Town of Poughkeepsie
Local Waterfront Revitalization Program

Adopted:
Town of Poughkeepsie Town Board, January 20, 1999

Approved:
NYS Secretary of State Alexander F. Treadwell, April 2, 1999

Concurred:
U.S. Office of Ocean and Coastal Resource Management, June 10, 1999

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POUGHKEEPSIE AMENDING THE LOCAL WATERFRONT RIVITALIZATION PROGRAM

Dated: January 20, 1999

Offered By: Patrick Hinkley

Absent: M.Percesepe
M.Dunagan

Seconded By: Lorraine Tracey

Carried 5 0

WHEREAS, a Draft Local Waterfront Revitalization Program (LWRP) was prepared under the guidance of the Town of Poughkeepsie Waterfront Committee; and

WHEREAS, a Draft and Final Environmental Impact Statement (EIS) were 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 a statement of Findings and Conclusions on the FEIS was adopted on November 18, 1998;

WHEREAS, the LWRP was adopted by the Town Board on November 18, 1998; and

WHEREAS, said adopted LWRP was forwarded to the New York Secretary of State for approval in accord with the Waterfront and Coastal Resources Act; and

WHEREAS, the Secretary of State has recommended one revision to clarify certain provisions of the adopted LWRP; and

WHEREAS, said proposed revisions do not affect the Findings and Conclusions approved in accord with Part 617;

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

1. The Local Waterfront Revitalization Program for the Town of Poughkeepsie approved and adopted by the Town Board on November 18, 1998 is hereby amended by the deletions indicated below:

   a. Part III, Local Policies and Applicable State Policies, Policy 1, the fifth paragraph;

      " A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). In the past use of this land by the general public has been limited by the operational requirements of the Psychiatric Center, with public access limited to special events approved by the HRPC. Recently it has become clear that this parcel is surplus to the requirements of the Psychiatric Center, offering opportunities for improved public access. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and NY Route 9. The waterfront parcel should be developed as a public park, with water

dependent recreation facilities. Support facilities, such as car parking and trails should be provided on the upland portion. The size and character of the site between Route 9 and the railroad is such that additional public water enhanced uses may also be appropriate if developed in a manner that does not conflict with or impede access to water related recreation facilities. Prior to approval of any development plans for this entire area, a master development plan should be prepared which clearly delineates sites for specific uses and the layout and design if internal circulation patterns, parking to support waterfront uses and access routes to the waterfront. It should be noted that, in the recent past, proposals to close the entire HRPC facility have been put forth. If this were to happen, significant development opportunities would be vested which would have far-reaching affects on the coastal area and should only be undertaken in accord with this and other policies herein.

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

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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

April 12, 1999

Honorable Thomas Murphy
Supervisor
Town of Poughkeepsie
Town Hall
1 Overocker Road
Poughkeepsie, NY 12603

Dear Supervisor Murphy:

It is with great pleasure that I inform you that the Department of State has approved the Town of Poughkeepsie Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for advancing a comprehensive management program that promotes the balanced preservation, enhancement and utilization of the valuable resources of the coastal area.

I am notifying state agencies that your Local Waterfront Revitalization Program has been approved and that their activities must be undertaken in a manner consistent with the Poughkeepsie program to the maximum extent practicable.

I look forward to continuing to work with you as you revitalize and protect your waterfront.

Sincerely,

Sandy Treadwell

Alexander F. Treadwell

AFT:gdn

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

JUN 10 1994

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

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management (OCRM) concurs with your request to incorporate the Town of Poughkeepsie Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Change (RPC). We received comments from seven Federal agencies, none of which objected to incorporating the LWRP as a RPC. This approval assumes you will make no further changes to the document in addition to the ones submitted.

Pursuant to your RPC submission, OCRM has identified the following new or revised enforceable policies: (a)(1); (a)(2); (a)(5); (b)(1); (d)(1); (d)(2); (e)(1); (e)(2); (f)(1); (f)(2); (f)(3); (h)(1); (h)(2); (h)(3), (h)(4); (h)(5). Other changes to the state's enforceable policies based on the LWRP are essentially the same as those found in state law under 19 NYCRR, Part 600.5.

In accordance with the Federal Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the enforceable policies contained in the revised Town of Poughkeepsie LWRP after you publish notice of our approval.

Sincerely,

Jeffrey R. Benoit
Director

Printed on Recycled Paper

TOWN OF POUGHKEEPSIE

Town Board

Thomas R. Murphy, Supervisor
Michael Dunagan
Mary Percesepe
Lorraine Tracey
Anthony Bellamy
Patrick Hinkley *
Peter Fanelli

* Chairman, Waterfront Advisory Committee

Wilson Shook, Town Planner
Laura Parsons, Junior Planner

Shuster Associates
Planning Consultants
Stone Ridge, New York

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SECTION I

Waterfront Revitalization Boundary

SECTION I WATERFRONT REVITALIZATION BOUNDARY

A. BOUNDARY CRITERIA

The boundary of the coastal area is intended to include all land and features whose use may have a "direct and significant impact" on coastal waters because the shoreland area has one or more of the following characteristics:

- The area includes uses which have direct contact with, depend on or make use of coastal waters;
- The area includes natural features which are affected by or have an affect upon the coastal waters;
- The area has a direct functional, cultural or historic relationship with the waterfront; and
- The area has a direct aesthetic relationship with the waterfront in that it is clearly visible from or contains direct viewpoints of the coastal waters.

B. DESCRIPTION OF COASTAL BOUNDARY

The coastal area boundary is illustrated on Map No. 2.

The coastal area boundary is described as follows:

1. Inland Boundary

Beginning at the point on the northern boundary of the Town of Poughkeepsie which intersects the property line of the Hudson River Psychiatric Center (approximately 900 feet east of State Route 9);

Thence, following said property line south and east to its intersection with an abandoned rail spur;

Thence, south along the route of said abandoned rail spur to its intersection with North Road;

Thence, south along North Road to its intersection with the northern boundary of the City of Poughkeepsie;

Resuming, at the intersection of the southern boundary of the City of Poughkeepsie and State Route 9;

Thence, south along Route 9 to its intersection with IBM Road;

Thence west along IBM Road to Barnegat Road;

Thence, southwest along Barnegat Road to Sheraton Drive;

Thence, southwest and south along the rear lines of properties on the west or south sides of Sheraton Drive, Ricky Lane, Darlene Drive, Nassau Drive, Mocking Bird Lane, Masie Court and Southgate Drive to Camelot Road;

Thence, east on Camelot Road to a point 100 feet west of Casper Creek;

Thence, following a line 100 feet distant from Casper Creek to Route 9 and a line 100 feet distant from the opposite side of Casper Creek to Camelot Road;

Thence, east on Camelot Road to its intersection with Sheafe Road;

Thence, south along Sheafe Road to its first intersection with a power line right-of-way;

Thence, east along said power line right-of-way to a property line approximately 1,250 feet east of and parallel to Sheafe Road;

Thence, south along said property line and the rear property lines of properties on the east side of Strawberry Hill Road, Woodland Drive and Cottam Hill Road to Merrywood Road;

Thence, south along Merrywood Road to its intersection with Delavergne Road; and

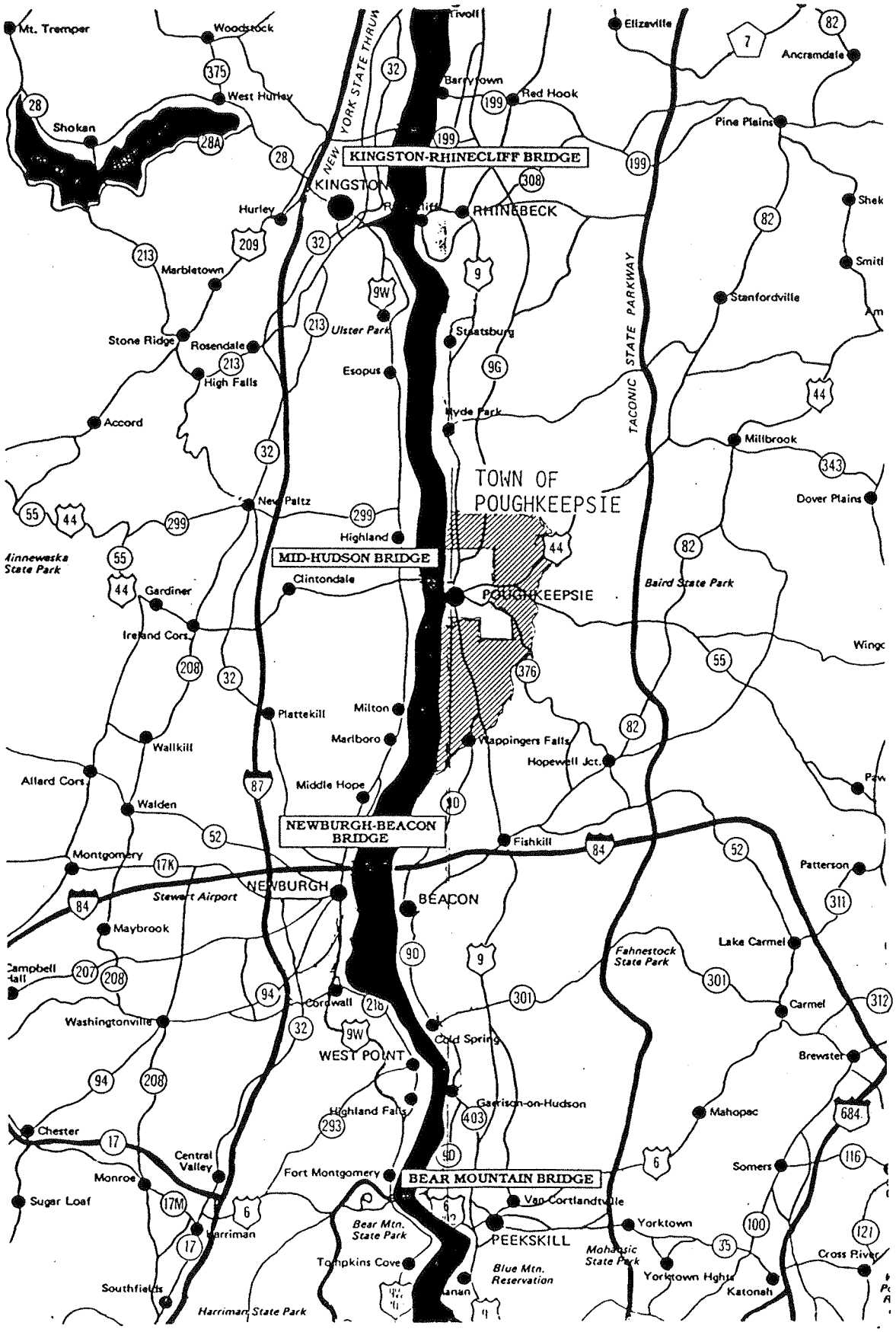
Thence, east along Delavergne Road to its intersection with the western boundary of the Village of Wappingers Falls.

2. Waterside Boundary

Beginning at the intersection of the northern boundary of the Town of Poughkeepsie and the western boundary of Dutchess County (approximately the center line of the Hudson River);

Thence, south along the western boundary of Dutchess County to its intersection with the northern boundary of the City of Poughkeepsie;

Thence, south along the western boundary of Dutchess County from its intersection with the southern boundary of the City of Poughkeepsie to its intersection with the southern boundary of the Town of Poughkeepsie.



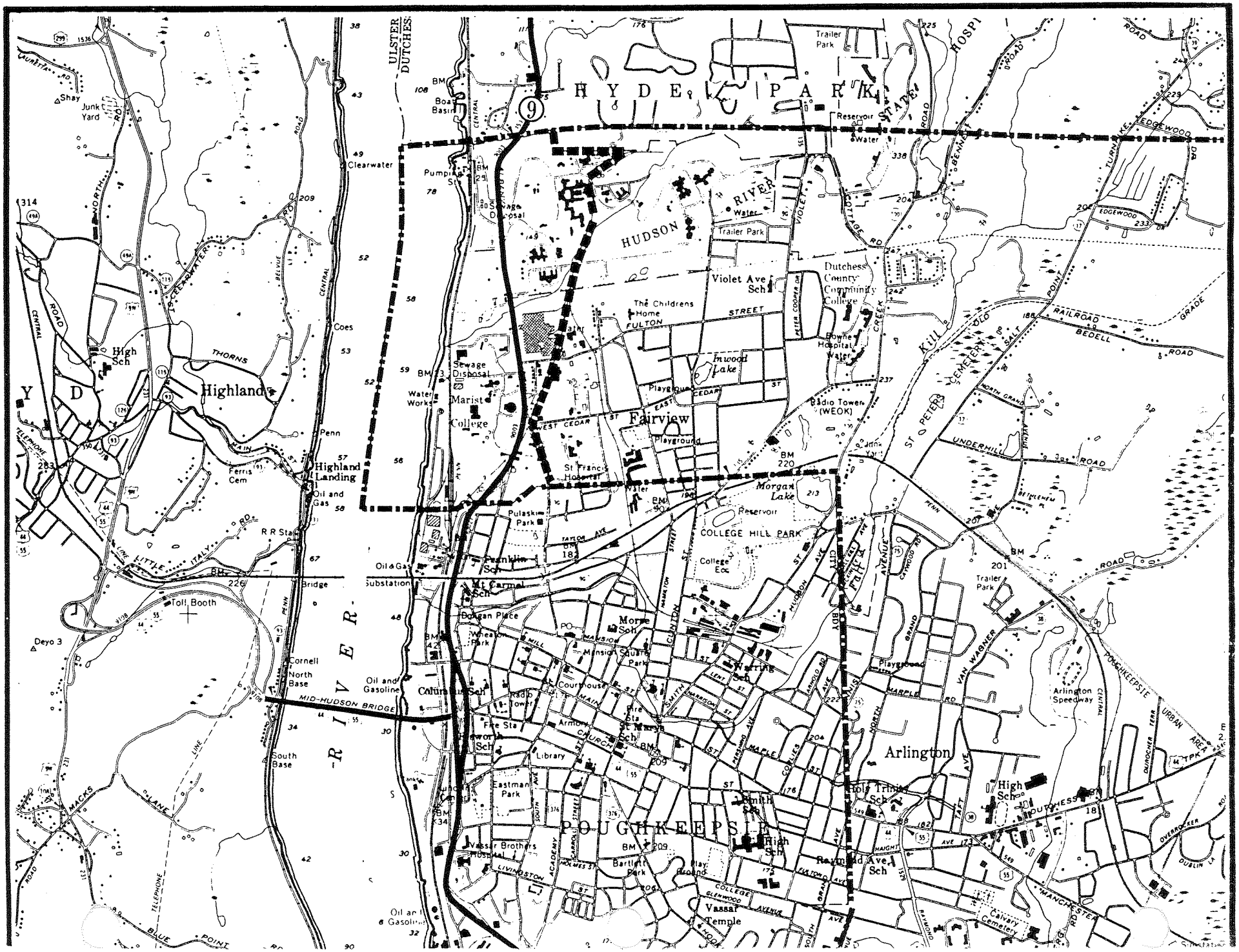
Local Waterfront Revitalization Program

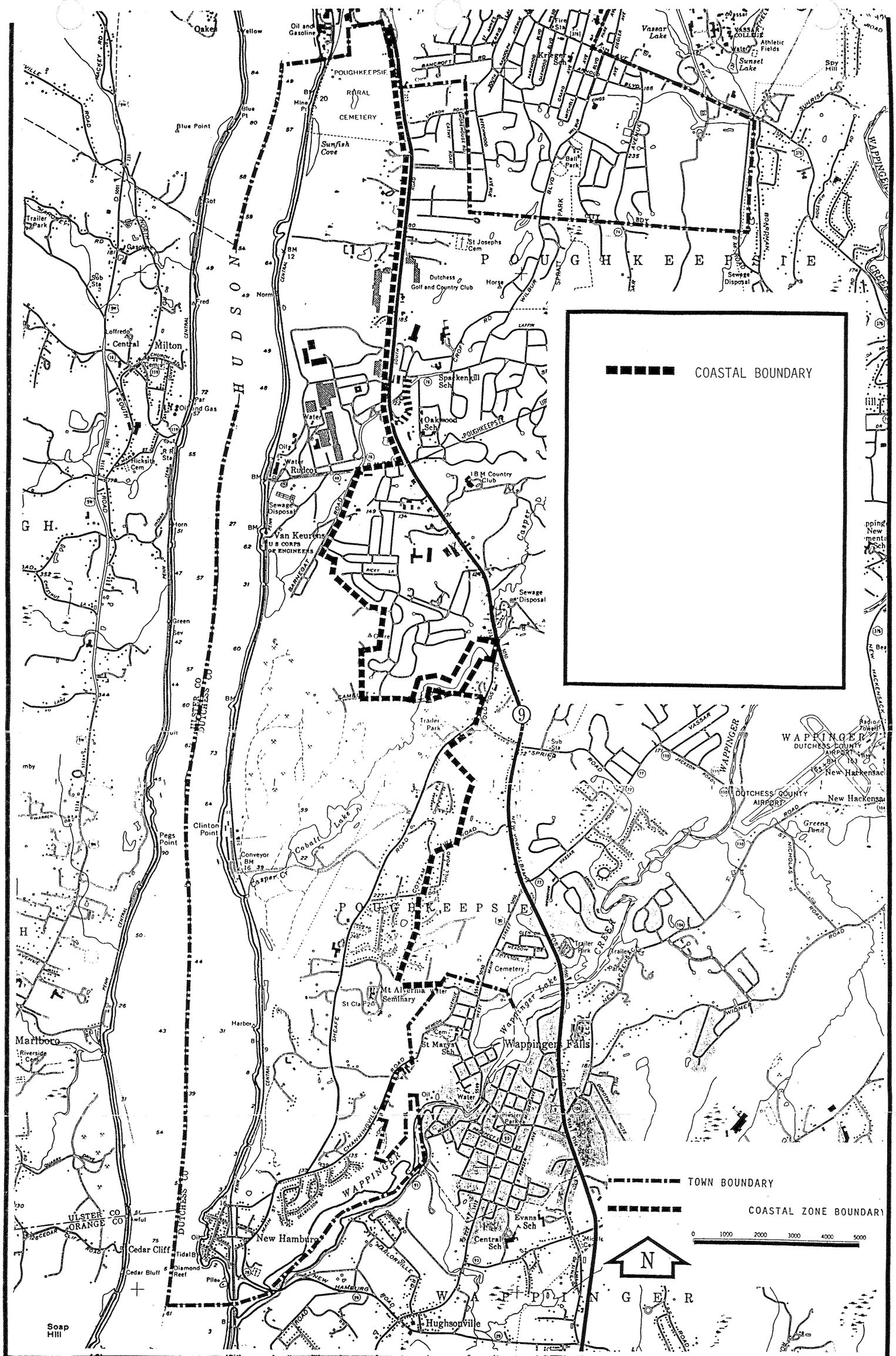
TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

REGIONAL SETTING

Map No. **1**


HYDE PARK
STATE HOSPI
ULSTER DUTCHESS
HUDSON RIVER
Trailer Park
Reservoir
Water
Boat Basin
Pumping Sta
Sewage Disposal
Clearwater
Junk Yard
Shay
Coes
Penn
Highland Landing
Oil and Gas
R R Sta
Ferris Cem
Highlands
High Sch
THORNS
LITTLE ITALY
Toll Booth
Deyo 3
Cornell North Base
South Base
MID-HUDSON BRIDGE
Bridge
Substation
Oil and Gasoline
Water Works
Marist College
Fairview
Playground
Violet Ave Sch
The Childrens Home
FULTON
Dutchess County Community College
Bowne Hospital
Inwood Lake
Radio Tower (WEOK)
St Francis Hospital
Pulaski Park
Morgan Lake
COLLEGE HILL PARK
College Eco
Franklin Sch
Mt Carmel Sch
Bogan Place
Wheaton Park
Morse Sch
Mansion Square Park
Courthouse
Warring Sch
Columbus Sch
Radio Tower
Fire Sta
Armory
St Mary's Sch
Library
Eastman Park
Vassar Brothers Hospital
Bartlett Park
Play Ground
POUGHKEEPSIE
High Sch
Holy Trinity Sch
Raymond Ave Sch
Vassar Temple
Calvary Cemetery
Arlington
Arlington Speedway
Trailer Park
UNDERHILL ROAD
RAILROAD GRADE
BEDELL ROAD
EDGEWOOD DR
TURNPIKE
POUGHKEEPSIE URBAN AREA
WANGHSTEA RD
BLUE POINT RD
MACKS LANE
TELEPHONE LINE
CENTRAL ROAD
NORTH ROAD
BELVUE
CLEARWATER
MAIN ST
PENN
CENTRAL
VIOLET
COTTAGE RD
BENNETT ROAD
SALT POINT
OLD
KILL
ST PETERS CEMETERY
NORTH GRAND AVENUE
BETHLEHEM
VAN WAGNER
MAPLE RD
OVEROCKER
DUNCHER TERR
DUBLIN LA
CANWOOD RD
HAIGHT
FULTON AVE
COLLEGE AVENUE
GLENWOOD
LIVINGSTON
ACADEMY
SOUTH
CHURCH
MILL
MANSION
CLINTON
SMITH
LENT
MARBLE
COLLEGE
HUDSON
CITY
BOND
ARNOLD AVE
GRAND
NORTH
RAYMOND
WEST CEDAR ST
EAST CEDAR ST
TAYLOR AVE
ALFRED COOPER DR
CREEK



Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

COASTAL ZONE BOUNDARY

Map No. **2**

SECTION II

INVENTORY AND ANALYSIS

SECTION II INVENTORY AND ANALYSIS

A. OVERVIEW

The Town of Poughkeepsie has a coastal area that is characterized by a diversity of largely urban land uses while retaining many significant natural and cultural resources. With approximately two miles of frontage on Wappinger Creek and 8.5 miles on the Hudson River, the Town occupies an important position in the Mid-Hudson Valley's economy. The proposed coastal boundary ranges from 700 to 7,000 feet inland from the water's edge.

The railroad and topography have both played a part in the development of the Town's waterfront -- effectively limiting access. A mix of residential, commercial and industrial uses occupy the coastal area; some of these uses are water-dependent. Several businesses and institutions including the Hudson River Psychiatric Center, Marist College, Poughkeepsie Rural Cemetery, IBM and New York Trap Rock quarry occupy large sites which further limit both physical and visual access to the Hudson River.

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 major issues and opportunities that this Local Water 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 of the coastal area. Base maps were prepared to illustrate the data and photographs taken to record selected images. The results of this inventory and analysis process are presented below and illustrated on the accompanying maps.

1. Existing Land and Water Uses

a. Land Use Patterns

Land use in the coastal area is dominated by large users, two of which - IBM and Tilcon, New York (Trap Rock) - occupy over 3.5 miles, more than 40% of the Town's Hudson River shoreline. Another 2.2 miles of shoreline are occupied by four public or institutional uses.* The only exception to this pattern is the hamlet of New Hamburg at the extreme southerly end of Town. This small enclave includes a mixture of small residential and commercial uses in the only settlement located on the "water side" of the railroad.

At one time, IBM had proposed a possible future development of it's "North 100" site. The characteristics of this development were reviewed by the Town of Poughkeepsie Planning Board in 1986 in the course of its approval

* Hudson River Psychiatric Center, Poughkeepsie Rural Cemetery, Locust Grove and Bowdoin Park

of IBM's FGEIS. Thorough consideration was given to visual impacts of the proposed structures among others.

As part of a major adjustment in corporate plans, IBM has since abandoned its plans for the North 100. In the past few years, plans for a major paper recycling facility were put forth for this site although not yet submitted for final Town approval. Furthermore, in order to spur economic development, the North 100 site and the main building spine of the IBM campus were included in the Town of Poughkeepsie's Economic Development Zone (EDZ) created under New York State's Economic Development Zone program. This designation offers a variety of incentives, including real estate assessment exemptions and tax credits, to eligible development projects.

The designated coastal area also includes a variety of residential and commercial uses that do not have water frontage, views or other relationship to the River.

b. Water-Dependent Uses

A variety of fully or partially water dependent uses are situated along the Hudson River. The largest such use is the Trap Rock Quarry which has been in operation for more than 100 years. It is expected to continue operations as a major producer of crushed stone for the Mid-Hudson and New York metropolitan area for 30 to 100 years into the future. The Quarry has major loading facilities for shipment of raw materials. The site's excellent docking facilities are an important economic asset to the area, and the maintenance of these facilities is important to preserve the option of water-borne shipping for industrial and commercial businesses in the Town and nearby communities.

Other industrial type uses which utilize water transportation are the oil storage facility in New Hamburg, the IBM plant which formerly received fuel oil by barge, and the lumber yard just north of the City of Poughkeepsie which has a deep water dock (although it apparently has not been used in recent years).

A variety of private recreation facilities also depend on a waterfront location. These include a marina and yacht club in New Hamburg, the Pirate Canoe Club just north of IBM, crew facilities at Marist College and Vassar College and boating facilities at the Hudson River Psychiatric Center.

Finally, most of the Town depends on the Hudson River for its water supply, via the City of Poughkeepsie treatment plant. Also, the river receives the treated effluent from two existing sewage treatment plants; a third is under construction. IBM draws water from the river for use in its cooling systems.

c. Underutilized Sites

Utilization of most waterfront sites in the Poughkeepsie coastal area is determined by the level of access and physical constraints. Only two significant sites are underutilized in terms of these parameters. These are the dock at the Dutton Lumber Company just north of the City line and the land belonging to the Hudson River Psychiatric Center located west of State Route 9.

Access to the Dutton Lumber site, half of which is in the City, is circuitous via several narrow industrial streets in the City. The site is still actively used for lumber storage and distribution. Use of the site for other purposes, while possible, would require major street improvement if such use generated very much traffic.

A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). Use of this land by the general public is limited to special events approved by the HRPC. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and Route 9. Now that the state is looking to dispose of the site, the property has a significant development potential. The adaptive reuse of the underutilized portions of the HRPC is an important issue to the Town and the success of the LWRP. In order to best determine future use of the property, the Town should undertake a detailed study of the development options for this site and the means to preserve the waterfront for public use.

d. Recreation and Public Access

There is virtually no physical access for the general public to the water's edge in the Town's ten mile coastal area. The only exceptions are the ends of several local streets in New Hamburg which "dead end" at the river. Although Dutchess County's Bowdoin Park includes a mile of riverfront, there is no access across the railroad tracks to the water. Access for private recreational use is provided at the several boating clubs and marinas. These facilities are on very small sites with virtually no room for expansion. Underpasses lead to waterfront recreation facilities at the state-owned Hudson River Psychiatric Center and to adjacent parcels owned by Marist College, and the Poughkeepsie Water plant. Overpasses lead to a privately owned parcel at the end of Sand Dock Road and to a parcel owned by Vassar College south of the Marist parcel.

Bowdoin Park provides a variety of non-water related recreation facilities on an attractive 336 acre site with various views of the river. Long range plans for the park include a bridge over the railroad and docking and mooring facilities. A trail system exists on the Young-Morse Estate property.

Wappingers Creek at the hamlet of New Hamburg was one of the few locations where the boating public had the opportunity to reach the river

prior to permanent closing of the draw bridge. When the bridge was operable, the Creek was a popular waterway for recreational boating activities, because it provided depths of seven feet for most of the way upstream to the Village of Wappingers Falls. With the bridge closed, however, the navigational channel cannot be used for boating access to the Hudson River and points beyond.

Fishing in the coastal area has been limited by access constraints as well as by restrictions on consumption recommended by the New York State Department of Health.

2. Geology and Topography.

a. Physiographic Setting and Topography.

The Town of Poughkeepsie's coastal management area is situated within the "Slate Hills" subarea of the Hudson Lowlands, which in turn, are a continuation of the Appalachian Ridge and Valley Physiographic Province. The Slate Hills are generally low, rounded hills that follow the underlying bedrock structure lineations in a north-northeasterly direction. This structure also is reflected in the alignments of several tributary streams of the Hudson River, including the Wappinger and Casper Creeks, and the small stream that drains the IBM complex. The lowermost section of the Wappingers Creek includes a gorge and rapids, as the creek reaches sea level at its confluence with the Hudson.

In general, the land rises sharply from the gorge of the Hudson to several bluffs and terraces at elevations of 100 and 200 feet above sea level, generally underlain by shale and graywacke that exhibits a slight degree of metamorphism into slate. Rising from the terrace elevations are short, linear ridges along side the gorges of the Casper and Wappinger creeks, following the bedrock structure and attaining a height of between 250 and 300 feet above sea level. Many of these higher elevations are underlain by limestones, marbles and related rocks found in the "carbonate sequence" described below.

Steep slopes within the Town's coastal area are confined to locations along the gorges of the Hudson River and its major tributaries such as the Wappinger Creek. Steep slopes are also encountered at the edge of the Trap Rock quarry.

b. Bedrock Geology.

Much of the bedrock underlying the Town of Poughkeepsie coastal area consists of mid-Ordovician age continental margin-basin shales, with emplaced thrust sheets of early to mid Ordovician continental slope and rise deposits, and of Cambrian and early Ordovician aged continental shelf carbonate rocks. The Town is effectively divided into three litho-tectonic domains due to the location and extent of these thrust sheets.

The terraces abutting the east side of the Hudson River south of the City are primarily underlain by the dark grey shales of the Snake Hill formation. These folded and deformed rocks are not extensively exposed outside of the Hudson River gorge walls and at the Trap Rock quarry. The area near the Poughkeepsie Rural Cemetery and the Town's waterfront north of the City are believed to be underlain by shales, graywackes, argillites and chertbeds of the Normanskill Group, and specifically the Austin Glen and Mount Merino formations. The Austin Glen shales and graywackes are generally similar in appearance and weathering to the Snake Hill shales, although the deformation of the Austin Glen is more pronounced, with noticeable slaty cleavage in the shale beds and evidence of low-grade pressure metamorphism.

Two thrust slices of Wappinger Group carbonates occur just on the northwest side of, and parallel to, the Casper and Wappinger creeks, and underlie the ridges in this area. The Wappinger carbonates include pure limestones and pure dolostones, and consist of the following mapped units, in order of increasing age: the Copake and Rochdale limestones, the Halcyon Lake calc- ("limy") dolostone, the Briarcliff, Stissing and Pine Plains dolostones and the Stockbridge limestone. While the carbonates of the Wappinger group, particularly the limestone members, can easily weather, the dolomite beds are more-erosion resistant, a quality that has been somewhat enhanced by the structural deformation (folding and faulting) of these rocks. "Internal erosion" (solution weathering) is a concern with the pure limestone beds. This feature can enhance the aquifer potential of such beds, but can also be easily prone to contamination, particularly if surface soils are thin or absent, and thus unable to buffer liquid contaminants.

c. Surficial geology.

Much of the surface materials, including soils of the Town's coastal area are attributable to glaciation. Glacial till is the predominant surface material, with outwash sand and gravel concentrated along the Wappinger Creek. Sand and gravel deposits near the Marist College campus and in the commercial-industrial strip between IBM and the Poughkeepsie Rural Cemetery are found on elevated terraces and represent delta deposits at the edge of a glacial lake that existed where the Hudson River is now. Glaciolacustrine silts and clays are found at the lowermost reaches of the Casper Creek. Aside from the trap rock quarry, bedrock exposures predominate along the bluffs of the Hudson River at three general locations: New Hamburg; just north of the City boundary, and between the IBM plant and the Poughkeepsie Rural Cemetery.

3. Soils

The soils of the Town's coastal area are described in detail in the Dutchess County Soil Survey, dated 1991 (U.S. Department of Agriculture, Soil Conservation Service). See Table 1. This area of Town is covered with a mantle of soils derived from glacial deposits and in some places have been modified by urbanized

development and disturbance. Most of the soils present are of three major types, based upon the "parent" material from which they developed: (1) Glacial till- - an unsorted mixture of material ranging in size from silt and clay particles through large cobbles and rock fragment; (2) stratified drift- -well-sorted sand and gravels deposited by fast-moving glacial meltwaters; and (3) soils that are indicative of alterations to the landscape by urbanization. Minor amounts of soils within the coastal area are derived from glacio-lacustrine (lake) deposits, floodplain sediments and decomposed organic matter.

Some of the most frequently encountered soils in the study area are those that have developed on glacial till, often in association with the underlying bedrock. Specifically these are the soil complexes formed by combinations of the Cardigan, Dutchess and/or Nassau series. These soils have hilly, irregular slopes formed on bedrock-controlled landscapes. Bedrock is quite close to surface in the shallow Nassau series (depth of 20 inches or less), which is in some location is mapped as part of a complex with "rock outcrop." The Cardigan soils are moderately deep (20 to 40 inches); their composition and that of the Nassau series reflects the underlying folded shale bedrock. The Dutchess soils are deep, have no fragipan ("hardpan") at depth and can contain a high proportion of shale and slate bedrock fragments. Deep till-derived soils (bedrock depth of 60 inches or greater) are represented by the Bernardston, Massena and Pittstown series. The Bernardston and Bernardston-urban land complex occurs along the ridge that extends northeast from New Hamburg, parallel to the Casper Creek. The Massena and Pittstown soils are concentrated in a small area situate south of the quarry, adjacent to the Hudson River. The Bernardston and Pittstown series have a fragipan that can inhibit permeability, resulting in a "perched" seasonally high water table.

Areas in the Town near the Hudson River Psychiatric Center, and the commercial and industrial strip between IBM and the Poughkeepsie Rural Cemetery, along with the terraced hillsides adjacent to the Casper Creek, are underlain by soils derived from glacial outwash and glaciolacustrine delta deposits, as exemplified by the sandy loams of the Hoosic and Knickerbocker series. These soils are deep, well-drained and suitable for urban development.

Urban growth has resulted in the extensive modification and alteration of pre-existing soils and surficial deposits, particularly near Marist College and the commercial strip north of the IBM plant. In these areas, "cut and fill" material, specifically known as "udorthents," predominates, interspersed with the impervious surfaces that are mapped as "urban land." Udorthents are representative of an amalgam of soil material found both *in situ* and that which is brought in from elsewhere. The texture, grain size, percolation and permeability of udorthents is highly variable. Because of their association with disturbed and leveled sites, udorthents usually have little to no slopes of any significance. Urban lands consist of hard pavements (concrete, asphalt) and building surfaces (such as roofing materials) which rapidly convey rainwater runoff onto more permeable areas or into drainageways.

Several areas of the Town have been mapped to show the underlying soil type as one of several complexes formed from urban land in combination with the Dutchess and Cardigan complexes, the Hoosic series or the Knickerbocker series.

Small areas along stream channels and the Hudson River shoreline are mapped as "wetland" soils (Hydraquents and Medisaprists). These "soils" are frequently "ponded" (inundated with water) for lengthy periods of time during the year. Alluvial (or floodplain) deposits (Fluvaquents-Udifluvents complex) located in some creek channels upstream from the Hudson River. Both the "alluvial" and "wetland" soils are subject to frequent flooding. Two soil types of limited areal extent, the Canandaigua and Raynham silt loams, are derived from fine sediments deposited in a lake environment during deglaciation. Soil cover is absent at the trap rock quarry.

Several types of soils, particularly the Bernardston series and the Dutchess-Cardigan complexes, along with udorthents and urban land, have a moderate to high susceptibility to erosion, with "K" factors set forth in the soil survey guide between 0.24 and 0.37. Three soil units that encompass only a small amount of the Town's coastal area, the Canandaigua, Raynham and Wayland silt loams, have a high susceptibility to erosion, with K factors ranging between 0.37 and 0.64. The Wayland unit occurs along an unnamed Hudson River tributary stream that drains the Hudson River Psychiatric Center lands, in a small location just east of US Route 9, at an elevation of roughly 100 above sea level. The Raynham soils occur in a similar, following an intermittent stream along Channingville Road, just east of New Hamburg. The Canandaigua units are limited to small level areas within the hills along Sheafe and Cottam Hill roads. It should be noted that all soils have a potential to produce significant erosion if they are disturbed in an improper manner, particularly on sloping sites where vegetation is removed and not immediately restored. The soils which have a moderate to high erosion potentials, based on the "K" factor values, are illustrated on Map 5.

The Canandaigua, and Wayland silt loams are classified as "hydric," along with the Fluvaquents and Hydraquents. A "hydric" classification indicates that the area mapped with any of these four soil types may be a "federally-regulated" wetland under the jurisdiction of the Army Corps of Engineers. The Haven soils, and the low sloping variants of the Bernardston and Copake soils are "prime" agricultural soils. Many of the characteristics that render these soils as well-suited for agricultural use also make them ideal for urban development. The utilization of these soils for development is not a significant concern as there is essentially no active agricultural land within the Town's coastal area where these "prime" soils have been mapped.

4. Significant Habitats and Wetlands

a. Significant Habitats

Significant Coastal Fish and Wildlife Habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the

significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. See Appendix A.

Two sites have been designated as Significant Coastal Fish and Wildlife Habitats by the New York State Department of State within the Town of Poughkeepsie:

(1) The Poughkeepsie Deepwater Habitat encompasses a fourteen-mile reach of the Hudson River from Hyde Park to the vicinity of the northern end of Bowdoin Park. The habitat consists of a nearly continuous river bottom trench, from 30 feet to the bottom. Most of the area has water depths of 50 feet or greater.

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. Winter habitat for shortnose sturgeons, an endangered species, is provided in the deepwater habitat and an unusual diversity of marine species is found there. Shortnose sturgeon use the Habitat as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this area at depths of 45 to 120 feet. Although habitat requirements of the shortnose sturgeon in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area including bay anchovies, silversides, bluefish, weakfish, and hogchokers. The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. Commercial and recreational use of these species is not known to be significant.

(2) Wappinger Creek is located on the east side of the Hudson River, on the boundary between the Towns of Poughkeepsie and Wappinger, Dutchess County (7.5' Quadrangle: Wappinger Falls, N.Y.). The fish and wildlife habitat is an approximate two mile segment of this freshwater tributary, extending from its mouth on the Hudson River to the first dam upstream, located in the Village of Wappingers Falls. Wappinger Creek is a relatively large, perennial, warm water stream, with a drainage area of over 180 square miles, and an average annual discharge volume in excess of 250 cubic feet per second. The first quarter mile of stream below the dam flows through a steep, rocky, rapids, situated in a wooded ravine. Below this stretch, the creek is within the tidal range of the Hudson River, and contains mudflats, sandbars, aquatic beds, emergent marsh, and rocky shore communities. At least part of this segment appears to have been dredged or channelized in the past, to accommodate navigation to commercial and industrial developments along the creek in Wappingers Falls. Despite this disturbance, much of land bordering Wappinger Creek remains in a relatively natural condition,

dominated by steep wooded slopes. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, discharges of stormwater runoff, low density residential development, small-scale dredging operations, and upstream water uses.

Wappinger Creek is one of about five major tributaries emptying into the lower portion of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, the diversity of habitats, and the lack of significant human disturbance in upper portions of the creek, provide favorable habitat conditions for many fish and wildlife species. Past disturbances, including dredging and invasion by water chestnut (still abundant), may have reduced habitat quality in the area. However, several rare plant species, including grassleaf arrowhead, subulate arrowhead, kidneyleaf mud-plaintain, and Maryland but-marigold are known to occur in the estuarine portion of Wappinger Creek.

Wappinger Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the lower creek channel and the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warm water fish community also occurs in Wappinger Creek throughout the year. Resident species include largemouth bass, bluegill, pumpkinseed, red-breasted sunfish, and brown bullhead. The abundant fisheries resources of the Wappinger Creek provide significant opportunities for recreational fishing by Dutchess County residents, especially for black bass. Although no developed public access facilities exist in the area, many anglers gain access from a privately-owned informal boat ramp on the south shore of the creek mouth area.

In addition to its importance as a fisheries resource, Wappinger Creek provides feeding habitats for various wildlife species. Herons, waterfowl, furbearers, and turtles may be found in the area at almost any time of year. However, no unusual concentrations of any species have been documented there. Freshwater inflows from Wappinger Creek are also important for maintaining water quality in Hudson River fish and wildlife habitats.

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" (Sec. 24-0103, Environmental Conservation Law). Accordingly, DEC has identified and mapped all freshwater wetlands that

are larger than 12.4 acres in accord with ECL Article 24. Protected streams are those streams which are navigable and/or classified by the DEC as C(T) or above in accord with the ECL Article 15. Any development of protected wetlands require a "wetlands" or a "stream protection" permit from DEC. Based on their evaluation of the permit application, DEC may limit development, require mitigative measures or prevent development.

One wetland regulated by the State is located within the study area and is shown on Map 4. Wetland PK-19 (the letter portion of the designation represents the USGS quadrangle map on which the wetland is located) is located immediately west of Barnegat Road and north of the Trap Quarry on the Hudson River. (It is approximately 18 acres in size).

Unlike the State defined and regulated freshwater wetlands, federally defined and regulated wetlands include certain hydric soils and wetlands smaller than 12.5 acres in size pursuant to the Federal Clean Water Act. In these areas, the federal government regulates activities where there is no State freshwater wetlands regulation. Activities regulated or undertaken by the federal government in these areas require a State Water Quality Certification from NYSDEC. However, unlike the State, the federal government does not regulate activities in upland areas adjacent to wetlands. Depending upon the circumstances, such as in dry upland areas up to 100 feet adjacent to freshwater wetlands along the Hudson River, or other wetland areas, the State regulates and provides a higher level of protection to freshwater wetlands and their functions and values than does the federal government.

It should be noted that when an activity is proposed to be undertaken by the federal agency, or when a proposed activity requires federal authorization or funding, the activity must be consistent with the policies and purposes of the State Coastal Management Program or an approved LWRP. As a result, the regulatory and other decision-making standards that apply to a proposal are not limited to discrete wetlands and water quality standards, but are expanded to include all decision-making standards contained in the LWRP. This federal and State consistency requirement, combined with the federal Clean Water Act, State and local wetlands and water quality standards, including State water quality certifications pursuant to the Clean Water Act, and the land and water use plan and the policies and all of the purposes of an LWRP, provide much greater protection of wetlands than existing Clean Water Act standards.

5. Hydrology and Water Quality

a. Drainage

The study area lies entirely within the Hudson River drainage basin. Wappinger Creek is the only other major stream in the study area and it forms the southern boundary of this study area. Rising in the rock crags of Stissing Mountain, near the center of Dutchess County's northern border,

Wappinger Creek flows southwesterly down and across smooth meadowlands to enter the Hudson River. Significant portions of the Creek flow through populated areas of Dutchess County including the Town of Poughkeepsie and the Village of Wappinger Falls. Wappinger Creek lies entirely within Dutchess County and drains approximately one-quarter of the County's land area.

Casper Kill Creek is a small stream that flows through a portion of the study area. It originates in the northern part of the Town of Poughkeepsie, north of Bedell Road and flows southwesterly to the Hudson River. Portions of this creek form the Town boundary with the City of Poughkeepsie. Spring Brook is a small tributary that flows through the IBM property in a southwesterly direction. A small unnamed tributary to the Hudson River originates on the grounds of the Hudson River Psychiatric Center and flows south-westerly for a distance of approximately 1.4 miles before crossing under the Conrail tracks.

b. Flood Protection

Local history indicates that flooding has occurred during times of severe weather disturbances such as the two hurricanes in 1955. Most of the problems associated with those events, as well as smaller events such as northeasters which also bring heavy rains, have occurred outside of the study area.

A 1978 Flood Insurance Study by the Federal Insurance Administration designated flood hazard areas ("100 year floods"). Included are areas along the Hudson River, Casper Creek and Wappinger Creek. Due to the steepness of adjacent lands, these areas are very narrow strips and, except for a few properties at the water's edge in New Hamburg, do not include residential development. Floodways, in which severe development constraints are imposed, are designated along the two Creeks. However, these are extremely narrow and involve lands which have virtually no development potential. There are few instances where bulkheads are used for flood or erosion control and no known problems with such structures.

c. Surface Waters

The Hudson River water is monitored by the State DEC at the Poughkeepsie Water Plant for a number of conventional and toxic pollutants.

The quality of the waters of the Hudson River has improved drastically over the past several years due largely to improvements at upstream sewage treatment plants. Standard parameters such as coliform, fecal coliform, ph and dissolved oxygen have been monitored since the 1960s while monitoring of toxic substances has been carried on more recently. In 1982 and 1983, the following substances were detected:

Parameter	Analytical Results
1,1,1 - Trichloroethane	1 ug/l
Cadmium	7 ug/l
Copper	0.05 mg/l
Nickel	0.05 mg/l
Silver	0.02 to 0.03 mg/l
Trichloroethylene	2 ug/l
Chloroform	11 ug/l
Selenium	6 to 8 ug/l

During testing in 1984, all parameters were less than their detection levels.

The Hudson River is rated Class A meaning that the water is suitable for drinking, culinary or food processing purposes and any other uses. For drinking water, it must be adequately treated to State Department of Health standards. Wappinger Creek is rated Class C(T) meaning that it is suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes and primary contact recreation. The (T) designation means that Wappinger Creek is a protected stream because of its trout habitat.

Casper Kill Creek is rated Class C from the Hudson River to Cobalt Lake.

Cobalt Lake is rated Class B meaning that the water is suitable for primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes. The remainder of Casper Kill Creek is rated D within the study area meaning that its best use is for secondary contact recreation, but due to natural conditions, it will not support the propagation of fish.

d. Sewage Disposal

Most of the coastal area is served by public sewage disposal systems. The area north of the city is served by the City of Poughkeepsie Treatment Plant and the area south to Bowdoin Park by the Arlington Sewer District. The Tri-Municipal Sewer Wastewater Plant, located off Sheafe Road at the north end of Bowdoin Park, went on line on April 1987. The plant serves the existing sewered portions of the First Ward Sewer District and the Village of Wappingers Falls, increasing capacity in these districts. Current proposals for the expansion of the Tri-Municipal Wastewater Treatment Plant and

Service Area will allow increased flows of wastewater from the Town of Wappinger to be treated at the Plant. The Town of Poughkeepsie has under consideration proposals which would provide central wastewater services to an 11.1 square mile area of the eastern portion of the Town of Poughkeepsie, based around the Wappinger Creek drainage basin. Included in this area is most of the coastal area that is not currently served by central sewers, notably the hamlet of New Hamburg, which in the past has proved uneconomical to connect to an existing system

e. Water Supply

The entire coastal area is served by a central public water supply system drawing primarily from the Hudson River at the City of Poughkeepsie plant in the northern part of the Town. Recent reactivation of the Chelsea pump station by New York City and proposals to expand its capacity or develop other diversions of Hudson River water could cause a northward movement of the salt front which would threaten the quality of river water as a water supply.

6. Waste Disposal

a. Solid Waste

All solid waste disposal in the coastal area is accommodated by a new, county-wide resource recovery plant under construction in the Town of Poughkeepsie just south of the IBM plant. Steam generated by the resource recovery plant will be sold to IBM.

b. Toxic Waste

Two sites in the study area are listed by the New York State Department of Environmental Conservation (DEC) in the State's Registry of Inactive Hazardous Waste Sites. The old landfill near Building 028, on the Main IBM plant campus, and Building 952/982 on Neptune Road, were listed because of past seepage of Industrial solvents into the ground threatening nearby groundwater supplies.

IBM initiated remediation measures, including monitoring and testing wells. Contaminated soils were removed from both sites in the early 1980's. Some residual contamination of groundwater on the site remains, however. Due to this groundwater contamination and associated studies and monitoring programs, the sites are still included in the DEC registry.

7. Air Quality

The New York State Department of Environmental Conservation follows the federal Environmental Protection Energy (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 contributions are less than standard are considered in attainment.

The Town of Poughkeepsie is currently classified as an attainment area for criteria pollutants. When considering the siting of a new facility or modifications 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. Air quality testing equipment is maintained in the City of Poughkeepsie near the Columbus School.

8. Cultural Resources

The Town of Poughkeepsie, particularly the shoreline areas of the Hudson River and Wappinger Creek, is rich in archeological and historic resources. Unfortunately, the coastal area in the Town has only partially been inventoried. The following is a description of information that currently exists on cultural resources in the study area.

a. Archaeological

A review of the statewide inventory of archaeological sites indicates a number of archaeologically sensitive sites in the coastal area. These are primarily in the southern part of Town extending between IBM and the hamlet of New Hamburg.

b. Historic

Areas of the Town of Poughkeepsie that have been surveyed within the coastal area include the Hamlet of New Hamburg, the area located between Poughkeepsie Rural Cemetery and the shopping center including the Morse estate and others, and the Hudson River Psychiatric Center. The Route 9 corridor has been surveyed and evaluated as part of the Department of Transportation's highway improvement project. The remainder of the study area has not been systematically surveyed for historic resources.

A number of properties in the study area are currently listed on the State and National Registers of Historic Places. Locust Grove, the Samuel F.B. Morse Estate, is currently listed and several nearby properties appear eligible for State and National Register listing. These include Maple Grove, a former estate at 301 South Road and the central part of the Hudson River Psychiatric Center campus (excluding all buildings west of Route 9). The South Road area includes the estate area in the vicinity of Locust Grove on the west side of South Road from Hudson Plaza north to and including the Poughkeepsie Rural Cemetery, and the Kinkaid property east of South Road north of Bancroft Road.

Eight properties were found eligible for State and National Register listing in the Hamlet of New Hamburg. All have been approved by the State Review Board and are now listed in the National Register. (See Map 4A).

Also on the National Register are the main building at the Hudson River Psychiatric Center and three buildings at Marist College from the former Rosenlund Estate. The Cornell Boathouse on the Marist waterfront may also be eligible for listing.

9. Transportation

a. Highway System

Transportation in the coastal area is largely by private automobile, although public transportation resources do exist. The major traffic artery is US Route 9 which parallels the Hudson River and forms the eastern boundary for most of the study area. Route 9 is the primary north-south artery on the east bank of the Hudson and carries significant amounts of local, regional and intra-regional traffic. Designated for street address purposes within the Town as "North" or "South" Road (relative to the City of Poughkeepsie), Route 9 follows the historic Albany Post Road corridor between New York City and Rensselaer.

The Town was the nucleus of the developing state highway system in Dutchess County after the turn of the century, with South Road improved between the Casper Creek and the city boundary by 1906. The County was responsible for overseeing the work on this section as well as on a portion of Delafield Street just north of the city. State highway crews finished the remainder of South Road towards Wappingers Falls in 1911, and assumed jurisdiction for the remaining piece of North Road on the Psychiatric Center grounds in 1912. The US Route designation was established around 1926. Subsequent development along the South Road corridor between the city and Wappingers Falls, particularly after World War II, has resulted in widening and realignment over the years, leading up to the present-day six-lane divided arterial configuration, completed in the late 1980's.

Regional east-west vehicular access through the Town is readily accommodated by the US Route 44/ NY Route 55 (overlap) corridor which provides connections to the east via the arterial system in the City and to communities on the west shore via the Mid-Hudson Bridge, constructed and opened to traffic in the late 1920's. Some years ago the New York State Bridge Authority was considering the possibility of constructing a new river crossing to relieve congestion on the Mid-Hudson Bridge. This proposal is no longer under active consideration.

Other east-west streets in the Town serve a more localized function in tying the coastal area to US Route 9 corridor and to other areas of the Town and adjoining municipalities. Many of these road traverse through, and provide access to, predominantly residential areas. Fulton Street directly connects

US 9 (North Road) to Violet Avenue (NY Route 9G) via the Fairview neighborhood that is situate between the northerly city boundary and the Hudson River Psychiatric Center. South of the city, Spackenkill Road (NY Route 113), Vassar Road (County Road 77) and Spring Road provide locally important cross-connections between the Town's interior areas and the few river access points. The hamlet of New Hamburg is accessed from the northeast via Sheafe and Channingville Roads, and from the east via New Hamburg Road (CR 28) which traverses the Town of Wappinger to connect with US 9 south of Wappingers Falls.

b. Rail

Both freight and passenger rail service is provided along the old New York Central mainline, now owned by Conrail. Since this rail line closely parallels the Hudson River shoreline, legal and physical access to the river has been severely limited in most locations as a consequence. Amtrak and Metro-North provide regional and commuter passenger service respectively, but passengers must use the railroad station located in the City of Poughkeepsie for both carriers or the New Hamburg station for Metro-North. Conrail provides regular freight service along this line, and along several short commercial "spurs" in the study area. One such spur extends from the mainline tracks near the northerly City boundary and works its way uphill to various industrial customers near the Fairview neighborhood and also in the City. This particular branch line also connected into the old New Haven "Maybrook" line that once traversed the Poughkeepsie Railroad Bridge which connects to the City of Poughkeepsie. There is an additional freight spur at the IBM plant.

The pending merger of a portion of the present Conrail system, including the "Hudson River lines," into the CSX Rail network is not expected to result in any drastic changes to passenger or freight rail service or the railroad's physical plant within the Town of Poughkeepsie waterfront.

c. Public Transit

Public transportation is available on the Dutchess County Loop Bus system and the City of Poughkeepsie's Bus Transportation system. The City bus system provides a route from the Hudson River Psychiatric Center to St. Frances Hospital, downtown Poughkeepsie and Vassar Brothers Hospital with buses running every 30 to 45 minutes throughout the day. The Dutchess County Loop Bus System services both the north and south portion of the study area with commuter, mid-day and express routes. A total of nine different bus routes service the coastal area linking Tivoli, Pine Plains, East Fishkill, Fishkill, Wappinger, La Grange, Millbrook and the City of Poughkeepsie with the study area. However, all of these routes run only on Routes 9 and 9D and do not provide service to New Hamburg, Bowdoin Park or other waterfront facilities.

10. Scenic Resources

The scenic character of the coastal area of the Town of Poughkeepsie is varied and from north to south the prominent characteristics include:

- the formal mix of open space and built form of the institutional and educational sites at the Hudson River Psychiatric Center and Marist College;
- the Mid-Hudson Bridge and the historic Poughkeepsie Railroad Bridge, while not within the Town of Poughkeepsie contribute greatly to the scenic character of its coastal area;
- the open qualities of the Poughkeepsie Rural Cemetery and Locust Grove;
- the narrow and largely undisturbed wooded hills and bluffs bordering the Hudson River that screen the IBM industrial plant, local utilities and sprawling suburban areas beyond the coastal boundary;
- the largely undisturbed coastal wetland and wooded bluffs and hills of Van Keurens that screen a sewage plant and suburban residential development, minimize the intrusion of the Dutchess County Resource Recovery Plant and form a visual buffer to Trap Rock Quarry;
- the extensive facilities related to Trap Rock mineral extraction processes;
- the pastoral mix of open and wooded lowlands adjacent to Sheafe Road, surrounding and encompassing Bowdoin Park and Mount Alvernia Seminary and screening Trap Rock Quarry from within the coastal area;
- the historic Hamlet of New Hamburg;
- the undisturbed steep wooded banks of Wappinger Creek.

Viewed from the water or the opposite shore, the coastal area does not reveal the extent to which it is developed. Significant open space is visible and the vegetated bluffs that are present along the shoreline provide a screen from what otherwise may be a monotonous view, limiting the impact of intrusive visual features such as the suburban residential sprawl, utility sites and IBM's industrial site. The Trap Rock quarry is mostly screened from the river by an escarpment, which lessens the views of this significant industrial facility, although the docking and loading facilities are visible from the river.

The scenic characteristics of the western shore of the Hudson River contribute to the overall scenic resources of the Town of Poughkeepsie. Viewed from the Town of Poughkeepsie the western shore is dominated by the steep wooded bluffs that rise above the Hudson River. Views of these from the northern portion of the Town are framed by the Mid-Hudson Bridge and the historic Poughkeepsie Railroad Bridge. Moving south past Blue Point the steep bluffs mix with gently rolling uplands, while vineyards and orchards extend down to the Hudson. The historic

hamlet of Milton and several elegant mansions and large farm complexes line the river and the rolling uplands beyond the bluffs. Visual interest is provided by the marina facilities of Marlborough Dock, clearly visible from Bowdoin Park, and the exposed rock face of an inactive quarry, visible from the southern parts of the Town of Poughkeepsie, notably from the Hamlet of New Hamburg. Looking further south the views of the western shoreline are dominated by the smokestacks and bulky industrial structures of the Danskammer Point and Roseton power plants. The distant views of the Newburgh-Beacon Bridge provides interest on the southern horizon.

The Hamlet of New Hamburg, lying between the railroad and the river, is important as both a scenic feature and location for visual access to the Hudson River. The Hamlet is a very compact settlement with a neatly maintained wharf and marina. Older houses are nestled in mature tree lined streets. It exhibits a very positive scenic relationship with the Hudson River, with both glimpses and complete vistas of the River and western shoreline from several public streets. The only discordant feature is a small tank farm on Point Street.

Visual access from the Town of Poughkeepsie is limited due to topography, development, private ownership and a lack of public access to the shoreline, although opportunities do exist for viewing the Hudson River from points in the study area. These sites are either in public ownership, offering visual access to the general public, or are privately owned, offering visual access limited to employees, residents or authorized visitors. Notable among these are the lands of the Hudson River Psychiatric Center, Marist College, Poughkeepsie Rural Cemetery, IBM - Poughkeepsie's Plant and IBM Road, Barnegat Road, Bowdoin Park and the Hamlet of New Hamburg.

Views from public streets to the water are extremely limited, except in New Hamburg, and there are no good opportunities for scenic overlooks along such public streets. The State of New York has taken a leadership in development of a scenic roads program for the Hudson River Valley. Route 9 from the City of Poughkeepsie line to the Town of Hyde Park has been nominated for designation as a Scenic Road, meaning that the roadway has important resources within its corridor, with a reasonable balance of positive and negative visual elements. The views from Route 9 of the Hudson River, the Mid-Hudson Bridge, the Poughkeepsie Railroad Bridge, and the bluffs on the western shore are the positive elements that should be protected as much as possible as new development occurs.

Sites in public ownership where visual access exists or can be created are identified on Map 4. These are from north to south:

- The Hudson River Psychiatric Center;
- The City/Town of Poughkeepsie Waterworks;
- The Town's Fourth Ward Sewer District Plant;
- The Arlington Sewer District Plant;

- The Tri-Municipal Sewer District Plant;
- Bowdoin Park;
- Various locations on streets in New Hamburg, including Water Street, Point Street, River Road and Main Street.

C. MAJOR WATERFRONT ISSUES AND OPPORTUNITIES

Physical constraints and existing development patterns have substantially defined the nature of future land use in the Poughkeepsie coastal area. Among the major issues to be addressed, within the established development framework, are the following which are further elaborated in Section III.

1. Public Access to the Waterfront

No useable access to the waterfront for either active or passive recreation is available to the general public throughout the Town's coastal area. Even the few private access points, except for those in New Hamburg, are impaired by at-grade rail crossings or narrow underpasses or bridges. Opportunities to improve or increase use of existing public access points - particularly at the Hudson River Psych Center - or to create new access must be evaluated and encouraged where feasible. It is particularly important that opportunities to connect access points, as proposed by The Hudson River Valley Greenway, be pursued. Participation by private property owners such as the recent proposal for a waterfront park by Marist College is also to be encouraged. The Town Board has endorsed the designation of the Town of Poughkeepsie as a Greenway Community by the Greenway Council.

2. Preservation of New Hamburg

The hamlet of New Hamburg is unique in the Poughkeepsie coastal area. Its architectural character and waterfront access are great assets. The intensity of development, several incompatible uses and lack of sewers are potential problems. It is important that a comprehensive approach be designed to preserve and enhance this unusual community.

3. Development Options

Although the development pattern in much of the coastal area is well established, some remaining options still exist. Policies for the type and standards for development in these areas -- possible excess state land at Hudson River Psychiatric Center, land on either side of Pirate Canoe Club Road, land north and south of Bowdoin Park -- represent the last opportunities to influence the visual environment in the coastal area. Also, the ultimate post-quarry use and reclamation of the Trap Rock quarry must be considered.

Two highway proposals in the coastal area are now inactive. If revisited, however, each would have significant negative impacts which must be carefully considered as follows:

- New Hudson River Bridge Location

  The need for and possible location of another bridge over the Hudson in the Poughkeepsie area was considered some time ago. Possible locations studied have included the vicinity of Hudson River Psychiatric Center, at the north end of Town, and Spackenkill Road at the IBM complex. No decisions were made as to either need or location and the project is no longer being actively considered. It is beyond the scope of this LWRP to analyze all the implications of each alternate. However, if these plans and proposals are reactivated, they must be evaluated in terms of the impacts on the policies established in Section III, Local Policies and Applicable State Policies.

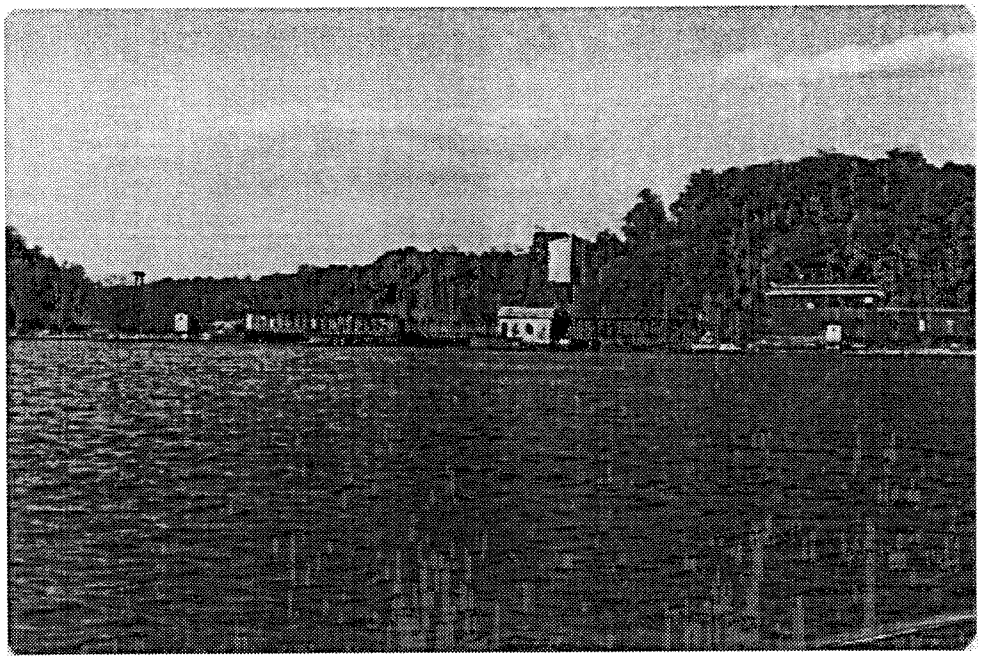
- Riverside Highway

  This highway, proposed in 1985, along the Hudson River, just inland from the railroad tracks, would have significant negative impact on land use, scenic quality, recreation and public access in the coastal area and should not be considered further.

D. PHOTOGRAPHS

1. Drawbridge at entrance to Wappinger Creek.
2. White's Marina in New Hamburg.
3. New Hamburg.
4. New Hamburg Yacht Club (left) and oil storage tanks on the water's edge.
5. Remnants of dock at Bowdoin Park.
6. Trap Rock screening and loading dock.
7. Trap Rock excavation.
8. IBM waterfront facilities.
9. Inlet behind tracks.
10. Pirate Canoe Club and additional land to the south.
11. Dutton Lumber.
12. Marist's boat house.
13. Recreational use of the river.
14. Developed waterfront recreation at Hudson River Psychiatric Center.

1



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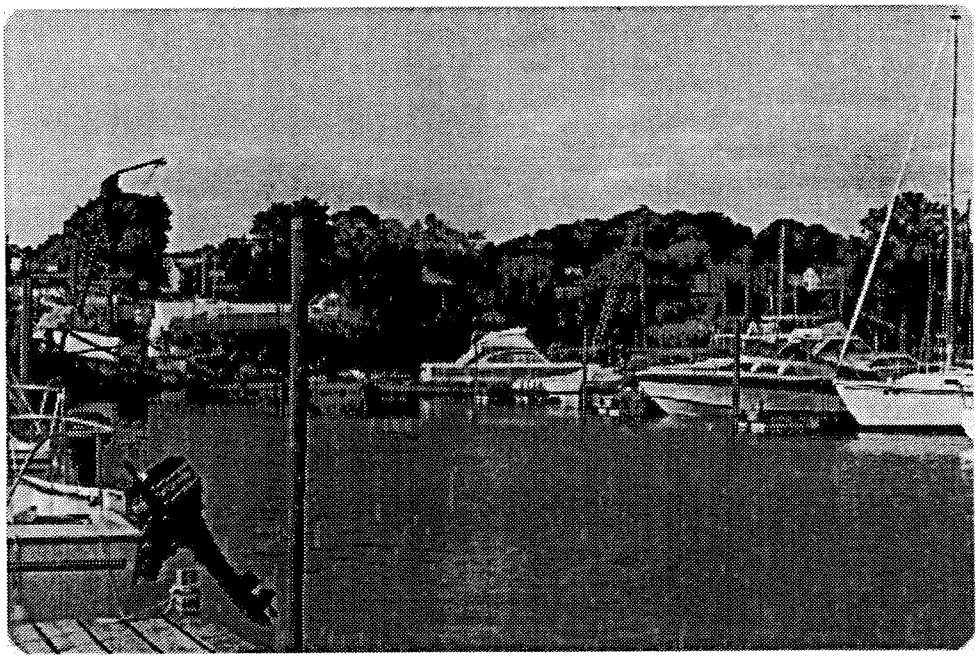

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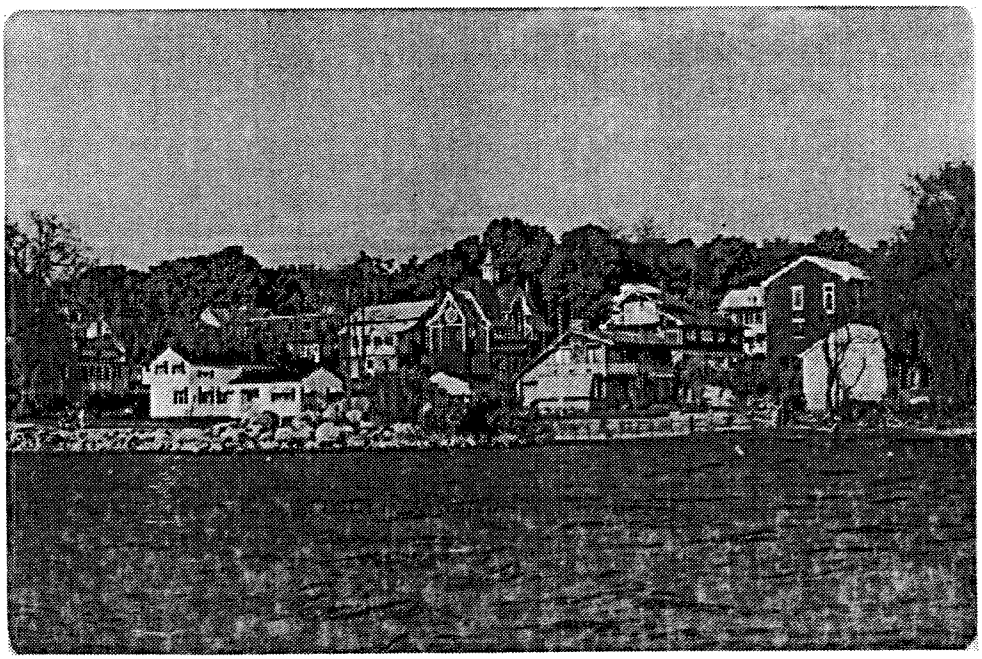

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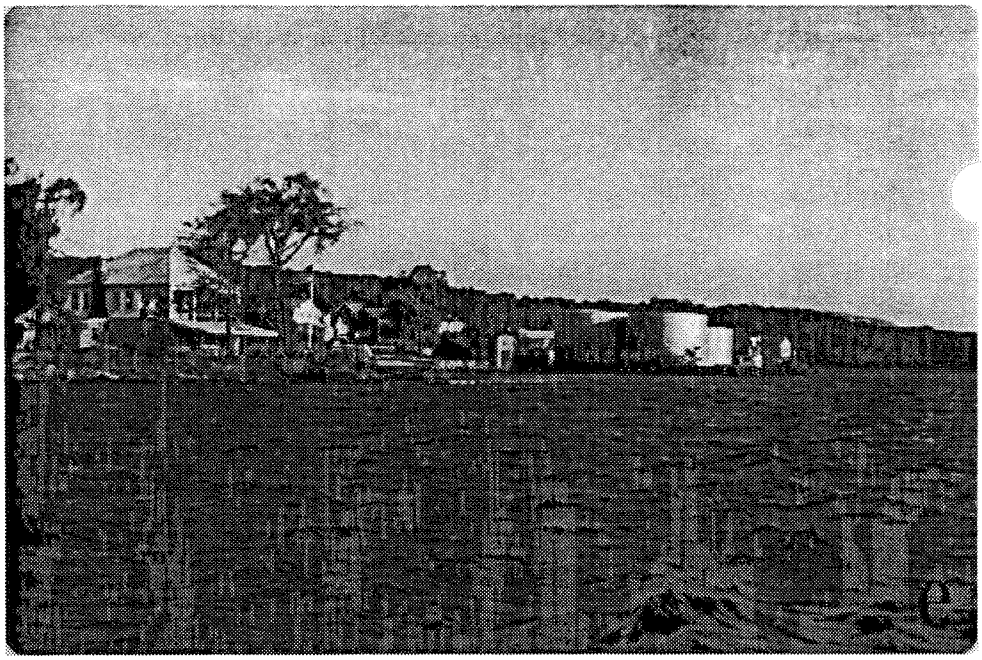

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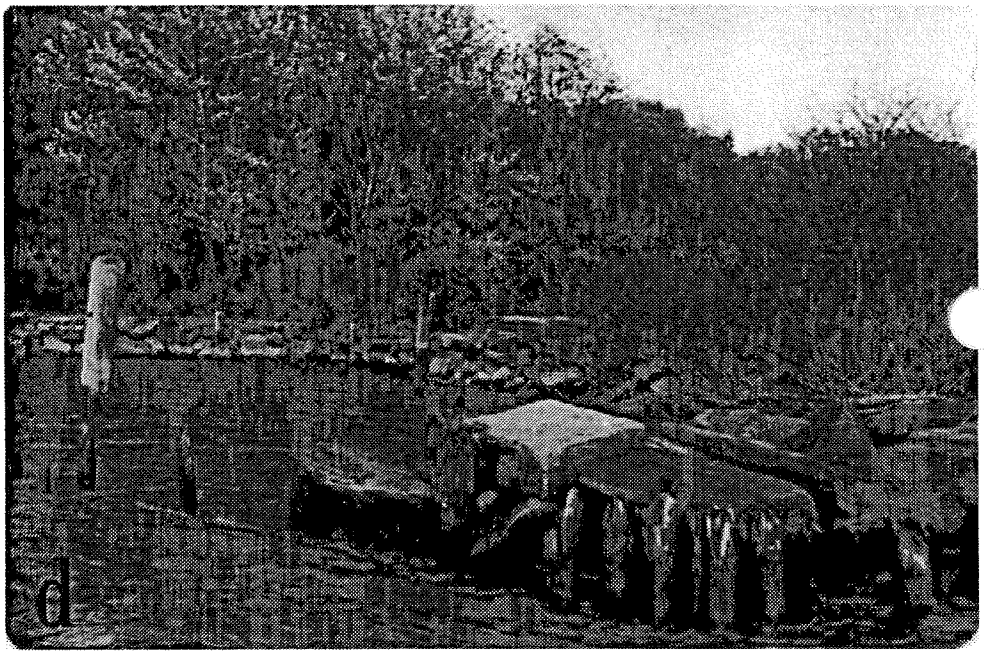

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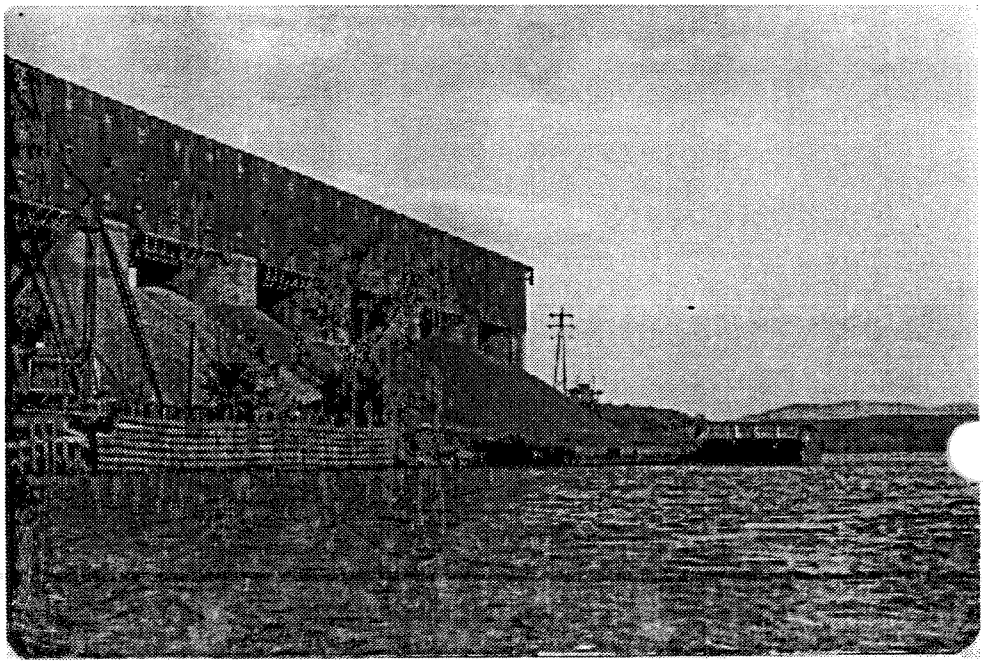

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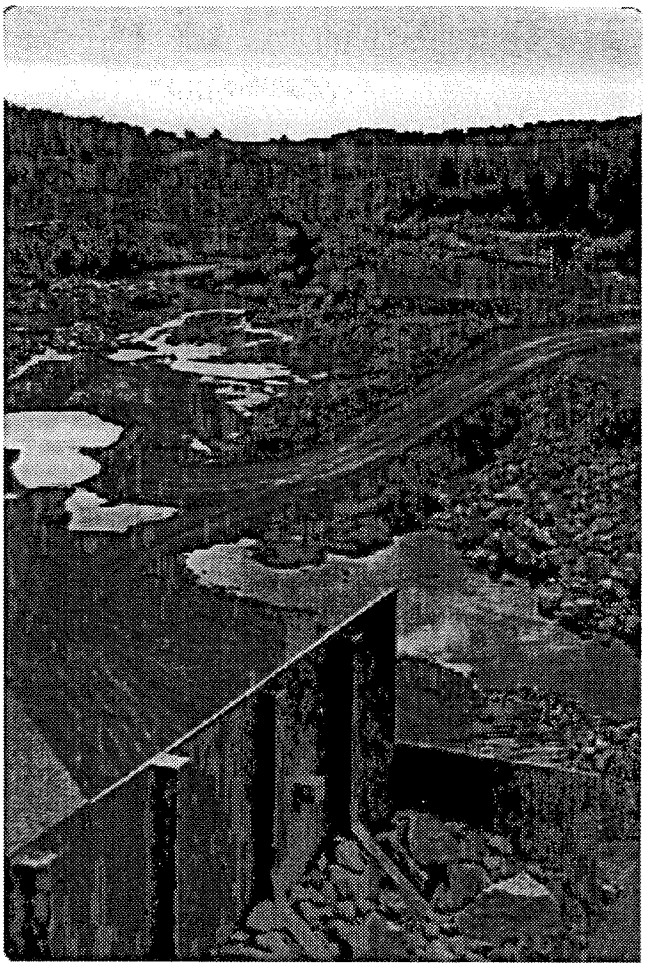

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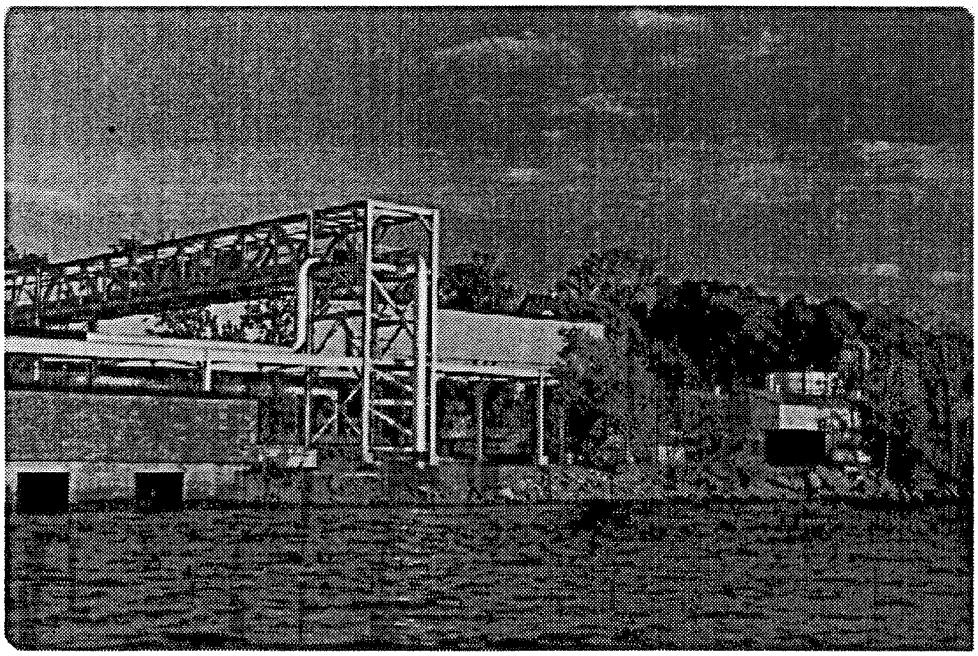

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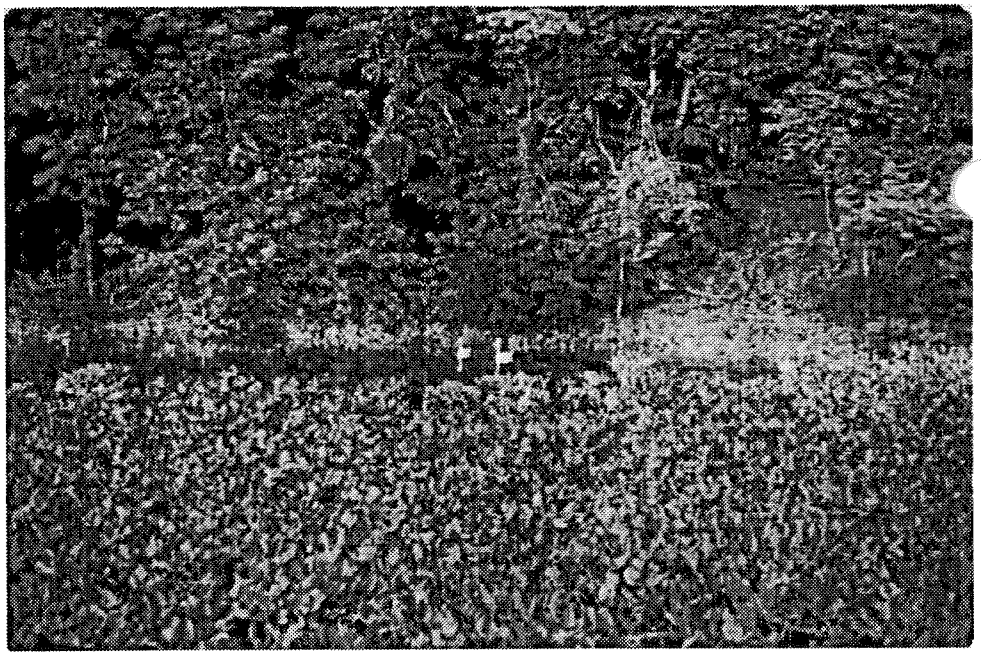

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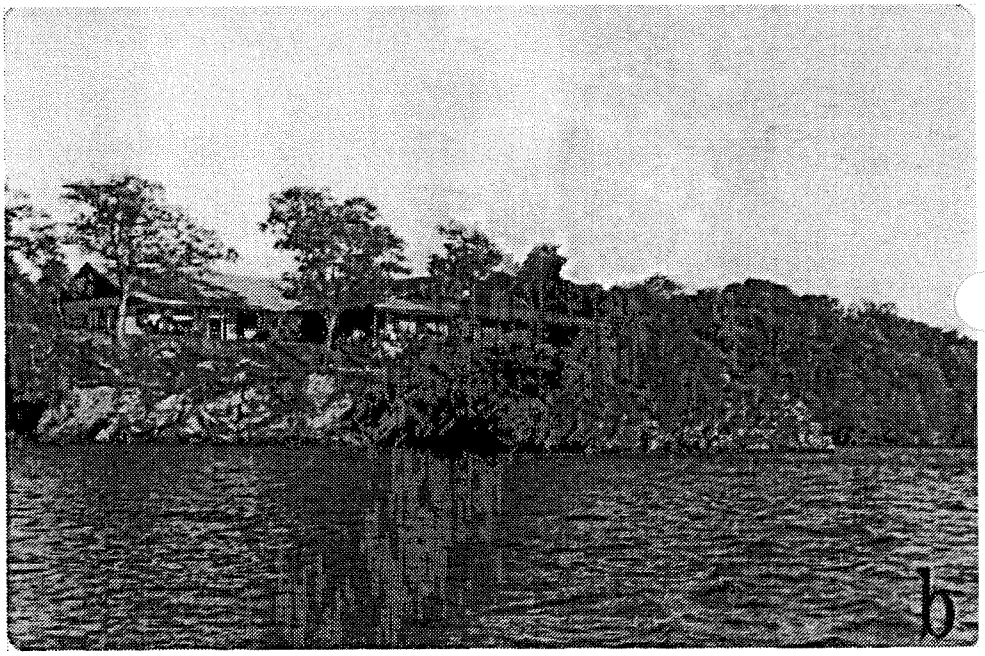

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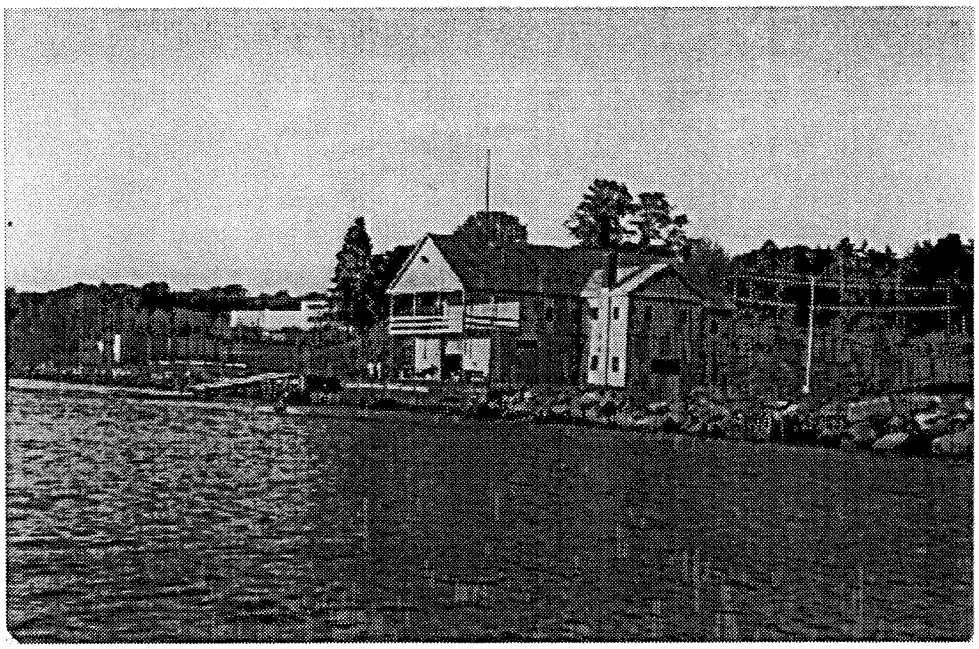

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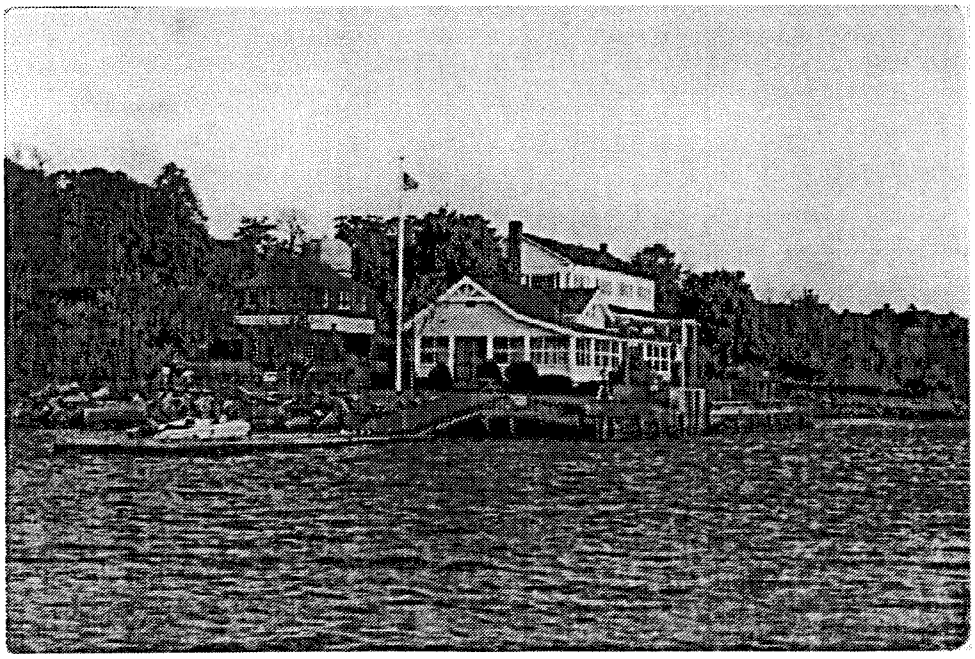


TABLE 1

Soils present within the Town of Poughkeepsie Coastal Management Area; as per 1991 Dutchess County Soils Atlas (sheets 15 & 19) 11/20/97

Soil Unit Name & **Symbol**	Drainage Class	Depth to bedrock (inches)	Seasonal High Water Table Depth (ft.)/Months	Erosion Factors (uppermost 2') K (range) & **T**	Parent Material of soil	Agricultural or wetland comments
Bernardston silt loam; **BeB, BeC, BeD**	Well	>60"	1.5→2.0'; February→April	.28→.37; **3**	Glacial till, deep	**BeB** is a prime agricultural soil
Bernardston-urban land complex **BgB, BgD**	Well	>60" (Bernar-dston) >10" (urb. ld.)	1.5→2.0'; February→ April (Bernardston); >2'; variable (urban land)	.28→.37; **3** (Bernardston) n/a (urban land)	Glacial till, deep (Bernardston) Variable (urban land)	
Canandaigua silt loam, **Ca**	Very Poorly	>60"	1.0 above "soil" to 1.0 below; Nov.-May	.49 **5**	Lacustrine silts and clays	Hydric
Cardigan series (see Dw, Dx & Nw symbols)	Well	20→40"	>6'	.28→.37; **2**	Glacial till over shale	
Copake gravelly silt loam, **CuB, CuE**	Well	>60"	>6'	.24→.32; **3**	Outwash glacio-fluvial materials; alkaline	**CuB** is a prime agricultural soil
Dutchess series (see Dw & Dx symbols)	Well	>60"	>6'	.28→.37; **3**	Glacial till with shale & slate fragments	
Dutchess-Car-digan complex; **DwB, DwC, DwD**			see descriptions above for Dutchess & Cardigan series			
Dutchess-Car-digan-Urban land complex, undulating **DxB**			see descriptions above & below for Dutchess, Cardigan & Urban land			
Farmington-rock outcrop complex **FeE**	Well to SE	10-20" 0" (rock outcrop)	>6' (Farmington)	.24-.32 **2**	Till over limestone bedrock	
Fluvaquents-Udifluvents complex **Ff** Fluvaquents Udifluvents	SP n/a	>40" >40"	0.5' above "soil" to 1.5' below; October →June 2→6'; Nov.→May	.28→.32; **3** n/a; n/a	Floodplain deposits	Hydric (Fluvaquents)
Farmington-Galway complex & Galway-Farmington complexes: Farmington Galway **FcB, GfB, FcC, GfC, FcD, GfD**	W→SE Well	10→20" 20→40"	>6' 1.5→3', March-April	.24→.32; **2** .24→.32; **3**	Till over limestone bedrock	
Fredon silt loam **Fr**	SP	>60"	0.0→1.5'; Oct.-June	.20-.28; **3**	Outwash sand and gravel	

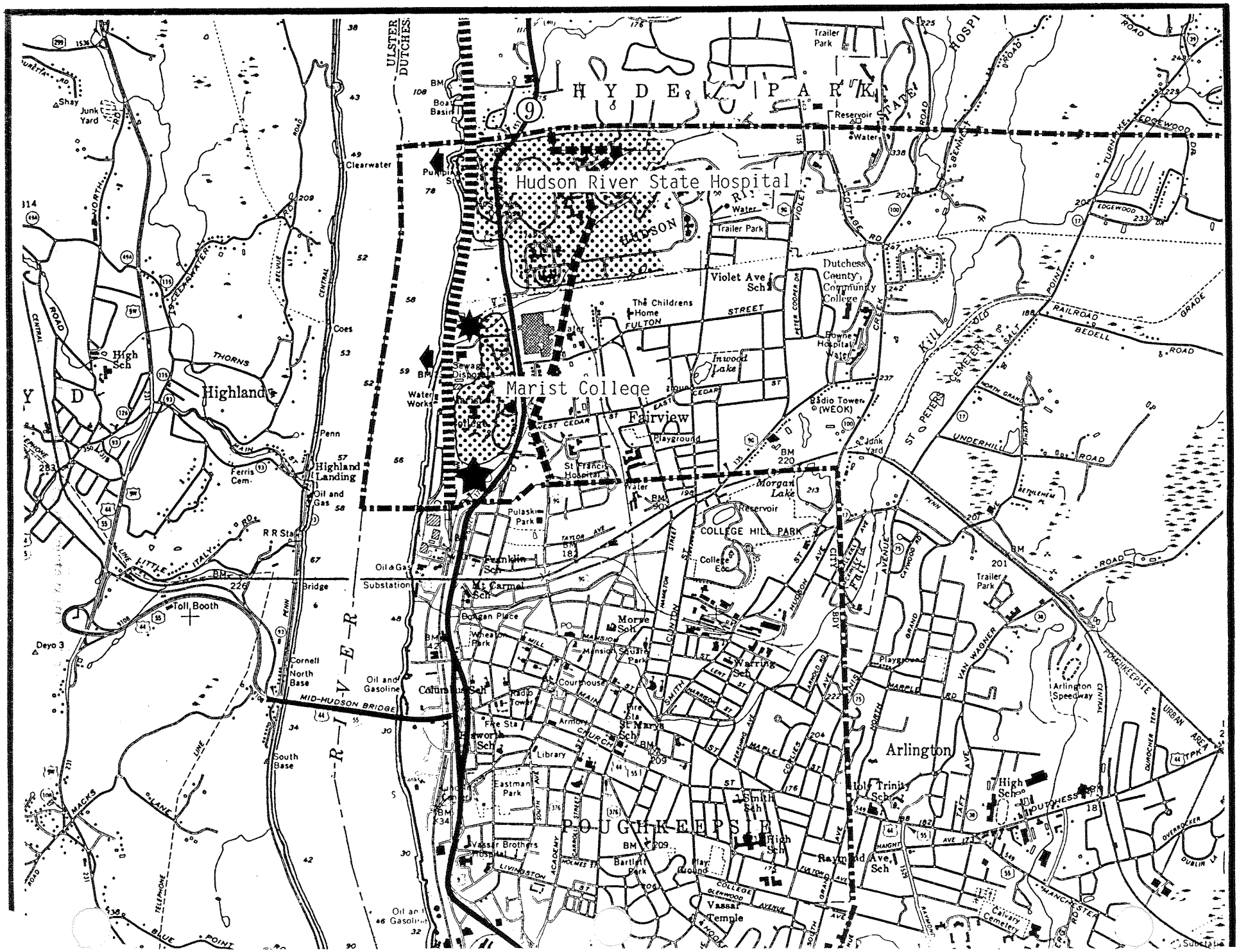
Soil Unit Name & **Symbol**	Drainage Class	Depth to bedrock (inches)	Seasonal High Water Table Depth (ft.)/Months	Erosion Factors (uppermost 2') K (range) & **T**	Parent Material of soil	Agricultural or wetland comments
Haven loam **HeA**	Well	>60"	>6'	.24→.32; **3**	Outwash stratified sand & gravel	Prime agricultural soil
Hoosic gravelly loam; **HsA**, **HsB**, **HsE**	Some-what ex-cessive	>60"	>6'	.17→.24; **2→3**	Outwash glacio-fluvial materials	
Hoosic-Urban land complex **HuA**, **HuB**			see descriptions above & below for Hoosic and Urban land series			
Hydraquents & Medisaprists, ponded **Hy**	n/a	n/a	0'	continuous; n/a	Decomposed organic material	Hydric (by definition)
Knickerbocker fine sandy loam **KrB**, **KrD**	Some-what ex-cessive	>60"	>6'	.17→.20; **3**	Outwash glacio-fluvial materials	
Knickerbocker-Urban land complex **KuA**, **KuB**			see descriptions above & below for Knickerbocker & urban land series			
Massena silt loam **MnB**	SP	>60"	0.5→1.5', Nov.-May	.20-.28 **3**	Deep till with rock fragments	
Nassau series	SE	10→20"	>6'	.20→.32; **2**	Till over shale	
Nassau-Car-digan complex; very rocky **NwB**, **NwC**, **NwD**			see descriptions above for Cardigan and Nassau series			
Nassau-rock outcrop complex **NxE**			see descriptions above & below for Nassau & rock outcrop.			
Pits, quarry **Pu**	n/a	0"	>6'	n/a; n/a	Local bedrock	
Pittstown silt loam, **PwB**, **PwC**	MW	>60"	1.5→3.0;	.20-.37 **3**	Deep till	
Raynham silt loam **Ra**	SP	>60"	0.0→2.0; Nov.-May	.49-.64 **3**	Lacustrine silts and clays	
Rock outcrop	n/a	0"	n/a	n/a; n/a	Local bedrock	
Stockbridge-Farmington complex, **SmB** Stockbridge Farmington	 W W→SE	 >60" 10→20"	 >6' >6'	 .24-.37 **3** .24-.32 **2**	 Deep till Shallow till	Stockbridge ("B" slopes) is a prime agricultural soil
Udorthents, smoothed **Ud**	SE→MW	>60"	>3'; Nov→June	.32→.37; **3**	Variable	

Soil Unit Name & **Symbol**	Drainage Class	Depth to bedrock (inches)	Seasonal High Water Table Depth (ft.)/Months	Erosion Factors (uppermost 2') K (range) & **T**	Parent Material of soil	Agricultural or wetland comments
Udorthents, wet substratum **Ue**	SE-MW	>60"	>3'; Nov.-June	.32-.37 **3**	Variable	
Urban land **Ur**	n/a	>10"	>2'; variable	n/a; n/a	Variable	
Wayland silt loam **Wy**	P→VP	>60"	0.5' above soil to 1.0' below; Nov.→June	.37→.43; **5**	Floodplain deposits	Hydric

Soil slope categories (3rd letter (CAPITALIZED) in soil code):

A: Nearly Level (0→3%slopes)
B: Undulating (3→8% slopes)
C: Rolling (8→15% slopes)
D: Hilly (15-25% slopes)
E: Steep (25→45% slopes)
F: Very Steep (>45% slopes)

Where the soil symbol has only two letters, the soil unit is considered to be in the "nearly level" category.



Hudson River State Hospital
Marist College
HYDE PARK
Highland
Highland Landing
Fairview
POUGHKEEPSIE
Arlington
Vassar Temple
Vassar Brothers Hospital
Dutchess County Community College
Violet Ave Sch
The Childrens Home
Inwood Lake
Morgan Lake
COLLEGE HILL PARK
Pulaski Park
Franklin Sch
Mt Carmel Sch
Columbus Sch
St Francis Hospital
Morse Sch
Warring Sch
St Marys Sch
Smith Sch
Holy Trinity Sch
Raymond Ave Sch
Eastman Park
Library
Courthouse
Armory
Fire Sta
Radio Tower
Radio Tower (WEOK)
Arlington Speedway
Calvary Cemetery
Trailer Park
Reservoir
Water Works
Sewage Disposal
Boat Basin
Junk Yard
Oil and Gas
Oil and Gasoline
Substation
Toll Booth
Bridge
MID-HUDSON BRIDGE
Cornell North Base
South Base
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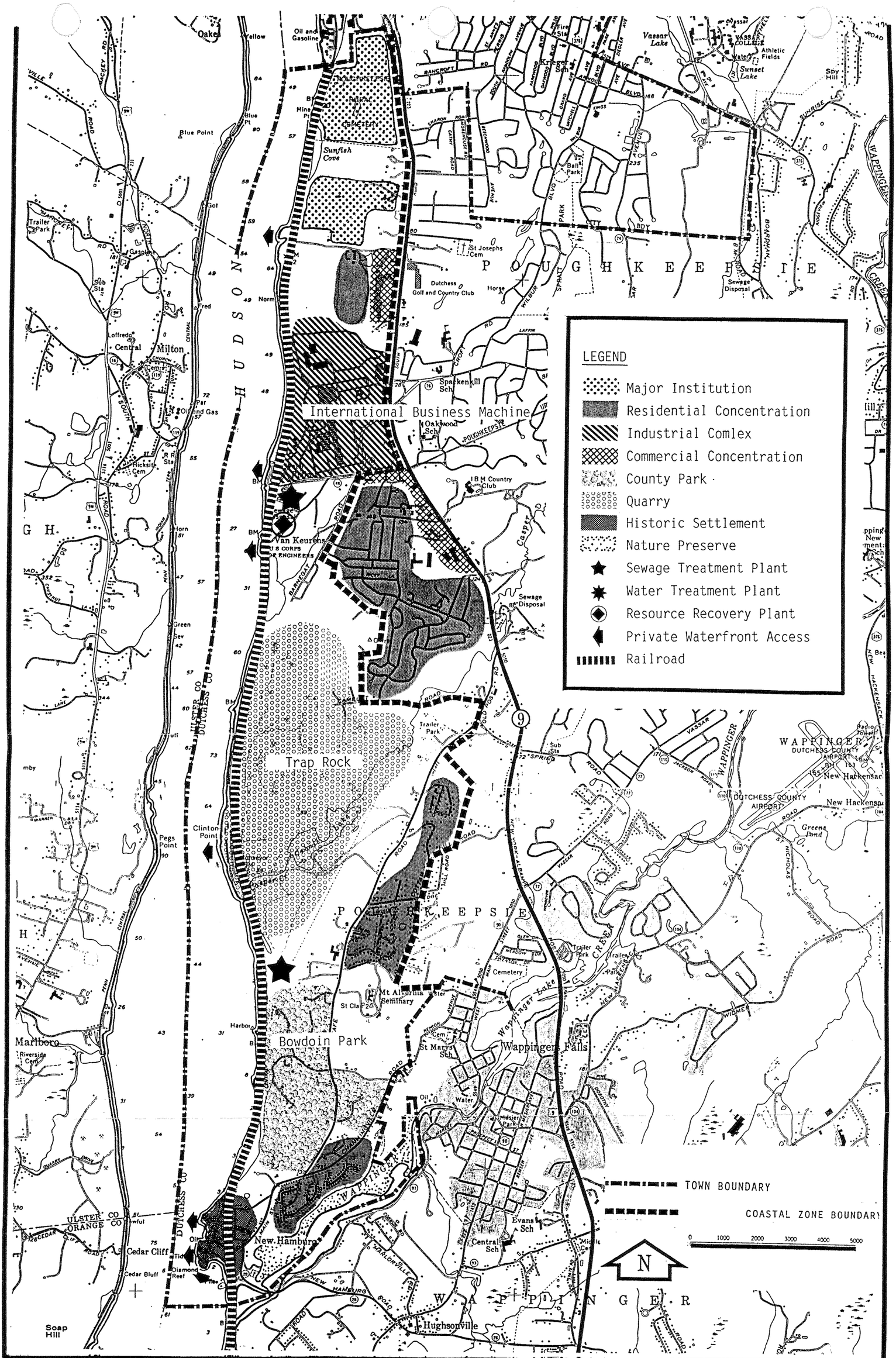

Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

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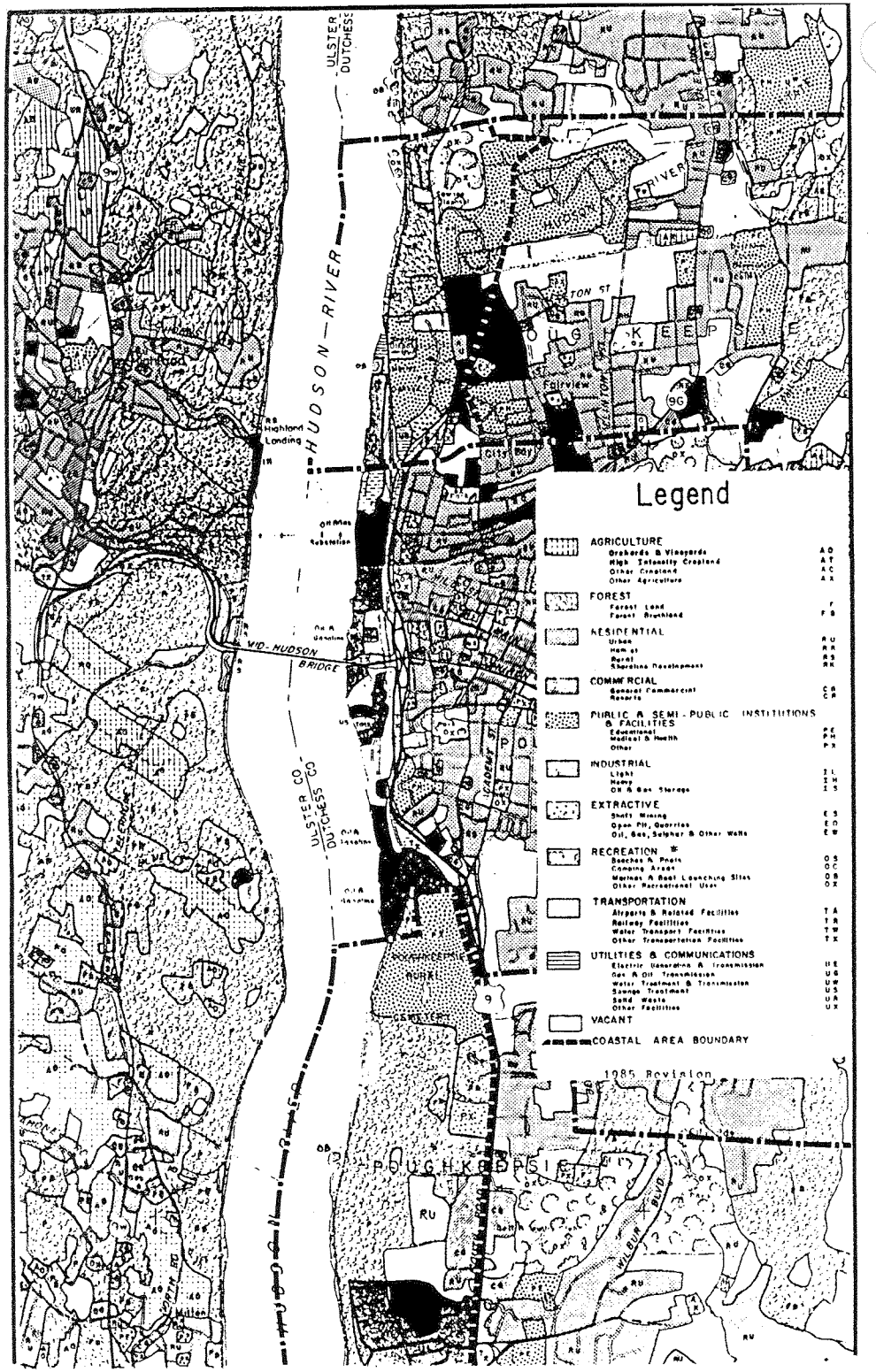
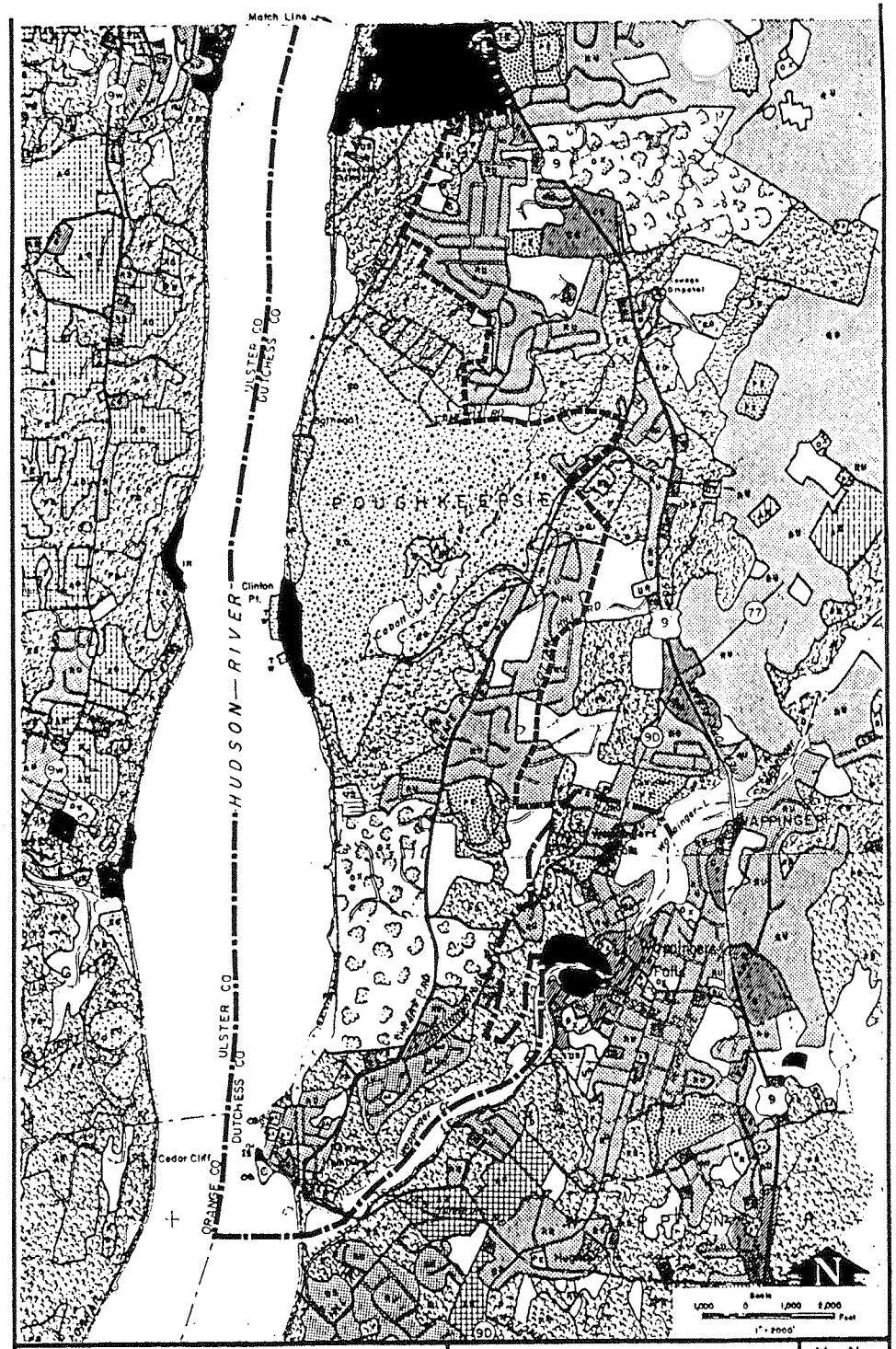
RECONNAISSANCE

Map No. 3





Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

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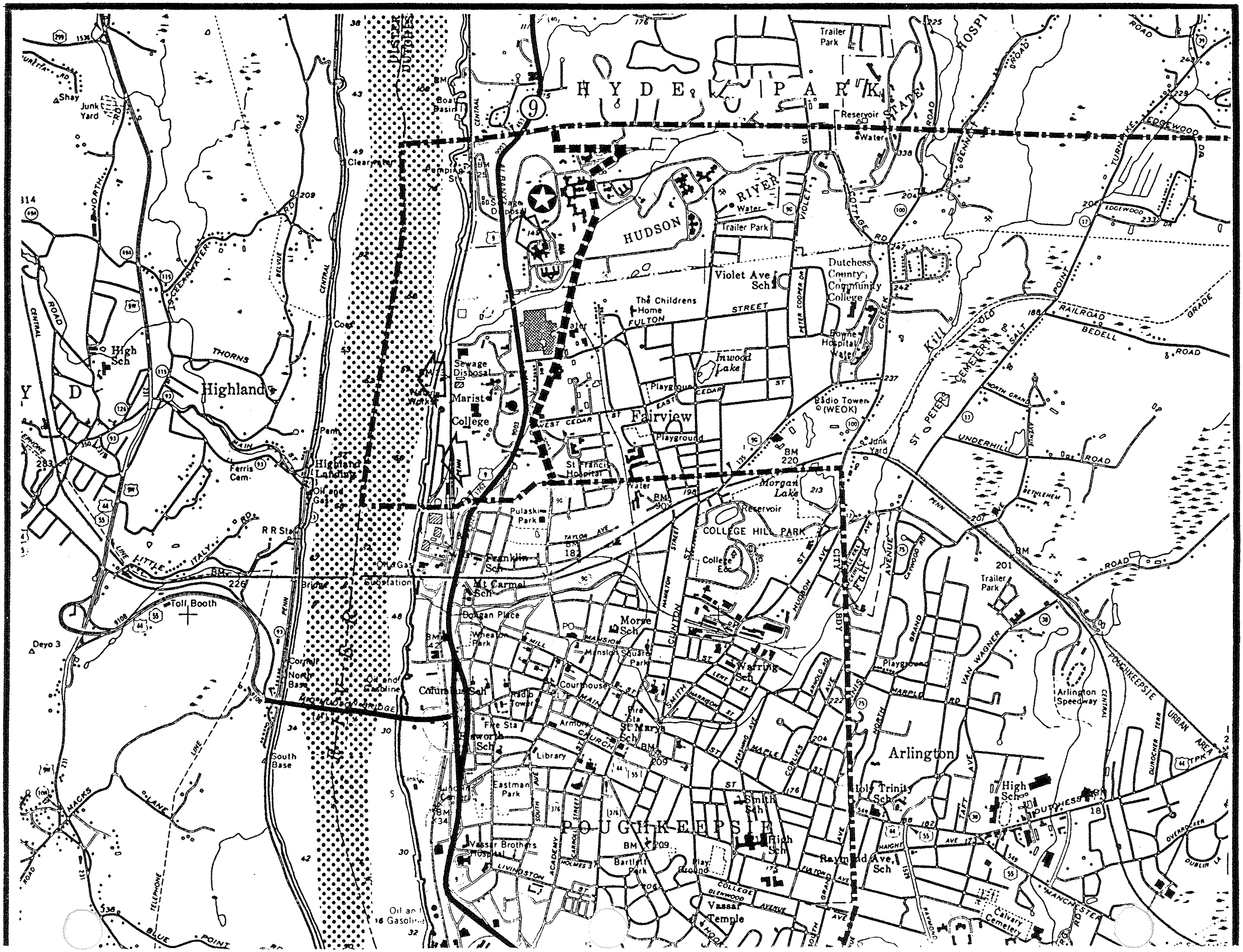
EXISTING LAND AND WATER USE

Map No. **3A/B**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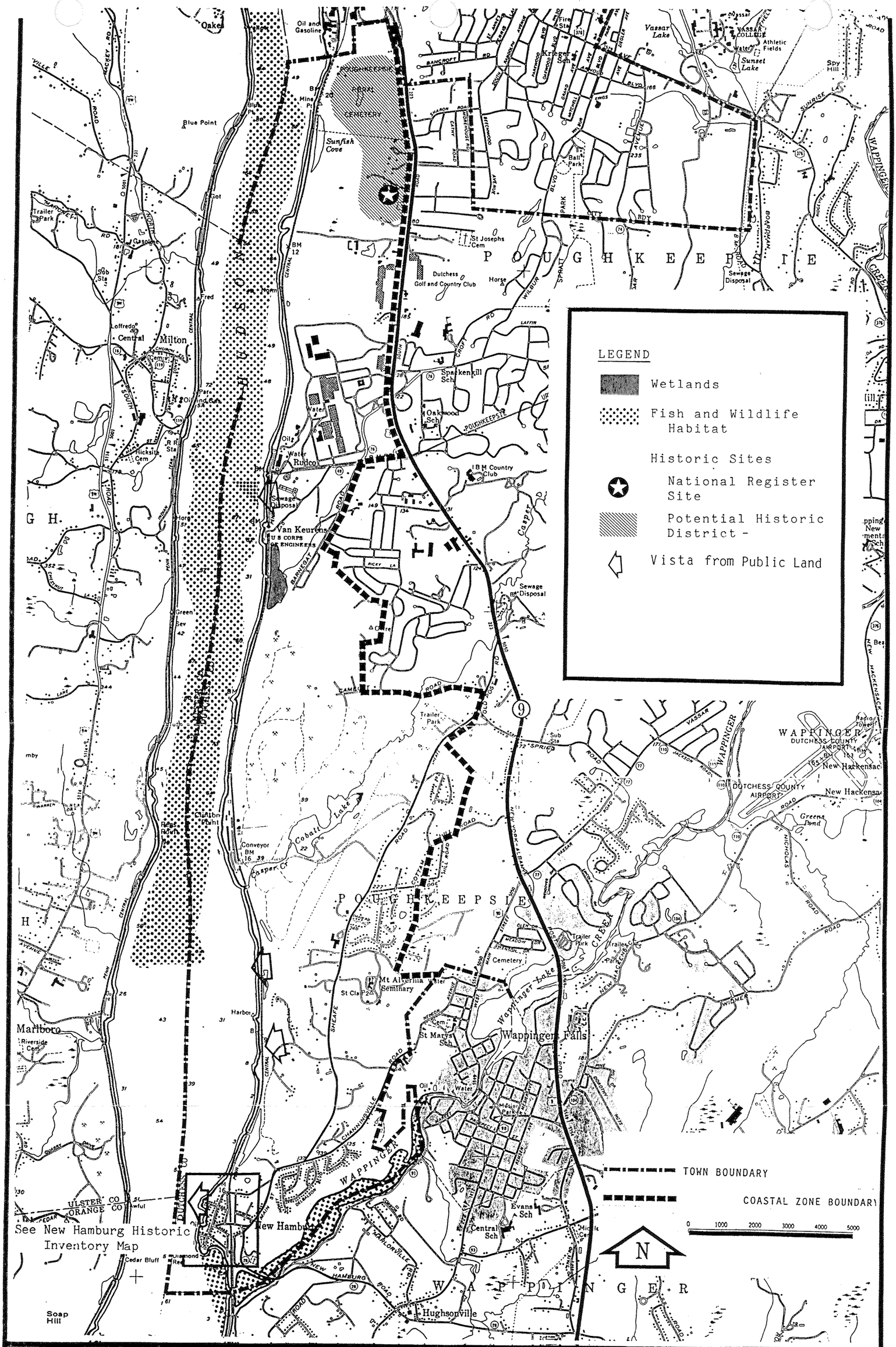
HUDSON RIVER
Fairview
Highland
POUGHKEEPSIE
Arlington
Dutchess County Community College
Violet Ave Sch
The Childrens Home
Inwood Lake
Morgan Lake
COLLEGE HILL PARK
Marist College
St Francis Hospital
Pulaski Park
Morse Sch
Courthouse
Library
Eastman Park
Vassar Brothers Hospital
Vassar Temple
Arlington Speedway
Calvary Cemetery
Toll Booth
Junk Yard
Trailer Park
Radio Tower (WEOK)
MID-HUDSON BRIDGE
CITY BDY
POUGHKEEPSIE URBAN AREA



Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

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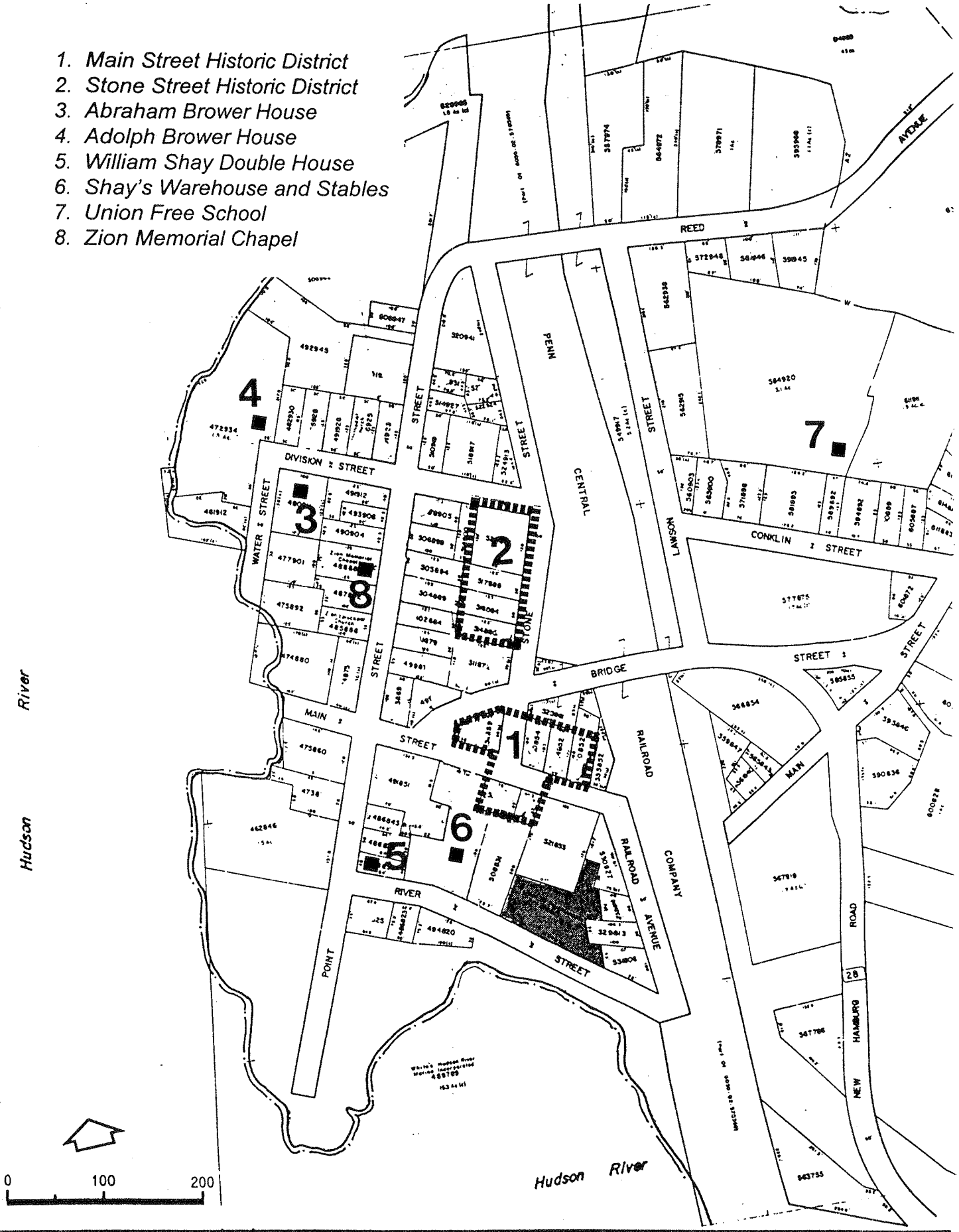
NATURAL AND CULTURAL FEATURES

Map No. **4**

1. *Main Street Historic District*
2. *Stone Street Historic District*
3. *Abraham Brower House*
4. *Adolph Brower House*
5. *William Shay Double House*
6. *Shay's Warehouse and Stables*
7. *Union Free School*
8. *Zion Memorial Chapel*



Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

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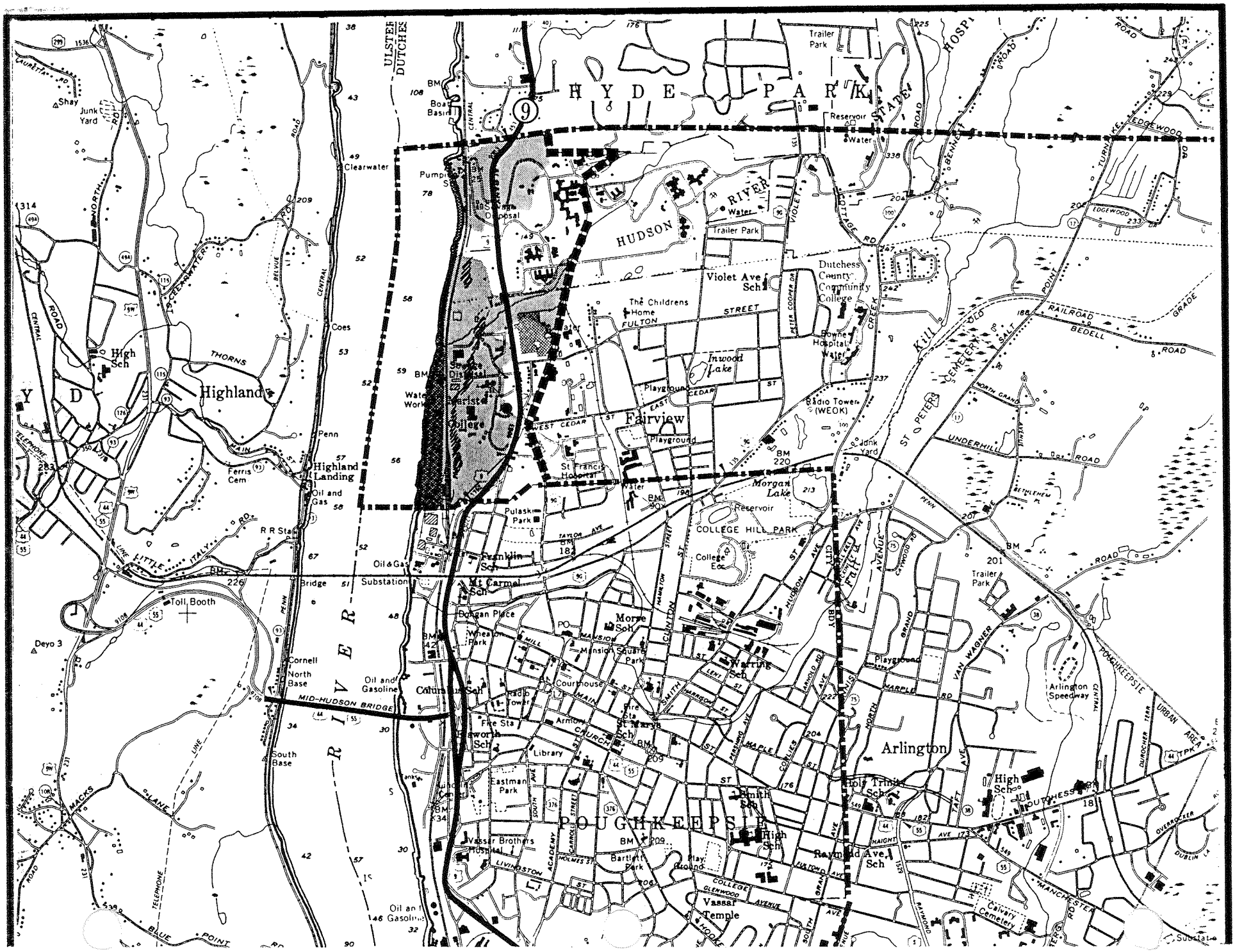
NEW HAMBURG HISTORIC PROPERTIES LISTED ON THE NATIONAL REGISTER

Map No. 4A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HUDSON RIVER
Highland
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POUGHKEEPSIE
Dutchess County Community College
Violet Ave Sch
The Childrens Home
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Mt Carmel Sch
Morse Sch
Warring Sch
Columbus Sch
Eastman Park
Vassar Brothers Hospital
Vassar Temple
Holy Trinity Sch
Raymond Ave Sch
High Sch
Arlington Speedway
Calvary Cemetery
Toll Booth
Deyo 3
Cornell North Base
South Base
Oil and Gasoline
Oil & Gas
Substation
Pulaski Park
Mansion Square Park
Courthouse
Library
Armory
Fire Sta
Radio Tower (WEOK)
Trailer Park
Reservoir
Water
Clearwater
Coes
Penn
Ferris Cem
Junk Yard
Shay
Boat Basin
Pumping Sta
Sewage Disposal
Water Works
Marist College
St Francis Hospital
Bowne Hospital
Playground
Bartlett Park
Kill
ST PETERS CEMETERY
MID-HUDSON BRIDGE
POUGHKEEPSIE URBAN AREA
ULSTER DUTCHESS
STATE HOSP
RAILROAD
BEDELL ROAD
UNDERHILL ROAD
MANCHESTER
LITTLE ITALY RD
MACKS LANE
BLUE POINT RD
TELEPHONE
CENTRAL
NORTH RD
THORNS
MAIN ST
CEDAR ST
WEST CEDAR ST
EAST CEDAR ST
FULTON STREET
VIOLET
COTTAGE RD
BENNETT
TURNPIKE
EDGEWOOD
POINT
SALT
OLD
NORTH GRAND
PENN
BETHLEHEM PL
CITY
HUDSON AVE
CLINTON ST
HAMILTON STREET
MANSION
MILL
MAIN
CHURCH
SMITH
LENT
HARRISON
MAPLE
COLLIES
ARNOLD RD
HAIGHT
FULTON AVE
GRAND AVE
NORTH
VAN WAGNER
MARPLE RD
TAFT AVE
OUTCHESS
OVERROCKER
DUBLIN LA
DUROCHER TERR
CENTRAL
TPK
LIVINGSTON
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CARROLL STREET
GLENWOOD AVENUE
COLLEGE
HOOKE
RAYMOND
BDY
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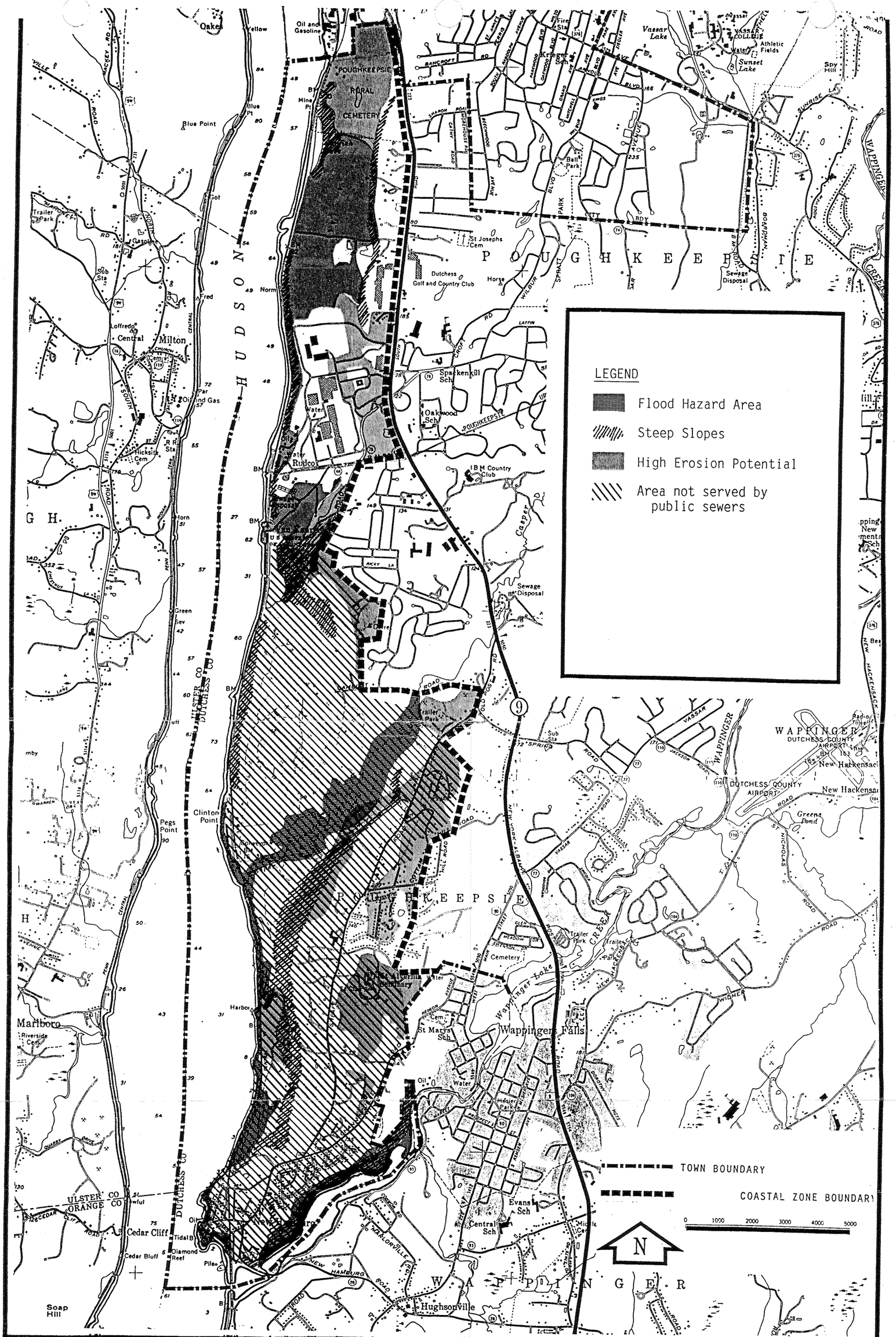

Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

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DEVELOPMENT CONSIDERATIONS

Map No. **5**

SECTION III

LOCAL POLICIES
AND APPLICABLE STATE POLICIES

SECTION III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and a statement of its applicability to the Local Waterfront Revitalization Program in the Town of Poughkeepsie. 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 underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

Explanation of Policy

Local, State and Federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provisions of tax incentives to businesses; establishment of enterprise zones, are all examples of governmental means of spurring economic growth. When such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

The Town of Poughkeepsie is fortunate that it does not have extensive amounts of deteriorated waterfront areas. To the contrary, much of the waterfront is actively used by a variety of industrial and institutional uses. Along with the historic hamlet of New Hamburg, some residential development and public and private recreational facilities, these uses form the mix of uses which characterize the Town's varied waterfront. The industrial and institutional users of the riverfront have been a major component of the Town's economy for many decades, and the state and local coastal policies support the continuance and fostering of industry and commerce along the river.

Only two significant sites are underutilized in the Town of Poughkeepsie. These are the dock at the Dutton Lumber Company, just north of the City line, and the land belonging to the Hudson River Psychiatric Center located west of NY Route 9.

Access to the Dutton Lumber site, half of which is in the City, is circuitous via several narrow industrial streets in the City. The site is actively used for lumber storage and distribution, although the deep water dock is no longer utilized as part of the commercial operation. Any future redevelopment or revitalization of the dock and waterfront parcel should give preference to a water dependent use. Use of the site for other purposes, while possible, would require major street improvement if such use generated very much traffic. The development of crew facilities by Vassar College on a portion of this site is consistent with this policy.

A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). In the past use of this land by the general public has been limited by the operational requirements of the Psychiatric Center, with public

access limited to special events approved by the HRPC. Recently it has become clear that this parcel is surplus to the requirements of the Psychiatric Center, offering opportunities for improved public access. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and NY Route 9. The waterfront parcel should be developed as a public park, with water dependent recreation facilities. Support facilities, such as car parking and trails should be provided on the upland portion. The size and character of the site between Route 9 and the railroad is such that additional public water enhanced uses may also be appropriate if developed in a manner that does not conflict with or impede access to water related recreation facilities. Prior to approval of any development plans for this entire area, a master development plan should be prepared which clearly delineates sites for specific uses and the layout and design of internal circulation patterns, parking to support waterfront uses and access routes to the waterfront. It should be noted that, in the recent past, proposals to close the entire HRPC facility have been put forth. If this were to happen, significant development opportunities would be vested which would have far reaching affects on the coastal area and should only be undertaken in accord with this and other policies herein.

An additional parcel of land in the waterfront area will offer future opportunities to restore, revitalize and redevelop a large area of waterfront. The active Trap Rock Quarry is expected to continue operations as a major producer of crushed stone for 30 to 100 years in the future. As one of the largest land holdings in the Town under single ownership, with more than two miles of river frontage, this 1,200 acre site offers a unique opportunity for cohesive, integrated and innovative planning. While the size, location and diversity of the site suggest a wide array of potential land uses, or a mixture of uses, may be appropriate, the site should be planned cohesively as a whole.

It is recommended that the Town and the New York Trap Rock Company should cooperatively plan for the post-mining future of the Trap Rock Quarry as soon as possible, and well in advance of the cessation of stone production. Restoration plans for the quarry should consider the after-use of the almost two miles of shoreline and the site's excellent docking facilities. The portion of the site between the river and the railroad should be used for water-dependent uses and/or water-enhanced uses, preserving the option of water-borne shipping and commerce. The shore-line also offers potential opportunity for active recreational use of part of the riverfront and for the provision of public access, and these should be considered as part of a restoration proposal, and through the site plan review process for new development.

See also Policies 2, 2a, 5, 19 and 20.

POLICY 2

Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

POLICY 2A

Preserve and retain existing water dependent uses in the coastal area.

Explanation of Policies

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify.

There is little available land on the Poughkeepsie waterfront; sites that have suitable access, topography and services to accommodate water dependent uses are scarcer yet. Therefore, these policies require that water dependent uses be given preference and, where possible, assistance in securing waterfront sites and that every effort be made to retain such existing uses and increase their use and access (see also Policies 19, 21 and 22).

Uses which are considered fully or partially water dependent and subject to these policies include Trap Rock Quarry, oil storage facilities in New Hamburg, the IBM plant, the Dutton Lumber yard, a variety of private recreational facilities and Town and City utility plants, and any others with the following characteristics:

The following uses and facilities are considered as water dependent:

- Certain uses which utilize the resources of the coastal waters (for example: fishing, mining);
- Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
- Uses involved in the sea/land transfer of goods (for example: docks, loading areas);
- Aids to navigation;
- Flood and erosion protection structures (for example: breakwaters, bulkheads);
- Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities);
- Uses requiring large quantities of water for processing and cooling purposes (for example: industrial plants);
- Uses that rely heavily on waterborne transportation of raw materials or products which are difficult to transfer on land (for example: bulk petroleum storage, quarries);
- Scientific/educational activities which by their nature require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities);
- Support facilities which are necessary for the successful function of permitted water dependent uses. Such facilities should be sited inland from the use they serve, if possible.

Sites for water dependent uses should be delineated based on the following guidelines:

1. In-place facilities and services: most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:

    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 to be accommodated, or boat trailers for marinas or boat launches;

    c. access to public transportation, if a high number of person trips is to be generated.

2. Access to navigational channels: commercial shipping, commercial fishing and recreational boating require sites with a sheltered harbor, from which access to adequately sized navigational channels can be assured.

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

4. Providing for expansion: a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

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

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses should be considered preferable to a non-water dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would be likely to be considered as "temporary" non-water dependent uses.

POLICY 3

The State Coastal Policy regarding development of major ports is not applicable to the Town of Poughkeepsie.

POLICY 4

The State Coastal Policy regarding the strengthening of small harbors is not applicable to the Town of Poughkeepsie.

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

This policy has limited applicability as most of the coastal area is served by the necessary public services and facilities. Areas of the coastal area currently not served by the public sewer system could be served by the expansion of the Tri-Municipal Wastewater Treatment Plant and Service Area, a proposal under consideration by the Town of Poughkeepsie. This proposal would include the hamlet of New Hamburg where in the past, economic and physical constraints have prevented connection to a central sewer system.

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, 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 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:

- strengthen existing residential, industrial and commercial centers:
- foster an orderly pattern of growth where outward expansion is occurring:
- increase the productivity of existing public services and moderate the need to provide new public services in outlying area
- preserve open space in sufficient amounts; and
- where desirable, foster energy conservation by encouraging proximity between home, work and leisure activities.

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

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

- Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
- Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
- Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
- Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- Development which, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development.
- Uses and/or activities which because of public safety consideration should be located away from populous areas.
- Rehabilitation or restoration of existing structures and facilities.
- Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and Federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken in the rich array of their other infrastructure components in promoting waterfront revitalization.

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Explanation of Policy

When administering existing regulations, every effort should be made to determine the feasibility of coordinating administrative procedures and incorporating new regulations in existing legislation, if this can reduce the burden on a particular type of development without jeopardizing the integrity of the regulations objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 ***Significant Coastal Fish and Wildlife Habitats, as identified on the coastal area map, shall be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.***

Explanation of Policy

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

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

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

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

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

- Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
- Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. See Section II-B-4-a of the Inventory and Analysis Section for a detailed description of the two habitats located within the Town of Poughkeepsie.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair these habitats are listed below to assist in applying the habitat impairment test to a proposed activity.

1. Poughkeepsie Deepwater Habitat

   a. Fish and Wildlife Values (See Section II)

   b. Impact Assessment

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

2. Wappinger Creek

   a. Fish and Wildlife Values (See Section II)

   b. Impact Assessment

      Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperature in Wappinger Creek could adversely affect the fish and wildlife resources of this area. Any physical alteration of the habitat, through dredging, filling, or bulkheading, would result in a direct loss of valuable habitat area. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant adverse impacts on fish populations. However, efforts to control water chestnut may be desirable or necessary to maintain habitat quality in this area. Of particular concern in this major tributary are

the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Development of hydroelectric facilities or municipal water supplies should only be allowed with runoff river operations, and minimum flow restrictions, respectively. Barriers to fish migration, whether physical or chemical, would have significant impact on fish ovulations in the creek as well as in the Hudson River. Existing areas of natural vegetation bordering Wappinger Creek should be maintained to provide bank cover, soil stabilization, perching sites, and buffer areas. It is recommended that rare plant species occurring in the creek be protected from adverse effects of human activities. Development of public access to the creek may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

POLICY 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Explanation of Policy

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

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

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

POLICY 9

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wild-life resources and considers other activities dependent on them.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing, trapping and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The primary obstacle to increased use of these resources is the lack of adequate access. Policies 19, 20 and 21A deal with this issue.

Any increased recreational use of these resources must ensure the protection of fish and wildlife resources and take into consideration other activities dependent on these resources. Such efforts must recognize existing State law and sound resource management considerations including biology of the species, carrying capacity of the resource, public demand, costs and available technology.

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

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

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

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

POLICY 10

The State Coastal Policy regarding the further development of commercial finfish, shellfish, and crustacean resources in the coastal area is not applicable to the Town of Poughkeepsie because although commercial fishing takes place in the Poughkeepsie coastal waters, no support facilities exist in the coastal area.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

No coastal erosion hazard areas or coastal high hazard areas have been designated in the coastal area. The designated floodways are very narrow strips along the steep banks of the Casper and Wappinger Creeks. Therefore, although this policy applies, it is applicable only in several small areas and is implemented by the Town's participation in the National Flood Insurance Program.

POLICY 12

The State Coastal Policy regarding preservation of natural protective features is not applicable to the Town of Poughkeepsie because none of the protective features cited are present in the Poughkeepsie coastal area.

POLICY 13

The State Coastal Policy regarding the construction or reconstruction of erosion protection structures is not applicable to the Town of Poughkeepsie because no coastal erosion hazard areas have been identified in the Poughkeepsie coastal area.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas. (See Policy 37).

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. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential. See also Policy 35.

POLICY 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of Policy

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

POLICY 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (1) the set back of buildings and structures; (2) the planting of vegetation and the installation of sand fencing and draining; (3) the reshaping of bluffs; and (4) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

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

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

measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Application of the Flood Damage Prevention regulations, Best Management Practices (see Policy 14) and review of alternatives in accord with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where non-structural measures are not feasible, 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 waterfront area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and 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

There are no publically owned water-dependent recreation resources in the Town of Poughkeepsie coastal area which are available to the general public at this time. The only public lands are either inaccessible, occupied by non-recreational uses and/or not open to use by the general public. Only several street ends in New Hamburg provide limited access to the water's edge, although a recent proposal by Marist College to develop a waterfront park accessible to the general public may expand the opportunities for access considerably.

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. Actions to increase access to new public water-related facilities are to be strongly encouraged. The particular water-related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements or offering potential for public access and the relative priority accorded to each are identified in the Town of Poughkeepsie's study "Access to the River," attached as Appendix C, and discussed in Section IV.

A substantial parcel of land on the waterfront is owned by the State of New York at the Hudson River Psychiatric Center (HRPC). The waterfront parcel contains recreational facilities, including a boat launch and dock space. Use of this land by the general public is limited to special events approved by the HRPC. A tunnel under the railroad tracks provides access to the waterfront parcel, linking this with another parcel between the tracks and Route 9. Providing increased access to this site to the general public is a major policy of this program. If the site remains in state ownership, access to the existing recreation facilities shall be expanded. If the site is disposed of by the state, first priority for acquisition shall be given to the Town and/or County for recreation and public access purposes. If sold to private interests, reservation of public access shall be included in the terms of sale.

The development of trails on the Hudson River Psychiatric Center property between Route 9 and the railroad, connection to the Marist complex south of the Center's waterfront complex, and the loop trail connecting Bowdoin Park, New Hamburg and the Audubon Society property shall be a priority. Connection of trails on both public and appropriate private property (such as the Rural Cemetery and Young-Morse Estate) shall be encouraged and facilitated wherever possible to create a continuous Greenway Trail from Mills Memorial State Park in the Town of Hyde Park to Locust Grove.

Public access by boaters to shorefront facilities shall be strongly encouraged since none presently exists. Such access at the Hudson River Psychiatric Center, Bowdoin Park and in New Hamburg will be encouraged.

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

1. The existing access from adjacent and/or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   C. The level of use and nature of the access does not adversely affect adjacent land uses, including historic resources, or the natural environment. Concerns of safety, security, liability and compatibility of the access with adjoining land use should also be considered.

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

   Access to either active or passive water-related recreation resources will be considered on a case-by case basis if opportunities not foreseeable at this time are presented when properties become available, development plans are submitted or new rights-of-way established.

See also Policies 2, 9, 20, 21, 21A, 22 and 25, Section IV and Appendix C.

POLICY 20

Access to the publicly-owned foreshore and to the lands immediately adjacent to the foreshore or the waters edge that are publicly owned shall be provided in a manner compatible with adjoining uses. Such land will be retained in public ownership.

Explanation of Policy

The Town of Poughkeepsie has little or no recreation facilities providing specific public water-related recreational facilities. Access to the publicly-owned land of the coast at large should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the water. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the provision of access across transportation facilities to the waterfront, the improvement of vehicular access to the waterfront, and the promotion of mixed and multi-

use development. 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. See also guidelines in Policy 19.

The nature of the Hudson River shoreline at Poughkeepsie is such that there is little, if any, foreshore that is safely useable except in conjunction with adjacent land. The only public land adjacent to and providing access to the foreshore is the lands of the Hudson River Psychiatric Center. Use of this land by the general public is limited to special events approved by the HRPC. The three acres between the railroad and the river contain recreation facilities accessible via an underpass, including a boat launch, dock space, a clubhouse and picnic facilities. The lands east of the railroad are largely undeveloped and wooded. The lands adjacent to the water shall remain in public ownership and access thereto made available to the general public to the maximum extent possible. The land between Route 9 and the railroad shall include, where possible, parking, trails and viewing areas which are open to the public. None of this latter land shall be disposed of in a way which diminishes access to the railroad underpass. This proposal is discussed further in Section IV and the study "Access to the River" attached as Appendix C. One additional opportunity to gain access along the waterfront is via joint use of the railroad right-of-way for walkways or other passive activities, where such use is safe and can provide access to or between other public lands. Such opportunities will be encouraged where appropriate.

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

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

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

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

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

B. Public lands or facilities - lands or facilities held by the State or local government in fee simple or less-than-fee simple ownership and to which

the public has access or could have access, including underwater lands and the foreshore.

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

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

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

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

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

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

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

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

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

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

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

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

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

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

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

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

Concerns of safety, security, liability and compatibility of the access with adjoining land use should also be considered.

See also Policies 2, 9, 19, 21, 21A, 22, and 25, Section IV and Appendix C.

RECREATIONAL POLICIES

POLICY 21

Water dependent and water enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and 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 increases the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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

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

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public action should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

POLICY 21A

The development of public access to water-related recreation facilities at the Bowdoin park, Hudson River Psychiatric Center and Marist College waterfronts shall be a high priority of this program.

Explanation of Policy

These three parcels, located at each end of Town, require different solutions to achieve the same objective.

1. The waterfront of the Hudson River Psychiatric Center, including all land west of Route 9, is some 25 acres providing access under the railroad to a site that is already developed with a club house, picnic area and docking and launch facilities, plus the hospital's abandoned sewer and water supply plants. Although apparently underutilized it is available only to hospital employees and patients, with use of this land by the general public limited to special events approved by the HRPC. The lands east of the railroad are largely undeveloped and wooded. Actions to permit access to the waterfront and use of the recreation resources at this site by the general public are to be encouraged and shall be considered consistent with this policy and Policies 19, 20, 22, and 25. Construction of a bridge or similar facility, which obstructs physical or visual access to or recreational use of the existing facility shall be considered inconsistent with this policy.

2. Bowdoin Park includes over 300 acres of county land devoted to recreational use. Although the land includes Hudson River frontage, the water is cut off by the railroad tracks, thereby confining use to viewing only. Actions which will provide access across the tracks and via boat will be encouraged.

3. Marist's proposal to create a waterfront park including boating and recreation facilities available to the general public shall be supported and integrated with other public access proposals.

These proposals are discussed further in Section IV and the study "Access to the River" attached as Appendix C.

See also Policies 2, 19, 20, 22 and 25.

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

The types of development which can generally provide water-related recreation as a multiple use include but are not limited to: parks, utility transmission rights-of-way, sewage and water treatment facilities, mental health facilities (Hudson River Psychiatric Center for example), schools and universities, nature preserves, restoration of mineral sites, large scale residential and mixed use development projects and maritime commercial uses. The type of water-related recreation which could be included in a multiple use proposal should be evaluated on a case-by-case basis, although in some cases it is likely to be limited to the more passive forms, such as trails, scenic overlooks or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation. In addition, the railroad right-of-way, which extends the entire length of the coastal area, offers the possibility to transform an existing barrier to the waterfront into an unusual recreation opportunity. A river walk along appropriate portions of the right-of-way will be considered and evaluated. Also, opportunities for multiple use of the Trap Rock lands, upon completion of quarrying, will be investigated.

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 also Policies 2, 19, 20, 21, 21A and 25.

One site that holds promise for multiple use wich includes water-dependent recreation is HRPC. A significant portion should be devoted to public recreational uses, especially those that are water related. Whether the State property is redeveloped in total or in part, the future redevelopment plans should include public access and recreation. The underutilized land will be redeveloped in accordance with Policy 1.

HISTORIC AND SCENIC RESOURCES

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.

Explanation of Policy

Among the most valuable manmade resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies 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 requires effective efforts, when appropriate, to restore or revitalize the 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 will also be actively promoted.

Individual sites in the Town of Poughkeepsie listed on the National Register of Historic Places include Locust Grove, Hudson River State Hospital's main building and three buildings on the Marist College Campus from the former Rosenlund Estate. Also listed are eight properties in the Hamlet of New Hamburg. As one of the few settlements between the railroad and the river, New Hamburg has both an historic coastal relationship and a unique setting in the Town. Actions to enhance water-related functions and preserve this mix of uses in this area will be encouraged by appropriate zoning techniques. The Cornell Boathouse on the Marist waterfront may be eligible for listing and should be preserved and protected. This policy shall also apply to all other properties determined to be eligible for listing on the National Register.

All practicable means to protect these resources shall be taken, including consideration and adoption of such techniques, measures, or controls to prevent a significant adverse change to the resource. A significant adverse change includes but is not limited to:

- Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property.

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

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

This policy shall not be construed to prevent 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 of the structure, district or site.

SCENIC QUALITY POLICIES

POLICY 24

Prevent impairment of scenic resources of statewide significance as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geologic forms, the destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Explanation of Policy:

Although no upland area in the Town has been designated as a Scenic Area of Statewide Significance (SASS), the Esopus/Lloyd SASS on the west side of the Hudson River extends from the northern Town line to a point opposite the northern end of the IBM campus. The Esopus/Lloyd SASS encompasses a seventeen-mile stretch of the Hudson River and its shorelands and varies significantly in width from 0.75 to 2 miles. The SASS extends from its northern boundary, which runs from Riverview Cemetery on NY Route 9W to the Hudson River, south of the hamlet of Port Ewen, to its southern boundary on Church Road in the hamlet of Milton. The SASS includes the Hudson River from the mean high tide line on the eastern shore, thereby including the river waters within the Town of Poughkeepsie. Three

sub-units of the Esopus/Lloyd SASS are opposite the Poughkeepsie Coastal Area: EL-4, Lloyd Bluffs; EL-5, Highland Bluffs; and EL-6, Blue Point. See Appendix B.

The Esopus/Lloyd SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a long stretch of bluffs along the Hudson River shorelands. While this is by far the most striking of topographical features, there are also extensive areas of rolling upland behind the western bluffs, exposed rock faces along the bluffs and tidal flats and shallows along the base of the bluffs.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the rolling uplands are interrupted by a combination of farmsteads, pastures and meadows orchards and vineyards, and landscaped estates, residences and religious institutions. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at Esopus Meadows.

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and

- a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and

- the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

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

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

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

3 Incorporating existing historic structures into the overall development scheme.

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

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

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

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

POLICY 25

Protect, restore 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

When considering a proposed action within the Town's upland area, although not included in a designated SASS, care should 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., the modification of natural landforms, removal of vegetation, etc.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements will be pursued. Despite the considerable length of the Town's waterfront, there are relatively few opportunities to view the water, particularly from public streets or lands. Since direct access to the waterfront is so limited, actions which preserve or increase visual access from public property shall be encouraged.

Sites in public ownership where visual access exists and should be protected and improved, or where it can be created, as shown on Map 4, include:

- The Hudson River Psychiatric Center;
- The City of Poughkeepsie Waterworks;
- The Town's Fourth Ward Sewer District Plant;

- The Arlington Sewer District Plant;
- The Tri-Municipal Sewer District plant;
- Bowdoin Park;
- Various locations on streets in New Hamburg, including Water Street, Division Street, Point Street, River Road and Main Street.

Where opportunities exist for visual access from public lands they shall be preserved and enhanced, utilizing the guidelines outlined in Policy 24. For instance the selective maintenance and/or removal of vegetation in areas of Bowdoin Park and on public streets in New Hamburg would improve vistas of the Hudson River and its western shore.

Views across private lands from public lands will be protected and enhanced through the implementation of the Town's zoning and site plan regulations and by utilizing the guidelines outlined in Policy 24, except where it can be demonstrated that development proposals as permitted by the zoning regulations would be infeasible if the view corridor is retained. Opportunities for creating new vantage points from public land will be considered in the review of development proposals.

The scenic quality of the coastline can be viewed from the river and the western shore. These views do not reveal the extent of urbanized development of the coastal area and provide a natural scenic experience. This adds to the appeal of the river and should be preserved wherever possible. Review of development proposals in the coastal area shall consider and seek to minimize the impact of the changes that the landscape would undergo and the effect on views of the coastal area as seen from the river and the opposite shore. This will be achieved through the implementation of the Town's zoning and site plan regulations and by utilizing the guidelines outlined above.

In particular, any future development of the Trap Rock Quarry shall be planned in such a way as to screen views of the active quarry from the River to the extent reasonably practical. Review of plans for the post-quarry development of the Trap Rock site shall consider the protective effect of the existing escarpment on scenic views from the river and the opposite shore.

AGRICULTURAL LANDS POLICY

POLICY 26

The State Coastal Policy regarding the conservation of agricultural land is not applicable to the Town of Poughkeepsie because there are no agricultural lands in the Poughkeepsie coastal area.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27

Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State coastal Management Program and this Local Waterfront Revitalization Program.

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

This policy shall also apply to facilities which generate energy as a major by-product, such as the resource recovery plant south of the IBM plant.

POLICY 28

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Explanation of Policy

Prior to undertaking actions required for ice management on the Hudson, 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. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29

The State Coastal Policy regarding the development of energy resources on the outer continental shelf is not applicable to the Town of Poughkeepsie.

WATER AND AIR RESOURCES POLICIES

POLICY 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through the regional treatment system before reaching the State's waterways. State and federal laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways are necessary to ensure that all 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.

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 other coastal tributaries, as set forth in Section II, is compatible with their present use and future objectives. Any action taken in the coastal

area which would lead to reduction of such classification will be considered inconsistent with these coastal policies.

POLICY 32

Encourage the use of alternative of innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Explanation of Policy

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

All of the coastal area is served by public sanitary sewer systems with the exception of the hamlet of New Hamburg. The relatively small size of the hamlet and high cost of connection to the existing sewer systems has precluded other than on-site systems. All means of providing sanitary sewage disposal for this area will be pursued and is of particular importance due to its singular location on the river and relationship to waterfront access and recreation.

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined systems with separate sanitary and stormwater collection systems) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. The standard set forth in Policy 14 will apply to all construction in the coastal area to control stormwater runoff and erosion.

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 marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657) and shall be strictly enforced. Plans for expansion or development of new marinas will be reviewed to determine if requirements for on-shore pump out facilities are appropriate and feasible.

POLICY 35

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state and federal 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.

Due to the depth and breadth of the Hudson at Poughkeepsie, dredging of the main shipping channels is not required. However, maintenance dredging is appropriate near New Hamburg to maintain access to the recreational boating facilities there in accord with Policies 19 and 21, 21A, and at other existing or approved dock areas in the Town. The disposal of suitable dredge spoils may be appropriate in connection with the reclamation of the Trap Rock Quarry. The nature and use of the spoils must be studied prior to such use to determine if they are consistent with the policies herein and in no event shall such spoils contain contaminants known or suspected to endanger public health or facilities.

POLICY 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users of petroleum products and radioactive 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 also Policy 39.

POLICY 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

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.

New development on the steep slopes above the Hudson River could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Development plans in these areas will be required to include erosion protection plans to achieve the following objectives:

- Natural ground contours should be followed as closely as possible.
- Areas of steep slopes, where high cuts and fills may be required, should be avoided.
- Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create erosion problems.
- Natural protective vegetation should remain undisturbed, if at all possible, and restored when necessary.
- The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
- The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
- A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
- The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should be used only where vegetation and grading are not sufficient to control erosion.
- The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.

The Town has enacted an Erosion and Sediment Control Law to implement this policy.

POLICY 38

The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Explanation of Policy

Local groundwater supplies and surface water of the Hudson River must be protected. Since most of the coastal area draws its drinking water from the Hudson, the impact of an action on the quality of 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.

POLICY 38A

Actions which enable the salt front to move northward and, thereby, jeopardize the quality of drinking water drawn from the river will be prohibited unless adequately mitigated.

Explanation of Policy

Such actions include drawing of water from below the Poughkeepsie water plant and reduction of flows above the plant. Any such actions shall be evaluated in terms of their effect on the movement of the salt front. If contributing to its northward movement, such actions shall be deemed inconsistent with the policy. See also Policies 7, 7A, and 44.

POLICY 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, recreation areas, and scenic resources.

Explanation of Policy

The definitions of terms "solid wastes" and "solid 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 wastes is the contamination of water resources, other related problems may include: filling wetlands and littoral areas, atmospheric loading and degradation of scenic resources. Federal and State law provide a substantial base of regulation for waste disposal. The strict enforcement of these regulations is extremely important to protect the fish and wildlife habitats of the coastal area, and will be given priority.

POLICY 40

Effluent discharged from major steam generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility. This policy shall also apply to other facilities which generate steam as a by-product.

POLICY 41

Land use or development in the coastal area will not cause federal or state air quality standards to be violated.

Explanation of Policy

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

POLICY 42

The State Coastal Policy regarding reclassification of land areas pursuant to the Federal Clean Air Act regulations is not included in this local program, however, it will continue to apply as set forth in the State Coastal Policy.

POLICY 43

The State Coastal Policy regarding generation of acid rain precursors is not included in this local program, however, it will continue to apply as set forth in the State Coastal Policy.

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Explanation of Policy

No tidal wetlands are delineated on the Hudson north of the Tappan Zee Bridge. There is one State designated freshwater wetland in the Poughkeepsie coastal area.

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.

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

- habitat for wildlife and fish and contribution to associated aquatic food chains; (see Policy 7 and 7A);
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in developed areas.

In addition to the existing state laws that establish the basis for preservation of coastal resources and which will continue to be implemented by state agencies, accompanying local action can strengthen wetland protection. Zoning requirements, site plan review and the Town's Erosion and Sediment Control Law, discussed in Policy 37, shall be used to minimize the adverse effects of activities in the coastal area to designated and other freshwater wetlands and their associated drainage basins. Adverse effects, as used herein, shall include erosion, sedimentation, pollution or similar affects and changes in salinity due to movement in the salt front as set forth in Policy 38.

SECTION IV

PROPOSED LAND AND WATER USES AND PROJECTS

IV. PROPOSED LAND AND WATER USES AND PROJECTS

A. PROPOSED LAND AND WATER USES

A Land and Water Use Plan has been developed based on the relevant policies established in Section III and the "Long Range Land Use Plan" for the Town of Poughkeepsie adapted July 31, 1990. The Plan (see Map 6) delineates land use categories in the coastal area based on physical features, land-water relationship, land and water access, utility service, historical context and environmental significance. Although much of the land use pattern in the coastal area is well established by existing uses, the proposed concept does suggest some refinements and or/modifications.

The five categories described below represent a combination of zoning designation and public use areas. The corresponding categories in the Long Range Land Use Plan appear in parenthesis. Necessary zoning and other legislation to implement the plan are set forth in Section V.

1. **Water Related Uses** (Park and Open Space)

   Two categories of water related use are proposed:

   a. Open Space: These are areas to be preserved as natural open space, non-intensive public or quasi-public uses or passive recreational use. Included are the Rural Cemetery, the Young-Morse Estate, and the Audubon Society parcel on Wappinger Creek.

   b. Intensive Recreation: This designation includes both public and private water related recreation facilities, particularly those proposed projects outlined in Section B.

2. **Residence/Institutional** (Public and Institutional)

   This designation applies to the area at the north end of Town which contains Marist College (except for Longview Park), the Hudson River Psychiatric Center (except west of the railroad tracks) and several residences. Although a portion of this area is zoned for business, it is the only place in Town where there are some visual links between Route 9 and the river. It should be maintained as a non-commercial buffer although existing businesses along Route 9 will continue and may be expanded as allowed under existing zoning regulations and consideration should be given to designating other properties for limited business use which have direct frontage on Route 9 and the development of which would not impede waterfront access.

3. **Moderate Density Residential** (Low Medium Density Residential)

   This includes the area on either side of Sheafe Road in the southern part of Town which has been the site of much recent suburban development.

4. **Mixed Urban** (Commercial, Research/Office and Medium and High Density Residential)

   Two distinctly different types of areas are located in this general group.

a. Highway: This includes the area on Route 9 just north of IBM which is already mostly developed with a combination of commercial and multi-family uses.

b. Historic: The hamlet of New Hamburg with its traditional mixture of residential and neighborhood commercial uses is the only such area designated.

5. **Industrial** (Industrial and Special Use)

The existing major industrial uses are so designated, including IBM, Trap Rock quarry and the resource recovery plant.

The Trap Rock Quarry is expected to continue operations as a major producer of crushed stone for the Mid-Hudson and New York metropolitan area for 30 to 100 years in the future. The current reclamation plan for the quarry only indicates grading of the existing excavation, and does not consider future use. As one of the largest land holdings in the Town under single ownership, with more than two miles of river frontage, this 1,200 acre site offers a unique opportunity for cohesive, integrated and innovative planning. While the size, location and diversity of the site suggest a wide array of potential land uses, or a mixture of uses, may be appropriate, the site should be planned cohesively as a whole.

It is recommended that the Town and the New York Trap Rock Company should cooperatively plan for the future of the Trap Rock Quarry as soon as possible, and well in advance of the cessation of stone production. The appropriate range of land uses on the site, and the appropriate mixture of such uses, would be determined only after a thorough legislative and environmental review by the Town Board.

Restoration plans for the quarry should consider the after-use of the almost two miles of shoreline and the site's excellent docking facilities. The portion of the site between the river and the railroad should be used for water-dependent uses and/or water-enhanced uses, preserving the option of water-borne shipping and commerce. The shoreline also offers potential opportunity for active recreational use of part of the riverfront and for the provision of public access, and these should be considered as part of a restoration proposal, and through the site plan review process for new development.

B. PROPOSED PROJECTS

1. Waterfront Access

The following projects or actions have been identified as supporting the policies and objectives developed in Section III. All of them are related to the acquisition and/or development of access to the waterfront. These proposed projects and the basis for the priority accorded to each are discussed in detail in the Town of Poughkeepsie's study "Access to the River" (attached as Appendix C.) which evaluated all potential sites. That study is hereby incorporated in and made a part of the Town of Poughkeepsie LWRP.

2. High Priority Sites

a. Hudson River Psychiatric Center Waterfront

The State of New York owns some 25 acres west of Route 9. This area was once the site of the water and sewer treatment plants of Hudson River Psychiatric Center plus waterfront recreation facilities for the Psychiatric Center. The two plants are no longer in use; the 22 acres between Route 9 and the railroad are vacant and overgrown; the three acres at the water's edge has a clubhouse, picnic area and docking facilities which appear underused. The site meets all criteria for a public waterfront recreation facility -- it has grade separated access, deep water, ample area for parking and support facilities and will not adversely affect surrounding land or water uses. Therefore, it is a first priority that this site remain in public ownership. In that such facilities are scarce and might well serve a broader population than just the Town's, the participation of Dutchess County in this project would also be appropriate. An additional opportunity offered by this acquisition is the creation of a Greenway connecting the hospital property to the Marist waterfront park (see 2. below). The Town should pursue funds to develop a feasibility study to determine how public access and recreation can be achieved at the Hudson River Psychiatric Center site. This study should include design alternatives, cost estimates, ownership and management issues.

b. Marist College Waterfront

Marist proposes to create a beautiful Riverside Park, open to the public and affording direct access to the Hudson. It would feature picnic areas, benches, a scenic overlook, a permanent fishing pier, and walkways and bike paths along the entire length of the campus's waterfront that connect to neighboring Greenway trails and potentially the Hudson River Psychiatric Center site discussed in a. above. Comfort stations with lavatory facilities are drinking fountains would also be established. All park facilities would be handicapped-accessible.

A Boating Center would provide public access to the River with opportunities for recreational, non-motorized boating as well as college and high school rowing. New floating docks and an improved boat ramp would provide launch sites and docking facilities for rowing, sailing, canoeing and kayaking. The Center would meet the growing public interest in both recreational and competitive rowing among high school students amateur rowing and sailing groups, and the general public. In addition to creating a launching site, the Boating Center would provide a new site along the Greenway's Hudson River waterway trail.

c. Waterfront Loop Trail

An opportunity exists to connect two existing and one proposed waterfront recreation facilities in the New Hamburg area via a loop trail traversing a diverse waterfront setting. Starting at Bowdoin Park the trail would follow a power line right-of-way to Reed Avenue in New Hamburg; then along Reed Avenue and Point Street to the former oil storage facility; then via Main

Street, Bridge Street and New Hamburg Road to the Audubon Society land on Wappinger Creek; and, finally, through the Audubon Society land and across Channingville Road to the western end of Bowdoin Park. Such a route would pass along the Hudson River, through the historic hamlet of New Hamburg and along Wappinger Creek -- and would not require any property acquisition, only agreements as to use of the power line right-of-way and the Audubon Society property.

3. Other Possible Sites

The following sites have significant obstacles to development, but should be considered under appropriate conditions.

a. Development of the Bowdoin Park Waterfront

Long range plans for county-owned Bowdoin Park include development of access to and use of the waterfront by land and water although a bridge over the railroad is necessary. These plans should be strongly encouraged by the Town and given priority by the county since this site and the Psychiatric Center are the only waterfront lands in the Town already in public ownership

b. Development of Oil Storage Site in New Hamburg

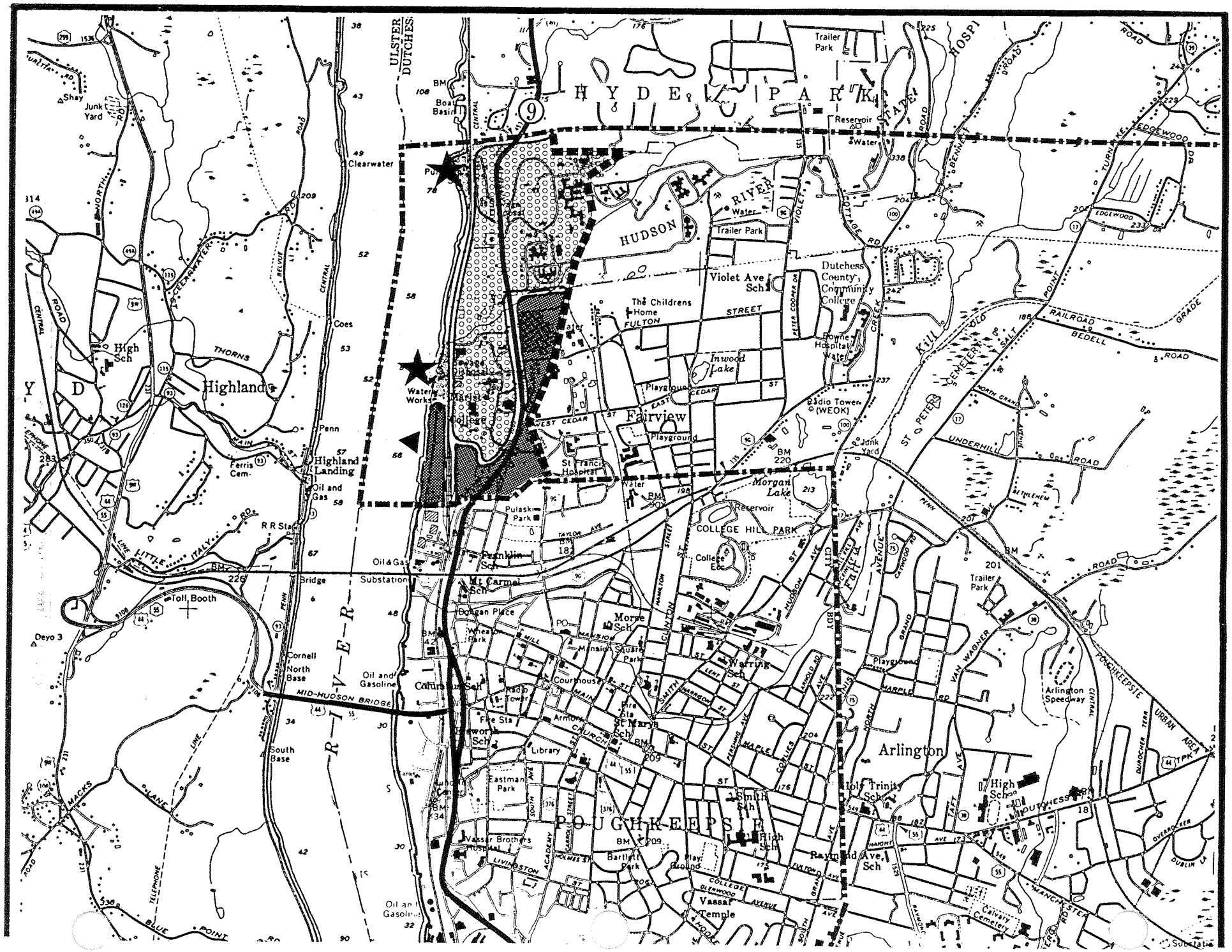
The oil storage facility on Point Street in New Hamburg, while water-dependent, is a nonconforming use, situated on a small site in a predominantly residential neighborhood. Given the scarcity of water access, its long range use for public recreation is appropriate and in keeping with the preservation of New Hamburg as a waterfront community. Since it is presently being used by a water-dependent use, acquisition and development of this site should be deferred pending its availability through discontinuance. In its eventual development, consideration should be given to possible joint use with appropriate private development -- to share costs and add diversity -- as well as use of the Town owned land on River Street for supporting uses such as parking.

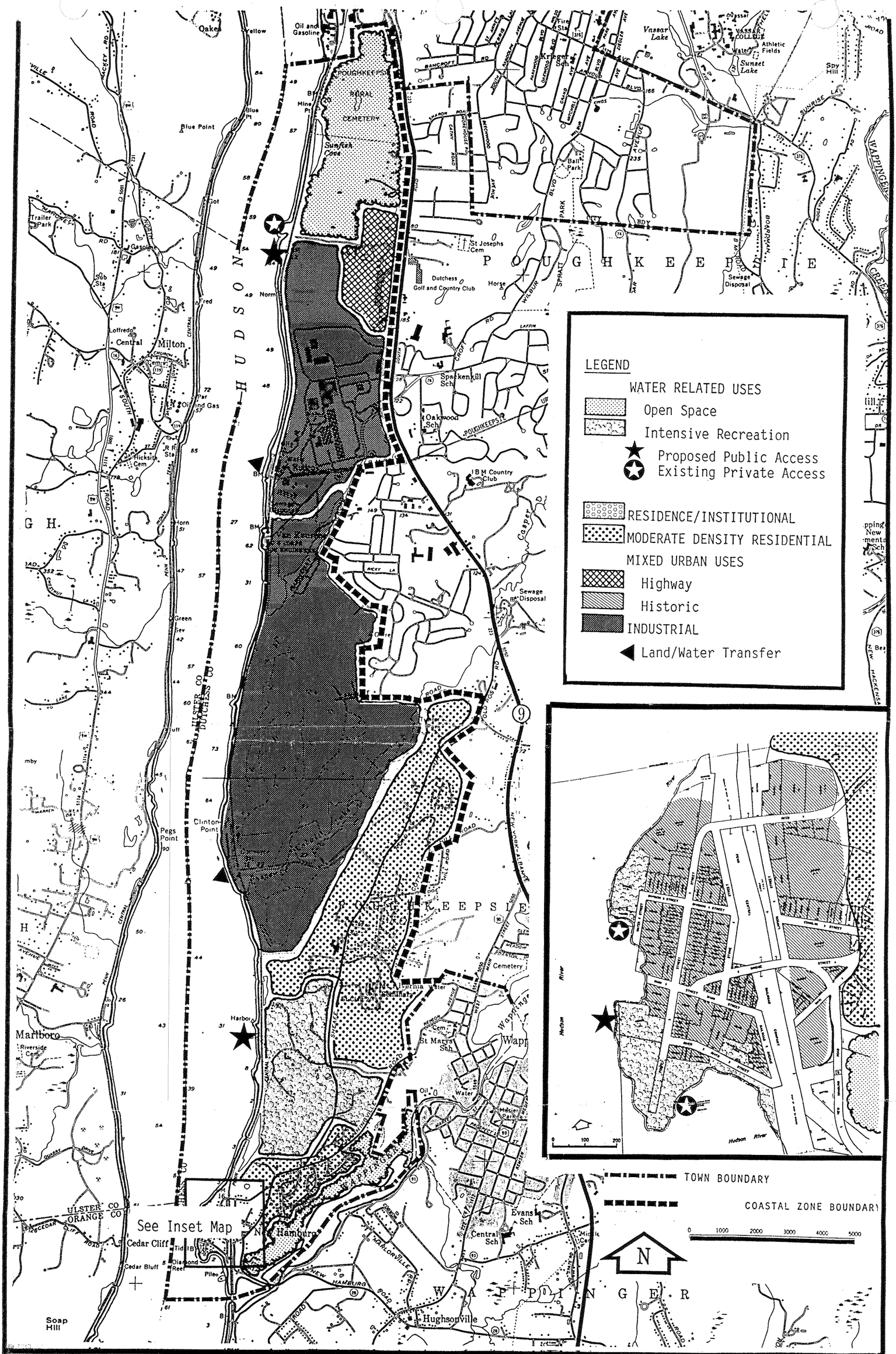
c. Acquisition and Development of Railroad Land at Pirate Canoe Club Road

At the end of Pirate Canoe Club Road, a private right-of-way, a parcel of land owned by the railroad juts out into the river south of the boat club. Although of limited size, it offers an opportunity for passive recreation if access is provided. A concept for access across the northwest corner of IBM's "North 100" property, including a railroad overpass, was developed during the Planning Board's review of the EIS for proposed use of the property. However, IBM has abandoned these plans. When future development of this site is considered, opportunities for public access to the water should be explored in detail. The need for improved vehicular access and support parking as well as a grade crossing of the railroad are also major limitations of this site.

4. Harbor Management Plan

The Town has 8.5 miles of frontage on the Hudson River and two miles on the Wappinger Creek. Much of the shoreline is not accessible to the general public due to the presence of railroad tracks and major industrial uses. With the exception of the waterfront at New Hamburg, the shoreline is straight, with virtually no sheltered areas, and open to the broad reach of the river. Therefore, direct involvement of the community with the water resource and competition for waterfront facilities is limited. However, in order to analyze the waterside portion of the coastal area in greater detail, to evaluate specific concerns identified and develop a long range plan for management, the Town will undertake a harbor management plan as provided under Article 42 of the Executive Law when greater competition for waterfront uses occurs. For example, upon completion of the Marist Longview Park project or in the event HRPC becomes available for public use. These uses could contribute to competition for use and a harbor management plan would become essential. Such a plan would include appropriate local laws to regulate vessels, structures and uses within the management area; special studies and design projects to refine the plan; identify capital improvement projects to maintain or improve conditions in the harbor area; and coordinate such actions as are appropriate with state and federal agencies.


HYDE PARK
HUDSON RIVER
Highland
Highland Landing
Fairview
Arlington
POUGHKEEPSIE
Dutchess County Community College
Violet Ave Sch
The Childrens Home
Inwood Lake
Morgan Lake
COLLEGE HILL PARK
Franklin Sch
Mt Carmel Sch
Morse Sch
Warring Sch
Columbus Sch
Eastman Park
Vassar Brothers Hospital
Vassar Temple
Raymond Ave Sch
Holy Trinity Sch
Arlington Speedway
Clearwater
Coes
Penn
Ferris Cem
Oil and Gas
Substation
Toll Booth
Deyo 3
Cornell North Base
South Base
Oil and Gasoline
MID-HUDSON BRIDGE
Junk Yard
Trailer Park
Reservoir
Water
Radio Tower (WEOK)
Playground
Pulaski Park
Wheaton Park
Mansion Square Park
Courthouse
Fire Sta
Armory
Library
Bartlett Park
Calvary Cemetery
Kill
ST PETERS CEMETERY
POUGHKEEPSIE URBAN AREA
ULSTER
DUTCHESS



Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

GENERAL LAND AND WATER USE PLAN

Map No. **6**

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

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

A. LOCAL LAWS AND REGULATIONS

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

1. Zoning Regulations (See Map No. 7)

a. Waterfront Zoning Districts: The Town recently enacted two Waterfront Zoning Districts (WD1 and WD2) which will assist in the implementation of the purposes and policies of the LWRP. By setting up two waterfront districts the Town has recognized that the Hudson River waterfront should be divided into two categories with distinct land use characteristics.

1. Waterfront District 1 (WD1) covers the areas of waterfront adjacent to low intensity uses.

   Permitted uses in the WD1 include: recreation facilities which utilize the waterfront for active or passive recreation use; community centers when part of coastal public access or public recreational access; scientific, cultural, historic, artistic, and educational activities and uses which by their nature, require access to coastal waters; mariculture and aquaculture activities; Infrastructure and facilities to provide access across the railroad tracks between the WD1 and upland locations; support facilities and temporary or moveable structures necessary for successful functioning of above uses; structures needed for flood protection and navigational purposes; sewage disposal and water treatment facilities.

   Uses allowed by special use permit in the WD1 include marinas and related uses.

2. Waterfront District 2 (WD2) covers the areas of waterfront adjacent to intensive industrial and commercial activity. The WD2 includes the frontages of the Tri-Municipal Wastewater Treatment Plant, Trap Rock, IBM and the Dutton Lumber Company.

   Permitted uses in the WD2 include: uses which require water transportation for transfer of goods or products; infrastructure and facilities to provide access across the railroad tracks between the WD2 and upland locations; uses, facilities and infrastructure, accessory to adjoining upland uses which are dependent on access to the waterfront for effective operation; accessory or support facilities; all permitted uses allowed in the WD1; marinas.

Application: These two zoning districts support the implementation of Policies 1, 2, 2A, 5, 7, 7A, 19, 20, 21, 21A, 25, 33, 34 and 37.

b. 1993 Zoning Changes: The Town adopted a new Zoning Law in 1993 which establishes land use and density controls, in designated districts, based on a comprehensive plan. There are eight residential districts, four commercial districts, four office/industrial districts plus a special quarry district.

The districts are drawn to limit land uses to those areas which are most appropriate. Business activities are limited to Route 9, which is capable of accommodating heavy traffic volumes. Residential uses are located mostly in areas buffered from Route 9 and streets. Heavy industrial uses are confined to sites with adequate facilities and access to accommodate such uses. The Quarry District limits such use under specific controls, to the location of the existing resource.

c. New Hamburg zoning district: This district was enacted in 1989 with the intent of maintaining and preserving the traditional mix of residential and business uses which are part of the hamlet's historic development pattern.

d. Cluster Zoning: The Town's zoning regulations include a section on "cluster subdivisions" which authorizes the Planning Board to require the use of clustering, where it is deemed appropriate. The new provisions also require that at least 30% of the gross area of a cluster subdivision "be composed of land which is used for recreation purposes and/or preserved as open space."

Application: The land use controls are essential tools for implementation of the Development Policies (1, 2, 2A, and 4). These controls will also support Historic and Scenic Resources. Policies (23 and 25).

2. Subdivision Regulations

These regulations enable the Planning Board to (i) establish standards for the division of land into building lots and the design and construction of improvements and (ii) require approval of plans and specifications prior to subdivision.

Application: These regulations are important to orderly development and particularly Flooding and Erosion Policies (14 and 17) and Water and Air Resources Policies (32, 33, 38, and 44).

3. Flood Damage Prevention Regulations

These regulations set standards for the type and location of construction in flood hazard areas designated by the Federal Emergency Management Agency. By enacting such legislation, the community enables property owners to be eligible for flood insurance and is entitled to federal aid in the event of a flood related disaster.

Application: This law applies to the goals established in the Fish and Wildlife Policies (7 and 7A), Flooding and Erosion Policies (14 and 17) and Water and Air

Resources Policies (33, 35, 37, and 44).

4. **Environmental Quality Review**

This law requires compliance with the State Environmental Quality Review Act by all Town boards and agencies.

Application: Adherence to SEQR procedures allows an agency to identify possible significant impacts of proposed actions on any aspect of the physical environment at the earliest possible stage and to recommend or require appropriate mitigating measures. This review will support Public Access Policies (19 and 20) and Historic and Scenic Resources Policies (23 and 25).

5. **Erosion and Sediment Control Law**

The Town has enacted an ordinance, based on a model developed by the Dutchess County Soil Conservation Service to incorporate "best management practices" for construction related activities and stormwater management.

Application: This ordinance implements Fish and Wildlife Policies (7 and 7A); Flooding and Erosion Policies (14 and 17); and Water and Air Resources Policies (33, 37 and 44).

6. **Local Consistency Law**

A local law was enacted by the Town to require that the actions of all boards, agencies, commissions and departments are consistent with the policies established in the LWRP. For text of this local law see Appendix D.

Application: This action relates to the entire LWRP.

B. OTHER ACTIONS

1. As part of the preparation of the LWRP the Town of Poughkeepsie undertook a study to examine further the potential for public access to the Hudson River. "Access to the River" provides a detailed analysis of the feasibility of providing access to the waterfront at each of the potential sites identified in the LWRP. The study put forward an action program for each site, examining the legal and physical steps necessary to provide access, preliminary design of park facilities, estimates of land and construction costs and recommended priorities. The study, "Access to the River," is included in Exhibit C.

   Application: This study supports the implementation of the Public Access Policies 19 and 20.

2. Also recommended in this LWRP is the preservation of historic properties in New Hamburg. Historic preservation of eligible properties by listing on the National Register of Historic Places and preservation of the traditional character and mixture of uses in the entire hamlet is important to the economic present and cultural past of this unique part of the Poughkeepsie coastal

area. While the LWRP supports this objective through the establishment of policies to which local, state and federal agencies must conform, further study of the historic resources is necessary, prior to a consideration of the need for an Historic Conservation Zone or Overlay.

Application: This effort supports Development Policies 2A and 4; and Historic and Scenic Policies 23 and 25.

3. The need for a Harbor Management Plan, as provided under Article 42 of the Executive Law, was considered during preparation of the LWRP. While not deemed appropriate at this time, a detailed study of the need for and benefits of such a plan are an activity which should be undertaken in the future.

C. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM

No existing Town body had the responsibility to deal with the wide range of issues and actions affecting the coastal area. As a result, a Local Waterfront Advisory Committee was created to undertake the drafting of the LWRP. The Committee -- with members representing the Planning Board, Town Board and Conservation Commission among others -- has developed an overview of the problems and possibilities facing the coastal zone.

In the future, under legislative authority of the Town Board, as set forth in the Local Consistency Law, the Town Board, Planning Board and Zoning Board of Appeals will carry out the on-going functions related to implementation of the LWRP. See Appendix D for the text of the LWRP Consistency Law which more fully sets forth the local review process.

D. LOCAL REVIEW OF STATE AND FEDERAL ACTIONS

The Town will review proposed state and federal actions within the waterfront area in accordance with guidelines established by the New York State Department of State. Such guidelines are set forth in Appendix F.

E. FINANCIAL RESOURCES TO IMPLEMENT THE LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. Although the list of physical projects has been intentionally limited to those of highest priority, several may be 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 as to both amounts and recipients. The Town has completed a study examining further the potential for public access to the Hudson River. "Access to the River" puts forward estimates of land and construction costs for each first priority proposal. The study is attached as Appendix C. Set forth below are possible sources of funds.

Hudson River Psychiatric Center Joint Use

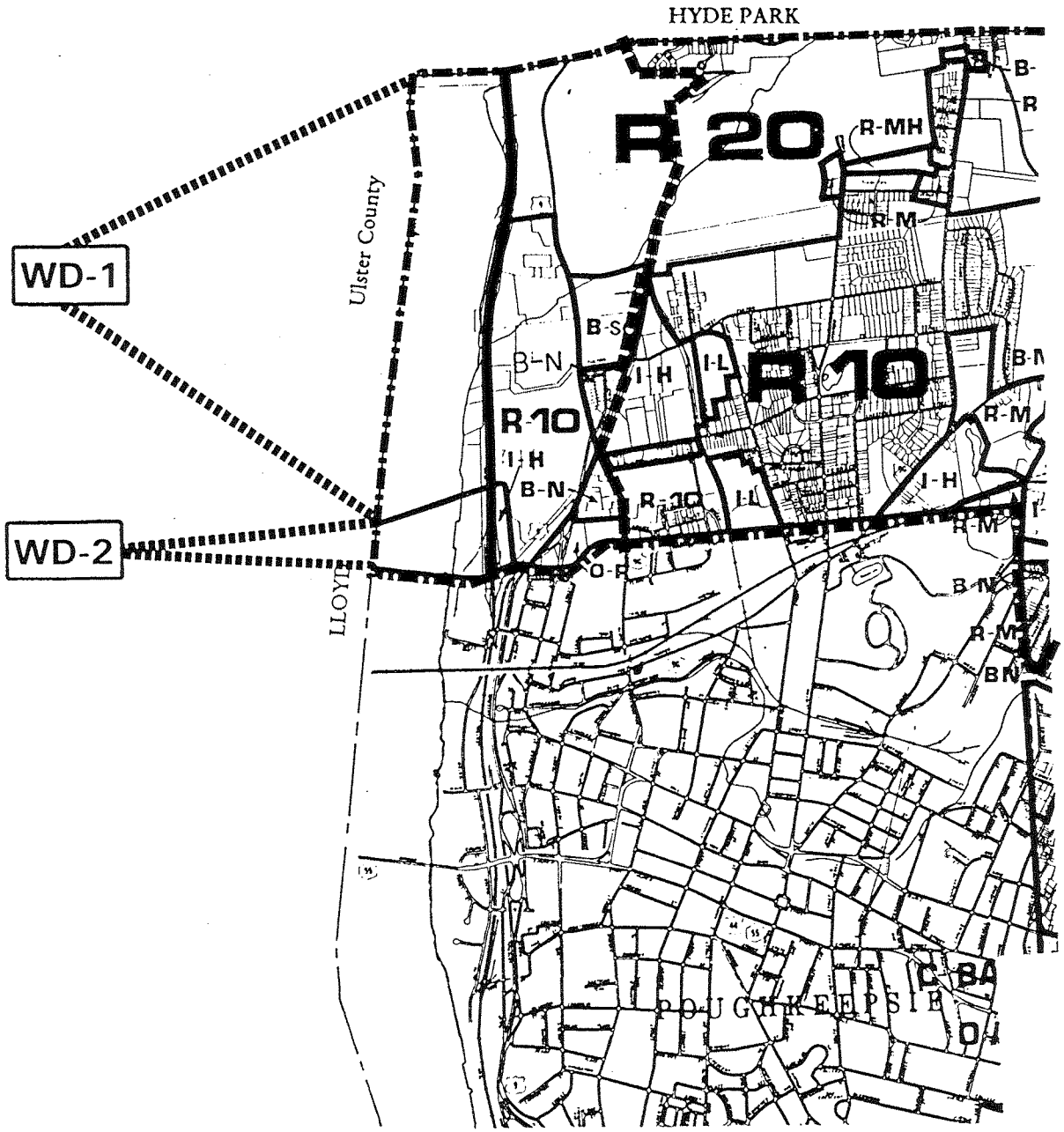
- New York State DEC

- New York State OPRHP
- New York State DOS
- Dutchess County

Marist College
- New York State DEC
- New York State OPRHP
- New York State DOS
- Marist College
- Hudson River Improvement Fund
- Greenway Conservancy
- Greenway Council

Bowdoin Park Development
- New York State OPRHP
- Dutchess County

New Hamburg Greenway
- New York State OPRHP
- New York State DEC
- New York State DOS
- Hudson River Improvement Fund
- Greenway Council
- Greenway Conservancy


HYDE PARK
Ulster County
WD-1
WD-2
R 20
R-MH
R-M
B-S
B-N
I-H
I-L
R 10
R-10
I-H
B-N
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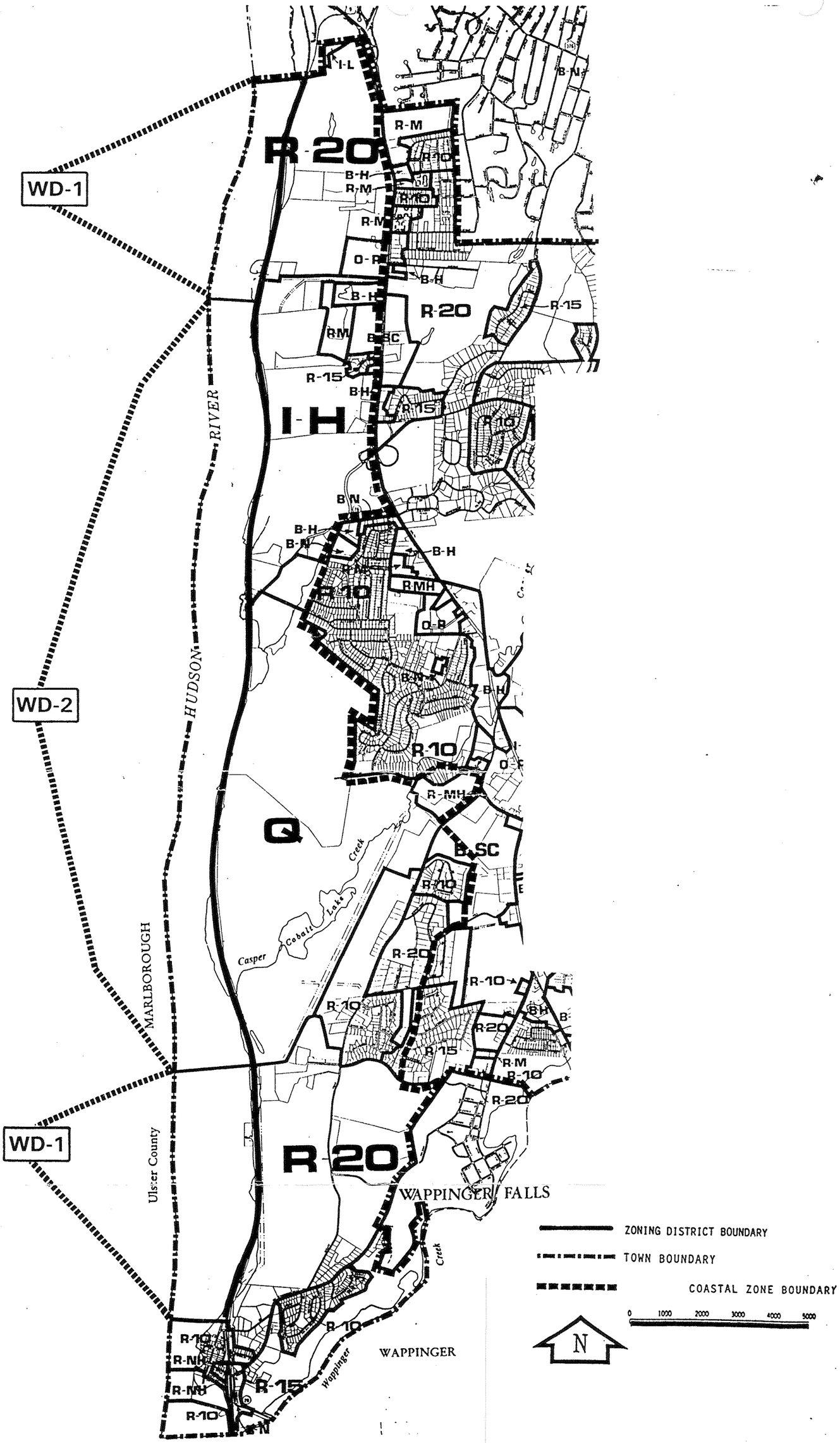
I-L
I-H
R-M
R-M
O-P
B-N
R-M
BN
POUGHKEEPSIE



Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

ZONING

Map No. 7

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

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

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

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

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

1. STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
2.00 Permit and approval programs:
- 2.01 Certificate of approval (Substance Abuse Services Program)

3.00 Permit and approval:

3.01 Letter Approval for Certificate of Need
3.02 Operating Certificate (Alcoholism Facility)
3.03 Operating Certificate (Community Residence)
3.04 Operating Certificate (Outpatient Facility)
3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.
2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
2.00 Permit and approval programs:
- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION

1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
2.00 Allocation of the state tax-free bonding reserve.

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
9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Distrubances
9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.28 Floating Object Permit
9.29 Marine Regatta Permit
9.30 Navigation Aid Permit

Marine Resources

9.31 Digger's Permit (Shellfish)
9.32 License of Menhaden Fishing Vessel
9.33 License for Non-Resident Food Fishing Vessel
9.34 Non-Resident Lobster Permit
9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.36 Permits to Take Blue-Claw Crabs
9.37 Permit to Use Pond or Trap Net
9.38 Resident Commercial Lobster Permit

9.39 Shellfish Bed Permit
9.40 Shellfish Shipper's Permits
9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

9.43 Mining Permit
9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
9.45 Underground Storage Permit (Gas)
9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

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

Water Resources

9.49 Approval of Plans for Wastewater Disposal Systems
9.50 Certificate of Approval of Realty Subdivision Plans
9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.55 State Pollutant Discharge Elimination System (SPDES) Permit
9.56 Approval -Drainage Improvement District
9.57 Approval - Water (Diversions for) Power
9.58 Approval of Well System and Permit to Operate
9.59 Permit - Article 15, (Protection of Water) - Dam
9.60 Permit - Article 15, Title 15 (Water Supply)
9.61 River Improvement District Approvals
9.62 River Regulatory District Approvals
9.63 Well Drilling Certificate of Registration
9.64 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.
11.00 Preparation and revision of Continuous Executive Program Plan.
12.00 Preparation and revision of Statewide Environmental Plan.
13.00 Protection of Natural and Man-made Beauty Program.
14.00 Urban Fisheries Program.
15.00 Urban Forestry Program.
16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal

of materials from lands under water, and oil and gas leases for exploration and development.

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

3.00 Facilities construction, rehabilitation, expansion, or demolition.

GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands in which the Conservancy has an interest.

2.00 Development of the Hudson River Valley Greenway Trail System for hiking, biking and paddling.

3.00 Development of projects that enhance public access to the Hudson River for recreation and economic development purposes.

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility - except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp
- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

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

2.10 Urban Renewal Programs

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

HOUSING FINANCE AGENCY

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

2.00 Affordable Housing Corporation

HUDSON RIVER VALLEY GREENWAY(regional agency)

1.00 Projects that enhance local land use planning and support Greenway Criteria.

2.00 Greenway Compact Activities

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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

1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
3.00 Funding program for recreational boating, safety and enforcement.
4.00 Funding program for State and local historic preservation projects.
5.00 Land and Water Conservation Fund programs.
6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
7.00 Permit and approval programs:
    7.01 Floating Objects Permit
    7.02 Marine Regatta Permit
    7.03 Navigation Aide Permit
    7.04 Posting of Signs Outside State Parks
    8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
    9.00 Recreation services program.
    10.00 Urban Cultural Parks Program.

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.
2.00 Center for Advanced Technology Program.

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.
2.00 Coastal Management Program.
3.00 Community Services Block Grant Program.
4.00 Permit and approval programs:
    4.01 Billiard Room License

4.02 Cemetery Operator
4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DEPARTMENT OF TRANSPORTATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
(a) Highways and parkways
(b) Bridges on the State highways system
(c) Highway and parkway maintenance facilities
(d) Rail facilities
3.00 Financial assistance/grant programs:
3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
3.03 Funding programs for rehabilitation and replacement of municipal bridges
3.04 Subsidies program for marginal branchlines abandoned by Conrail
3.05 Subsidies program for passenger rail service
4.00 Permits and approval programs:
4.01 Approval of applications for airport improvements (construction projects)
4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
4.05 Certificate of Convenience and Necessity to Operate a Railroad
4.06 Highway Work Permits
4.07 License to Operate Major Petroleum Facilities
4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
4.09 Real Property Division Permit for Use of State-Owned Property
5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
(a) Tax-Exempt Financing Program
(b) Lease Collateral Program
(c) Lease Financial Program
(d) Targeted Investment Program
(e) Industrial Buildings Recycling Program

3.00 Administration of special projects.

4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

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

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

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National WIldlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

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

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

A. Department of the Interior

- Outdoor Recreation-Acquisition, Development and Planning: Such assistance could be used to implement any of the sites designated in the Waterfront Access Plan.

- Historic Preservation Grants-in-Aid: Could be used to restore historic properties in New Hamburg.

2. State Actions and Programs

A. Department of Environmental Conservation

- 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.

- Mining Permit: Monitoring of activities at the Trap Rock Quarry and review of reclamation progress will help to ensure the eventual reclamation of this site in accord with LWRP policies.

B. Office of General Services

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

C. Office of Mental Health

- Facilities Construction, Rehabilitation, etc: Can permit use of existing waterfront recreation facilities by the general public in accord with a management plan that establishes guidelines for use and responsibility.

D. Office of Parks, Recreation and Historic Preservation

- Land and Water Conservation Funds: Can be used to acquire and develop proposed waterfront access sites.

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

- Historic Preservation Funds: Can be used for restoration in New Hamburg.

E. Department of State

- Funds for LWRP Implementation: Can be used for preconstruction activities for such projects as park acquisition and development, study of the feasibility of waterfront access sites and development of harbor management plan.

F. Department of Transportation

- Design, Construction and Rehabilitation of State Highways: Can include improvements to Route 9 north of the City to create scenic overlooks, and preserve and maintain vistas.

G. Hudson River Valley Greenway

- Technical and financial assistance: Can be used for projects that enhance local land use planning and support Greenway Criteria, and for the development of the Greenway Compact.

H. Greenway Conservancy for the Hudson River Valley

- Management of Lands: Can assist in the acquisition, disposition, lease or grant of easement related to lands which the Conservancy has an interest.
- Technical and Financial Assistance: Can assist in trail development, Hudson River public access projects, and natural and cultural resources.

APPENDIX A

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Poughkeepsie Deepwater Habitat

Designated: November 15, 1987

County(ies): Dutchess; Ulster

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

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

Score	Criterion
40	Ecosystem Rarity (ER) An extensive area of deep, freshwater, estuarine habitat; rare in New York State, but somewhat common in the Hudson River. Geometric mean: $(25 \times 64)^{1/2} = 40$.
36	Species Vulnerability (SV) Shortnose sturgeon (E) wintering area.
0	Human Use (HU) No significant fish or wildlife related human use of the area.
16	Population Level (PL) Concentrations of sturgeon and other estuarine species are unusual in New York State.
1.2	Replaceability (R) Irreplaceable.

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

= 110

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

DESIGNATED HABITAT: POUGHKEEPSIE DEEPWATER HABITAT

HABITAT DESCRIPTION:

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

FISH AND WILDLIFE HABITAT:

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

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

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

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Activities that would substantially degrade water quality, including changes in temperature, turbidity, or freshwater to saline distribution, would result in significant impairment of the habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents, and agricultural runoff.

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

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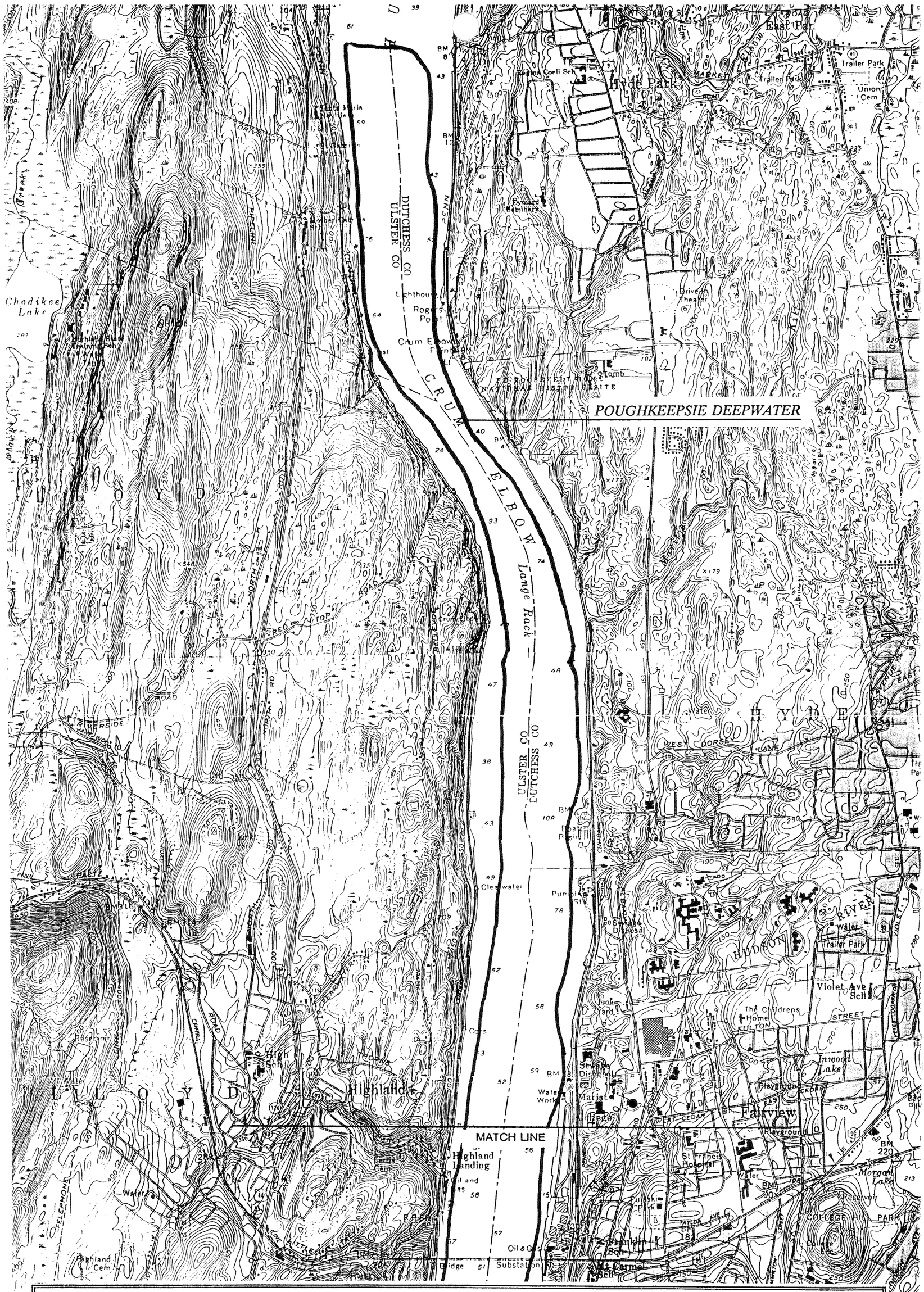


SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

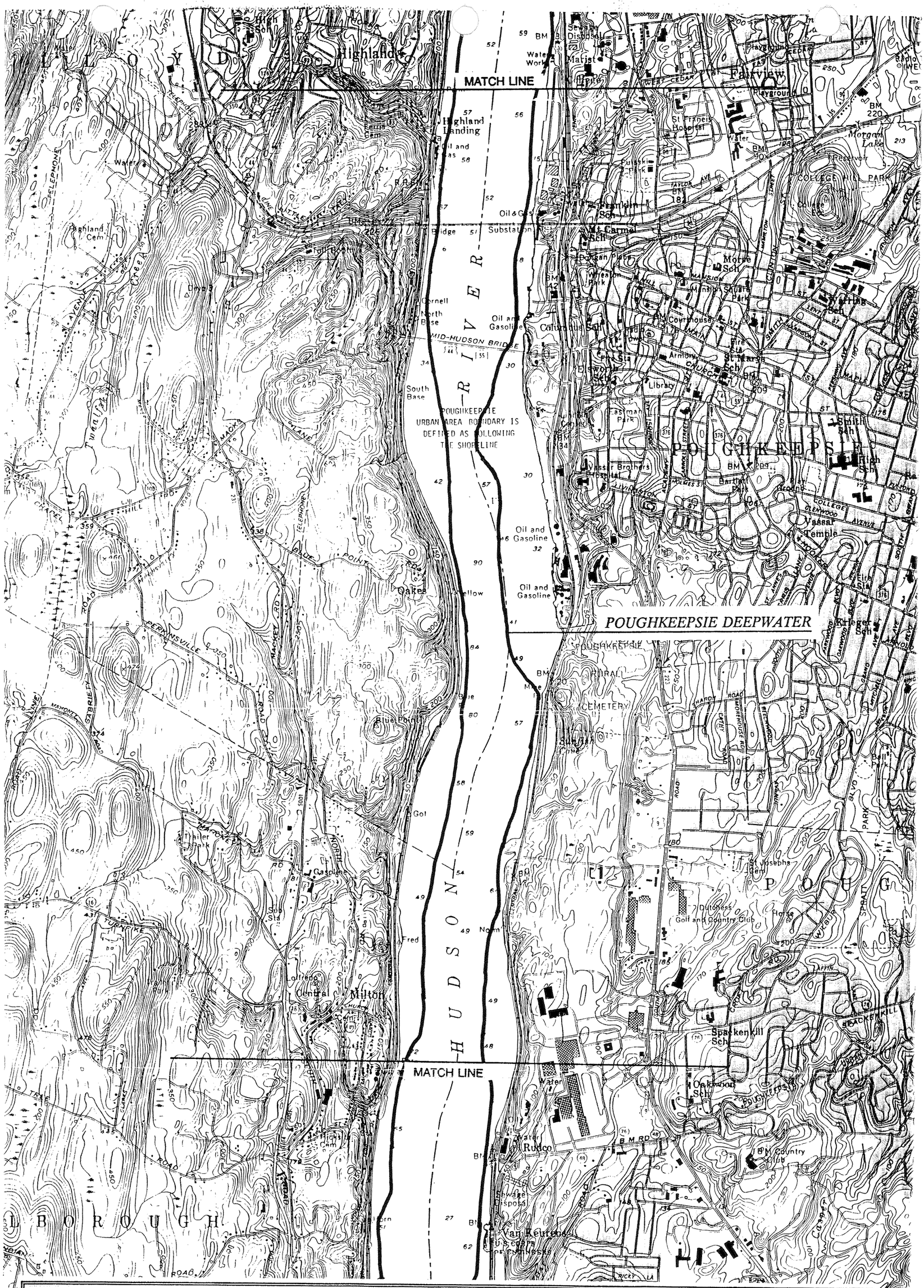
Poughkeepsie Deepwater (in part)

Miles

0 ½ 1

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Prepared by T. Hart and G. Capobianco September 1990



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Poughkeepsie Deepwater (in part)

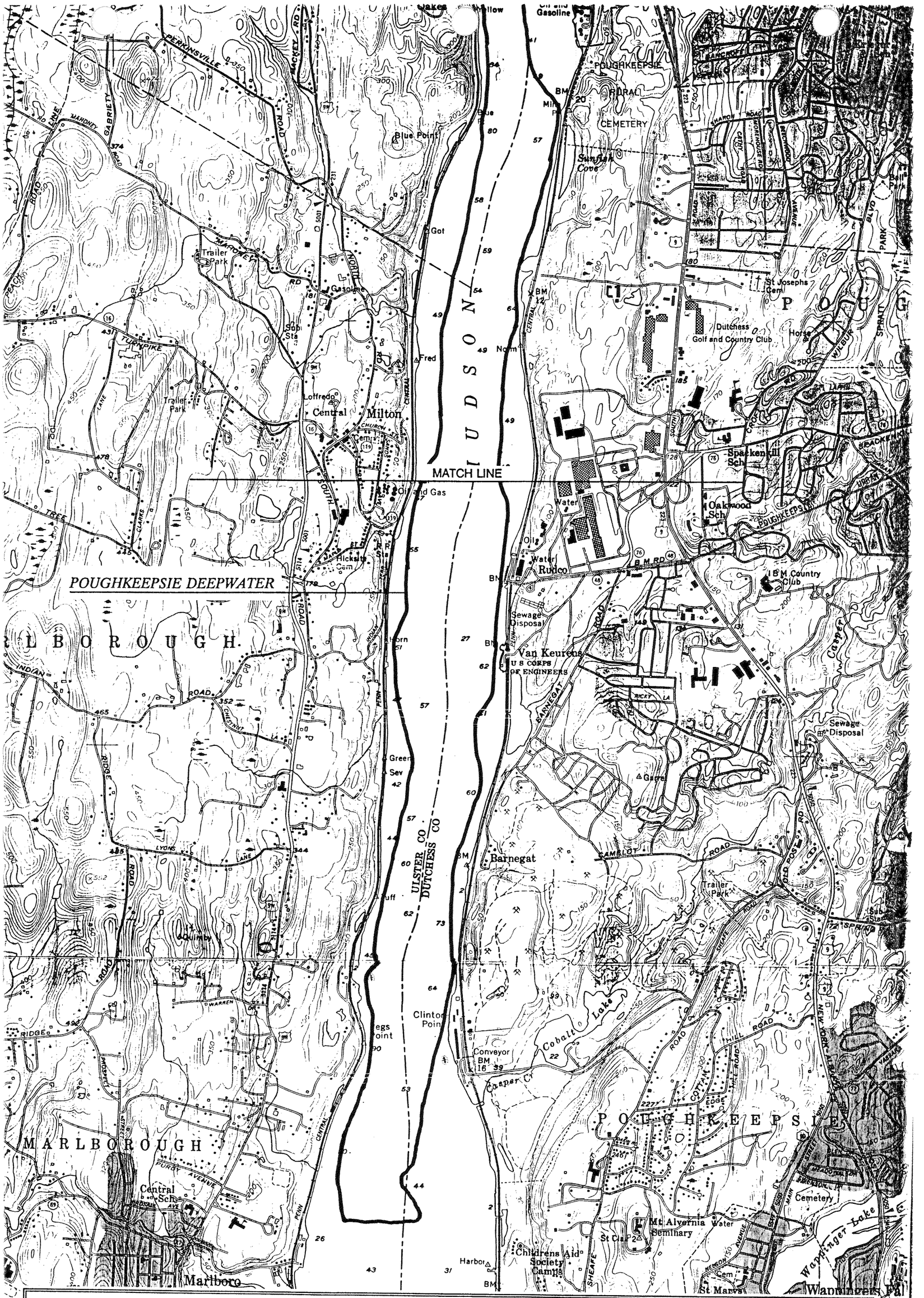
Miles

0 ½ 1

N

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Prepared by T. Hart and G. Capobianco September 1990



SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Poughkeepsie Deepwater (in part)

Miles

0 ½ 1

N

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Prepared by T. Hart and G. Capobianco September 1990

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Wappinger Creek**

Designated: **November 15, 1987**

County: **Dutchess**

Town(s): **Poughkeepsie, Wappinger**

7½′ Quadrangle(s): **Wappingers Falls, NY**

Score	Criterion
12	Ecosystem Rarity (ER) One of the major freshwater tributaries of the lower Hudson River, containing a diversity of habitats (and several rare plant species); rarity reduced by human disturbances. Geometric mean: 9 x 16 = 12.
25	Species Vulnerability (SV) Osprey (T) concentrate at the mouth during spring migration.
4	Human Use (HU) Recreational fishing attracts anglers from throughout Dutchess County.
4	Population Level (PL) Concentrations of anadromous and resident freshwater fish species are unusual in Dutchess County.
1.2	Replaceability (R) Irreplaceable.

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

= **54**

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: WAPPINGER CREEK

HABITAT DESCRIPTION:

Wappinger Creek is located on the east side of the Hudson River, on the boundary between the Towns of Poughkeepsie and Wappinger, Dutchess County (7.5′ Quadrangle: Wappingers Falls, N.Y.). The fish and wildlife habitat is an approximate two mile segment of this freshwater tributary, extending from its mouth on the Hudson River to the first dam upstream, located in the Village of Wappingers Falls.

Wappinger Creek is a relatively large, perennial, warmwater stream, with a drainage area of over 180 square miles, and an average annual discharge volume in excess of 250 cubic feet per second. The first quarter mile of stream below the dam flows through a steep, rocky, rapids, situated in a wooded ravine. Below this stretch, the creek is within the tidal range of the Hudson River, and contains mudflats, sandbars, aquatic beds, emergent marsh, and rocky shore communities. At least part of this segment appears to have been dredged or channelized in the past, to accomodate navigation to commercial and industrial developments along the creek in Wappingers Falls. Despite this disturbance, much of land bordering Wappinger Creek remains in a relatively natural condition, dominated by steep wooded slopes.

Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, discharges of stormwater runoff, low density residential development, small-scale dredging operations, and upstream water uses.

FISH AND WILDLIFE VALUES:

Wappinger Creek is one of about 5 major tributaries emptying into the lower portion of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, the diversity of habitats, and the lack of significant human disturbance in upper portions of the creek, provide favorable habitat conditions for many fish and wildlife species.

Past disturbances, including dredging and invasion by waterchestnut (still abundant), may have reduced habitat quality in the area. However, several rare plant species, including grassleaf arrowhead, subulate arrowhead, kidneyleaf mud-plantain, and Maryland bur-marigold are known to occur in the estuarine portion of Wappinger Creek.

Wappinger Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the lower creek channel and the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warmwater fish community also occurs in Wappinger Creek throughout the year. Resident species include largemouth bass, bluegill, pumpkinseed, red-breasted sunfish, and brown bullhead. The abundant fisheries resources of the Wappinger Creek provide significant opportunities for recreational fishing by Dutchess County residents, especially for black bass.

Although no developed public access facilities exist in the area, many anglers gain access from a privately-owned informal boat ramp on the south shore of the creek mouth area.

In addition to its importance as a fisheries resource, Wappinger Creek provides productive feeding habitats for various wildlife species. Herons, waterfowl, furbearers, and turtles may be found in the area at almost any time of year. Concentrations of osprey (T) have been observed at the mouth of Wappinger Creek during spring migration (mid-April through May).

Freshwater inflows from Wappinger Creek are also important for maintaining water quality in Hudson River fish and wildlife habitats.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Wappinger Creek would result in significant impairment of the habitat. Any physical alteration of the habitat, through dredging, filling, or bulkheading, would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant adverse impacts on fish populations. However, efforts to control water chestnut may be desirable or necessary to maintain habitat quality in this area. Clear water areas at the mouths of tributary streams are important feeding areas for osprey during migration. Of particular concern in this major tributary are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Development of hydroelectric facilities or municipal water supplies should only be allowed with run-off river operations, and minimum flow restrictions, respectively.

Barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the creek as well as in the Hudson River. Existing areas of natural vegetation bordering Wappinger Creek should be maintained to provide bank cover, soil stabilization, perching sites, and buffer areas. It is recommended that rare plant species occurring in the creek be protected from adverse effects of human activities. Development of appropriate public access to the creek may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

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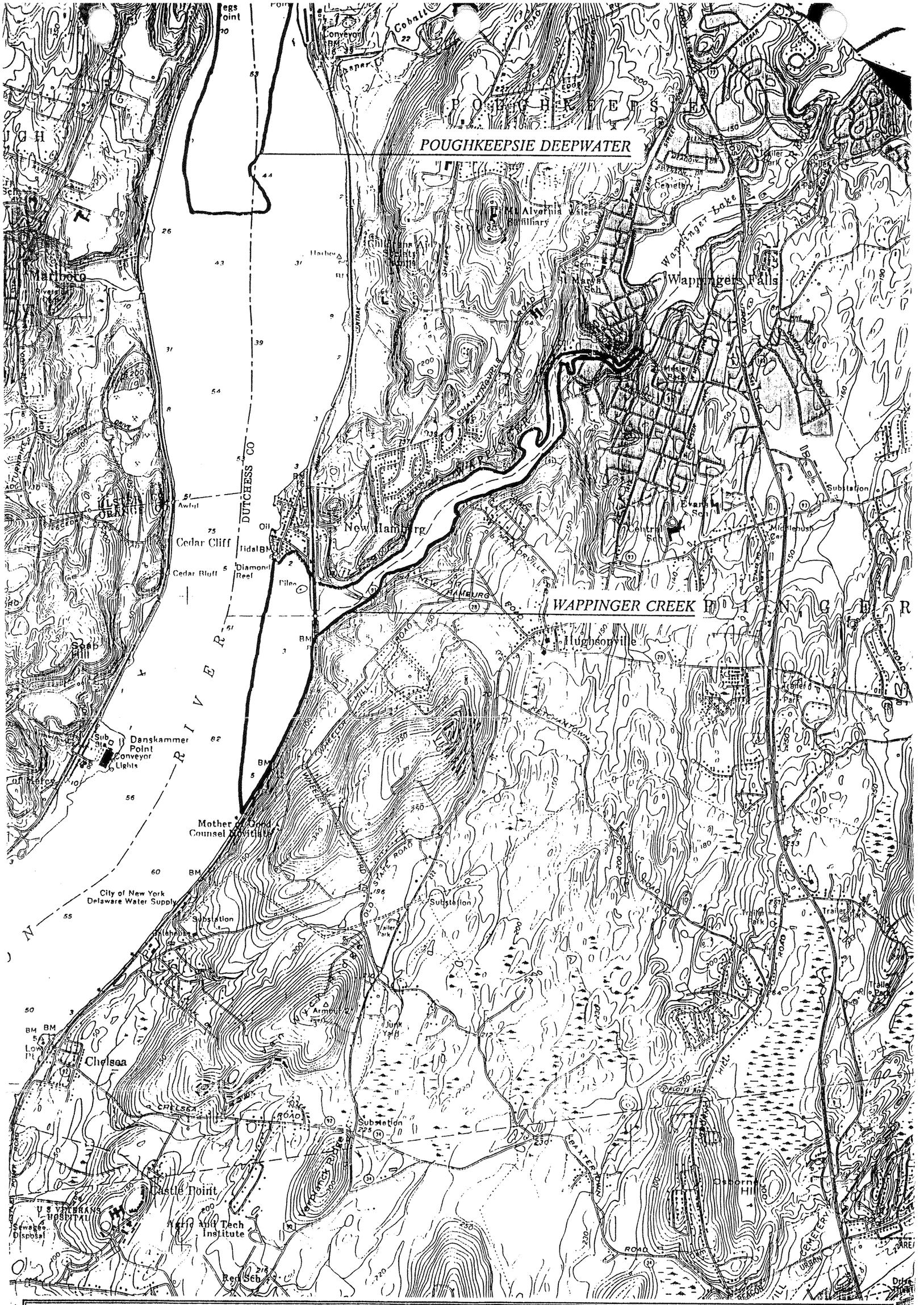


SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Wappinger Creek / Poughkeepsie Deepwater (In part)

Miles

0 ½ 1

N

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Prepared by T. Hart and G. Capobianco September 1990

APPENDIX B

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

I. LOCATION

The Esopus/Lloyd SASS encompasses a seventeen mile stretch of the Hudson River and its shorelands and varies significantly in width from 0.75 to 2 miles. The SASS extends from its northern boundary, which runs from Riverview Cemetery on NY Route 9W to the Hudson River, south of the hamlet of Port Ewen, to its southern boundary on Church Road in the hamlet of Milton. The SASS includes the Hudson River from the mean high tide line on the eastern shore, for much of its length sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River.

The western boundary of the SASS follows the coastal area boundary south from Riverview Cemetery to the hamlet of Esopus, where it runs five hundred (500) feet to the east of the center line of Main Street, joining NY Route 9W to the south of the hamlet of Esopus, where it runs south along NY Route 9W to the boundary of the Towns of Esopus and Lloyd, where it follows the viewshed of the Hudson River to the junction of Red Top and Bellevue Roads, where it follows Bellevue Road to the hamlet of Highland Landing, where it follows the viewshed of the Hudson River to the intersection with the telephone lines which it follows to the intersection with NY Route 9W, then along NY Route 9W to the junction of NY Route 9W and Milton Road, where it follows Milton Road to the southern boundary of the SASS at the junction of Milton Road and Church Road, in the hamlet of Milton.

The Esopus/Lloyd SASS is located within the Towns of Esopus, Lloyd and Marlborough, Ulster County and the City of Poughkeepsie and the Towns of Rhinebeck, Hyde Park and Poughkeepsie in Dutchess County.

It is comprised of 6 subunits:

> EL-1 Big Rock and Hemlock Points; EL-2 Esopus Uplands; EL-3 Esopus Bluffs; EL-4 Lloyd Bluffs; EL-5 Highland Bluffs; EL-6 Blue Point.

Consult the Esopus/Lloyd SASS map for the SASS boundary.

II. DESCRIPTION

The Esopus/Lloyd SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features.

It is characterized by highly varied topography with steep slopes, thin rocky soils and much exposed bedrock. For its whole length the landform rises steeply from the Hudson River for 100-300 feet to an upland area. Bedrock escarpments are common along the length of the waterfront. Above the bluffs the landscape is dominated by a series of knolls, ridges, and low hills that have irregular or rolling relief, with occasional flat depressions containing surface water features, including ponds and wetlands. Rising up abruptly beyond the SASS are a series of ridges stretching in a north-south direction, a northern extension of the Marlborough chain of the Appalachians. These quartzite ridges include Hussey Hill, Shaupeneak Mountain, and Illinois Mountain which provide an imposing backdrop that frames the SASS.

The entire SASS is underlain by the Ordovician-aged ustin Glen Graywacke. Deposited approximately 430 to 470 million years ago, Graywacke an extremely hard sedimentary rock characterized by the presence of angular mineral and ro fragments in a dark claylike matrix. This formation has been highly folded and faulted causi he Austin Glen formation to become fairly erodible and permeable. The ridges to the wes f the SASS are Quassaic Quartzite outcrops. These were folded at the same time as the A n Glen Graywacke, but the quartzite is harder and less erodible than the bedrock of the S S and the ridges remain above the landscape of the SASS. The Pleistocene glaciation cover he area with glacial sediments filling preglacial valleys, modifying the drainage system and ving the current topography of the SASS.

The most abundant soils in the SASS are those developed glacial till and stratified drift. These are commonly used for orchards, meadow crops and past . In places the hilly topography and rock outcrops are limitations to cultivation. The other il type was developed on lake bed sediments. These soils are generally poorly drained, wi seasonably high water table. Most of the wetlands scattered throughout the SASS occur on se types of soils.

Most of the natural shoreline of the Hudson River is st , rocky and, although quite stable, susceptible to erosion due to the very steep slopes, lack of getation, thin soils and exposed rock faces. The shoreline configuration is relatively smooth v a few small points and coves while the River makes two gentle turns at Esopus Meadows Pc and the Crum Elbow.

Most of the streams that drain the area flow northeasterly ollowing trends imposed by bedrock topography, and eventually draining into the Hudson R r which flows to the south. Black Creek, whose main branch flows north from the Town of loyd, drains much of the central part of the SASS. The Twaalfskill Creek is the main drai ge system in the Lloyd waterfront, discharging to the Hudson River at Highland Landing. N nerous unnamed streams drain to the Hudson River off the bluff areas.

The rolling upland above the Hudson River is covered w a combination of mixed woodlands and clearings comprised of farms, open pasture and n dows, orchards and vineyards and landscaped estates with formal gardens and sweeping lav s. Scattered development is situated throughout the upland above the bluffs, nestling into the odland coverage and surrounded by the agricultural landscape. Wooded bluffs and cliffs domi e the Hudson River shoreline, except in the northern portion of the SASS where the relative large, undisturbed area of shallow, freshwater tidal flat and associated vegetation known as sopus Meadows spreads out into the Hudson River. Once a meadow where cows grazed, the dal wetland has become an extremely rare and valuable fish and wildlife habitat.

Land use in the Esopus/Lloyd SASS reflects the historic ettlement pattern based around large estates that developed along the Hudson River. A rural attern of development prevails with a mixture of orchards, fields, estates, religious institutions and seasonal resorts occupying large parcels of land, especially along the steep rugged bluffs and shoreline of the Hudson River. North of Esopus Meadows Point, River Road follows the shoreline. Intermittent residential development is sited along the shoreline and the road frontage. South of Esopus Meadows Point the steep slopes have precluded any shoreline development until the historic waterfront of Highland Landing, where the Twaalfskill Creek breaks the bluffs. The Town of Esopus is

fortunate in that it is the first community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge.

The Hudson River Valley has long been significant in the culture and history of both the State of New York and the United States. The region at the confluence of the Rondout Creek and the Hudson River is known to be an important archaeological area. It has been inhabited at least since the Woodland Period (100 B.C. - 1600 A.D.) and probably since Paleo-Indian times (c. 10,000 B.C.). Although the main concentration of archaeological sites is located north of the SASS, sites have been reported along the banks of the Hudson River, notably along River Road and in sheltered shoreline coves. Indians settled along the Hudson River long before European discovery of the New World. In this area the river Indians were known as the Esopus Indians, a division of the Munsee. The name Esopus is a Dutch word with origins in the Indian language. It means "land of flowing waters and high banks" and is an appropriate description of the Esopus/Lloyd SASS.

The Hudson River came to prominence when Henry Hudson explored the region in 1609. The ship's log describes the spectacular landscape. Hudson named this stretch of the Hudson River "Lange Rack", or Long Reach. Recent settlement of the Esopus/Lloyd area began in the second half of the 17th century and was concentrated around the Rondout Creek. As more settlers moved in, development spread south to Black Creek, known then as the Klyne Esopus Creek. Land grants in the Esopus Colony were given in the name of the Dutch ruler of the era.

The English took control of the Dutch Colony of New Netherlands in 1664, and the area south from the Rondout Creek to Black Creek, known as Klyne Esopus, became part of Ulster County under the jurisdiction of the Town of Kingston. All land in the area had to be reclaimed from the Kingston Commons. The English encouraged further settlement of the area, and land was cleared for agriculture and houses built. In 1811 the Town of Esopus was organized. Land in the southern part of the SASS was part of the Paltz Patent issued by Governor Andros in September 1677, the original Huguenot land grant that reached from the Hudson to the Shawangunks. This tract was sold off in the mid-18th century as small parcels and cottage lots when it became a burden to the owners.

In 1754 Anthony Yelverton came over the Hudson from Poughkeepsie, built the first house in the area now known as Highland Landing, set up a sawmill (1765) and operated the first ferry crossing (1777). His house still stands and is the oldest frame house in Ulster County. For a time this part of the hamlet of Highland was known as "Yelvertons Landing". Around this time other settlements and landings were established along the narrow shoreline of the Hudson River. Scattered development extended south through the Lewisburg settlement, the area now below the western end of the Mid-Hudson Bridge, to Blue Point, and north to Crum Elbow, where there were docks on the river serving the small bluestone quarrying activities in the immediate vicinity. Settlers subsequently moved inland above the bluffs along the early roadways. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area became known as Eltings Landing, the hub of riverside activity and a populous place. Various docks and landings in the area took the names of their owners, although the riverfront area as a whole was known as New Paltz Landing. Finally, it was called Highland Landing following the formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth accompanied by industrial development based around mills on the many streams in the waterfront area. Orchards were first established around 1774 and spread throughout the area, along with a diversification of the agricultural base to include raspberries, currents, peaches, strawberries and grapes. This part of the Hudson Valley became world famous for its agriculture, reaping natural benefits of soil, situation and climate. The Hudson River provided the main means of transportation of the produce to the metropolitan area of New York City and beyond.

Warehouses, storage for lumber and farm produce, stores, ice houses, factories, iron works, brickyards, stone cutting quarries, mechanic shops, woodworking mills, and coal yards sprang up along the waterfront to accommodate produce and manufactured goods for shipping. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River. Sloops sailed from the area to New York City daily. A thriving waterfront community developed at Highland Landing. Away from the commercial settlements, wealthy families built spacious homes set in landscaped estates of lawns, farmland and orchards, contributing much to the scenic quality of the area.

The development of the West Shore Railroad reduced river traffic and promoted inland development. The railroad changed the character of the waterfront. The narrow strip of land at the base of the steep bluffs was used for the tracks, displacing the waterfront industrial, commercial and shipping activity. Fruit growing became the main economic activity, with the railroad offering fast distribution of produce to a wider market, replacing the Hudson River as the main distribution route. Although active orchards still survive today, the industry is of a much smaller scale, and once active farmland and orchards have become woodland or built development.

Rowing, racing and regattas were a big sport on the Hudson River along the Lloyd waterfront from 1839 to 1950. The best remembered are the Intercollegiate Regattas which began in 1895 and continued until 1950. Crews came from all over the East and spent several weeks in the area. Columbia University's boathouse, built on the site of the old Knickerbocker Ice House midway between Highland Landing and Crum Elbow, is a reminder of this era, although the facility has fallen into disrepair. Painted school emblems, faded with age, can still be seen on the rock escarpments above the Hudson River.

The physical character and cultural and historical development of the Esopus/Lloyd SASS, outlined above, has resulted in the current settlement and land use patterns and led to the present day landscape and architectural character. This includes several historic estates, monasteries and religious schools. These structures, located at the top of the bluffs, establish an historic architectural accent to the natural landscape. The stately lawns of the estates sweep toward the Hudson River. Views afforded from these vantage points are extensive. Most of the recent development has been carefully sited out of the major viewshed of the river, leaving the large historic estates as focal points. The rolling upland hills beyond the bluffs are a patchwork of open spaces, largely maintained as woodlands and farmlands.

The working waterfront at Highland Landing; the well preserved historic estates with their distinctive individual architectural styles; and the active farms, orchards and vineyards represent a remnant of a traditional land use in the Mid-Hudson region. The long history of the evolution of the estates along the Hudson River with their many different owners, all with their own story

to tell, gives a sense of continuity and meaning to the landscape. This helps to provide the Esopus/Lloyd SASS with a symbolic link to its historic past.

The association of the Esopus/Lloyd SASS with the author John Burroughs, who lived at Riverby, has symbolic value and meaning for the area. He published his first significant nature essay in the Atlantic Monthly in 1865 and produced numerous articles and books about the natural world until his death in 1921. Burroughs is credited with creating a receptive environment for conservation legislation and establishing the nature essay as a literary form.

III. Aesthetic Significance

The Esopus/Lloyd SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition.

There exists in the SASS an unusual variety of major components, a unity of major components; striking contrasts between scenic elements and a general lack of discordant features. The SASS is both visually and physically accessible to the general public, and its scenic quality is well recognized by the public. The scenic quality of the Esopus/Lloyd SASS is significant based on the existence of the following physical and cultural characteristics.

A. Landscape Character

1. Variety

The Esopus/Lloyd SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a long stretch of bluffs along the Hudson River shorelands. While this is by far the most striking of topographical features, there are also extensive areas of rolling upland behind the bluffs, exposed rock faces along the bluffs and tidal flats and shallows along the base of the bluffs.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the rolling uplands are interrupted by a combination of farmsteads, pastures and meadows, orchards and vineyards, and landscaped estates, residences and religious institutions. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at Esopus Meadows. This is a relatively large, undisturbed area of shallow, freshwater tidal flats. The diversity and abundance of wildlife and the changing patterns, colors and textures associated with the tidal flats provide a variety of ephemeral characteristics which enhance the scenic qualities of the SASS.

The land use pattern varies considerably within the SASS. There are a number of dispersed historic estates located on the bluffs above the Hudson River, surrounded by a mix of woodlands, farms, and more recent development. The architectural style of the historic estates and buildings varies considerably throughout the scenic area. This reflects the tastes of individual landowners, the long history and evolution of estates in the SASS and the long standing picturesque movement throughout the Hudson Valley.

2. Unity

The Esopus/Lloyd SASS is unified by its topography, dominated by the bluffs that front the Hudson River. While internally the individual landform components vary, the SASS is a coherent geological feature. The vegetation, dominated by mature, mixed woodland, unifies the various landforms. The presence of the Hudson River is a unifying theme, shaping the topography, influencing cultural patterns and providing a common scenic element central to the SASS.

3. Contrast

There are many striking contrasts between the basic scenic elements in the Esopus/Lloyd SASS. The contrasts in topography and landform are mainly one of contrast in line and form. The rolling uplands contrast with the steep bluffs. The shoreline configuration of these bluffs contrasts with the tidal flats of Esopus Meadows, the mouth of Black Creek and the numerous small points and coves. The Hudson River varies in width and depth; and its currents create varying patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The wooded areas contrast with the open meadows and orchards of the agricultural landscape and the formal landscape estates and open residential spaces. This provides contrasting textures in the landscape composition and rich color contrasts between vegetation types which change with the season. The rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors, as the natural form is impacted by geomorphological processes such as erosion and weathering, and deposition. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions enhance the aesthetic feel of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson vary with the season and weather conditions, providing contrasts in texture and color. The spring colors of apple blossom contrast with the fresh greens of new leaves. In particular, the diversity and abundance of wildlife occurring in the Esopus Meadows area and the changing patterns, colors and textures associated with the tidal flats provide ephemeral characteristics which enhance the scenic qualities of the SASS.

4. Freedom from Discordant Features

The Esopus/Lloyd SASS is generally well-preserved and free from discordant features. The main concentration of discordant features is to be found in the Highland Bluffs subunit, which historically has featured a working waterfront. Recent residential and commercial development has taken place throughout the SASS through subdivision of farmsteads and estates and along major highways. This has occurred with less respect for the topography of the area than was exhibited in the early settlement of the area, resulting in a dispersed settlement pattern and an increasing feel of suburbanization. The physical and cultural components of the SASS are generally well maintained.

B. Uniqueness

The historic estates of the Esopus/Lloyd SASS form part of a series of estates on both sides of the Hudson River throughout the Mid-Hudson Region that is unique in the State. Each estate is unique in its own right with a distinctive individual architectural style and history. Many of the estates have been maintained in their historic form. The well-preserved estates form a unique grouping of historic landscaped estates and religious buildings. Unlike other parts of the Hudson River Valley, most have direct access to the shore of the Hudson River, unrestricted by the railroad. In addition to the estates, the landscape of the SASS is comprised of farms, orchards and vineyards and represents a unique remnant of a traditional land use of the Mid-Hudson Region.

The broad expanse of tidal flats of Esopus Meadows is a unique landform in the Hudson River, and tidal flats of a comparative size are rare in other coastal regions of New York State. Their presence contributes to the scenic value of the subunit. At the border between shallow and deep water stands the only wooden lighthouse on the Hudson River, the Esopus Meadows Lighthouse, a unique maritime feature in the region.

C. Public Accessibility

The land ownership pattern related to the low density development and large land holdings scattered throughout the Esopus/Lloyd SASS has resulted in few opportunities for public access. Public accessibility is mostly limited to local roads which run through the SASS. Physical access to the shoreline of the Hudson River is limited, both from the upland and from the Hudson River itself.

In the Town of Lloyd the upland parts of the SASS are separated from the waterfront by the West Shore Railroad, limiting physical access to the Hudson River. The Town of Esopus, however, is fortunate in that it is the first community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge. This increases the opportunity for physical access to the Hudson River in the northern half of the SASS.

The vehicle pull-in off River Road, to the south of Hemlock Point, provides opportunities for public access to the Hudson River shoreline. A small park with river trails, owned by Scenic Hudson, Inc. and managed by the Town of Esopus, is located off River Road at Esopus Meadows Point. Known as Lighthouse Park, it provides access to the Hudson River shoreline. Scenic Hudson also owns waterfront land to the south of the park and has plans to develop an environmental education facility on the property. Scenic Hudson has recently completed the purchase of 142 acres of riverfront land at the mouth of Black Creek. Future plans see the site developed for passive public recreation, improving public accessibility to the subunit.

Views from within the Esopus/Lloyd SASS are extensive and significant. From much of the area, long and broad views of the river and its surrounding landscape are available. Views from the Hudson River include the historic estates, wooded bluffs, orchards, the Esopus Meadows Lighthouse and beyond the SASS to the Catskill Mountains. These views are often enclosed by the steep bluffs along the river corridor. Cross river views from the upland and shoreline of the Esopus/Lloyd SASS include the Hudson River and the Estates District SASS on the eastern shore. These views are often full and unobstructed.

River Road runs along the bluff top before dropping down to the shoreline and offers extensive views of the Hudson River and the Estates District SASS on the eastern shore. NY Route 9W provides some vistas of the Hudson River and the Estate District SASS. Unfortunately, there are no opportunities to pull off the road to take advantage of this scenery, and the speed and volume of traffic on the road makes it extremely hazardous to view while driving. The Hudson River can be seen from spots along Bellevue Road, notably in the late fall and winter when the leaves have fallen.

The most expansive views from the southern portion of the SASS are available from Highland Landing which provides exceptional views of the Mid-Hudson Bridge, the Railroad Bridge (an engineering landmark listed on the National Register of Historic Places and now under consideration for adaptation as a pedestrian promenade) and the Town and City of Poughkeepsie. The Johnson Iorio Memorial Park is located at the end of Haviland Road, adjacent to the western edge of the Mid-Hudson Bridge and set into the bluffs above Highland Landing. The park has no access to the Hudson River and only limited views due to vegetation, although views of the Mid-Hudson Bridge are spectacular. Views are available to the west and northwest from the pedestrian walkway on the Mid-Hudson Bridge.

The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The access road, Blue Point Road, winds through the historic vineyard landscape to the main building complex which is set on the bluffs overlooking the Hudson River, the Mid-Hudson Bridge and the City of Poughkeepsie. Trails on the estate lead to Blue Point, which offers expansive views south down the Hudson Valley.

The Esopus/Lloyd SASS figures prominently in the middleground of views from the Estates District SASS. Indeed, many of the finest scenic features of the Esopus/Lloyd SASS are best viewed from the river or the opposite shore. From the Hudson River, the estates and state parks and from local roads the rugged bluffs of the western shore dominate the views, with occasional glimpses of waterfront settlement, bluff top estates and agricultural activity. Views of the western shorelands are significant from the Mills-Norrie State Park and the Vanderbilt Mansion and Franklin D. Roosevelt Home National Historic Sites. The Esopus/Lloyd SASS is clearly visible to passengers in the trains on the east bank of the Hudson River. The recent completion of the Hyde Park Trail on the eastern shore linking the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites, with plans to continue to the Mills-Norrie State Park, will provide greater public visual access to SASS. The SASS is also dominant as the middleground in views to the west from the City of Poughkeepsie, which has extensive park areas and public land along the River.

The distant Catskill Mountains and the ridges of Hussey Hill, Shaupeneak Mountain, and Illinois Mountain, immediately beyond the Esopus/Lloyd SASS, provide a dramatic backdrop to the many estates and monasteries gracing the landscape. The steep wooded bluffs above the Hudson River and the rolling upland provide a dramatic setting for the numerous landscape features. The composition of the SASS is well balanced with many positive focal points including the Poughkeepsie Railroad Bridge, the Mid-Hudson Bridge, the architecture of the historic structures, the Esopus Meadows Lighthouse and the estates on the eastern shore. The variety of lengths of views, compositions, backgrounds and significant focal points combines to enhance the scenic quality of the views available in the Esopus/Lloyd SASS.

D. Public Recognition

The scenic and aesthetic quality of the Esopus/Lloyd SASS has achieved a high degree of public recognition. It receives strong public recognition as the view from River Road, a designated Scenic Road under Article 49 of the Environmental Conservation Law. The SASS is well recognized as the middleground of views to the west from the Estates District SASS on the eastern shore of the Hudson River. The numerous estates include Wilderstein, the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites and the Mills-Norrie State Park, all of which are visited by large numbers of the general public. The SASS is also recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid-Hudson Bridge, also a designated Scenic Road, and from Locust Grove and the Hudson River State Hospital both National Historic Landmarks.

There are four properties and structures in the Esopus/Lloyd SASS listed on the State and National Registers of Historic Places, receiving public recognition for their historical and architectural significance. These are the Esopus Meadows Lighthouse, Riverby, the Anthony Yelverton House and the Poughkeepsie Railroad Bridge.

The scenic and aesthetic quality of the SASS has received public recognition through the action of the State and environmental not-for-profit organizations which have sought to protect individual parcels of land within the SASS from development. Land has been purchased at Esopus Meadows and Black Creek, while the scenic qualities of the Regent Champagne Cellar have been identified in the State's recent Open Space Plan.

IV. IMPACT ASSESSMENT

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

(1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and

(2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

(i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and

(ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, POWER LINES, AND SIGNS, BACK FROM SHORELINES OR IN OTHER INCONSPICUOUS LOCATIONS TO MAINTAIN THE ATTRACTIVE QUALITY OF THE SHORELINE AND TO RETAIN VIEWS TO AND FROM THE SHORE;

COMMENT: For much of the length of the Esopus/Lloyd SASS, the Hudson River is bounded by steep undeveloped wooded bluffs that figure prominently in views within the SASS, notably from the Hudson River, and in views of the SASS from the eastern shorelands of the Hudson River, part of the Estates District SASS. Siting of structures on the slopes or crests of these bluffs would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands that would impair the scenic quality of the SASS.

CLUSTERING OR ORIENTING STRUCTURES TO RETAIN VIEWS, SAVE OPEN SPACE AND PROVIDE VISUAL ORGANIZATION TO A DEVELOPMENT;

COMMENT: The Esopus/Lloyd SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic farmsteads and estate houses punctuate, but do not dominate the landscape of rolling upland pastures, orchards, vineyards, landscaped estates and woodland. Recent, poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization that has been established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types, causing the textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship to be lost, thus impairing the scenic quality of the SASS. The use of topography and existing vegetation and the clustering of new development can assist in maintaining scenic quality.

INCORPORATING SOUND, EXISTING STRUCTURES (ESPECIALLY HISTORIC BUILDINGS) INTO THE OVERALL DEVELOPMENT SCHEME;

COMMENT: The SASS is a unique natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;

COMMENT: The SASS is generally free of discordant features, and structures are generally well maintained.

MAINTAINING OR RESTORING THE ORIGINAL LAND FORM, EXCEPT WHEN CHANGES SCREEN UNATTRACTIVE ELEMENTS AND/OR ADD APPROPRIATE INTEREST;

COMMENT: The landform of the SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contribute to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

MAINTAINING OR ADDING VEGETATION TO PROVIDE INTEREST, ENCOURAGE THE PRESENCE OF WILDLIFE, BLEND STRUCTURES INTO THE SITE, AND OBSCURE UNATTRACTIVE ELEMENTS, EXCEPT WHEN SELECTIVE CLEARING REMOVES UNSIGHTLY, DISEASED OR HAZARDOUS VEGETATION AND WHEN SELECTIVE CLEARING CREATES VIEWS OF COASTAL WATERS;

COMMENT: The variety of vegetation in the SASS makes a significant contribution to the scenic quality of the SASS. The tidal flats of Esopus Meadows, open farm fields, orchards, vineyards, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River would change the character of the river corridor and impair its scenic quality. Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats and the associated vegetation of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands and impairing the scenic quality of the SASS.

USING APPROPRIATE MATERIALS, IN ADDITION TO VEGETATION, TO SCREEN UNATTRACTIVE ELEMENTS;

COMMENT: The SASS is generally free of discordant elements. Existing development generally respects and is compatible with the landscape. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

USING APPROPRIATE SCALES, FORMS AND MATERIALS TO ENSURE THAT BUILDINGS AND OTHER STRUCTURES ARE COMPATIBLE WITH AND ADD INTEREST TO THE LANDSCAPE.

COMMENT: The existing structures located within the SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. Failure to design new development or alterations to existing structures in a form that complements the scenic quality of the SASS would adversely impact the SASS. Inappropriate scale, form, color and materials which are incompatible with the existing land use and architectural styles of the area and cannot be absorbed into the landscape composition would impair the scenic quality of the SASS. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-4 Lloyd Bluffs Subunit

I. Location

The Lloyd Bluffs subunit is located along Crum Elbow and the western shore of the Hudson River, extending south from the Cast benchmark to the Penn benchmark. The subunit includes the Hudson River from the mean high tide line on the eastern shore, for some of its length sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River, with its western boundary running south along the viewshed of the Hudson River from the Esopus/Lloyd Town line to the junction of Red Top and Bellevue Roads, where it follows Bellevue Road to the hamlet of Highland Landing. The subunit extends approximately 3 miles along the river and is approximately one mile wide, including the Hudson River and its western viewshed. It is located in the Town of Lloyd, Ulster County and the Towns of Hyde Park and Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 3 for subunit boundaries.

II. Scenic Components

A. Physical Character

The Lloyd Bluffs subunit consists of steep wooded bluffs rising 200 to 250 feet above the Hudson River and the rolling uplands that flank the bluffs to the west. Vegetation is varied comprising mature woodland, open fields, and landscaped estates and residences. The shoreline of the Hudson River, which is about 1800 feet wide in this area, is curving with small coves and points. The long gentle curve of Crum Elbow shapes the Hudson River as it flows past the subunit. Several small ponds and wetlands are present in the upland areas.

B. Cultural Character

Land use in the subunit consists of an interesting mixture of well-sited historic estates, scattered residential development and open space. These estates and modern residential developments are mostly situated in a well-maintained landscaped setting of woodlands and sweeping lawns within openings in the woodland that stretches toward the Hudson River. Stone walls are an important landscape feature in the subunit. Located on the curve of the river at Crum Elbow was Father Divine's 600 acre estate known as Negro Heaven. Acquired from Howland Spencer in 1938, it was operated as a communal farming project.

The railroad tracks along the Hudson River accent the smooth curve of the shoreline. In many places, the natural rock faces of the steep bluffs have been modified to allow just enough room for the ribbon of track to fit on the narrow band of flat land along the shoreline of the Hudson River. The resulting landscape is a dramatic play of human and natural features.

The bluffs in this subunit are known as the Lange Rack cliffs, referring to the "Long Reach" of the Hudson River identified by Henry Hudson. Rowing, racing and regattas were a big sport on the Hudson River along the Lloyd waterfront. The best remembered are the Intercollegiate Regattas which continued from 1895 until 1950. Crews came from all over the East and spent

several weeks in the area. Columbia University's boathouse, built on the site of the Old Knickerbocker Ice House, is a reminder of this era, although the facility has fallen into disrepair. Painted school emblems, faded with age, can still be seen on the rock escarpments above the Hudson River.

Throughout the subunit, recent residential development has taken place on the ridgeline of the bluffs and even on the bluffs themselves, often accompanied by clearcutting. This style of development has a negative impact on scenic quality. In spite of this recent trend there are no apparent discordant features.

C. Views

The subunit offers full, unobstructed views of the Hudson River of five miles or more in length and broader than 180 degrees, taking advantage of the Crum Elbow bend in the Hudson River. The composition of views from the subunit involves a satisfactory balance of fore, middle and background. Visible from the Hudson River are the bluffs and the Crum Elbow bend of the River. To the west the Catskill Mountains are visible and provide a dramatic distant backdrop. Views from and across the Hudson River include parts of the Estate District SASS and the Town of Poughkeepsie. The Franklin D. Roosevelt Home National Historic Site, the Culinary Institute of America, the Hudson River State Hospital (a National Historic Landmark) and the historic Poughkeepsie railroad bridge (National Register) provide significant focal points in views to the east and south.

III. Uniqueness

The subunit is not unique.

IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit has resulted in few opportunities for public access. Local roads offer only limited accessibility to the upland of the subunit, with no access to the bluffs and with views enclosed by woodland and topography. The subunit is highly visible from the Hudson River, the passenger trains that run on the east bank of the Hudson River and the eastern shorelands of the river which are part of the Estate District SASS and includes the heavily visited Franklin D. Roosevelt Home National Historic Site. The recent completion of the Hyde Park Trail on the eastern shore between the FDR Home and the Vanderbilt Mansion National Historic Site also provides public visual access to this subunit, as does the Hudson River State Hospital. Consult the Estate District SASS, subunit ED-27, for information regarding viewing locations.

V. Public Recognition

Public recognition of the subunit is limited to the local population. The subunit is also recognized by the general public as the middleground of views from the Franklin D. Roosevelt Home National Historic Site on the east bank of the Hudson River.

VI. Reason for Inclusion

The Lloyd Bluffs subunit has a variety of positive scenic components including wooded bluffs, rolling uplands and scattered estates. The wooded landscape provides unity among the components, while the cultural elements are well sited within the landscape and do not dominate the landscape. The landscaped estate openings within the wooded areas provide a moderate degree of contrast. The subunit is accessible from the Hudson River, the passenger trains that run on the east bank of the Hudson River and the eastern shorelands of the river which are part of the Estate District SASS. The subunit is recognized by the public as the important middleground views from the Franklin D. Roosevelt Home National Historic Site on the east bank of the Hudson River. There are no apparent discordant features in the subunit.

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-5 Highland Bluffs Subunit

I. Location

The Highland Bluffs subunit is located along the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. It extends from the Penn benchmark to its southern boundary at the South Base benchmark. The subunit is approximately 1.5 miles long and 1 mile wide. The subunit is located in the Town of Lloyd, Ulster County and the Town and City of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheets, numbers 3 and 4, for subunit boundaries .

II. Scenic Components

A. Physical Character

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

B. Cultural Character

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

In 1754 Anthony Yelverton crossed the Hudson River from Poughkeepsie, built the first house in the area now known as Highland Landing, set up a sawmill (1765), and operated the first ferry crossing (1777). Yelverton capitalized on river trade and transportation and harnessed water power. His house still stands and is the oldest frame house in Ulster County, embodying the distinctive form and proportions of 18th century vernacular.

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

The Yelverton House is significant as the oldest surviving remnant of this part of the hamlet of Highland, which was known as "Yelverton's Landing" and developed into an important Hudson River landing. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area then took the name of Eltings Landing and became the hub of riverside activity and a populous place. Various docks and landings in the area took the names of their owners, although the riverfront area as a whole became known as New Paltz Landing. The area was called Highland Landing following formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth being accompanied by industrial development. Warehouses, lumber and farm produce storage, stores, ice houses, factories, iron works, brickyards, stone cutting quarries, mechanic shops, woodworking mills and coal yards sprang up along the waterfront to accommodate produce and manufactured goods for shipping. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River. Sloops sailed from the area to New York City daily. A thriving waterfront community developed at Highland Landing.

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

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

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

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

Discordant features include recent suburban residential development within the historic landscape, the billboards on the approach road to the Mid-Hudson Bridge, the Highland Wastewater Treatment Plant, tank farms and residential development along the shoreline of the Hudson River to the south of the Mid-Hudson Bridge and intrusions into views from the subunit, namely a tank farm and recent residential development on the east bank.

C. Views

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

III. Uniqueness

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

IV. Public Accessibility

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

V. Public Recognition

The steep bluffs of the Highland Bluffs subunit are well known locally and are recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid-Hudson Bridge. The Mid-Hudson Bridge is a designated Scenic Road under Article 49 of the Environmental Conservation Law. The Poughkeepsie Railroad Bridge and the Anthony Yelverton House are listed on the State and National Registers of Historic Places, receiving public recognition for their architectural and historic significance.

VI. Reason for Inclusion

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

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE

EL-6 Blue Point Subunit

I. Location

The Blue Point subunit is located on the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. The western boundary follows the viewshed of the Hudson River south from the Mid-Hudson Bridge access road to the telephone lines, follows the telephone lines to their intersection with NY Route 9W, then along NY Route 9W to the junction of NY Route 9W and Milton Road, where it follows Milton Road to the southern boundary of the SASS at Church Road in the hamlet of Milton. The subunit extends approximately two miles along the Hudson River and is approximately one mile wide. It is located in the Towns of Lloyd and Marlborough, Ulster County and the City and Town of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 4 for subunit boundaries.

II. Scenic Components

A. Physical Character

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

B. Cultural Character

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

C. Views

The subunit provides broad, full views of the Hudson River enhanced by the open vineyard landscape. There are long views downriver from the bluffs, but the Mid-Hudson Bridge and the

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

III. Uniqueness

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

IV. Public Accessibility:

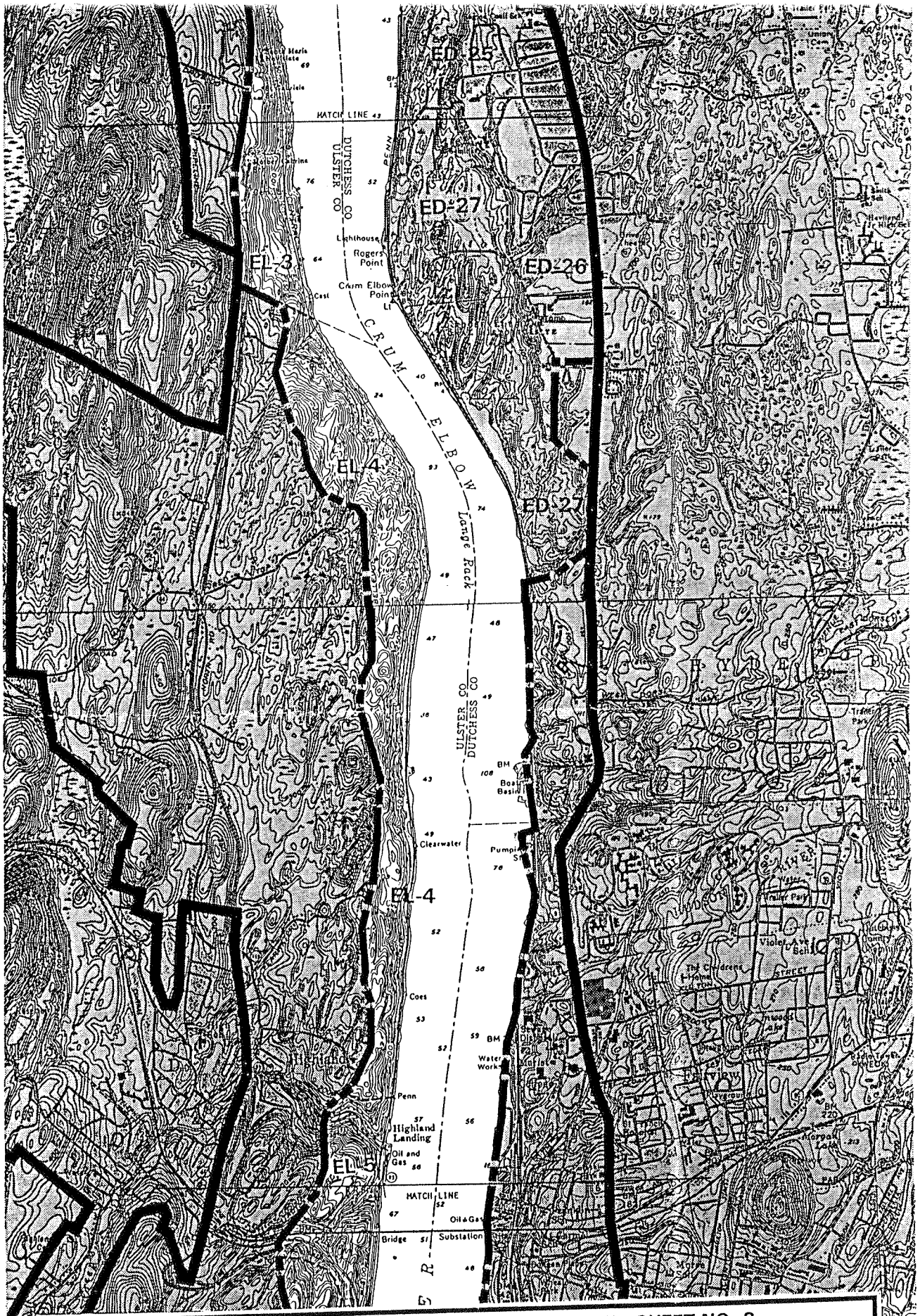
The Blue Point subunit is accessible via local roads in the subunit and the Hudson River and is visible from the passenger trains that run on the east bank of the Hudson River, the Mid-Hudson Bridge and the City and Town of Poughkeepsie. The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The vineyard's access road, Blue Point Road, winds through the historic vineyard landscape to the main building complex which is set on the bluffs overlooking the Hudson River, the Mid-Hudson Bridge and the City of Poughkeepsie. Trails on the estate lead to Blue Point which offers expansive views south down the Hudson Valley. The bluffs form a backdrop in views of the Hudson River from the City and Town of Poughkeepsie, and Blue Point is particularly prominent in the views from the city's waterfront parks, Poughkeepsie Rural Cemetery and Locust Grove, an historic site listed on the National Register and open to the public.

V. Public Recognition

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

VI. Reason for Inclusion

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



ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3

KEY:

- Coastal Area boundary
- Scenic Area boundary
- Subunit boundary
- EL4 Subunit identifier

SCALE: 0 0.5 1 Miles

N

New York State Department of State, Division of Coastal Resources and Waterfront Revitalization

November 1992

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

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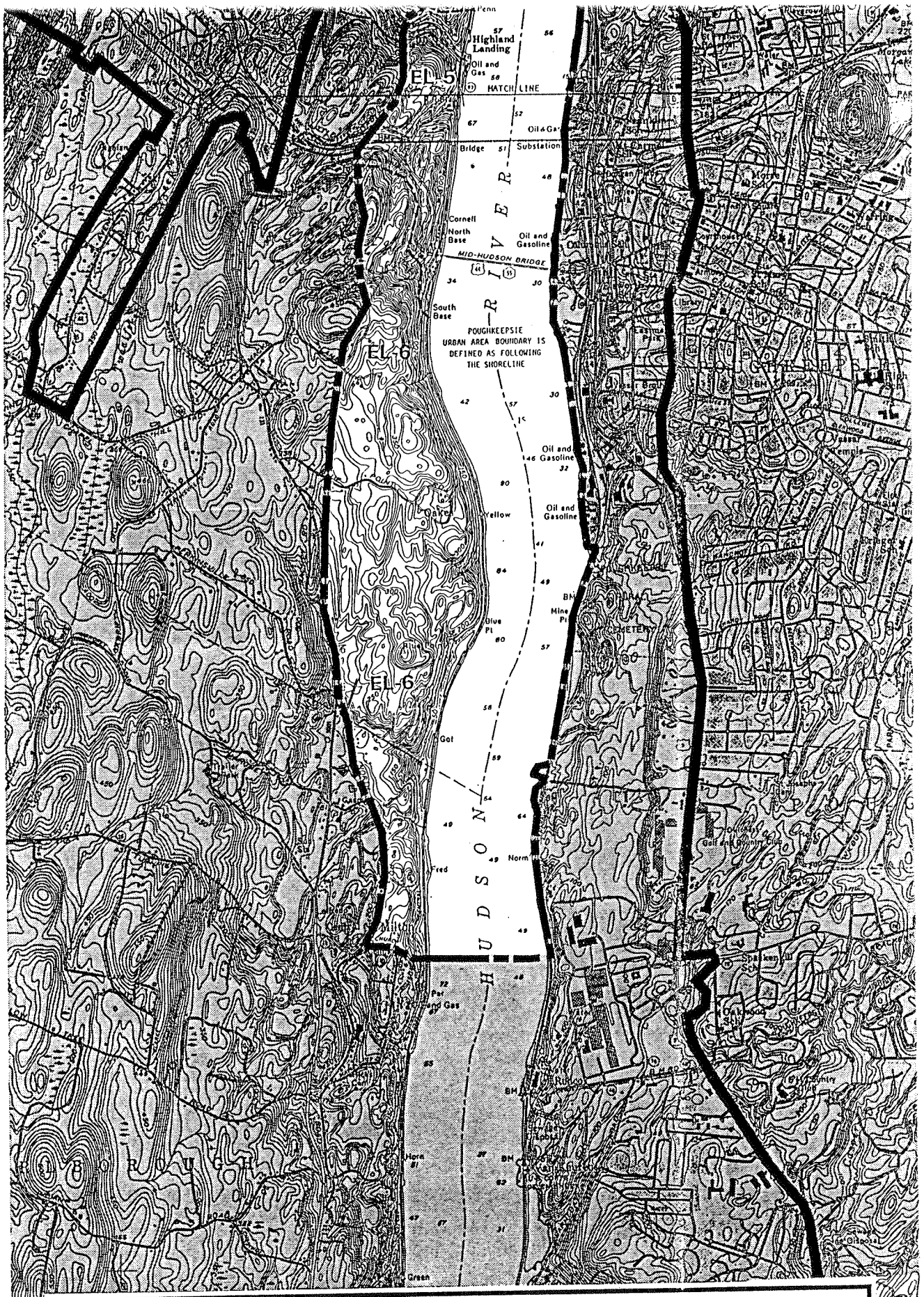

ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 4

KEY:

- Coastal Area boundary
- Scenic Area boundary
- Subunit boundary
- EL6 Subunit identifier

SCALE: 0 — 0.5 — 1 Miles

N

New York State Department of State, Division of Coastal Resources and Waterfront Revitalization

November 1992

APPENDIX C

ACCESS TO THE RIVER

A Study of the Feasibility of Providing
Access to the Hudson River Waterfront

Town of Poughkeepsie

September 1989
Revised and Updated - February 1998

Prepared by

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WATERFRONT ADVISORY COMMITTEE

Patrick Hinckley, Chairperson

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B. Summary of Responses to Waterfront Public Opinion Survey

C. Letter from Lone Star Industries, Inc

E. Bowdoin Farm Archaeological Site

I. BACKGROUND

The Town of Poughkeepsie initiated a study of its entire coastal area in 1985. Planning was funded by a grant from the New York State Department of State, under its Coastal Management Program, for preparation of a local Waterfront Revitalization Program (LWRP). The LWRP includes a variety of policies dealing with a broad range of coastal issues. Among the most significant policies are those aimed at (1) maintaining and increasing public access to the waterfront, (2) enhancing water related recreation opportunities, (3) preserving and enhancing scenic resources, and (4) protection of water resources, particularly the public water supply of the Hudson River.

Despite having nearly nine miles of frontage on the Hudson River, there is no legal access for the general public to the river's edge within the Town. (The only exception is several streets in New Hamburg which end at the river.) The creation of opportunities for access was a major thrust of the planning effort during preparation of the Town's LWRP. Six possibilities for waterfront access were investigated and studied in greater detail under a subsequent grant from the New York State Department of State.

Although the subject of several public hearings and many meetings in 1988 and 1989, the LWRP was never formally approved by the Town. In early 1997, the Town Board, using its own funds, embarked on a program to complete and finally adopt an LWRP. This study has been revised and updated as part of this effort.

II. SCOPE OF STUDY

The scope of the study is as follows:

PURPOSE

There is currently no public access to the Hudson River in the entire Town due to a variety of physical and legal obstacles. This study provides a detailed analysis of the feasibility of providing access to the waterfront at each of the potential sites identified in the LWRP. Implementation of each proposed site is explored, including legal and physical steps necessary to provide access, preliminary design of park facilities, and recommended priorities. Component tasks are:

TASK 1 - WATERFRONT NEEDS SURVEY

A survey of residents and waterfront users was conducted by mail and at selected field locations. Based on responses, specific waterfront facility needs, preferences, and users were identified.

TASK 2 - SITE EVALUATION

The sites identified and evaluated are as follows:

a. *Hudson River State Hospital*
b. *Marist College Waterfront*
c. *Railroad property South of Pirate Canoe Club*
d. *Trap Rock property on Sand Dock road*
e. *New Hamburgh Oil Storage Site*
f. *New Hamburgh Greenway*

TASK 3 - FEASIBILITY ANALYSIS AND ACTION PROGRAM

Based on the results of the above tasks, each site was evaluated in terms of its capacity to meet identified needs and its physical, legal and financial feasibility. Site feasibility was established and an action program to implement the highest priority sites proposed.

III. WATERFRONT NEEDS SURVEY

A questionnaire was prepared (See Exhibit A) to gather data on present use of the waterfront and preferences for the nature of possible future waterfront improvements. Some 4,500 questionnaires were distributed with the quarterly water billings to Town property owners which are mailed weekly on a revolving basis. A total of 753 responses were received, a return of nearly 17%. An additional 500 questionnaires were distributed to participants in various programs and activities administered by the Town Recreation Department. The number of returns was too small to provide a useful basis for analysis.

The returns were tabulated and analyzed on a Town-wide basis as well as for each ward. Responses from five of the wards were sufficient for analysis--Wards 2, 3, 4 5 and 6.

A. TOTAL RESPONSE

A summary of the tabulation of all responses is attached as Exhibit B. Highlights from the replies are as follows:

1. *Almost 35% of the respondents go to or near the Hudson River at least once a week. An equal proportion goes there only once a year or less.*

2. *Over 52% of the respondents had been to Waryas Park in the City of Poughkeepsie during the past year while only 43% had been to Bowdoin Park in the Town. Less than 5% had been to the Audubon Society property along Wappinger Creek.*

3. *Over 21% of the respondents own boats. Waryas Park and Norrie Point were the most frequently used launching areas although a wide array of other locations was also reported.*

4. *The means by which respondents are most likely to go to the waterfront area is predominantly car.*

5. *The five activities most preferred in a waterfront park, in order are: (1) walking for pleasure, (2) picnicking, (3) outdoor concerts, (4) boating/sailing, and (5) resting, reading, being alone.*

6. *The two activities considered most important in terms of access to the Hudson River are viewing and boating. The least important (although favored by over 25%) was swimming.*

B. *Ward Responses*

More than one-third of the respondents did not indicate the ward in which they lived. The remaining responses were divided as follows: Ward 1 - 18, Ward 2 - 40, Ward 3 - 113, Ward 4 - 133, Ward 5 - 61 and Ward 6 - 93.

The nature of the responses by ward did not vary significantly from the totals. Some of the highlights are as follows:

1. *The lowest proportion of those who go to or near the Hudson River at last once a week was in Ward 2 - 27%.*

2. *Only in Ward 2 had more people been to Bowdoin Park (60%) than to Waryas Park (40%) in the past year.*

3. *The highest rate of boat ownership was in Ward 5 - 25%.*

4. *Viewing and boating, in that order, were deemed the most important access activities in every ward.*

C. *OTHER COMMENTS*

A wide range of responses was received on the last three questions, including the following:

1. *The favorite waterfront place most listed was the Vanderbilt Mansion. Others frequently listed were Bowdoin Park, Waryas Park, and Norrie Point.*

2. *The most frequently cited improvements needed along the waterfront were parking, boat launch and docking space and clean-up.*

IV. SITE FEASIBILITY ANALYSIS

Set forth below is a description of each site, a discussion of the preliminary development plan, a rough cost estimate and a discussion of the obstacles to development of each site. Recommendations as to priorities and further actions are included in Part V.

A. HUDSON RIVER STATE HOSPITAL

The Hospital site is substantially different from the other possible access points in several ways. It is already a publicly owned site with direct frontage on the river; it has a grade separated crossing of the railroad; and, it already has a variety of waterfront recreational facilities including docking, a boat launching ramp, a clubhouse and picnic facilities. Furthermore, there is additional land available between the railroad and Route 9 on which support facilities, including parking, could be placed if public access to and use of the facilities were available.

1. Physical Characteristics *(See Map No. 1)*

The approximately three acre state-owned site is part of the larger Hudson River State Hospital along Route 9. It is accessible by way of a private drive with a grade separated access road. Located on the west side of the track, along the river, this property is generally flat. The 22 acres between Route 9 and the railroad are moderately sloped, partially wooded and includes the remains of an abandoned sewage treatment plant but is otherwise undeveloped. The narrow access drive and low bridge ((8'- 7" high) limits emergency vehicle access to the five existing buildings on the river. The present site can accommodate parking for approximately 40 cars.
Views from the site consist of the Mid-Hudson Bridge to the south, adjacent boat yard to the north, and the river bank along the west side of the river.

The existing facilities, which provide a broad range of waterfront activities, have been available only to patients and employees of the hospital. The boat club is operated privately and membership is not confined to hospital personnel. Several local high school crew teams also use the site to store and launch shells.

The recent removal of some of the existing buildings from the abandoned water treatment facility at the south end of the property will create more space which could be used for either passive or active recreation. A picnic area or a court area could be developed. It is also possible to develop a riverfront walk with seating facing the water and opportunities for fishing.

2. ***Preliminary Development Plan*** *(See Map No. 2)*

The various waterfront facilities at the river's edge comprise an excellent recreation complex. Addition of picnic facilities, an open pavilion and park furniture would enhance the facility but are not essential. Repair of the existing bulkhead is required to prevent further deterioration. The primary need here is not for physical development but, rather, for a management plan to establish a program for use by the general public. Recently, this property has been declared excess and the State has expressed its intent to dispose of the land.

If public use of the site is to be expanded, the primary need is for additional parking. Due to the small size of the riverfront site and the limitations of the railroad underpass, parking should be confined to the area east of the railroad with access under the railroad confined to service and emergency vehicles and access for the handicapped. Topography of the site would permit a pedestrian bridge over the railroad. The area east of the railroad would also be appropriate for additional picnic areas, group functions and nature trails.

3. ***Obstacles to Development***

Two obstacles must be overcome to ensure appropriate use of this site:

a. *The state must be persuaded that this site should be preserved for public recreational use in accord with policies of the State Coastal Management Program and the principles established by the Hudson River Greenway program.*

b. *Agreement as to ownership and management of the site must be established in a management plan. The plan must resolve the times at which the public will have access, the means to control and regulate such access, the use of and responsibility for the various recreational facilities and the sharing of improvement and administrative costs. It is essential that this site not be disposed of in a way that prevents its use as a public facility.*

B. *MARIST COLLEGE WATERFRONT*

The property owned by Marist College, adjacent to the City water treatment plant, is one of the few privately-held parcels with river frontage that is accessible via a grade separated crossing. Until recently this property was used only by the College. Now, the College has proposed creation of a waterfront park available to the general public.

1. ***Physical Characteristics*** *(See Map No. 3)*

The Marist campus encompasses 150 acres of land along the east bank of the Hudson River. Access to the river's edge is provided via a tunnel under the tracks. The waterfront site includes four acres owned by Marist and two acres jointly owned by the City and Town of Poughkeepsie adjacent to their Water Treatment Plant, which includes the pump station and water intake pipe. The views both north and south from the Marist waterfront capture the special beauty of the Hudson River.

Once known as the "Rowing Capital of the World," Poughkeepsie hosted the Intercollegiate Rowing Association (IRA) Regattas from 1885-1949 and drew the nation's top collegiate crews, including Stanford, Princeton, California, Georgetown, Navy, and Washington. Boathouses dotted the shores; today the Cornell Boathouse on Marist's property is the only remaining structure from the glory days of Hudson River rowing.

2. ***Preliminary Development Plan*** *(See Map No.4)*

Marist proposes to create a beautiful riverside park, open to the public and affording direct access to the Hudson. It would feature picnic areas, benches, a scenic overlook, a permanent fishing pier, and walkways and bike paths along the entire length of the campus's waterfront that connect to neighboring Greenway trails and potentially the Hudson River State Hospital site discussed in A. above. Comfort stations with lavatory facilities and drinking fountains would also be established. All park facilities would be handicapped-accessible.

A Boating Center would provide public access to the River with opportunities for recreational, non-motorized boating as well as college and high school rowing. New floating docks and an improved boat ramp would provide launch sites and docking facilities for rowing, sailing, canoeing and kayaking. The Center would meet the growing public interest in both recreational and competitive rowing among high school students, amateur rowing and sailing groups, and the general public. In addition to creating a launching site, the Boating Center would provide a new site along the Greenway's Hudson River waterway trail.

Future plans to refurbish the two boathouses on the waterfront would provide meeting rooms for sporting clubs and community organizations, as well as locker area, showers, and bathrooms. Future plans might also include the construction of a new, multi-purpose facility to address the increasing demands by high school and community rowing groups for storing their boats at the Marist waterfront. In addition, the College will seek listing on the State and National Register of Historic Places of the Cornell Boathouse, which is used for high school rowing.

3. *Obstacles to Development*

In order to establish the Riverside Park and Boating Center, several infrastructure improvements and upgrades will be necessary. These include the rebuilding of the river bulkhead along the southern portion of the waterfront where the docks, boat ramp, and fishing pier would be located. Such improvements would not only provide much-needed stabilization to the eroding shoreline, but also would create safe and secure support for the docks, ramp, and pier

Access to the Marist waterfront currently is achieved by driving or walking through a one-lane tunnel under the railroad tracks. In order to improve the safety of both vehicular and pedestrian traffic, the College would install traffic lights at both entrances to the tunnel to regulate traffic. Other infrastructure improvements in support of the overall project would include repaving the access road to the waterfront, upgrading the street lighting approaching and adjacent to the waterfront area, creating new parking lots, installing safety barriers along the River's edge where needed, upgrading water and sewer links, and installing signage from Route 9 to the waterfront directing the public to the Riverside Park, Boating Center, and Greenway trails.

C. *PIRATE CANOE CLUB ROAD*

1. *Physical Characteristics* *(See Map No. 5)*

Presently owned by the railroad, this site of approximately 2.5 acres is located just south of the Pirate Canoe Club. Located on the river side of the tracks it is only accessible by a private grade crossing owned by the Pirate Canoe Club.

The east side of this site has a steep cut approximately 400 feet along the train tracks. The topography throughout this medium wooded site is rolling. Most of the west side of the site has steep cliffs at the water's edge which would require fencing or safety rails as would the cut along the train tracks. Existing trails within this site provide adequate pedestrian circulation but would require some work to better define the paths. Emergency vehicle circulation within the site is virtually impossible with existing site characteristics.

2. *Preliminary Development Plan* *(See Map No. 6)*

Views along the river to the north and south create an extremely pleasant and quiet scene. The addition of benches along the river would help to increase the enjoyment of these views. To accommodate these benches, some clearing would be required.

In addition to providing a viewing area, 10-12 picnic tables could be accommodated without much clearing within the site. Also, fishing and small boat access is possible for visitors. This wooded site also is well suited for nature study without any modifications.

A concept for grade separated access to this site across the northwest corner of the IBM North 100 property was developed during the Planning Board's review of the Environmental Impact Statement for the previously proposed use of this property. The preliminary design shows a pedestrian bridge over the existing tracks to access the site. This will be complicated by existing utility lines which are in the way and the need to maintain rail traffic during construction. An alternative access to this site would be to construct a new at grade pedestrian crossing from the Pirate Canoe Club or adjacent thereto; however, such a crossing is not recommended. In either event, parking for about 20 cars would be provided east of the railroad tracks.

3. Obstacles to Development

This site has a number of significant obstacles.

Access from Route 9, nearly 3,000 feet to the east, is owned and shared by at least three private owners. The 1,500 feet nearest the river is narrow and unpaved.

The only railroad crossing is at-grade and provides access to the Pirate Canoe Club but not to the railroad property to the south. To use this crossing, access would have to be obtained from the Club. Such access is not appropriate for a public facility.

The alternative rail crossing requires a bridge from the IBM North 100 property. Although IBM has indicted a willingness to cooperate in such a route, bridge construction will be costly, even for pedestrian use only.

Under either alternative, area for parking east of the railroad will have to be acquired from one of the three adjacent property owners--IBM, the Pirate Canoe Club or the PBA.

IBM is no longer actively considering use of this property and an alternative industrial use has been proposed. As plans for this facility progress, opportunities to develop this site for public access should be re-evaluated.

D. SAND DOCK ROAD *(See Map No. 7)*

1. Physical Characteristics

The Sand Dock Road site consists of approximately 23 acres of land, which is a part of the Trap Rock holdings on both sides of the tracks. Located just south of IBM, this site is accessible by right-of-way through Dutchess County Resource Recovery Agency property (part of an agreement negotiated by the Town) and then, by an existing bridge over the train tracks, to the river.

The site is characterized by small hills, steep slopes, and mature vegetation. Some paths exist on the site adjacent to the river, but could present problems for the handicapped and elderly. A steep footpath located on the east side of the tracks, along the cut south of the bridge, would require fencing along its cliff for pedestrian safety. Along the west side of the tracks is another steep cliff which would require fencing for safety from both the cliff and the existing utility lines which are about 2 feet from the top of the cut.

Noise from the resource recovery plant is discernible from the access road and, to a lesser extent, from the northern end of the peninsula where it is also visible. At the southern end, the plant's presence is virtually unnoticed.

2. Preliminary Development Plan *(See Map No. 4)*

For this site to be usable and enjoyable, some preliminary work is necessary. First, the existing trash (rolled chain link fence, wire spools, gravel, etc.) need to be removed. Secondly, the removal of two abandoned transformer pads and surrounding chain link fences would be required. However, as discussed in 3. below, the proximity and relationship of this site to the Trap Rock quarry eliminates it from further consideration.

3. Obstacles to Development

The primary obstacle to development of the Sand dock Road site is its role as a buffer for the Trap Rock quarry to the south. Lone Star Industries, Inc., the owner of the quarry, has expressed serious concern that their needs for a safe buffer area would be compromised if any part of the Sand Dock Road site were devoted to recreational use (See Exhibit C).

Although this site has many attractive features for recreational use, its integral roll as a buffer for Trap Rock requires that it be eliminated from further consideration. As part of long range planning for the property when it is no longer in use as a quarry, this site should be reconsidered.

E. OIL STORAGE SITE

1. Physical Characteristics (See Map No. 8)

The existing one acre site serves as an oil storage and distribution facility. Access is via Point Street, about 1/4 mile west of the railroad in New Hamburg.

The site consists mostly of a gravel base with some lawn area. It is generally flat from Point Street to the edge of the river where bulkheading extends along the entire shoreline. Plantings are limited to a few trees.

The manmade features on the site consist of four oil storage tanks, a pump station, and a small building. The site is enclosed on all sides, except the river, by a chain link fence. The northeast corner is bordered by a private residence while the remaining north side is bordered by the river. The west side is also bordered by the river while the east is bordered by Point Street and the south side is bordered by a marina.

2. Preliminary Development Plan (See Map No. 9)

This site has many potential uses as a town park. It could accommodate parking for about 20 cars, picnic areas with 12-16 tables, and benches for seating along the river's edge. Other activities suitable for this site are fishing and boat docking. Due to its small size, the limited access through New Hamburg and the already intensive activity in the hamlet, a boat launch is not recommended.

The initial task to develop this site into a park would require the removal of the four existing oil tanks, pump station, and building. After the tanks are removed this site can be divided into parking and picnic areas. Reconditioning of the existing seawall may be required and a railing would be necessary along the river's edge for pedestrian safety.

This site would be one stop along the New Hamburg Greenway Trail described in the next section.

3. Obstacles to Development

The primary obstacle to development of this site is the need to acquire an existing business. Although the use is non-conforming, it appears relatively unobtrusive and generates little traffic or overt incompatible activity.

F. *NEW HAMBURG GREENWAY TRAIL* *(See Map No. 10)*

1. *Physical Characteristics*

The proposed Greenway would link together many existing recreation sites in the southern end of the Town of Poughkeepsie and the historic hamlet of New Hamburg. Roughly four miles long, this trail would be accessible at several points. The main access points to the trail would be Bowdoin Park, the Audubon Society the hamlet of New Hamburg, and the west end of Main Street. A majority of the trail already exists along some of the streets in New Hamburg to the New Hamburg Park, through the Audubon Society lands to Jordan Road, along Kelly Lane, an old, dirt private road and via the extensive trail system in Bowdoin Park. Throughout this system, the topography varies from gentle to steep slopes and provides a variety of natural environments and views.

2. *Preliminary Development Plan*

Several small links must be created to complete the Greenway. The existing trail from the south end of Bowdoin Park to the New Hamburg Fire Station must be improved. A new trail must be cut on County property along Channingville Road to Kelly Lane and from Kelly Lane across Mt. Alvernia property to a point opposite the proposed new Bowdoin Park entrance so that crossing of Sheafe Road takes place where sight distance is adequate. If this latter task cannot be achieved, the trail would follow along the Sheafe Road shoulder.

This Greenway has the potential for many uses. In addition to hiking and providing a link to the existing recreation sites, it can also be used as a nature trail and for cross county skiing.

A detailed description and current status of the Greenway route follows:

GREENWAY ROUTE (See Map No. 11)

STARTING AT AUDUBON SOCIETY - TRAIL HEAD

* *Additional parking to be added at New Hamburg Park.*
* *Audubon Society Trail is one directional without any loop--in process of mapping trails.*
* *Audubon Trail ends at Jordan Street.*
* *Jordan Street leads to Channingville Road.*

* *Cross Channingville Road--walk approximately 10 yards off of road along trail (requires cutting for trail) to Kelly Lane.*

* *Kelly Lane requires minimum work to better define existing trail.*

* *Need easement from Mr. Alvernia to cross diagonally from Kelly Lane to the New Bowdoin Park entrance at High Cliff Gate for better sight distance at Sheafe Road crossing.*

* *Trail users who use Bowdoin Park may have to pay an entrance fee from Memorial Day to Labor Day.*

* *Use of certain trails in Bowdoin Park during fall may conflict with cross country races.*

* *Entrance to Bowdoin Farm Archaeological Site at Tri-Municipal Sewage Treatment Plant requires advance notice. (See Exhibit D)*

* *Exit Bowdoin Park near athletic fields (southwest corner of Park) through woods along existing nature trail to fire house. Nature trail is neglected but exists. Bowdoin Park presently has supervised trail hikes.*

* *Need okay from fire house to walk along back edge of property to Sheafe Road.*

* *From fire station about ½ mile walk along Sheafe Road and Reed Street to railroad bridge (bridge has an existing sidewalk).*

* *Reed Street leads to Point Street lookout which requires some clearing to define a route.*

* *The Point Street lookout has no parking available except for Stone Street.*

* *From the Point Street lookout the route travels south along Point Street to Main Street past the historic districts in New Hamburg to Bridge Street and then back to New Hamburg Park and the trail head at the Audubon Society.*

SIGNAGE

Major signs to be located at:
(See following sign design)

Trailhead - New Hamburg Park - Audubon Society

- *Jordan - North end of Audubon Society*
- *Jordan and Channingville*
- *Kelly Lane and Sheafe Road*
- *Bowdoin Park/High Cliff Gate Entrance and Sheafe Road*
- *Point Street Lookout*
- *Fire Station*

Minor signs to be spaced at intervals along the trail. (See following trail marker design)

Pedestrians along roads will walk towards oncoming traffic.

3. ***PRELIMINARY COST ESTIMATES***

Only very minimal costs are required to implement the Greenway Trail. Virtually all of the land is in public ownership. Almost all of the trails already are in place. The only costs will be those to expand parking at New Hamburg Park, to blaze several short new trails, to clear and improve some existing trails and to provide large signs at the trailheads and small trail markers at intervals along the trail.

Some of the work can be done by volunteers or as part of normal work schedules by Town and County crews. It is estimated that a budget of $25-30,000 will be sufficient to implement the entire Greenway.

4. ***Obstacles to Development***

The obstacles to development of the Greenway Trail are primarily administrative rather than those of cost or physical development.

Agreement as to the use, management, maintenance and responsibility of the Greenway must be arranged between the Town, the County, the Tri-Municipal Sewer District the Audubon Society and the Fire District. Individual and collective liability must be resolved. Such details as to whether fees will be charged to hikers using Bowdoin Park trails must be resolved.

Recently, a question has arisen as to ownership of the property at the connection of the Audubon Society trail to Jordan Street. This too must be resolved.

V. RECOMMENDATIONS AND PRIORITIES

While each of the identified sites represents an opportunity to establish access to the waterfront, realization of each requires that one or more constraints must be overcome. From the outset, it was recognized that not all of the sites would be feasible and/or that the obstacles to implementation of some sites could not easily be overcome. Based on the preceding analysis, three sites are recommended for first priority action as set forth below. In addition, some recommendations are made for additional actions.

A. FIRST PRIORITY ACTIONS

The following three sites are recommended for early implementation. Each involves a different approach to waterfront access and can be pursued simultaneously. They would provide access points both north and south of the City of Poughkeepsie including links between existing publicly owned sites in New Hamburg.

1. The New Hamburg Greenway Trail

This action involves minimal cost and can be accomplished with no land acquisition. It will combine existing facilities in a way that creates a new component in the Town's recreation system while enhancing the existing elements. Most importantly, it can be accomplished quickly to demonstrate the Town's commitment to developing recreation facilities in its coastal area.

2. Hudson River State Hospital

All the necessary facilities already exist here, in public ownership. Only commitment to maintain the site in public ownership and agreement as to how its use can be shared is lacking. While a management program requires careful planning and cooperation, it is certainly within the mutual interest of the State and the Town (and the County as well) to arrive at such a plan. The costs will be modest in comparison to the benefits to be gained.

3. Marist College Waterfront

The Marist College site represents a unique opportunity for a cooperative public/private partnership to create waterfront access and promote water related recreation. The major elements for a successful waterfront park, including grade separated access, already exist. The primary need is for funding to allow realization of the entire development program. The Town should fully support the efforts by Marist to obtain implementation grants.

B. FUTURE ACTIONS

Several actions should be considered in the future to further the objectives for waterfront access.

1. *Should the oil storage site become available, the Town should seriously consider its acquisition. It is virtually the only accessible site on the Town's waterfront that would be appropriate for development as a park.*

2. *In its review of site plans and subdivisions in the coastal area, the Planning Board should continue to examine opportunities to create access--both physical and visual--through cooperative efforts with waterfront users.*

C. *STATE ACTION*

Two suggestions offered by former Supervisor Anne Buchholz to the Standing Committee on Environmental Conservation of the New York State Assembly, at a public hearing on September 23, 1986, warrant repeating here. While not a direct part of this study, these recommendations, if implemented, could enhance access to the entire river in the future:

1. *Where the State of New York already owns land with river frontage it should seek every means to make this land accessible to the broadest possible public use consistent with the nature of the site and its current use. Current policies in the State's Coastal Management Program, particularly Policies 20 and 22, require that such access be maintained and future access not be precluded. However, we believe a more aggressive approach is required under which each state agency shall be required to evaluate the public access and recreational potential of the riverfront property it controls in conjunction with the Department of State, the Office of Parks, Recreation and Historic Preservation and local and county governments. From such a process, an implementation program including costs and priorities should result and serve as the basis for specific action to develop such opportunities.*

2. *There are numerous instances where the railroad, which traverses all of the east side and much of the west side of the river, owns excess land beyond that required for its operation. In some cases, this land lies between the tracks and the water's edge and would be suitable as a recreation facility or as a link between the few rail crossings which exist. It is difficult for each riverfront community to deal with the railroad individually to gain access to and use of such property. If the State can use its office and powers to require and coordinate a comprehensive evaluation of such land, many additional opportunities for access may be gained.*

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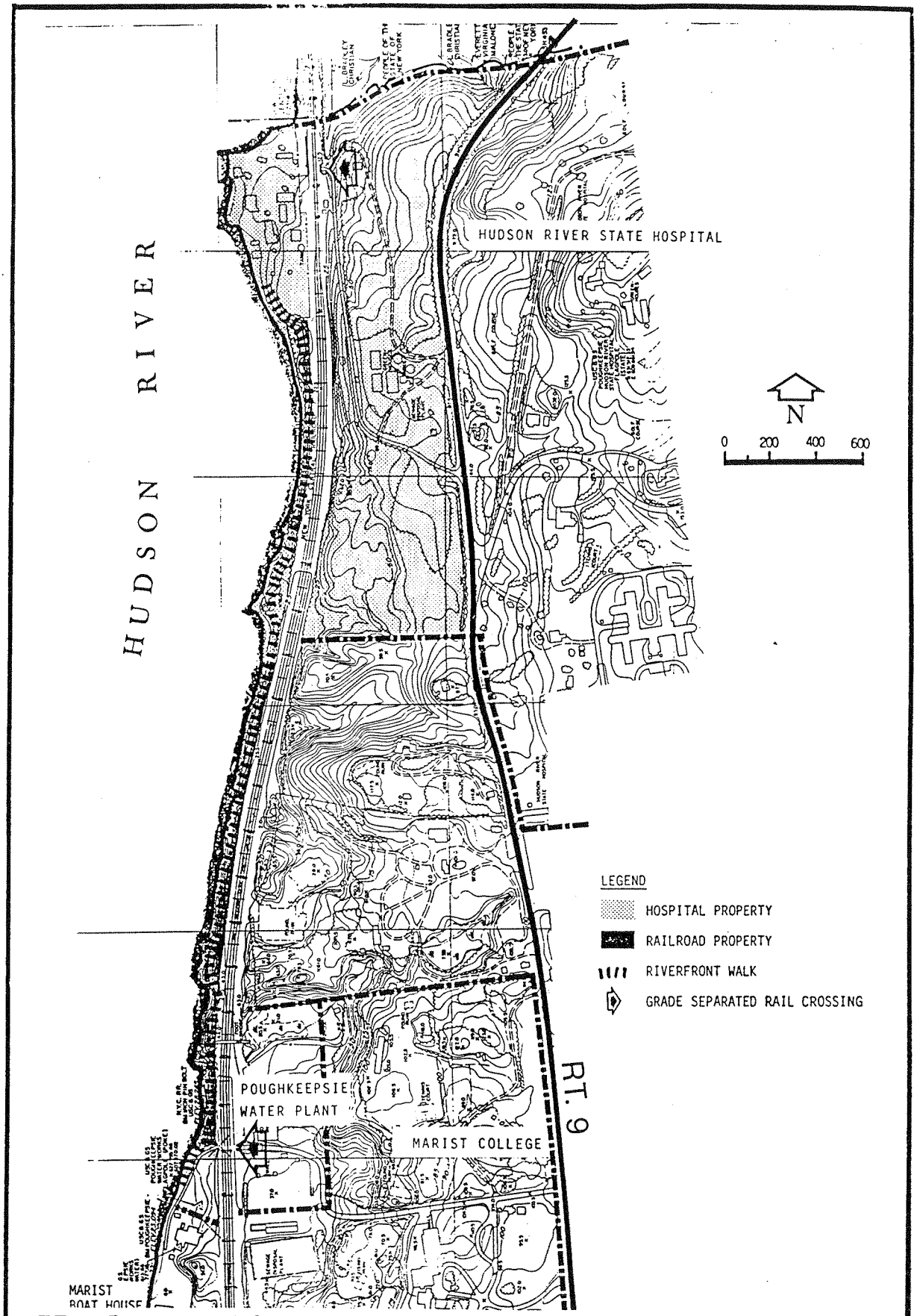


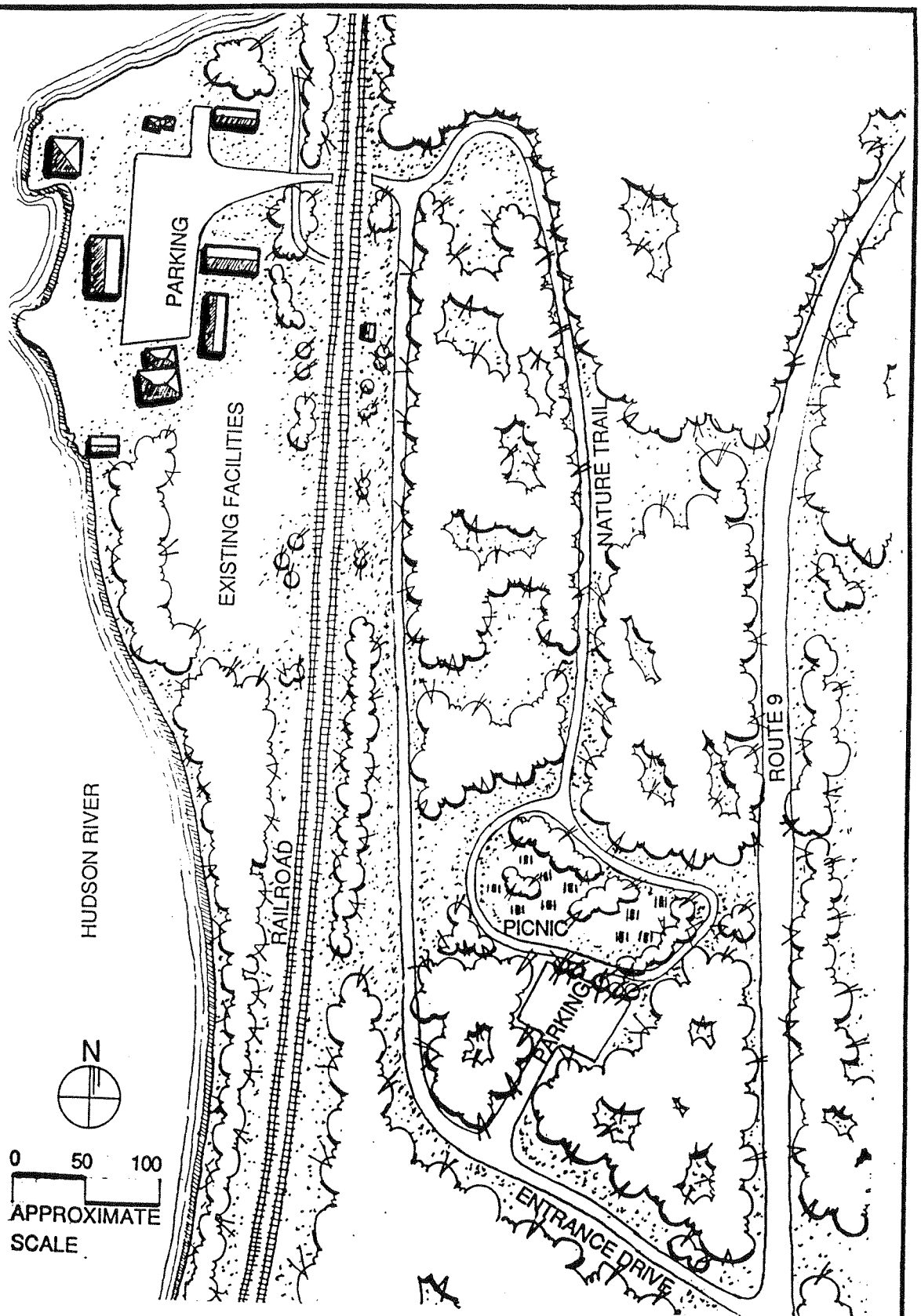
Hudson River State Hospital Location

Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates Planning Consultants

Map No. 1

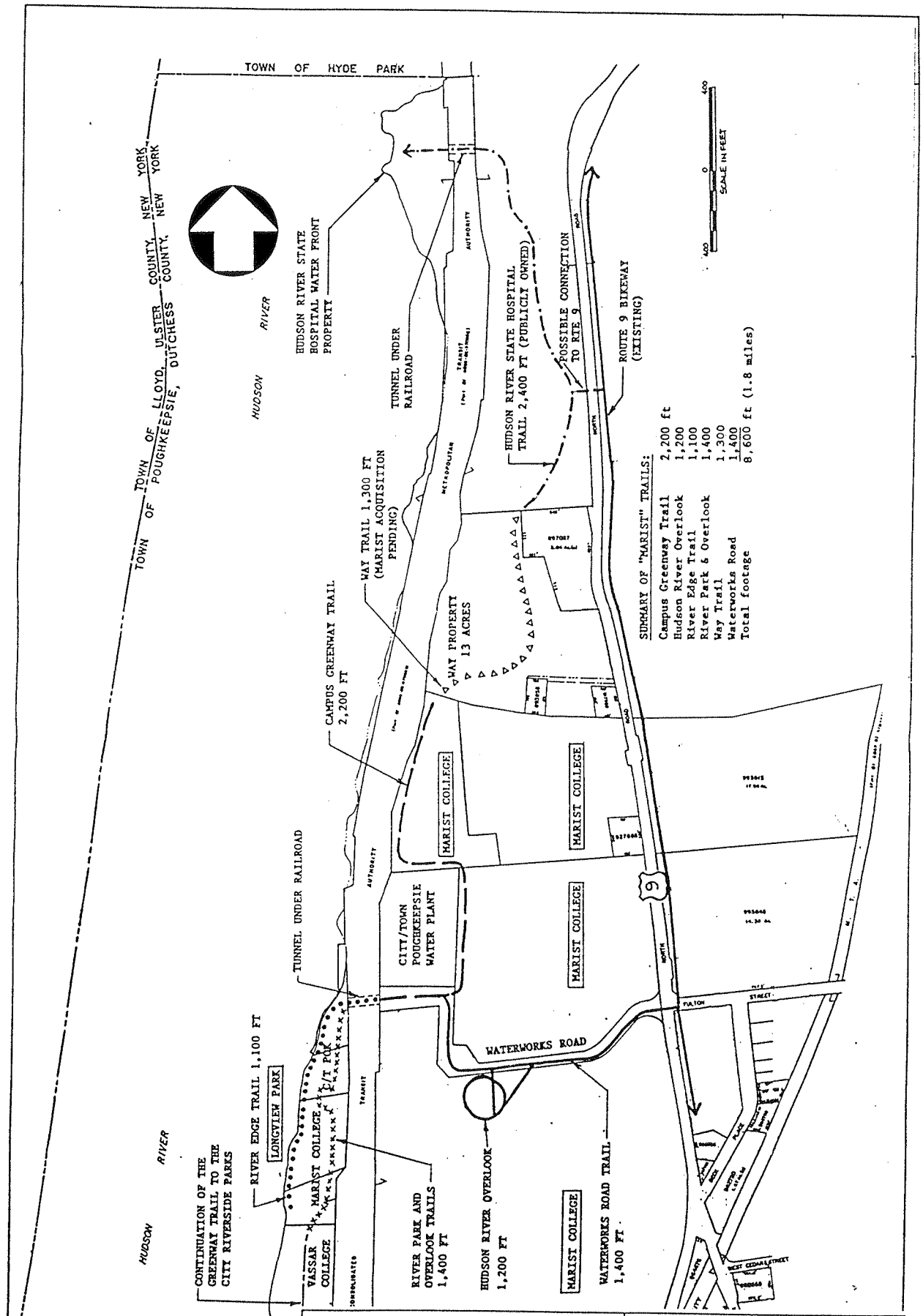


Hudson River State Hospital Site

Development Plan

TOWN OF POUGHKEEPSIE

Map No. **2**



LONGVIEW PARK
at Marist College

Hudson River Boating
and Education Center
Town of Poughkeepsie
Dutchess County, New York

MARIST GREENWAY
TRAIL NETWORK

September 1997

MARIST COLLEGE

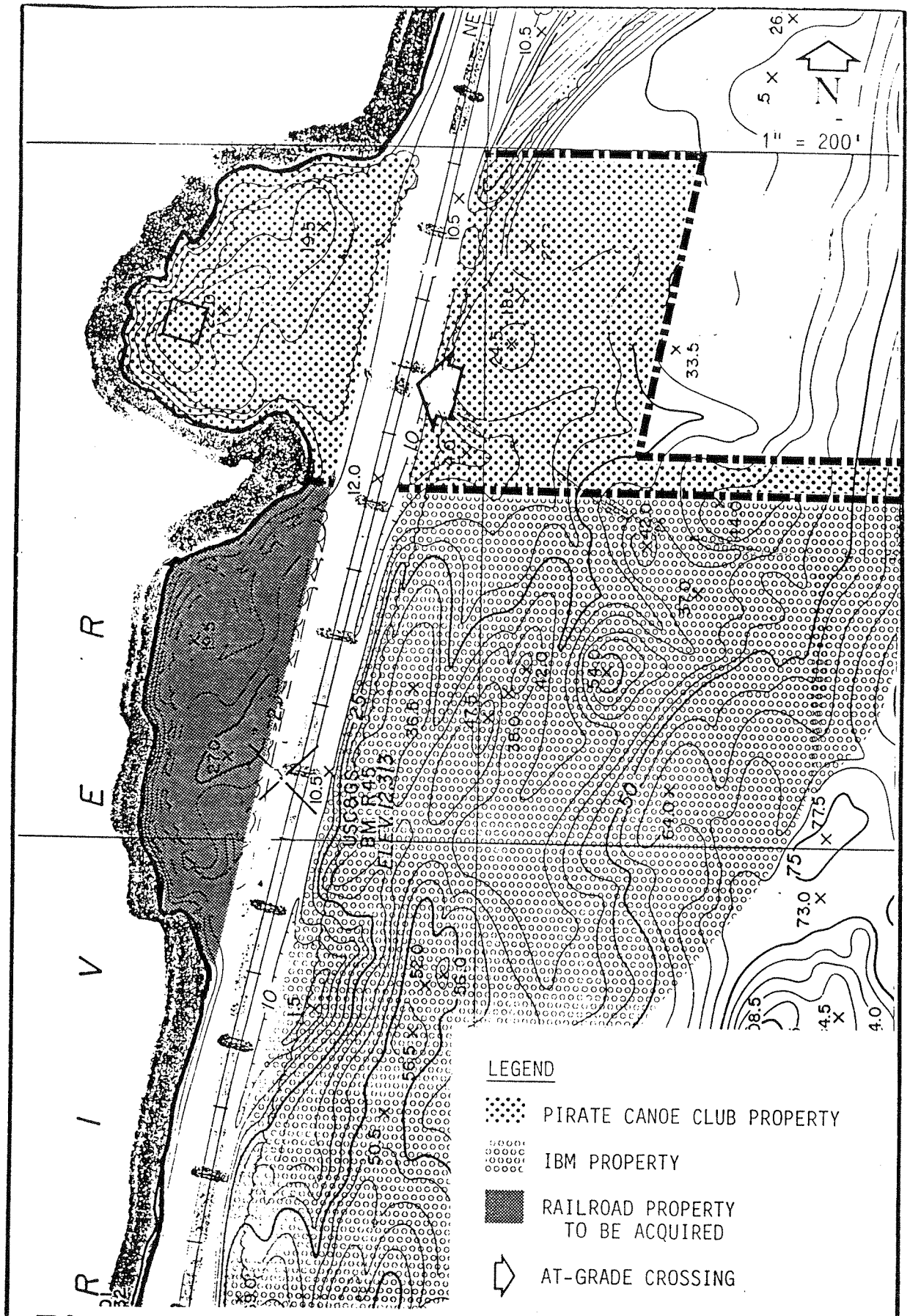
MARIST COLLEGE
MARTIN BOATHOUSE
END OF WATERWORKS ROAD
TOWN OF POUGHKEEPSIE
DUTCHESS COUNTY, NEW YORK

SITE PLAN

LISCUM McCORMACK VANVOORHIS
ARCHITECTURE PLANNING INTERIORS

RSA ROHDE, SOYKA & ANDREWS
Consulting Engineers PC

4



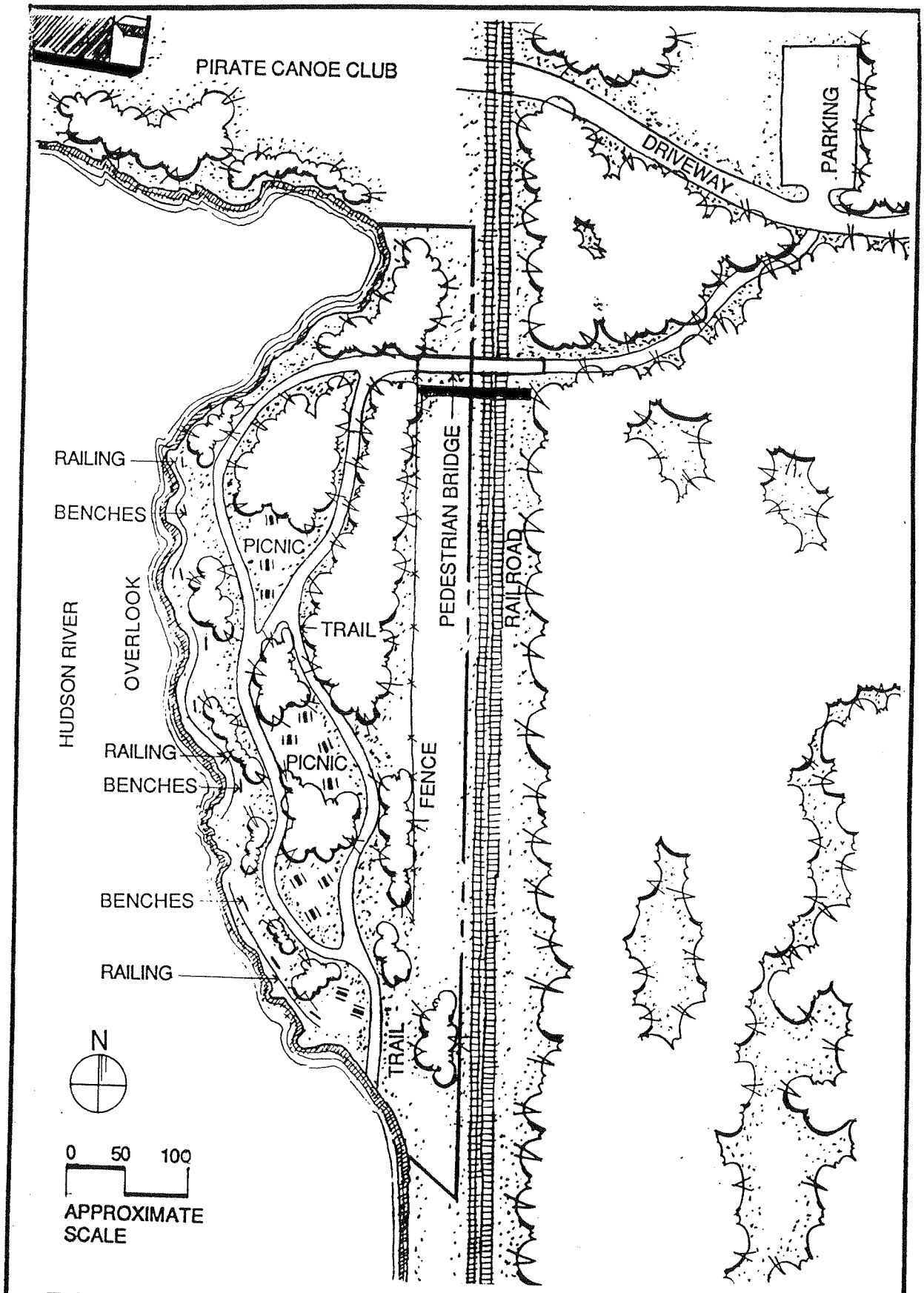
Pirate Canoe Club Road Site Location

Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

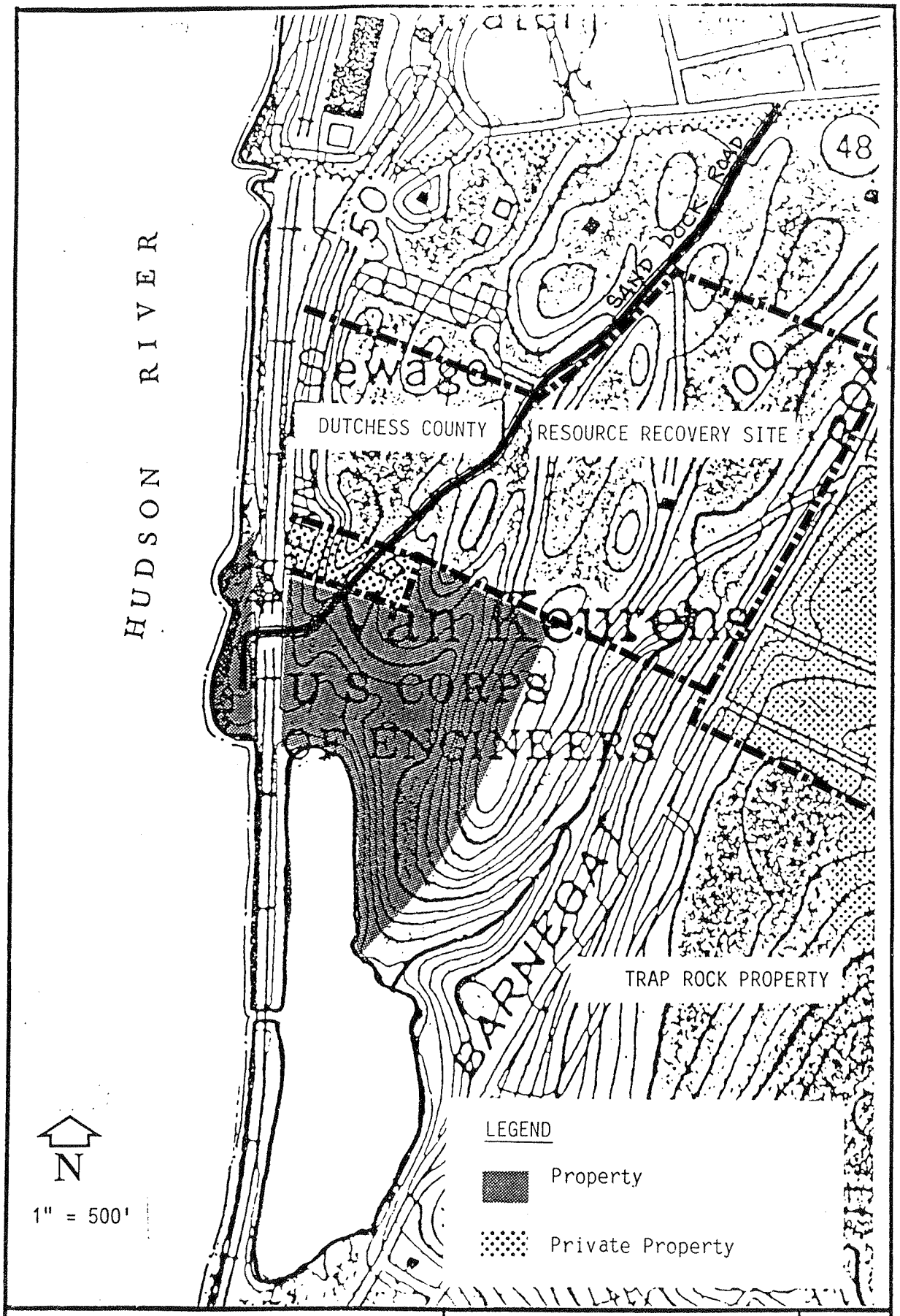
Map No **5**



Pirate Canoe Club Road Development

TOWN OF POUGHKEEPSIE

Map No. 6



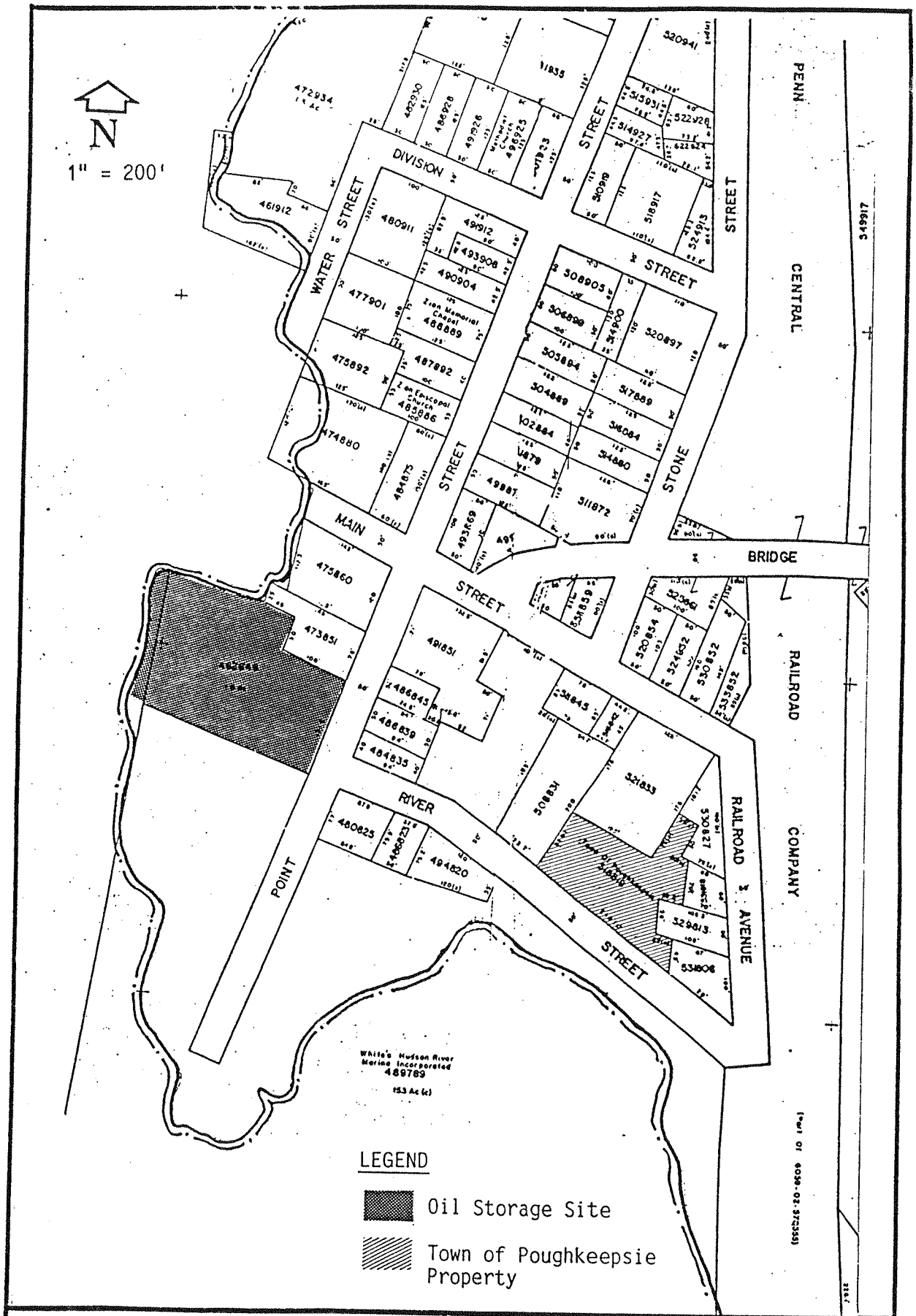
Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates Planning Consultants

Map No. **7**

Sand Dock Road Site Location



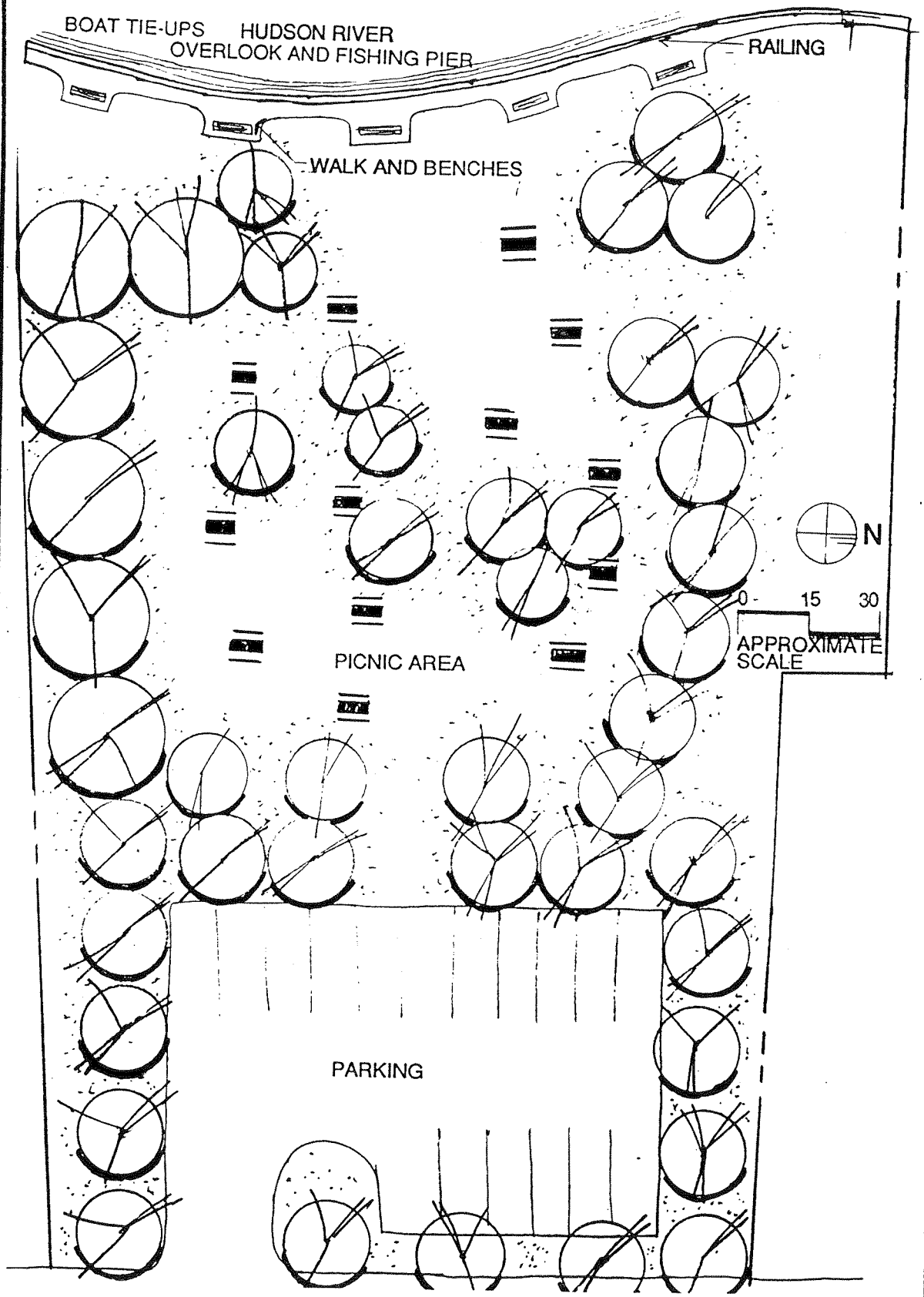
Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

Shuster Associates — Planning Consultants

Map No. **8**

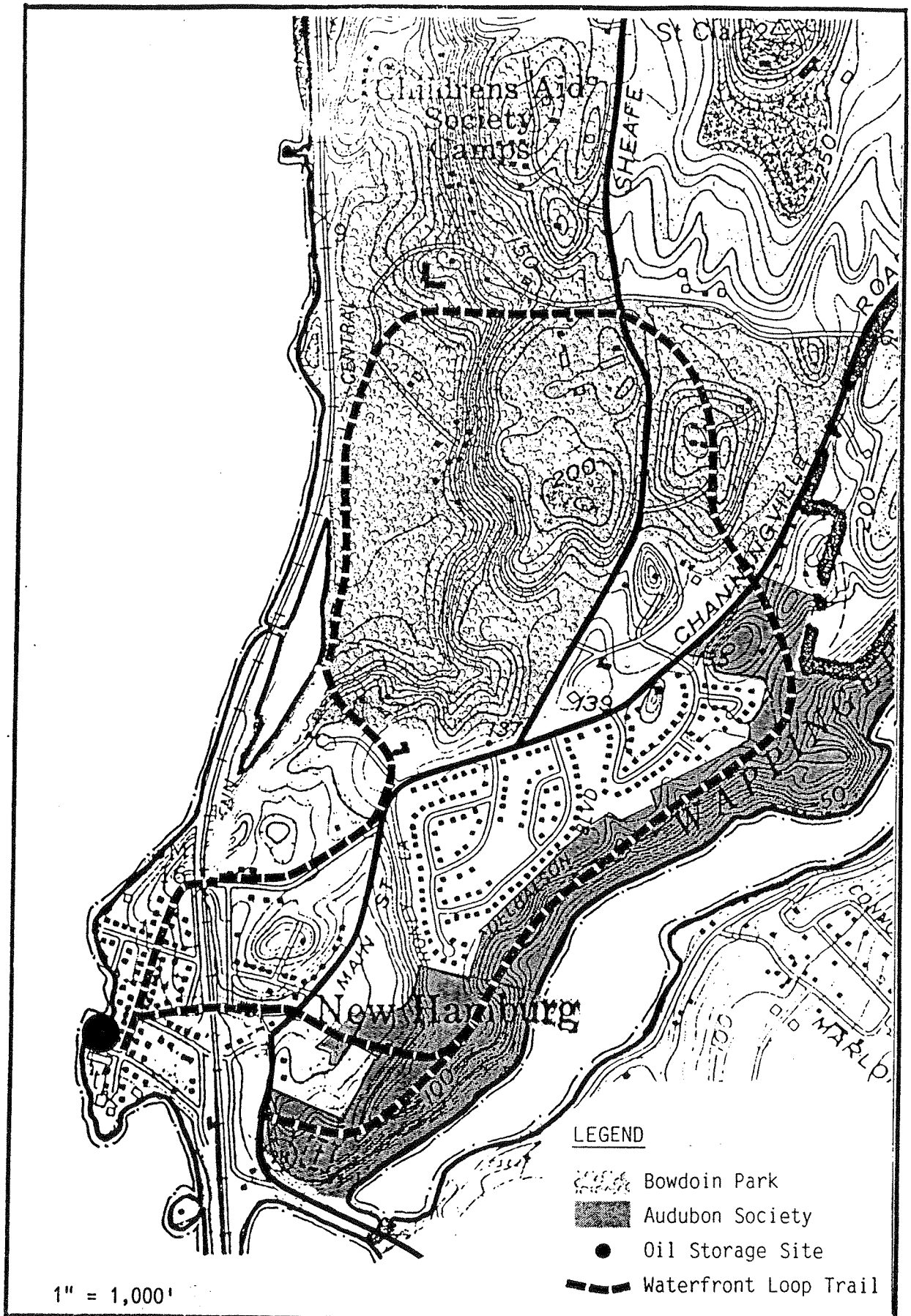
Oil Storage Site Location



Oil Storage Site Development Plan

TOWN OF POUGHKEEPSIE

Map No. **9**



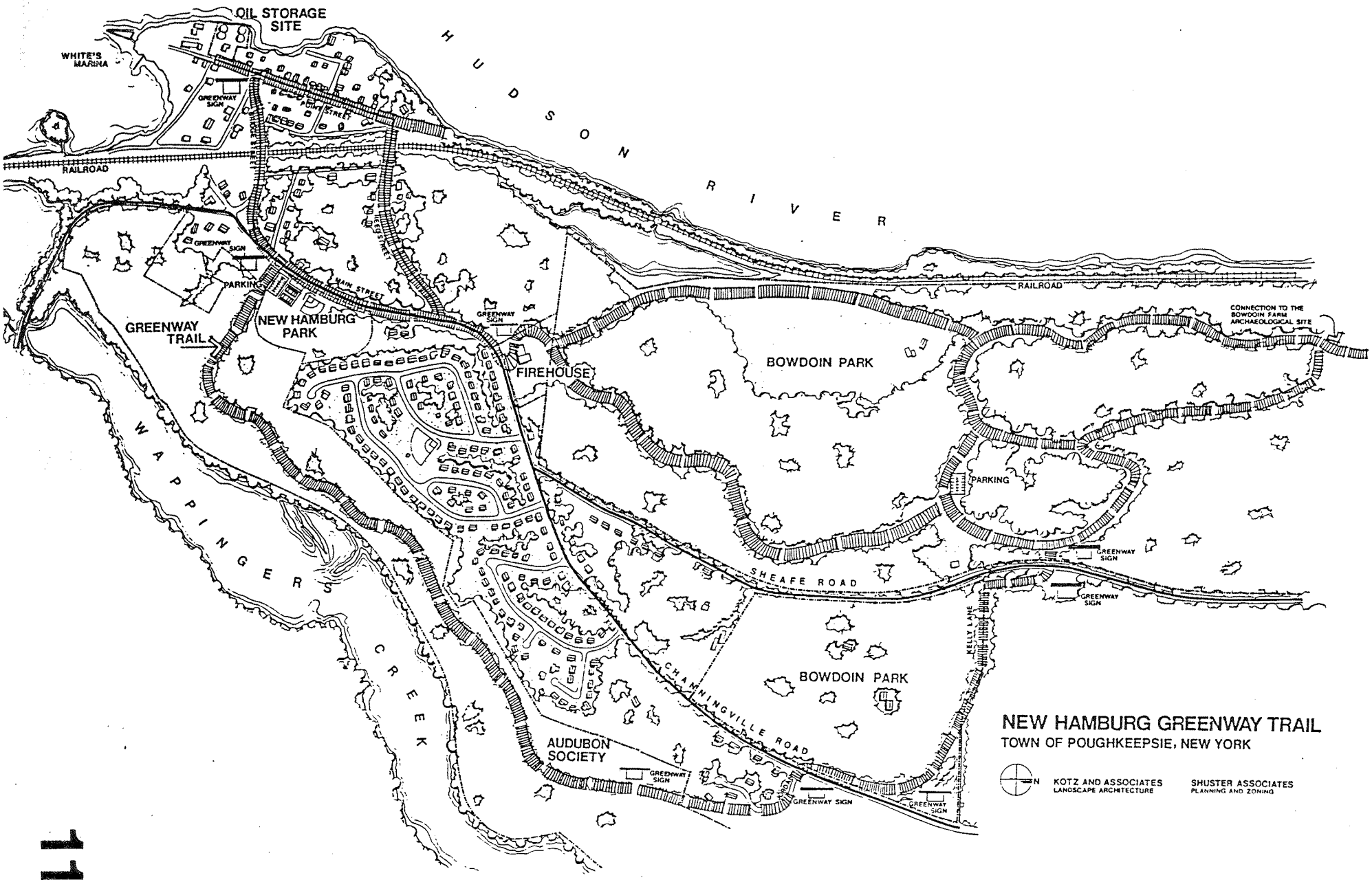
Local Waterfront Revitalization Program

TOWN OF POUGHKEEPSIE

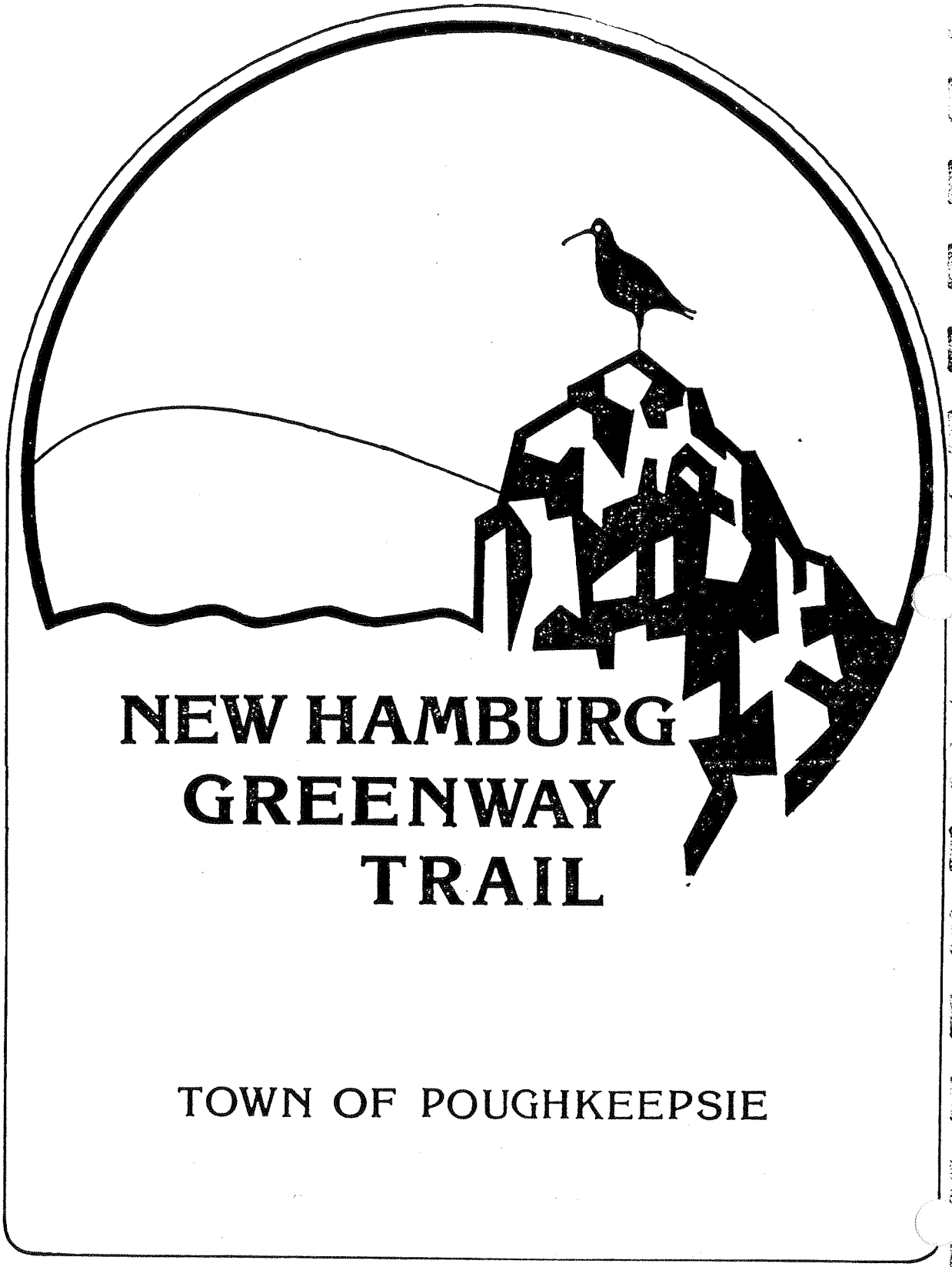
Shuster Associates Planning Consultants

Map No. **10**

New Hamburg Greenway Location



NEW HAMBURG GREENWAY TRAIL
TOWN OF POUGHKEEPSIE, NEW YORK



Greenway Trail Sign

Greenway Trail Marker

EXHIBITS

TOWN OF POUGHKEEPSIE WATERFRONT

PUBLIC OPINION SURVEY

The Town of Poughkeepsie is conducting a study of its Hudson River waterfront area. Your response to the following questions will provide useful input to future plans.

1. **How often do you go to or near the Hudson River?** (please circle)

   1. Every day
   2. Once a week
   3. Once a month
   4. Once a year
   5. Not at all

2. **Which of the following waterfront parks have you been to in the past year?**

   Bowdoin Park(County)__, Waryas Park(City) __, Audubon Society __

3. **Do you own a boat? yes __ no __**

   If yes: Do you use it on the Hudson River? yes __ no __
   Where do you put it in the water? _____

Please use this key for questions 4, 5 and 6:

1 = not at all, 2 = a little, 3 = some/somewhat, 4 = quite a bit, 5 = very much.

4. **When you go to the waterfront area, how are you likely to get there?**

   1 2 3 4 5 On foot
   1 2 3 4 5 On bike
   1 2 3 4 5 By car
   1 2 3 4 5 By bus

5. **Which activities do you/would you participate in at a waterfront park?**

   1 2 3 4 5 Picnicking
   1 2 3 4 5 Bird watching
   1 2 3 4 5 Playground activities
   1 2 3 4 5 Walking for pleasure
   1 2 3 4 5 Resting, reading, being alone
   1 2 3 4 5 Fishing
   1 2 3 4 5 Hiking (organized nature hikes)
   1 2 3 4 5 People-watching, meeting with others
   1 2 3 4 5 Outdoor concerts
   1 2 3 4 5 Boating/sailing
   1 2 3 4 5 Outdoor sports (tennis, baseball, etc.)
   1 2 3 4 5 Bicycling
   1 2 3 4 5 Camping
   1 2 3 4 5 Other_____

6. **How important do you feel it is to provide accces to the Hudson River for:**

   1 2 3 4 5 Boating 1 2 3 4 5 Hiking 1 2 3 4 5 Swimming
   1 2 3 4 5 Fishing 1 2 3 4 5 Viewing 1 2 3 4 5 Other ___

See Other Side

EXHIBIT A

7. Do you have some favorite places, scenic vistas or physical features within the Town along the waterfront? Describe below.

_____

_____

8. How do you believe public access to the Hudson River can be improved?

_____

_____

9. Do you have any other thoughts, comments or suggestions regarding the Town of Poughkeepsie waterfront?

10. What Ward in the Town do you live in? _____

THANK YOU VERY MUCH FOR YOUR HELP IN COMPLETING THIS QUESTIONNAIRE.

PLEASE FOLD, STAMP AND MAIL TO:

Ms. Anna Buchholz, Supervisor
Town of Poughkeepsie
Dutchess Turnpike
P.O. Box 3209
Poughkeepsie, NY 12603

522ques

FINAL TALLY

TOWN OF POUGHKEEPSIE WATERFRONT PUBLIC OPINION SURVEY

The Town of Poughkeepsie is conducting a study of its Hudson River waterfront area. Your response to the following questions will provide useful input to future plans.

1. **How often do you go to or near the Hudson River?** (please circle)

1.	Every day	56
2.	Once a week	203
3.	Once a month	223
4.	Once a year	160
5.	Not at all	106

2. **Which of the following waterfront parks have you been to in the past year?**

Bowdoin Park(County) 319 Waryas Park(City) 386 Audubon Society 33

3. **Do you own a boat? yes** 159 **no** 572

If yes: **Do you use it on the Hudson River? yes** ___ **no** ___
Where do you put it in the water? Waryas - Norrie Point - Chelsea - Hyde Par
(Most common)

Please use this key for questions 4, 5 and 6:

1 = not at all, 2 = a little, 3 = some/somewhat, 4 = quite a bit, 5 = very much.

4. **When you go to the waterfront area, how are you likely to get there?**

		1	2	3	4	5
1 2 3 4 5	On foot	244	41	28	15	9
1 2 3 4 5	On bike	246	49	18	12	9
1 2 3 4 5	By car	50	61	44	71	475
1 2 3 4 5	By bus	273	11	3	1	8

5. **Which activities do you/would you participate in at a waterfront park?**

		1	2	3	4	5
1 2 3 4 5	Picnicking	81	71	141	94	174
1 2 3 4 5	Bird watching	205	84	64	35	39
1 2 3 4 5	Playground activities	202	52	61	44	89
1 2 3 4 5	Walking for pleasure	65	67	123	122	206
1 2 3 4 5	Resting, reading, being alone	105	69	118	94	121
1 2 3 4 5	Fishing	224	52	70	31	75
1 2 3 4 5	Hiking (organized nature hikes)	192	69	111	45	69
1 2 3 4 5	People-watching, meeting with others	130	83	134	162	79
1 2 3 4 5	Outdoor concerts	102	77	126	108	143
1 2 3 4 5	Boating/sailing	186	69	62	79	131
1 2 3 4 5	Outdoor sports (tennis, baseball, etc.)	187	82	71	28	38
1 2 3 4 5	Bicycling	207	61	67	57	54
1 2 3 4 5	Camping	279	42	33	23	28
1 2 3 4 5	Other_____					

6. **How important do you feel it is to provide accces to the Hudson River for:**

	1	2	3	4	5
1 2 3 4 5 Boating	1 2 3 4 5 Hiking	1 2 3 4 5 Swimming			
1 2 3 4 5 Fishing	1 2 3 4 5 Viewing	1 2 3 4 5 Other ___			
Boating	55	22	98	85	391
Fishing	63	36	106	95	306
Hiking	56	33	100	105	316
Viewing	34	12	44	92	488
Swimming	131	69	109	50	203

EXHIBIT B

Master Waterfront Comm

LONE STAR INDUSTRIES, INC.

Northeast Operations
162 Old Mill Road
West Nyack, NY 10994
(914) 358-4500

August 14, 1989

Anna Buchholz, Supervisor
Town of Poughkeepsie
Town Hall
Dutchess Turnpike
P.O. Box 3209
Poughkeepsie, NY 12603

Re: Trap Rock/Sand Dock Road

Dear Supervisor Buchholz:

This letter is written, after thorough corporate review, to respond to the Town's request that we sell or give certain acreage of riverfront land at Sand Dock Road to the Town of Poughkeepsie for use as a park. This proposal was discussed in your letter of June 16, 1988, and has further been discussed as part of the Master Plan and Waterfront Revitalization Plan (LWRP) proceedings.

As the Town's request recognizes, the Sand Dock area is an integral part of our quarry site and is included in our mined land use plan. You correctly point out that this property has served as a substantial buffer area of our site for many years. Central to the Town's proposal is the assumption that the lands could continue to serve as a buffer even after ownership was turned over to the Town for a public park. Unfortunately, such dual use is not possible. Buffers serve the functions of safety, noise abatement and security for the site. A central prerequisite for all these functions is that the buffer land remain vacant and secured from public access. Indeed, public use and open access is antithetical to the use of this property as a buffer area. In order to assure that the buffer can be safely continued as an area protecting the quarry from its neighbors, it is critical that Trap Rock retain ownership and control of these lands.

While the Town's proposal suggests that turning this land over to the Town will alleviate past problems that the Corporation has suffered at the hands of trespassers, our experience is directly to the contrary. Our past donations of land to the Town and the local Civic Association have led to a substantial increase in our problems with trespassers, and have forced us to be very mindful of the need for security on our property.

Accordingly, the Corporation concludes that it could not transfer any of the Sand Dock quarry lands to the Town while

EXHIBIT C

the quarry remains in operation. These lands are required by the Corporation as an integral part of its quarry operation. As has been discussed during the master plan discussions, the quarrying on our site is expected to continue for at least approximately 30-60 years.

We are also concerned, however, that our past donations of lands to the Town have appeared to stimulate continually increasing demands for additional land exactions, the most recent efforts of the Town to earmark Cobalt Lake, one of the key elements of our land holdings, for future public use. This has been discussed in the context of the Master Plan. In view of our past gifts to the Town, and our current and future anticipated needs, we hope that the Town will recognize and accommodate our need to use our property for our own purposes.

In fact, we suggest that the Town seriously re-evaluate the desirability of placing a public park next to an active major quarry. These are extremely incompatible land uses, and it would appear that the placement of a park on these lands could only dramatically increase the Town's liability problems in the event of trespassing onto adjoining quarry lands. The inclusion of this proposal to place a public park next to an active quarry in the proposed LWRP is also surprising. Such local plans are required to be consistent with State Coastal policies, and this proposal directly violates State Coastal Policies which require that public access to the waterfront be provided in a manner compatible with adjoining land uses. In view of the other excellent access that the Town may have available through its planned programs in Bowdoin Park, the Hudson River State Hospital, and its proposed trail loop system, it would appear that these are far better sites on which to spend the Town's limited fiscal resources allocated to recreation.

Our present position does not preclude further discussion with Town officials on this subject after quarrying ceases. Naturally, however, as stewards of our corporate resources, we could not presently commit our corporation or its successors to any future alienation of these lands. After quarrying ceases on our site, our lands will be fitted to an appropriate land use. The Sand Dock section of our property, with its access and views of the river will continue to be an extremely valuable element in our total landholdings and may be an important part of the ultimate development of our site.

Finally, the Town's proposal suggests that our cooperation with the Town in giving this land would allow us to be recognized as civic minded and public spirited. Trap Rock is exceedingly proud of its record of civic cooperation. We have already given two recreational/open space sites to the Town, totaling almost 12 acres (Crown Heights and Sheefe Road parcels). In addition, we gave a 2.7 acre site to the South Road Civic Association. We are sure that our record in this regard compares favorably with that of other industrial,

commercial and institutional uses within the Town.

We would be happy to meet with you to discuss these matters further. We wish to also confirm that the Town's proposal received the enthusiastic support of our Plant Superintendent, John Keenan, and other local Trap Rock officials, who have always placed cooperation with the Town as one of their highest priorities. Nonetheless, I am sure the Town recognizes our corporate responsibility to assure the continued safe functioning of our active quarry and to safeguard our resources for the future. As always, we stand ready to continue contributing to the Town of Poughkeepsie in any reasonable way possible.

Very truly yours,

P. P. Diccianni

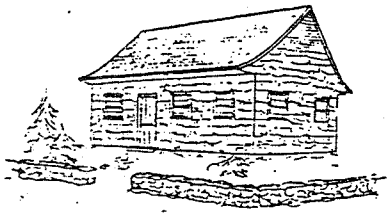
Pasquale P. Diccianni
President
Northeast Operations

Visitor Information

The Tri-Municipal Sewer Commission, in conjunction with the New York State Department of Environmental Conservation and the U.S. Environmental Protection Agency, has worked to preserve these invaluable archaeological sites.

In addition to providing yearly public access to these sites from November 1st through March 31st, the Tri-Municipal Sewer Commission has recovered numerous artifacts during several cultural resource surveys. Seven individual reports have been written. The archaeological artifacts and documentation can be reviewed by contacting the Tri-Municipal Sewer Commission at (914)473-5633.

The Bowdoin Farm Archaeological Site is handicapped accessible.



Information for this pamphlet was derived from the following sources:

Joyce Ghee, Dutchess County Historian
Bea Buchanan, Bowdoin Park Historian
William Roberts, Greenhouse Consultants
Louise Basa, New York State DEC
Bowdoin Farm Historical Society Papers, Lucy Johnson, 1978
Site Evaluation of Site 1B, Robert Rehwoldt, Ph.D, Jan.1978
Literature Search, Dr. Neil Johnson, May 1979
Stage II Archaeological Survey, Charles Fisher, March 1980
Addendum to Stage II Survey, Charles Fisher, Sept. 1980
Stage 1B Archaeological Survey, Hetty Jo Brumbach, June 1981
Additional Stage 1B Survey, Hetty Jo Brumbach, Dec. 1983
Archaeological Mitigation Report, William Roberts, April 1988

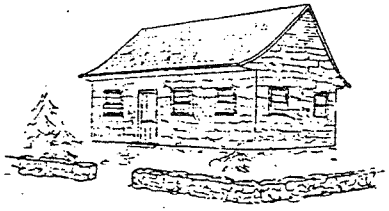
Pamphlet prepared for:
The Tri-Municipal Sewer Commission
P. O. Box 859
Wappingers Falls, NY 12590
Leif W. Jensen, Chairman

Pamphlet prepared by:
Susan Watson, Development Specialist
Isabel Blum, Graphic Designer
Matthew D. Rudikoff Assoc., Inc.

June, 1989

DRAFT

TRI-MUNICIPAL SEWER COMMISSION'S GUIDE TO THE BOWDOIN FARM ARCHAEOLOGICAL SITE



Introduction

The Tri-Municipal Sewer Commission identified part of the Bowdoin Farm Archaeological Sites during the environmental impact review process. This was a prerequisite to the U.S. Environmental Protection Agency and NYS Department of Environmental Conservation funded construction of a wastewater treatment plant by the Village of Wappingers Falls and a portion of the Town of Poughkeepsie. These archaeological sites document a chain of history from 3000 BC until today. There are relics from the earliest peoples who lived here as well as from the estates of the wealthy who occupied the area as recently as the early 20th century.

In 1609 Henry Hudson, an English explorer working for the Dutch, sailed up the river that now bears his name. In 1664 the English took control of the province and in the 1680's homesteaders began to arrive in this area. Disputes arose about the boundaries along the east bank of the Hudson between Wappinger's Creek and Jan Casper's Kill. Pieter Lassen went to Albany to discuss the problem and when the dispute was settled in 1704 the land on which you are now standing became Pieter Lassen's property. The following sites can be found here.

EXHIBIT D

1. The Lassen Family Graveyard

When Pieter Lassen died in 1709 he was buried in an orchard. This orchard became the Lassen Family burial ground. The Lassen family held the cemetery and the land surrounding it until 1751. Lassen family burials here began with Pieter Lassen and continued until 1767 when Mary Lassen was buried. Other people continued to be buried here until at least 1794. Over forty-five (45) people including Pieter Lassen are buried here.

The LeRoy Family held the cemetery and lands around it until the 19th century.

2. The Bowdoin Farm Pre-historic Site

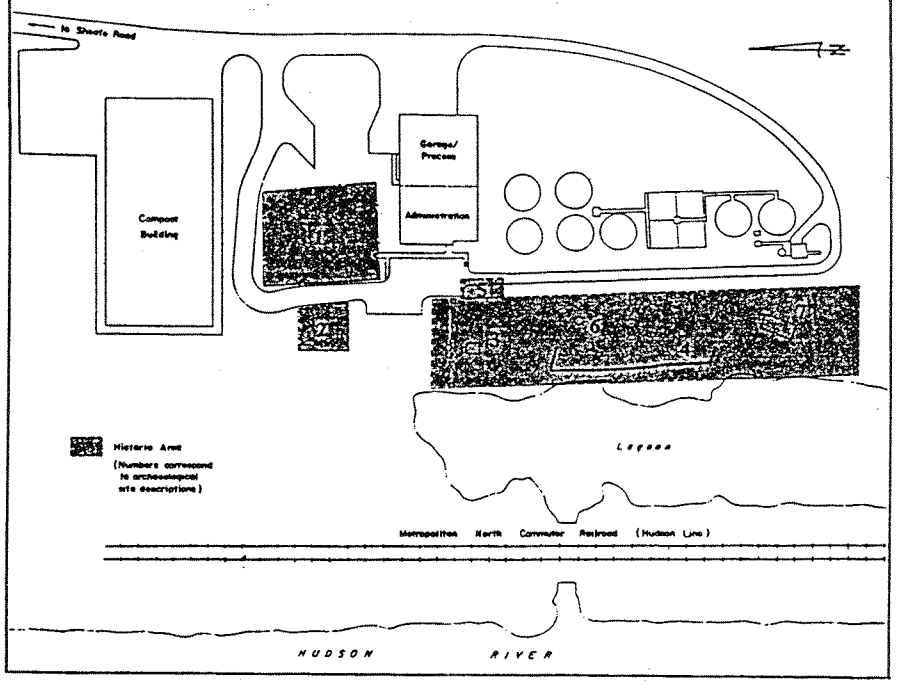
This Native American archaeological site dates to the era 3000 BC through 1600 AD. The excavations at this site recovered stone tools, pottery and food remains. During this period the native peoples of the Hudson Valley ceased living as hunters and gatherers and began to farm corn.

3. The Lassen-LeRoy Settlement (northern end of stone wall)

Pieter Lassen established a home and a ferry landing here from 1688 to 1709. Documents from that time period refer to his oldest son Laurence as "the boatman of Poughkeepsie" and it is possible that the Lassens ran a ferry from the landing.

Upon the deaths of Pieter Lassen and his wife the property was divided into seven equal parcels. In 1798 Peter LeRoy purchased the Lassen homestead parcel and with his wife, raised six children there. Peter LeRoy's heirs retained the Lassen-LeRoy homestead until 1865.

Site Plan: Tri-Municipal Wastewater Treatment Plant, Poughkeepsie, NY



4. LeRoy's Landing Place (stone wall)

Captain John LeRoy, the son of Peter LeRoy, operated a ferry at the stone wall known as "the Landing Place". The ferry crossed the river and docked at Marlborough. John LeRoy operated his ferry until the 1850's when the building of the railroad cut off his access to the river and forced him to move the ferry landing to New Hamburg.

5. Pleasant Hill

In the late 1800's Meredith Howland, the son of Gardiner Green Howland, who owned the adjourning Netherwood estate, purchased part of the LeRoy property and built a small home he called Pleasant Hill on the edge of the bluff overlooking the stone wall. Archaeological excavation of this site revealed a corner wall, an exterior cellar entry and four stair treads leading to the cellar.

6. Isaac's Lime Kilns

On the west face of the bluff overlooking the river, just south of the upper terrace the site of two early 18th century lime kilns has been identified.

When the terrain permitted, lime kilns were usually built into a hillside to facilitate loading from the top. They could be up to 20 feet high and round or barrel-shaped. At the bottom of the kiln there was an opening through which the fire could be ignited and the burned lime removed. The remnants of the two kilns found on this site are the fire charred bases of the kilns.

This lime was mixed with sand to form a mortar that was commonly used in the building of structures until the late 19th century. Physical evidence of a number of similarly built kilns has been found in the general vicinity of Bowdoin Park.

7. Boathouse Shed Foundation

The small stone foundation south of the landing is interpreted as a storage facility for one of Irving Grinnell's many boats.

The foundation of his elaborate boathouse can be seen on the Bowdoin Park Tri-Municipal Nature Trail property. The boathouse, built in the late 1800's, had a large apartment and a porch all the way around it for viewing of the river. Mr. Grinnell, a New York City shipping magnate, was a boat racing enthusiast, owning several sailing and iceboats.

APPENDIX D

WATERFRONT CONSISTENCY REVIEW

SECTION 1. TITLE

This chapter will be known as the "Town of Poughkeepsie Waterfront Consistency Review Law".

SECTION 2. AUTHORITY AND PURPOSE

A) This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law).

B) This chapter is intended to provide a framework for agencies of the Town of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions and also when considering undertaking direct agency actions; and to assure to the maximum extent practicable that such actions are consistent with the said policies and purposes.

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

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

SECTION 3. APPLICABILITY

All boards, departments, offices, other bodies or officers of the Town of Poughkeepsie are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this chapter, to the extent applicable, prior to carrying out, approving or funding any action other than Type II, exempt or excluded actions, as those terms are defined in Part 617 of Title 6 of the Official compilation of Codes, Rules and Regulations of the State of New York.

SECTION 4. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS -- either Type I or unlisted actions as defined in SEQRA Regulations (6 NYCRR 617.2) which are undertaken by an agency and which include the following activities. This chapter does not apply to Type II, excluded or exempt actions as defined in the SEQRA Regulations (6 NYCRR 617.2).

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

1. Are directly undertaken by an agency;
2. Involve funding by an agency; or
3. Require one (1) or more new or modified approvals from any agency or agencies.

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

C. Adoption of definite agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

D. Any combination of the above.

AGENCY -- Any board, agency, department, office, other body or officer of the Town of Poughkeepsie.

COASTAL ASSESSMENT FORM (CAF) -- The form contained in Appendix A, used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

COASTAL AREA -- The New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The boundaries of the Town's coastal area as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Town of Poughkeepsie Local Waterfront Revitalization Program.

DIRECT ACTIONS -- Actions planned and proposed for implementation by an agency such as but not limited to a capital project, rule making, procedure making and policy making.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) -- The Local Waterfront Revitalization Program of the Town of Poughkeepsie, as approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Town Clerk of the Town of Poughkeepsie.

SECTION 5. REVIEW OF ACTIONS

A. Each agency of the Town shall be responsible for making its own consistency determinations.

B. Where more than one (1) local agency is involved in reviewing a proposed action, the lead agency (as that term is defined in the SEQRA Regulations) shall be responsible for making a determination that the proposed action is consistent with the LWRP policy standards and conditions set forth in Section 6 herein.

C. The consistency determination process required by this chapter shall be coordinated with the environmental review process set forth in SEQRA to the greatest extent possible.

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

E. The lead agency shall make the determination of consistency based upon the CAF, the SEQR documents, the application and project documentation and such other information as is deemed to be necessary in its determination. Said agency shall have the authority, in its findings of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in a manner consistent with the LWRP policy standards and conditions set forth in Section 6 herein. These standards are derived from and further explained in Sections III and IV of the Town of Poughkeepsie LWRP.

F. The application for a consistency determination shall not be considered complete until a negative declaration has been issued or a Final Environmental Impact Statement (FEIS) has been filed by the lead agency.

G. The consistency determination may be made at the time that SEQRA findings are issued by the agency.

SECTION 6. CONSISTENCY STANDARDS AND CONDITIONS

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

(1) Restore, revitalize and redevelop deteriorated and under-utilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses (Policy 1).

(2) Facilitate the siting of water-dependent uses on or near coastal waters and preserve and retain existing water dependent uses (Policies 2 and 2A).

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

(4) Protect, preserve and restore fish and wildlife resources and their habitats (Policies 7 and 8),

(5) Expand the recreational use of existing fish and wildlife resources and the use of commercial fishing resources (Policy 9).

(6) Minimize flooding and erosion hazards through proper siting of buildings and structures; construction of carefully selected long-term structural measures; and the use of appropriate non-structural means (Policies 11, 14 and 17).

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

(8) Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).

(9) Protect, maintain and increase public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses (Policy 19).

(10) Provide access to the publicly-owned foreshore and to public lands immediately adjacent to the water's edge in a manner compatible with adjoining uses and retain such land in public ownership (Policy 20).

(11) Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided that it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities (Policy 21).

(12) The development of public access to water-related recreation facilities at Bowdoin Park, Hudson River Psychiatric Center and Marist College waterfronts shall be a high propriety (Policy 21A).

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

(14) Protect, restore and enhance significant historic resources (Policy 23).

(15) Prevent impairment of identified scenic resources of statewide significance (Policy 24).

(16) Protect, restore and enhance other natural and manmade resources which contribute to the scenic quality of the coastal area (Policy 25).

(17) Site and construct energy facilities contingent upon a shorefront location in a manner which will be compatible with the environment and to avoid adverse environmental impacts when in operation (Policies 27 and 40).

(18) Undertake ice management practices in a manner which will avoid adverse impacts (Policy 28).

(19) Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 32, 33, 34, 36 and 37).

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

(21) Protect and conserve the quality and quantity of surface and ground water supplies and prohibit actions which cause the salt front in the Hudson River to move northward (Policies 38 and 38A).

(22) Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39).

(23) Prevent violation of air quality standards (Policy 41).

(24) Preserve and protect tidal and freshwater wetlands (Policy 44).

B. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

[1] No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.

[2] The actions would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable.

[3] The action will advance one or more of the other LWRP policy standards and

[4] The action will result in an overriding Town, regional or state-wide public benefit.

Such a finding shall constitute a determination that the actionis conisstent with the LWRP policy standards and conditions.

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

SECTION 7. ENFORCEMENT AND VIOLATIONS

A. No work or activity on a project in the Coastal Area which is subject to review under this chapter shall be commenced or undertaken until the lead agency has made a positive consistency determination.

B. In the event of a violation of this chapter, the Building Inspector is authorized to issue a stop-work order, and all work shall immediately cease.

C. A person who violates any of the provisions of or who fails to comply with any condition imposed by this chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars ($500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars ($1,000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

D. The Town of Poughkeepsie may also enforce this chapter by obtaining an injunction or other civil proceeding. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

SECTION 8. ROLE OF THE TOWN BOARD

1. As chief implementation and consistency agency of the Town for the purposes of the LWRP, and as the Legislative body of the Town, the Town Board will review the LWRP, the Town's zoning and other land use regulations, from time to time as it deems appropriate, and may determine, from time to time, to amend, modify or change one or more of the above policies, laws or regulations.

2. The Town Board will evaluate in timely fashion a proposed action of a State agency within the Coastal Zone in order to assure consistency of such actions with policies of the LWRP.

3. The Town Board will evaluate in timely fashion a proposed Federal action within the Coastal Zone in order to assure consistency of such actions with policies of the LWRP.

SECTION 9. JURISDICTION

Nothing in the above shall be deemed to change existing jurisdiction of or between agencies, or to require any agency to take any particular action, or to exchange existing rules of standing, nor shall be it deemed to empower any Town agency to require the cession of land or easements to the public unless such requirements are otherwise authorized by law.

SECTION 10. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such findings shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 11. EFFECTIVE DATE

1. This local law shall take effect immediately after the following have both occurred:

[a] Filing of the local law in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, and

[b] Approval of the Town of Poughkeepsie LWRP by the Secretary of State in accordance with Article 42 of the Executive Law of New York State.

Motion by: Councilman Patrick Hinkley

Seconded by: Supervisor Thomas Murphy

Ayes: 6 Nays: 0

(Absent Councilman Michael Dunagan)

Date: November 18, 1998

APPENDIX E

ARTICLE II. DEFINITIONS AND WORD USAGE

Section 210-5 shall be amended by addition of the following definition:

MARINA: A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, service and retail facilities for owners, crews, and guests.

The following amendments are proposed to the Zoning Ordinance of the Town of Poughkeepsie in order to implement the policies and purposes of the Town of Poughkeepsie's Draft LWRP.

ARTICLE III. ZONING ORDINANCE AND ZONING MAP

Section 210-6 shall be amended by the addition of:

Waterfront District 1	WD1
Waterfront District 2	WD2

The Zoning Map, established under Section 210-7. shall be amended to delineate the WD1 and WD2 Districts, as shown on the attached Maps.

ARTICLE IV. DISTRICT REGULATIONS

This article shall be amended by the addition of two new districts, the WD1 and WD2 Districts, **as Sections 210-40.A,B,C and D** for the following reason:

The land and water area of the Hudson River waterfront represents a unique mix of natural and man-made resources. It has historically played an important role in the development and economy of the Town and the region. Much of the coastal zone has already been developed and the Town is fortunate that it does not possess extensive deteriorated or abandoned riverfront facilities. The waterfront comprises a blend of open lands, and low and high intensity uses, including residential, industrial, institutional, and recreational uses. The area plays a vital role in the local economy, supporting major water dependent uses. A need has been recognized for increased beneficial use of the waterfront through the development of water dependent uses and increased opportunities for public access to and use of the river. The Hudson River waterfront in the Town can be divided into two categories which are reflected by two separate zoning districts.

(i) Areas adjacent to relatively low intensity uses (such as recreational, residential, cemetery, educational and institutional use) are to be designated Waterfront District 1 (WD1).

(ii) Areas devoted or adjacent to intensive commercial activity (such as manufacturing, quarrying and lumber yards) are to be designated Waterfront District 2 (WD2).

§ 210-40.A. - Waterfront District 1 (WD1) Use Regulations

A. Purpose: The Waterfront District 1 (WD1) covers the areas of waterfront adjacent to low intensity uses. It is the purpose of the WD1 District to promote compatible, well-designed water dependent uses; achieve public access to the coastal area; control development; protect and enhance the corridor's natural, scenic and cultural resources; provide opportunities for permanent public views and access to the Hudson River; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

B. Permitted Uses. (Note: "*" designates a use which is subject to site Plan approval by the Planning Board)

Permitted uses shall be as follows:

(1). * Public and/or private recreation facilities, including membership clubs, which utilize the waterfront for active or passive recreation use, including public parks, trails, docks and piers, playgrounds, beaches and swimming facilities.

(2). * Community centers when part of coastal public access or public recreational access.

(3). * Scientific, cultural, historic, artistic, and educational activities and uses which by their nature, require access to coastal waters.

(4). * Mariculture and aquaculture activities.

(5). * Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 1 and upland locations.

(6). * Support facilities and temporary or moveable structures necessary for successful functioning of above uses. To the extent possible, such facilities will be sited inland of the principle use.

(7). * Structures needed for flood protection and navigational purposes.

(8) * Sewage disposal and water treatment facilities

C. Special permitted uses are as follows:

Marinas and related uses such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent. Support facilities necessary for successful

functioning of the above uses. To the extent possible, such support facilities will be sited inland of the principle use. Marina development shall be in accordance with both the requirements of this District and those of §210-72.A.

D. Site plan approval factors

In addition to the factors for consideration during site plan review outlined in § 210-141., the Planning Board shall consider the visual impact of site development, so as to mitigate, to the extent reasonably possible, the impact of development which is incompatible with existing views of (i) the Hudson River from upland locations, and (ii) the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and consider both the scenic resource and the community's development objectives and priorities:

(1) Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

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

(3) Incorporating existing historic structures into the overall development scheme.

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

(5) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.

(6) Using appropriate materials, in addition to vegetation, to screen unattractive elements.

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

§210-40.B WD1 District Bulk Regulations

Bulk Regulations for the WD1 Waterfront District shall be as follows:

A. Height

Maximum building or structure height shall be 30 feet.

Height Exceptions

(1). A maximum 10 foot height increase may be granted by the Planning Board if dedicated meaningful, permanent public access to the shoreline is provided. Meaningful, permanent public access is defined as safe and unobstructed access to and along the dry, non-tidal or non-submerged shore areas for all members of the public. It is the Town's objective to attempt to provide a continuous public access system to and along the waterfront and/or public rights of way. Such access shall be in the form of a permanent easement or the granting of fee title to the Town of Poughkeepsie. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval. Because of the nature of the Town's shoreline, the Planning Board shall have the discretion to determine the dimensions of the access provided under this incentive. Where feasible, the access shall be at least twelve (12) feet wide from the street to the shoreline, and at least fifteen (15) feet wide along the shoreline for the entire width of the property in the WD1. A surface suitable for pedestrian use, at least ten (10) feet wide, where feasible, shall be provided for the entire length of the access easement and to a standard approved by the Town of Poughkeepsie Engineer.

(2). As part of site plan approval the Planning Board may allow one or more elements of a proposed land use to be in excess of the height limitation if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgement, is reasonably necessary for the beneficial operation of the permitted use or special permit use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation

B. Lot area, river frontage and setback

There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the water's edge than 20 feet from mean high water. Water dependent uses which require a location on or adjacent to the water are exempt from this setback requirement.

C. Maximum lot coverage

The total coverage of all buildings, structures or impervious surfaces on that portion of any lot located within the WD1 District shall not exceed more than 50%.

D. Off street parking

Off street parking facilities will be provided as set forth in §210-83 except that:

(1). Marinas shall provide at least a minimum of 0.6 spaces for each slip, berth or mooring plus whatever additional spaces are deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises

(2). Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.

(3). Parking requirements for a use in the WD1 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.

(4) All sites with an area of one acre or more shall comply with DEC regulations

E. Screening and landscaping

(1). Screening and landscaping of new development shall be provided as required by the Planning Board during site plan review to mitigate visual impacts, protect neighboring properties and improve the scenic quality of the Hudson River waterfront.

(2). To the extent feasible, natural vegetation, especially trees greater than 4 inches in diameter at 4 feet above the ground will be maintained and augmented by plantings of species native to the region.

§210-40.C. - Waterfront District 2 - (WD2) Use Regulations

A. Purpose: The Waterfront District 2 (WD2) covers the areas of waterfront adjacent to intensive industrial and commercial activity. It is the purpose of the WD2 District to promote well-designed water or rail dependent or enhanced commercial and industrial uses; promote revitalization and redevelopment of deteriorated and underutilized areas; ensure appropriate development; protect and enhance the corridor's natural, scenic and cultural resources; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

B. Permitted Uses. (Note: "*" designates a use which is subject to site plan approval by the Planning Board.)

Permitted Uses shall be as follows:

(1). * Uses which utilize water transportation and/or rail transportation for transfer of goods, products or raw materials.

(2). * Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 2 and upland locations.

(3). *Uses, facilities and infrastructure, accessory to adjoining upland uses which are dependent on or enhanced by access to the waterfront for effective operation.

(4). * Facilities which support or are accessory to one of the above uses and which by their nature must be close to the use shall be sited inland of the principle use, to the extent reasonably possible.

(5). * All permitted uses allowed in the Waterfront District 1, as specified in §210-40.A.

(6). * Marinas and related uses such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent. Support facilities necessary for successful functioning of above uses. To the extent possible, such support facilities will be sited inland of the principle use. Marina development shall be in accordance with both the requirements of this District and those of §210-72.A.

C. **Site plan approval factors**

In addition to the factors for consideration during site plan review outlined in § 210-41, the Planning Board shall consider the visual impact of site development, so as to mitigate the extent reasonably possible, the impact of development which is incompatible with existing views of (i) the Hudson River from upland locations set forth in Policy 25 of the Town of Poughkeepsie LWRP, and (ii) the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and consider both the scenic resource and the community's development objectives and priorities:

(1). Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations.

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

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

(4). Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.

(5). Using appropriate materials, in addition to vegetation, to screen unattractive elements.

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

§210-40.D. WD 2 District Bulk Regulations

Bulk regulations for the WD2 Waterfront District shall be as follows:

A. Height

Maximum building or structure height shall be 30 feet.

Height Exceptions

1. The height limitation shall not apply to buildings or structures devoted to the processing or conveyance of excavated materials which require a waterside location. However, all such structures shall be the minimum height that will accomplish the intended function.

2. As part of site plan approval the Planning Board may allow one or more elements of a proposed land use to be in excess of this height limitation only if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgement, is reasonably necessary for the beneficial operation of the permitted use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation, or a bridge, trestle or conveyor over the railroad tracks would be an integral part of access to various permitted uses.

B. Lot area, river frontage and setback

There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the waters edge than 20 feet from mean high water. Water or rail dependent uses which require a location on or adjacent to the water are exempt from this requirement. No road frontage is required when upland property in the same ownership is located in a different zoning district and provides such frontage.

C. Maximum lot coverage

The total coverage of all buildings and structures on that portion of any lot located within the WD2 District shall not exceed more than 50% of the lot.

D. Off street parking

Off street parking facilities will be provided as set forth in §210-83 except that:

(1). Marinas shall provide at 0.6 spaces for each slip, berth or mooring plus additional spaces deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises.

(2). Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.

(3). Parking requirements for a use in the WD2 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.

(4). All sites with an area of one acre or more shall comply with DEC regulations

E. **Screening and landscaping**

(1). Screening and landscaping of new development shall be provided as required by the Planning Board during site plan review to mitigate visual impacts to the extent reasonably possible.

(2). To the extent feasible, natural vegetation, especially trees greater than 4 inches in diameter at 4 feet above the ground will be maintained and augmented by plantings of species native to the region.

ARTICLE V. SUPPLEMENTARY REGULATIONS

A new Section 210-72-A. shall be added as follows:

§210-72.A. Marinas

The following requirements and standards shall apply to new marina proposals, to projects for the expansion of existing marinas, and to related use proposals, such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent:

1. All of the requirements listed in the specific zoning district.

2. Structures will be sited inland from the waterfront as much as possible, to increase open space along the waterfront and to minimize exposure to flooding and reduce runoff and non-point source water pollution.

3. In general, all new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, park-like surroundings, toilet facilities, and marine pumpout facilities.

4. Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport, and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.

5. Applicants must demonstrate that there is an adequate water supply to serve all of the proj`ect's needs.

6. Sewage pumpout facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pumpout station for every 100 boats accommodated, or fraction thereof.

7. Adequate restroom facilities for property users will be required to discourage any overboard discharge of sewage from boats in order to protect water quality and to provide a development amenity. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.

9. The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.

10. An ample number of signs must be provided to identify the location of public restrooms and of pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities.

11. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks.

EFFECTIVE DATE:

1. This local law shall take effect immediately after the following have both occurred.
   (a) Filing of the local law in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, and
   (b) Approval of the Town of Poughkeepsie LWRP by the Secretary of State in accordance with Article 42 of the Executive Law of New York State.

Dated: November 18, 1998
Moved by: P. Hinkley
Seconded by: L. Tracey
Ayes 6 Nays 0

APPENDIX F

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

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

I. PURPOSES OF GUIDELINES

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

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

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

II. DEFINITIONS

A. Action means:

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

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

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

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

policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

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

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

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

C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.

B. Notification of a proposed action by a state agency:

1. Shall fully describe the nature and location of the action;

2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;

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

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

A. Upon receipt of notification from a state agency, the situs local govern-ment will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

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

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

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

V. RESOLUTION OF CONFLICTS

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

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

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

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

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

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

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

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

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

2. This notification will indicate the date by which all comments and recommenda-tions 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 an will identify the Department's principal reviewer for the proposed action.

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

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

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

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

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

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

FINANCIAL ASSISTANCE ACTIONS

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

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

3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.

4. The program coordinator must submit the municipality's comments and recom-mendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

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

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