Town of Esopus
Local Waterfront Revitalization Program

Adopted:
Town of Esopus Town Board, July 8, 1987

Approved:
NYS Secretary of State Gail S. Shaffer, November 17, 1987

Concurred:
Office of Ocean and Coastal Resource Management, July 1, 1988

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

GAIL S. SHAFFER
SECRETARY OF STATE

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JAN. 17 1989

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

Dear Mr. Burgess:

Part of the Department of State's responsibilities for implementation of the New York State Coastal Management Program involves the preparation of Local Waterfront Revitalization Programs (LWRP) under the provisions of the State Waterfront Revitalization and Coastal Resources Act ("Act"), Executive Law, Article 42. The Act authorizes the Secretary of State to approve LWRPs prepared by local governments for those portions of the State coastal area within their municipal boundaries. These local programs are then incorporated into the State's approved Coastal Zone Management Program. You previously received a draft copy of this program for review. By this letter, I would like to inform you that the Town of Esopus Local Waterfront Revitalization Program has been approved. Copies of the program document are enclosed.

Also, pursuant to 15 CFR 923.84(b), the Department of State (DOS) placed a notice in the official State Register dated 8/10/88, stating that the Federal Office of Ocean and Coastal Resources Management (OCRM) had concurred with DOS, that incorporation of the Town of Esopus LWRP into the State's Coastal Management Program constitutes a Routine Program Implementation action. Thus, as of 8/10/88, Federal consistency applies to the LWRP.

If you have any questions, please contact me at (518) 474-9201.

Sincerely,

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

GRS:gn

Enclosure

Town of Esopus
Local Waterfront Revitalization Program

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Adopted:
Town of Esopus Town Board, July 8, 1987

Approved:
NYS Secretary of State Gail S. Shaffer, November 17, 1987

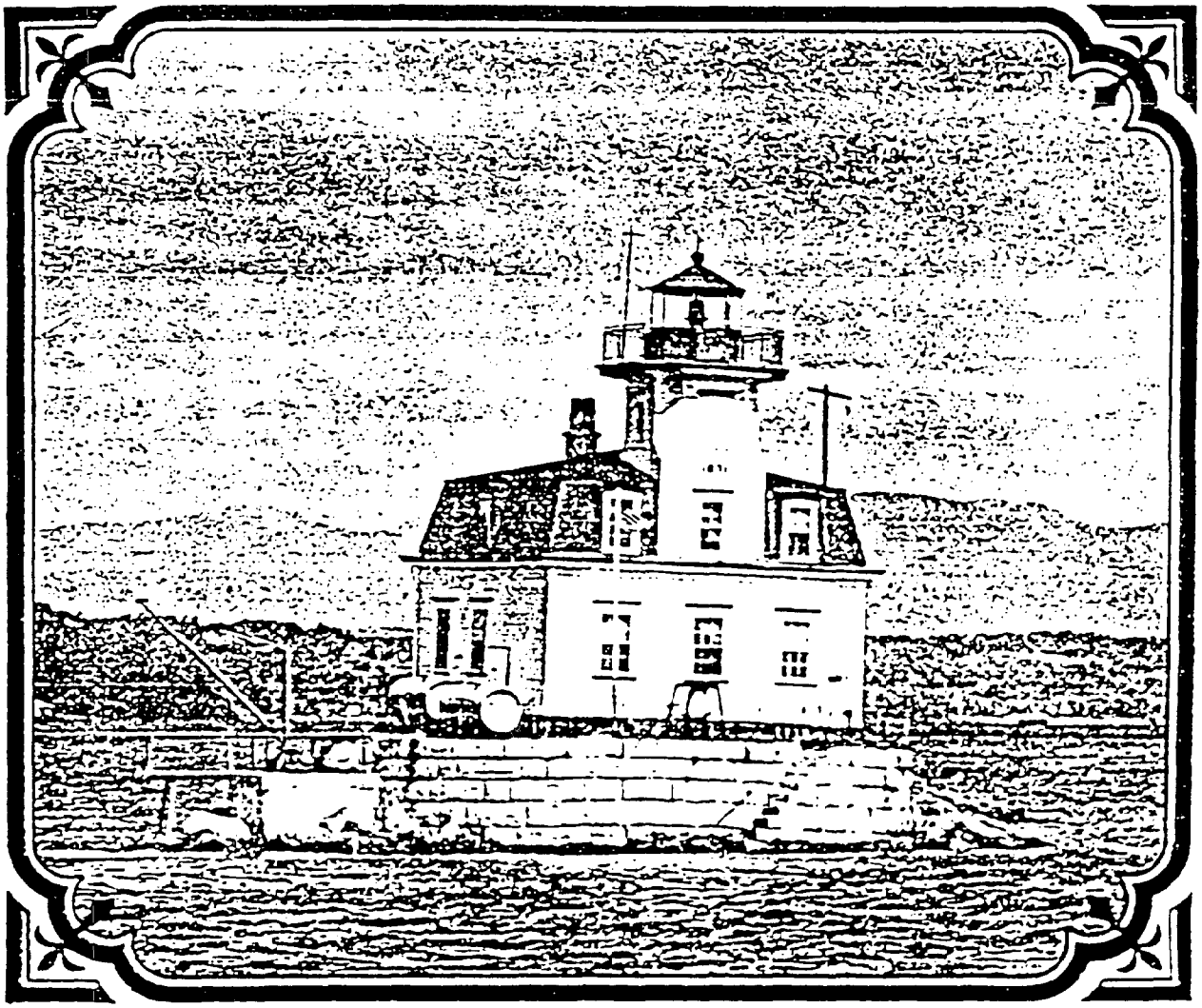
Concurred:
U.S. Office of Ocean and Coastal Resource Management, July 1, 1988

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

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

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

LOCAL WATERFRONT REVITALIZATION PROGRAM



TOWN OF ESOPUS

Shuster Associates • Planning Consultant

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

JUL 1 1988

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 Town of Esopus Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a routine program implemention change. We received eight comments from Federal agencies, none objecting to incorporating the LWRP as a routine program implementation.

In accordance with the Coastal Managment Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Esopus LWRP after you publish notice of our approval.

Sincerely,

Peter L. Tweedt
Director

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

GAIL S. SHAFFER
SECRETARY OF STATE

NOV. 17 1997

Honorable Marilyn Coffey
Supervisor
Town of Esopus
P.O. Box 716
Port Ewen, NY 12466

Dear Supervisor Coffey:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the Town of Esopus Local Waterfront Revitalization Program (LWRP). The Town is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront and for being the second municipality in Ulster County to have an approved LWRP.

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

Again, I would like to commend the Town of Esopus on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to redevelop and revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:lc

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ESOPUS ADOPTING THE LOCAL WATERFRONT REVITALIZATION PROGRAM.

Offered By: SUPERVISOR COFFEY

Seconded By: COUNCILMAN HEALY

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

WHEREAS, A Draft Local Waterfront Revitalization Program (LWRP) was prepared under said contract under the guidance of the Waterfront Advisory Committee with the assistance of Shuster Associates, Planning Consultants; and,

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

WHEREAS, the LWRP and the DEIS were referred to appropriate local, county, state and federal agencies in accord with state and federal requirements; and,

WHEREAS, a public hearing was duly advertised and held on August 13, 1986, to receive and consider comments on both the LWRP and the DEIS; and,

WHEREAS, written comments were also received from various state and federal agencies; and

WHEREAS, A Final Environmental Impact Statement (FEIS) was prepared and accepted by the Town Board as complete on January 14, 1987 and a Statement of Findings and Conclusions on the FEIS was adopted on February 11, 1987.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Esopus, New York, that:

1. The Local Waterfront Revitalization Program for the Town of Esopus dated July 1, 1987, is hereby approved and adopted.

2. All required actions pursuant to the State Environmental Quality Review Act (SEQRA) have been complied with and the following findings of fact are hereby made:

    a. The proposed LWRP is intended to preserve, protect and enhance the coastal environment and proposes actions which minimize or avoid adverse environmental impacts to the greatest extent practicable.

b. The mitigative measures included in the LWRP and the FEIS are found to minimize or avoid adverse environmental impacts to the maximum extent practicable.

3. The LWRP shall be forwarded to the New York Secretary of State for approval in accord with.the Waterfront Revitalization and Coastal Resources Act.

The board was polled with the following vote:

Supervisor Coffey Aye.

Councilman Healy Aye.

Councilman Warren Absent.

Councilman Coutant Aye.

Councilman Hathaway Aye.

Resolution adopted July 8, 1987

TOWN OF ESOPUS

TOWN BOARD

Marilyn Coffey, Supervisor

John Coutant
Joseph Healy
Garth Warren
Brian Hathaway

Waterfront Advisory Committee

Mort Ervin, Chairman
Roger Mabie, Vice Chairman
Marshall Courtney, Secretary

Dottie Bell
Frances Bohan
Mary Bohan
Norman Bohan
Barbara Clark
John A. Comatos
Robert Courtney
John Dekoskie
Bill Devine
Reverend Eugene Grohe
George Heppner
Pat Heppner
Peggie Mabie
Ralph Manna
Ruth G. Muth
Barbara Patrick
Warren Spinneweber
Roy Tolfsen

July 1, 1987

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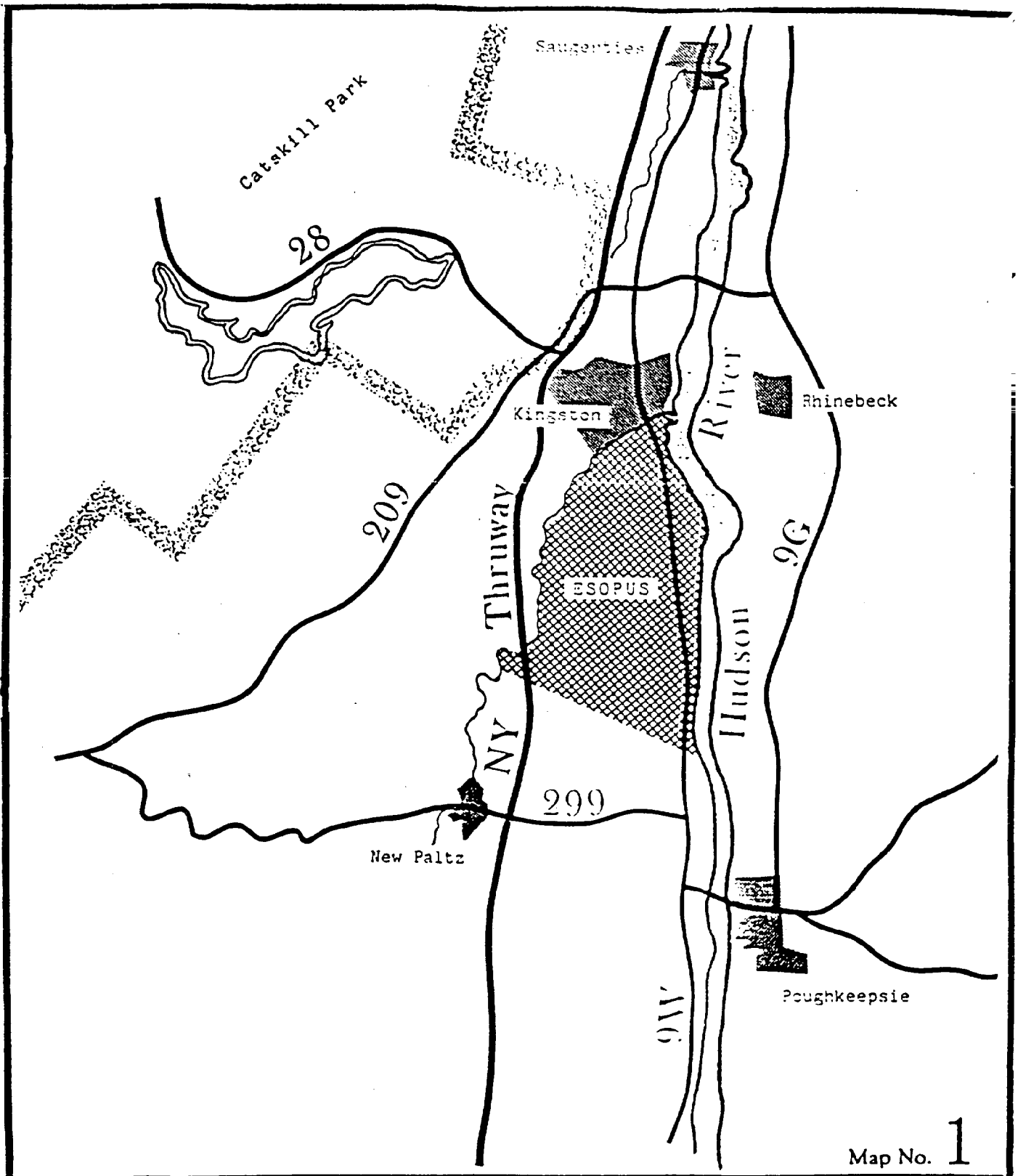
SECTION I

WATERFRONT REVITALIZATION BOUNDARY



Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

REGIONAL SETTING

DESCRIPTION OF COASTAL AREA BOUNDARY

1. Inland Boundary

BEGINNING at the intersection of the center line of the Rondout Creek and the Eddyville Bridge (Route 213);

Thence, south along Route 213 to Salem Street;

Thence, east along Salem Street and Mill Brook Drive to the second telephone line crossing;

Thence, north along the telephone line right-of-way to Route 9W;

Thence, south along route 9W to the intersection of Clay Road;

Thence, due east to the Central Hudson pipe line;

Thence, south along the pipeline until the point at which it turns due east;

Thence, from that point on a straight line in a southwesterly direction to the intersection of River Road and Route 9W;

Thence, south along Route 9W to the intersection of Old Post Road;

Thence, west along Old Post Road to the Conrail railroad track;

Thence, south along the Conrail railroad track to the pipeline just north of Floyd Ackert Road;

Thence, generally west and south along the pipeline to its intersection with Route 9W;

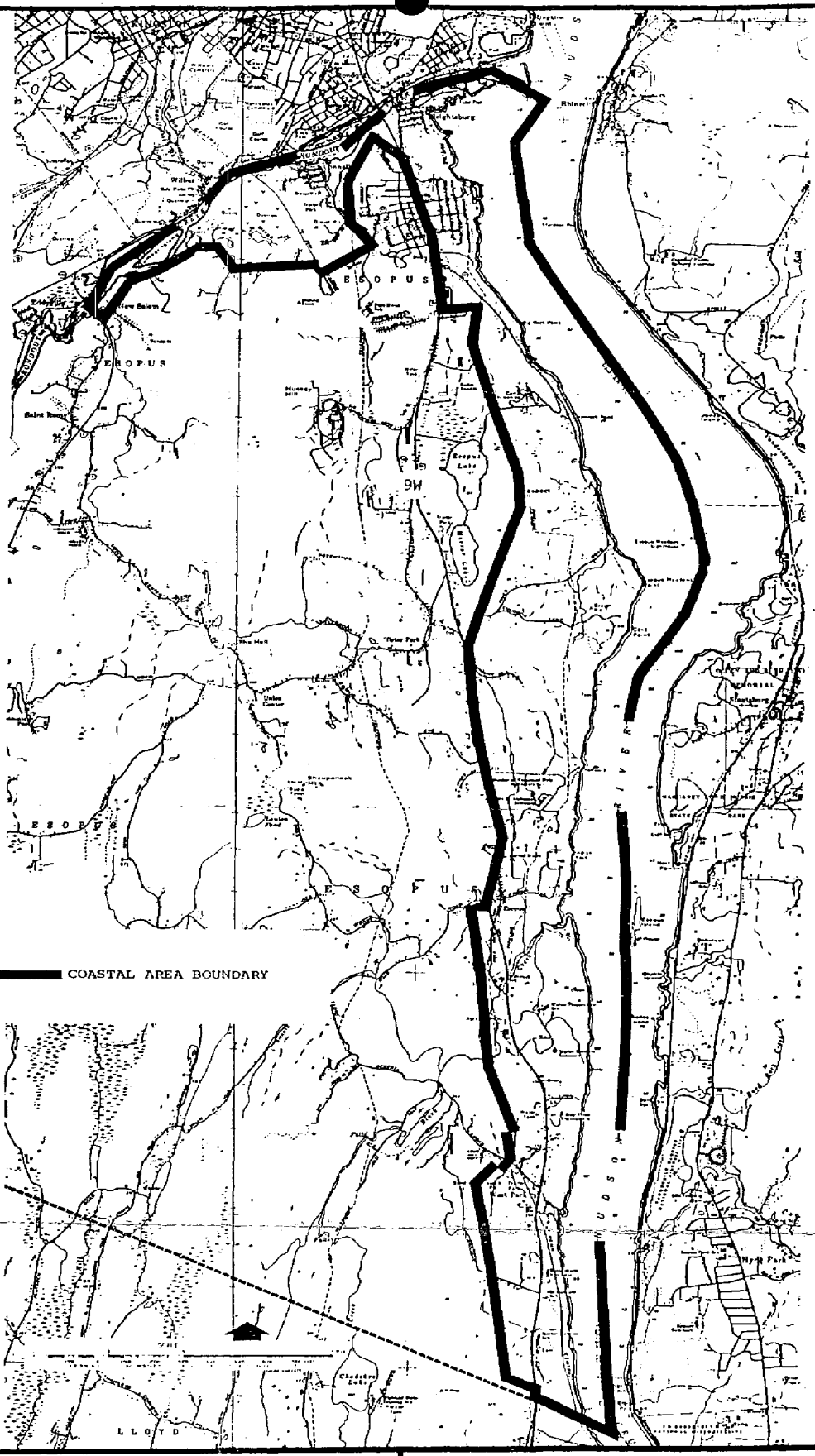
Thence, south along Route 9W to the Town of Lloyd town boundary.

2. Waterside Boundary

BEGINNING at the intersection of the center line of the Rondout Creek (the boundary between the Town of Esopus and the Town of of Ulster) and the Eddyville Bridge (Route 213);

Thence, east along the Rondout Creek (the town line) until its intersection in the Hudson River with the Dutchess County line;

Thence, south along the county line to its intersection with the Town of Lloyd boundary.



Local Waterfront Revitalization Program

TOWN OF ESOPUS

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BOUNDARY MAP

Map No. 2

SECTION II

INVENTORY AND ANALYSIS

II. INVENTORY AND ANALYSIS

A. Overview (see Map No.3)

The Town of Esopus has a coastal area of great diversity and beauty. With three miles of frontage on the Rondout Creek and 11 miles on the Hudson, the range of uses and natural features is exceptional. The proposed coastal boundary ranges from 2,000 to 5,000 feet inland from the water's edge.

The Rondout Creek contains most of the active waterfront commercial activity and more intensive residential development. With the exception of the hamlet of Port Ewen, the Hudson River shoreline is developed at very low density, with many large estates and institutional holdings. The Town is fortunate in that it is the first place north of Rockland County where the railroad shifts inland and does not impose a barrier at the water's edge.

Section B. below describes the various natural and man-made features of the coastal area and their implications for waterfront policy making. Section C. highlights some major issues and opportunities which this Local Waterfront Revitalization Program will address.

B. Inventory and Analysis*

Field surveys, previous studies, and published data were all used to assemble an inventory of existing conditions and features in the coastal area. Base maps at several different scales were prepared in order to map the data and photographs taken to record selected images. The results of this inventory and analysis process are presented below and illustrated on maps No. 3, 4 and 5.

1. Existing Land and Water Use (See Maps 3A and 3B)

a. Land Use Patterns

Land use in the Esopus coastal area still reflects the historic settlement pattern along the major waterways. The most intensive development is in the hamlets of Connelly and Sleightsburg (on the Rondout Creek) and Port Ewen (just south of the Creek mouth), although most of the water oriented commercial and industrial activity, which was the basis for the settlements, has disappeared. South of Port Ewen, a more rural pattern prevails with a mixture of orchards, estates, religious institutions

*The inventory and analysis includes some data outside the proposed boundary but within the original boundary (see Map No. 2), since the decision to revise the boundary was made only after consideration of all available data.

and seasonal resorts occupying large parcels of land. Smaller residences and scattered commercial uses are strung out along Route 9W and in the hamlets of Esopus and West Park.

b. Water Dependent Uses

Few historic water dependent uses remain--ice houses, boat builders, brick yards, and commercial fishing all have disappeared. The remaining water dependent uses are recreational or require the river for transportation. With exception of the Hidden Harbor Boat Club at Port Ewen, all of these remaining uses are situated on Rondout Creek. These include two industries which depend on water borne transportation--The Callanan Quarry and Kosco oil storage facility--and a marina in Connelly. All of these uses are active and will remain for the foreseeable future. Although many other uses, particularly residences, benefit from the proximity of the water, none require it.*

c. Underutilized Sites

While much of the Town's Coastal area is undeveloped or developed at a very low density, it cannot be classified as "underutilized". These areas, particularly the Hudson River frontage in the southern half of Town, are part of an open space system which is of considerable benefit to the Town and region.

However, some of the land in and around the hamlets of Connelly, Sleightsburg and Port Ewen--formerly the sites of active waterfront commerce and industry--are not used to the full extent that the existing infrastructure could support. The available public sewer, water and highway system will allow these areas to accommodate more intensive uses.

d. Recreation and Public Access

The low density, scatterd development throughout most of the Town has resulted in few opportunities for centrally located public recreation facilities. Most active recreation takes place at school athletic fields and several small neighborhood parks. However, the Town has purchased and developed a waterfront park on the Hudson at Port Ewen which includes a beach and picnic pavillion. This facility is located near the Town's most populous area and is heavily used. Shallow water at this location, however, hampers access for any but the smallest vessels. Therefore, no provisions for boat launching have been made. A private marina in Connelly and a private club in Port Ewen provide the only boat launching facilities in Town.

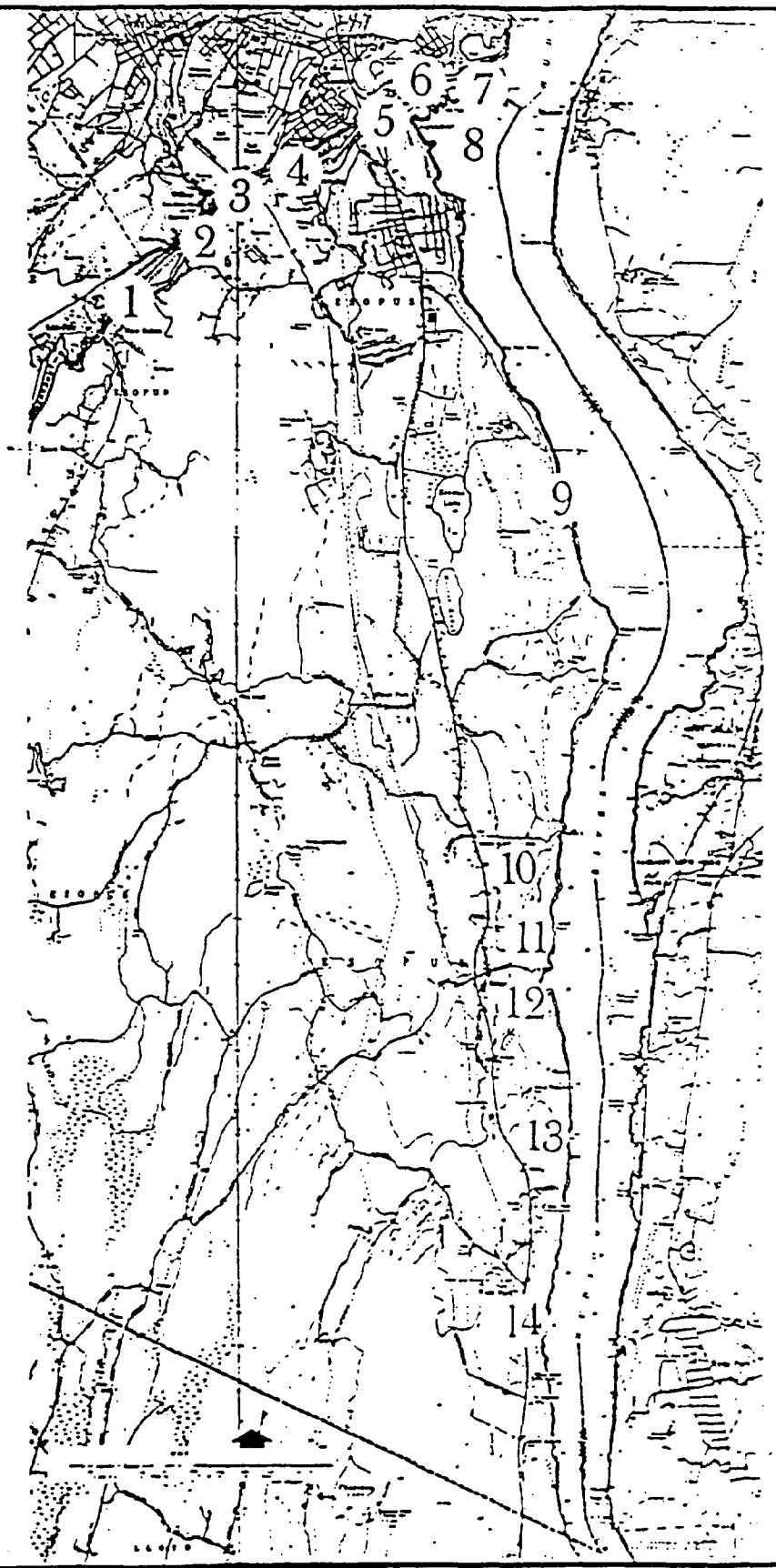
*It should be noted that an application for a small scale hydroelectric facility at the Eddyville Dam is pending before the Federal Energy Regulatory Commission.

Physical access to the water's edge by the general public is quite limited. The public beach and a small stretch of River Road that abuts the river provide opportunities for direct access. Two other public properties are on the waterfront--the Port Ewen Water Plant and the pump station at the foot of Broadway in Sleightsburg: however, neither is designed or intended for public use.

In its report entitled "Recommendations for Improving Public Recreational Access to the Hudson River", November 1, 1984, the New York State Department of Environmental Conservation identified two potential development projects and assigned both a medium priority. One in the hamlet of Esopus, is privately owned, has poor vehicular access and is of limited size. The other is the beach site described above. Recent dedication of an acre of land on the north end of the beach has increased the potential for a boat launch here, particularly if some filling to create a dock proves feasible.

e. Photographs (See Location Map)

1. A quiet backwater of the Rondout Creek.
2. The Callanan quarry.
3. The railroad trestle and old chinmey.
4. Marina at Connelly.
5. Oil storage in Sleightsburg. Proposed "fishing wall" is between tanks and small building at right.
6. Abandoned barges at Sleightsburg.
7. The Sleightsburg Spit, site of proposed park.
8. Duck blind on the Hudson.
9. Access on River Road.
10. Mount St. Alphonsus
11. Riverfront home.
12. Mouth of Black Creek
13. Riverfront estate.
14. No access.



Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

PHOTO LOCATION MAP

Map No.

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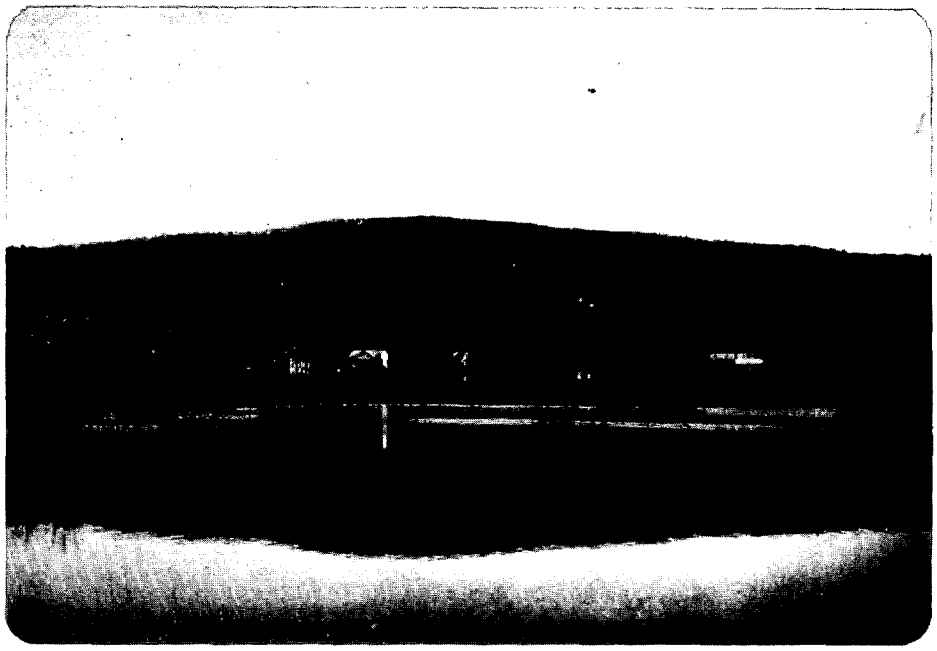

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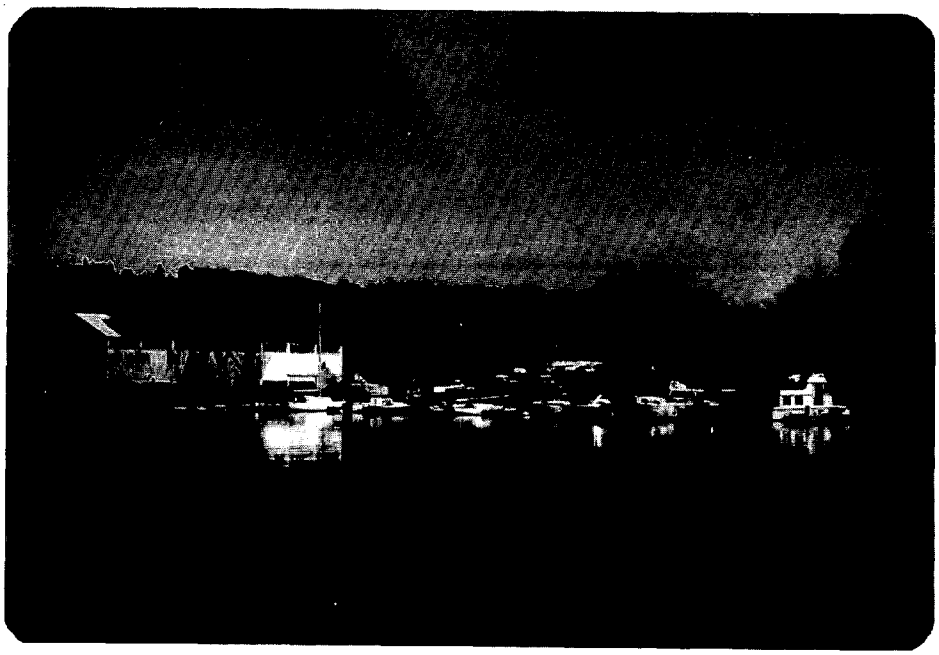

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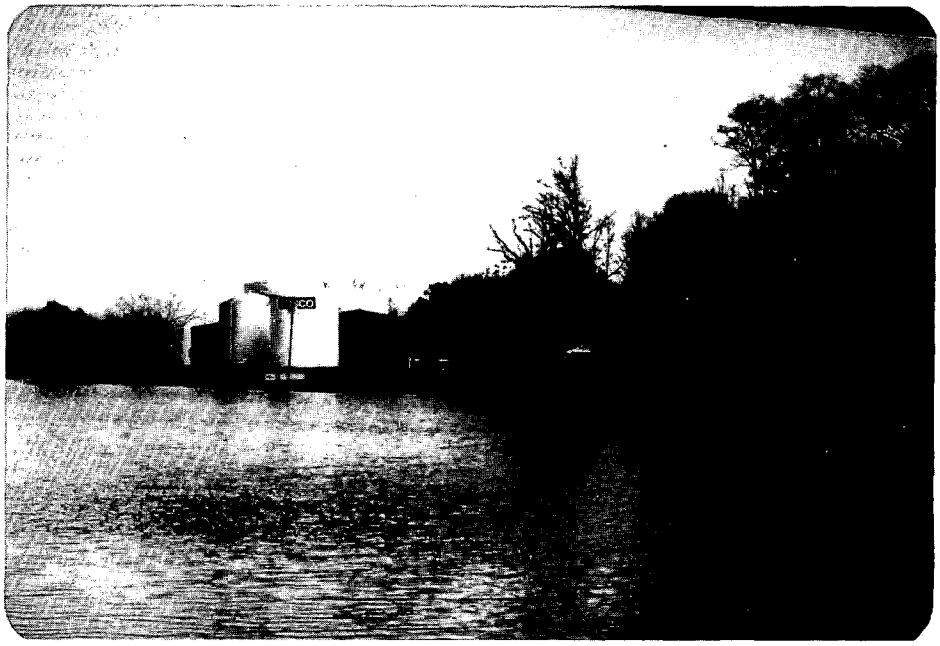

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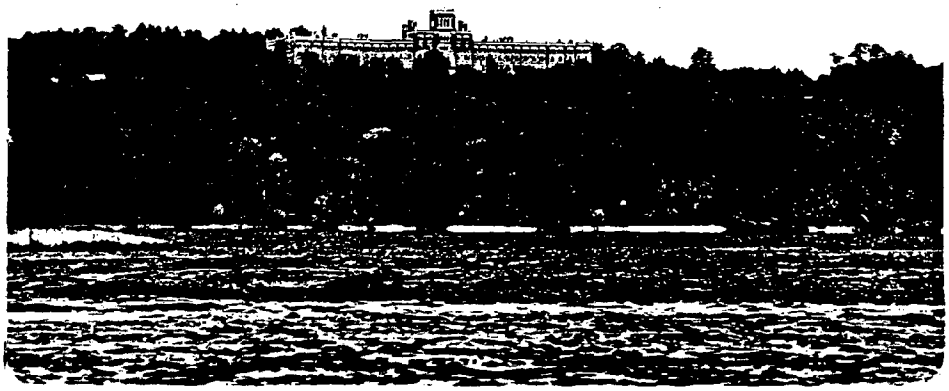

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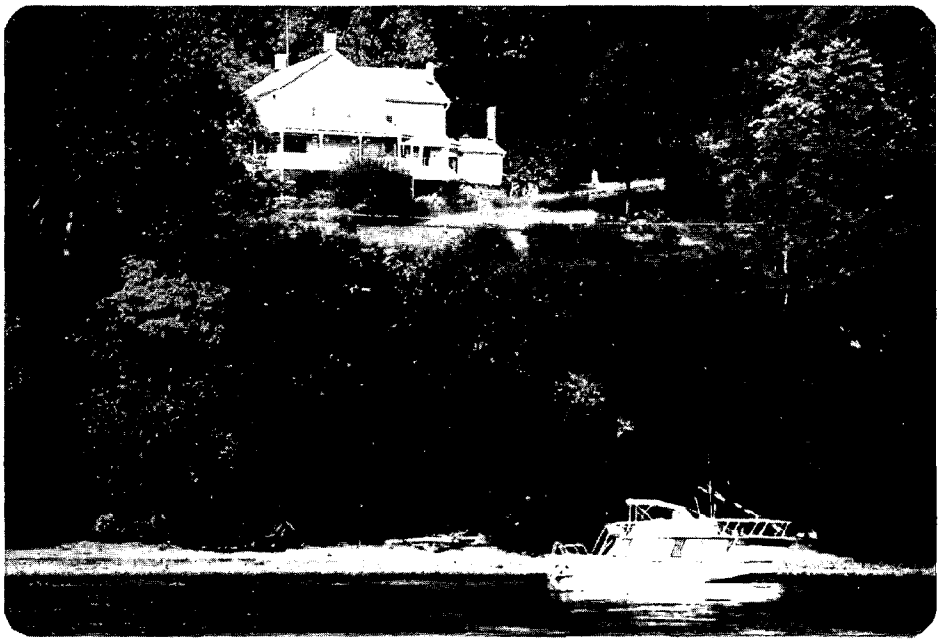

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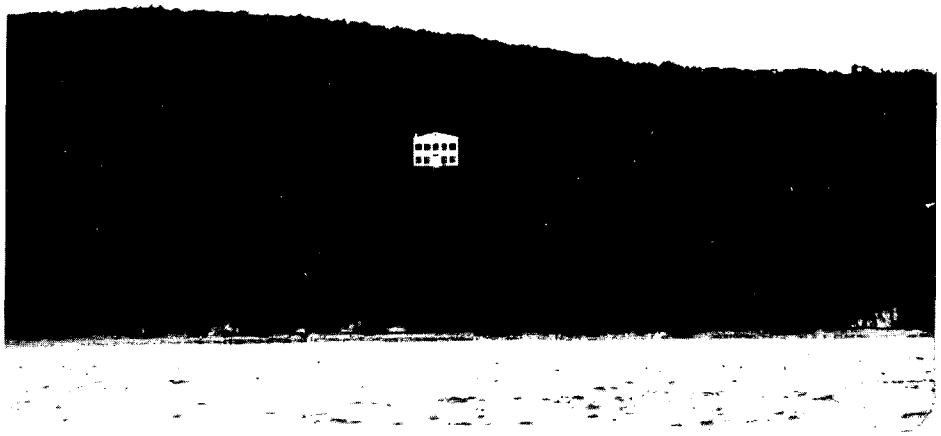

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2. Geology*

a. Topography

The Esopus coastal zone is characterized by highly varied topography with steep slopes, thin rocky soils and much exposed bedrock. For its whole lenth the land rises steeply from the river for 100-200 feet. South of Esopus Meadows Point, the steep slopes have precluded any development along the shoreline. North of Esopus Meadows Point, River Road follows the shoreline and there is intermittent residential development along the shoreline.

Inland the landscape is dominated by north-south trending ridges with occasional flat depressions containing lakes or wetlands. Areas of moderate slope are largely utilized for apple and pear orchards.

On the west the zone is bordered by two quartzite ridges (Hussey Hill and Shaupeneak Mountain) which rise steeply 700 feet above the coastal zone.

b. Bedrock

The entire study area is underlain by the Austin Glen Graywacke, except for a small area underlying Connelly. This formation consists of two divisions. The lower is composed of thin-bedded graywacke* and sandstone interbedded with shale. The upper has thick, massive coarse textured graywacke, with some thinner bedded graywacke, and a little shale (mostly as rare seams). Fossil graptolites (an extinct colonial organism generally thought to be related to primitive chordates) are common.

The Austin Glen formation was highly folded and faulted during the Toconic mountain building period. Later deformation resulted in additional broad folding with considerably more faulting. The two stages of deformation have caused the Austin Glen formation to become fairly erodible and permeable.

Immediately to the west of the study area, the Quassaic Quartizite outcrops as a large, steep, north-south trending ridge. The Quassaic Quartizite was folded along with the Austin Glen Greywacke. The ridge remains as Hussey Hill and Shaupeneak Mountain because the quartizite is harder and less easily erodible then greywacke.

Note: Sections 2 through 7 were prepared with the assistance of Baqdon Environmental Associates.

*Graywacke is an extremely hard sedimentary rock characterized by the presence of angular mineral and rock fragments in a dark claylike matrix.

The bedrock underlying the Connelly area is composed of Lower Devonian and Silurian rocks, including some limestone, dolostone, quartzite, and shale. They were deposited in a shallow marine environment 400 to 440 million years ago. Considerable folding and faulting has occurred since then. Thicknesses are variable.

c. Surficial

Prior to the Pleistocene glaciation, the topography of the study area consisted of sharply folded and faulted ridges and valleys. The continental glacier that covered the region subdued the bedrock topography and covered that area with glacial sediments. Glacial lake deposits (silts and clays) now fill the preglacial valleys. These deposits have modified the bedrock-controlled drainage system which, for the most part, follows the northeast-southwest trend of the preglacial valleys. In the higher elevations, ground moraines (unstratified glacial till) and kames (stratified sands and gravels) dominates the landscape.

3. Soils and Erosion

The soils of the coastal zone are descibed in detail in the Ulster County Soil Survey (U.S. Department of Agriculture, 1979). The soils in the area are of three major types, being distinguished by the type of geologic deposit or parent material in which they developed: glacial till--an unsorted mixture of material from silt and clay particles through large cobbles; stratified drift--well-sorted sands and gravels deposited by fast moving glacial meltwater; lake bed sediments--silts and clays deposited at the bottom of ancient glacial lakes.

The most abundant soils in the area are those developed on glacial till, called the Bath-Nassau Association. This Association consists of well to excessively well-drained medium textured soils of variable depth. The Bath soils are deep, and have a medium textured surface layer with a medium or medium-coarse tectured subsoil or substratum. Slopes range from gently sloping to very steep. The shallow, medium-textured Nassau soils are underlain by shale-bedrock at a depth of 10-20 inches. Slopes are generally gently sloping to moderately steep. This Association is commonly used for orchards, meadow crops and pasture.

The hilly topography and rock outcrops are limitations for cultivated crops. Available water capacity is quite variable because of the underlying tilted bedrock. Development is limited by slope, variable depth to bedrock and slow water movement in the deeper soils of this Association.

The shoreline of the Rondout Creek and the Hudson River is covered by Bath and Nassau soils with numerous rock outcrops. These soils are found in northeast-southwest trending patches conforming to underlying bedrock topography. They are hilly to very steep.

The soils developed on stratified drift are the Plainfield, Riverhead and Hoosic. These soils tend to be deep, stone-free and well-drained. As such they are well-suited to a wide variety of uses including both farming and urban development. Both Port Ewen and Connelly are underlain primarily by Riverhead fine sandy loam. In other areas, this soil is devoted to orchard use such as west of route 9W--just south of Ulster Park.* The Plainfield Rock outcrop complex is an excessively well drained sandy soil with intermittent bedrock exposures. This soil is found in the area surrounding Camp Chi-wan-da, and in the vicinity of the Marist Brothers Seminary and the Holy Cross Monastery.

Soil developed on lake bed sediments are generally poorly drained, with a seasonally high water table. These soils are poorly suited for development, are moderately well suited for farming if drained, and are well-suited for woodland and wildlife habitat. Most inland wetlands (marshes and swamps) occur in theses types of soils. In the coastal zone most of these soils fall into the Rhinebeck, Hudson, Canadaigua, and Williamson series. These soils are found in a broad strip at the base of Hussey Hill and in the wetland areas bordering Esopus and Mirror lakes. They are also found in other small wetlands scattered through the area and underlying most of the hamlet of Esopus.

Most of the natural shoreline of the Rondout Creek and Hudson River is steep, rocky and quite stable. However, where the shoreline has been extended for development purposes, through a combination of fill

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*Due to the limited amount of actual commercial agriculture in the coastal areas, data on quantity or value of crops is not available from any state or federal agency.

and bulkheading, erosion and deterioration of bulkheads are problems unless frequent maintenance and repair are practiced. Bulkhead deterioration is particularly evident along the Rondout Creek where a man-made peninsula extends out into the river. Repairs of this condition is important to maintain navigation at the mouth of the Creek and to preserve this unusual site for potential recreational use. Erosion of bulkheads is also evident elsewhere on the Creek, where industries were formerly located, and on individual properties on the river in the Port Ewen area.

4. Significant Habitats and Wetlands

a. Significant Habitats

New York is in the process of designating significant habitats in the coastal zone. DEC, under contract to the Department of State, is evaluating and recommending for designation significant habitats in the coastal zone. The sites may be the same as those already listed by DEC as Significant Habitats. However, whereas the regular DEC Significant Habitats exist only for documentary purposes, the CZM designated habitats afford greater legal protection. No additional permits are required for the development of designated sites; however, DOS must determine that the development would be consistent with coastal policy if its funding or approval are involved, and will disapprove proposed actions that would significantly alter or destroy a designated habitat.

As shown in Map 4, five habitats have been identified in the study area. These are: two stretches of the Hudson River, (1) the Kingston Deepwater Habitat, and (2) the Poughkeepsie Deepwater Habitat, (3) the Rondout Creek (including the tidal flats),(4) the Esopus Meadows, and(5) the rocks of the Hudson River used for basking by Map Turtles. All but the last of these is likely to be designated by the State. The five habitats are described below:

Kingston Deepwater Habitat

The Kingston Deepwater Habitat encompasses a six mile stretch of the Hudson River from the City of Kingston to the southern boundary of the Margaret Lewis Norrie State Park. The significant habitat area is a nearly continuous river bottom trench, where water depths of 50 feet or greater occur.

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

Deepwater areas trap pockets of denser saline water, providing wintering habitat for shortnose sturgeon (E) and supporting a diversity of marine species in the Hudson River. Recent fisheries investigations of the Hudson River in this area indicate spawning as well as wintering of sturgeon in the Kingston Deepwater Habitat area. This area is also significant since it is largely responsible for the abundance of marine species upriver (the northern range limit formany in New York), especially during periods of low freshwater flows (summer). The majority of both Atlantic and shortnose sturgeon taken for age-growth analysis during the 1936 biological survey came from Rhinecliff and Port Ewen. During the spring spawning run of shad, commercial drift netting takes place in the area.

Poughkeepsie Deepwater Habitat

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

Deepwater estuaries such as the Poughkeepsie Deepwater Habitat are rare in the eastern United States. The Hudson River is the only river in New York State that contains this ecosystem type.

Deepwater areas provide wintering habitat for shortnose sturgeon (E), and support an unusual diversity of marine species in the Hudson River. Shortnose sturgeon also use this area as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this region at depths of 45 feet to 120 feet. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area, including bay anchovies, silversides, bluefish, weakfish, and hogchokers. The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. However, commercial or recreational uses of fish and wildlife in this area are not know to be significant.

Rondout Creek

Rondout Creek is located on the west side of the Hudson River, on the boundary between the City of Kingston, and the Towns of Esopus and Ulster, Ulster County (7.5' Quadrangles: Kingston East, N.Y.; and Kingston West, N.Y.) The fish and wildlife habitat is an approximate four mile segment of this freshwater tributary, extending from its mouth on the Hudson River to a dam which is located just upstream from the N.Y.S. Route 13 bridge at Eddyville. Rondout Creek is a large, medium gradient, perennial, warmwater stream, with a drainage area of over 1,100 square miles, and an average annual discharge volume of approximately 1,600 cubic feet per second. Municipal water withdrawals upstream may reduce flows year-round by as much as 200 cubic feet per second. Most of the habitat is within the tidal range of the Hudson River, and is relatively deep, with a silt and clay substrate. Only the first half-mile of stream below the dam is non-tidal; this segement is rapids, with a rock and gravel substrate. The lower one to two miles of Rondout Creek has been channelized to facilitate barge traffic to adjacent commercial and industrial developments in Kingston. An extensive marsh and mudflat area, locally known as Sleightsburgh Marsh, exists at the mouth of the creek. Portions of Rondout Creek and its associated riparian zone remain in a relatively natural condition, but habitat

disturbances in the area include dredging, discharges of wastewater from industrial and municipal point sources, and altered flows resulting from upstream impoundments.

Rondout Creek is one of the largest freshwater tributaries of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, and 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. Rondout Creek is an important spawning area for alewife, smelt, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between March 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. American shad spawn in shallow water areas at the mouth of Rondout Creek. Substantial populations of brown bullhead, yellow perch, sunfish, and smallmouth and largemouth bass, occur in the creek throughout the year. Freshwater inflows from Rondout Creek are very important for maintaining water quality in the Hudson River estuary.

The abundant fisheries resources of Rondout Creek provide significant opportunities for recreational fishing. Although no developed public access facilities exist, the area is popular among anglers from throughout the mid-Hudson Valley, especially in spring (March-April) for smelt, herring, and bullhead fishing, and in summer for largemouth and smallmouth bass fishing. Access to the area is available by boat and from many shoreline locations.

Wetlands located at the mouth of Rondout Creek are productive feeding areas for a variety of waterfowl species during spring and fall migrations (March-April and October-November, respectively). Although landfilling and waste disposal have eliminated much of the wetland area north of Rondout Creek, sizeable marshes and flats still remain. Concentrations of waterfowl in this area attract hunters from throughout the mid-Hudson Valley; this is one of the 4 significant waterfowl hunting areas in this region.

Esopus Meadows

Esopus Meadows is located on the west side of the Hudson River, approximately four miles south of the City of Kingston, in the Town of Esopus, Ulster County (7.5' Quadrangles: Kingston East, N.Y: and Hyde Park, N.Y.).

The fish and wildlife habitat is an approximate 350 acre shoal in the river, most of which is shallow (less than 10 feet deep at mean low water), freshwater, intertidal, mud flats, and subtidal aquatic beds (dominated by wild celery). Esopus Meadows is located adjacent to a natural deepwater area in the Hudson River, so the area is not subject to disturbance from periodic maintenance dredging. The land area bordering Esopus Meadows is mostly wooded, with some low to medium density residential development where River Road runs close to the shoreline.

Esopus Meadows is a relatively large, undisturbed, area of shallow, freshwater, tidal flats. Areas such as this are extremely valuable fish and wildlife habitats in the Hudson River, and are not found in other coastal regions of New York State.

Esopus Meadows comprises an important part of the primary wintering area for shortnose sturgeon (E) in the Hudson. It has been estimated that as much as 80-90% of the adult shortnose sturgeon population which will spawn in the spring overwinters in Esopus Meadows and the adjacent deepwater channel areas. These fish move into the area during October or November, and remain there until March, when they begin moving upriver to spawning areas. The vegetated shallows at Esopus Meadows are valuable nighttime foraging areas for the adult sturgeon, which feed on snails and other bottom organisms. These fish remain in adjacent deeper areas during the day. Esopus Meadows also serves as spawning, nursery and feeding habitat for striped bass, American shad, white perch, and various resident freshwater species. The abundant fisheries resources in the area provide excellent opportunities for recreational and commerical fishing, attracting fishermen from throughout the mid-Hudson Valley, Access to the area is available by boat and from much of the river shoreline north to Esopus Meadows Point.

Significant concentrations of waterfowl also occur in the Esopus Meadows area. Dense growths of wild celery provide valuable feeding areas for many species of ducks, and are especially important during spring (March-April) and fall (mid-September--early December) migrations. Concentrations of diving ducks, such as scaups, redhead, canvasback, common goldeneye, and mergansers, are regularly found out in this area. This open water area is also used by dabbling ducks, including mallard, black duck, and blue-winged teal, especially during calm weather, and much of the area provides refuge from hunting pressure in shoreline areas. However, portions of Esopus Meadows that are accessible comprise one of the most popular waterfrowl hunting areas on the lower Hudson River. Depending on weather conditions, some waterfowl may remain in the area throughout winter; mid-winter aerial surveys for the ten year period 1976-1985 indicate average concentrations of approximately 80 birds in the area each year (500 in peak year), including black duck, mallard, canvasback, and mergansers. The extent to which other bird species such as loons, grebes, gulls, wading birds, and shorebirds, may use the area has not been documented. However, the variety of birds observed here, and its accessibility, makes Esopus Meadows popular among birdwatchers in the lower Hudson Valley.

Map Turtle Basking Rocks

This area is located on the western bank of the Hudson Riverdirectly across from the Franklin Delano Roosevelt Manor. The map turtle Graptemys pseudogeographica, so named because the maze of light markings on their backs resemble an intricate system of canals and waterways, are native to Lake Champlain, the St. Lawrence and the Great Lakes in New York. They are not considered native to the Hudson, but have become established presumably by release from domestic aquariums. The rip-rap naturally occurring rocks along the western bank of the river have been mentioned as a known basking site. However, because they are an introduced species, this site being designated a significant habitat is unlikely.

b. Wetlands

The Legislature has declared that it is "the public policy of the state to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom" (Article 24, of the Environmental Conservation Law). Accordingly, DEC is identifying and mapping all freshwater wetlands larger than 12.4 acres (final maps for Ulster County have not yet been filed). Under Article 15, excavation and filling in navigable waters and contiguous marshes, estuaries, tidal marshes and wetlands are regulated. Under Articles 15 and 24 of the Environmental Conservation Law, any development of protected wetlands requires a permit from DEC. Based on their evaluation of the permit application, DEC may limit development, require mitigative measures or prevent development.

The DEC has identified one freshwater wetland in the coastal area (see Map No. 4). This area includes the southern portion of the peninsula at the mouth of the Rondout Creek and is within the Rondout Creek Habitat described above.

5. Hydrology and Water Quality

a. Drainage

The study area lies entirely within the Hudson River drainage basin. The Rondout Creek is the only other major stream in the study area. It carries waters from the Shawangunk Mountains and, via the Wallkill River which joins the Rondout southwest of the study area in Rosendale, from the southern Catskill Mountains. Most of the streams that drain the area flow northeasterly, following trends imposed by bedrock topography, eventually draining into the Hudson River which flows to the south.

Black Creek, whose main branch flows north from the Town of Lloyd, drains much of the southern coastal zone. The major drainage in the northern portion is Plantasie Creek, which flows north from the Flats below Hussey Hill into the Rondout at Connelly.

b. Flood Protection

The Federal Emergency Management Agency has developed a flood insurance study and maps of the Town of Esopus that indicate flood events of a magnitude

which are expected to be equalled or exceeded once during a 100--or 500--year period. The maps also show base flood elevation lines which indicate anticipated water surface elevations during a 100--year flood. Local planning requires that developments must either be built above the base flood elevations or contain flood protection devices to that height.

The 100-year boundary is shown on Map 3. In the Town of Esopus, the 100-year boundary lies very close to the shoreline of the Rondout Creek and the Hudson River, the exceptions being the Plantasie Creek near Connelly, the tidal flats and marshlands near Sleightsburg, and Black Creek. The low-lying inland area comprised of Esopus Lake, Mirror Lake, and surrounding wetlands also lies below the 100-year boundary. The 500-year boundary is significantly different from the 100-year boundary only along the creeks, where it is slightly further inland.

The 100-year floodplain boundary encroaches slightly upon Connelly and Sleightsburg. No streets are located within the floodplain, but some coastal facilities may be. Outside of these two communities, a few scattered residences and stretches of roads lie within the 100-year boundary.

Base flood elevations* range from a high of 11 feet on the Rondout Creek near Eddyville, falling to 9 feet at the mouth of the Creek. The base flood elevations on the Hudson River are 9 feet throughout the study area.

Local history indicates that the Town is subject to flooding from hurricanes and northeasters which bring heavy rains to the area. Ice jams have been reported infrequently on the Rondout Creek; however, they are generally brief and cause little flooding.

The Rondout Reservoir provides the principal flood protection for the Town. It is located at the release chamber of the Merriman Dam, 1.3 miles northwest of Lackawack in Ulster County.

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*National Geodetic Vertical Datum (DGVD)

c. Surface Waters

Surface waters in the Town of Esopus are monitored by the state DEC and Health Department and the Ulster County Health Department. DEC maintains a monitoring station on the Hudson River north of Esopus near Catskill and on the Rondout Creek just above Eddyville Dam. The Ulster County Health Department monitors Hudson River Water at the Port Ewen Water Treatment Center and Rondout Creek water at the Kingston Sewage Treatment Plant.

The quality of the Hudson River has dramatically improved over the past several years due to significant improvements at the upstream sewage treatment plants. Standard parameters such as coliform, fecal coliform, ph and dissolved oxygen have been monitored since the mid-1960's. Data on organic pollutants is far more limited; however, preliminary examination of volatile compounds in the Hudson River showed no measureable contamination (D. Palen, Director of Environmental Sanitation Division, Ulster County Health Department). The water is rated as Class A, i.e. suitable for drinking provided that it is adequately treated.

The Rondout Creek is presently considered a Class C water which is suitable for fishing, but not for drinking or swimming. Sewage from Port Ewen and Kingston are introduced into the Rondout Creek as secondary effuent from the Kingston Sewage Treatment Plant. In addition, there are several industrial raw sewage effluents. DEC hope to raise the quality of water in Rondout Creek to Class B. Black Creek is classified as A west of Route 9W and C east.

d. Sewage

The Port Ewen Sewer Improvement District (which includes the Hamlets of Port Ewen, Sleightsburg and Connelly) disposes of the sewage at the Kingston Sewage Treatment Plant. The plant has a capacity of 4.8 million gallons per day, 500,000 of which are allocated to the Port Ewen Sewer Improvement District. The Sewer Improvement District currently runs at only 250,000 gallons per day, or half their allocated flow. The Kingston facility will be able to accommodate additional development within the Port Ewen Sewer Improvement District for the near future, although several recently approved and proposed projects will use a substantial portion of the remaining allocation.

e. Toxic Waste

NYS DEC has no knowledge of any active or inactive hazardous waste disposal sites within the proposed coastal boundary.

f. Drinking Water and Groundwater

Shallow glacial aquifers and bedrock aquifers are tapped for drinking water. The shallow aquifers provide good quality water through wells or artesian springs to most of the Town's outlying residents. Yield from shallow aquifers are generally low. The bedrock aquifers supply good quality water as well. Bedrock-supplies are adequate for domestic use or small farms, but are insufficient for large industrial or municipal systems. Bedrock derived waters may be moderately to very hard, smell of hydrogen sulphide, and contain elevated levels of iron and manganese.

Port Ewen obtains drinking water primarily from the Hudson River. In the past, it also obtained water from bedrock wells. These have been shut down because of insufficient yields and elevated iron and manganese levels. Water drawn from the Hudson river is processed using filtration, sedimentation, and chlorination. See Map No. 3.

Outlying facilties, for the most part isolated developments on the Hudson River, rely on their own wells or springs. The Redemptionist Fathers of New York supply water to 110 persons using a sand filter infiltration gallery. The Order of the Holy Cross and the Rosemarie Mobile Home Park draw their supplies from glacial aquifer wells, and Saint Cabrini Home and the Santa Maria Christian Brothers supply water to 160 person from combination of glacial aquifer wells and artesian springs that are located on the nearby hillside.

6. Air Quality

The New York State Department of Environmental Conservation follows the federal Environmental Protection Agency (EPA) quality standards for ambient air. Areas where the ambient concentration of a pollutant is greater than the standard for each major category of pollutant (total suspended particulates, carbon monoxide, sulphur dioxide, oxides of nitrogen and ozone) are considered to be in non-attainment for that pollutant, and areas where ambient concentrations are less than standard are considered in attainment.

The Town of Esopus is currently classifed as an attainment area for criteria pollutants. When considering the siting of a new facility or modification of an existing facility the status of air quality at the facility and the magnitude of the projected annual emissions of criteria pollutants must be evaluated.

7. Cultural Archaeological Resources

a. Cultural

The Town of Esopus, particularly the shoreline area along the Rondout Creek and its confluence with the Hudson River, is rich in cultural and archaeological resources. Unfortunately, no thourough survey of the entire area has been undertaken. However, a preliminary survey of probable areas of historic sensitivity was undertaken in conjunction with the installation of sewers in Port Ewen (see Port Ewen Improvement Area C-36-764, Cultural Impact Study--Historic Period, 1977). This survey identified twenty sites in the hamlets of Port Ewen, Sleightsburg and Connelly, listed below, worthy of historic interest. These are identified on Map No. 4. Also indicated are five sites already listed on the National Register of Historic Places and other sites identifed by local historians or inventoried by the office of Parks, Recreation and Historic Preservation (see discussion following list).

1. General vicinity of Kingston Commons.
2. Waterfront area developed after completion of D&H Canal c. 1828-1850.
3. Dam across Plantasie Creek and channel including boat yards and possibly two 18th century houses.
4. Red brick engine house, c. 1865.
5. William Litts' red frame dwelling.
6. Possible site of early habitation by Dutch.
7. Site of 18th century Petrus Sleight Estate
8. Site of 19th century Ferry House.
9. Site of 19th century shipyard.
10. Earliest road to Kingston from south along river approximate site of late 19th century velocipede Ulster sled factory and early store.
11. Pennsylvania Coal Company planned community, c. 1851 (docks, steamboat landing, office and warehouse).
12. Brick house of Pennsylvania Coal Co.
13. Cut stone manager's house erected by Pennsylvania Coal Co.
14. J.D. Rattray frame clapboard building c. 17th century.
15. Store house.
16. Vicinity of Robert J. Torrens and site of 18th century settlement, c. 1767.
17. Stone house used as first school in Esopus, c. 1777.
18. Hugo Carlen house and ice house, c. 1768.
19. M. Van Aken home.
20. Original Van Aken homestead, c. 1660.

Five sites have already been placed on the National Register of Historic Places. These are the summer residence and study of the naturalist, John Burroughs, two lighthouses on the Hudson and the Port Ewen-Rondout suspension bridge.

John Burroughs published his first significant nature essay in the Atlantic Monthly in 1865. He produced numerous articles and books about the natural world

until his death in 1921. Burroughs is credited with creating a receptive environment for conservation legislation and establishing the nature essay as a literary form.

John Burroughs' study at Riverby is a small one story frame building located below the main house and above the riverbank, looking east across the river. The interior consists of a single room which still contains Burroughs' original furnishings. The exterior and interior appear basically the same as in Burroughs' day.

Burroughs' sanctuary "slabsides" is located just outside of the study area on a 173 acre estate, one mile west of Riverby. The cabin sits on a rock ledge, at the foot of a cliff in a marshy area. The marsh, which Burroughs had drained for cultivation purposes, has reverted to its wild state. Although some houses have been built nearby, the cabin appears to be located in the wilderness. It can only be reached by a narrow dirt road and a foot path. A few changes have been made to the outside of the structure; however, the interior with all its furnishings, is unchanged.

During the 1800's, when the Hudson River was the main traffic artery from the upstate farms and icehouses to New York City, the National Lighthouse Service constructed a series of lighthouses along the River to warn traffic away from dangerous shallows. Over time the lighthouses were modernized and automated. Keepers and their families have been replaced and the lighthouses have, in some instances, deteriorat Four lighthouses remain in the mid-Hudson region; two of these are in or very near the study area.

The older of the two lighthouse, the Esopus Meadow Lighthouse, is located offshore of the Esopus Meadow shallows. Construction of the original lighthouse began in 1838. Attack from ice floes brought the structure to ruins withing 30 years. A new structure, not far from the old one, was built in 1871. It is the only Hudson River lighthouse to be built with a woodframe and sheathed with clapboard. It is accessible only by water, so for the extent of its operation it was maintained by a keeper and his family. The keeper was replaced after the Coast Guard acquired the lighthouse service. Plumbing and heating have been added to the structure. The lighthouse is in a slightly deteriorated condition.

The Kingston/Rondout 2 lighthouse is located just north of the study area in the City of Kingston. It is mentioned here because it is in the Kingston Tidal Flat at the mouth of the Rondout Creek.

The existing Kingston/Rondout 2 Lighthouse replaced an earlier structure that was built in 1867, but became unserviceable by 1913. The new lighthouse began service in 1915 not far from the original site. It was the largest and last lighthouse built on the Hudson. It remains in very good condition and is still in use as a lighthouse by the Coast Guard while under lease to the City of Kingston.

The Port Ewen-Rondout suspension bridge, built in 1921, spans the Rondout Creek 80 feet above the water. It is the only such structure in the region and commands a dramatic setting between two steep hills.

In addition to those sites described above, a number of other significant structures have been identified including:

1. Klyne Esopus Church

2. Mt. St. Alphonsus (Pell Estate)

3. Rosemount, home of presidential candidate Alton B. Parker.

4. The Payne Estate.

b. Archaeological

The region at the confluence of the Rondout Creek and the Hudson River is known to be important archaeological area. It has been inhabited at least since the Woodland Period (100 B.C.--1600 A.D.) and probably since Paleo-Indian times (c.10,000 B.C.). Sites have been reported in Sleightsburg, along Route 9W, along the bank of the Hudson River and in a bay south of Kingston Point. Large maizelands and large Indian populations in this area are reported in various historic accounts (Jeanette Collamer and Karen Hartgen, Town of Port Ewen Sewer Improvement Area c. 36-74, Stage 1: Prehistoric Literature Review, February 1977).

A field study of historic sites was conducted as part of the review process for the Town of Port Ewen sewer project. As a result of this study, three areas

of potential archaeological resources were identified: a prehistoric site on First Street in Connelly, a prehistoric site on Parsell Street in Sleightsburg, and a historic site at the Sleightsburg Pump Station.

The prehistoric site in Sleightsburg has been declared eligible to be listed on the National Register of Historic Places. The site includes First Avenue from Parsell Street on the east to to a distance of 30m--75m westwards. The site on Second Avenue extends westward from Parsell Street a distance of 50 to 90m. In prehistoric times, these sites were situated at the junction of the Rondout Creek and the Hudson River, high enough to see approaching enemies at a distance and also offering an easily defendable position. Fresh water, fish and shellfish were provided by both water bodies. In addition the marshes at the mouth of the creek supplied abundant wildlife. The areas have produced large amounts of prehistoric material from the Woodland Period and the late Archaic Period including structural features (hearths, postmolds), stone tools, (chipped and rough), prehistoric pottery and personal items.

8. Transportation

Transportation in the coastal area is primarily by private automobile. The major artery is Route 9W which parallels the river from the southern Town boundary to the Rondout Creek. Once the major north-south artery on the west bank of the river, it still carries significant volumes of intra-regional traffic and, in the southern part of town, provides direct access to river front property. Proposals to relocate Route 9W around Port Ewen, active in the 1960's, have not been pursued. The proposed alignment east of the existing road would significantly affect the coastal area if implemented.

East-west roads in the Town are few and their design and capacity are limited by the steep north-south ridges which traverse the Town. River Road, which connects with Route 9W at both ends, provides access to other riverfront property and is a very scenic and picturesque route. Salem Street, although winding and narrow in spots, provides the only continuous route parallel to the Rondout Creek.

Rail service in the coastal area, for frieght traffic only, is provided by the Penn Central Railroad line parallel to Route 9W. Fortunately, this line diverts inland from the river shortly after it enters the Town from the south and does not create a barrier to the water. No Town industries are serviced by rail.

The only mass transit available is via the Ulster County bus system or private long distance carriers. Water borne transportation is confined to pleasure vehicles and barge service to the quarry and oil storage facilities on the Rondout Creek.

9. Scenic Resources

The Town is blessed with many fine scenic resources--natural and man-made. Both Route 9W and River Road were nominated as "scenic roads" by the Heritage Task Force for the Hudson Valley because of the continuous high quality of the visual environment, particularly the many exceptional views of the Hudson River. River Road was included in the first such designations in the Fall of 1985.

Many of the finest scenic features of the coastal area are best viewed from the water or the opposite shore. The Hudson River shoreline as viewed from the River or the East shore--which is the Mid-Hudson Historic Shorelands Scenic District--includes natural escarpments, landscaped estates and historic settlements against the magnificent back-drop of the Catskill Mountains. From the Rondout Creek,or Abeel Street on the North shore, a variety of views include placid backwaters, an abandoned chimney, a high railroad trestle and historic suspension bridge and rugged hillsides.

10. Solid Waste Management

Solid waste is disposed of in the Town landfill located west of the railroad tracks with access from Floyd Ackert Road, outside of the coastal area. The Town has been ordered by DEC to take actions to bring the facility into compliance with applicable regulations and has signed a letter of consent to install monitoring wells as required.

C. Major Waterfront Issues and Opportunities

While the large extent and diverse characteristics of the Esopus waterfront include many concerns which the LWRP will address, a number of issues are of major importance and will receive particular attention in Sections III, IV, and V of this report. These issues and related opportunities are summarized below.

1. Future of the Hudson River Waterfront South of Hemlock Point

For nearly eight miles, a broad swath of land between the river and Route 9w is dominated by large estates, major institutional uses, orchards and the rugged escarpments along the river's edge. With the exception of the hamlets of Esopus and West Park, much of this land is in large parcels of 40 acres or more. Almost 900 such acres are owned by religious institutions and 700 acres by private owners--nearly two and one-half square miles with over five linear miles of river frontage.

This land is an extremely attractive feature of the Town and provides views and vistas from both land and water that are of the highest quality. However, the good access and strategic location of this area, between Kingston and Poughkeepsie, and the lack of rail frontage on the river north of West Park are beginning to create pressures for more intensive development. Although zoned for low density residential use, development could dramatically change the character of this unique area, both in Esopus as well as viewed from the mid-Hudson Historic Shorelands Scenic District on the east shore of the River, unless measures to protect the most sensitive resources are provided.

2. Public Access to the Water

Although the Town has some 14 miles of waterfront, there are very few places where the general public has access for boating, fishing, swimming or similar activities. A number of opportunities exist to increase access. However, such access must be accomplished without damaging the natural environment or creating adverse impacts on adjacent land uses.

3. Preservation and Promotion of Historic and Scenic Resources

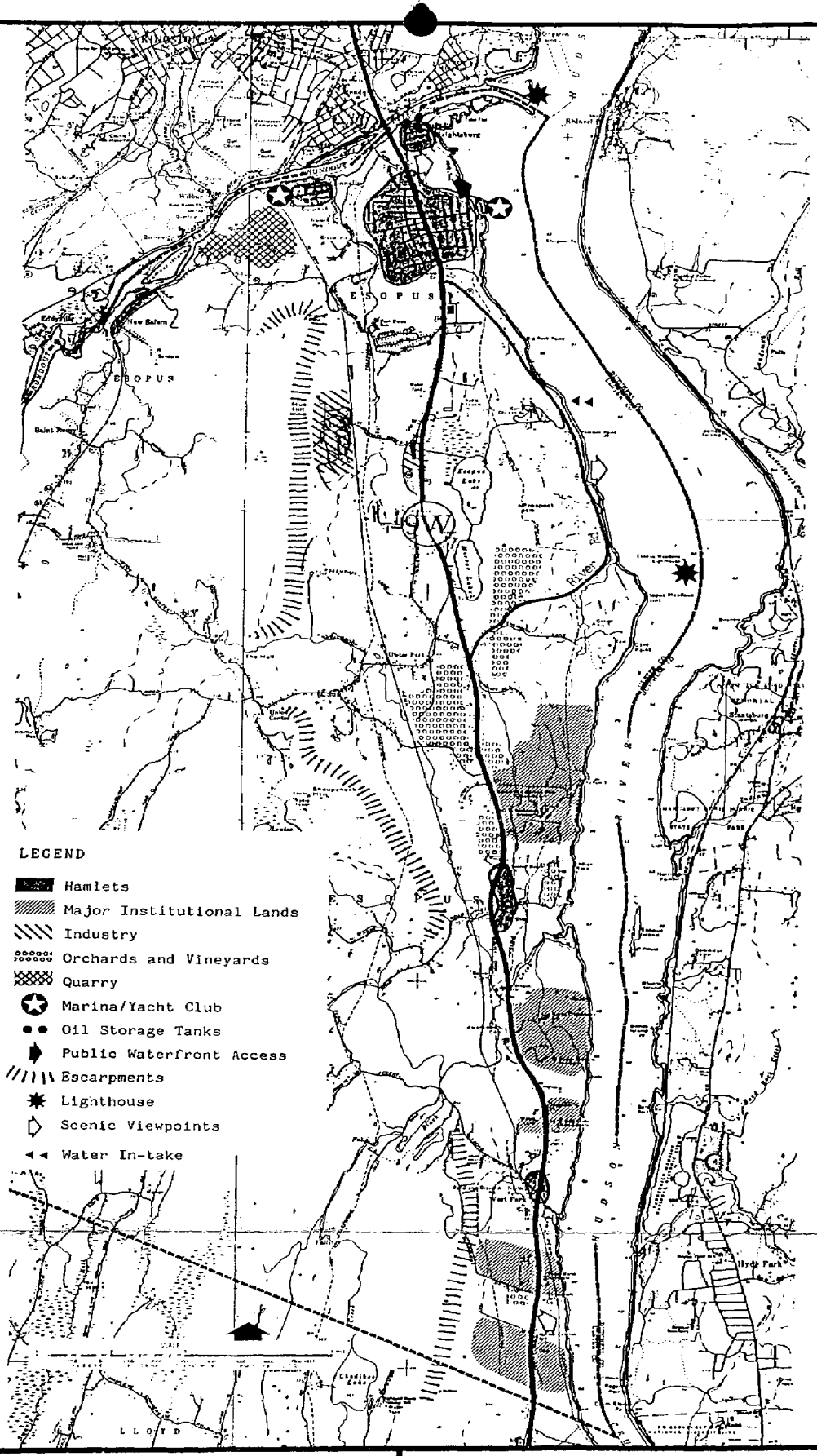
The Town has an abundance of historic structures in the coastal area as well as magnificent scenic vistas of the Hudson River and Rondout Creek. These significant resources should not only be preserved but also opportunities to establish a linked system to view them should be explored.

4. Economic Development in the Coastal Area

The coastal area of the Town has been the source of economic activity for hundreds of years. While the nature of such activity has changed significantly, the waterfront still provides numerous opportunities for development that requires or benefits from being on or near the water and that can contribute to the economic well-being of the Town and its residents. The location and development guidelines for such activity must consider the nature of available services and impact on the natural and man-made environment.

5. Use and Reclamation of Quarry Site

The Callanan Quarry, on the roundout Creek west of the railroad, consists of over 150 acres with more than 3,100 feet of frontage on the Rondout Creek. While most of the site has been extensively mined, a narrow strip along the Creek has been left in its natural state for most of the site. The use of the land which has not been mined and the ultimate reclamation of the entire site when mining is completed must be analyzed and resolved in the best interests of the community.



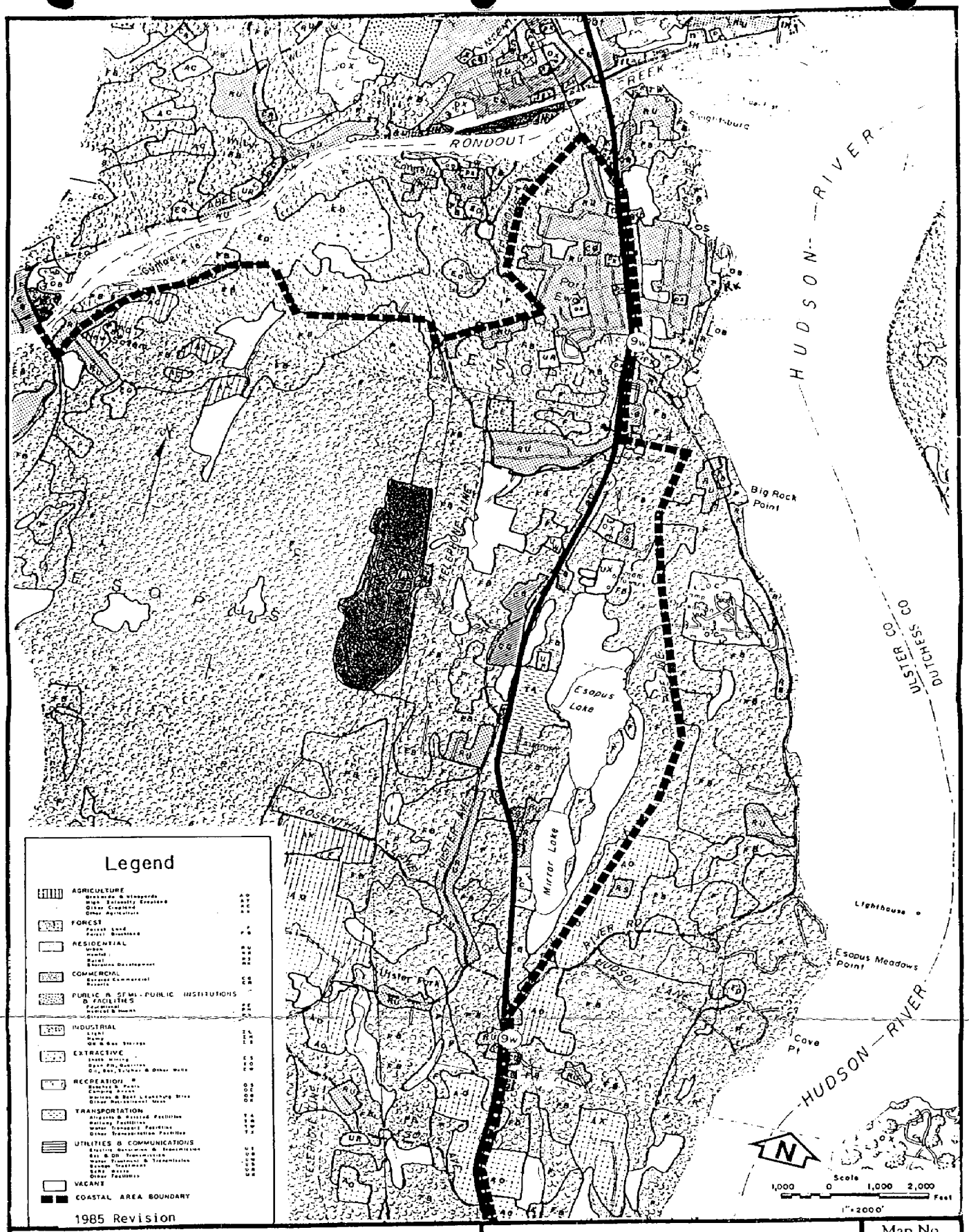
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

RECONNAISSANCE

Map No. 3



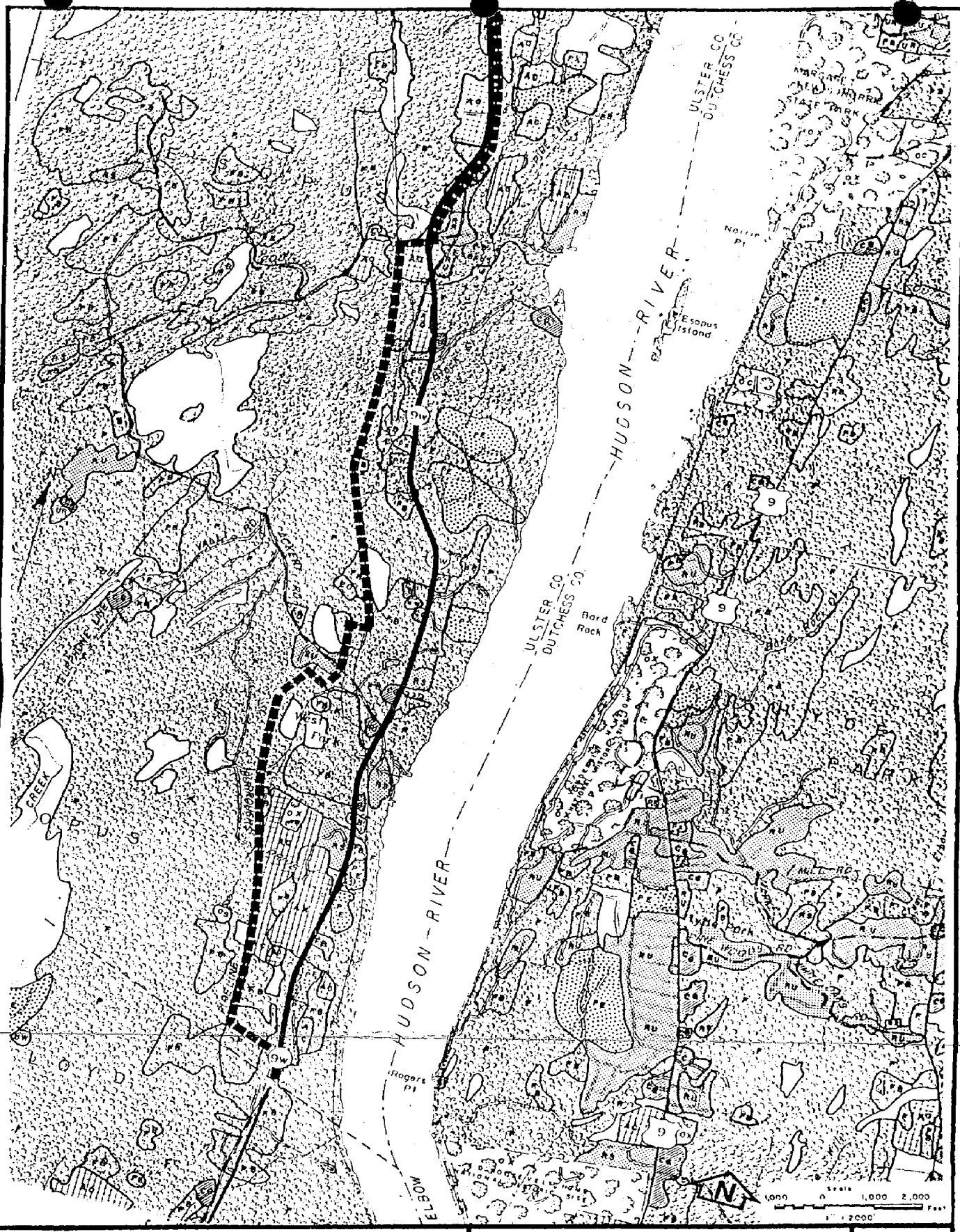
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

EXISTING LAND AND WATER USE

Map No. 3A



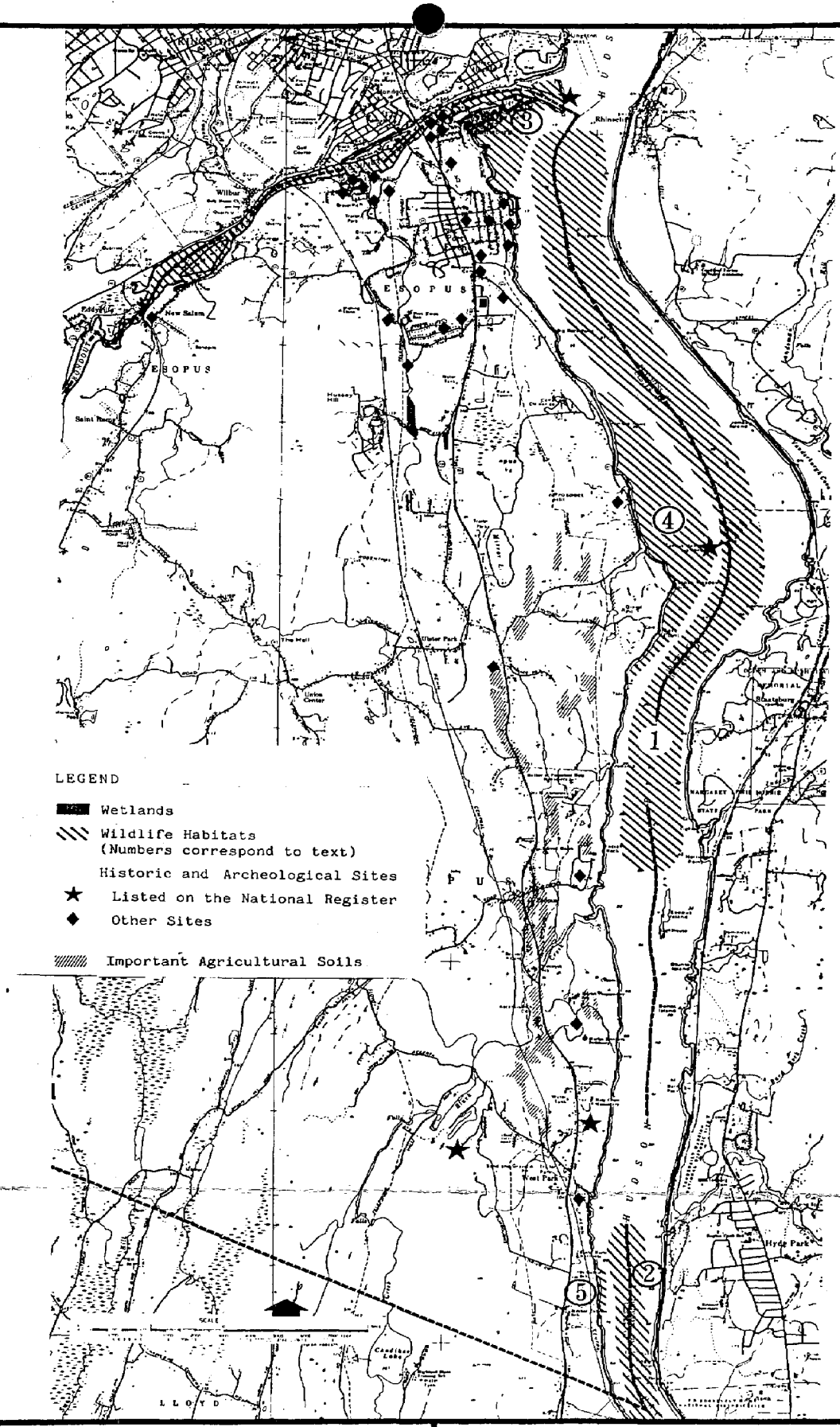
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates — Planning Consultants

EXISTING LAND AND WATER USE

Map No. 3B



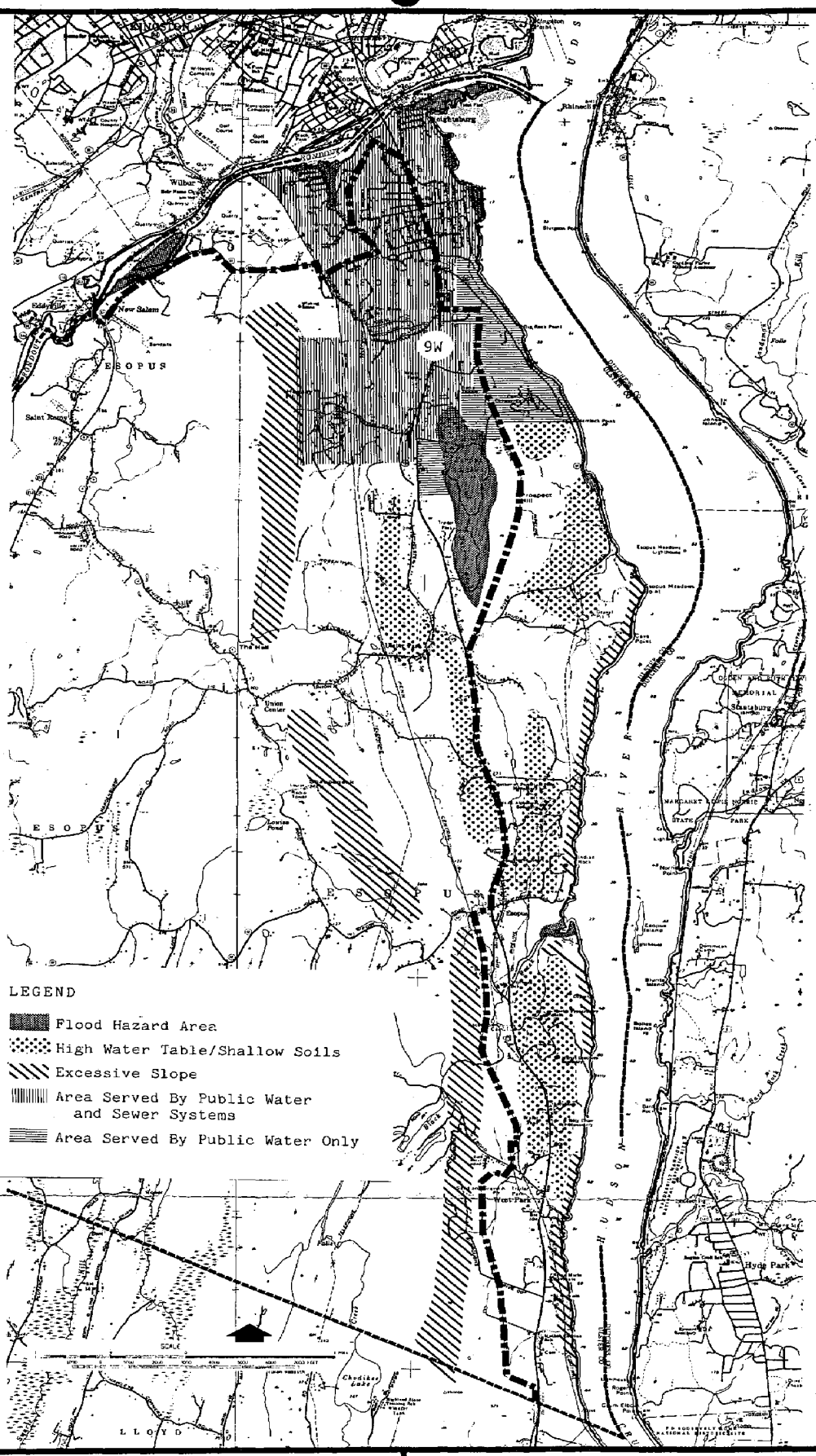
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

NATURAL AND CULTURAL FEATURES

Map No. 4



Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates — Planning Consultants

DEVELOPMENT CONSIDERATIONS

Map No. 5

TOWN OF ESOPUS

Local Waterfront Revitalization Progaram

III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Local Waterfront Revitalization Program in the Town of Esopus. Also included are additional local policies and an explanation of how both state and local policies relate to the local coastal area.

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A MARITIME BUSINESS, INDUSTRIAL, AND COMMERCIAL RECREATION USES, AS WELL AS INTENSIVE RESIDENTIAL DEVELOPMENT, SHALL BE STRONGLY ENCOURAGED TO LOCATE IN THE PORT EWEN, SLEIGHTSBURG AND CONNELLY WATERFRONTS WHILE OTHER USES WHICH DO NOT REQUIRE A WATERFRONT LOCATION OR WHICH ARE UNSUITABLE IN A WATERFRONT ENVIRONMENT SHALL BE DIRECTED TO OTHER LOCATIONS.

Explanation of Policy: Although most of the Esopus waterfront is either undeveloped or developed at a very low density, several small urbanized areas have experienced loss of traditional waterfront activity and, in some cases, deterioration of buildings and facilities. Two of these areas in particular -- the hamlets of Sleightsburg and Connelly on the Rondout Creek-- are appropriate for revitalization efforts based on their specific attributes. Specifically, both areas provide direct access to the Rondout Creek channel, are served by public water supply and sewage disposal systems and have a long history of maritime commercial and industrial use. To a lesser extent the waterfront of the of the hamlet of Port Ewen has the same characteristics. Therefore, these areas in particular shall be the preferred location for suitable urbanized waterfront development. See also Policy 5.

In determining whether an action proposed to take place in the waterfront areas is suitable, the following guidelines will be used:

1. Priority should be given to uses which are dependent on a location adjacent to the water;

2. The action should enhance existing and anticipated uses;

3. The action should serve as a catalyst to private investment in the area;

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

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

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

7. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner or detract from the views as seen from the water; and

8. The action should improve the potential for multiple uses of the site.

Unsuitable or inappropriate commercial or industrial uses are those which (1) pose potential pollution hazards; (2) obstruct or degrade views of or impede access to the water; (3) reduce the attraction of the waterfront for other water-related uses by virtue of visual or operational characteristics.

POLICY 1B UPON CESSATION OF OPERATION AT THE CALLANAN QUARRY, RECLAMATION AND REUSE SHALL BE UNDERTAKEN IN A MANNER WHICH PROTECTS THE VISUAL AND NATURAL RESOURCES OF THE RONDOUT CREEK AND IS CONSISTENT WITH THE POLICIES HEREIN.

Explanation of Policy: Plans for reuse of the quarry will be evaluated with respect to the following criteria:

1. The existing natural escarpment which seperates most of the quarry from the Rondout Creek shall not be removed or altered.

2. Priority for use shall be given to those which require or can make use of the existing docking facilities. (see Policy 2)

3. Reclamation shall restore the natural appearance of the site to the maximum extent possible.

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

Explanation of Policy: The Esopus waterfront is quite extensive in terms of length of shoreline. However, in terms of access and availability of suitable sites, the supply is more limited. Furthermore, not all available waterfront sites are necessarily appropriate for any water dependent use. Therefore, it is necessary to define such uses and to establish criteria for the location of sites appropriate for continued use or future development.

The following uses and facilities are considered as water dependent and potentially appropriate for the Esopus waterfront in areas designated for Waterfront use (see Map No. 6).

1. Uses which depend on the utilization of resources found in coastal waters;

2. Private recreational facilities and public parks which depend on access to coastal waters (for example: swimming fishing, yacht clubs, boat launching, charter fishing boats, wildlife viewing); (See Policies 19,20,21,21A and 22);

3. Uses involved in the sea/land transfer of goods (for example: fuel storage and sale, if located at least 100 feet from a residence district);

4. Structures needed for navigational purposes (for example: light houses and bouys);

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

6. Facilities needed to store and service boats and ships (for example: marinas, docking facilities, boat repair and boat construction yards, if buildings area at least 50 feet from residence districts);

7. Uses requiring large quantities of water for processing or consumption;

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

9. Commercial fishing piers and necessary support facilities.

10. 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 and sale of marine products, as long as fuel sales are at least 50 feet from a residence district and storage tanks are underground). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use that has no critical dependance on obtaining a waterfront location, but the profitibility of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Residential uses certainly fall within this category, especially if development is designed to preserve open space along the water's edge and views of and from the water (see Policy 25).

Sites for water dependent uses should satisfy certain criteria, based on the type of use being considered. The following guidelines should be considered when development plans for water related uses are being reviewed.

1. Special Suitability: sites which are particularly suited to a particular type of use should be used for such use if possible. For instance, a few sites have the appropriate land and water characteristics for marinas or boat launches. Development plans for such sites should make provision for these facilities, if at all possible.

2. In-place Facilities and Services: most water dependent uses, if they are to function effectively, will require basic public facilities and services. Development plans should demonstrate the following factors: (see also Policies 1 and 5).

   a. The availability of public sewers, public water lines and adequate power supply;

   b. Access to the area for trucks or rail, if heavy industry is be accommodated; or boat trailers for marinas or boat launches; and

   c. Access to public transportaton, if a high number of person trips is to be generated.

3. Access to Navigational Channels: commercial shipping, commercial fishing, and recreational boating should provide a sheltered harbor with access to adequately sized navigation channels such as those on the Rondout Creek.

4. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources:-water dependent uses should enhance, or at least not detract from, the surrounding community. Consideration should also be given to the protection of nearby residential areas from odors, noise and traffic. Water dependent uses must also avoid adverse impacts on the significant coastal resources such as wetlands and scenic areas.

5. Use of Underutilized Sites and Expansion of Existing Uses: -Sites which are presently underutilized and/or which will permit expansion of existing water dependent uses will be given preference when sites for water dependent use require approvals.

POLICY 3 ENCOURAGE THE DEVELOPMENT OF THE STATE'S EXISTING 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 WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

Explanation of Policy: The policy is not applicable since the Esopus coastal area is not situated with in any of the State's major port areas.

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

Explanation of Policy: Maritime activity on the Rondout Creek at Sleightsburg, Connelly and New Salem once included a full range of traditional uses and activities from ice houses to boat building. Most have disappeared, but the sheltered harbor, deep water access and historic setting are still home to recreational boating, several uses dependent on water transportation and residential neighborhoods oriented toward the water.

Revitalization of the harbor can contribute much to the economic strength and attractiveness of the Town. Thus, efforts to promote such desirable activities as recreational and commercial fishing, marinas, boat building, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas will be pursued.

The following guidelines will be used to evaluate specific actions affecting the harbor.

1. Priority shall be given to water-dependent or water-enhanced uses which are compatible with the existing pattern of use and will enhance rather than detract from existing uses and the potential to attract additional water dependent uses.

2. An action shall not be out of keeping with existing development in terms of scale, intensity of use, architectural character, or potential as a source of noise, litter, traffic jams, or other nuisance.

3. Actions shall not detract from views of the water or from views of the shore as seen from the water, since the visual quality of the area is part of its appeal and potential economic strength.

4. Actions which enhance the economic base by protecting against environmental abuses and furthering use and enjoyment of recreational facilities are to encouraged. Such actions include:

   a. Development of new facilities for boat launching and waterfront access.

   b. Prevention of more intensive residential development of the shoreline which would restrict recreational opportunities.

   c. Dreging and removal of abandoned vessels to permit continued use and enjoyment of the harbor for boating.

   d. Elimination of pollution sources which detract from the waterfront environment.

5. Waterfront commercial activity shall be favored in harbor areas which have traditionally been devoted to such use and their elimination by non-water dependent uses shall be discouraged.

6. An action shall not cause a site to deteriorate through removal of vegetation or top soil, or result in the abandonment of structures without adequate protection against vandalism or structural decline.

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

Explanation of Policy: Development, particularly large-scale development, in the Coastal Area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development in Port Ewen and along Rondout Creek where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

1. Strengthen existing residential, industrial and commercial centers;

2. Foster an orderly pattern of growth where outward expansion is occurring;

3. Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas; and

4. Preserve open space in sufficient amounts.

POLICY 5A DEVELOPMENT SOUTH OF THE PORT EWEN WATER DISTRICT SHALL ONLY BE PERMITTED AT A LOW DENSITY AND IN A MANNER WHICH PRESERVES THE MAXIMUM AMOUNT OF OPEN SPACE, VIEWS AND UNDISTURBED RIVER FRONTAGE.

Explanation of Policy: The area south of Port Ewen includes some of the Town's finest scenic and historic resources. The unique character of this part of the Town shall be preserved by reducing density and establishing development review criteria pertaining to the areas of most sensitive resources. To accomplish this policy, the permitted density of development will be reduced to one unit for each two and one-half or five acres for much of the area between the water plant and Marist Brothers (see Section IV, A.2.C. and Map No. 6). Development density may be increased, on sites in excess of 25 acres, to about one unit per acre if minimum set-backs from the river are provided, and minimum portions of the site (25 or 33%) preserved as permanant open space. To encourage the preservation of the large, historic residential and institutional structures (at least 5,000 square feet) in parts of this area, adaptive reuses such as apartments, offices, conference centers and inns will be permitted on sites of at least 25 acres if the architectural character of the structure is preserved. Densities of one unit per acre and adaptive reuses will only be permitted in these areas upon a finding that the infrastructure and public services serving the site are adequate, including the following:

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

2. Water needs (consumptive and fire fighting) and sewage disposal can be met by the connection to the existing public system or an adequate on-site system;

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

4. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities and will not cause erosion; and

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

See also Policies 14, 23, 24, 25 and 32.

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

Explanation of Policy: When administering existing regulations and prior to proposing new regulations, every effort should be made by all levels of government to determine the feasibility of coordinating administrative procedures and incorportating new regulations in existing legislation, if this can reduce the burden on a particular type of development without jeopardizing the integrity of the regulation's objectives.

FISH AND WILD LIFE POLICIES

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

Explanation of Policy: This policy is not applicable since no habitats have been identified on the coastal area map at this time. Habitat protection is recognized, however, as fundamental to assuring the survival of fish and wildlife populations. Certain habitats, are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics:

1. Are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);

2. Support population of rare and endangered species;

3. Are found at a very low frequency within a coastal region;

4. Support fish and wildlife populations having significant commercial and/or recreational value; and

5. Would be difficult or impossible to replace.

One habitat has been tentatively identified in the Esopus Coastal Area. See Policy 7A

POLICY 7A THE LOCALLY IMPORTANT KINGSTON AND POUGHKEEPSIE DEEPWATER HABITATS SHALL BE PROTECTED AND PRESERVED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Explanation of Policy:

Fish and Wildlife Values: See Section II.B 4. a.

Impact Assessment: Activities that would affect the water quality, temperature, turbidity or freshwater to saline distribution in the deepwater portions of the river may adversely impact on the estuarine community. Major reduction in overall depths within this deepwater trench may also have adverse effects on the endangered shortnose sturgeon spawning, wintering and continued use of the habitat. Deposition of dredged material or natural sideiments, especially if contaminated, may degrade the quality of this unusual area. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

Both Habitats may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents and agriculture runoff. Degradation of the Kingston Habitat could adversely impact commercial shad fishing.

POLICY 7B THE LOCALLY IMPORTANT RONDOUT CREEK HABITAT SHALL BE PROTECTED AND PRESERVED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy:

Fish and Wildlife Values: See Section II. B. 4. a.

Impact Assessment: Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Rondout Creek could adversely affect the fish and wildlife resources of this area. Discharges of sewage or stormwater runoff containing sediments of chemical pollutants may result in adverse impacts on fish or wildlife populations. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from March through mid-July. Redevelopment of hydroelectric facilities on the creek should only be allowed with run-of-river operations. 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.

Construction of fish passage facilities at the Eddyville dam would be beneficial to a variety of anadromous fish species in the Hudson estuary. Wetlands and shallows at the mouth of Rondout Creek should be protected from further degradation by activities such as dredging, filling (e.g., dredge spoil disposal), bulkheading, waste disposal, and oil spills. Existing woodlands and other natural vegetation bordering Rondout Creek and it tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of public access to the area is desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

POLICY 7C THE LOCALLY IMPORTANT ESOPUS MEADOWS HABITAT SHALL BE PROTECTED AND PRESERVED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy:

Fish and Wildlife Values: See Section II. B. 4. a.

Impact Assessment: Any activity that would substantially degrade water quality in Esopus Meadows could affect the biological productivity of this area. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. Continued efforts should be made to improve water quality in the Hudson River, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, and ships. Oil and other hazardous substance spills are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Disruption of plant communities or benthos in the area, through dredging, filling (including dredge spoil disposal), or bulkheading, could reduce its value as a fish and wildlife habitat. No new navigation channels should be cut thrugh the area; any dredging activities needed to maintain the existing channel should be scheduled in late summer and early fall to minimize potential impacts on most aquatic organisms and migratory birds. Thermal discharges, depending on time of year may have variable effects on use of the area by aquatic species and wintering waterfowl. Installation and operation of water intakes could have a significant impact on juvenile (and adult, in some cases) fish concentrations, through impingement or entrainment. Public access to Esopus Meadows should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

POLICY 7D THE OTHER IDENTIFIED LOCAL HABITAT--THE MAP TURTLE BASKING ROCKS--SHALL ALSO BE PROTECTED FROM THE ADVERSE IMPACTS OF USE OR DEVELOPMENT

Explanation of Policy: This habitat (see Section IIB. 4. a) plays a part in the diverse waterfront environment of the coastal area, although not of the significance of the habitats described above. Actions which might disturb or disrupt those features which contribute to the quality of the habitat will be discouraged unless it can be demonstrated that the benefits occuring from such action substantially outweigh the negative impacts.

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

Explanation of Policy: Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed:. A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

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

Explanation of Policy: Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The resources for such recreation in the Esopus coastal area are extensive, although, the opportunities for access are limited. See Policies 19 and 20. Increased recreational use of these resources should 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 resource, public demand, cost and available technology.

The following additional guidelines should be considered as agencies determine the consistency of their proposed action with the above policy.

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

2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization 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 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN COASTAL AREA BY : (1) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERICAL FISHING FACILITIES; (2) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (3) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy: Commercial fishing off Esopus in the Hudson River was an active industry for many years. The economics of the industry and pollution in the river brought an end to this era after World War II. Recently the environment for such activity has shown signs of improvement, although many obstacles still exist, and actions which improve the quality and management of the stock and which provide onshore facilities for fishermen are encouraged.

FLOODING AND EROSION POLICIES

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

Explanation of Policy: The design and location of buildings existing or to be placed in designated flood hazard areas is regulated by local flood damage prevention laws which have been adopted pursuant to the federal Flood Insurance Program. These regulations are intended to prevent construction of buildings that will be subject to damage by flooding as well as to prevent construction that may increase the likelihood or severity of flooding. Most areas affected are along the Rondout Creek in Sleightsburg and Connelly. See Map No. 5.

Coastal erosion hazard areas have not been mapped in the Town. However, erosion of man-made land and structures at the mouth of the Rondout Creek and the Hudson River is a recurring problem. Future construction on filled land and any future filling shall be undertaken in a manner to minimize property damage from erosion.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy: This policy is not applicable since none of the protective features cited are present in the Esopus coastal area. See Policy 14 for general erosion protection guidelines.

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

Explanation of Policy: Not applicable. No coastal erosion hazard areas have been identified in the Esopus coastal area.

POLICY 13A REPAIR AND RESTORATION OF EXISTING BULKHEADS SHALL BE UNDERTAKEN IN A MANNER THAT WILL ADEQUATELY PROTECT ADJACENT PROPERTY, PARTICULARLY THAT USED FOR WATER RELATED USES.

Explanation of Policy: Erosion protection structures have been constructed via various techniques to protect "made" land, mostly near the mouth of the Rondout Creek. Many of these structures have deteriorated due to original design deficiencies or lack of

maintenance. Bulkheads protecting existing water dependent uses or possible sites for such uses, particularly those designed to provide public access to the water, should receive priority for repairs. Such repairs shall be made in a manner which enhances access to and use of the waterfront by such means as ramps, docking facilities, walkways, overlooks, etc. See Policies 19, 20 and 21.

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

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

New development on the steep slopes along the Hudson River and the Rondout Creek may well result in increased erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Review of developement plans in these areas, particularly those for intensive residendential or commercial development, under site plan or special permit procedures will be required to include erosion protection plans which will be reviewed for compliance with the following objectives:

1. Natural ground contours should be followed as closely as possible.

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

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

4. Natural protective vegetation should remain undisturbed if at all possible and restored wherever possible.

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

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

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

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

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

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

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: There is little natural beach material in the coastal area which is supplied to the adjacent land via natural coastal processes. Dredging should be done so that the man-made shoreline (see Policy 35) is not undermined and so that natural water movement is not changed in a manner that will increase erosion potenial.

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

Explanation of Policy: This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts

of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

POLICY 17

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

Explanation of Policy: This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protection 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 the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structrual measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Application of the Flood Damage Prevention regulations and Best Management Practices (see Policies 11 and 14) will be effective in many instances as preventive measures. It must be recognized, however, that where damage has already occurred to bulkheads or where non-structural measures are not feasible, due to natural conditions or use of the property, structural solutions will be required.

GENERAL POLICY

POLICY 18

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

Explanation of Policy: Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards

which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation. Review under the SEQR process will allow a weighing of the costs and benefits of such actions.

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 BY THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Explanation of Policy: Implementation of this policy requires careful balancing of several factors: The demand for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and, the protection of natural and historic resources. Despite having nearly 14 miles of shoreline, the Town Beach is the only waterfront recreation designed or intended to accommodate public use. Actions to increase the access to new public water-related recreation facilities are to be strongly encouraged. In particular, improvements to North Broadway and First Street to enhance vehicular and pedestrian access to the publically owned land adjacent to the pump station on the Rondout Creek, proposed for development as a fishing pier, and to the proposed recreation facility to be created on the "Sleightburg Spit" (see Exhibit IV-A) are consistent with this policy. The following guidelines shall apply to both existing and proposed access:

1. Existing access shall not be impaired by reducing the number of available parking spaces; imposing barriers such as roads, utility rights-of-way, or other public facilities; sale or lease of public lands; or construction of private facilities (including residential development) which hinder access.

2. Such access may be not only via public acquisition of land but also as a result of easements or dedications of less than fee simple rights.

3. Proposed projects to increase public access to existing or future public water-related recreation resources and facilities shall be analyzed and found consistent with this policy only if:

a. The level of access to be provided is in accord with estimated public use.

b. The level of access to be provided does not cause a degree of use which would exceed the physical capability of the resource or facility.

c. The level of use and nature of the access does not adversely affect adjacent land uses, including historic resources, or the natural environment.

4. The potential for future increases in public access shall not be limited by construction of public facilities; sale, lease or transfer of lands that could provide such access; or construction of private facilities.

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

POLICY 20

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

Explanation of Policy: Access to the publicly-owned lands of the coast should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment, such as walking along the waterfront or to a vantage point from which to view the water, bicycling, bird-watching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the improvement of vehicular access to the waterfront and the promotion of mixed and multi-use development. However, sale of easements on under water lands to adjacent on shore property owners may be granted if public use of the foreshore is not substantially limited. Public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety or the protection of fragile coastal resources.

There are only three instances, in addition to the Town beach, where lands immediatedly adjacent to the publicly-owned foreshore are also publicly-owned--the pump station on North Broadway, the Port Ewen Water Company, and a small strip along River Road. Each of these sites is of limited size and is not suitable for intensive use but, rather, for the passive activities discussed above. This policy requires that access be maintained and that

the right of the public to use these sites be clear, but that no additional parking or active recreation facilities be created.

Access to the remainder of the foreshore requires access through privately owned lands. Therefore, to foster provision of such access, any development plan requiring approval under the Planned Unit Development or special permit provisions of the Zoning Ordinance, or any sub-division of 10 lots or more, which abuts the publicly owned foreshore, shall be reviewed with the objective of providing public access unless specifically found to be infeasible.

One area in particular where both public acquisition and private development of access to the foreshore is appropriate is the area extending from the Town's beach in Port Ewen to the new bridge across the Rondout Creek. This area contains a variety of existing and potential water-related recreation facilities near the Town's population center and acquisition and development of continuous access along the shore is to be encouraged including use of public land between the high and low water marks. In general, access is considered most appropriate in locations which provide opportunities for views of the water or unique physical features (such as the lighthouse), or where the shoreline permits pedestrian trails, or where maritime activity can be viewed without intrusion on adjacent land uses. See also Policy 19.

RECREATIONAL POLICIES

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

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

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil and deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

There is only one existing public water related facility in Town, the Town Beach, and two private marinas. Expansion of both public and private opportunities for water related recreation is important to enhance the quality of life in Town as well as economic growth. Therefore, priority will be given in land use planning and decision making to expanding the number, diversity and geographic distribution of water dependent and enhanced recreation facilities throughout the Town.

The primary opportunity for new water dependent and enhanced recreation facilities is at the Sleightburg Spit. Acquisition of this unique site is strongly encouraged so as to preserve its features as a wildlife habitat while developing both active and passive recreation opportunities. See Section IV. B. 1 and Exhibit IV-A.

Private commercial waterfront recreation facilities are most appropriate on the Rondout Creek where similar facilities exist and where public services are available, particularly in the hamlets of Connelly and Sleightsburg.

The Siting or design of new public development should not create barriers to the recreational use of the waterfront and, if possible should create opportunities for joint use (see Policies 2, 19, and 22). Expansion plans at the Port Ewen Water Plant should be developed in accord with this policy.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL 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: Certain waterfront developments present practical opportunities for providing recreation facilities as an additonal use of the site or facility. Therefore, whenever such 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.

Uses which are appropriate in the Esopus coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines, water treatment facilities, schools, nature preserves, large scale residential and mixed use projects, and maritime commercial uses.

Whenever a proposed development would be consistent with coastal 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. See Policy 20.

HISTORIC AND SCENIC RESOURCES

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

Explanation of Policy: Among the most valuable manmade resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as just a passive mandate but also suggests effective efforts, when approprate, to restore or revitalize resources through adaptive reuse. While the policy is concerned with the preservation of all such resources within the coastal boundary, the preservation of historic and cultural resources which have a coastal relationship is of particular significance.

Among the structure, districts, areas or sites in Esopus that include areas of significance in terms of history, architecture, archeology or culture are the following sites listed on the National Register of Historic Places:

1. Jonn Burroughs summer residence ("slabsides") (Outside coastal area)

2. John Burroughs study.

3. The Port Ewen-Rondout suspension bridge.

4. The Esopus Meadows Lighthouse.

5. The Kingston/Rondout 2 Lighthouse.

All practicable means shall be taken to protect these structures, as well as the structures, districts and sites in Port Ewen, Sleightsburg and Connelly and others listed in Section II B. 7., including measures to prevent significant adverse impact.

A significant adverse impact includes but is not limited to:

1. Alteration of or addition to one of more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; 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.

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

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and intergrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions.

Adaptive reuse of structures covered by this policy, particularly in the waterfront area south of Port Ewen, includes such uses as apartments, corporate or professional offices, conference centers, and inns or transient housing accommodations subject to standards which preserve their character and prevent adverse affect on adjacent properties. (See Exhibit V-A). Review of development plans for parcels including or adjacent to such structures, shall consider the guidelines set forth in 3. above in addition to other design criteria.

This policy shall not be construed to prevent normal maintenance, actions necessary to remove a threat to the public welfare, health or safety, or rehabilitation or restoration in accord with standards and design which do not adversely impact the significant features.

Given the possibility of archaeologically significant sites within the Town's waterfront area, agencies must contact the State Historic Preservation Office to ensure that archaeological resources are considered during the development process.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:

1. THE IRREVERSIBLE MODIFICATION OF GEOLOGICAL FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHEREVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE: AND

2. THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

Explanation of Policy: Not applicable. No scenic resources of statewide significance have yet been identified.

POLICY 25 PROTECT, RESTORE AND ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.

Explanation of Policy: The Esopus coastal area includes a wide range of scenic resources which contribute to a diverse scenic resource of generally high quality. The blend of rugged escarpment along the river and creek, natural wetlands, historic waterfront settlements, estates, orchards, historic bridges and industrial/commercial remains--combined with varied and spectacular views of the water--is a unique and valuable resource.

The coastal area along the Hudson is directly opposite the Mid-Hudson Historic Shorelands Scenic District on the east bank of the river, the first state designated scenic district under Article 49 of the Environmental Conservation Law, which contains two National Register Districts. The Vanderbilt Historic Site and Norrie and Mills State Parks are included in this district as well. The Esopus coastal area provides the foreground to the views which contribute to the importance and integrity of the scenic/historic district.

Across the Rondout Creek from Sleightsburg is the Rondout Historic District, listed on the National Register of Historic Places, and included in the City of Kingston's state designated "urban cultural park".

When considering a proposed action, care shall be taken to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc.

The following siting and development guidelines will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly and consider both the scenic resource and the Town's development objectives and priorities.

a. Siting structures and other development such as power lines, and signs, back from the shorline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

b. Clustering or orienting structures to retain views, save open space and provide visual organization to a development.

c. Incorporating existing historic structures into the overall development scheme.

d. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.

e. Maintaining or adding vegetation ot provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing creates views of coastal waters.

f. Using appropriate materials, in addition to vegetation, to screen unattractive elements.

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

Also, actions to improve visual access to coastal waters or to screen or otherwise mitigate the adverse impact of certain existing elements will be pursued. Selective removal of vegetation at key vantage points along Route 9W can enhance scenic vistas of the River and actions to screen or otherwise reduce the visual impact of the quarry and oil storage facilities on the Rondout Creek will be considered as will removal of abandoned barges. Reviews of development proposals along Route 9W will consider the affect on views to the river from public streets.

POLICY 25A ESTABLISH PORTION OF ROUTE 9W AND RIVER ROAD AS A "SCENIC ROAD" AND PRESERVE THE SCENIC QUALITY OF THE ROAD CORRIDOR.

Explanation of Policy: These two roads include some of the most scenic views of the Hudson River in Town and are of a generally high visual quality. River Road has already been designated as a scenic road while Route 9W has not. Actions to preserve the integrity of these roads will include establishment of scenic over-looks at appropriate locations and regulations to control signage and other visual intrusions; including eventual removal of those features along Route 9W which prevent its designation.

AGRICULTURAL LANDS POLICY

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

Explanation of Policy: The Esopus coastal area includes both orchards and vineyards classified by the U.S. Department of Agriculture as "unique farmland". Although not officially designated on the Coastal Area Map, these areas are likely to be designated in the future. Therefore, any action which involves such farmland must be evaluated in terms of its impact on the agricultural environment, as well as other factors; and the farmlands protected to the maximum extent possible.

An action would be likely to significantly impair the viability of an important agricultural area if:

1. The action would consume more than 10% of the land of an active farm or 100 acres of identified important agricultural land, or divide an active farm into two or more parts thus impeding efficient farm operation.

2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of important agricultural lands.

3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:

a. Extention of public water or sewer facilities to serve non-farm structures.

b. Development of major non-agribusiness commercial development adjacent to identified agricultural lands.

c. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land.

Virtually all of the significant agricultural lands are south of Esopus Lake and beyond the service areas of public sewage disposal and water supply districts. The development policy for this area (see Policies 5 and 5A) is consistent with conservation of agricultural lands. The formation of agricultural districts in this same area could provide further incentives to preserve this important component of Esopus diverse coastal area.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL 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 PORDUCTION 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 fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. This policy shall apply to the Rondout Creek, where no ice management practices presently are undertaken as well as to the Hudson River where actions to maintain navigation are followed. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM *

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL 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, commercial and residential 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 municipal treatment systems before reaching the State's waterways. State and federal laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways and vigorous regulatory and/or legal actions are necessary to insure that violations are identified and the regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply existing monitoring and enforcement machinery and, where appropriate, to strengthen it. Local citizen participation is to be encouraged both for educational and enforcement purposes.

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

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

The classification of the Hudson and Black Creek west of 9W as A, suitable for all uses, is compatible with the present use and future objectives for the river. Any action taken in the coastal area which would lead to revision of such classification will be considered inconsistent with these coastal policies.

Actions to improve the quality of the Rondout Creek to warrant a classification of B will be in keeping with the objectives of developing recreational usage of the Creek and shall be deemed consistent with these policies. Similar actions should be considered on Black Creek from Route 9W to the Hudson, currently classified as C.

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

Explanation of Policy: Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and preserve or vacuum sewers. These types of systems are often more cost effective in smaller less densely populated areas for which conventional facilities are too expensive.

The most intensively developed areas in Town--Port Ewen, Sleightsburg and Connelly--are served by a central sanitary sewage disposal system. However, several hamlets such as New Salem, Esopus and West Park, while small, also include some intensive development. Since they are far removed from the central sewer system, alternative means to collect and/or dispose of sanitary waste should be explored before problems in these areas develop. Such alternatives may also be appropriate in new large scale cluster development south of Port Ewen and will be carefully considered during review of all development plans.

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 stormwaterrunoff. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. The standards set forth in Policy 14 will apply to all construction in the coastal area to control stormwater runoff and erosion. There are no combined sewers in the Town.

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 by State Law. Priority should be given to the enforcement of this Law in significant habitats and beaches which need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6NYCRR, Part 657) and shall be strictly enforced. The most serious concern from vessel discharge, however, is pollution of the public water supply serving Port Ewen, Sleightsburg and Connelly which draws its supply directly from the Hudson. During review of any expanded or new marinas or docking facilities, consideration will be given to requiring pump-out facilities as part of necessary support services.

POLICY 34A NO VESSEL SHALL DISCHARGE WASTE OR OTHER WATER UNSUITABLE FOR HUMAN CONSUMPTION INTO THE COASTAL WATERS WITH THE INTENT OF TAKING ON FRESH WATER FROM THE RIVER TO BE TRANSPORTED ELSEWHERE FOR SALE OR USE, EXCEPT IN ACCORD WITH APPLICABLE STATE LAW.

Explanation of Policy: The recently discovered practice of large tankers exchanging contaminated water for the pure water of the river is a threat not only to Esopus' water supply but to the ecology of the river as well. This policy shall apply in the Esopus coastal waters and is recommended to other communities on the river as well.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE AND FEDERAL 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 may be required from the Town beach north to the Sleightsburg Peninsula to provide water of sufficient depth for boating. The use of dredged spoils may be appropriate to stabilize or expand the peninsula in conjunction with the development of recreation facilities. Prior to such actions, however, thorough analysis of possible impacts shall be undertaken in accord with SEQR requirements and shall not be authorized unless adverse impacts can be satisfactorily mitigated.

POLICY 36 ACTIVITES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy: This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users for petroleum products and radio-active and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See Policy 39.

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NONPOINT 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 also explanation of Policy 14.

The quarry upstream of the railroad bridge has radically changed the configuration of the land and resulting drainage patterns. Management of the existing operations as well as the reclamation plan for the ultimate reuse of this property must consider the affects of erosion and siltation on the Rondout Creek.

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

Explanation of Policy: The Town of Esopus depends exclusively on local groundwater supplies and the surface water of the Hudson River for its water supply. Both sources must be protected. The impact of an action on the quality of Hudson River water will be a major factor in planning and decision making. Such impacts include those, resulting from construction activity, land use management, point and non-point pollution sources and direct actions on the water ways. The impact of large scale residential development, outside the water district, on groundwater supplies will be analyzed as part of development review. See Policies 14, 30, 31, 33, 34, 34A and 37.

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

Explanation of Policy: The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include 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 [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". 6 NYCRR Part 371 lists hazardous wastes. 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 waste 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: No such facilities exist or are likely. Therefore this policy is not applicable at this time.

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

Explanation of Policy: New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

POLICY 42 NOT INCLUDED IN LOCAL PROGRAM *

POLICY 43 NOT INCLUDED IN LOCAL PROGRAM *

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

Explanation of Policy: Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

No tidal wetlands have yet been designated on the Hudson north of Yonkers.

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

a. Habitats for wildlife and fish and contribution to associated aquatic food chains; (see Policies 7 and 7A)

b. Erosion, flood and storm control;

c. Natural pollution treatment;

d. Groundwater protection;

e. Recreational opportunities;

f. Educational and scientific opportunities; and

g. Aesthetic open space in developed areas.

Existing state laws establish the basis for preservation of coastal resources but should be reinforced by appropriate local action were necessary. Activities in the coastal area which would adversely affect freshwater wetlands by causing increases in erosion, sedimentation, pollution or similar affects shall be scrutinized carefully and mitigating actions required where such impacts cannot be avoided.

Footnote: * - Fedreal agencies should refer to the New York State Coastal Management Program and Final Environmental Impact Statement for the text of this policy.

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

IV. PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. Proposed Land and Water Uses

The Land and Water Use Plan for the coastal area reflects the many policies established in Section III. The Plan designates land and water areas for those purposes most appropriate based on physical features, land-water relationship, land and water access, utility service, historical context and environmental significance. Map No. 6 illustrates the general concept of land use proposed for the waterfront area which is discussed below. Specific zoning legislation necessary to implement the land use concept is discussed in Section V, Techniques for Implementing the Program, and illustrated on Maps No. 7 and 7A.

1. Description of Proposed Uses

Seven general land use categories are proposed in the coastal area. These are not directly comparable to zoning districts but, rather, are descriptive of areas with similar characteristics and common features. The nature and location of each category is as follows.

a. Urban Area

This area, which encompasses the hamlets of Port Ewen, Sleightsburg and Connelly, presently includes a mixture of residential and commercial uses. It is the only area in Town served by both central sewer and water systems and is, therefore, where higher density development should be encouraged. Multi-family residential development, commercial uses and related facilities would be appropriate here in an urban setting. Current zoning generally reflects this development pattern although some minor adjustments may be appropriate to permit more flexibility in residential development.

b. Very Low Density Residential

The area along the river's edge, from the point where River Road turns inland south to include the Marist Brothers, contains 17 parcels. Six of these are over 100 acres in size and include several large institutional uses. The total coast line measures over four miles. Only one public road penetrates this area, extending perpendicularly to the river from Esopus hamlet. This is the largest single open space system in the Esopus coastal area. Development limitations are imposed by shallow or poorly drained soils and steep slopes. The area includes some significant landmark structures, landscaped grounds, orchards and natural escarpments plunging to the water's edge. It is an area of great beauty, providing vistas to the river and majestic views from the water and the eastern shore.

The plan designates this area for very low density residential use to maintain its present character. A basic density of one unit for each five acres is proposed. However, if development is clustered and natural open space maintained, density may be increased to one unit per acre upon approval of a special permit by the Planning Board. Additional appropriate uses of large existing structures (e.g. offices conference centers, research facilities) will be permitted to encourage their preservation, should present use change. Agricultural uses are also appropriate. Development guidelines will be established to minimize visual impact along the river shore and on other environmental features. New zoning regulations are required to implement this proposal (see Section V and Exhibit V-A).

c. Low Density Residential - (2.5)

This designation applies to one contiguous area, between River Road and the coastal boundary, extending from the water treatment plant south to the lower end of River Road. This area includes nine parcels of 40 acres or more and only one small cluster of smaller sites. Although it has no direct frontage on the river, it provides a 1.5 mile natural background to the more concentrated waterfront sites along River Road. The basic density in this area will be one housing unit for each 2.5 acres. With clustering, the density can be increased to one unit per acre. A greater density is allowed if public sewer and water are provided. Analysis of the visual impact and environmental concerns will be considered during review of development plans.

d. Low Density Residential - (1.0)

The existing R-40 residential zoning (which requires one acre per house) is considered appropriate here because one or more factors have already established the character of the area or preclude lower density development. These areas include the following:

1. The area from the Port Ewen hamlet south to the Port Ewen water plant which already is served by both public water supply and sewage disposal systems.

2. The area between River Road and the Hudson River (to the point where River Road turns inland) which is very narrow and includes many small parcels of land which are already developed.

3. The area on the south side of River Road, including Hudson Lane and properties fronting on Route 9W, which has some existing subdivisions of one acre lots. This area comes no closer than 1,000 feet to the river and, for the most part, is one-half mile distant.

4. The area south of Marist Brothers. Much of this is west of Route 9W and has limited visibility from the river. No single parcel along the river, from Marist Brothers to West Park is larger than 22 acres, and most are less than 10, thereby limiting the extent of any single development. South of West Park the topography is quite steep and the railroad runs along the water's edge, thereby, limiting direct access. The single largest parcel in this latter area, the Mother Cabrini School, already includes a large multi-story structure.

e. Waterfront

Certain portions of the waterfront are particularly suited to the location of specific uses which require or are enhanced by siting on the water's edge. Such locations are primarily on the Rondout Creek, or just south of its junction with the Hudson, due to a combination of physical features and existing waterfront uses which have already been attracted to these sites. The areas designated for such use under the existing zoning regulations are to be expanded to include most of the Rondout Creek waterfront from Connelly to the Eddyville Bridge. However, zoning revisions will distinguish between those areas suitable for waterfront commercial or industrial activities and those appropriate for water related recreation.

f. Hamlet

The hamlets of Esopus and West Park, in the southern portion of the coastal area, are two small enclaves in this otherwise low density area. They should continue as concentrations of local services and higher density residential uses. No significant zoning revisions are necessary to maintain this pattern.

g. Moderate Density Residential

The area along Salem Street west of the railroad is a mixture of older homes and more recent residential development. The current zoning reflects this pattern which should be maintained.

h. Reclamation Area

The large quarry between the Rondout Creek and Salem Street, west of the railroad, is the major industrial use in the coastal area and has had a significant visual and physical affect on the coastal environment. Expansion and continued use of the site will eventually

be limited by surrounding property ownership and physical features. The use of this area, upon cessation of quarry operations, is subject to severe physical constraints. A realistic reclamation plan must consider both physical limitations and land and water use objectives for the area.

Reclamation and reuse of the quarry should reflect the following objectives:

(1) The existing natural escarpment which separates most of the quarry from the Creek should be preserved.

(2) Priority should be given to a use which uses the existing docking facilities.

(3) Any site reclamation should be subject to a full environmental impact analysis.

(4) Within the above parameters, the maximum flexibility in permitted uses should be provided.

It is to be noted that a proposal to use the site by Consolidated Edison Corporation for disposal of fly ash from coal burning generating plants is inactive at this time. Such a use, under careful guidelines and monitoring, might offer an acceptable means to restore the site for other use. However, detailed analysis of all potential impacts related to the material to be disposed, its transportation to the site, changes in site features, and affects on adjacent land must first be undertaken.

B. Proposed Public and Private Projects

The physical projects proposed as part of this Program are described below and located on Map No. 7 and 7A; legal and administrative measures to implement the Program are set forth in Section V. The number of projects included has been limited to those most appropriate to the objectives of the program or those of highest priority. It is recognized that limited Town funding resources will require that projects be staged over many years or that outside financial assistance be obtained. The accompanying chart indicates the priority of the project, its estimated cost (where available), and the policy(s) to which it is related.

1. Boat Launching and Public Access Sites

A number of sites were investigated and evaluated as possible locations to create boat launching facilities and multi-purpose public access sites. The site with the greatest potential is the man-made peninsula at Sleightsburg extending into the Hudson at the mouth of the Rondout Creek. The entire peninsula includes some 35 acres of land and underwater rights with waterfront on both the Creek and the River. Vehicular access is limited to local streets and the entire site is within the 100 year flood hazard area. However, it is of sufficient size and has the diverse qualities to offer a range of active and passive recreation facilities including a boat launch on the Rondout Creek with access to the dredged channel, ample parking for cars and boat trailers, picnic areas, nature walks and access to the foundation of the first Kingston Lighthouse. Development of the site could be staged to coincide with available resources. See Exhibit IV A.

Although water depths adjacent to the Town Beach limit access to larger boats, the site is suitable for small boat launching. A one acre parcel recently dedicated by a private developer enhances opportunities for such a facility. This possible project should be investigated carefully, including possible environmental impacts and development feasibility.

The access point where River Road abuts the river's edge is the only existing public access to the River south of Port Ewen. At present only a parking area is provided. If additional land to the south can be obtained, it may be appropriate to provide additional facilities such as picnic areas.

2. Waterfront Path Systems

Opportunities to create pathways along the water exist in several areas so as to permit the public to walk along the water's edge or to waterfront viewing points. One such opportunity is to create a path from the Town Beach to the peninsula at Sleightsburg described above. One half mile of shoreline, in three parcels, separates the

the two properties. A right-of-way for a Central Hudson gas line runs along the shore and could well provide the base for a continuous walkway. As the Town reviews development proposals for the three intervening sites, it should seek to have this walk system incorporated in development plans. The path system could be extended, eventually, to the foot of Broadway on the Rondout Creek (see 7. below) to complete a walk of well over a mile.

If some of the large parcels south of River Road are developed in accord with the land use concept described in A above, opportunities to create a pedestrain path system should be considered when development proposals are reviewed. Such a system might follow, in part, the same Central Hudson gasline from River Road south to Black Creek.

3. Water Treatment Plant Improvements

The water treatment plant on River Road draws Hudson River water to serve the Port Ewen Water District, the only public water supply in Town. In service for over 20 years, the plant equipment must be upgraded to improve treatment quality. The Water District has also been advised by the Department of Environmental Conservation that it must revise its procedures for "backflushing" its tanks to avoid introducing pollutants into the River. Finally, as the Town continues to develop--and as such growth is channelled into the Water District--additional plant capacity will be required since the plant currently operates at 70-80% of capacity.

The three projects are integrally related and should be planned concurrently, even though implementation is staged. A major obstacle is the limited size of the existing site. To ensure the ability to meet these future needs, some land to the north of the existing plant should be acquired.

4. Removal of Abandoned Barges

At several locations along the Rondout Creek, abandoned barges and other vessels rest partially under water creating a visual blight and a potential hazard to navigation or inquisitive visitors. These abandoned hulks should be removed as part of Creek and channel maintenance.

Such a project is beyond the scope of the Town and will require financial and technical participation by the state and/or federal government.

5. Highway Overlooks

Route 9W in the southern part of Town provides some magnificent vistas of the Hudson River and the eastern shore. However, there are no opportunities to pull off the road to take advantage of this scenery and the volume and speed of traffic on the road makes it especially hazardous to view while driving. Several opportunities to create scenic overlooks at strategic locations exist. Location and design of these sites will be investigated in cooperation with the New York State Department of Transportion.

6. Esopus Meadows Lighthouse Preservation

One of four mid-Hudson lighthouses on the National Register of Historic Places, the Esopus Meadows light has been unused for a number of years. Although its exterior was recently painted, a permanant custodian of this significant structure is vital to its preservation. Recently the environmental organization Clearwater, Inc. has taken an interest in the structure and is considering leasing it for use in their education programs. Use and preservation by such an organization is an ideal solution and will be encouraged and assisted by the Town in any way possible.

7. Fishing Wall at North Broadway

The pump station at the foot of North Broadway in Sleightsburg is one of the few spots where public property abuts the water. The site is a small paved area separated from the Creek by a chain link fence. However, it is directly across the Rondout Creek from the Hudson River Maritime Center in Kingston and offers an excellent spot to view the ships at dock or passing by and could provide a spot for fishing or walking. With replacement of the fence by a low wall and addition of a few benches this spot would provide an interesting opportunity for passive recreation.

8. Historic Trail

The Esopus coastal area includes many historic buildings and sites. However, they are scattered over a large area and most are unmarked or otherwise designated. Preperation of a map for self-guided tours, markers or displays at key locations and a central location for information would enable both residents and visitors to locate and appreciate the Town's many historic resources.

PROPOSED PROJECTS

Town of Esopus

PROJECT	Responsible or Involved Agency*	Estimated cost	Priority**	Relevant Policy
1. Boat Launching Sites	TB, DEC, OPR	$350,000	1	1,4,9,10,13A, 19,20,21
2. Waterfront Paths	PB, P	Part of private development	2	13A,19,21
3. Water Plant Improvements	TB,DEC		1	1,5
4. Removal of Abandoned Barges	DEC, CE	Requires technical analysis	1	1,2,4,19,44
5. Scenic Overlooks	DOT	To be coordinated with DOT	3	25
6. Lighthouse Preservation	OPR, P	$100-150,000	2	23
7. Fishing Wall: N. B'way	TB, OPR	$20,000	1	4,13A,19,21
8. Historic Trail	TB, P	$500 per sign	3	23

*Agency Abbreviation

TB = Town Board

PB = Town Planning Board (through review of Subdivisions and Site Plans)

DEC = Department of Environmental Conservation (NY State)

DOT = Department of Transportation (NY State)

CE = US Army Corps of Engineers

OPR = Office of Parks, Recreation and Historic Preservation (NY State)

P = Private group or developer

**Priority Code

1 = High Priority

2 = Medium Priority

3 = Long Range

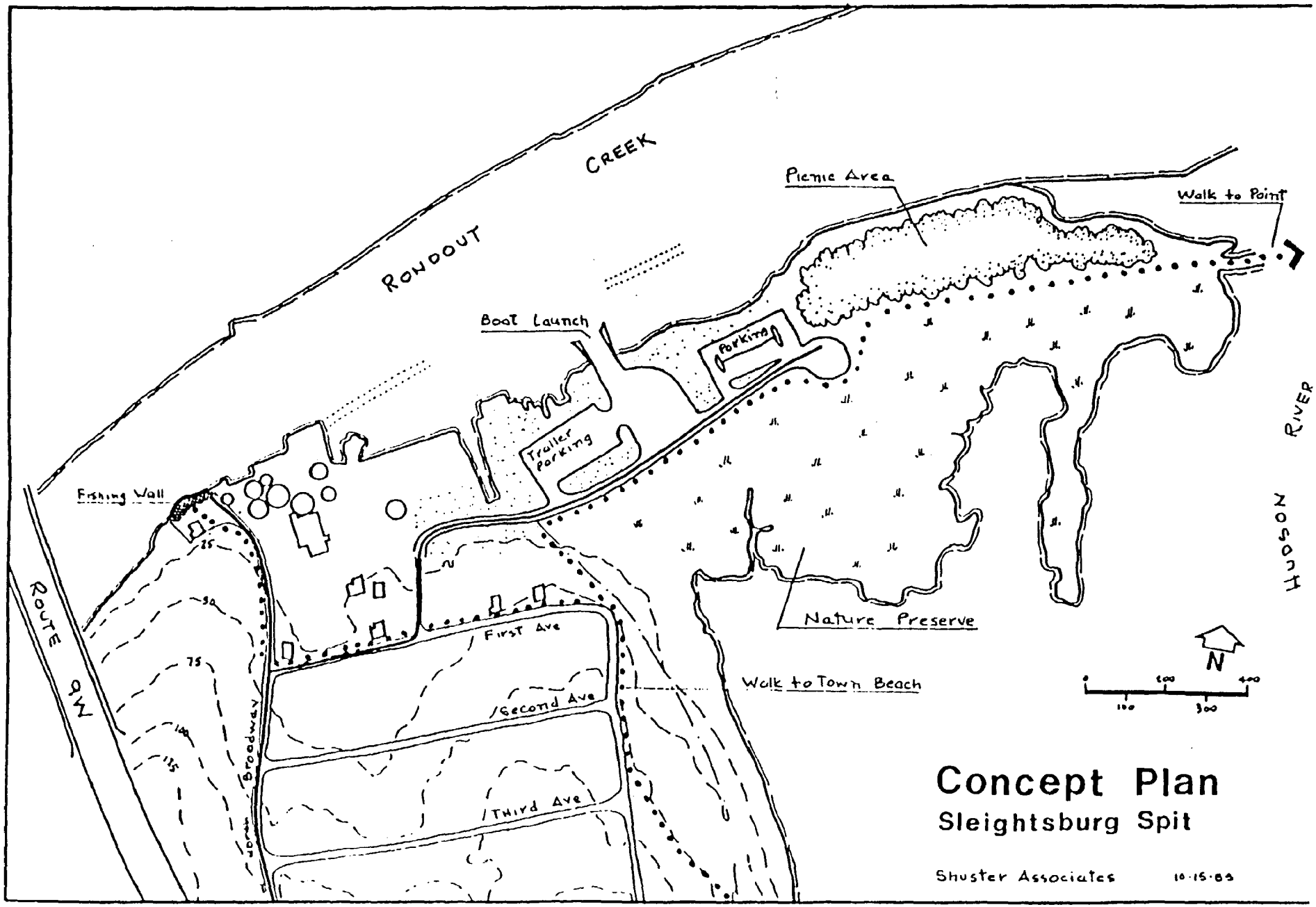
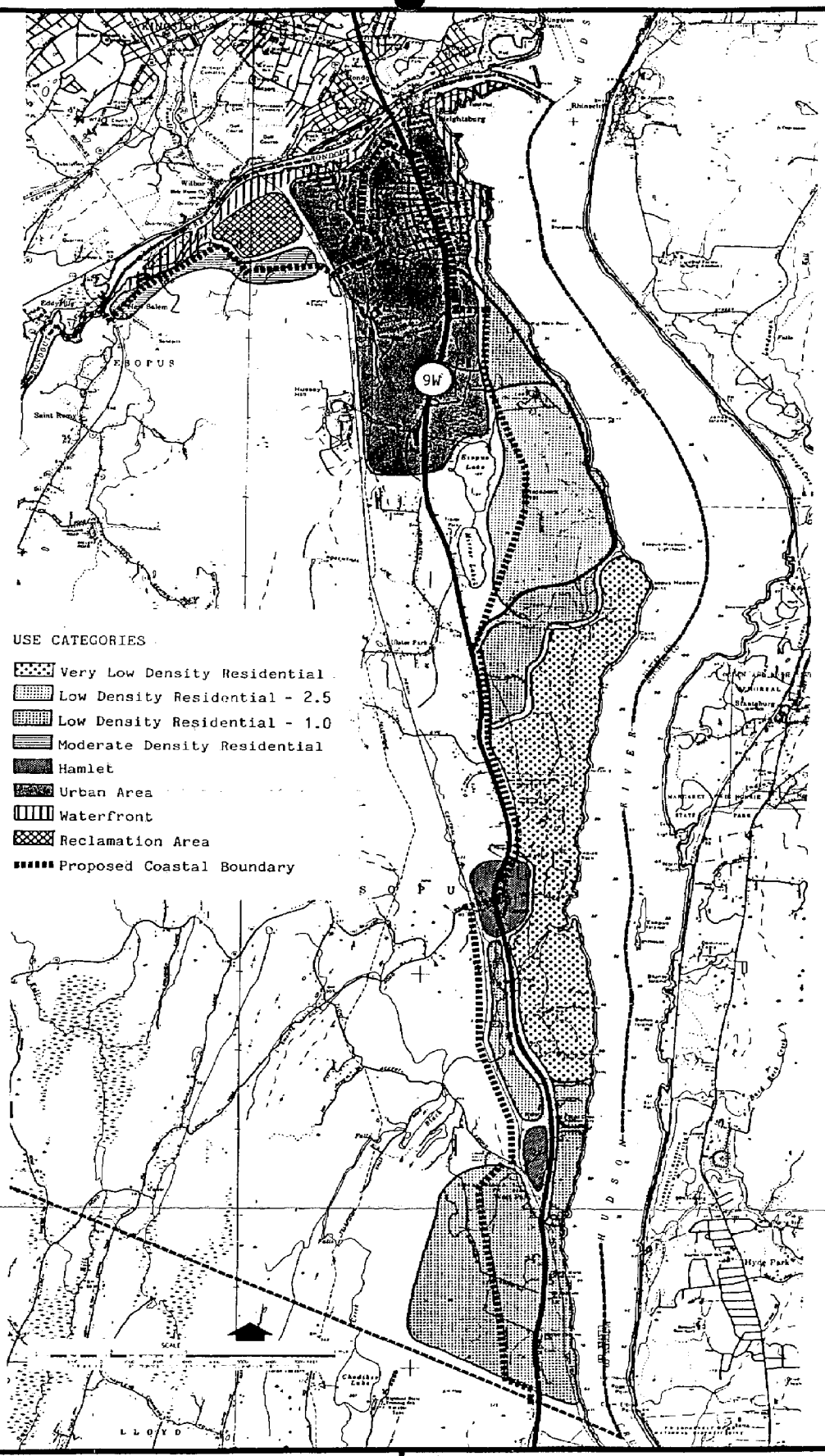

Rondout Creek
Picnic Area
Walk to Point
Boat Launch
Parking
Trailer Parking
Fishing Wall
Hudson River
Route 9W
Broadway
First Ave
Second Ave
Third Ave
Nature Preserve
Walk to Town Beach
N
Concept Plan
Sleightsburg Spit
Shuster Associates 10-15-83

EXHIBIT IV-A



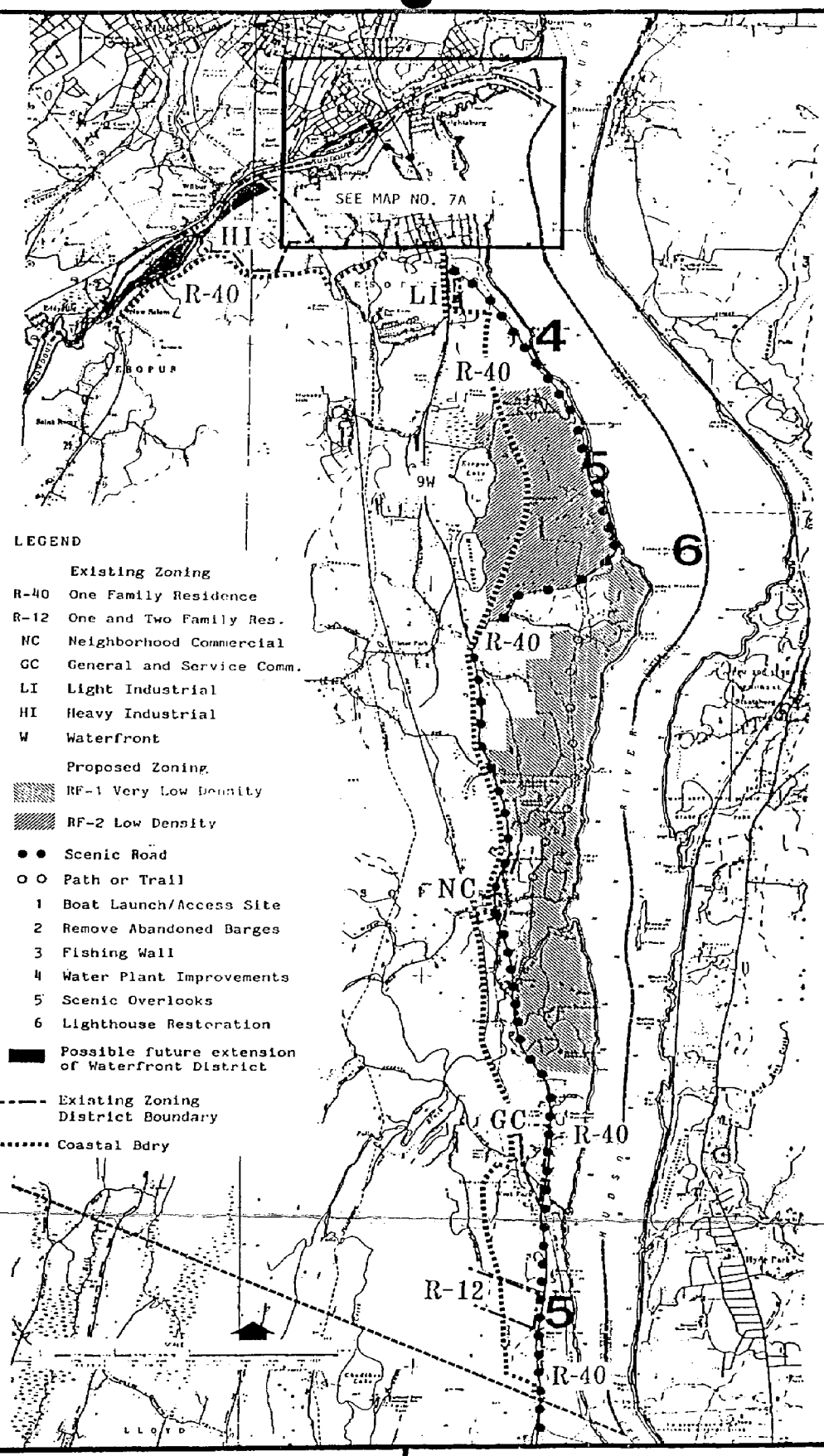
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

GENERAL LAND AND WATER USE PLAN

Map No. 6



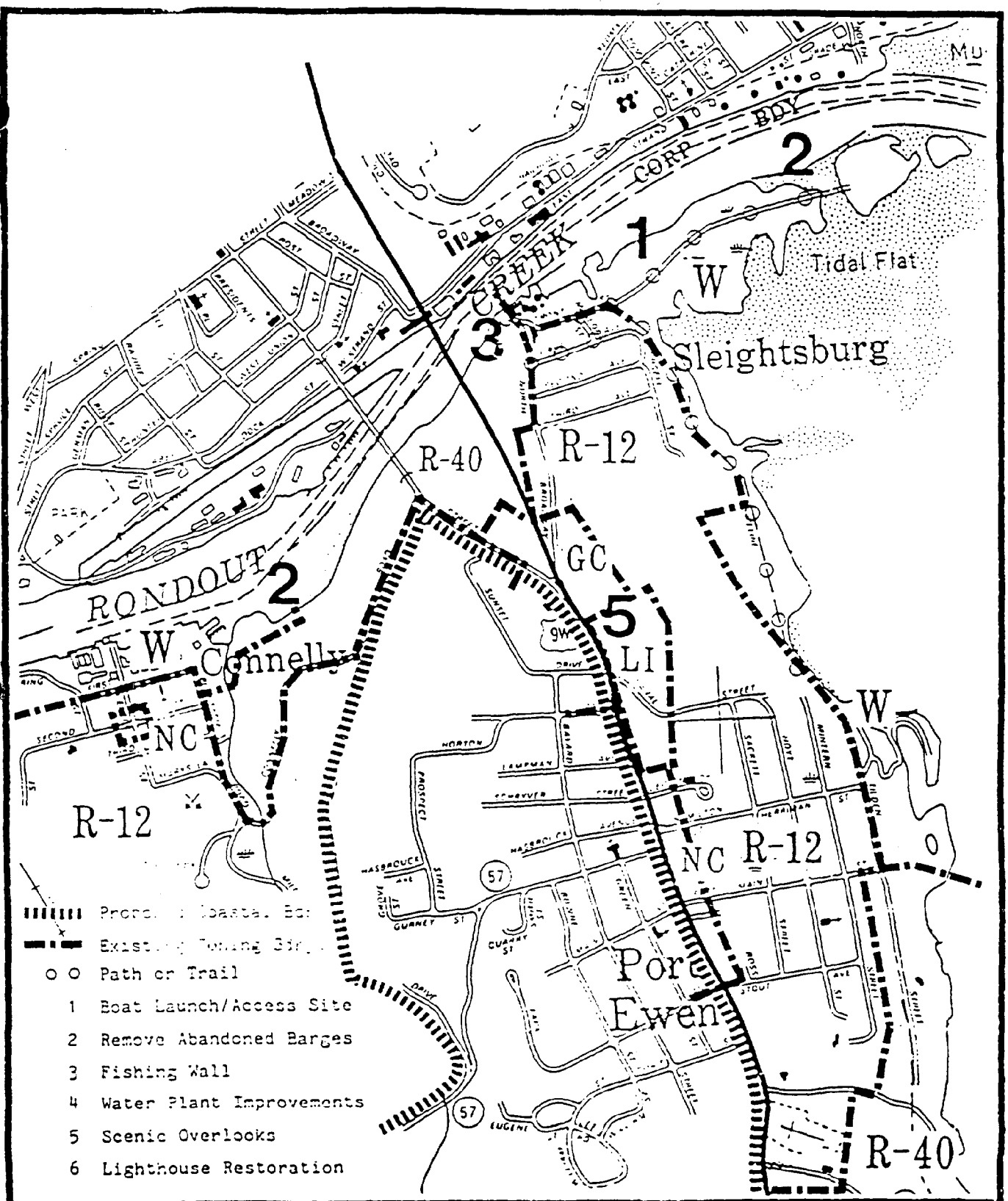
Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

ACTION PROGRAM

Map No. 7



Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates — Planning Consultants

Map No. 7A

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section descibes the local techniques--legal, administrative, managerial and financial--required to carry out the LWRP.

Part A describes legislation, both existing and proposed, which will help to implement the program. Part B sets forth specific implementing actions or projects. Part C describes the management structure proposed to coordinate the program. Part D indicates the financial resources needed and, where possible, available to carry out specific proposed actions. Part E is a chart summarizing proposed actions and the policies from Section III to which they relate.

A. Local Laws and Regulations

1. Existing Laws and Regulations

The following existing laws and regulations are used by the Town to regulate or review land use and development activity in the coastal area:

a. Zoning Ordinance: The Town Zoning Ordinance establishes land use and density controls, in designated districts, based on a comprehensive plan of development.

Application: The regulations controlling the type and density of development are essential to implement the Development Policies (1,1A, 2,4,5, and 5A). See also proposed zoning amendments concerning the riverfront. Review of site plans for certain uses is important to achieve Historic and Scenic Resource Policies 23 and 25.

b. Subdivision Regulations: The Subdivision Regulations establish standards and procedures for the division of land into individual building lots and the design and construction of public improvements.

Application: These regulations are important to orderly development and the most efficient and environmentally sensitive use of land and will support Flooding and Erosion Policies 14 and 17, Public Access Policy 20, and Water and Air Resources Policies 32,33 and 44.

c. Flood Damage Prevention Regulations: Adopted pursuant to requirements of the federal Flood Insurance Program, these regulations control the location and type of construction permitted in designated flood hazard areas.

Application: These regulations are used to achieve Flooding and Erosion Policies 14 and 17.

d. Environmental Quality Review: Town agencies are responsible for administering the State Environmental Quality Review (SEQR) Act as part of their review of actions which may significantly affect the environment. Such responsibility includes identification of possible adverse impacts and recommendation of mitigating measures. In addition to the lead agency, the Town of Esopus Environmental Board provides data and comment to assist review of proposed projects and actions.

Application: Virtually all policies of the LWRP will be supported by adherance to the procedures required by SEQR.

2. Proposed New Legislation (Adopted by Town)

a. Establishment of Waterfront Commission: A Commission to coordinate and administer various actions necessary to implement the LWRP and to make "consistency determinations" will be created under local law. See C. below.

Application: This action relates to the entire LWRP.

b. Local Consistency Law: A local law will be enacted to require that all local boards, agencies, commissions and departments act consistently with the policies established in the LWRP.

Application: This action relates to all aspects of the LWRP.

c. Zoning Amendments: The Town's existing Zoning Ordinance provides, in general, appropriate regulation of land use in the coastal area to achieve the land use plan described in Section IV. The major exceptions, however, are land use controls for the two low density areas proposed along the Hudson River south of Port Ewen. (See IV A.1. b and c and Map No. 7). To accomplish the objective of protecting this unique area two new zoning districts are proposed to be added to the Zoning Ordinance. The proposed amendments are set forth in Exhibit V-A and discussed briefly below. Some modifications to the Waterfront District are also proposed.

(1) Very Low Density District (RF-1)

Intent: The intent of this district is to control development so as to preserve the existing low density character and large open spaces along the Hudson River shoreline while providing opportunities for clustered development and preservation of large, existing landmark structures.

Permitted Uses

Uses permitted by right include single family homes, agricultural uses and related accessory uses.

Subject to issuance of a conditional use permit, the following uses may be allowed: certain public, recreational and institutional use, town houses and; in existing structures only, apartments, offices, conference centers, research facilities and transient housing accommodations.

Density

Single family houses will be permitted by right on parcels of at least five acres. Subject to issuance of a conditional use permit, clustered single family homes or town houses may be permitted at an over-all density of one per acre.

Special Review Criteria for Conditional Use Permits

Review of application for conditional use permits shall consider the following guidelines and criteria in particular prior to approval:

* All structures shall be set back at least 500 feet* from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.), and at least 200 feet from Route 9W.

* Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock out-crops, and existing landscaping.

* The visual impact of proposed development shall be analyzed in terms of view from the site to the river and from the river and the opposite shore to the site. Such analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth, etc.

* Site design and construction management shall use best management practices to prevent adverse affects from erosion, siltation, flooding, etc.

* The use of existing large structures as other than single family homes shall only be permitted if the character and scale of the building and grounds are maintained.

*This may be reduced to 300 feet by the Planning Board.

(2) Low Density District (RF-2)

Intent: The intent of this district is to regulate compatible low density development in areas where the shoreline is already developed or which are visible from but do not have access to the water. The density of residential uses will be greater than in the RF-1 District, particularly where public utilities are available, but the range of other uses is less since unusually large, landmark structures are not as prevalent.

Permitted Uses

Uses permitted by right include single family homes, agricultural uses and related accessory uses.

Subject to issuance of a conditional uses permit, town houses may be allowed as well as certain public, recreational and institutional uses.

Density

Single family homes will be permitted on lots of at least 2.5 acres. Clustered single family homes and town houses at density of one per acre will be permitted; if the units are served by public sewer or water facilites density may be increased.

Special Review Criteria

The criteria and guidelines established for the RF-1 District will apply.

Application: These amendments are among the most important actions proposed by this LWRP and are required to achieve Development Policies 1A, 2, 4 and 5A, and will support Public Access Policies 19 and 20, Recreational Policy 21 and Historic and Scenic Resource Policies 23 and 25.

d. Sign Regulations

As part of the effort to preserve the scenic quality of the Town, certain roads--primarily Route 9W and River Road--are proposed to be designated as scenic roads, as discussed in B. below. Among the actions that should be considered are regulations to control the location, size and design of commercial signs on these roads. Such regulations could eliminate off-premises billboards and ensure that business signs do not detract from the visual environment.

Application: These regulations will support Scenic and Historic Resources Policies 23 and 25.

B. Other Actions

Physical projects related to the LWRP are described in Section IV. B; required laws and regulations are set forth in Section V. A. However, a number of other actions are also included in this LWRP for consideration.

1. Scenic Roads Designation

Route 9W and River Road are roads with great appeal whose high visual quality is apparent to all who drive them. Article 49 of the State Environmental Conservation Law authorizes designation of such scenic resources by the Commissioner of DEC and the development of programs to preserve and enhance them. River Road has already received such designation--among the first in the state. This designation should be supported by local actions, such as the enactment of sign controls, state action such as development of scenic overlooks and joint cooperation in maintenance and techniques to preserve important vistas.

2. Creation of Agricultural Districts

The orchards and vineyards in the southern part of Town are important to the local economy as well as to the visual character of the area. Owners of these properties should be encouraged to petition the County to designate Agricultural Districts so that they may avail themselves of the tax advantages while preserving these important resources for the Town and region.

3. Possible Extension of Waterfront District

In the future, the Waterfront District may be expanded to include virtually all of the Rondout Creek frontage. In such case, regulations will be refined to distinguish between the location for maritime commercial uses--in Connelly and Sleightsburg--and those for waterfront recreational uses. See Exhibit V-B.

4. Callanan Quarry Reclamation

While this site may continue in use for many years, the Town should encourage DEC to continually monitor its operations and carefully study existing and proposed reclamation plans to determine their impact and possible relationship to Town policies and objectives for this area.

C. Management Structure to Implement the Program

1. Existing Organization and Management Resources

No existing municipal body in this area has overall responsibility for the wide range of activities covered by the policies in Section III and the actions in Section IV. Physical operations affecting the Coastal Zone are dealt with primarily by the public works department and the water and sewer department. Land use and related functions are primarily the responsibility of the Planning Board, Zoning Board, Environmental Commission and Town Board.

Since no part of this pattern fitted the unique requirements of LWRP planning, a Waterfront Advisory Committee was created to undertake the drafting of the LWRP under a State planning grant. In its drafting work the Committee and its planning consultant have conferred with many of the bodies mentioned above. Moreover, its membership includes chairmen or members or a number of them, notably the Planning Board and the Environmental Commission. Thus the Committee has developed a unique overview of the problems and possibilities facing the coastal zone which is extremely important and should be provided for in the implementation phase. The management structure set forth below is designed to accomplish this purpose.

2. Waterfront Advisory Board

To provide advice and assistance in the implementation of the local Waterfront Revitalization Program, a Waterfront Advisory Board of 9 members has been established.

The Board should be constituted as follows:

a. Appointment

Members will be appointed for a term of three years and will be eligible for reappointment; except that at the outset

three members will be appointed for a term of three years, three for a term of two years, and three for a term of one year.

b. Organization and Procedure

The Board will make its own rules of procedure, subject to applicable law. It will elect a Chairman, and may in its discretion also elect other officers, from among its members.

c. Qualifications

Each member appointed must be a resident of the Town . Members will be chosen for their demonstrated knowledge, ability, and readiness to serve the Board in the functions decribed below, and with due regard for maintaining among the membership a range of special aptitudes and expertise relevant to the Board's work. In addition two members shall be members of the Planning Board, two shall be members of the Environmental Board and one shall be a member of the Zoning Board of Appeals.

d. Functions and Powers

The Board's basic task will be to advise and coordinate the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. In pursuance of this task the Commission will:

(1) Advise the Town Board on implementation priorities, work assignments, timetables, and budgetary requirements of the program.

(2) Review applications for site plans, zone changes, subdivisions and public works projects in the coastal area and advise the appropriate agency as to their consistency wtih policies of the LWRP.

(3) Subject to the approval of the Town Board, make application for funding from State, Federal, or other sources to finance projects under the LWRP.

(4) Maintain liaison with related Town bodies, including but not limited to the Planning and Zoning Boards and the Environmental Board, and with concerned nongovernmental bodies, in order to further the implementation of the LWRP.

(5) On behalf of the Town Board, evaluate in timely fashion proposed actions of State agencies within the coastal zone in order to assure consistency of such actions with policies of the LWRP, advise the Board of any conflicts, and participate in discussion to resolve such conflicts.

(6) Review proposed federal actions referred to it by the Department of State and advise the DOS as to its opinion concerning the consistency of the action with local coastal policies.

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

(8) Perform other funtions regarding the Coastal Zone as the Town Board may assign to it from time to time.

e. Other Provisions

(1) Members will serve without compensation. They will be entitled to reimbursement for necessary expenditures in the performace of their work, subject to budgetary limitations.

(2) The Board may engage such professional and clerical help and purchase such supplies and services as are necessary for its work, subject to prior budgetary approval by the Town Board.

(3) The Board will meet as necessary to conduct its business. Its meetings will be open to the public. It will keep and distribute minutes of its proceedings. A majority of its members will constitute a quorum.

3. Limitations

Notwithstanding any other provision of this Program, no powers, duties, or functions are conferred by it on the Waterfront Advisory Board other than those set forth in paragraphs d. and e. above; and no provision of this Program shall be construed as altering the powers, duties, and functions of any existing Town board, agency or officer of the Town of Esopus.

4. Sunset Provision

Five years from the date of initial appointment and every three years thereafter, the Board shall issue a finding as to its continued need and future function. Should the Board find that there is no longer a need for its services or that its functions are no longer appropriate, or should the Board fail to render any finding in a timely manner, the Board's term shall be considered to have expired and its powers and duties shall automatically be assigned to the Planning Board.

5. Consistency Review of Federal Actions

Federal actions in the coastal area will be reviewed in accord with the procedures set forth in Exhibit V-C.

D. Financial Resources to Implement the LWRP

Financial resources in varying amounts are required to implement the three types of actions included in the LWRP--administrative, legislative and physical projects. Resources necessary for the first two categories are relatively small and can be included in the normal annual budget allocations of the Town. Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Town.

Section VI indicates various State and Federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited and competition for available funds is fierce. Set forth below is the estimated cost of each proposed physical project, where available, and possible sources of funds to implement them. Preconstruction costs may be available from the New York State Department of State upon approval of this LWRP.

1. Boat Launching Site and Access: Sleightsburg Spit

   a. Estimated Cost: $ 350,000 (Includes acquisition and construction)

   b. Possible Funding Sources

      - New York State DEC
      - New York State OPR & HP
      - Town Recreation Fund
      - Hudson River Foundation

2. Waterfront Path System

   a. Estimated Cost: not specified

   b. Possible Funding Sources

      - Private developers as part of site development
      - Town Recreation Fund

3. Water Plant Improvements

   a. Estimated Cost: $

   b. Possible Funding Sources

      - U.S. Department of Agriculture

4. Removal of Abandoned Barges

   a. Estimated Cost: $ Unknown

b. Possible Funding Sources

- U.S. Corps of Engineers

5. Scenic Overlooks

a. Estimated Cost: Coordinate with highway improvements

b. Possible Funding Sources

- New State DOT

6. Lighthouse Preservation

a. Estimated Cost: $100-150,000

b. Possible Funding Sources

- New York State OPR & HP
- New York State Dept. of State
- Private Corporations
- Hudson River Foundation

7. Fishing Wall at North Broadway

a. Estimated Cost: $20,000

b. Possible Funding Sources

- New York State DEC
- Town of Esopus
- Hudson River Foundation

8. Historic Trail Markers

a. Estimated Cost: $500 per sign

b. Possible Funding Sources

- New York State OPR & HP
- New York State DOT
- Private Donations

E. Summary Chart of Actions and Policies

The following chart (or matrix) indicates the Policy(s) set forth in Section III that are addressed by each of the various implementing actions described in Sections IV and V.

PROPOSED RIVERFRONT ZONING

Local Waterfront Revitalization Program

TOWN OF ESOPUS

★ ★ ★

The Esopus Waterfront Advisory Committee has been developing a plan for the Town's entire coastal area--Rondout Creek and the Hudson River--for more than two years. During this process, the preservation of portions of the scenic, low density shoreline south of Port Ewen was established as an important priority. The means proposed to accomplish this objective is via revisions in the Town Zoning Ordinance which will require preservation of open space and encourage use of landmark structures for appropriate purposes.

A public hearing on the entire Local Waterfront Revitalization Program was held on August 13, 1986, at which many comments on the proposed riverfront zoning were received. As a result, the Waterfront Advisory Committee has reviewed the original proposal and recommended substantial revisions which significantly reduce the area included in the two new districts proposed.

The only areas affected by the proposed zoning are now zoned R-40. The hamlets of Esopus and West Park are not included and existing business uses and business zoning on Route 9W are not affected in any way.

The text of the proposed zoning is attached as well as a map showing the revised boundaries of the two new Riverfront Zoning Districts.

EXHIBIT V-A

SUMMARY CHART

PROPOSED ACTIONS AND APPLICABLE POLICIES

POLICY NO.	ACTION (See Legend Below)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	●		●	●									●	●
1A									●				●	●
2				●					●				●	●
4	●			●			●		●				●	●
5			●						●					●
5A									●			●		●
6														
7														
7A-D														●
8														
9	●													
10	●													
11													●	●
13A	●	●					●							
14									●				●	●
15														
16														
17													●	●
18														
19	●	●		●			●							●
20	●													●
21	●	●					●							●
22									●					●
23						●		●						●
25					●				●	●	●			●
25A										●	●			●
26												●		●
28														
30														●
32														●
33									●					●
34														
34A														
35														
36														
37									●					●
38														●
39														
41														
44				●									●	

Actions

1. Access Site
2. Path System
3. Water Plant Improvements
4. Barge Removal
5. Scenic Overlooks
6. Lighthouse Preservation
7. Fishing Wall
8. Historic Trail
9. Waterfront/Low Density Zoning
10. Sign Regulations
11. Scenic Road Designation
12. Agricultural Districts
13. Existing Laws and Regulations
14. Local Consistency Law

SHUSTER ASSOCIATES

8/12/85
Revised 10/15/85
5/2/86
5/8/86
11/17/86

PROPOSED AMENDMENTS

TOWN OF ESOPUS ZONING ORDINANCE

RIVERFRONT DISTRICTS

The following amendments to the Town of Esopus Zoning Ordinance are proposed to implement the recommendations of the Local Waterfront Revitalization Program concerning the Hudson River coastal area.

Article III, District Regulations, shall be amended by adding new Sections 123-14.1 and 123-14.2, as follows:

§123-14.1, RF-1 Riverfront District

Intent: The intent of this district is to control development so as to preserve the existing low density character and large open spaces along the Hudson River shoreline while providing opportunities for clustered development and preservation of large, existing landmark structures.

In an RF-1 Riverfront District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following. (See also Article V.)

A. Permitted Uses

(1) Any use permitted in the R-40 One-family Residence District in §123-6A.

B. Conditional Uses

The following conditional uses are permitted subject to the approval of the Planning Board in accordance with §123-56 and §123-57, hereof, including a finding that such uses are consistent with the Town's approved Local Waterfront Revitalization Program, and to the regulations specified below and elsewhere in this chapter.

(1) The following uses, subject to the conditions established therefore, in §123-6B:

(a) Places of worship
(b) Schools
(c) Municipal parks
(d) Annual membership clubs
(e) Children's recreation camps
(f) Cemeteries
(g) Summer cotteges

(2) Clustered single family and town house dwellings, subject to the provisions of §123-25 B,C and E and the following:

(a) Minimum gross site area shall be 20 acres.

(b) The maximum number of dwelling units permitted shall be determined by reducing the gross site area by 25% and dividing the remaining area by 40,000 square feet.

(c) No structure shall exceed 30 feet in height.

(d) All structures shall be set back at least 500 feet from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.). This set back may be reduced to 300 feet upon a finding by the Planning Board that, due to the nature of the site, such reduction will not adversely affect the guidelines set forth in (g) below. Structures shall also be set back at least 200 feet from Route 9W and 100 from other streets or property lines.

(e) The Planning Board shall consider the size and configuration of lots during its review in terms of the criteria set forth in (g) below and the provision of adequate water supply and sewage disposal systems.

(f) At least one third of the gross site area shall be preserved as permanent open space by appropriate legal covenants as set for in §125-25 E and recorded as such on all filed maps. The Town may, at its discretion, accept all or part of such open space if offered for dedication. At least two thirds of such open space shall be preserved in its natural state. The remainder may be used for active recreation facilities and may also contain water supply or sewage disposal systems if they are designed so as to preserve the scenic or functional purposes to which said open space is devoted. Such open space must have a minimum dimension of at least 100 feet at all points.

(g) In addition to criteria contained in §123-56 and §123-57, the Planning Board shall also consider the following guidelines and criteria in its review of a cluster development under this section:

(i) Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock outcrops, and existing landscaping.

(ii) The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to the river and from the river and the opposite shore to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth etc. The possible intrusion of new development on the visual setting of estates, institutions and historic structures on nearby properties shall also be evaluated.

(iii) Site design and construction management shall be undertaken in a manner so as to prevent adverse affects from erosion, siltation, flooding, etc.

(iv) Provision of public access to and along the shoreline is to be encouraged and review of site plans will include consideration of opportunities to incorporate the development of such access.

(h) The Planning Board may require submission of a clustered development plan, in accord with the provisions of this paragraph, if it finds that such type of development is necessary to preserve specific features of the site and the general character of the district. However, the Planning Board may not require the development of multi-family dwellings in place of single family homes.

(i) Site plan review under the provisions of this Section shall suffice for Planning board review of subdivisions under the Town Subdivision Regulations, subject to the following conditions:

(i) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Ulster County Clerk in addition to those drawings required under §§123-56 & 57.

(ii) The developer shall plat the entire development as a subdivision; however, projects being developed in stages may be platted and filed in the same stages.

(iii) Final site plan approval under §123-57 shall constitute final plat approval under the Town Subdivision Regulations, and the provisions of §276 of the Town Law requiring that the plat be filed with the Ulster County Clerk within ninety (90) days of approval shall apply.

(3) The following uses, if housed entirely in structures erected prior to January 1, 1985, and subject to the provisions set forth below: apartments; corporate or professional offices; conference centers, inns or transient housing accommodations.

(a) Gross site area shall be at least 25 acres and gross floor area of existing buildings shall be at least 5,000 square feet. Maximum density shall be computed as in (2) (b) above.

(b) The scale and character of the existing building shall not be substantially altered in terms of architectural detailing, size and shape of door and window openings, exterior materials and colors and similiar features. Additions to eligible structures shall be kept to a minimum and in no case shall additions to any structure exceed 20% of its aggregate floor area or cubic volume.

(c) All required off-street parking in excess of five spaces shall be located at least 200 feet from adjacent streets and properties and fully screened therefrom.

(d) The Planning Board shall also consider the guidelines set forth in paragraph (2) (g) above in reviewing proposals.

C. Permitted Accessory Uses

(1) Any accessory use permitted in §123-6C.

§123-14.2 RF-2 Riverfront District

Intent: The intent of this district is to regulate compatible low density development in areas where the shoreline is already developed or which are visible from but do not have access to the water. The density allowed for residential uses is greater than in the RF-1 District, particularly where public utilities are available, but the range of other uses is less since unusually large, landmark structures are not prevalent.

In an RF-2 Riverfront District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following. (See also Article V.)

A. Permitted Uses

(1) Any use permitted in the R-40 One-family Residence District in §123-6A.

B. Conditional Uses

The following conditional uses are permitted subject to the approval of the Planning Board in accordance with §123-56 and §123-57, hereof, including a finding that such uses are consistent with the Town's approved Local Waterfront Revitalization Program, and to the regulations specified below and elsewhere in this chapter.

(1) The following uses, subject to the conditions established therefore, in §123-6B:

(a) Places of worship
(b) Schools
(c) Municipal parks
(d) Annual membership clubs
(e) Children's recreation camps
(f) Cemeteries
(g) Summer cottages

(2) Clustered single family and town house dwellings, subject to the provisions of §123-25 B,C and E and the following:

(a) Items (a), (c), (e), (h) and (i) of §123-14.1 B (2).

(b) The maximum number of dwelling units permitted shall be determined by reducing the gross site area by 25% and dividing the remaining area by 40,000 square feet. However, if the proposed units are to be connected to the public water supply or sewage disposal systems, the remaining area may be divided by 30,000 square feet; or by 25,000 square feet if connected to both.

(c) All structures shall be set back at least 200 feet from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.), and at least 100 feet from all streets and adjacent properties.

(d) At least 25% of the gross site area shall be preserved as permanent open space by appropriate legal covenants as set for in §125-25 E. Such open space may be preserved in its natural state or developed for passive or active recreation. Water supply or sewage disposal systems may also be contained in such open space as long as they do not adversely affect the scenic or functional purposes to which said open space is devoted. Such open spaces shall have a minimum demension of at least 100 feet at all points.

(e) In addition to criteria contained in §123-56 and §123-57, the Planning Board shall also consider the following guidelines and criteria in its review of a clusterdevelopment under this section:

(i) Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock out-crops, and existing landscaping.

(ii) The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to the river and from the river and the opposite shore to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth, etc.

(iii) Site design and construction management shall use best management practices to prevent adverse affects from erosion, siltation, flooding, etc.

C. <u>Permitted Accessory Uses</u>

(1) Any accessory use permitted in §123-6C.

2. Article IV, District Bulk and Parking Regulations, shall be amended by addition of a new Section 123-16.1 Riverfront Districts, as follows:

§123-16.1 RF-1 and RF-2 Riverfront Districts

The following bulk and parking regulations for RF-1 and RF-2 Riverfront Districts shall apply. (See also Article V)

Minimum Requirements	RF-1	RF-2
Total Lot Area (square feet)	200,000	100,000
Lot Width (feet)	300	200
Lot Depth (feet)	500	300
Front Yard (feet)	75	50
Each Side Yard (feet)	50	30
Rear Yard (feet)	100	75
Off-street parking spaces* (per d.u.)	2	2

Note: See also provisions for clustered development as a conditional use.

*Required parking for conditional uses permitted under §123-14.1 and §123-14.2 shall be established by the Planning Board prior to approval of any such conditional use permit based on the requirements set forth in §123-23.

3. Article XII, Definitions, Shall be amended by addition of the following:

DWELLING, TOWNHOUSE - A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

PROPOSED RIVERFRONT ZONIN

Local Waterfront Revitalization Program

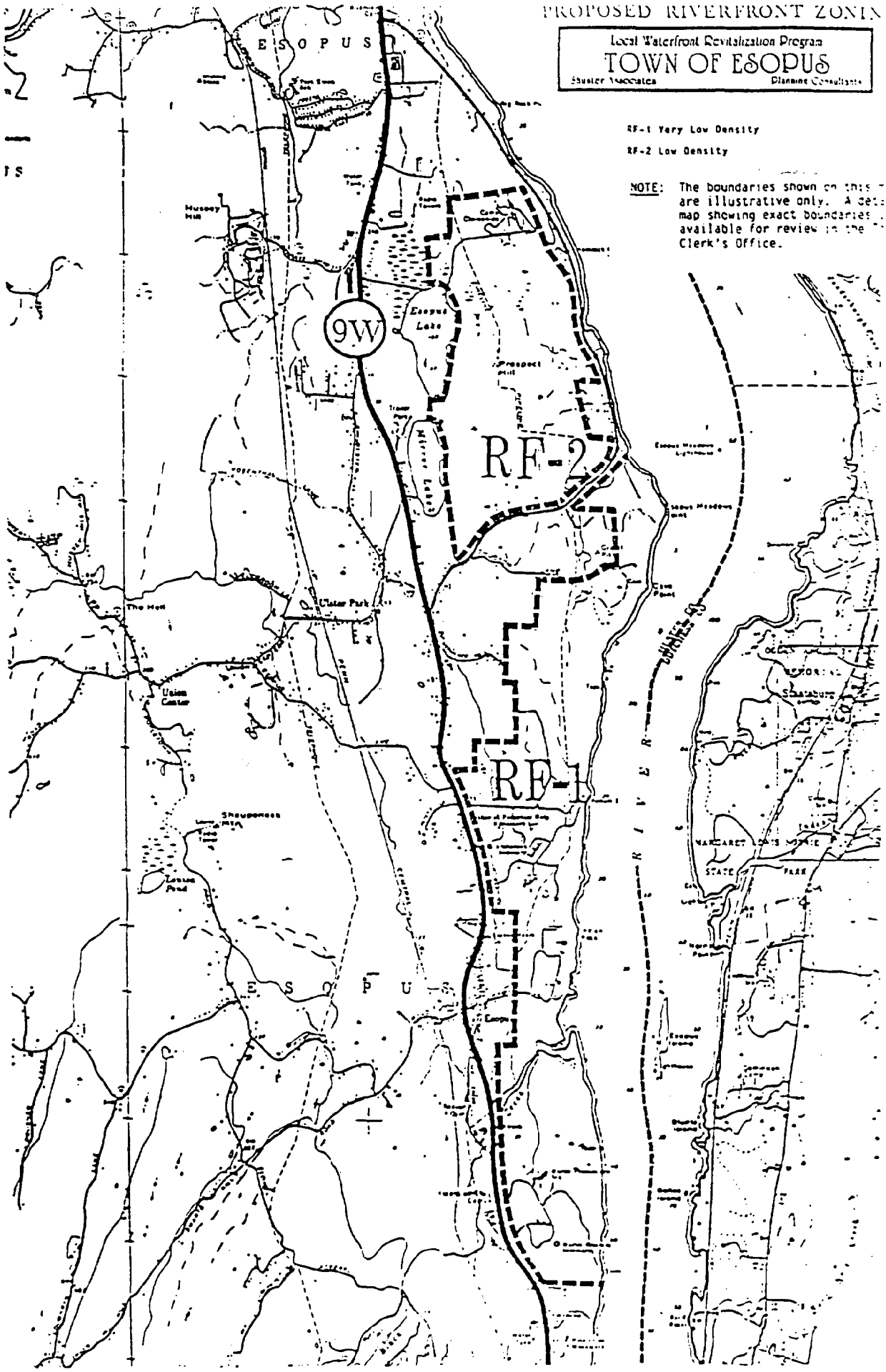
TOWN OF ESOPUS

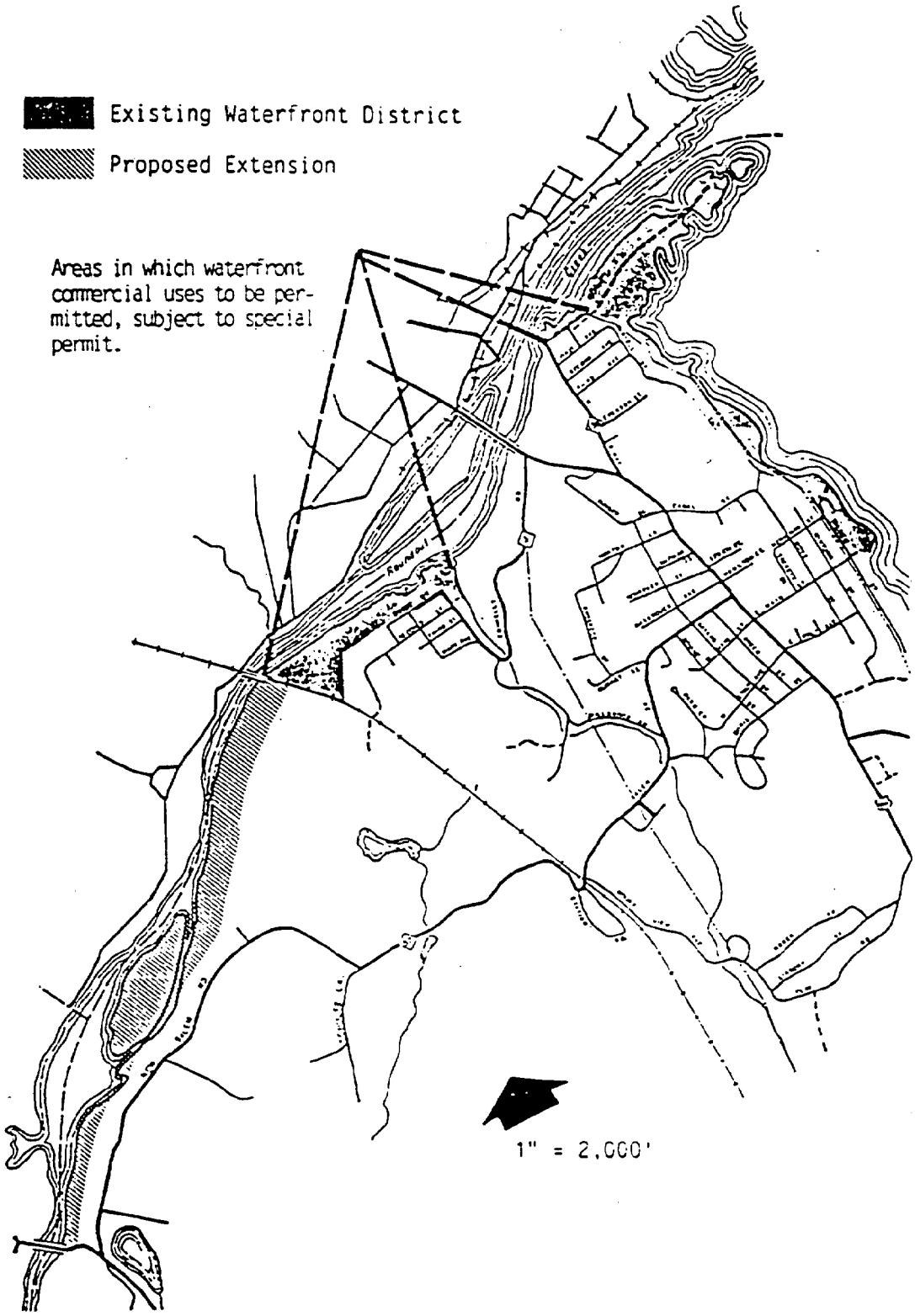
Bauser Associates — Planning Consultants

RF-1 Very Low Density

RF-2 Low Density

NOTE: The boundaries shown on this are illustrative only. A det map showing exact boundaries available for review in the Clerk's Office.





Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates

Planning Consultants

Exhibit V-B

Proposed Waterfront District

Map No.

EXHIBIT V-C

Procedural Guidelines for Coordinating NYS DOS & LWRP
Consistency Review of Federal Agency Actions

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.

2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.

3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.

4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.

3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

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

7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

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

3. the review period will conclude thirty (30) days after the date 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) form the start of the review period received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

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

I. PURPOSES OF GUIDELINES

A. The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

A. Action means:

1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQR);

2. Occurring within the boundaries of an approved LWRP; and

3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable 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 any alternative procedure agreed upon by the state agency and local government;

3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)

C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should

promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.

D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

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

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

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

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

2/1/85

SECTION VI

FEDERAL AND STATE 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 and Coastal Resources 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.

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impract 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, transprotation or other facilities).

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

6.00 Establishment of impact, compatability 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.

DEPARTMENT OF INTERIOR (continued)

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

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

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission (continued)

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 Rental Housing Loans
10.416	Soil and Water Loans
10.418	Water and Waste Disposal Systems for Rural Communities
10.419	Watershed Protection and Flood Prevention Loans
10.422	Business and Industrial Loans
10.423	Community Facilities Loans
10.424	Industrial Development Grants
10.426	Area Development Assistance Planning Grants
10.429	Above Moderate Income Housing Loans
10.430	Energy Impacted Area Development Assistance Program
10.901	Resource Conservation and Development
10.902	Soil and Water Conservation
10.904	Watershed Protection and Flood Prevention
10.906	River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

11.300	Economic Development - Grants and Loans for Public Works and Development Facilities
11.301	Economic Development - Business Development Assistance
11.302	Economic Development - Support for Planning Organizations
11.304	Economic Development - State and Local Economic Development Planning
11.305	Economic Development - State and Local Economic Development Planning
11.307	Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
11.308	Grants to 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 Develoment
11.417	Sea Grant Support
11.427	Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
11.501	Development and Promotion of Ports and Intermodal Transportation
11.509	Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRAITON

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

2. STATE ACTIONS AND PROGRAMS

The following is a generic list of State agency programs and activities, as identified by the NYS Department of State, which should be undertaken in a manner consistent with approved LWRPs. It should be noted that some of these programs and activities may not be relevant to the Town of Esopus Waterfront Revitalization Area.

Pursuant to Article 42 of the Executive Law, the Sectetary of State individually and separately notifies affected State agencies of those agency programs and activities which are to be undertaken in a manner consistent with approved LWRPs. The following list is informational only and does not represent or substitute for the notification required by Article 42.

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program.

2.00 Rural development programs.

3.00 Farm worker services programs.

4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and approval programs:

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

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

NEW YORK STATE BRIDGE AUTHORITY [regional agency]

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF 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 Certificate of Incorporation (Regents Charter)
2.02 Private Business School Registration
2.03 Private School License
2.04 Registered Manufacturer of Drugs and/or Devices
2.05 Registered Pharmacy Certificate
2.06 Registered Wholesaler of Drugs and/or Devices
2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

2.00 Classification of Waters Program; classification of land areas under the 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 Granted (for Use of State Maintained Flood Control Land)
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.

17.00 Floodplain Management Criteria for State Progects (6NYCCR part 502).

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 or 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 Commissions)

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

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

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

7.00 Permit and approval programs:

7.01 Floating Objects Permit
7.02 Marine Regatta Permit
7.03 Navigation Aide Permit
7.04 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 programs.

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.

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(Substances Abuse Services Program)

NEW YORK STATE THRUWAY AUTHORITY

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

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 Acquistion, 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 and other activities related to the management of land under the jurisdiction of the Corporation.

2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:

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

DIVISION OF YOUTH

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

B. FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

(1) Authorization of Dredging, etc: Will be important to maintain navigation on the Rondout Creek and specifically to develop the proposed boat launch on the Sleightsburg peninsula; Erosion Control Structures can be used to protect portions of the proposed park on the peninsula and to repair deteriorated bulkheads along the Creek.

b. General Services Administration

(1) Disposition of Federal Surplus Land and Structures: May be appropriate for the Esopus Meadows Lighthouse upon agreement as to restoration by an appropriate user.

c. Department of the Interior

(1) Outdoor Recreation-Acquisition, Development and Planning: Such assistance could be used to acquire and develop the proposed waterfront park on the Sleightsburg peninsula.

(2) Historic Preservation Grants-in-Aid: Could be used to restore historic properties including the Esopus Meadows Lighthouse.

d. Department of Transportation

(1) Coast Guard: Cooperation and assistance with regard to disposition of Esopus Meadows Lighthouse for appropriate reuse.

2. State Actions and Programs

a. Department of Agriculture and Markets

(1) Administration of the Agricultural Districts Program: Can be used to preserve open space in the low density riverfront areas.

b. Department of Environmental Conservation

(1) Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment: If issued in conformance with LWRP policies will help preserve the quality of the Hudson River and the Town's water supply.

(2) Mining Permit: Monitoring of activities at the Callanan Quarry and review of reclamation progress will help to ensure the eventual reclamation of this site in accord with LWRP policies.

c. Office of Parks, Recreation and Historic Preservation

(1) Land and Water Conservation Funds: Can be used to acquire and develop the proposed waterfront park.

(2) Nomination to State and Federal Register of Historic Places: Can designate appropriate structures and districts making them eligible for funding and tax incentives.

(3) Historic Preservation Funds: Can be used for restoration of the Lighthouse and other significant structures.

d. Department of State

(1) Funds for LWRP Implementation: Can be used for pre-construction activities for such projects as park acquisition and development, study of the feasibility of Lighthouse restoration and reuse and other public facilities.

e. Department of Transportation

(1) Design, Construction and Rehabilitation of State Highways: Can include improvements to Route 9W south of Port Ewen to create scenic overlooks, and preserve stone walls and maintain vistas.

SECTION VII

CONSULTATION WITH OTHER AFFECTED STATE, REGIONAL AND LOCAL AGENCIES

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

A. Local Consultation

Consultation has consisted of maintaining a close liaison with other Town agenices whose actions or functions may be affected by the LWRP. The chairman of both the Planning Board and Environmental Board serve on the Waterfront Advisory Committee and have kept their respective boards informed of progress. In addition, a meeting was held with each board to review the entire program. A presentation to the local historical society was also made.

The only other local government likely to be affected by the LWRP is the City of Kingston, on the north side of the Rondout Creek. Since the City is also preparing an LWRP, the Town's consultant met with the City Planner to exchange preliminary drafts and review possible conflicts. At this point no conflicts have been identified.

B. Regional Consultation

1. Ulster County Planning Board: A meeting was held with the staff of the Planning Board early in the program to inform them of the nature of the LWRP and to offer them the opportunity to comment on County concerns which the program might address. A number of suggestions were made and have been incorporated in the program. A copy of the first draft was referred to the staff and no potential conflicts with county programs were identified.

2. Heritage Task Force for the Hudson River Valley: The director of the Task Force was consulted with regard to the Esopus Meadows Lighthouse. The Task Force has been involved in an effort to preserve the four Mid-Hudson lighthouses and their advice and consultation was sought in this regard. They were able to share the experiences at the other three lighthouses and provide general support.

C. State Agency Consultation

1. Department of Environmental Conservation: Numerous contacts were made to gather data concerning flood hazard management, wetland designations and fish and wildlife resources.

2. Department of State: Consultation with the Department of State has taken place throughout the preparation of the LWRP. In addition to matters directly dealing with preparation of this program discussion has concerned methods of implementation and legal and programmatic concerns.

D. Federal Consultation

No direct federal consultations have taken place at this time.

SECTION VIII

LOCAL COMMITMENT

VIII LOCAL COMMITMENT

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

A. Waterfront Advisory Committee

The first action taken by the Town Board following approval of the LWRP planning grant was to invite interested citizens and members of local boards to participate in the program. The appointment of a Waterfront Advisory Committee was made from this group. The Committee includes former members of the Town Board, members of business, civic, planning and environmental groups, and residents of the waterfront area.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period the Committee met at least once a month. Subcommittees were formed to discuss policy, consider alternative approaches and recommend specific actions. The entire Committee has endorsed the program developed herein and recommended to the Town Board that it be adopted.

B. Public Meetings

The general public has been informed of the planning process through periodic releases and through participation in two public meetings. The first meeting was held at the start of the program to determine public concerns, to explain the purpose of the program and its potential benefits and to set forth the schedule and procedures to be followed. The second meeting was held at a point when the policies had been established and a program determined but when modifications were still possible based on public response. A final public hearing will be held prior to approval by the Town Board.

C. Town Board Briefings

The Supervisor and the Town Board have followed the activities of the Waterfront Advisory Committee and the preparation of the LWRP throughout the planning period. The supervisor is the local official responsible for the preparation of the program and has attended many Advisory Committee meetings as well as attending to various administrative funtions.

The Town Board received copies of preliminary reports and was provided with several briefing sessions at which it had an opportunity to express its concerns and discuss the rationale for various elements of the plan.

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