City of Albany
Local Waterfront Revitalization Program

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Adopted:
Albany Common Council, October 7, 1991

Approved:
NYS Secretary of State Gail S. Shaffer, October 8, 1991

Concurred:
U.S. Office of Ocean and Coastal Resource Management, December 11, 1991

HT168.A43 C58 1991
MAR 2 1998

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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

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

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

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

GAIL S. SHAFFER
SECRETARY OF STATE

RECEIVED
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AUG. 20 1992

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

Dear Mr. Burgess:

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

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

Sincerely,

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

GRS:gn
Enclosure

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

GAIL S. SHAFFER
SECRETARY OF STATE

OCT. 8 1991

Honorable Thomas M. Whalen, III
Mayor, City of Albany
City Hall
Albany, NY 12207

Dear Mayor Whalen:

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

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

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

Sincerely,

Gail S. Shaffer

GSS:gn

Continuation of Common Council Meeting, Oct. 7

Aldermen Fox and St. John offered the following:

RESOLUTION NUMBER 96.101.91R

RESOLUTION OF THE COMMON COUNCIL ADOPTING THE LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) FOR THE CITY OF ALBANY.

RESOLVED, That the Local Waterfront Revitalization Program (LWRP) for the promotion and protection of the City's coastal resources in accordance with guidelines as established by the New York State Coastal Management Program be, and is hereby, endorsed and adopted.

Adopted by the following vote:

Affirmative—Aldermen Buechs, Coluccio, DiPace, Fox, Greenstein, Jennings, Logan, Lynn, Rourke, St. John, Scalzo, Torncello, Van Amburgh, Ward—14. Negative—0.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

DEC 11 1991

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear Mr. Stafford:

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

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the City of Albany after you publish notice of our approval.

Sincerely,

Trudy Coxe

Trudy Coxe
Director

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INTRODUCTION

This Local Waterfront Revitalization Program has been prepared by the City of Albany, New York under a grant from the New York State Coastal Management Program. The City is within the coastal zone of the State by virtue of the estuarine nature of the Hudson River up to the Troy dam.

The City of Albany is located on the Hudson River approximately 143 miles north of New York City (See Map No. 1) and is the capital of New York State. It has an area of approximately 22 square miles and a population of 101,082 according to the 1990 Census. Having celebrated its tricentennial during 1986, Albany is the oldest city in the country still operating under its original charter.

The City's waterfront is distinguished by its port, the only port in the state north of New York City which operates year-round, as well as by the Corning Preserve park, an 18-acre waterfront greenspace adjacent to the Central Business District. The waterfront area includes portions of the neighborhoods known as North Albany, Arbor Hill, the Pastures, the Mansion and the South End.

In preparing and implementing the Local Waterfront Revitalization Program, the City will balance redevelopment with preservation and enhancement of natural sites and recreational areas along the waterfront.

Albany's Waterfront Revitalization Area (WRA) has a total river frontage of 4.6 miles and a total area of 1,647 acres. For the purposes of graphic display within the document, the WRA is divided into four sub-areas as follows:

1. Patroon Island Sub-Area

   Total Frontage: 1.7 miles
   Total Area: 587 acres

2. Downtown Sub-Area

   Total Frontage: 0.7 miles
   Total Area: 171 acres

3. South End Sub-Area

   Total Frontage: 0.7 miles
   Total Area: 200 acres

4. Port Sub-Area

   Total Frontage: 1.5 miles
   Total Area: 689 acres

Some sections of this document will address the LWRP in terms of these sub-areas.

SECTION I

LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

Section I - Local Waterfront Revitalization Area Boundary

From a point of beginning with the center line of the Hudson River, the southern boundary of the Waterfront Revitalization Area (WRA) runs west following the City of Albany's boundary with the Town of Bethlehem, which is the center line of the Normans Kill (See Map No. 1).

The western boundary of the Waterfront Revitalization Area begins on the west side of Route 9W where it crosses the boundary with Behthlehem just south of Kenwood Road. From this point, the boundary runs north to the top of slope of the Normans Kill, then crosses Route 9W and runs approximately southeast, crossing the Delaware and Hudson Railroad tracks and reaching Binghamton Street at a right angle.

From this point, the boundary turns north, once again crossing the Delaware and Hudson railroad tracks and running parallel to Old South Pearl Street at the base of the slope below Doane Stuart until it crosses Kenwood Road.

The boundary follows the north side of Kenwood Road to the junction of South Pearl Street. It then continues north along the west side of South Pearl Street until it crosses Interstate 787 (I-787) and continues past the junction of I-787 and McCarty Avenue. It then proceeds along the west side of South Pearl Street, paralleling Route 32 and I-787 to the east.

From the intersection, the boundary turns east following the north side of Madison Avenue. It then turns and follows the west side of Green Street to its junction with State Street. It runs west along State Street before crossing that street to continue north up the west side of James Street.

The boundary follows James Street to its intersection with Columbia Street, then turns north and begins to follow Broadway. Running parallel to Broadway on its west side, the boundary proceeds north past the junction of Broadway and Clinton Avenue; further, it continues north past Broadway's intersection with Livingston Avenue, then Tivoli Street, Loudonville Road and then continues north to Interstate 90 (I-90).

Crossing I-90, the boundary still runs north to the intersection of Broadway and North Third Street where it turns east proceeding along North Third Street.

The boundary once again turns north as it meets the Delaware and Hudson Railroad line, paralleling the tracks until it meets Albany's boundary with the Village of Menands.

The Waterfront Revitalization Area boundary proceeds east, following the City boundary with Menands until it meets the center line of the Hudson River, thence along said center line, proceeding south to the point of beginning.

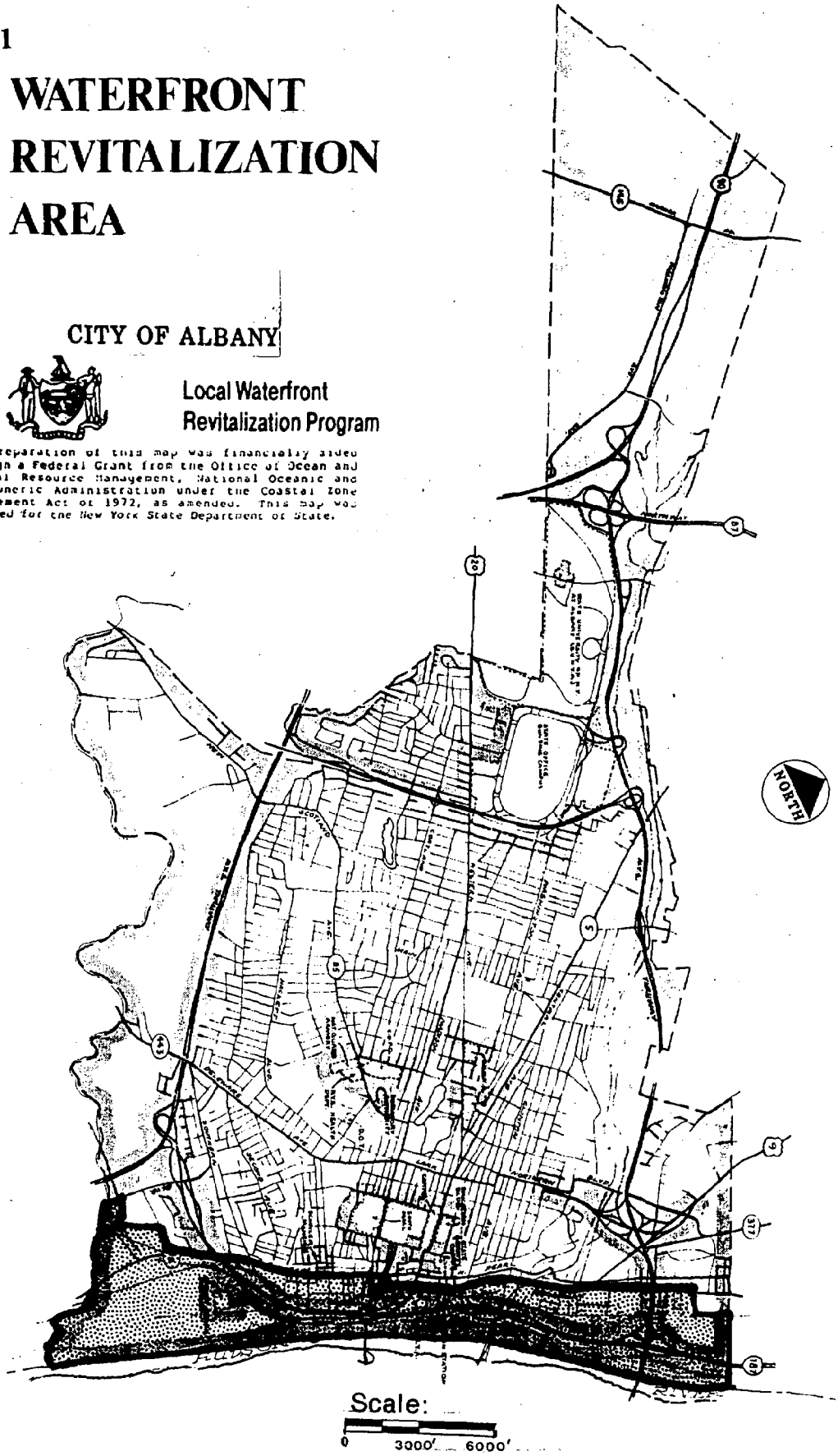
Map No. 1

WATERFRONT REVITALIZATION AREA

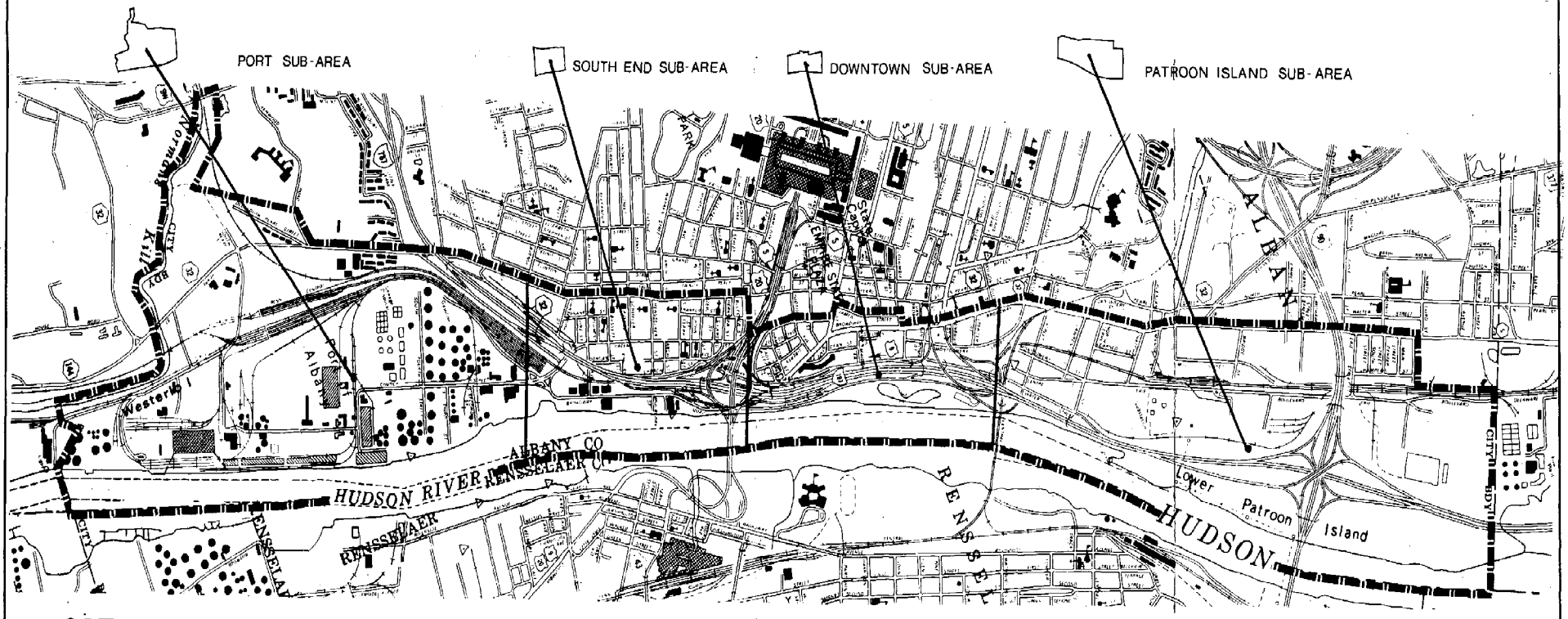
CITY OF ALBANY

Local Waterfront Revitalization Program

The preparation of this map was financially aided through a Federal Grant from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Act of 1972, as amended. This map was prepared for the New York State Department of State.



Map No. 2 WATERFRONT REVITALIZATION AREA BOUNDARY



CITY OF ALBANY

Local Waterfront Revitalization Program

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Scale: 1" = 1600'

SECTION II

INVENTORY AND ANALYSIS

A. ISSUES, PROBLEMS AND OPPORTUNITIES

Albany's Hudson riverfront represents a unique opportunity for the City to initiate the restoration of the waterfront to a position of importance in the life of the City. Albany's central business district has, and will continue to, generate a substantial level of new development and revitalization. Waterfront development can stimulate and enhance this revitalization by improving the City's image as a business, financial and educational center and as a vital, active place to live and work.

Where conditions are appropriate, a revitalized waterfront would contribute to the economic development, residential quality and environmental preservation of various areas of the waterfront.

1. Profile of Opportunities

a. Patroon Island Sub-Area

* Vacant and underutilized sites in the North Broadway corridor offer excellent possibilities for the redevelopment of warehouse and light industrial uses.

* Advanced planning for reuse of the demolition landfill site has been a stimulus to economic expansion in the area.

* Relatively abundant fish and wildlife on the waterfront offer the possibility of habitat enhancement and increased passive, nature-oriented recreation.

b. Downtown Sub-area

* Prime development sites are available on Broadway, north and south of Union Station.

* Historic buildings north of Clinton Avenue are suitable for rehabilitation and development for a variety of residential and commercial uses.

* The Corning Preserve is a public open space with a special significance to City residents, providing outdoor recreation opportunities for downtown employees and City residents. Passive recreation opportunities should be maintained and enhanced while modest recreationally-oriented commercial development could also be permitted.

* Access to the Corning Preserve could be improved by a pedestrian overpass in the central downtown area, or by providing a pedestrian access right-of-way from the Preserve parking areas to the Albany Urban Cultural Park area.

* The tidal pools could conceivably be filled to provide additional land area.

c. **South End Sub-Area**

* Continuation of the riverwalk and public access should be a priority as residential or mixed-use development occurs in this area.

* Existing industrial and commercial buildings offer opportunities for rehabilitation and conversion for residential or mixed uses.

* Residential redevelopment is currently underway in the adjacent neighborhoods to the west.

* A small, proposed park in the southernmost part of this sub-area will provide neighborhood level access to a waterfront recreation area.

d. **Port Sub-Area**

* Albany's role as a river port with access to the sea has long been advantageous to the City's development. Albany's port is the only upstate port with access to ocean-going vessels that operates ice-free, year round. The City's later emergence as a highway and rail center, in part fostered by the attraction of the Port and its facilities, has further contributed to that development.

* There exists an opportunity to promote the availability of Port sites for solid waste management processing facilities such as the scrap metal and bulk paper recycling operations that have existed at the Port for some time.

2. **Problems/Constraints**

* The Interstate arterial system (I-787) which parallels the waterfront along the River is a substantial barrier to vehicular or pedestrian access to the waterfront from the developed areas to the west, cutting off the City and its residents from direct access and enjoyment of its riverfront lands.

* Pedestrian access to the waterfront from the downtown area is only available via the narrow sidewalks of the Water Street underpass or the Hamilton Street underpass.

* Vehicular access is limited and possible improvements would involve expensive overpass construction and/or an underpass connection requiring an at-grade rail crossing.

* At-grade railroad tracks impede the development of increased pedestrian access to the waterfront for neighborhoods to the west.

* The entire WRA is in the 100-year floodplain.

* Parking would absorb too much open land.

B. EXISTING LAND AND WATER USE

The Patroon Island and Downtown sub-areas are, in a sense, bisected by I-787 so that the character of the land use is fairly consistent on either side in each sub-area. On the east, or river side of the highway, the land is generally distinguished by open space and recreational sites; the west, or inland side being oriented toward residential, commercial and industrial uses (See Map No. 3).

1. Patroon Island Sub-Area

This sub-area falls into three different areas: Patroon Island itself; the demolition landfill area; and the Broadway corridor.

* Lower Patroon Island: Covering approximately 77 acres, between I-787 and the Hudson in the northeast corner of the sub-area, this area is currently an undeveloped public open space, accessible only by pedestrians or bicyclists from the south or north, and by maintenance or emergency vehicles. An existing bicycle path is part of a trail system that extends along the river's edge from the Corning Preserve to the City of Watervliet. The only recreational facilities are several picnic tables and exercise stations. Apart from the two experimental rice paddies in the southern section and relatively thick stands of trees at the water's edge, the area is characterized by open fields and dense thickets, especially along the edges of the bicycle path. A boat launch is located near the D&H railroad bridge at the southern end of Patroon Island.

* Demolition Landfill Area: Between Erie Boulevard and I-787, north of I-90. This approximately 60-acre area, formerly the site of the Albany Sewage Disposal Plant, is intended for future industrial development.

* Broadway Corridor: This area is part of the larger North Albany industrial district, characterized by a large number of older industrial structures, many of which are vacant or in various stages of deterioration. A low intensity industrial corridor along Broadway extends to Erie Street north of I-90, and as far east as I-787 in the area south of I-90. This corridor includes relatively sparsely developed land, supporting light and heavy industry and wholesale and storage uses. Several single family houses are closely mixed with industrial uses in the five blocks immediately north of I-90.

2. Downtown Sub-Area

This sub-area also falls into three different areas: the area adjacent to the Central Business District; the Corning Preserve; and the area north of Clinton Avenue.

* Central Business District: This section of the Downtown sub-area is distinguished by a mix of high-density commercial, governmental, educational and institutional uses. Between Broadway and I-787, existing development includes the State University Headquarters in the old D&H Building which is an important landmark clearly visible from the Interstate; the main Post Office and Union Station which now serves as the headquarters for the Norstar Corporation containing office space with an attached two-level parking deck. Vacant parcels on either side of Union Station offer major development opportunities in this area. Currently, these sites are partly occupied by surface parking which comprises the area between the Post Office and I-787.

* Corning Preserve: The main feature of this public open space of almost 18 acres is a pair of tidal pools located in the center of the Preserve. Landscaping is minimal except at the water's edge, where a dense border of sumac and trees obscures views to the river during the summer. In recent years, the Preserve has been upgraded with additional picnic tables, a children's play cluster and a permanent rest room/maintenance facility. The park provides a unique waterfront recreation facility for downtown employees and visitors and experiences moderate to heavy use during the warmer months. Some of the Preserve's primary features are its bicycle/pedestrian path, picnic areas and other passive use facilities. It supports wildlife in the form of ducks and other waterfowl, and

recreational fishing in the Preserve has become common, both in the tidal pools and the River itself.

* Blocks North of Clinton Avenue: This area includes a complex of historic structures, including Quackenbush House, the oldest surviving residential building in Albany, now converted into a restaurant; and the City of Albany Urban Cultural Park, which exists within a complex of industrial buildings that previously housed the City of Albany Water Works. A major expansion of the Albany Urban Cultural Park, which now includes a planetarium, was completed during 1991.

3. South End Sub-Area

The South End sub-area, extending roughly from Rte. 20 to just south of Gansevoort St., is one of Albany's oldest residential districts. Unlike the previous sub-areas, the South End is relatively homogeneous on the west side of I-787 and continues to function primarily as a residential area, interspersed with neighborhood-oriented commercial activity.

On the river side of the arterial, off of Quay Street, is the Snow Dock, so named for the City's practice of dumping snow from it in the winter. This is a recently landscaped facility providing docking for moderately-sized pleasure boats such as the Dutch Apple II. Directly south of the Snow Dock is U-HAUL's Albany warehouse, van yard and only airborne truck. Further south, between Broadway and I-787, are several other industrial/warehousing buildings currently occupied by a number of small-scale wholesale and storage companies whose functions have no relationship to the river.

South of Route 20 and west of I-787 are two residential development projects: the Pastures, which comprises the Pastures Historic District, involved the restoration of several buildings dating from the first half of the 19th century; and Steamboat Square, an adaptive reuse and new public housing project lying partially within the South End/ Groesbeckville Historic District.

Residential development continues south of Rensselaer Street dominated by the five 12-story towers of public housing which anchor the Steamboat Square neighborhood. On adjacent sites are new townhouse construction for low income residents. This development has stimulated some private renovation activity in the low scale rowhouse area to the south and west.

4. Port Sub-Area

This sub-area is comprised of the Albany Port District. The Port of Albany is the northern-most inland port in North America that operates, ice-free, on a

twelve-month basis. The largest industrial district in the City, the Port is a facility of great regional importance handling the distribution of a wide range of products.

Most of the land in this district, lying between the area south of Gansevoort Street and the City's border with the Town of Bethlehem, is owned by the Albany Port District Commission (APDC) and is leased, generally, to industrial and commercial tenants, some of whose functions are neither water-dependent nor even port related. A recent Port study indicates that of the 29 port tenants, only 14 are marine-related. (Appendix A - Inventory of Port Leases). Water-dependent commercial concerns along the River in this sub-area include companies primarily involved in petroleum, automobile products, grain, molasses, wood pulp, scrap metal and other recyclable materials.

Other uses in the Port sub-area include the 31.4 acre Albany County Sewage Waste-water Treatment Plant and heavy industrial uses west of Church Street, such as scrap metal and construction companies utilizing railroad lines.

Along South Pearl Street are two residential areas: the town houses constructed by Interfaith Homes along Old South Pearl Street and the Ezra Prentice Homes (public housing) at the foot of Mt. Hope Drive.

There is vacant land west of So. Pearl Street along the banks of the Normans Kill, which has always been considered undesirable for development due to erosion hazards and the threat of flooding. Steep slopes and unstable soils characterize the Normans Kill valley at this location.

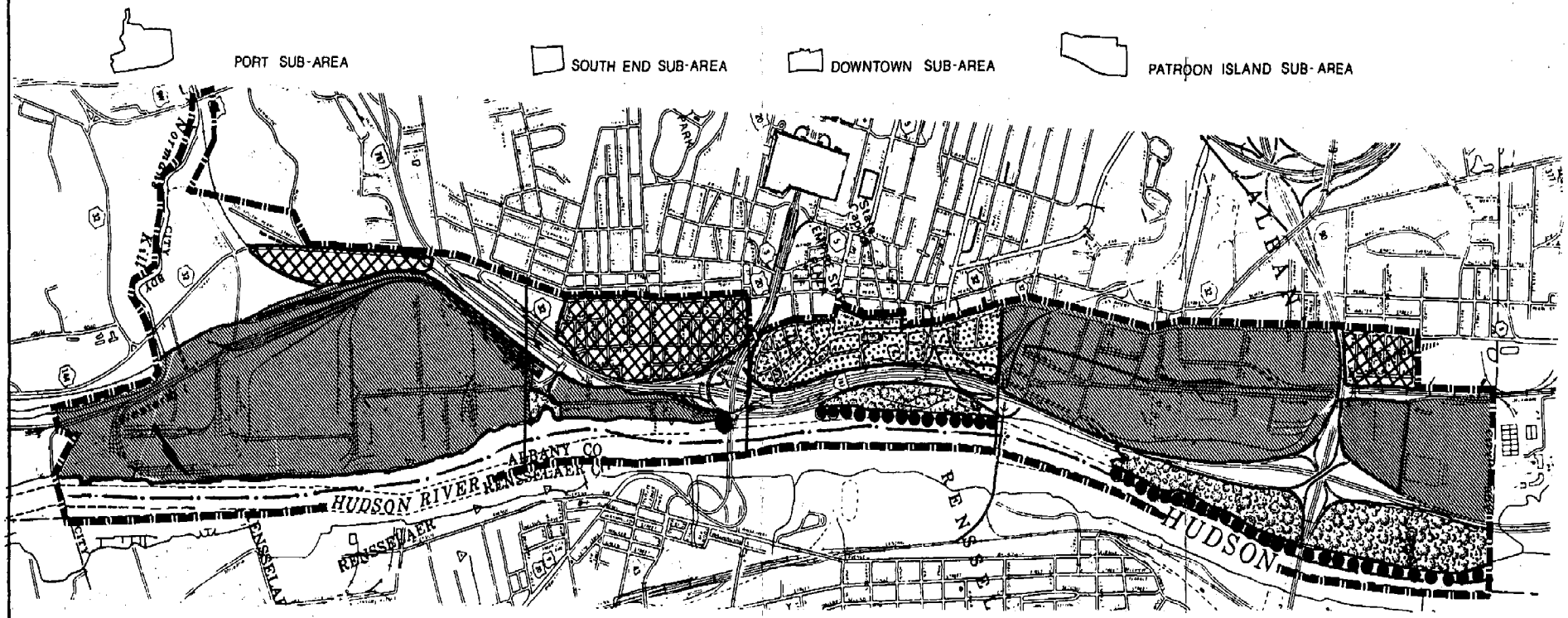
C. WATER-DEPENDENT AND WATER-ENHANCED USES

1. Patroon Island Sub-Area

* Bicycle Path: One of this sub-area's prime water-enhanced features is the bicycle path which parallels the Hudson from the southern end of the Corning Preserve to the Village of Menands, providing scenic vistas of the River.

* Boat Launch: Boating opportunities are provided by the public boat launch located on the River near the D&H Railroad bridge at the south end of this sub-area.

Map No. 3 EXISTING LAND and WATER USE



CITY OF ALBANY

Local Waterfront Revitalization Program

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Scale: 1" - 1600'

KEY:

- recreation area
- landfill area
- industrial area
- residential area
- commercial area
- open space
- fishing
- boating
- commercial vessels

* Sport Fishing: Sport fishing opportunities are available from points along the Patroon Island shoreline and the Corning Preserve.

b. **Downtown Sub-Area**

* The Corning Preserve: This 18-acre park preserve provides ample scenic vistas of the Hudson which enhance the use of the bike path continued from the Patroon Island Sub-Area. Primarily, the Preserve, with its close proximity to Downtown, is ideal for open-air picnics, festivals and large-scale public gatherings, all of which are enhanced by vistas of the River. The Corning Preserve is also the site of a sculling regatta held in June of each year. (See Section IV - Proposed Land and Water Uses and Proposed Projects). As in the Patroon Island Sub-area, there are opportunities for sport fishing from the Preserve's shores.

c. **South End Sub-Area**

* The Snow Dock: This site was recently landscaped by the State as a parking lot for 50 cars. The Snow Dock provides opportunities for sport fishing and scenic vistas of the River. It is also adequate for docking of festival ships such as the Clearwater or Dutch Apple II.

* Island Creek Park: When completed, this waterfront park will offer passive recreational opportunities, as well as a boat launching facility. See Section IV for additional information.

d. **Port Sub-Area**

The Port, by nature, is primarily a water-dependent facility, however, as stated in Part B. of this section, of the 29 Albany Port District Tenants, only 14 are marine-related (See Appendix A; and Part B, "Existing Land and Water Uses.")

The Port's marine and industrial facilities and activities prohibit public access to this sub-area's shoreline, restricting scenic vistas and opportunities for sport fishing and public access.

The 31.4 acre Albany County South Wastewater Treatment Plant takes its in-plant water supply entirely from the City Water Department system, however, it is dependent on the Hudson for effluent discharge.

D. PUBLICLY-OWNED LANDS

A survey of publicly-owned land, prepared for this document in 1986 using City tax assessment maps, located 36 publicly-owned parcels in the WRA (See Map Nos. 4A-4D.) Parcels range in size from 90.9 acres (owned by the Albany Port District Commission) to various parcels of 0.1 acres. (See Appendix B - Survey of Publicly-Owned Lands). A few smaller parcels were found, but these scattered splinters of land are generally too small to be considered for significant redevelopment. Though the publicly-owned parcels west of I-787 are relatively small and widely-distributed, virtually all of the land east of the highway is in public ownership.

In the WRA, publicly-owned land totals 666 acres, which represents approximately 42% of the 1,647 acres of land that comprise the WRA. By contrast, 987 acres, or approximately 58% of the land in the WRA remains in private ownership. Refer to Map Nos. 4A-4D which display these property ownership trends within the WRA.

Following is a breakdown of how publicly-owned lands in the WRA are distributed:

1. Patroon Island Sub-Area - 11 Parcels totalling 147.8 acres.

2. Downtown Sub-Area - 12 Parcels totalling 31 acres.

3. South End Sub-Area - 5 Parcels totalling 13 acres.

4. Port Sub-Area - 8 Parcels totalling 243.6 acres.

Lands within the WRA boundary which are submerged under the waters of the Hudson River and the Normans Kill total 231.3 acres are owned by the New York State Office of General Services and the City of Albany respectively.

Right-of-ways of the two highways, I-90 and I-787, which pass through the WRA are owned by the New York State Department of Transportation.

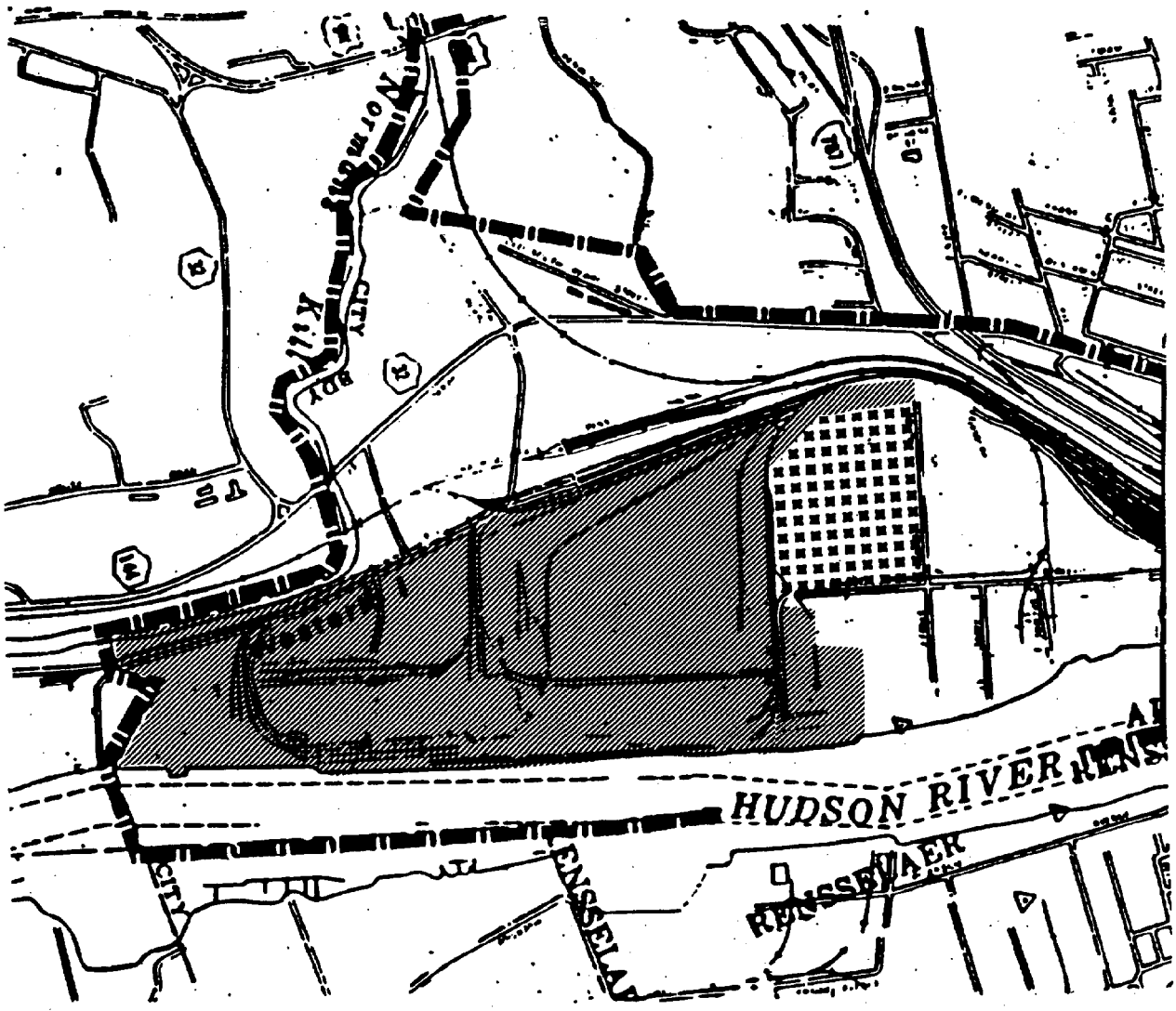
Please note that all lands within the boundaries of the Albany Port District Commission are owned by that agency.

Publicly-owned parcels targeted for major projects are: 1) Lower Patroon Island - landscaping and enhancement of passive, nature-oriented recreation and reinforcement of existing wildlife values; 2) Corning Preserve - increased landscaping and restoration of the existing comfort station building; 3) The 1.4 acre parcel at the intersection of Broadway and Church Street - establishment of a small riverfront park site. Linked together by the bicycle path that parallels the River from the Snow Dock to the Menands line, it is intended for these parcels to form a chain of open greenspace preserved along Albany's waterfront. (See Section IV - Proposed Land and Water Uses and Proposed Projects and Map Nos. 9A - 12B.)

Map No. 4A

PUBLICLY-OWNED LANDS

PORT SUB-AREA



KEY:

- albany port dist. com.
- albany county
- privately-owned land
- city of albany
- albany housing auth.
- I.d.a
- d.o.t corr.
- n.y. state
- alb. city school dst.

NORTH

Scale: 0 600' 1200'

Local Waterfront Revitalization Program

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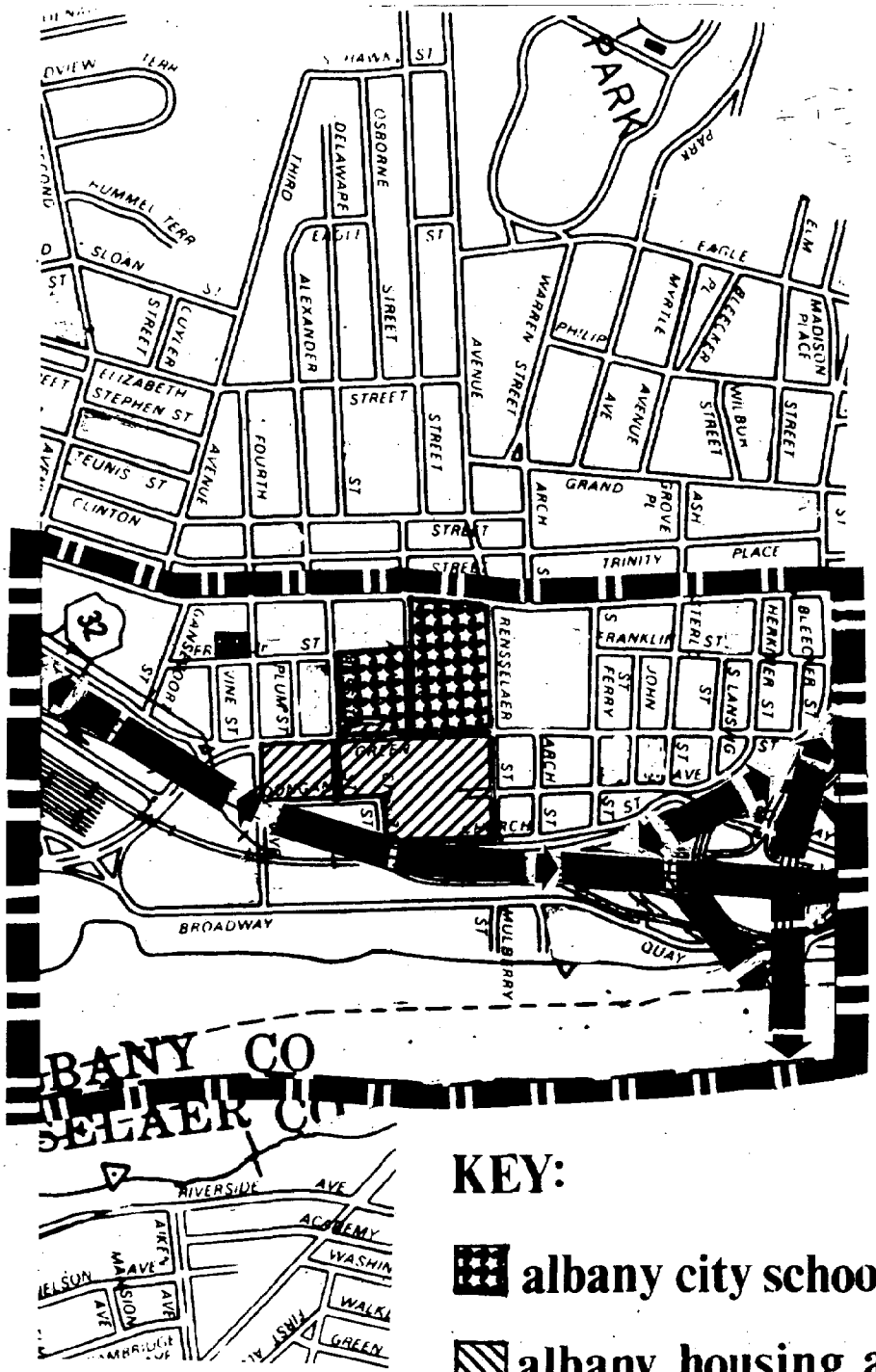
Map No. 4B

SOUTH END SUB-AREA
PUBLICLY-OWNED LANDS



KEY:

- albany city school district
- albany housing auth.
- city of albany
- d.o.t corr.

Scale: 0 400' 800'

Local Waterfront Revitalization Program

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Map No. 4C DOWNTOWN SUB-AREA

PUBLICLY-OWNED LANDS

KEY:

- new york state
- d.o.t.corr.
- united states of america
- city of albany
- county of albany

Local Waterfront
Revitalization Program

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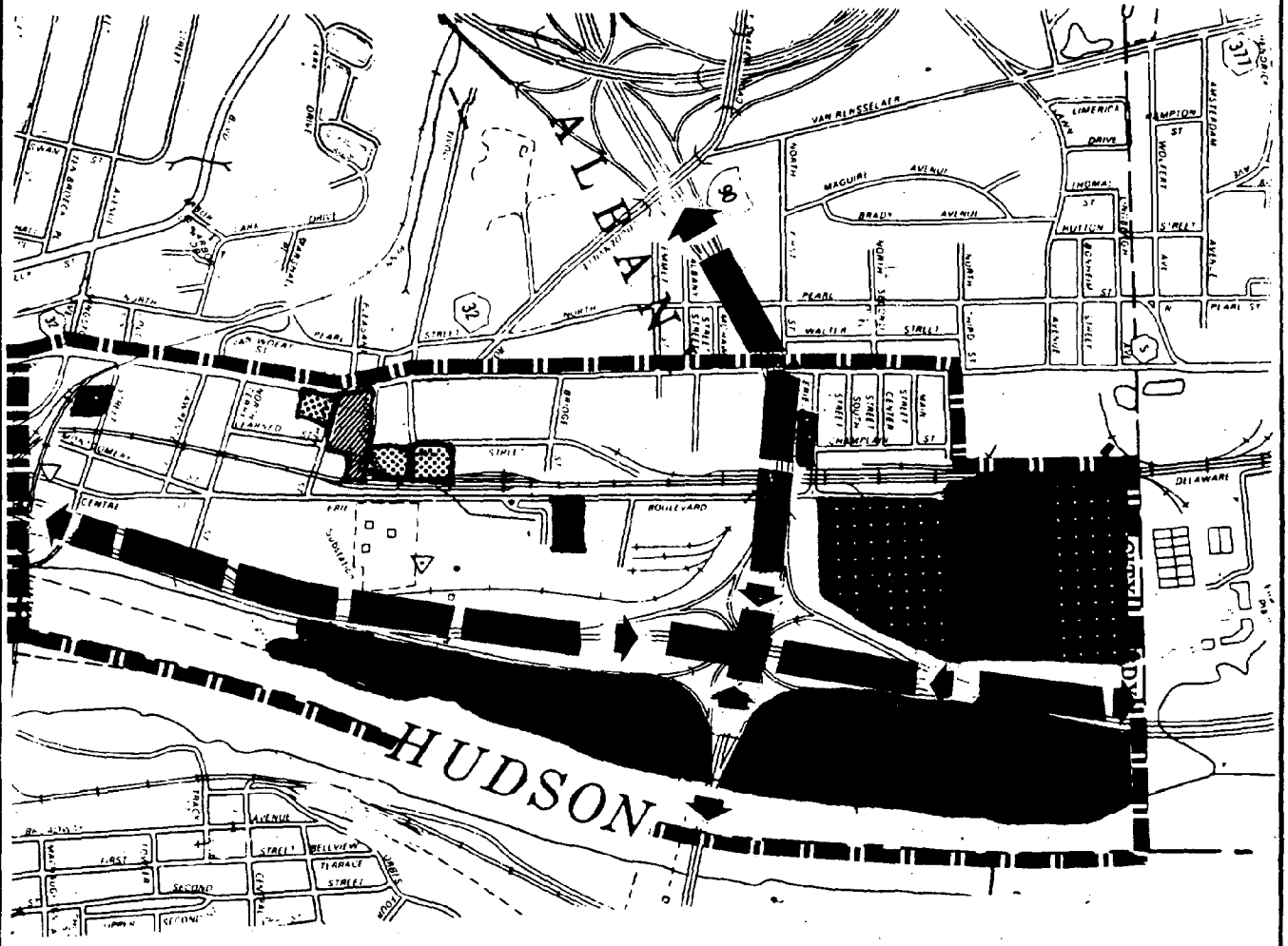
Scale:

0 400' 800'

Map No. 4D

PUBLICLY-OWNED LANDS

PATROON ISLAND SUB-AREA



KEY:

- city of albany
- n.y. state
- i.d.a.
- alb. city industrial development agency
- d.o.t. corridor

NORTH

Local Waterfront Revitalization Program

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Scale:

0 600' 1200'

Also, vacant sites on the Erie Boulevard corridor in the Patroon Island Sub-Area will be considered for relocation of non-water-dependent industries from the Port.

E. ABANDONED AND DETERIORATED PROPERTIES

A survey of abandoned and deteriorated parcels was undertaken in July 1984. This survey found 161 such properties in the WRA as follows: 69 commercial properties; 36 vacant properties; 24 residential properties; 12 parking lots; 11 industrial properties; 6 properties of mixed commercial and residential use; and 4 fenced properties used for storage and other purposes. (See Appendix C.)

A few parcels are as large as 5.5 acres (850 South Pearl Street), though most are not much larger than an average building lot (40 ft. x 100 ft.). A 1.4 acre parcel at the intersection of Broadway and Church Street is targeted for a small 1.4 acre riverfront park. (See Section IV - Proposed Land and Water Uses and Projects). Some vacant sites on Erie Blvd. may be considered for relocation of non-water-dependent industries from the Port. Vacant and abandoned properties on Broadway, north and south of Union Station, may be considered for commercial development.

The Survey - (Appendix C)

In the case of properties with buildings, the following use categories are:

- Commercial or office use
- Industrial use
- Residential use

The following categories describe them:

Poor - Buildings needing major renovation: roof or foundation reconstruction, replacement of doors and windows, complete facade restoration.

Fair - Buildings requiring less substantial repairs: brick repointing, window and door repair, landing entry replacement.

Good - Buildings undergoing restoration or needing only painting and minor repairs.

Other parcels that are vacant, overgrown or in other states of disuse are described accordingly.

Parcel conditions are described as either unimproved surface, weed-covered or as being littered with building debris. The site of the lot was approximated using number of building lots as the unit.

From the information collected here, the following can be determined:

* The only vacant lands suitable for water-dependent or water-enhanced uses are on Broadway in the South End Subarea.

* The only large parcels of vacant land in the WRA are located on Erie Boulevard in the Patroon Island Subarea.

* Most of the vacant properties are located on Broadway in the Patroon Island Subarea or on So. Pearl Street in the South End or Port Subareas.

Much of the blight can be eliminated by three programs:

* A continuation of rehabilitation activities along Broadway and So. Pearl Street.

* A more earnest enforcement of the City's zoning ordinance and non-residential property code in regard to vacant lot and parking lot grading, drainage and screening.

* The development of a comprehensive parking system, since parking is a crucial function of many of Albany's vacant lots and a key to the continued improvement of the Downtown Business District.

F. PUBLIC ACCESS AND RECREATION

1. General Context

Interstate 787 is the primary barrier to improved access to the waterfront, particularly in the Patroon and Downtown Sub-areas. There are only four points of access to the shoreline along these sub-areas. (See Map No. 5.)

2. Access

a. Patroon Island Sub-Area

* Existing Access: Presently, access by pedestrians and cyclists to Patroon Island itself is possible only by an eight to ten foot wide paved path leading north from the boat launch.

* Access Possibilities/Constraints: Access for two-way public traffic would require an expansion of the existing path by 30 feet in width for a minimum distance of 500 yards.

b. **Downtown Subarea**

* Existing Access: Access to the Corning Preserve is presently available only from the south, crossing under I-787 at either the Broadway-Water Street intersection, or at Quay Street, south of the Dunn Memorial Bridge. Northbound on and off ramps from I-787 also lead to the Preserve, merging with a one-way northbound frontage road which skirts the western boundary of the park providing exits at Colonie Street and Clinton Avenue.

* Access Possibilities/Constraints: Access points are difficult to find. The Quay Street entrance is almost half a mile south of the Preserve and the Colonie Street entrance is also remote. Needed is a pedestrian overpass crossing I-787 at a central location, such as Maiden Lane or Steuben Street, providing access to the Preserve from the heart of Downtown. A pedestrian bridge has already been considered and the State Department of Transportation has investigated the possibility of a pedestrian underpass leading from Downtown to the Preserve.

c. **South End Subarea**

* Existing Access: Vehicular underpasses at Quay Street and Fourth Avenue connect to a two-way extension of Broadway running parallel to the River's edge.

  There is relatively unobstructed pedestrian access to the Snow Dock along Quay Street, which is the starting point of the waterfront pedestrian/bike path leading north to Menands.

* Access Possibilities/Constraints: South of the Snow Dock, the City holds title to a number of undeveloped right-of-ways, including the River's edge along the entire length of the subarea. This represents an excellent opportunity for continuation of the waterfront walkway as far south as the proposed Island Creek Park, and would complete a three-mile Hudson Riverwalk leading from the South End subarea to the Village of Menands.

  The Quay Street and Fourth Avenue access points are only about a third of a mile apart and since the circulation system in the South End sub-area is all two way, there is no need for increased accessibility except under very intense levels of development on the waterfront.

  Access is restricted by at-grade railroad tracks. To connect any of the other streets through to Broadway, Arch, Rensselaer, Cherry or Bassett

Streets, would involve further at-grade railway crossings which impose inordinate operational and liability burdens on the railroad company.

d. **Port Sub-Area**

Access to the port by pedestrians and cyclists is undesirable because of the expansive shipping facilities which dominate the waterfront in this subarea. Expanding pedestrian access facilities in the Port sub-area would conflict with its industrial character.

Currently, vehicular access via Church Street and So. Pearl Street adequately serves the port and its tenants.

3. **Recreation**

Recreation is primarily confined to the Patroon Island Subarea and the Corning Preserve in the Downtown and South End sub-areas. Recreation in the Port is precluded by the Port's dominant industrial character. The following is a brief profile of active and passive recreation forms in the four sub-areas of the LWRP:

a. **Patroon Island Subarea**

* Pedestrian/Bicycle path; parallels the Hudson providing scenic vistas of the River.

* Fitness trail

* Sport fishing/Bird Watching

* Boat launch

b. **Downtown Subarea**

* Corning Preserve: This 18-acre riverfront park is the centerpiece of Albany's coastal area providing picnic areas, open recreation space and the site of the annual Empire State Sculling Regatta.

* Pedestrian/Bike path

* Outdoor festivals, gatherings

* Sport fishing

* Scenic Vistas

c. **South End Subarea**

* Docking for festival ships at the Snow Dock
* Passive recreation in the neighborhood park
* Sport fishing
* Scenic vistas

G. HISTORIC RESOURCES

1. General Context

Historic resources in the WRA are located mainly in the Downtown and South End subareas (See Map No. 6). Structures in the City's historic districts date primarily from circa 1820 to 1930's.

In addition to being listed on the National Register of Historic Places, all historic districts and structures discussed in this section are covered under a local ordinance for design review. It should be noted that a large number of historically significant structures have been successfully rehabilitated to office and commercial uses while retaining their historic integrity. A comprehensive inventory of all residential and commercial structures in the WRA has not yet been undertaken.

a. **Patroon Island Sub-Area**

No formally recognized historic resources have been identified in the Patroon Island subarea at this time.

b. **Downtown Sub-Area**

The Downtown sub-area has the highest concentration of historic sites and districts in the LWRP area. It includes portions of two historic districts, as well as six individual structures, all of which are listed on the National Register of Historic Places.

(1) Historic Districts

Downtown Albany Historic District: This historic district, a large portion of which is located in the WRA, includes Albany's Central Business District. It is a mixed district of residential, commercial, governmental and educational uses comprised primarily of buildings dating from the mid-19th century to the 1930's.

Broadway/North Pearl Street Historic District: Only a fragment of this district of largely residential, mid-19th century structures is within the WRA. It is significant in regard to this program in that it abuts the waterfront area at its border along Broadway.

(2) Historic Structures

Quackenbush Waterworks Complex: Actually a complex of two and three-story brick buildings, this structure is located at 23 Quackenbush Street on a one-acre parcel on the northwest corner of Montgomery and Quackenbush Streets. The oldest structure in the complex was built in 1862, with others being added between 1875 and 1897. Since the late 19th century, the complex served as a pumping station for the City's water system. It is now the headquarters and Visitors' Center of Albany's Urban Cultural Park.

Quackenbush House: Considered the oldest remaining residential structure in Albany, this two and a half story brick building located at 683 Broadway dates from 1736 and stands as a remnant of the Dutch settlement of colonial Albany. It is exceptionally important to the City as the earliest known remaining example of an urban architecture once characteristic of Albany.

Union Station: Located north of State Street at 575 Broadway in Albany's Downtown Historic District, this three story stone structure was designed in 1899 in an effort to accommodate Albany's increasing rail traffic and to give an impression of a prosperous and progressive city. Upon its completion in 1900 it served 96 trains daily and was widely considered to be one of the most modern railroad stations of the country. Served by the New York Central Railroad, Union Station attracted industry and commerce to Albany and was one of the most significant buildings in the day-to-day lives of the citizens of Albany. Vacant for a number of years, the building was renovated in 1986 by Fleet/ Norstar Bank Corporation for use as their headquarters.

Old Post Office: Begun in 1879, this building, located on the northeast corner of State Street and Broadway in the Downtown Historic District, was fully occupied by Federal revenue offices and the U.S. Post Office by the end of 1883. This structure, along with the D&H Railroad Building and the First Trust Company Building, forms one of the most visually dynamic urban compositions in Albany.

D&H Building: Located on Broadway at the base of State Street, this Flemish and Gothic Revival structure is one of the City's most important architectural attractions. A component of Marcus Reynold's "Plaza" concept, it was completed in 1918 and served as a rail station and corporate headquarters for the Delaware and Hudson Railroad. The D&H Building provides an exciting visual terminus for the eastern end of State St. It now houses the headquarters of the State University of New York Central Administration.

c. **South End Sub-Area**

The oldest residential section in the City, the South End sub-area includes two historic districts listed on the National Register of Historic Places.

South End/Groesbeckville Historic District: Buildings in the South End first appeared along South Pearl Street in the 1820's and 1830's and on parallel and intersecting streets through the late 19th century. The development occurred on land owned by Philip Schuyler and the Schuyler Mansion (listed on the National Historic Register) itself is located in this district.

Developed in the mid-19th century, Groesbeckville was a small unincorporated village adjacent to the South End district at Third Avenue. It was annexed to the City in 1870. Existing structures are mostly residential, two-three story frame and brick row houses dating from the 1840's - 1930's with the majority built in the second half of the 19th century.

Pastures Historic District: This is the oldest remaining residential area in Albany. The majority of the surviving structures here date from 1810 to 1850. It has been the focus of major renovation of existing structures as private homes, condominiums and rental property. The Pastures was formerly a mixed neighborhood of residential and industrial use.

d. Port Sub-Area

No formally recognized historic resources have been identified in the Port sub-area at this time.

2. Archeological Resources

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Field Services Map indicates that the entire WRA and adjacent areas are considered zones of highly sensitive historic and prehistoric archeological resources. These zones are too numerous and expansive to be displayed individually.

H. VISUAL QUALITY

Albany's major contribution to the scenic quality of the coastal area is its well-known and impressive city skyline. Approach views to downtown, however, are diminished by an unattractive foreground of major rail and freeway installations and scattered industrial development. The waterfront sub-areas could play an important role in providing attractively landscaped entrances to the City, both from north and south, and focussing more attention on its special riverfront location.

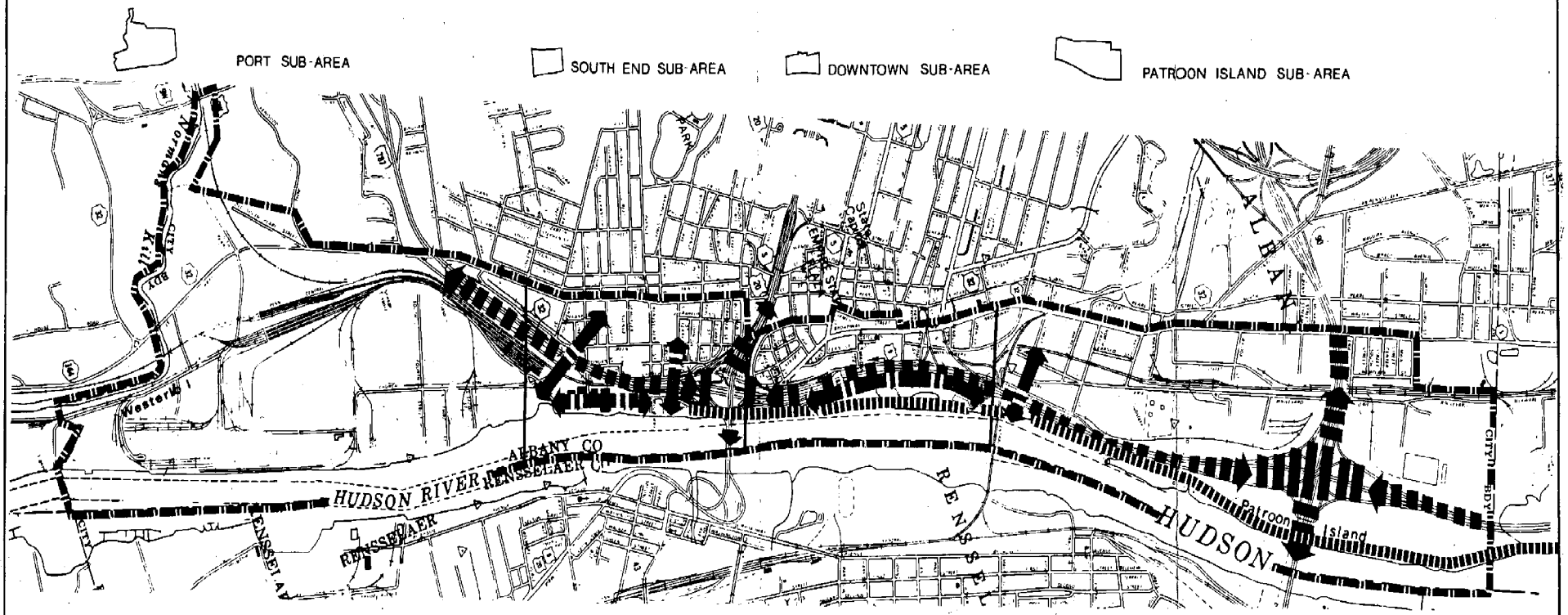
Various zoning and land use regulations control new construction throughout the City. These controls will keep any new construction from interrupting the view from the waterfront area toward Albany's downtown to the greatest extent practical while permitting the development needed for the City to achieve its goal of a 24 hour downtown.

Several neighborhoods in the Downtown and South End Sub-areas are under the jurisdiction of the City's Historic Resources Commission (See Part G. - "Historic Resources.") The Commission monitors and makes recommendations on any new construction or alterations that would be visible from the street. All new construction requires approval under a City-wide site plan review ordinance.

During 1988 the City adopted a new Historic Resources Commission Ordinance which provides greater control over development and design, as compared to the previous Historic Sites Commission Ordinance.

Another significant concern involves the proliferation of unsightly and obtrusive billboards along the interstate highway right-of-ways in the WRA. These large signs obscure views of the City skyline from the waterfront and views of the waterfront from various vantage points within the City. This should be addressed through revisions to the City's sign ordinance that would eliminate billboards and unnecessary signs within visually sensitive waterfront areas. In

Map No. 5 EXISTING PUBLIC ACCESS



CITY OF ALBANY

Local Waterfront Revitalization Program

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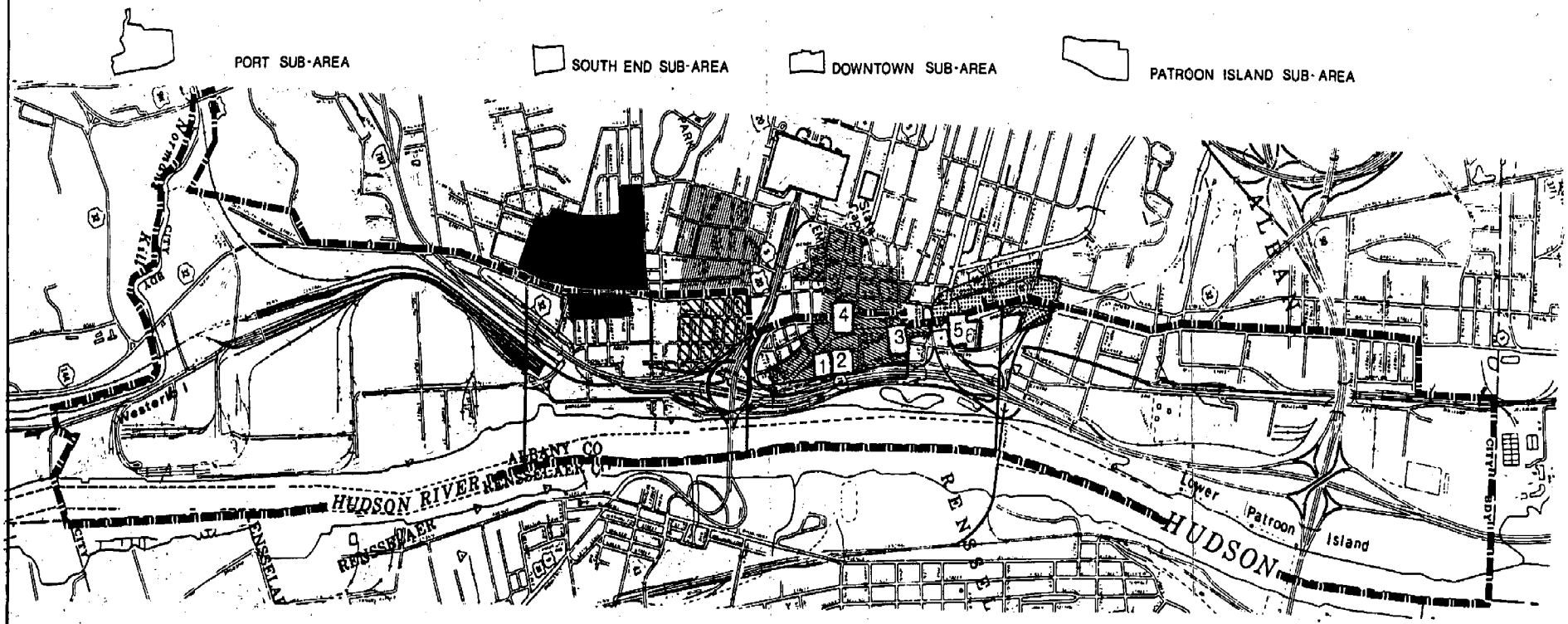
KEY:

- highway/barrier
- vehicular access
- pedestrian access

Scale: 1" - 1600'

NORTH

Map No. 6 **HISTORIC RESOURCES**



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Scale: 1" - 1600'

NORTH

KEY:

HISTORIC DISTRICTS

- south end/groesbeckville
- pastures
- downtown albany
- broadway/north pearl street
- mansion

HISTORIC STRUCTURES

1. d&h building
2. old post office
3. union station
4. first trust company building
5. quackenbush house
6. quackenbush waterworks complex

addition, the NYS Department of Transportation should consider a prohibition of signs and billboard permits within the interstate highway corridors that they control.

The City is also concerned with preserving views from the River to a shoreline that has not been fully developed. The shoreline along Albany's waterfront is in most cases properly vegetated and attractive when viewed from the River. Exceptions are the Port and South End Sub-areas. The Port by nature is a working waterfront that cannot, and should not, be embellished with vegetation or screening for aesthetic purposes. However, the shoreline in the South End Sub-area is in a somewhat bedraggled condition which reduces the visual and scenic quality of the waterfront in this vicinity. An improvement plan for this sub-area should focus on appropriate redevelopment, maintenance and enhancement of public access to the shoreline.

I. WETLANDS

No State or federally-designated wetlands exist within the City's Waterfront Revitalization Area.

J. AGRICULTURE

On Lower Patroon Island in the Patroon Island Sub-area, between I-787 and the River, two rice paddies covering approximately six acres were established as a cooperative experiment between a Jamaican rice grower, the City of Albany and the Albany County Cooperative Extension. Use of this area for rice cultivation has continued on a small scale basis.

There is no other agricultural development of any significance in the WRA.

K. SURFACE AND GROUNDWATER RESOURCES

Surface and groundwater resources in the WRA are limited to its two major streams: the Hudson River and the Normans Kill. Water tables in the WRA, though generally high, are in no way a source or resource of public water supply. The City of Albany is served by two public reservoirs: 1) the Alcove Reservoir, located 12 miles to the southwest of the City in the Town of Coeymans; and 2) the Basic Creek Reservoir, located 15.8 miles to the southwest in the Town of Westerlo.

The Hudson River: The Hudson River rises from its source near Mt. Marcy in the Adirondack Mountains in northern New York State and flows south for 350 miles where it empties into New York Harbor. At Waterford, 14 miles north of the Port of Albany and some 2.5 miles above the Federal lock and dam at Troy, the River connects with the New York State Barge Canal System. Canals in this system run to Oswego on Lake Ontario, west to the Niagara River, and north to Lake Champlain and the St. Lawrence River.

The Hudson River Channel, upon which the Port of Albany depends, is maintained by the Army Corp of Engineers to a depth of 32 feet. Along the Albany Waterfront, the River varies from 1,100 to 650 feet in width and has an average tidal fluctuation of 4.7 feet.

The River's water at this point maintains a "C" classification, meeting State standards. This classification designates the water as suitable for sport fishing, boating and all other uses except drinking and bathing. (See Part N - Water Quality.)

The River also supports significant habitats for fish, waterfowl and mammals. (See Section U, Fish and Wildlife Habitats.)

The Normans Kill: The Normans Kill is located on the west side of the Hudson River on the boundary between the City of Albany and the Town of Bethlehem. It is a relatively large, medium gradient, perennial warmwater stream with a drainage area of over 170 square miles. The lower mile of this stream falls within the tidal range of the Hudson River.

The Normans Kill is the largest tributary stream in Albany County. It is one of four major tributaries which empties into the northern portion of the Hudson River estuary.

The Normans Kill begins at the overflow dam at the City of Watervliet reservoir, which is located in the Town of Guilderland. It flows through the Towns of Guilderland, New Scotland and Bethlehem, where it flows beneath Route 85. From this point, the Normans Kill follows Albany's boundary with the Town of Bethlehem, flowing through the WRA for a total of 1.2 miles to its terminus at the Hudson River just south of the WRA.

The Normans Kill passes through a more secluded and diverse environment than the Hudson, not being exposed to the highway noise and industrial intrusion of the River locale. In addition, there are a variety of cover types present along the banks of the Normans Kill: woods, open brushland, and exposed rock cliffs.

The classification and standards for the Normans Kill from its mouth on the Hudson to the Route 443 bridge, on the Albany/Bethlehem line approximately 3 miles northwest of the WRA are "C". Freshwater inflows from the Normans Kill are important for maintaining water quality in the Hudson River estuary.

Portions of this stream provide favorable habitat conditions for a variety of regionally common fishes and small mammals. (See Part U - Fish and Wildlife Habitats.)

In addition, a two mile segment of the Normans Kill, from its mouth at the Hudson River to an upstream falls located near the NYS Thruway (I-90) bridge, has been designated by the New York State Secretary of State as a coastal fish and wildlife habitat of statewide significance.

L. FLOODING HAZARD

The 100-year flood elevation is 21 feet above the mean sea level, placing almost the entire waterfront area within a Flood Hazard Area, as delineated by the Federal Emergency Management Agency. (See Map No. 7.)

Flooding of the City's WRA is a very real issue. It is hypothesized that, while the Hudson River reservoir system controls smaller floods, the right combination of a series of wet years, filling the Sacandaga Reservoir which lies approximately 45 miles to the northwest in Fulton County, together with a large tropical storm is all that is needed to produce a major flood in Albany. During such an event, it is likely that the Patroon Island and Port Sub-areas would suffer the greatest damage. These areas would probably be chosen by the swollen river as the floodways, bearing hazardous flow velocities of powerful erosion potential, carrying with it large debris.

The natural floodplain in the City has been filled in. The interstate highway system may act as a levee, channeling floodwaters until the highway system heads up the valley walls, and the topography flattens out in the Port Sub-area. From this point on, it is likely a new floodway would be carved out farther inland.

During a major flood, the highway banks would be scoured and might collapse in some areas. Areas west of I-787 would be swamped by slow or still waters. Erosion damage would be heavy and since wet soils, especially clays, weaken with wet loads, building foundations could be shifted, and structural damage would result.

The Federal Insurance Administration Flood Insurance Study for the City of Albany, New York of October 1979, established the boundaries of the hundred year floodplain (See Map No. 7), but did not designate a probable floodway. The FIA reported that, since the Hudson River along Albany is an estuary, "water surface elevations during floods are ... a complex function of discharge, flood volume, tide levels and wind effects." Because there is no "unique relationship between water-surface elevation and (floodwater) discharge ... no floodway can be computed."

Redevelopment Considerations

While major floods have been a rare occurrence this century, the City should remain aware of their inevitability. Good floodplain management must be incorporated into the redevelopment and revitalization plans for our waterfront. This is not a serious constraint to recreational development in the area, but imposes a severe cost premium on any other type of development which must be flood-proofed to a foot above the 100-year flood elevation, or constructed over non-habitable space, such as parking.

The City presently has a local ordinance in place that establishes procedures to promote public health and safety considerations and the minimization of property damage and disruption of commerce during a 100-year flood.

The City itself may find it important to further investigate the designation of a floodway. The ordinance defines floodway as "an extremely hazardous area" where it would "prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during a 100-year flood."

Types of redevelopment compatible with close proximity to the floodway are highways, preserves, agriculture, and outdoor recreational facilities such as parks, walkways, marinas, baseball fields, bike paths, and gardens.

M. COASTAL EROSION HAZARDS

Although no part of the Albany waterfront has been identified as an erosion hazard area and erosion potential is not seen as a serious disincentive to waterfront development in Albany, local actions can have significant regional consequences and the LWRP, therefore, must include comprehensive erosion control measures. Any shoreline development in the Patroon Island Sub-area or Corning Preserve area of the Downtown Sub-area should meet strict design and construction standards.

Erosion could be a problem in the future for the light industrial facilities in the South End sub-area. Edge stabilization will be required to provide for new residential development.

N. WATER QUALITY

1. The Hudson River and the Normans Kill

The waters of the Hudson River along the Albany waterfront maintain a "C" classification which meets State standards. (See below).

The classification and standards for the Normans Kill from its month on the Hudson to the Route 443 bridge on the Albany/Bethlehem line approximately 3 miles beyond the WRA, are "C."

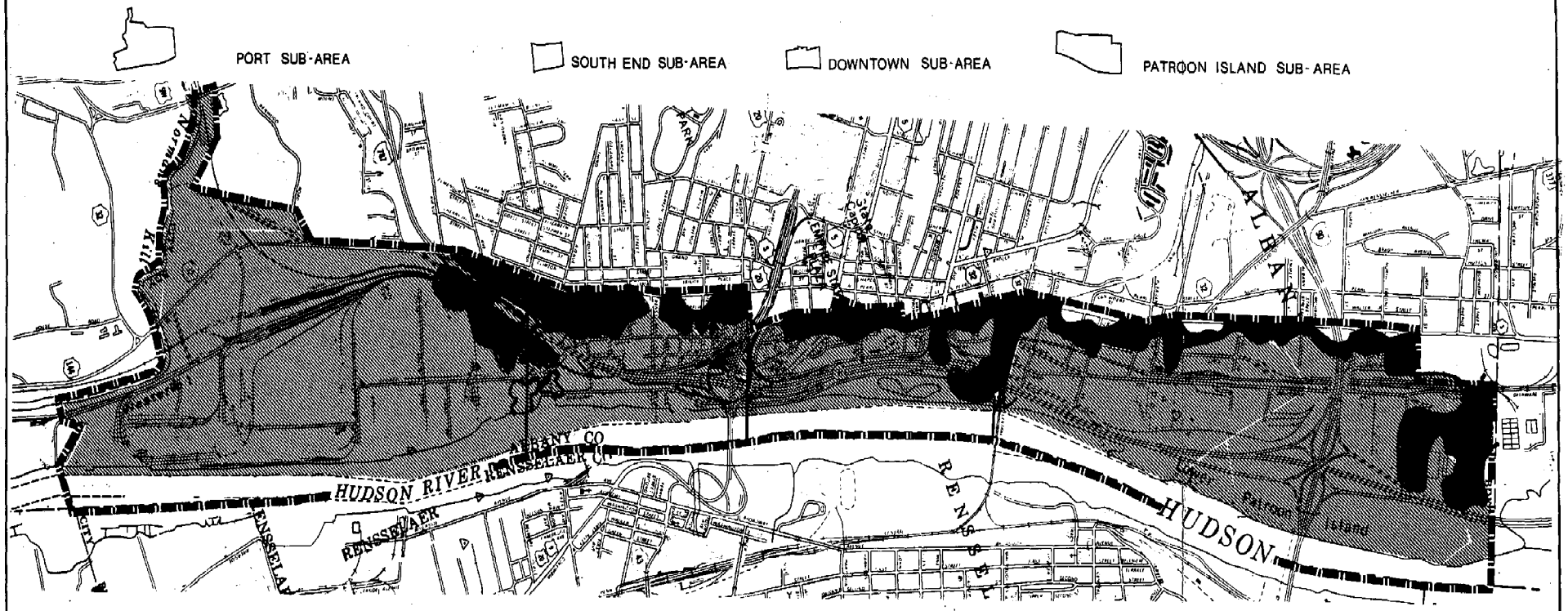
2. Industrial Waste Restrictions

Discharging wastewater into the Hudson is regulated according to its impact on fish habitat. It is prohibited to release visible amounts of oil, toxic substances, colored, heated or acidic waters into the River.

All present industries in the Patroon Island Sub-area and the Port Sub-area release their wastewater into the City sewer system. Any new industries locating in these areas of Albany will be subject to the same restrictions.

Map No. 7

FLOOD - HAZARD AREAS



CITY OF ALBANY

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KEY:

100-year floodplain

500-year floodplain

Scale: 1" - 1600'

NORTH

The Albany County Sewer District determines which types of industrial wastes are acceptable for discharge to the sewer and which, being hazardous or untreatable by the County treatment plant, require pre-treatment by the industry.

3. Non-Point or Storm Water Pollution

According to the City Engineer, there are no non-point or storm water pollution problems in the WRA.

4. State Water Classifications

"A" Source of drinking water; suitable for all other uses; water treatment required.

"B" Suitable for bathing and all other uses except drinking.

"C" Suitable for fishing and all other uses except drinking and bathing.

"D" Suitable only for fish survival.

O. AIR QUALITY

1. General Context

Federal ambient air quality standards exist for five major pollutant categories:

1. Total Suspended Particles
2. Carbon Monoxides
3. Sulfur Dioxides
4. Nitrogen Oxides
5. Ozone

The air quality in the WRA exceeds the particulate standards in the Port Sub-area. As a result, any new industry facility seeking to locate or significantly expand in the Port Sub-area would not be allowed to emit more than the pollutant concentration presented in the following table.

Air emission standards for new industrial sites in the Patroon Island Sub-area would be somewhat less stringent.

The following tables are adapted from Section 231.10, Title 6 of the New York State Conservation Law.

1. Air Standards for the Port Sub-area

Significant Impacts for Non-Attainment Areas

Air Contaminant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
	(micrograms per cubic meter)				
Suspended particulates	1.0	5.0			
Sulfur dioxide	1.0	5.0		25	
Nitrogen dioxide	1.0				
Carbon monoxide			500		2000

2. Air Standards for the Patroon Island Sub-area

Prevention of Significant Deterioration

Air Containment ambient air quality standard	Maximum Allowable Increment (micrograms per cubic meter)
Suspended particulates: Annual standard (geometric mean)	24
24 hour standard maximum	37
Sulfur dioxide: annual standard (arithmetic mean)	20
24 hour standard maximum	91
3 hour standard maximum	512

P. SOILS

1. Percentages of Soil Types in the LWRP Area:

* 60% - Urban land: greater than 85% of area covered by impervious surfaces.

* 25% - Urban land complex of disturbed soils, cut and fill areas, impervious surfaces.

* 10% - Undisturbed natural soils.

* 5% - Madeland, landfills of non-soil materials.

2. Urban Land

The soils in the Port, Downtown, and South End Sub-Areas are "Urban Land." This soil type is more than 85% covered by impervious surfaces such as parking lots, roadways and buildings. Identification of the soils in this area was considered impractical by the soil surveyors.

3. Madeland

The "Madeland" areas are located in the Patroon Island Sub-Area at the demolition and construction landfill and in the former barge canal channel bordering lower Patroon Island on the west. These areas are extremely unpredictable depending on the fill content. The landfill material may be unstable, poorly drained and subject to erosion and settling. Any development must be very carefully chosen and designed.

4. Natural Soils

The small percentage of natural soils found in the WRA are on the undeveloped slopes near the Normans Kill or in that stream's floodplain. These can be summarized as modern floodplain deposits (Alluvium) and lake-deposited clays, silts and sands. They are all severely limited for development due to high water tables, flooding, low bearing strength, slope instability and frost heave potential.

Q. GEOLOGY AND BEDROCK

1. Geology

The WRA is included within the area referred to by geologists as the Hudson River Flood Plain.

The following is a vertical geological profile of the WRA:

Feet Below Surface	Geological Material
0-5	Fill, approximately five feet thick except in old creek beds which may hold fifteen feet of it.
5-30	River deposits, silt, sand and/or gravel.
10-90	Layer of lake clays of varying thicknesses with a possible underlying layer of till less than ten feet thick.
30-100	Bedrock, depth to bedrock is mainly 50 feet in the area of So. Pearl Street.

Development Constraints

Because of the degree of variability, each building site must be studied for its soil and geological characteristics and limitations. The following can be generally stated:

* River deposits are normally poorly drained with a seasonally high water table. Thick clay layers generally increase construction costs. They have a low bearing strength and are highly unstable when wet.

* Flooding hazard is the most significant natural development constraint on riverfront properties. (See Part L. - Flooding Hazards).

* The underlying bedrock in Albany's WRA is called Snake Hill Shale. It is judged as a fair to poor foundation for heavy structures, and is generally found 50 feet below the soil surface.

2. Topography

The most dramatic feature of waterfront topography is the steep gorge-like valley cut by the Normanskill as it flows into the Hudson River floodplain. At this point, the valley is characterized by relatively gentle slopes.

Steep slopes also occur on Lower Patroon Island where I-787 intersects with I-90.

Except for the slopes of fill areas under the highway and some berming in the Corning Preserve, the waterfront is relatively low-lying and level, at an average elevation of about 10 feet above the mean water level.

In the Corning Preserve, excavation spoils from the tidal pools have been disposed throughout the park to form a more varied topography at elevations from 12 to 20 feet in the southern section. Ridges, to 22 and 30 feet above water level, have been formed along the western edge of the Preserve, providing some screening of the Frontage Road and I-787 from the central park area.

R. INFRASTRUCTURE

1. Public Water Supply in the WRA

With the exception of the area to the west of I-787 on Patroon Island, the waterfront area is serviced by the City's water supply system.

2. Public Sewage System in the WRA

The City maintains a system of combined collection sewers, while the Albany County Sewer District maintains treatment plants located within the Port and within the Village of Menands.

The combined system is old, prone to breakdowns and as in many older communities, needs upgrading and separation.

3. Solid Waste Disposal

The City of Albany provides a public landfill and waste processing facility off Rapp Road in the western portion of the City. Residential curbside collection is provided by the City to structures containing 4 or fewer dwelling units.

4. Infrastructure Adequacy

Although the public water supply and sewage systems are old, they do not pose a significant constraint to existing or proposed WRA development.

S. HIGHWAYS, ROADS AND MASS TRANSPORTATION SERVICES

1. Highways

The waterfront area is served by two highways: Interstate-90, which runs east-west; and Interstate-787, which runs north-south. Each of these highways serve regional commuters to downtown, as well as inter- and intra-state traffic.

I-787 originates from Exit 23 on I-87 (commonly known as the NYS Thruway as it stretches from New York City to Montreal) in the southwestern portion of Albany. It enters the WRA just a few hundred feet south of McCarty Avenue's juncture with South Pearl Street. It leads north, passing between the residential areas of the South End Sub-area and the river. It continues north, passing through Downtown Sub-area between the Central Business District and the Corning Preserve and continues through the Patroon Island Sub-area to Menands and on to its termination 4.3 miles north of Albany near the Town of Green Island.

I-787 intersects with I-90 in the Patroon Island Sub-area. Access points to Downtown Albany include on-off ramps connecting to Clinton Avenue and to Hamilton Street, which leads to the Empire State Plaza and Capitol buildings.

I-90 passes through the WRA in the Patroon Island Sub-area where it connects with I-787. This highway provides service east as far as Boston and west to Schenectady, Syracuse and Buffalo. I-90 also connects with I-87 at Exit 24 in western Albany.

2. Roads

a. Patroon Island Sub-area

This sub-area is served by Erie Boulevard which extends from the Downtown Albany Sub-area north to Menands, paralleling the D&H Railroad tracks. This road serves as the main thoroughfare in this sub-area, providing access to the several industrial sites in this district.

b. Downtown Sub-area

The main road serving this sub-area is Broadway, which runs north-south, paralleling the WRA boundary from the north end of the Patroon Island Sub-area to the South End Sub-area. Major streets carrying traffic into the sub-area from uptown are State Street and Clinton Ave.

c. South End Sub-area

Access to this sub-area from uptown is provided primarily by Madison Avenue and Morton Avenue. Broadway continues from the Downtown Sub-area and passes beneath the I-787 interchange at the north end of the South End Sub-area. Broadway leads south out of this sub-area and connects directly to Church Street, the main access road into the Port Sub-area.

d. Port Sub-area

Church Street continues south from Broadway in the South End Sub-area. It is the main access road into the shipping/industrial section of the Port.

South Pearl Street continues south from the South End Sub-area into the Port Sub-area and becomes Route 32 just south of its juncture with Kenwood Road.

The remainder of this sub-area is not served by public roadways or streets, as it is dominated by industrial sites and shipping facilities.

While the existing system of roads and highways adequately serve the WRA, I-787 poses a substantial public access barrier to the River and its shoreline.

3. Bus Service

The Capital District Transportation Authority (CDTA) serves the Downtown and South End Sub-areas with several bus lines, most of which terminate at North Pearl Street just west of the WRA boundary.

Two bus lines provide service into the Downtown Sub-Area: 1) Bus line #14 which follows State Street, Madison Avenue and Broadway and leads across the Dunn Memorial Bridge with access to the Town and County of Rensselaer; 2) Bus line #24 which follows South Pearl Street and Broadway and leads across the Dunn Memorial Bridge providing access to the City of Rensselaer and City of Troy.

There is no direct bus service to the Corning Preserve, Snow Dock or the Patroon Island and Port Sub-areas.

Located in the Downtown Sub-area are a Greyhound bus depot (at Hamilton and Liberty Streets), and a Trailways depot (at Division Street and Broadway).

A proposed shuttle bus system will carry passengers between the Empire State Plaza and points adjacent to the Corning Preserve, establishing more efficient access patterns between the waterfront and points uptown.

4. Rail Service

Though there is no passenger rail service into the WRA or Albany itself, two railroads provide freight service. The Delaware and Hudson Railroad provides minimal service to the Patroon Island Sub-area to accommodate the industrial sites along Erie Boulevard.

Rail work involving access to Port Transit sheds was started in 1986 and continued in 1987. This involved grading at rail crossings and improving access to the north and central areas of the Port.

Amtrak passenger rail service is available from the City of Rensselaer train station across the river and from the Town of Colonie station located a few miles northwest of Albany.

T. EXISTING ZONING

The Waterfront Revitalization Area encompasses 10 different zoning classifications. Three of these zoning classifications were recommended by the LWRP and adopted by the Common Council in July 1990 for waterfront properties located east of I-787 in the South End, Downtown and Patroon Island Sub-areas. These three classifications are WF-1 (Waterfront Residential/Commercial, WF-2 (Waterfront Recreation) and LC (Land Conservation).

The WF-1 Classification is designed to encourage residential, mixed use development or renovation primarily within the South End portion of the waterfront.

The WF-2 classification is primarily designed to permit moderate-intensity recreational development within and adjacent to the Corning Preserve and boat launch area. The designation will permit the development of a wide range of public or private recreational activities, while still maintaining the open-space character of the Preserve area.

The LC classification is designed to protect, maintain and enhance passive, open-space recreation areas in the Patroon Island and other publicly-owned preserve, park or greenspace properties throughout the City.

The Patroon Island Sub-area is composed of the LC zoning classification along the waterfront and the M-1 Heavy Manufacturing zoning district along the Erie Boulevard and Broadway industrial corridors.

The Downtown Sub-area includes a WF-2 (Waterfront Recreation) designation for the Corning Preserve and the C-3 Central Business District classification for that portion of the Downtown Business district located within the WRA boundary.

The South End Sub-area is composed of WF-1 (Waterfront Residential/Commercial), WF-2 (Waterfront Recreation) and C-M Light Industrial zoning districts east of I-787 and an amalgam of C-1 Neighborhood Commercial and Residential districts to the west of the arterial.

The Port Sub-area is designated entirely M-1 Heavy Manufacturing and contains mainly port-related and solid waste management facilities.

U. WILDLIFE

General Context

Although much of Albany's waterfront is characterized by a high degree of development, some areas do provide suitable habitats to support a relative abundance and diversity of regionally common wildlife. These areas are the shoreline of the Hudson River at the Corning Preserve and in the Patroon Island Sub-area, and the Normans Kill where it passes through the WRA in the Port Sub-area.

These coastal green belts provide important opportunities for sport fishing, bird-watching, wildlife photography and other wildlife-related activities in close proximity to an urban population center. Nonetheless, actual utilization of these areas is significantly below capacity.

There is one aspect in which these areas share common wildlife values: the wooded slopes along the Normans Kill, and isolated areas of the Patroon Island Sub-area support significant populations of muskrat, rabbit, raccoon, and other small mammals common to a tidal zone. These areas also support small populations of such larger mammals as deer and red fox.

Following is a general description of bird and fish habitats in these areas:

1. The Hudson River

In the Corning Preserve and in the eastern portion of the Patroon Island Sub-area, it is possible to observe common species of waterfowl, predatory birds, songbirds and other species such as mallards, red-tailed hawk, orioles, kingbirds, and flickers.

Most of the habitat can be described as maintained open field dominated by grass sod. The rest of the area includes meadows, a tree and shrub line between river and field, and six acres of what was formerly rice paddies, virtually abandoned and reverting gradually to a natural state.

The river habitat supports an abundance of fish, and sport fishing opportunities in the Hudson are excellent. In addition, the River supports a significant population of short-nosed sturgeon, an endangered species whose range is up to the Troy dam. But while general water quality and fish habitat are improving, toxic contamination prohibits the consumption of the River's fish.

Species diversity along the river bank in the Patroon Island Sub-area could be furthered by the following: leaving more land in meadow; constructing nesting boxes for wood ducks; and encouraging re-vegetation of the rice paddies so as to protect the habitats of breeding mallards and other wildfowl who have come to rely on these sites for nesting.

2. The Normans Kill

The considerable length of stream channel accessible to migratory fish, and the lack of significant human disturbances in the upper portion of the Normans Kill, provide favorable habitat conditions for a variety of anadromous, as well as resident freshwater, fish species.

A two-mile segment of the Normans Kill, from its mouth on the Hudson River to an upstream falls located near the New York State Thruway (I-90) bridge, is expected to be designated by the New York State Secretary of State as a Coastal Fish and Wildlife Habitat of Statewide Significance. As an important spawning area for alewife, blueback herring, and white perch, it is one of only ten significant spawning streams for these anadromous fishes in the upper Hudson River. Detailed information on this habitat is appended, including: a quantitative evaluation of the habitat's significance; a description of its location, physical features and fish wildlife values; a location map; and a listing of knowledgeable contacts. (See Appendix D)

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

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

POLICY 1A **RESTORE, REVITALIZE AND REDEVELOP DOWNTOWN ALBANY AS THE CITY'S CENTRAL BUSINESS DISTRICT.**

POLICY 1B **REVITALIZE THE SOUTH END AS A RESIDENTIAL AND BUSINESS COMMUNITY WITH EXPANDED RECREATIONAL OPPORTUNITIES.**

POLICY 1C **REVITALIZE THE PORT OF ALBANY AS AN INDUSTRIAL CENTER.**

Explanation of Policy

Revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to deteriorated areas. This policy is intended to ensure that the directly undertaken, funding and permitting actions of local, State and Federal agencies further the revitalization of deteriorated portions of Albany's waterfront.

Downtown Albany is currently experiencing a strong cycle of revitalization with much renovation and new construction activity. Many underutilized or vacant parcels or buildings exist within this sub-area which are still available for commercial, cultural or residential reuse. In addition, this sub-area contains the Corning Preserve, which has been identified as a major area of underutilized recreation space.

Any actions directly undertaken, funded or approved by various governmental entities should be consistent with the range of projects and uses outlined within the land use plan for this sub-area. (See Section IV - Proposed Land and Water Uses and Proposed Projects.)

The portion of the waterfront within the South End Sub-area contains areas with direct waterfront access cited for their reuse potential as residential areas and a park area.

Actions subject to approval by various government entities should be considered for consistency with these land use proposals prior to final approval.

The Port Sub-area contains a considerable amount of underutilized areas for increased industrial, fabricating or warehousing facilities for water-related uses. Reuse or improved use of currently vacant or underutilized sites should give priority to water-dependent Port uses and discourage or prohibit the location of non-water dependent uses.

The following guidelines shall be used to determine the consistency of any proposed action with this policy:

1. When an action is proposed to take place in a waterfront area regarded as suitable for development:

    a) Priority should be given to uses which are enhanced or dependent upon a location adjacent to the water and which complement the Corning Preserve for that portion of the waterfront east of I-787.

    b) The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development.

    c) The action should serve as a catalyst to private investment in the area.

    d) The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline.

    e) The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.

    f) The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand.

    g) The action should improve adjacent and upland views of the water and shoreline, and, at a minimum, must not affect these views in an insensitive manner.

    h) The action should have the potential to improve the possibilities for multiple use on the site.

i) The action shall be in compliance with all applicable land use controls in effect within the waterfront boundary.

2. If an action is proposed to take place outside of a given deteriorated, underutilized waterfront area suitable for redevelopment and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to undertake the action within the deteriorated, underutilized waterfront area in question. If such an action is feasible, the agency should give strong consideration to undertaking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify. Such a demand within Albany's waterfront presently exists for water-related recreation within the Corning Preserve, as well as for the facilitation of water-dependent industries within the Port of Albany.

The traditional method of land allocation, i.e., the real estate market, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. These "water-dependent" uses, however, contribute significantly to the long-term economic vitality and public enjoyment of the coastal area. To ensure that such "water-dependent" uses can continue to be accommodated within the State, this policy provides that local, State and Federal agencies should avoid undertaking, funding, or approving non-water-dependent uses when such uses would pre-empt the reasonably foreseeable development of water-dependent uses; and should utilize appropriate programs to encourage water-dependent activities. (For a discussion of existing water-dependent uses, refer to Section II -Inventory and Analysis, Part C. - Water-dependent Uses.)

The following uses and facilities are considered as water-dependent:

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

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

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

4. Structures needed for navigational purposes (for example: dams, beacons, lighthouses);

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

6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);

7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);

8. 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 to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);

9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods);

10. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities);

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

All existing water-dependent uses within the waterfront boundary will be reinforced. The specific sites which are available for water-dependent uses are covered in Section IV. Each of the sub-areas within the waterfront has been assessed for the potential of water-related uses and specific projects for each have been proposed. Specific actions should be consistent with these proposals and the land use controls which will be established according to Section V - Techniques for Local Implementation of the Program.

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.

POLICY 3A **FURTHER DEVELOP THE PORT OF ALBANY AS A CENTER OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING OF DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

Explanation of Policy

The Port of Albany is designated as one of five major ports in New York State. As such, it is a vital component of not only the City's, but the State's economic well being. The aim of this policy is to support Port development and activities in the Port of Albany.

Currently, the Port of Albany is underutilized for water-dependent activities. Many of the Port's prime tenants, some of which occupy river frontage, are in no way water-related. Non-water-dependent uses should be assessed for potential relocation when their leases expire and their vacated sites be made available to water-dependent uses.

Consequently, the Port will pursue a policy of giving siting preference to water-dependent businesses when a site becomes available. However, lease agreements with existing non-water-dependent tenants should only be terminated if the demand for their space by water-dependent businesses is such that replacement tenants exist and the Port will not suffer economically from such actions. Furthermore, the Port Commission may site new facilities to improve Port use or lease income if no demand for water-dependent uses exists.

Three other development policies, discussed in this Section, also have significant implications for Port development, namely: Revitalization of deteriorated waterfronts (Policy 1); water-dependency (Policy 2); concentration of development (Policy 5); and the expediting of permit reviews (Policy 6). In implementing this policy, State, Federal and local agencies will recognize that jurisdiction of this policy extends over the Port Commission facilities, as well as any future expansions or improvements to such facilities. If an action is proposed for a site within or abutting the Port, or if there is a reasonable expectation that a proposed action elsewhere would have an impact on the Port, then the following guidelines shall be used in determining consistency.

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity, i.e., development related to waterborne transportation, which will have precedence over other, non-port related activities.

2. Dredging to maintain the economic viability of major ports will be regarded as an action of regional or statewide public benefit, if a clear need is shown for maintaining or improving the established alignment, width, and depth of existing channels or for new channels essential to port activity, and it can be demonstrated that environmental impacts would be acceptable according to State regulations governing the activity.

3. Landfill projects in the near-shore areas will be regarded as an acceptable activity within the Port of Albany, provided adverse environmental impacts are acceptable under all applicable environmental regulations and a strong economic justification is demonstrated.

4. If non-port related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.

5. When not already restricted by existing laws or covenants, and when there is no other overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port shall be offered for sale, in the first instance, to the appropriate port authority.

6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consi leration must also be given to non-port related interests within or near the ports that have demonstrated critical capital programming needs.

7. No buildings, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency or sold without making provisions for their maintenance in sound condition or for their demolition or removal.

8. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the Port.

POLICY 4 **THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBOR AREAS IS NOT APPLICABLE TO ALBANY.**

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

Explanation of Policy

The City of Albany is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in Section IV.

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

1. A location in the coastal area may be suitable for development, if three or more of the following conditions prevail:

    a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;

    b. Fewer than 50% of the buildable sites within a one-mile radius of the proposed site are vacant (i.e., sites meeting lot area requirements under existing local zoning regulations);

    c. The proposed site is served by or is near to public or private sewer and water lines;

    d. Public transportation service is available within one mile of the proposed site; and

    e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

2. The following shall be considered in assessing the adequacy of an area's infrastructure and public services:

    a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;

    b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;

    c. Sewage disposal system can accommodate the wastes generated by the development;

d. Energy needs of the proposed land development can be accommodated by existing utility systems;

e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and

f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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

Explanation of Policy

For specific types of development activities and in areas suitable for such development, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each board's and agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

FISH AND WILDLIFE POLICIES

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

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- o are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- o support populations of rare and endangered species;
- o are found at a very low frequency within a coastal region;
- o support fish and wildlife populations having significant commercial and/or recreational value; and
- o would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- -- destroy the habitat; or
- -- significantly impair the visibility of a habitat.

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

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat focus on ecological alterations and may

include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

The range of parameters which should be considered in applying the habitat impairment test include, but are not limited to, the following:

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

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

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A **THE NORMANS KILL HABITAT SHALL BE PROTECTED, PRESERVED AND, IF PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.**

Explanation of Policy

The Normans Kill Habitat is an approximately two mile segment of this tributary to the Hudson River extending from its mouth on the Hudson to a falls located just downstream from the New York State Thruway bridge. The Normans Kill is a relatively large, medium gradient, perennial warm water stream with a drainage area of over 170 square miles. The downstream portion of this stream, including the habitat area, serves as the municipal boundary between the City of Albany and the Town of Bethlehem.

The Normans Kill is an important spawning area for alewife, blueback herring, and white perch and is one of only ten significant spawning streams for these anadromous fishes in the upper Hudson River. As a result of the abundant fish resources of this stream, it is popular during the summer months. Fishing pressure is concentrated on the lower section of the stream near road crossings.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in the Normans Kill could adversely affect the fisheries resources of this area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish populations. Of particular concern are the potential effects of upstream disturbances, including water withdrawal, impoundments, stream bed disturbances, and effluent discharges.

Barriers to fish migration, whether physical or chemical, would have significant impact on fish populations in this creek, as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods. Existing woodlands bordering the Normans Kill and its tributaries should be maintained to provide bank cover, soil stabilization and buffer areas. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries resources are available.

The City of Albany has adopted design guidelines to ensure that new development in the vicinity of the Normans Kill will be designed with stormwater retention features that will reduce the negative impacts associated with stormwater runoff to the greatest extent practical. Retention ponds, seepage pits and other methods will be used to control runoff and reduce turbidity and pollutant loading.

The Normans Kill begins in the Town of Guilderland as an outflow of the City of Watervliet Reservoir. Portions of this stream are bounded by the Towns of Guilderland and Bethlehem. City officials have discussed with the Albany County Environmental Management Council the possibility of preparing a stream corridor management plan. City officials will continue to pursue this concept cooperatively with other involved municipalities in order to protect water quality within the full length of the Normans Kill. Refer to Appendix D for detailed information on the Normans Kill Habitat.

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

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6NYCRR Part 371).

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

Other pollutants refer to conventional wastes generated from point and non-point sources and not identified as hazardous wastes, but controlled through other State regulations.

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

Explanation of Policy

As previously discussed in Section II - Inventory and Analysis, Part F. - "Public Access and Recreation" and Part U - "Fish and Wildlife Habitats", recreational uses of fish resources include non-commercial sport fishing. With respect to wildlife resources, non-consumptive uses, such as bird watching are acceptable.

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

The following additional guidelines should be considered by State, Federal, and City agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made as to whether an action will impede existing or future utilization of the City's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (See Policy 7) and/or conferring with a trained fish and wildlife biologist.

POLICY 10 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING IS NOT APPLICABLE TO ALBANY.**

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 **THE STATE COASTAL POLICY REGARDING THE SITING OF DEVELOPMENT IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY CAUSED BY FLOODING AND EROSION IS NOT APPLICABLE TO ALBANY.**

POLICY 12 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO ALBANY.**

POLICY 13 **THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO ALBANY, ALTHOUGH A LOCAL POLICY IS ESTABLISHED.**

POLICY 13A **THE REPAIR AND MAINTENANCE OF WHARVES AND DOCKS WITHIN THE PORT SHOULD BE PLANNED TO INSURE THAT FUTURE DESTABILIZATION OF THESE FACILITIES WILL NOT OCCUR.**

Explanation of Policy

A lack of ongoing maintenance in the past has led to the collapse and destabilizing of some sections of wharf along the Port's shoreline. An ongoing maintenance plan is needed for those sections of wharf which are not beyond repair. Other sections of wharf, due to their deteriorated condition and the effects of erosion, should be rebuilt as part of a capital improvement program for the Port of Albany.

A Port of Albany Plan was prepared for the Port in conjunction with the NYS Department of Transportation. This plan recognizes this problem and recommends long-range improvements.

POLICY 14 **ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

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

Explanation of Policy

Coastal processes, including the movement of beach materials or shoreline sediment by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining for sand and gravel deposits is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

Those lands under the Hudson River, owned by the State of New York and within the City of Albany shall be subject to this policy. (See Section II - Inventory and Analysis, Part D. - "Publicly-Owned Lands" for a review of the ownership of the lands submerged under the Hudson River and Normans Kill.)

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

Explanation of Policy

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

POLICY 17 **WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SET BACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (3) THE RESHAPING OF BLUFFS; AND (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

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

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Within identified Flood Hazard Areas, the following guidelines shall apply: (a) the avoidance of damage from flooding by the siting of buildings outside the hazard area; (b) the flood-proofing of buildings by their elevation above the base flood level; and (c) new construction and substantial improvements of any residential structures shall have the lowest floor, including basement, elevated to or above base flood level.

GENERAL POLICY

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

Explanation of Policy

Proposed major actions may only be undertaken in the waterfront area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and City and their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

PUBLIC ACCESS POLICIES

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

POLICY 19A **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO THE CORNING PRESERVE.**

POLICY 19B **PROTECT, MAINTAIN, AND INCREASE THE LEVEL OF ACCESS TO THE PUBLIC BOAT LAUNCH LOCATED AT THE SOUTHERN TIP OF LOWER PATROON ISLAND.**

Explanation of Policy

The Corning Preserve is the key publicly-owned, waterfront recreation resource within the City. The Preserve suffers from poor access, and improvements in this respect are a major concern for the City. Access is to be increased, primarily, through the provision of pedestrian and vehicular over- and under-passes spanning I-787.

Maintaining and improving access to the public boat launch area just north of the Preserve is another major concern. Although access is adequate at this point in time, any proposed transportation improvements or changes to the local street network in this vicinity should be considered in regard to boat launch access.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related resources and facilities shall not be reduced. The possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities shall not be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

The following is an explanation of the terms used in the above guidelines:

a) Access - the ability and right of the public to reach and use public coastal lands and waters.

b) Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or are enhanced by a waterfront location.

c) Public lands or facilities - lands or facilities held by State or City in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

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

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

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

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

(4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.

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

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

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

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

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

   a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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

3. The City, State or Federal governments will not undertake or fund any projects which increase access to a water-related resource or facility that is not open to all members of the public.

4. In their plans and programs for increasing public access to public water-related resources and facilities, agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

5. All local, State and Federal policies, programs and actions which affect I-787 as it parallels the waterfront should be designed, wherever practical, to reduce the physical presence of the arterial as an access barrier. Long-term considerations could include pedestrian access over or under the arterials and physical alterations which would reduce the physical scale of the arterials. These long-term considerations could include:

a) A pedestrian overpass linking the Corning Preserve in the vicinity of Union Station;

b) Consideration of a transfer of air rights over the arterial system from the New York State Department of Transportation to the City or private development interests for the purpose of permitting development over the arterials that would include public access to the waterfront from the downtown area. Other physical modifications may be considered that would permit direct pedestrian access between the Corning Preserve and Broadway area.

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

Explanation of Policy

As previously described in Section II - Inventory and Analysis, virtually all of the lands adjacent to the water's edge within Albany are publicly-owned. The Corning Preserve, a riverfront linear park and recreation facility, occupies the bulk of these lands. As described under Policy 19, improvements to the accessibility of this recreational facility are proposed.

In addition, access is to be increased through development of a floating dock adjacent to the Corning Preserve Comfort Station, which will be rehabilitated to include a light menu carry-out restaurant facility. The City will provide further access to the river's edge through a 1.4 acre parcel north of the Port for development of a passive park, as well as development of a waterfront promenade/ trail associated with residential development immediately south of the Corning Preserve and north of this proposed park.

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

a) (See definitions under Policy 19 for "access" and "public lands or facilities").

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

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

(2) Pedestrian access is diminished or blocked completely by public or private development.

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

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

(2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

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

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

(2) Access is reduced or blocked completely by any public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely

affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

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

5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

   (a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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

6. While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Refer also to Policies 19, 21, and Section IV.

RECREATION POLICIES

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

SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

As described throughout Section II and Section IV, a major thrust of the strategy for the City's waterfront revitalization involves an expansion in the use of the Corning Preserve, as well as the development of additional water-dependent and water-enhanced recreational facilities.

Within the Corning Preserve, the existing comfort station building in the south end of the park will be restored as a small restaurant overlooking a floating dock and general landscaping improvements undertaken. The development of a 77 acre tract of land along Lower Patroon Island to a nature preserve to provide fishing, bird watching, hiking and other passive forms of recreation is proposed.

In addition, residential uses proposed to the south of the Corning Preserve are to incorporate a waterfront pedestrian and bicycle trail which connects the Preserve to the proposed 1.4 acre Island Creek Waterfront Park immediately north of the Port of Albany. As previously described under Policy 19, physical access improvements designed to better link the waterfront with Downtown are also proposed. (See Map Nos. 9 - 12B for the location and plans for these projects.)

Consistent with demand and protection of other important coastal resources, water-related (dependent and enhanced) recreation uses shall have a higher priority than any non-water-related uses, including non-water-related recreation uses in areas designated as open space or recreation. Determining a priority among water-dependent uses will require a case-by-case analysis. (See Policy 2 for definitions and additional provisions concerning water-dependent uses.)

Any development of water-related recreational facilities or increase in recreational use must be consistent with the preservation and enhancement of other important coastal resources, such as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and significant mineral and fossil deposits and their capacity to accommodate anticipated use. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

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

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- parks
- highways
- utility transmission rights-of-way
- sewage treatment facilities
- nature preserves
- large residential subdivisions (50 units)
- shopping centers
- office buildings

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, to determine appropriate recreation uses. The agency should provide OPRHP and the City with the opportunity to participate in project planning.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor, provided the costs do not exceed 2% of total project cost.

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

Whenever a proposed development would be consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

It should be noted that where non-recreational projects are proposed within this program, recreation is incorporated into these proposals (except in the Port area). The river side of the Patroon Island sub-area is being maintained for passive recreation, while somewhat more intense recreational improvements are proposed for the Corning Preserve. Residential development

along the foreshore of the South End Sub-area will be required to maintain public access along the foreshore for passive use such as strolling or biking.

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

HISTORIC AND SCENIC RESOURCES POLICIES

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

Explanation of Policy

This policy shall apply to those districts and individual structures listed, or eligible for listing, on the National Register of Historic Places, as well as the zones of archeological sensitivity, within Albany's waterfront area. Historic districts located either wholly or partially within the waterfront area include: the Downtown Albany District, Broadway/North Pearl Street District (N.R. eligible), South End/ Groesbeckville District, and the Pastures District. Structures listed individually on the National Register include: Quackenbush Waterworks complex, Quackenbush House, Union Station, First Trust Company Building, Old Post Office, and the D&H Building. Historic resources are described more fully in Part G. of Section II.

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies. Protection must include concern not just with specific sites, but with areas of significance, and with the area around specific sites.

The policy is not to be construed as a passive mandate, but must include effective efforts, when appropriate, to restore or revitalize through adaptive reuse. While the LWRP is concerned with the preservation of all such resources within the WRA, it will actively promote the preservation of historic and cultural resources which have a coastal relationship. 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 the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and

doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building structure of earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement 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 general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

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

The City of Albany is currently revising its local land use controls to improve the protection of historic resources within the WRA, Urban Cultural Park and all districts or sites listed on the National Register of Historic Places.

In addition, it is proposed that a certain area, comprising portions of the WRA, is to be designated as a specific area of archeological concern due to the significance of archeological sites within the WRA boundary. The boundaries for this area have been established in

consultation with professional archaeologists from the NYS Office of Parks, Recreation and Historic Preservation.

The City of Albany Historic Resources Commission has jurisdiction over renovation, new construction and demolition within designated historic districts. Other areas outside of these boundaries but within the Albany Urban Cultural Park or WRA fall under the jurisdiction of the Albany Planning Board and its site plan review process for new construction or conversions.

POLICY 24 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO ALBANY.**

POLICY 25 **PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

Explanation of Policy

The scenic quality within the South End Sub-area suffers from underutilized vacant land and warehousing with a backdrop of elevated arterial ramps, as well as overgrown vegetation. In this area, enhanced vegetation along the shoreline would help to buffer these stark images from the River, until such time that redevelopment of this area is initiated. At that point, more pleasant new or refurbished structures would be present and these structures would serve residential and mixed uses requiring shoreline access to the public. Until such redevelopment takes place there is no legitimate public use of this area where obscured views is an issue except at the lower end where a park is proposed.

The view, both to and from the River along the Corning Preserve would be greatly enhanced by renovation of the existing comfort station building, which is a sadly deteriorated remnant of this once active waterfront docking area.

Enhanced vegetation along the shoreline in the Patroon Island Sub-area would promote wildlife habitat development and passive recreation in this sub-area without diminishing the view of the City skyline from the River or the view of the River from I-787, which is elevated at this point.

Throughout the waterfront area, views both to and from the River would be enhanced by strict controls at the local and State level which prohibit billboards and excessive signs within the waterfront area. In particular, new billboards adjacent to or within the I-787 right-of-way should be prohibited while existing billboards are removed over time.

AGRICULTURAL LANDS POLICY

POLICY 26 **THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO ALBANY.**

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 **DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.**

Explanation of Policy

Demand for energy in New York will increase, although at a rate lower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location.

With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

POLICY 28 **ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

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

POLICY 29 **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

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of both.

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identifies potential sites along the marine coast for on-shore OCS facilities. To date, these sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans.

In its reviews of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for hazards; impacts upon biological communities; and water quality.

The Department of Environmental Conservation has examined the potential impacts of Lake Erie gas drilling and is instituting reasonable guidelines so that activities can proceed without damage

to public water supplies and other valuable coastal resources. State law prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone, or in association with natural gas. The Department has not, however, reached a decision as to whether or not the lands under Lake Erie will be leased for gas exploration purposes.

WATER AND AIR RESOURCES POLICIES

POLICY 30 **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through the regional treatment system before reaching the State's waterways.

New development in the City of Albany will be required to conform to the Engineering Office requirements for stormwater discharge into the City system. These provisions require seepage pits, retention ponds or other measures to insure that runoff during or after development does not exceed the rate of runoff which existed previously.

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. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review

process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting". Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment". However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

The water quality classifications for both the Hudson River and Normans Kill are consistent with the range of uses which have been proposed. However, any governmental proposals or actions intended to improve water quality in either of these water bodies should be supported in order to increase the range of potential uses which could be considered in the waterfront area.

POLICY 32 **THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY SYSTEMS IS NOT APPLICABLE TO ALBANY.**

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible.

Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

NOTE: See Policy 30 on stormwater retention requirements for new construction.

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

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

Explanation of Policy

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

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

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

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

Presently, dredging activities within Albany's waterfront area are largely confined to the Port area where dredging is necessary to maintain adequate depth within the Hudson River channel and the turning basin.

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.

See Policy 39 for explanation of hazardous materials.

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

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. (See Policy 30).

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

Explanation of Policy

The Hudson River serves as the principal source of drinking water to several downstream communities, and therefore must be protected. Actions occurring in the City's waterfront area must be reviewed relative to their impacts on the water quality of the Hudson.

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

Explanation of Policy

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include 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 and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6 NYCRR Part 371).

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

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

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is 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 is considered by State agencies, or, if applicable, a siting board when evaluating any applicant's request to construct a new steam electric generating facility.

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

Explanation of Policy

New York's Coastal Management Program and this Local Waterfront Revitalization Program incorporate the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clear Air Act and State laws on air quality. The

requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

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

Explanation of Policy

The policies of the State and this Local Waterfront Revitalization Program concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

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

Explanation of Policy

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

POLICY 44 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF TIDAL AND FRESHWATER WETLANDS IS NOT APPLICABLE TO ALBANY.**

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. PROPOSED LAND USE

1. Patroon Island Sub-Area

This sub-area is divided by I-787 into two sections, one lying east and another west of the highway. The largely industrial section of this sub-area to the west of I-787 is included within what is known as the North Albany Industrial District. East of I-787 is the undeveloped open land of Lower Patroon Island. The prevailing use in each section will be reinforced. (See Map No. 9).

Vacant and underutilized sites in the Broadway and Erie Boulevard corridors offer excellent opportunities for relocation of non-water-dependent uses from the Port. Such uses are consistent with the existing land use within this predominantly industrial area. A demolition landfill east of Erie Blvd. will provide relocation sites for non-water-dependent industries presently operating in the Port area.

Of primary concern in this sub-area, as in Albany's entire waterfront area, is preservation of all riverfront greenspace, suggesting the best use of Lower Patroon Island for passive, nature-oriented recreation and preservation of locally significant wildlife habitats. (See Section II - Inventory and Analysis, Part U. - "Fish and Wildlife Habitats.")

While an initial landscaping project is planned for part of this area (See Part C. - "Proposed Projects"), development of a formal nature preserve involving all of Lower Patroon Island is possible for the future. Such a preserve will include a small-scale environmental education facility, a network of footpaths, non-commercial plant nurseries, experimental agriculture and similar nature-oriented functions of public interest.

2. Downtown Sub-Area

Like the Patroon Island Sub-area, this sub-area is divided into two distinct sections, one east and the other west of I-787. A portion of Albany's Central Business District comprises the eastern section, while the area west of the highway is comprised mainly of the 18-acre Corning Preserve riverfront park.

The proposed land uses for the Central Business District include a continuation of commercial and governmental uses. Emphasis will continue on the rehabilitation of existing structures for commercial office and retail space. Available sites on Broadway, both north and south of the Union Station Norstar Bank Headquarters, will be considered for commercial development.

The proposed land use for the Corning Preserve focuses on continuation of its open space character, enhancing passive recreation opportunities. Improvements to the park would include refurbishment of the old comfort station building (See Part C. - "Proposed Projects"), provision of park shelters, increased landscaping to further shield the Preserve from the highway, stabilizing the water's edge where necessary, and extension of the bicycle path to connect the South End Sub-area and its proposed "Island Creek Park" (See Part C. - "Proposed Projects") with the Preserve and other riverfront parklands.

Improving public access to the Corning Preserve is of primary importance. Access improvements will focus on a pedestrian overpass from the downtown area, and improved pedestrian access between Preserve parking areas and the Urban Cultural Park headquarters in the Quackenbush Waterworks complex. A proposed shuttlebus system will carry passengers between the Empire State Plaza and points adjacent to the Corning Preserve.

3. <u>South End Sub-Area</u>

This area is distinguished by its mixed-use character of commercial and residential developments. Proposed land uses include continuation of current residential development in South End neighborhoods, while existing industrial buildings may be considered for rehabilitation and conversion to residential use. This would involve three- to four-story apartments or condominium units over at-grade parking, and loft apartment conversion of existing structures with adjacent surface parking. A high-density, medium-rise project may be appropriate at the southern end where distance from I-787 reduces noise and pollution discomforts.

Of primary importance in this sub-area is continuation of the riverfront pedestrian bike path which will connect the proposed Island Creek neighborhood park and other South End waterfront lands with the Corning Preserve and Lower Patroon Island, establishing a chain of open green space preserves along the City's waterfront.

Consideration will be given to developing peripheral parking west of the U-Haul Building under elevated segments of I-787. These lots will serve downtown commuters and enhance access to the Preserve.

4. <u>Port Sub-Area</u>

The Port's general layout reflects the age of the facility and the absence over the years of a coherent development plan. Some Port facilities are in a deteriorated condition due to a combination of age (55-60 years) and inadequate maintenance. Some rehabilitation projects have already begun: repair of transit sheds, repair of

wharf substructure to restore load capacity to 600 pounds per square foot, and warehouse expansion of up to 150,000 square feet.

Proposed land use in this sub-area will give greater priority to water-dependent industries, specifically those that rely on access to Port facilities and the River. Proposed land uses will concentrate exclusively on industrial and commercial uses common to Port operations. However, non-marine related activities should be permitted and encouraged in those Port areas away from the riverfront, where no demand exists for marine oriented activities.

While road access into the Port by commercial vehicles will be improved, new development would be restrained. Vacant properties adjacent to the Port will be reserved for expansion of Port facilities or modest development of water-dependent industries. The open land adjacent to the Normans Kill will remain undeveloped due to flood hazards, unstable soils and significant wild-life values.

B. PROPOSED WATER USE

Proposed water uses will reinforce existing patterns. The waters of the Hudson River and the Normans Kill are presently used for sport fishing, and the Hudson especially is used for yachting and sculling activities. (See Section II - Inventory and Analysis, Parts B., C. and F.) Albany's riverfront is the site of the Empire State Sculling Regatta held for one weekend during June of each year. The regatta, attracting 2,000 rowers and 80,000 spectators over the two-day period, is the largest event on the City calendar.

In addition, large ocean-going ships sail up-river to Albany's port from New York Harbor. This use will continue.

C. PROPOSED PROJECTS

1. Lower Patroon Island Nature Preserve

This project involves extensive landscaping of a 9.6 acre area east of I-787 in the southern part of Lower Patroon Island. (See Map No. 10A). The site lies between the bicycle path and the shore of the river.

Presently, the land immediately bordering the path is open field in a wild state. Some brush and a few mature trees stand along the banks of the river. The fields, comprising approximately three acres, will be seeded with a standard grass seed mix and wildflower seed mix and bordered by prescribed plantings of tree and shrub varieties chosen for their ornamental values and potential to enhance wildlife diversity.

These landscaping improvements are designed to reinforce wildlife habitats and provide opportunities for bird-watching, hiking and other forms of passive recreation. The land between the planting area and the river will be left to nature. (See Map No. 10B.)

* Project Timetable: One planting season
* Costs:

Quantity	Tree	Total Cost
3 @ $85	Sorbus aucuparia European Mt. Ash	255
11 @ $39	Juniperis Virginiana Eastern Redcedar	429
11 @ $110	Crataegus Phaenopyrum Washington Hawthorn	1,210
9 @ $22	Viburnum Trilobum Cranberry Bush Viburnum	198
10 @ $90	Cornus Stolonifera Redstem Dogwood	90
15 @ $9	Cornus Racemosa Gray Dogwood	135
4 @ $20	Ilex Verticillata Winterberry	80
10 @ $25	Elaeagnus Umbellata Autumn Olive	250
6 @ $10	Lonicera Maacki Amur Honeysuckle	60
17 @ $10	Lonicera Tatarica Tartarian Honeysuckle	170
Subtotal for trees and shrubs		$ 2,877
Seeding (3.0 acres)		7,500
		========
TOTAL FOR PLANTING AND SEEDING		$10,377

2. Rehabilitation of the Corning Preserve Comfort Station

This 52 ft. x 20 ft. one-story brick structure is located near the shoreline at the southern end of the Corning Preserve. (See Map No. 11A.) It is the only surviving structure of a complex of adjunct buildings associated with the "Recreation Pier," a riverfront recreational facility built in 1909 as part of a nationwide City beautification project. It originally served as a comfort station for this facility.

The building, which has stood vacant and unused for many years, is in a deteriorated state and will require substantial repair work to restore it to use. The red tile roof is in disrepair and will have to be replaced. The brick exterior requires a thorough cleaning.

Plans for this building include its restoration to a carry-out food and light menu restaurant with a tiered, outdoor dining deck overlooking a floating dock with temporary boat mooring facilities. An adjacent permanent dock will provide mooring for river tour boats. The existing restroom facilities will be restored. The site will also feature landscaped walkways and a small amphi-theater for outdoor entertainment events. (See Map No. 11B.)

Stormwater drainage improvements will be provided in accordance with the regulations of the City Engineer's Office, which requires that stormwater runoff after completion of construction be maintained at those levels which existed prior to construction. Dry wells, seepage pits, gallery drains, swales, retention areas and other generally accepted stormwater management practices may be employed to meet these requirements.

Additional landscaping will serve to screen the site and blend it harmoniously with the existing grounds.

* Project Timetable: Six months to a year, once funding is in place.

* Costs:

	($)
Pre-development Costs	45,000
Exterior Structure Rehabilitation	55,000
Dock	160,000
Berths	55,000
Exterior Landscaping	170,000
Parking Lot	30,000
Signage	3,000
Dining Deck	28,000
Pergola	12,000
Interior Structure Rehabilitation	65,000
Mechanical Systems	66,000
Administrative Costs	10,342
TOTAL COSTS	699,342

3. **Island Creek Waterfront Park**

This 1.5 acre wooded site was purchased by the City in September 1986 from the Delaware and Hudson Railway Company. It is located around a small cove on the Hudson at the intersection of Broadway and Church Street in the South End Sub-area. (See Map No. 12A.) This cove was formerly the mouth of Island Creek, which once flowed around the Port area forming Westerlo Island.

The cove was formed when the creek itself was filled in leaving only its mouth, which in past times had been used as a docking site for freight vessels doing shipping business with the Port. Some of the original pilings and wharf structure still exist.

The park proposal entails the construction of a promenade on the site of the old boatslip and the grading of the beach and adjacent slope for the launching of canoes and racing shells. Footpaths, picnic benches, and barbecues, as well as a small playground are also components of the project.

The park project received State and Hudson River Foundation funding in the fall of 1991 and is scheduled for construction in the spring of 1992.

The park would also serve as a terminus for the bicycle path, which would lead north along the river's shore to connect with the Snow Dock and the existing path

The park would also serve as a terminus for the bicycle path, which would lead north along the river's shore to connect with the Snow Dock and the existing path near the State pumping facility at the southern end of the Corning Preserve.

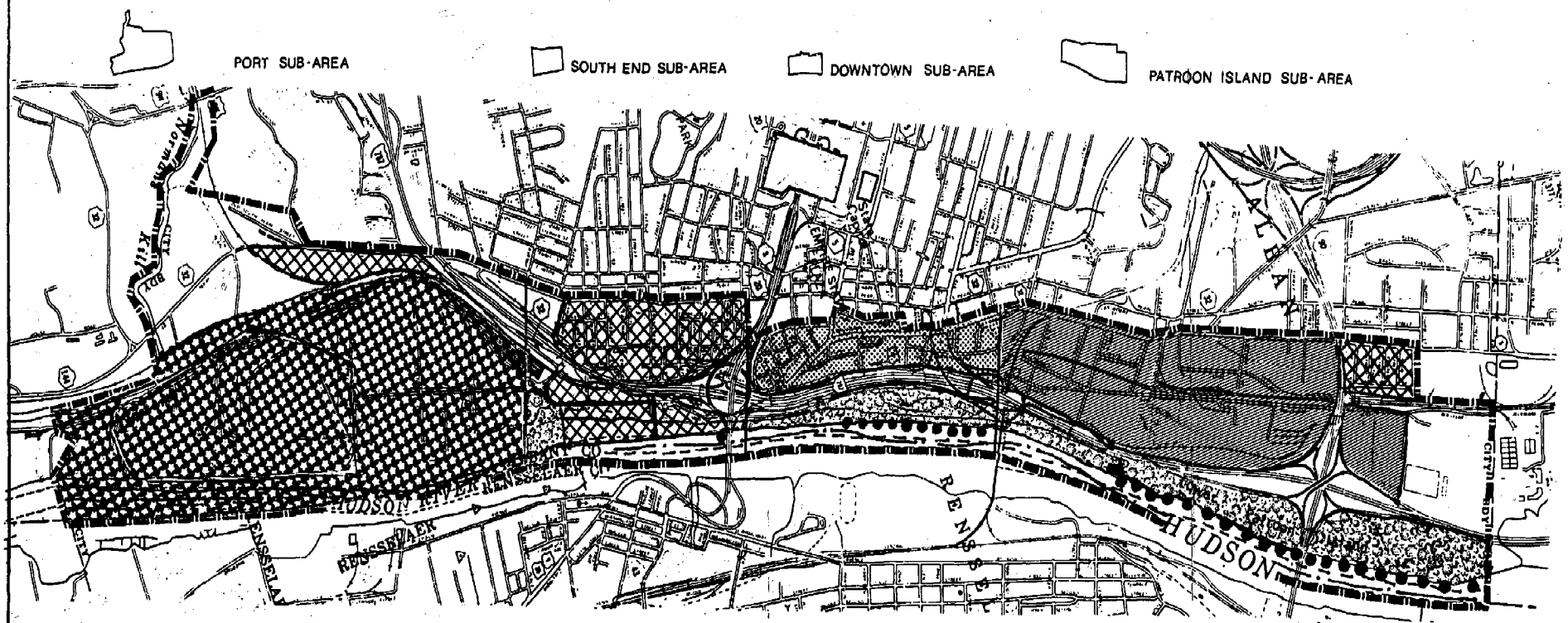
Stormwater drainage will be provided for in accordance with the regulations of the City Engineer's Office, as discussed above in the description of Proposed Project #2.

* Project Timetable: Six months to a year, once funding is in place.

* Costs:

Surface Cleaning & Debris	8,460.00
Clean Fill	6,600.00
Topsoil & Seeding	28,000.00
Rip-Rap	7,200.00
#3 Stone	15,300.00
Peastone	1,200.00
Asphaltic Concrete Pavement	16,200.00
R.O.B. Gravel/Select Fill	6,225.00
Granite Curb - 6 x 18, Straight	6,375.00
Granite Curb - 6 x 18, Circular	430.00
Asphalt Walks - 6 ft. wide	5,850.00
Reinforced Concrete Walks	5,320.00
Timber Walls, Promenade, Benches	70,000.00
Timber Curb	2,470.00
Concrete Pad for Storage Box	320.00
Lighting - Poles & Fixtures	36,400.00
Trees - Evergreen	3,000.00
Trees - Deciduous	3,000.00
Project Sign	350.00
Playground Equipment	18,500.00
Sand Cushion	2,040.00
Underdrain - 4 Inch	1,760.00
Picnic Table, Conc. Pad, Hibachi	6,750.00
EQBA Sign	400.00
Bollards	1,000.00
Total	253,150.00

Map No. 9 PROPOSED LAND AND WATER USES



CITY OF ALBANY

Local Waterfront Revitalization Program

The preparation of this map was financially aided through a Federal Grant from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Act of 1972, as amended. This map was prepared for the New York State Department of State.

KEY:

- residential area
- recreation area
- commercial area
- port/water related use
- industrial area
- open space
- fishing
- boating
- shipping

Scale: 1" - 1600'

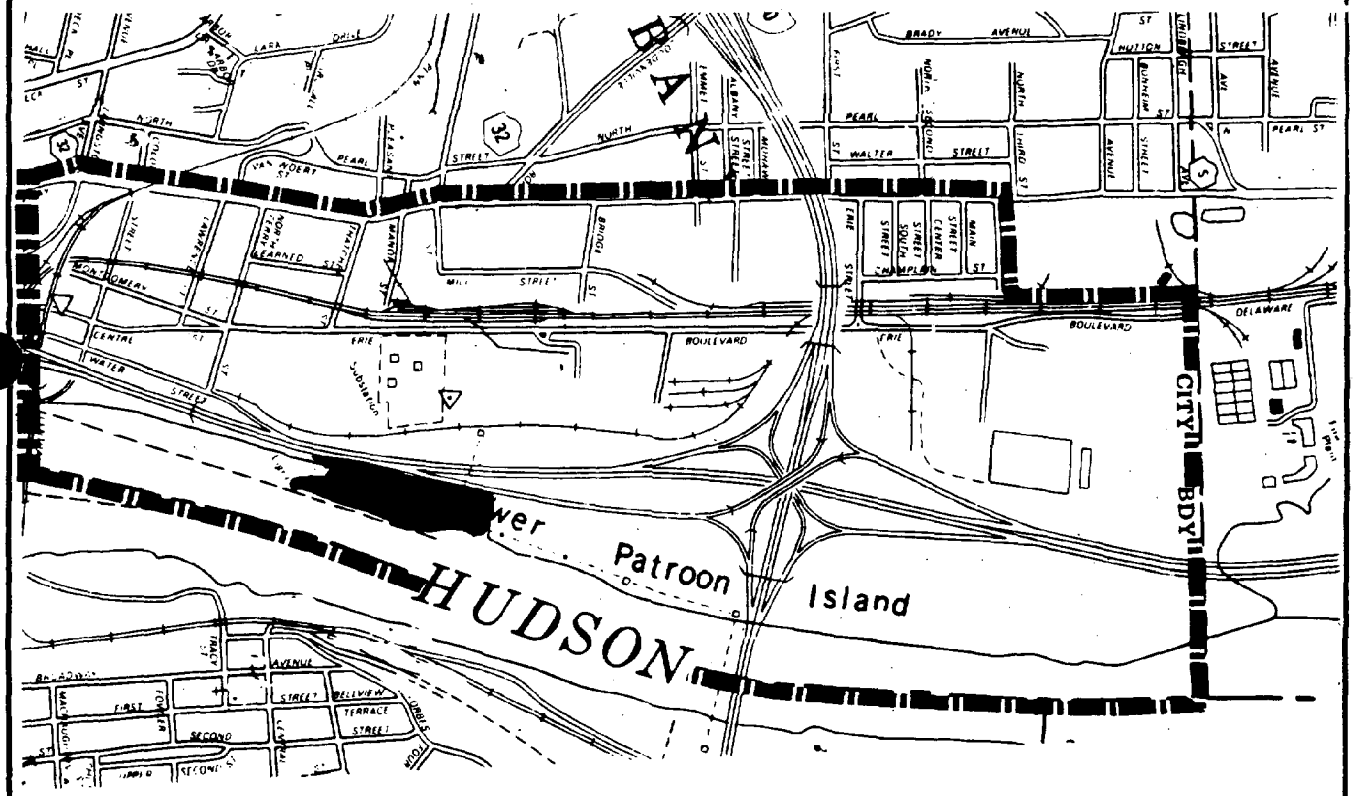
NORTH

Map No. 10A LOWER PATROON ISLAND NATURE PRESERVE (Proposed Project No. 1)

PATROON ISLAND SUB-AREA

KEY:

■ site location



NORTH

Local Waterfront Revitalization Program

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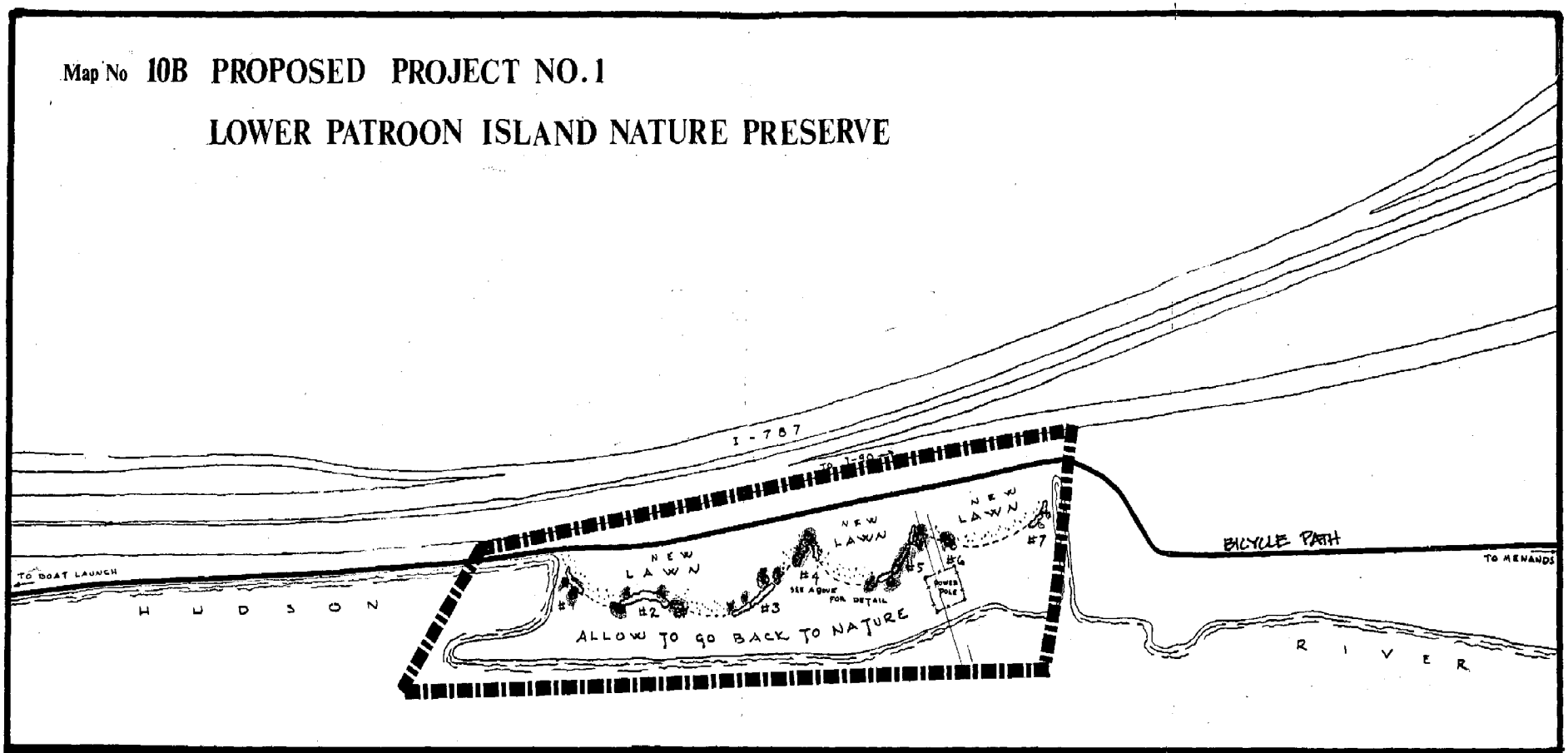
Scale:

0 600' 1200'

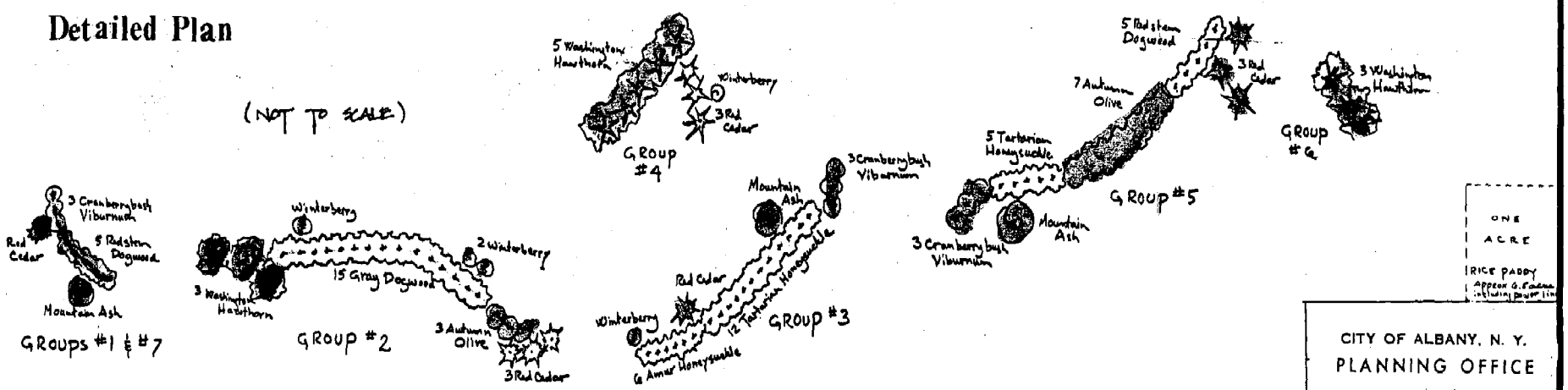
Map No 10B PROPOSED PROJECT NO. 1

LOWER PATROON ISLAND NATURE PRESERVE



Detailed Plan

(NOT TO SCALE)



CITY OF ALBANY, N. Y.
PLANNING OFFICE

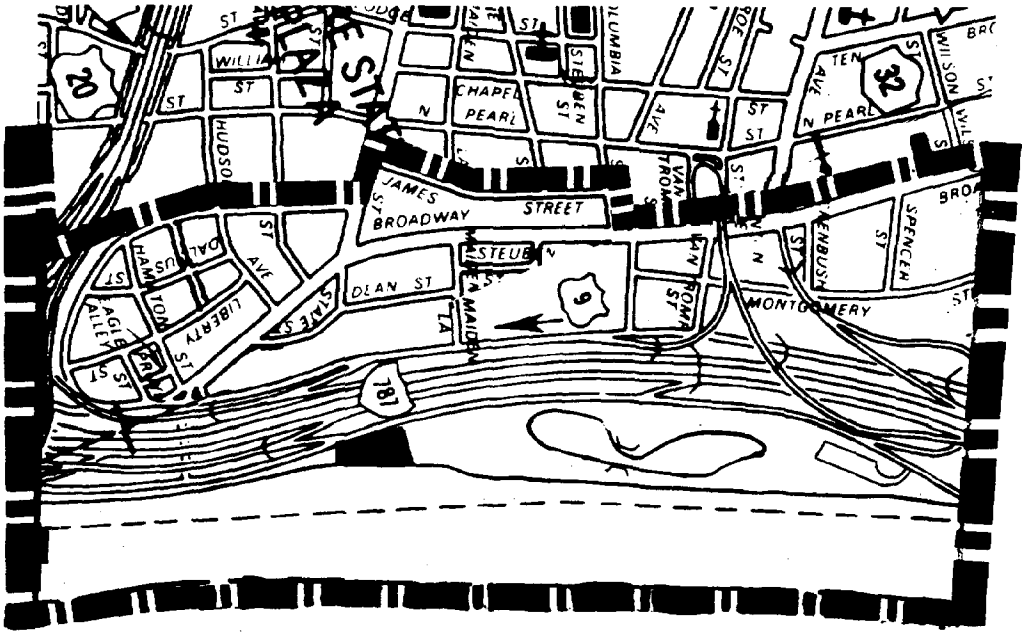
DATE
SCALE 200'
DESIGN BY
DRAWN BY R. J. P.
SHEET No.

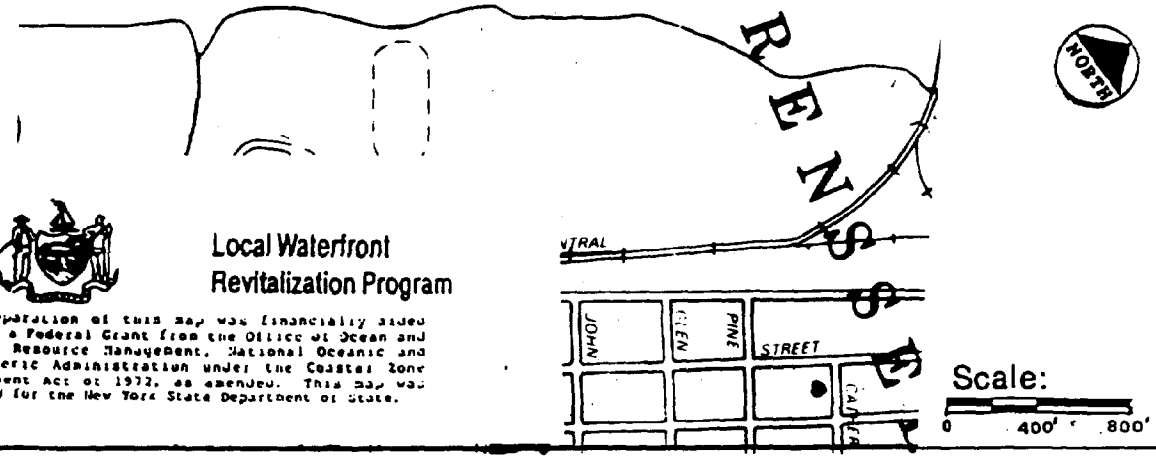
Map No. 11A DOWNTOWN SUB-AREA

CORNING PRESERVE COMFORT STATION REHABILITATION
(Proposed Project No. 2)

KEY:

site location





Local Waterfront Revitalization Program

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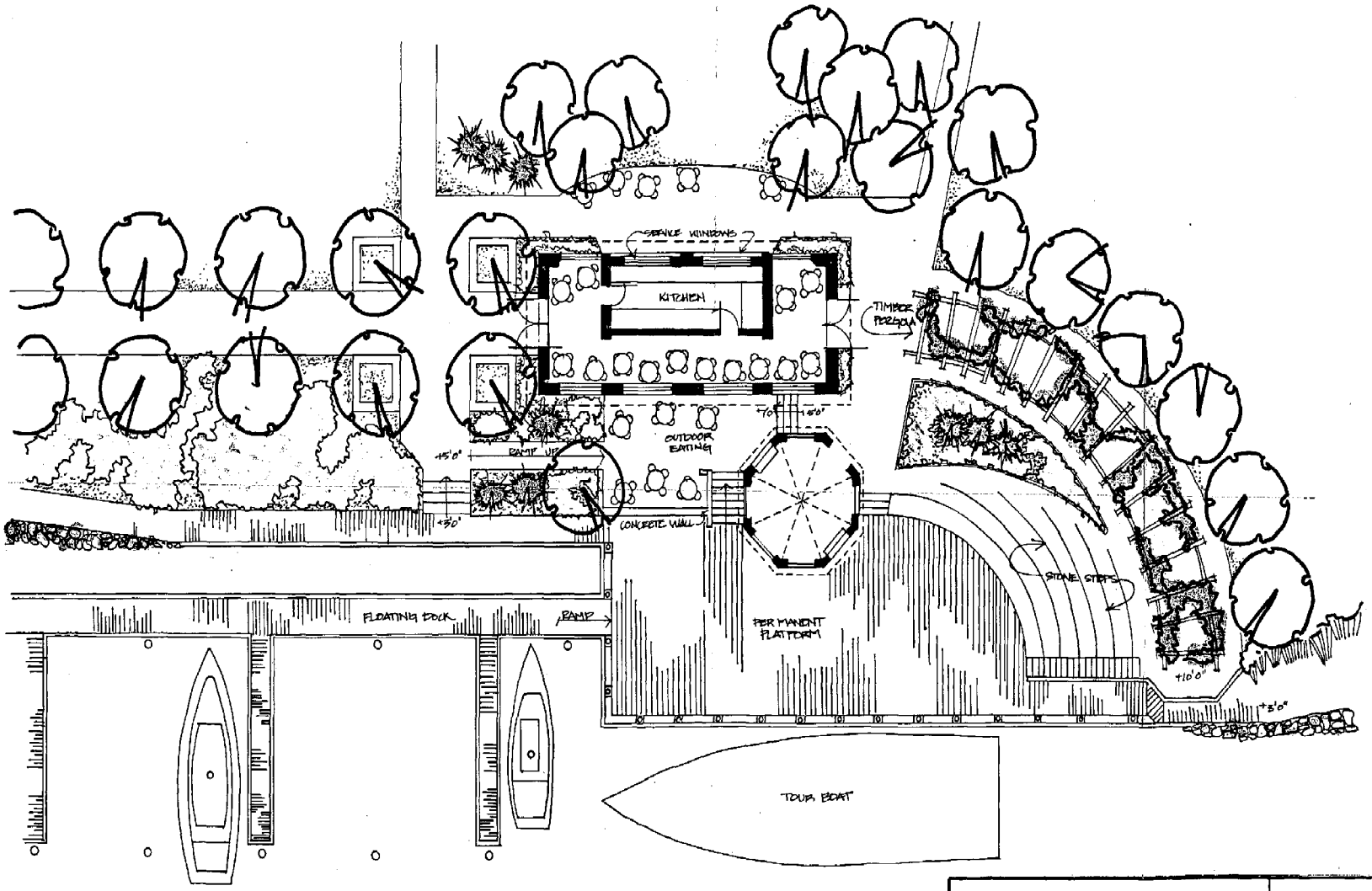
Map No. 11B PROPOSED PROJECT NO. 2

CORNING PRESERVE COMFORT STATION



CITY OF ALBANY
BUREAU OF ENGINEERING
APPROVED
CITY ENGINEER

CITY OF ALBANY, N. Y.
PLANNING OFFICE

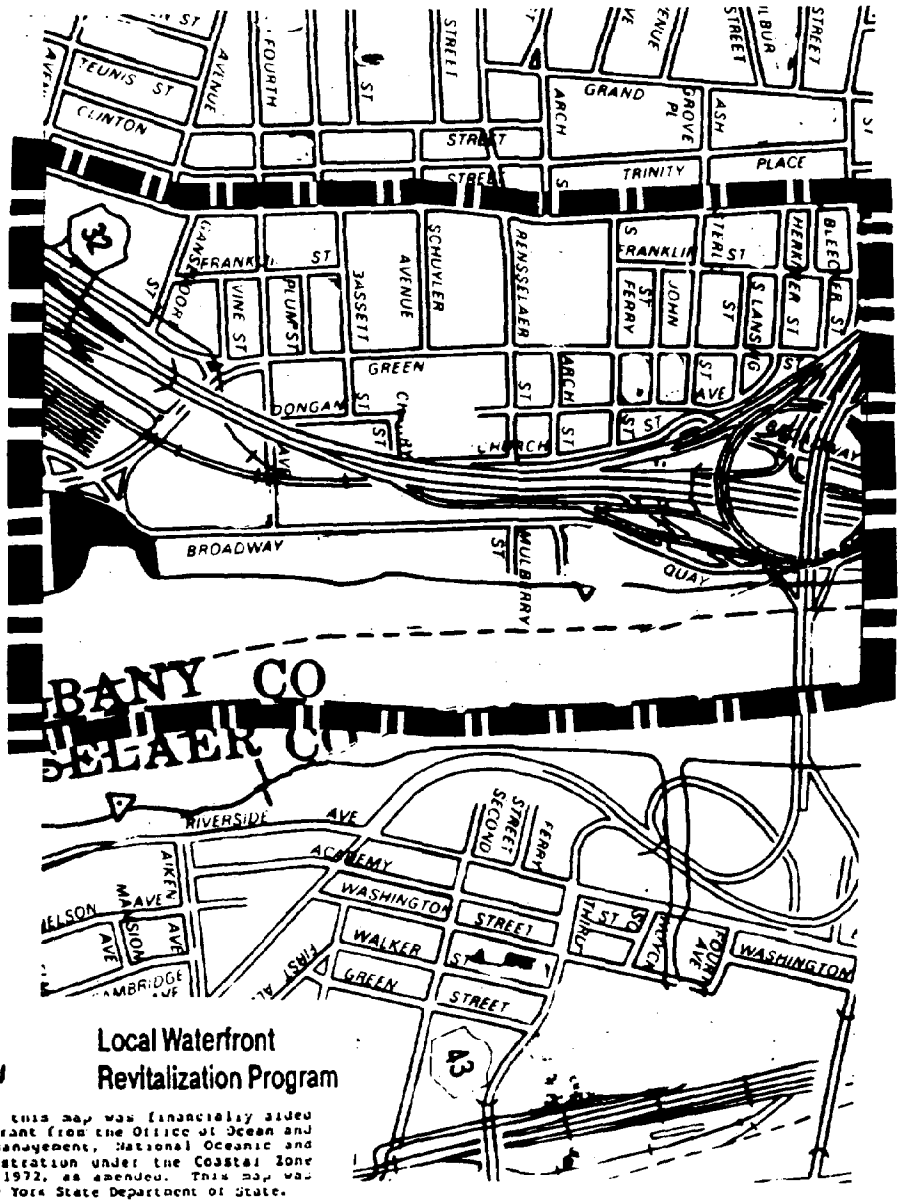
DATE
SCALE
DESIGN BY
DRAWN BY
SHEET No.

Map No. 12A SOUTH END SUB-AREA

ISLAND CREEK WATERFRONT PARK
(Proposed Project No.3)

KEY:

site location



Local Waterfront Revitalization Program

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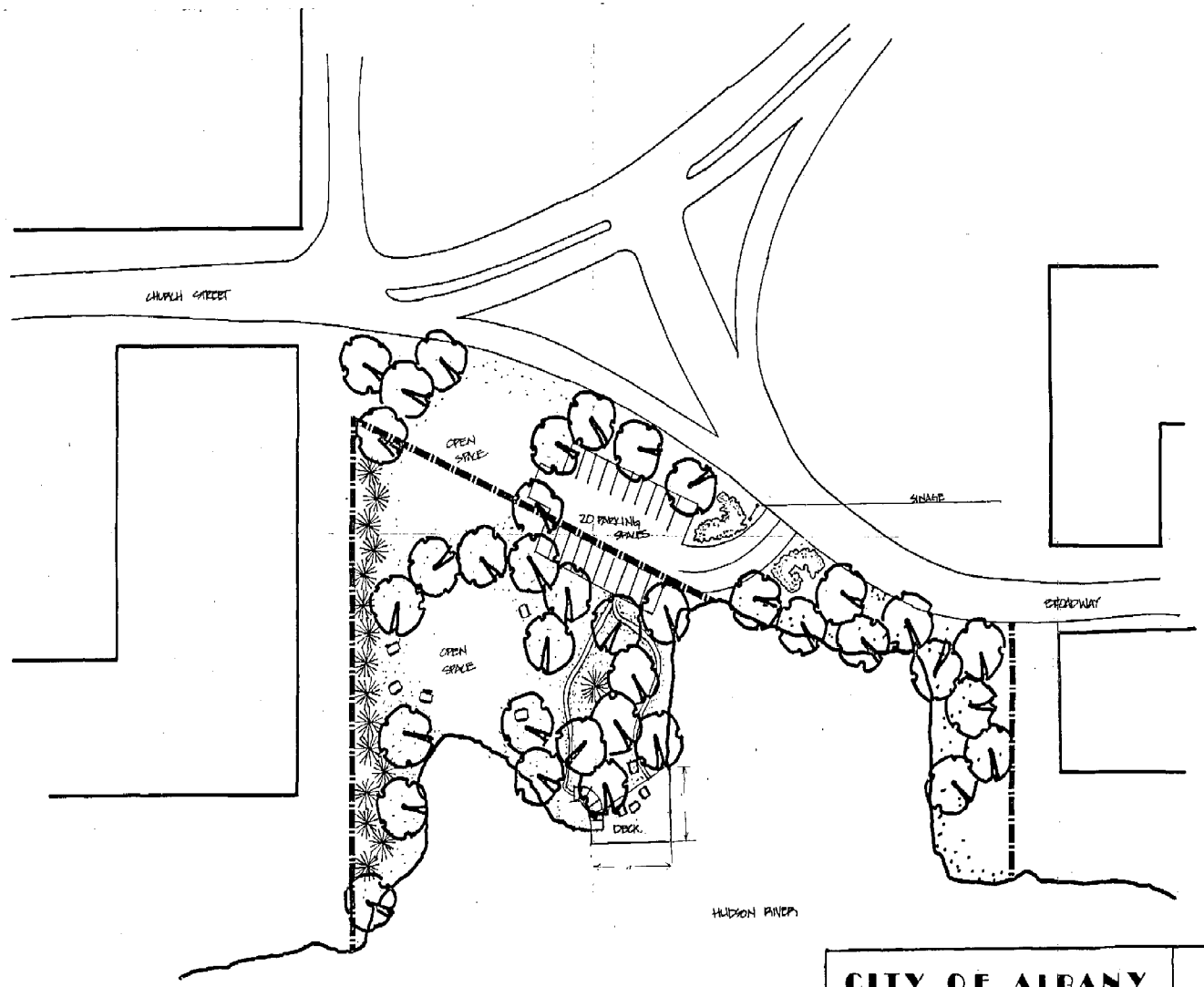
Scale:
0 400' 800'

Map No. 12B

PROPOSED PROJECT NO.3
ISLAND CREEK WATERFRONT PARK



CITY OF ALBANY
BUREAU OF ENGINEERING

APPROVED _____ CITY ENGINEER

CITY OF ALBANY, N. Y.
PLANNING OFFICE

DATE 3/20/87 | DESIGN BY MAH | SHEET No.
SCALE 1"=20' | DRAWN BY MAH

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A. EXISTING LAWS AND REGULATIONS

1. Albany Flood Damage Prevention Ordinance

This ordinance establishes rules and regulations for flood damage prevention in the City of Albany. It is based upon a Federal model and received certification from the Federal Insurance Administration. It provides building standards for areas within 100 and 500 year flood boundaries. The ordinance will effectively implement Policies 16 and 17 by regulating erosion control measures and minimizing flood damage through administration of the criteria it establishes for new development.

2. Zoning Ordinance (Including recent amendments)

The City of Albany's Zoning Ordinance, as mentioned earlier, was revised in July 1990 to reflect the new waterfront zoning classifications proposed by the LWRP. This Zoning Ordinance is the primary tool used for controlling land use within the municipality. Descriptions of the new waterfront zoning districts are set forth in chapter B of this section.

3. Site Plan Review Ordinance

This ordinance regulates new construction, conversions and expansion. It controls the design and placement of such features as parking lots, placement of entrance drives, drainage, landscaping, etc. An important feature of the ordinance is the section directing the Planning Board to consider the overall impact on the neighborhood, including architectural compatibility. This gives the City design control over such elements as color and texture of materials, massing and general design compatibility.

The Site Plan Review Ordinance will be useful in implementing Policies 6, 11, 12 and 17 by providing a review process for design issues which relate to all aspects of new development and to ensure that projects are designed to compliment the character of the area where sited, as well as neighboring land use activities.

4. Sign Ordinance

This ordinance was revised in 1984. The new standards forbid rooftop signs and reinforces the City's control over signs and their placement. The ordinance also sets forth a provision calling for the removal of billboards after various amortization periods. It also provides for amortization of non-conforming signs and reinforces Policies 23 and 24.

5. **Grading and Mining Ordinance**

Grading, rather than mining, is the primary focus of this ordinance as applied within Albany's waterfront area. Grading plans are reviewed to guard against wind and soil erosion, slipping, topsoil stripping and improper earth moving practices. Erosion control measures may be required as a condition of approval.

This ordinance will reinforce Policies 11, 12, 13, 14, 15 and 16.

6. **Historic Resources Commission**

Much of the waterfront area falls under the jurisdiction of the Historic Resources Commission. Therefore, any proposed facade changes of new construction within the several historic districts (See Section II - Inventory and Analysis, Part G. - "Historic Resources") must first be reviewed by the Commission to determine its architectural compatibility within these regulated areas.

The Commission, and the ordinance, which regulates its activities, will reinforce Policies 23, and 25. The Commission regulates the project design and aesthetics (new construction, renovation and demolition) which fall within or adjacent to historic district boundaries.

B. ADDITIONAL LOCAL LAWS AND REGULATIONS ADOPTED

1. **Adoption of New Zoning Districts**

The addition of several new zoning classifications were adopted to implement various provisions of the LWRP. These three zoning classifications and the attendant permitted use and area/bulk schedules were adopted by the Common Council as an amendment to the zoning ordinance.

The official zoning map was also amended by an ordinance of the Common Council to designate those areas which are covered by these zoning classifications. Following is a description of each of the three waterfront zoning classifications:

* WF-1 - Waterfront Residential/Commercial

This zoning classification is designed to encourage residential, mixed use development or renovation primarily within the South End Sub-area. The U-Haul Building is a prime example of a structure suitable for residential conversion with supporting commercial/retail facilities as accessory uses. Proposals for mixed development containing a larger commercial component along with residential use will also be permitted by special use

component along with residential use will also be permitted by special use permits as per Section 27-125 of the City Zoning Ordinance.

* WF-2 -Waterfront Recreation

This zoning classification is designed primarily to encourage moderate-intensity recreational development within and adjacent to the Corning Preserve and boat launch area. It will permit a range of public or private recreational uses providing activity destinations, and encouraging greater public use of the Preserve while still maintaining its open-space recreational character. Since the City of Albany controls the Preserve it can assure that any improvements which takes place there is consistent with those LWRP policies that are applicable: Policies 9, 19 & 19A, 20, 21 and 22.

* LC - Land Conservation

This zoning classification is designed to protect, maintain and enhance passive, open-space recreation areas in the Patroon Island Sub-area and other publicly-owned preserve, park or greenspace areas through-out the City of Albany. Although the establishment of this zoning classification properly reflects the existing and desired use of Lower Patroon Island, it is anticipated that various City and State-owned park lands throughout the City will ultimately be rezoned to reflect this zoning classification.

It should be noted here that any new private development or conversions in the WF-1 or WF-2 areas would be subject to site plan review by the City of Albany Planning Board and any use within these zoning districts requiring these or other City approvals would be subject to a consistency review under the LWRP Consistency Ordinance discussed in Appendix F. (See Appendix E for a list of proposed uses for each of the new zoning classifications.)

2. Local Waterfront Program Consistency Ordinance

An LWRP consistency ordinance was adopted which requires that actions undertaken directly or indirectly (permitted or funded) by the City to be done in a manner consistent with the provisions of the LWRP to the maximum extent practical. (See Appendix F for the text of this proposed ordinance.)

C. PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

Although the City of Albany will encourage new development through various subsidies and incentives, much of the redevelopment will be privately initiated.
The investment of private funds in economically feasible development proposals will be necessary to realize the waterfront development envisioned within this program, particularly in the South End and Port Sub-areas and in the Corning Preserve.

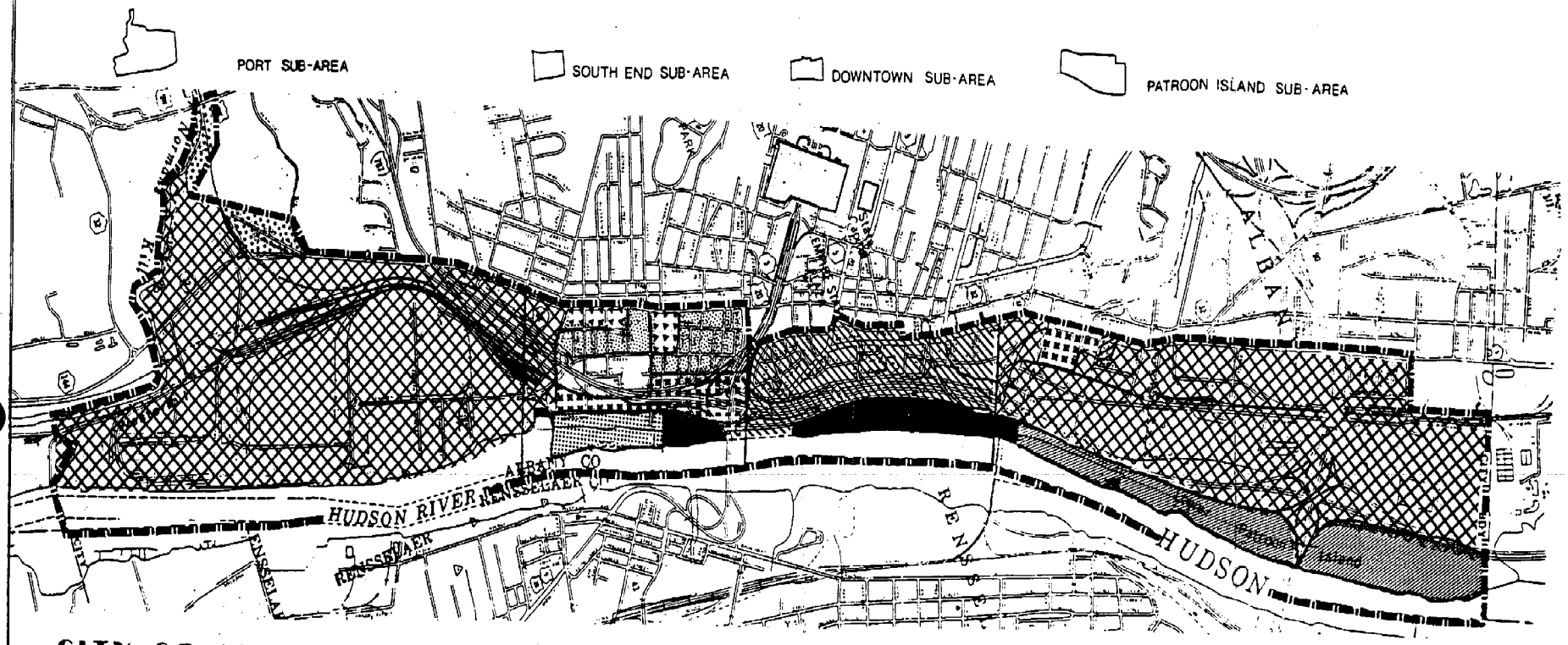
D. MANAGEMENT STRUCTURE NECESSARY FOR IMPLEMENTATION OF THE PROGRAM

In order to assure that actions undertaken by the City are consistent with the provisions of this LWRP, City agencies must first make a determination of consistency prior to undertaking the action. Such agencies will first receive a recommendation of consistency or inconsistency from the City's Director of Planning. The review of local actions is more fully described in the appended LWRP Consistency Ordinance.

E. LOCAL REVIEW OF STATE AND FEDERAL ACTIONS

Review of proposed State and federal actions within the City's WRA will be undertaken in accordance with the procedural guidelines established by the NYS Department of State. These guidelines are described in detail in Appendix G of this document.

Map No. 13 PRESENT ZONING (AS PER CHANGES ADOPTED ON 7/16/90)



CITY OF ALBANY

Local Waterfront Revitalization Program

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KEY:

WF-1	WF-2	LC	R-1	R-3	Scale: 1" = 1600'
R-4	C-1	C-3	C-M	M-1	

NORTH

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Resources 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

ALBANY PORT DISTRICT COMMISSION (regional agency)

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and Approval Programs:

- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses

1.08 Club Beer, Liquor, and Wine Licenses
1.09 Distiller's Licenses
1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
1.11 Farm Winery and Winery Licenses
1.12 Hotel Beer, Wine, and Liquor Licenses
1.13 Industrial Alcohol Manufacturer's Permits
1.14 Liquor Store License
1.15 On-Premises Liquor Licenses
1.16 Plenary Permit (Miscellaneous-Annual)
1.17 Summer Beer and Liquor Licenses
1.18 Tavern/Restaurant and Restaurant Wine Licenses
1.19 Vessel Beer and Liquor Licenses
1.20 Warehouse Permit
1.21 Wine Store License
1.22 Winter Beer and Liquor Licenses
1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

2.00 Permit and approval programs:

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

COUNCIL ON THE ARTS

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

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

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

CAPITAL DISTRICT TRANSPORTATION AUTHORITY (regional agency)

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

3.00 Increases in special fares for transportation services to public water-related recreation resources.

DEPARTMENT OF COMMERCE

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

2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

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

2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate

2.06 Registered Wholesale of Drugs and/or Devices
2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.00 Issuance of revenue bonds to finance pollution abatement 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.

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility - except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)

2.08 Operating Certificate (Hospital)
2.09 Operating Certificate (Nursing Home)
2.10 Permit to Operate a Children's Overnight or Day Camp
2.11 Permit to Operate a Migrant Labor Camp
2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
2.13 Permit to Operate a Service Food Establishment
2.14 Permit to Operate a Temporary Residence/Mass Gathering
2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

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

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

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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

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

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

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

7.00 Permit and approval programs:

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

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

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

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

DIVISION OF SUBSTANCE ABUSE SERVICES

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

2.00 Permit and approval programs:

2.01 Certificate of Approval (Substance Abuse Services Program)

NEW YORK STATE THRUWAY AUTHORITY (regional agency)

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

3.00 Permit and approval programs:

3.01 Advertising Device Permit
3.02 Approval to Transport Radioactive Waste
3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

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

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways
(b) Bridges on the State highways system
(c) Highway and parkway maintenance facilities
(d) Barge Canal
(e) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by Conrail

3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

4.01 Approval of applications for airport improvements (construction projects)

4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)

4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities

4.05 Certificate of Convenience and Necessity to Operate a Railroad
4.06 Highway Work Permits
4.07 License to Operate Major Petroleum Facilities

4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)

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

4.10 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:

(a) Tax-Exempt Financing Program
(b) Lease Collateral Program
(c) Lease Financial Program
(d) Targeted Investment Program
(e) Industrial Buildings Recycling Program

3.00 Administration of special projects.
4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

11.300	Economic Development - Grants and Loans for Public Works and Development Facilities
11.301	Economic Development - Business Development Assistance
11.302	Economic Development - Support for Planning Organizations
11.304	Economic Development - State and Local Economic Development Planning
11.305	Economic Development - State and Local Economic Development Planning
11.307	Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
11.308	Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities

11.405	Anadromous and Great Lakes Fisheries Conservation
11.407	Commercial Fisheries Research and Development
11.417	Sea Grant Support
11.427	Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
11.501	Development and Promotion of Ports and Intermodel Transportation
11.509	Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

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

B. DESCRIPTION OF THOSE STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO AFFECT IMPLEMENTATION OF PROPOSED PROJECTS

STATE ASSISTANCE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

6.00 (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.

Required for the proposed Nature Preserve on land east of I-787 in the Patroon Island Sub-area.

9.22 Floating Object Permit

Required for the proposed floating pleasure boat dock adjacent to the refurbished comfort station in the Corning Preserve.

13.00 Protection of Natural and Man-Made Beauty Program

Required for the proposed Nature Preserve on land east of I-787 in the Patroon Island Sub-area.

15.00 Urban Forestry Program

Required for the proposed Nature Preserve on land east of I-787 in the Patroon Island Sub-area.

16.00 Urban Wildlife Program

Required for the proposed Nature Preserve on land east of I-787 in the Patroon Island Sub-area.

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.

Required for the several access projects involving easements, reconfiguration of roads and construction of pedestrian bridges and pathways over state highways.

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor

rehabilitation).

Required for the several access projects involving easements, reconfiguration of roads and construction of pedestrian bridges and pathways over state highways.

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York.

Required for development of Albany's port.

OFFICE OF GENERAL SERVICES

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

FEDERAL ASSISTANCE

DEPARTMENT OF AGRICULTURE

10.422 Business and Industrial Loans

Required for continued development of light commerce in the South End Sub-area and industrial expansion in the Patroon Island Sub-area.

10.424 Industrial Development Grants

Required for industrial expansion in the Broadway and Erie Blvd. corridors in the Patroon Island Sub-area.

10.429 Above Moderate Income Housing Loans

Required for the rehabilitation for residential use of the U-Haul Building and other structures in the South End Sub-area.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.219 Community Development Block Grants/Small Cities Program

Required for residential development in the South End Sub-area.

14.221 Urban Development Action Grants

Required for continued development in the Central Business District of the Downtown Sub-area and for residential development in the South End Sub-area.

SECTION VII

CONSULTATION WITH OTHER AFFECTED AGENCIES

A. THE CONSULTATION PROCESS

The City of Albany began its process of consultation with other affected public agencies in June of 1985. At that time, the City Planning Office sent out approximately 15 copies of a waterfront revitalization study prepared for the City by the Wallace, Roberts and Todd consulting firm of Philadelphia. The purpose was to introduce a broad range of local, State and federal agencies to Albany's waterfront revitalization program and to encourage their comments on this plan.

During 1985, the City also held two public hearings on the Draft LWRP in order to provide the public with an opportunity to voice their concerns to City officials.

In early May of 1986, the Planning Office continued this consultation process. It expanded the contact list to include a total of 20 local government agencies and municipalities. To each of these, the Planning Office sent a well-formatted five-page summary of the City's Draft LWRP document.

B. REVIEW OF DRAFT LWRP BY STATE, FEDERAL AND LOCAL AGENCIES

The Draft LWRP (with Draft EIS) was reviewed and approved by the City's Common Council and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies, Albany County, adjacent waterfront municipalities, and the Capital District Regional Planning Commission. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the City and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

SECTION VIII

OBTAINING LOCAL COMMITMENT

GENERAL TEXT

In June of 1984, Albany Mayor Thomas M. Whalen, III established a Waterfront Advisory Committee in order to ensure a broad base of community support for revitalization of the City's waterfront and to include a variety of City agencies in the waterfront planning process. This committee consisted of the following:

Thomas Whalen:	Mayor, City of Albany
Richard Patrick:	Deputy Commissioner of Parks and Recreation
Charles Newland:	Director, Bureau of Economic Development
James Waugaman:	City Engineer
Karen Crotty:	Assistant Corporation Counsel
Willard Bruce:	Director, City Planning Office
Steven Fischer:	President of Urbach, Kahn and Werlin, Accountants
Thomas Magliocca:	Representative for a major local cement company
Dr. Neil Kaye:	Active participant in local waterfront recreational activities

During 1984, this committee met regularly to direct development of the waterfront revitalization program and all were involved in the selection of a waterfront consultant. The firm of Wallace, Roberts and Todd of Philadelphia was chosen.

While working with Wallace, Roberts and Todd the City hosted several all-day workshops. Some of those who participated with the advisory committee in these workshops were:

Peter Rumora:	Concerned citizen
Miriam Trementozzi:	Private Historic Preservation Consultant
L.A. Swyer:	Local developer
Keith Arnold:	Director, Albany County Conventions & Visitors Bureau
John Holt-Harris:	Attorney
Nancy Kupiec:	Director, South End Improvement Corporation
Kathy Dorgan:	Director, Capital Hill Improvement Corporation

The entire committee worked closely with the consultants to produce a plan that would realize the needs and potentials of Albany's waterfront. Meetings with the consultants were well covered by the Schenectady Gazette, Knickerbocker News and Times Union newspapers. As a result of the enormous public interest in anything concerning the Hudson shoreline, the members of the advisory committee heard a great deal of public comment.

Public Hearing #1

The committee held its first City-wide meeting in the Albany Public Library on the evening of April 4, 1985. After a normal presentation by consultants from Wallace, Roberts and Todd, the floor was opened to questions and comments.

Following is a summary of public comment presented at the hearings:

- In devising a use plan for the waterfront, the City should stress that which will appeal to the greatest number of Albany residents: inexpensive, open and easy recreation.

- The City should be careful not to overdevelop the waterfront.

- The revitalization plan appears to be elitist and designed primarily for use by the wealthy rather than for the enjoyment of everyone.

- In order to ensure the continued success of the Port, the City should accommodate the needs of the seamen in its plans for the waterfront.

- Protection was urged for a building located at 513 Broadway. It is said to have been constructed in 1795 and once served as the home of Albany Mayor Abraham Yates Jr.

- It is important that joggers and cyclists be considered in the waterfront plan. The existing bike path must be maintained an expanded.

- Support was expressed for construction of a marina and restaurant in the Corning Preserve.

Public Hearing #2

A second public hearing was held again at the Albany Public Library on the evening of November 13th, 1985. This hearing, like the earlier one, was very well attended. The consultants from Wallace, Roberts and Todd were present to display maps and talk to the public. At this hearing the proposed new waterfront zoning districts were explained by the City Planning Director.

Following is a summary of the public comment presented at this hearing:

- Some questions concerned moving the 14,000 ton cruiser USS Albany to a permanent mooring on the Albany waterfront.

- Clarification was requested on previous statements by the Director of the Bureau of Economic Development concerning the possibility of establishing a transportation museum on the waterfront.

- It was suggested that new buildings should be set back from the river (similar to a front yard set back as required by a zoning ordinance).

- New construction should be of quality materials.

- There were questions regarding how the flood zone would effect new construction.

- There was inquiry concerning whether the State Environmental Quality Review Act is applicable to a waterfront development plan.

- There were some questions regarding how closely the advisory committee had been working with those State agencies whose concerns are related to waterfront development.

- It was suggested that the City build an amusement park instead of an industrial park on the site of the demolition landfill in the Patroon Island Sub-area.

- Many questions concerned the legitimacy of Albany's need for a 400-seat restaurant in the Corning Preserve as proposed by the consultants.

- A representative of an organization promoting the construction of a path along the entire 300 miles of the Hudson presented his case.

- A number of people representing joggers and cyclists expressed concern that to be sure the existing waterfront bike path would be preserved.

- A representative from the South End neighborhood expressed the hope of having better access to the Hudson.

- In summary, most comments concerned the size of the proposed restaurant an the hope that runners and cyclists would not be forgotten in the waterfront development plan.

Conclusion

On several occasions, many local elected officials have pledged their involvement and support of the waterfront development plan.

The first Empire State Sculling Regatta was held on the Hudson along Albany's waterfront in June 1985. This annual event attracts 2,000 rowers and 80,000 spectators over a two-day period. It is the largest event on the City's calendar. In September of 1985, a major political rally in the Corning Preserve again drew thousands to this area. This testifies to the appeal and usefulness of the waterfront area and the willingness of Albany's citizens to visit it and participate in events there.

Many efforts have been made in gaining the support of the public and of a variety of community and government agencies. (See Section VII - Consultation with Other Affected Agencies.) Copies of the proposed zoning modifications were mailed in advance to the Capitol Hill and South End Improvement Corporations (the two such organizations closest to the Hudson) and these agencies were well represented at the City's waterfront hearings and workshops.

APPENDIX A

INVENTORY OF PORT LEASES

Appendix A - Inventory of Port Leases

Following is an inventory of tentants presently leasing land parcels from the Albany Port District Commission.

Tenant	Size of Parcel (In acres)
Cibro Petroleum Products, Inc.	30
World-Wide Volkswagen	16
Schiabo-Hudson Corp.	12.1
Goodyear Tire and Rubber Co.	11.9
Seaboard Allied Milling Corp. (Cargill)	11.7
Metropolitan Petroleum Co. (Ultramar)	7.3*
Albany Asphalt & Aggregates	5.4
National Molasses Co. (Cargill)	4.7
Gorman Bros., Inc.	3.2
Consolidated Fibres, Inc.	3.1
United Brands Co.	2.8
Cargill, Inc.	2.3
Pacific Molasses Co.	2.3
Ashland Chemical Co.	2.0*
Barber & Bennett, Inc. (Cargill)	2.0
Port Properties, Inc.	2.0
Fort Miller Co., Inc.	1.7
Becker Wreckage and Salvage Corp.	1.5
Alco Equipment, Inc.	1.1
Albany Port Railroad	1.0
J. Bulan/Muldowney Truck	1.0*

Tenant	Size of Parcel (In acres)
Columbia Iron and Steel Co.	1.0
Capitol Bag and Waste Co.	0.5
International Terminal Operating Co., Inc.	0.3
U.S. Coast Guard	0.3

* Rensselaer side of the Hudson; remainder Albany side.

APPENDIX B

INVENTORY OF PUBLICLY-OWNED LANDS

Appendix B - Inventory of Publicly-Owned Land

1. Patroon Island Sub-area

Map No.	Location	Owner	Size (in acres)
1	Patroon Island	New York State	77
2	Btw. Erie Blvd. & I-787	City of Albany	24.9
3	Btw. Erie Blvd. & I-787	New York State	20
4	59-67 Erie Blvd.	City of Albany	16.6
5	35-37 Erie Blvd.	New York State	2.8
6	27-39 Manor St.	Albany City Industrial Development Agency	2.4
7	52-56 Colonie St.	City of Albany	1.0
8	9 Manor St.	IDA	0.9
9	15 Mill St.	IDA	0.9
10	927-939 Broadway	IDA	0.8
11	1201 Broadway (Rear)	City of Albany	0.5
		Total:	147.8

2. Downtown Sub-area

Map No.	Location	Owner	Size (in acres)
1	Corning Preserve	New York State	18
2	365-399 Broadway (D & H Bldg. Area)	New York State	5
3	655-679 Broadway	New York State	1.7
4	Rear of 575 Broadway	New York State	1.0
5	445 Broadway	United States of America	1.2
6	599-643 Broadway	City of Albany	1.1
7	23 Quackenbush St.	City of Albany	1.1
8	30 Hudson Ave.	City of Albany	0.7
9	560-596 Broadway	City of Albany	0.5
10	532-538, 546-554 Broadway	City of Albany	0.4
11	545 Broadway	City of Albany	0.2
12	527 Broadway	County of Albany	0.1
		Total:	31

3. South End Sub-area

Map No.	Location	Owner	Size (in acres)
1	264-296 So. Pearl St.	Albany City School District	5.9
2	186-198, 200, 202-214 Green St.	Albany Housing Authority	4.4
3	230 Green St.	Albany Housing Authority	1.5
4	96 Fourth St.	City of Albany	0.7
5	189-221 Green St.	Albany Housing Authority	0.5
		Total:	13

4. Port Sub-area

Map No.	Location	Owner	Size (in acres)
1	Southeastern Port Area	Albany Port District Commission	90.9
2	Church & So. Fourth St.	County of Albany	31.4
3	Southwestern Port Area - North bank of the Normans Kill	City of Albany	5.8
4	590-642 So. Pearl St.	Albany Housing Authority	4.7

5	Btw. 700 & 720 So. Pearl St.	IDA	2.0
6	So Pearl St.	New York State	1.7
7	786-790 Old So. Pearl St.	County of Albany	0.3
8	South end of Old So. Pearl St.	Albany City School District	0.1
		Total:	136.9

5. Inventory of Submerged Lands

Parcel	Owner	Size (in acres)
a) All lands within the Waterfront Revitalization Area boundary extending from the west shoreline of the Hudson River to its midpoint.	New York State Department of Transportation	218
b) All lands within the Waterfront Revitalization Area boundary extending from the north shoreline of the Normans Kill to its midpoint.	City of Albany	13.3
	Total:	231.3

APPENDIX C

SURVEY OF ABANDONED AND DETERIORATED PROPERTIES

Appendix C - Survey of Abandoned and Deteriorated Properties

1. PATROON ISLAND SUB-AREA

PROPERTY ADDRESS	USE	CONDITION
Broadway		
744	Residential	Fair
745-747	Commercial	Fair
746	Residential	Poor
748	Residential	Good
750	Residential	Good
752-756	Vacant(3 lots)	Weeds
778-784	Vacant(4 lots)	Weeds
788-790	Commercial	Poor
789	Vacant(2 lots)	Weeds
792-794	Vacant(2 lots)	Weeds
796	Commercial	Fair
804	Residential	Fair
810-812	Commercial	Fair
883	Industrial	Poor
904	Industrial	Fair
912-914	Vacant(3 lots)	Weeds
916	Commercial	Fair
918	Vacant(1 lot)	Weeds
980	Commercial	Good
991	Industrial	Fair
1060	Industrial	Good
1064-1074	Commercial	Good
1076	Commercial	Fair
1078	Commercial	Fair
1080	Commercial	Fair
1088	Residential	Poor
1090	Residential	Poor
1092	Residential	Poor
1094	Residential	Poor
1096	Residential	Poor
1098	Residential	Good
1100	Residential	Good
1102	Vacant(1 lot)	Weeds
1106	Vacant(1 lot)	Weeds
1108	Commercial	Fair
1122-1124	Parking(2 lots)	Unimproved
1126-1130	Commercial	Good
1220-1222	Parking(2 lots)	Unimproved
1231	Residential	Poor
1232	Commercial	Good
1245	Residential	Poor
1247	Vacant(1 lot)	Rubble
1267	Parking(2 lots)	Unimproved

(Patroon Island Sub-area, cont.)

PROPERTY	USE	CONDITION
(Broadway, cont.)		
1269	Commercial	Fair
1280	Parking(1 lot)	Unimproved
1315	Industrial	Poor
1357	Vacant(2 1/2 acres)	Weeds
10 Erie Blvd.	Industrial	Good
Erie Blvd. opp. Tivoli St.	Vacant(3 acres)	Weeds
Erie Blvd. opp. Bridge St.	Vacant(2 1/2 acres)	Weeds
35 Erie St.	Residential	Poor
39 Erie St.	Residential	Poor
20 North Ferry St.	Commercial	Fair
15 Learned St.	Industrial	Fair
15 Learned St.	Vacant(10 lots)	Weeds
Opp. 27 Main St.	Vacant(3 lots)	Weeds
3 Thacher St.	Industrial	Fair
9 Tivoli St.	Commercial	Good
71 Tivoli St.	Industrial	Poor

2. DOWNTOWN SUB-AREA

PROPERTY	USE	CONDITION
14-16 Beaver St.	Commercial	Fair
406 Broadway	Commercial	Fair
472-478 Broadway	Commercial	Fair
513 Broadway	Commercial	Fair
516-518 Broadway	Commercial	Fair
520-522 Broadway	Commercial	Fair
524 Broadway	Commercial	Poor
529 Broadway	Commercial	Fair
739 Broadway	Commercial	Poor

(Downtown Sub-area, cont.)

PROPERTY	USE	CONDITION
39-41 Columbia St.	Commercial	Good
43-47 Columbia St.	Commercial	Good
46 Columbia St.	Commercial	Poor
48 Columbia St.	Commercial	Poor
50-50 1/2 Columbia St.	Commercial	Fair
52-52 1/2 Columbia St.	Commercial	Fair
53 Columbia St.	Parking(1 lot)	Unimproved
54A-56A Columbia St.	Commercial	Good
54 Columbia St.	Commercial	Good
44 Division St.	Residential	Poor
46 Division St.	Residential	Poor
48-50 Division St.	Residential	Poor
52 Division St.	Residential	Poor
54 Division St.	Residential	Poor
49 Green St.	Commercial	Fair
57 Green St.	Commercial	Poor
57 1/2 Green St.	Commercial	Poor
59 Green St.	Commercial	Poor
60-62 Green St.	Commercial	Poor
62 1/2 Green St.	Commercial	Poor
35-37 Hamilton St.	Commercial	Fair
39 Hamilton St.	Commercial	Fair
29 Hudson Ave.	Commercial	Good
31 Hudson Ave.	Commercial	Fair
33 Hudson Ave.	Commercial	Fair
52-54 James St.	Commercial	Good
63-171 Montgomery St.	Vacant(3 lots)	Weeds
Corner Mont./Erie Blvd.	Parking(10 lots)	Unimproved
42 Spencer St.	Commercial	Poor

3. SOUTH END SUB-AREA

PROPERTY	USE	CONDITION
60 Bassett St.	Vacant(1 lot)	Weeds
64 Bassett St.	Residential	Fair
66 Bassett St.	Residential	Fair
75-83 Bassett St.	Vacant(4 lots)	Weeds
50 Bassett St. & 57 Plum St.	Vacant(2 lots)	Weeds

(South End Sub-area, cont.)

PROPERTY	USE	CONDITION
40 Broadway	Vacant(20 lots)	Weeds
60-74 Broadway	Industrial	Good
59-125 Broadway	Vacant(30 lots)	Weeds
So. Ferry	Parking(4 lots)	Unimproved
60 Fourth St.	Industrial	Good
71-77 Fourth St.	Parking(4 lots)	Unimproved
74-78 Fourth St.	Parking(2 lots)	Unimproved
175-185 Franklin St.	Vacant(3 lots)	Weeds
South Pearl Street		
133-135	Commercial	Good
137-139	Vacant(2 lots)	Weeds
147	Commercial	Good
149	Commercial	Good
151	Commercial	Good
157-163	Parking(2 lots)	Good
165	Commercial	Fair
205	Commercial	Good
207-211	Vacant(3 lots)	Good
215	Commercial	Good
217	Commercial	Good
221	Vacant(1 lot)	Weeds
231-235	Parking(4 lots)	Unimproved
245-249	Vacant(3 lots)	Weeds
261	Vacant(1 lot)	Rubble
263	Commercial	Fair
269-273	Vacant(2 lots)	Grass
285-287	Vacant(2 lots)	Weeds
289	Commercial	Fair
291-293	Commercial	Good
295-305	Vacant(7 lots)	Grass
298	Residential	Good
300	Residential	Good
302-304	Storage(2 lots)	Fenced
306	Commercial	Fair
308	Commercial	Fair
310-318	Vacant(4 lots)	Weeds
324	Commercial	Fair
326-332	Vacant(4 lots)	Weeds/Rubble
329	Commercial	Fair
331	Parking(1 lot)	Unimproved

(South End Sub-area, cont.)

PROPERTY	USE	CONDITION
(So. Pearl St., cont.)		
335-345	Vacant(3 lots)	Grass
338	Commercial	Fair
347-349	Comm/Residential	Fair
351	Vacant(1 lot)	Weeds
359-361	Commercial	Fair
373	Commercial	Poor
375	Commercial	Poor
377	Commercial	Poor
379	Vacant(1 lot)	Grass
392-408	Storage(10 lots)	Fenced
410-416	Storage(4 lots)	Fenced
417	Commercial	Fair
419	Commercial	Fair

4. PORT SUB-AREA

PROPERTY	USE	CONDITION
Church St. & Broadway	Vacant(1 1/2 acres)	Wooded
Church St. - Mobile Property	Industrial	Good
429 So. Pearl St.	Comm/Residential	Fair
441 So. Pearl St.	Comm/Residential	Fair
443 So. Pearl St.	Comm/Residential	Fair
463 So. Pearl St.	Comm/Residential	Fair
475-477 So. Pearl St.	Comm/Residential	Fair
523 So. Pearl St.	Commercial	Fair
529 So. Pearl St.	Parking(1 lot)	Unimproved
720 So. Pearl St.	Vacant(4 acres)	Weeds
734 So. Pearl St.	Vacant(1/2 acres)	Weeds
850 So. Pearl St.	Storage(5 1/2 acres)	Fenced

APPENDIX D

NORMANS KILL SIGNIFICANT FISH AND WILDLIFE HABITAT INFORMATION

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Normans Kill

Designated: November 15, 1987

County: Albany

Town(s): Albany, Bethlehem

7½' Quadrangle(s): Albany, NY; Delmar, NY

Score	Criterion
16	Ecosystem Rarity (ER) One of the major freshwater tributaries of the upper Hudson River, which is relatively undisturbed and accesible to anadromous fishes.
0	Species Vulnerability (SV) No endangered, threatened or special concern species reside in the area.
4	Human Use (HU) Recreational fishing opportunities attract many Albany County anglers to the area.
6	Population Level (PL) One of only 10 significant spawning streams for anadromous fishes in the upper Hudson River: geometric mean; $(4x9)^{½} = 6$.
1.2	Replaceability (R) Irreplaceable

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 31

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, along with its accompanying map, 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 the significant coastal habitats policy.

DESIGNATED HABITAT: NORMANS KILL

LOCATION AND DESCRIPTION OF HABITAT:

The Normans Kill is located on the west side of the Hudson River, on the boundary between the City of Albany and the Town of Bethlehem, Albany County (7.5' Quadrangles: Albany, N.Y.; and Delmar, N.Y.). The fish and wildlife habitat is an approximate two mile segment of this freshwater tributary, extending from its mouth on the Hudson River to a falls which is located just downstream from the New York State Thruway (Interstate Route 87) bridge. The habitat boundary (and the coastal boundary from the falls to the Route 9W bridge) follows the bank tops along the Kill. The Normans Kill is a relatively large, medium gradient, perennial, warmwater stream, with a drainage area of over 170 square miles, and an average annual discharge volume of approximately 150 cubic feet per second. Municipal water withdrawals upstream reduce flows year-round by more than 7 cubic feet per second. The first mile of stream below the falls flows through a steep-sided wooded gorge, and is relatively shallow, with a gravelly substrate. The lower mile of the creek (referred to as "Island Creek") is within the tidal range of the Hudson River, and is relatively deep, with a silt and clay substrate. At least part of this segment appears to have been channelized in the past, in conjunction with nearby commercial and industrial developments. Despite its proximity to the Port of Albany, the Normans Kill and its associated riparian zone remain in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, litter, and discharges of stormwater runoff from paved areas.

FISH AND WILDLIFE VALUES:

The Normans Kill is the largest tributary stream in Albany County, and is one of about 4 major tributaries emptying into the northern portion of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, and the lack of significant human disturbance in the upper portion of the creek, provide favorable habitat conditions for a variety of anadromous as well as resident freshwater fish species. The Normans Kill is an important spawning area for alewife, blueback herring, and white perch; it is one of only 10 significant spawning streams for these anadromous fishes in the upper Hudson River. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the Hudson River. A substantial population of smallmouth bass also occurs in the Normans Kill throughout the year. Adults move into the upper section of the creek in May and early June to spawn, and return to deeper areas as water temperatures rise. Freshwater inflows from the Normans Kill are also important for maintaining water quality in the Hudson River estuary.

The abundant fisheries resources of the Normans Kill provide significant opportunities for recreational fishing. Although no developed public access facilities exist, the area is popular among Albany County anglers, especially for smallmouth bass fishing during the summer months. Fishing pressure is concentrated on the lower section of the creek, near road crossings.

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.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in the Normans Kill would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) Could result in significant impairment of the habitat. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Barriers to fish migration, whether physical or chemical, would have a significant impact on fish populations in this Creek, as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods. Existing woodlands bordering the Normans Kill and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of appropriate public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries resources are available.

KNOWLEDGEABLE CONTACTS:

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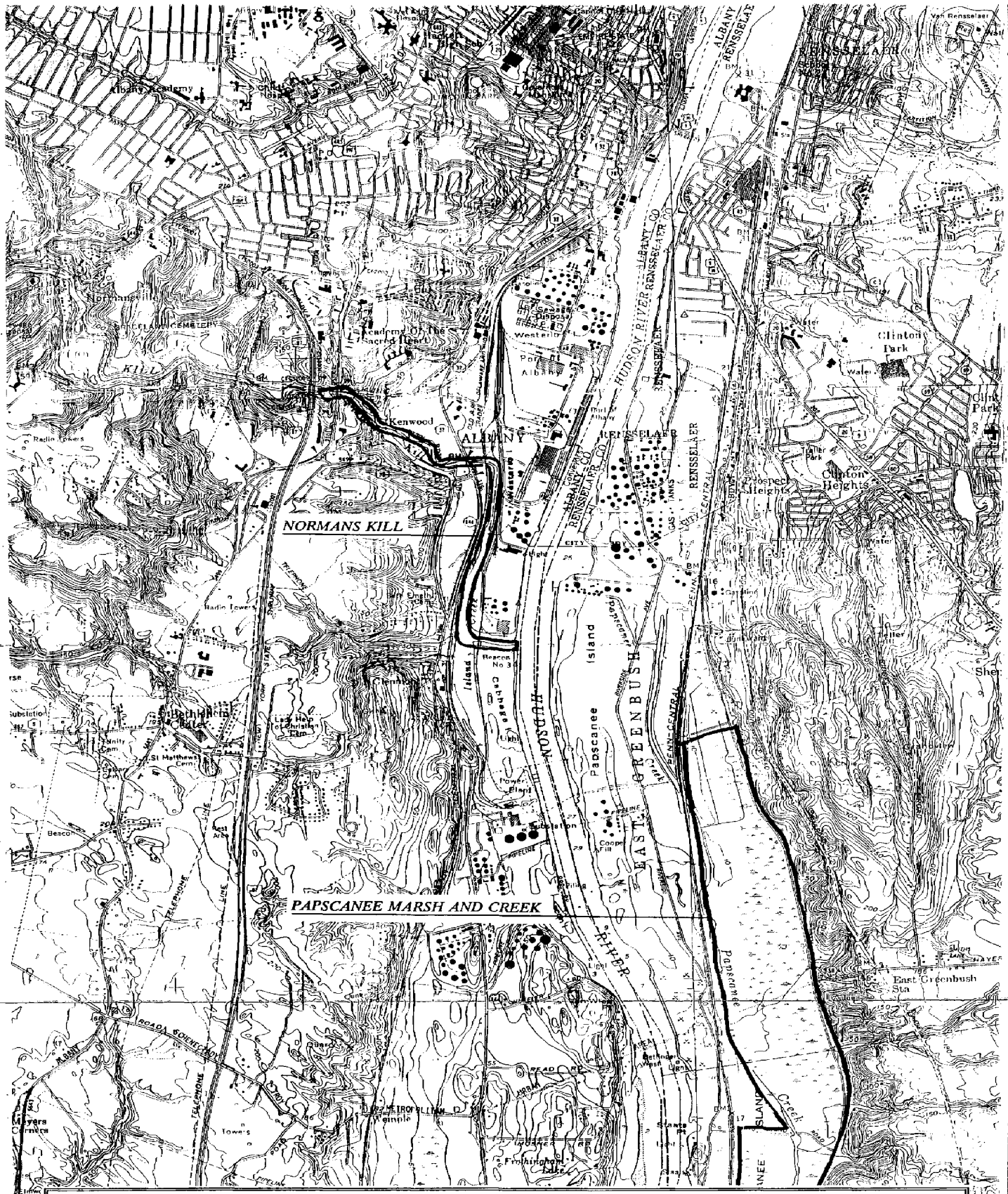

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Normans Kill / Papscanee Marsh and Creek (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. Capobianco September 1990

APPENDIX E

WATERFRONT ZONING CLASSIFICATIONS SCHEDULE

PROPOSED WATERFRONT ZONING CLASSIFICATIONS - PERMITTED USES

District	Principal	Accessory	Special
WF-1 Waterfront Residential/ Commercial	.Row houses for one or two family occupancy .Elevator apartments .Art or craft studios .Parks .Playgrounds	.Parking lots .Private or public parking garages .Home occupations .The following commercial uses, when part of a primarily residential mixed-use project: Banks Offices Personal service outlets Restaurants Retail stores, except the following: Department stores Drive-in restaurants Furniture stores Lumber or building supply dealers Marine supply dealers New or used automobile dealers Taverns Theaters .Principal permitted uses, when part of a primarily commercial mixed-use project .Docks or boat launches .Indoor or outdoor recreational facilities .Other uses customarily accessory to principal permitted uses	.Commercial uses occupying more than 2,500 square feet of floor area .Primarily commercial mixed-use projects .Day care centers .Drive-in banks .Drive-in restaurants

PROPOSED WATERFRONT ZONING CLASSIFICATIONS - PERMITTED USES

District	Principal	Accessory	Special
WF-2 Waterfront Recreation	.Parks .Playgrounds .Outdoor recreational facilities .Band shells .Outdoor theaters (not including drive-in theaters) .Docks or boat launches .Marinas .Aquariums .Zoos .Botanical gardens .Natural preserves .Wildlife refuges	.Parking lots . Structures necessary for the administration, maintenance, or operation of principal permitted uses (not including commercial uses) .Other uses customarily accessory to principal permitted uses	. Restaurants . Commercial uses incidental to the operation of principal permitted uses
LC Land Conservation	.Parks .Playgrounds .Public outdoor recreational facilities .Band shells .Outdoor theaters (not including drive-in theaters) .Natural preserves .Wildlife refuges	.Parking lots .Structures necessary for the administration, maintenance, or operation of principal permitted uses (not including commercial uses)	.Cemeteries .Cultural or educational faciliti .Commercial uses incidental to the operation of principal permitted uses

one	Use	Minimum Lot Sizes				Max. Bldg. Ht.		Minimum Yard Sizes				Max. Cov-erage
		Area	Area/DU	Width	Depth	Feet	Stories	Front	(Side) One	Both	Rear	
F-1	Row houses	2000	1000	20	100	35	2.5				25	60%
	Elevator apartments (or primarily residential mixed-use projects)	20,000	800	100	200	85	8	20	15	40	25	40%
	All other uses	5,000	800	50	100	45	3				25	60%
F-2	All uses					30	2					
C	All uses					30	2					

PROPOSED WATERFRONT ZONING CLASSIFICATIONS

Additional Regulations

District	
WF-1	. No commercial use may occupy more than 2,500 square feet of floor area. . Required parking must be provided within 250 feet of each use. . Adjustments to the required minimum lot area should be made if required parking spaces are provided within a principal structure on a lot.
WF-2	. None
LC	. No structure, parking lot, or special use shall be located within 50 feet of any residential district boundary line.

APPENDIX F

LWRP CONSISTENCY ORDINANCE

ARTICLE XIII

WATERFRONT CONSISTENCY REVIEW LAW

DIVISION 1

GENERAL PROVISIONS

Section 27-161 **Title**

This ordinance will be known as the City of Albany Waterfront Consistency Review Law.

Section 27-162 **Authority and Purpose**:

1. This ordinance is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

2. The purpose of this ordinance is to provide a framework for agencies of the City of Albany to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.

3. It is the intention of the City of Albany that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living coastal resources; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

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

Section 27-163. **Definitions**:

1. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:

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

      (i) are directly undertaken by an agency; or
      (ii) involve funding by an agency; or
      (iii) require one or more new or modified approvals from an agency or agencies;

   (b) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions

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

   (d) any combinations of the above.

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

3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within boundaries of the City of Albany, as shown on the Coastal Area Map on file in the Office of the Secretary of State and as delineated in the City of Albany Local Waterfront Revitalization Program.

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

5. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.

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

Section 27-164. **Review of Actions**:

1. With the exception of actions of the City Historic Resources Commission and the issuance of sign permits by the Buildings Department, which shall be exempt from the provisions of this ordinance, whenever a proposed action is located in the City's Waterfront Revitalization Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein.

2. Whenever a 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 Waterfront Revitalization Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist the consistency of the proposed action.

3. The agency shall refer a copy of the completed CAF to the City Director of Planning within ten (10) days of its submission and prior to making its determination, shall consider the recommendation of the Director of Planning with reference to the consistency of the proposed action.

4. After referral from an agency, the Director of Planning shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein. The Director of Planning shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.

5. The Director of Planning shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Director of Planning and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Director of Planning, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion. The Director of Planning shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

In the event that the Director of Planning's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Director of Planning's recommendation.

6. The agency shall make the determination of consistency based on the CAF, the Director of Planning's recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within seven (7) days of the date of receipt of the Director of Planning's recommendation. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter.

7. Actions to be undertaken within the Waterfront Revitalization Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the City of Albany LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

   (a) Revitalize deteriorated and underutilized waterfront areas (Policies 1, 1A, 1B, 1C).

   (b) Retain and promote water-dependent uses (Policy 2).

   (c) Further develop the Port of Albany (Policies 3, 3A).

   (d) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).

   (e) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 8).

   (f) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities. (Policy 9).

   (g) Minimize flooding and erosion hazards through non-structural means, carefully-selected long-term structural measures and appropriate siting of structures (Policies 13, 14, 16, 17, and 28).

(h) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).

(i) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 20, 21, and 22).

(j) Protect and restore historic and archeological resources (Policy 23).

(k) Protect and upgrade scenic resources (Policy 25).

(l) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 19, 27 and 40).

(m) Undertake ice management practices in a manner which does not damage significant fish and wildlife or their habitats, cause erosion or flooding or interfere with hydroelectric generation (Policy 28).

(n) Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 35).

(o) Handle and dispose of solid and hazardous wastes and effluent in a manner which will not adversely affect the environment nor expand existing landfills (Policy 39).

(p) Protect air quality (Policies 41, 42, 43).

8. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

(a) 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 policy standards and conditions;

(b) the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

(c) the action will advance one or more of the other LWRP policy standards and conditions; and

(d) the action will result in an over-riding City, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

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

Section 27-165. **Enforcement**:

The Commissioner of Buildings of the City of Albany shall be responsible for enforcing this Chapter. No work or activity on a project in the Waterfront Revitalization Area which is subject to review under this Chapter shall be commenced or undertaken until the Building Commissioner or his designee has been presented with a written determination from an agency that the action is consistent with the City's LWRP policy standards and conditions. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

Section 2. **Severability**:

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

Section 3. **Effective Date**:

This local law shall take effect immediately upon final passage.

CITY OF ALBANY
COASTAL ASSESSMENT FORM

INSTRUCTIONS: This application must be completed in full, either typed or printed clearly, and filed with the Planning Office, City Hall, 4th Floor, by the reviewing agency or applicant.

The purpose of the Coastal Assessment Form is to insure that actions taken directly or indirectly by government agencies in the City's designated coastal areas are consistent with the policies and purposes outlined in Albany's Local Waterfront Revitalization Program (LWRP).

Upon receipt of the Coastal Assessment form and attachments, the Director of Planning will review the proposed action based on the waterfront policies set forth in the approved Local Waterfront Revitalization Program, to determine the consistency of the proposed action.

Within 30 days, the Director of Planning shall respond and indicate whether the proposed action is consistent or inconsistent with the policies of the LWRP. The Director may also recommend modifications or alternatives that would eliminate or diminish any features of the proposed action deemed to be inconsistent with the LWRP policies. However, the final consistency determination is to be made by the agency completing this form, in accordance with section 27-164 of the Waterfront Consistency Review Law.

If you have any questions about the application, please feel free to contact the Planning Office at 434-5190.

SECTION I

APPLICANT:_____TEL:_____

ADDRESS:_____

APPLICANT'S INTEREST IN PROPERTY (OWNER/TENANT/OTHER SPECIFY):

_____

LOCATION OF PROPERTY:_____

ZONING DISTRICT:_____

SIZE OF PROPERTY:_____

EXISTING USE:_____

PROPOSED ACTION:_____

_____

TYPE OF AGENCY ACTION:

a) Directly undertaken (e.g. capital construction, planning activity, land transaction): _____

b) Financial Assistance (e.g. grant, loan, subsidy): _____

c) Permit, site plan or variance approval: _____

d) Agency undertaking action: _____

e) Agency contact person & tel. no.: _____

SECTION II **PLEASE CIRCLE**

1. Will the proposed action have an adverse effect upon:

a) the Normanskill Fish & Wildlife Habitat?	yes	no
b) the scenic quality of the coastal environment?	yes	no
c) the development of water dependent uses?	yes	no
d) the operation of the Port of Albany?	yes	no
e) the stability of the shoreline?	yes	no
f) the quality of surface or groundwater?	yes	no
g) existing or proposed public recreation areas?	yes	no
h) structures, sites, or districts of historic, archeological or cultural significance to the City, State or nation?	yes	no
i) public access to the waterfront and waterways?	yes	no

2. Will the proposed action involve or result in any of the following?

a) Physical alteration of the shoreline, underwater land or coastal waters?	yes	no
b) Mining, excavation, filling or dredging adjacent to or in coastal waters?		
c) Sale or change of use of publicly-owned lands located in the LWRP?	yes	no
d) Development within a designated flood or erosion hazard area?	yes	no
e) Discharge of solid waste, toxic or other hazardous substances into coastal waters?	yes	no
f) Transport, storage or disposal of solid wastes, hazardous substances or petroleum products?	yes	no

APPENDIX G

GUIDELINES FOR COORDINATING REVIEWS OF PROPOSED STATE AND FEDERAL ACTIONS

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.

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.

2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.

3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.

4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.

3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

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

7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

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

3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.

4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

Prepared by the

CITY of ALBANY PLANNING OFFICE

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