal would violate specific regulatory standards. If a proposed activity does not meet deferral, state or local decision-making standards, it will not be authorized.

The City will consult with the Army Corps of Engineers, and necessary permits win be procured for projects that may have an impact on a waterway or wetlands.

The agency advises that building structures over waterways should be avoided unless there are good reasons why the structures can not be built on land.

With regard to the siting of water-dependent, water-enhanced and non-water dependent structures and uses, non-water dependent and water-enhanced uses usually are not permitted in, on or over coastal waters, However, certain non-water dependent and water-enhanced uses may be allowed in, on or over coastal waters when they would not permanently displace anticipated water-dependent uses, or when they would support water-dependent uses and not significantly affect other coastal resources.

The LWRP establishes that a portion of one site along its waterfront can accommodate water-enhanced uses over the water without compromising future water-dependent uses, public access, or environmental quality to any decree greater than would result from a complete prohibition of non-water dependent uses over the water. In this limited circumstance, the policy is established that water-enhanced uses are permitted over the water.

In addition, Kaal Rock may require an over-water structure around it to link Kaal Rock Park with Waryas Park, thereby providing a continuous Greenway trail system and handicapped public accessibility to all of the City's publicly owned waterfront. Such a walkway could accommodate the elderly, persons with disabilities, persons riding a bicycle or pushing a baby stroller.

United States Department of Commerce, National Oceanic and Atmospheric Administration

Explain how the original boundary for this area was determined, and what that determination was based on. Demonstrate how the proposed boundary would continue to meet the requirements of the CZM,s boundary requirements.

The original inland coastal boundary was delineated using convenient planimetric features, such as Market Street. The City's revised boundary would establish Route 9 as the landward boundary, which more accurately reflects those lands interactive with the Hudson River. No wetlands, habitats or other significant coastal resources would be excluded from the NYS CMP as a result of the proposed boundary amendment.

Routine Program change request analysis should be updated to address two new program change elements that must be considered.

The Routine Program Change analysis will reflect the two new program change elements.

United States Department of Energy
No Comments.

U.S. General Services Administration
No comments.

U.S. Department of Transportation, Federal Highway Administration
No comments.

Town of Lloyd
No comments.

Scenic Hudson
Scenic Hudson objects to LWRP allowing structures over the river.

See above comments for the Army Corps of Engineers regarding structures over the river. Additionally, no specific development is proposed over the River. However, such development may be anticipated. This development may include water-dependent and/or water-enhanced uses. There are few, if any, sensitive natural resources at, or immediately adjacent to the site. Therefore, certain types and levels of development over the water may be appropriate depending on the specifics of the development planned for the upland.

Protection of two views, one from northbound Rte. 9 and the other from the Poughkeepsie Railroad Bridge, should be included.

The City, through the WAC, considered scenic resources extensively in LWRP preparation and determined that the views from Rte. 9 and the Poughkeepsie Railroad Bridge do not represent significant scenic resources.. WAC members traveled Route 9, determined the view was not particularly noteworthy, and voted not to include it as a scenic view. The railroad bridge is not publicly owned nor publicly accessible. At such time as this situation changes, the City may revisit designation of locally significant views.

Setbacks - Scenic Hudson would like the LWRP to recommend 50-foot setbacks along the river for non-water dependent uses and 25- foot setbacks for water dependent uses.

The establishment of setbacks is not required for approval of the LWRP. Moreover water-dependent uses are defined as uses that require direct area or use of coastal waters. As such, it is inappropriate to establish minimum setbacks.

Walkway Around Kaal Rock - Scenic Hudson opposes a cantilevered walkway around Kaal Rock. They would prefer a trail over the top of the rock.

A cantilevered walkway would better accommodate access for more of the public, including the handicapped, the elderly, and families with children in strollers. While construction of a walkway over Kaal Rock is not ruled out by the LWPP, costs of such construction may be too costly and it would preclude public access to many members of the public due to topography and steep slopes.

Kaal Rock - Scenic Hudson prefers that Kaal Rock remain open space, it does not object to the City leaving its options openmth respect to the future development of Kaal Rock.

Comment acknowledged, no response necessary.

Arthur Cady, 30 Holmes Street, Poughkeepsie, NY

Mr. Cady submitted a petition and several drawings proposing the restoration of a shoreline cove which existed many years ago near the north end of the DeLaval Site. An amphitheater overlooking the cove is also proposed.

The City does not consider this proposal economically feasible. Nor does the City wish to sacrifice the 1.6 acres of developable land Mr. Caddie proposes to be excavated in order to create the cove. The City is also not convinced that Mr. Cady's proposal has much public support, since only nine people signed his petition.