



September 26, 2011

CITY OF HUDSON

Local Waterfront Revitalization Program

Prepared on behalf of:
City of Hudson

Prepared by:

BFJ Planning
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New York, NY 10003

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Volume I

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~~(of November 2009 Draft)~~

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A. LOCAL AND REGIONAL SETTING

1. Local Setting

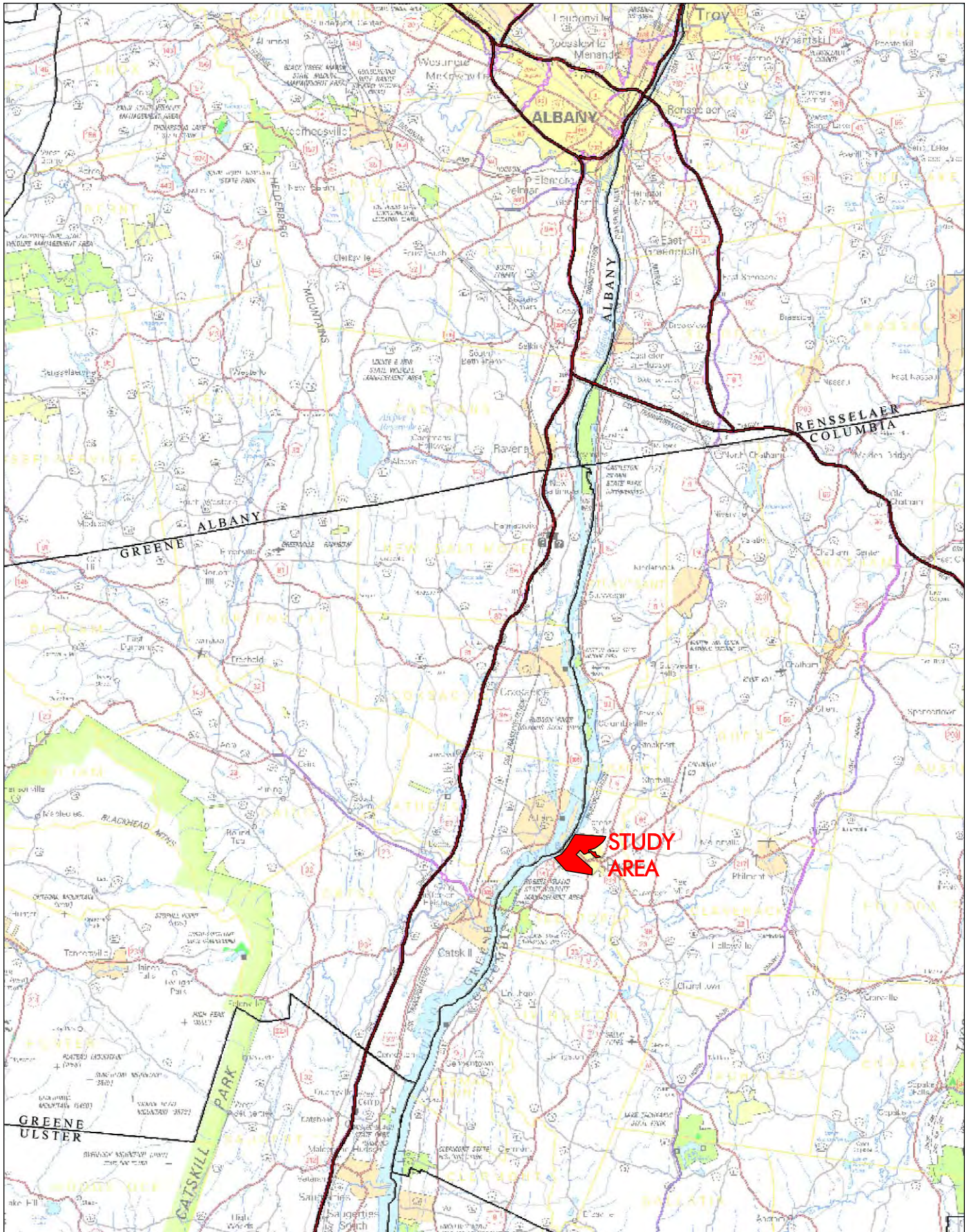
The City of Hudson is located on the east side of the Hudson River in Columbia County; approximately 120 miles north of New York City and 45 miles south of Albany (see Figure 1). It consists of 2.32 square miles and is bounded by the Town of Greenport to the north, east and south and by the Hudson River to the west. It has 1.5 miles of Hudson River coastline. Major roadways in and around Hudson include the New York State Thruway to the west and Interstate 90 to the north which provides a local connection to the Taconic State Parkway via Route 9 and County Route 23 (see Figure 2). The City is also accessible by Amtrak train via the recently refurbished and historic railroad station located in close proximity to the City's waterfront.

As its name suggests, the City is inseparable from the Hudson River and the Catskill Mountains located west of the City and River. Although some views are now blocked by oversized structures such as the local Hospital and the Hudson Terrace Apartments, spectacular views of the Hudson and the Catskills are possible from many vantage points throughout the City. In fact, the City is surrounded by Hudson River viewsheds of national and international significance. Many of the views just outside the City limits and still intact today, inspired some of the world's best loved painters from the Hudson River School of Art. Because of their extraordinary aesthetic value, viewsheds to and from Olana, the home and studio of renowned American Landscape artist Frederic Church, and the Thomas Cole House located across the Hudson River near the Rip Van Winkle Bridge, are protected by state and federal laws. The Olana property is under long term consideration by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for possible inclusion in its World Heritage program.

The City economy's has also been directly connected to the Hudson River since its inception. Originally settled by the Dutch in the 17th Century because of its naturally occurring deep water bays, the City's ports were used to ship agricultural products. In 1785, Hudson became the State's third Chartered City when seafarers from New Bedford and Nantucket settled in Hudson seeking a safe harbor for their vessels to avoid attack by the British Navy.

Throughout the 1700's, the City's waterfront supported the local economy through industries including whaling, ship building, international trade, tanneries and foundries, however, by the early 1800's the whaling industry had begun to decline. The introduction of the Hudson River Line railroad in 1851 which closed off the North and South Bay ports and also segmented the waterfront from the rest of the City, caused in part, a shift in the local economy from a seafaring community to one based on heavy industries including knitting and cotton mills, brick yards and cement manufacturing. By the 1870's, the dock facilities that once serviced Hudson's early seafaring businesses had all but disappeared. Heavy industry along the river also eventually disappeared and by the mid 20th century, the City of Hudson and its waterfront were in decline.

Although not extensively used during the past twenty five years, the City's one remaining deep water port still represents an important strategic asset for the City and the region ~~as it is the only deep water port between Newburgh, New York and Albany.~~ The port is currently privately owned, however, ~~Cargill, Inc.~~ the County and United States Coast Guard use the port with the cooperation of the owner to accept shipments of salt and store Coast Guard buoys. Pursuant to a settlement agreement entered into between the City and Cargill in 2010, Cargill will no longer use the port for salt storage as of May 2012.



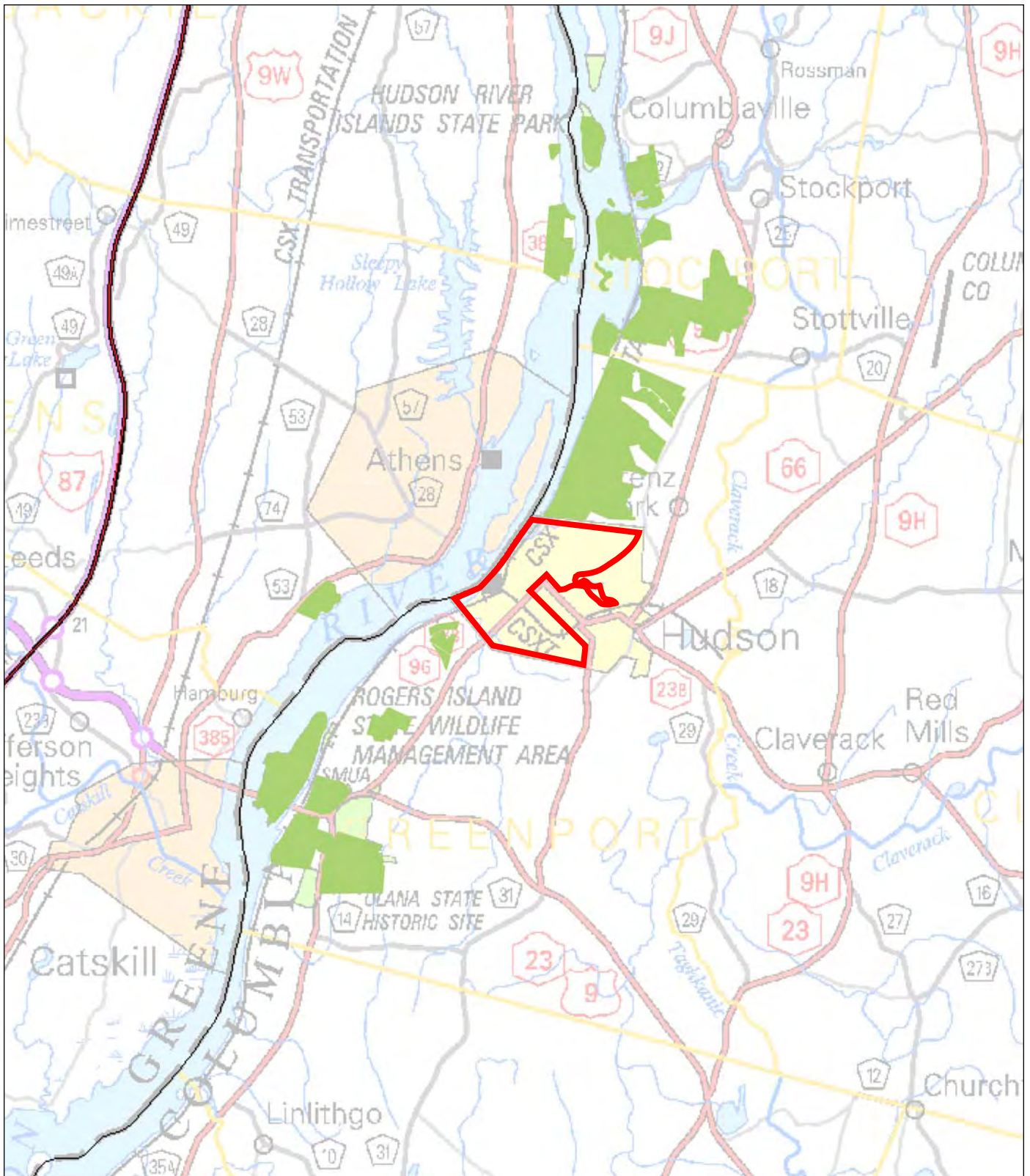
HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 1: REGIONAL SETTING

HUDSON, NEW YORK

SOURCE: NYS GIS





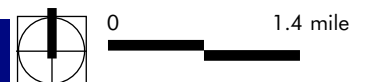
LEGEND

- STUDY AREA
- PROTECTED LAND

HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

HUDSON, NEW YORK

FIGURE 2: CONTEXT MAP



SOURCE: NY STATE GIS

Similar to the land use pattern of the riverfront land, the City's once thriving main street and surrounding commercial areas within the waterfront boundary declined in the middle of the last century. Urban renewal efforts of the 1980's accomplished little to restore vitality to Warren Street (the City's main street) or the waterfront. Fortunately, however, these efforts which often destroyed historic structures as well as original traffic and pedestrian patterns in their wake, were limited to a relatively small section of the City centered in the northern portion of the waterfront area, leaving much of the rest of the City's architectural history intact. The City's architectural inventory of buildings represents all the styles of American architecture from the late eighteenth century through the early twentieth century. This inventory is reputed to represent the finest dictionary of architectural history in the State of New York.

Today, the City is in the midst of a main street revitalization effort based upon a mixed use scheme begun in the mid 1980's by private investment. Supported in more recent years by federal, state and local grants and aid, these revitalization efforts were spurred by the City's historic, cultural and scenic resources and have been supported and sustained by local and regional tourism and second home markets. Unfortunately, the waterfront, historically the City's economic engine, has not been a major catalyst for continued revitalization efforts. While the City has recently acquired waterfront properties which have been redeveloped as a public Henry Hudson Riverfront Park, zoning in much of the waterfront remains industrial, stymieing continued investment in and revitalization of a mixed use waterfront boundary area.

2. Regional Setting

The entire Hudson River Valley is recognized nationally and internationally for its historic, cultural and aesthetic values. As the birth place of the Hudson River School of landscape painters, the region inspired paintings of the American landscape by artists such as Sanford R. Gifford, a Hudson native, Frederic Edwin Church, Thomas Cole and Henry Ary which today hang in the world's most prestigious museums. The region was also the birthplace for the development of American Landscape Architecture, and contains important early examples of town planning and landscape architecture such as Hudson's Promenade or Parade Hill Park, the first park dedicated for the public's use and enjoyment by the City's Proprietors in 1795, and the grounds surrounding the historic Plum-Bronson house.

Olana, the home and studio of Frederic Church located just outside the City limits, and the Thomas Cole House located south of and across the Hudson River from the City, represent cultural resources of international significance. The viewsheds surrounding these resources which inspired Cole, Church and other noted painters remain fairly well intact and have been designated under the New York Department of State's (DOS) Scenic Areas of Statewide Significance (SASS) program for protection. The protection and enhancement of views to and from the SASSs surrounding Hudson are important factors related to the regional setting which must be taken into account when planning for and authorizing future development in the City's waterfront boundary area.

These cultural, historic and aesthetic values have been at the core of the regional revitalization efforts which have focused on tourism, cultural heritage and recreational resources. Tourism is the leading industry in the Valley. Many communities along the Hudson River are reconnecting with the river through a mix of residential, commercial and recreational development that maximizes public access to the River.

There has been a regional shift in the Hudson River region away from water-dependent industrial uses, to a mix of compatible, higher economically valued mixed uses that include

commercial, residential, tourism, retail, office and water-dependent recreational uses. Since the 1980's, urban centers along the Hudson have experienced a dramatic shift, moving from industrial uses and Brownfield's to mixed use redevelopment, recreation, cultural activities, and increasingly, high-tech businesses. Hudson was among the first communities in the Hudson Valley to convert riverfront industrial land to higher economically valued multiple mixed uses.

Another regional trend which is particularly apparent in Columbia County is the move in the agricultural sector toward locally produced specialty and organic produce in concert with the preservation of farm land and open space. The Columbia Land Conservancy (CLC) alone has helped to protect 25,000 acres of land in Columbia County.

B. VISION STATEMENT

It is the City's primary goal through the adoption of this LWRP, its enabling legislation and any ancillary agreements, to reconnect the Hudson River and the waterfront land to the City by restoring transportation and pedestrian links, reconnecting hydrology, encouraging compatible residential, commercial and industrial uses within the waterfront boundary area which build upon and support the revitalization efforts in the upland portions of the City; restoring and maintaining the City's historic connection to the river for shipping via the ~~remaining deep water~~ port; restoring and maintaining viewsheds to and from the waterfront and the river; and improving existing and ensuring additional public access to the River and the entire waterfront for water dependent and enhanced recreational and other purposes where ever possible.

The open space and recreational resources and the City's unique historical, cultural and aesthetic resources are the underpinning of the City's current community character and local setting. Maintaining and expanding public access to and use of open space and recreational resources while also protecting the integrity of the City's historic, cultural and aesthetic resources which comprise the local setting is essential to achieving the City's primary planning goal. However, in adopting this LWRP the City also acknowledges its seafaring and industrial heritage and contribution to the local and regional economies and local setting by supporting the continued use of the ~~one remaining deep water dockport~~ in the City as a viable port facility for the future.

The City's LWRP is intended to guide and support, through zoning changes and other agreements, development within the waterfront boundary area which supports and continues the regional shift away from water dependent industrial uses to a mix of compatible, higher economically valued mixed uses that include commercial, residential, tourism, retail, shipping and office uses, water-dependent and enhanced recreational uses, and the preservation of open space. Therefore, the City intends to rezone much of the land within the waterfront boundary area from industrial use to zoning which provides for a mix of commercial, residential, conservation, industrial and shipping activities, with added protections to ensure that any shipping or transportation activities occurring within the new Core Riverfront Zone are compatible with the overall long term planning objective.

Because the Core Riverfront area is fairly small but will accommodate diverse land and water uses within a limited area, the LWRP includes guidance for managing the harbor and for the appointment of a Harbor Master. Hudson's Harbor Management Plan is integrated into the LWRP as follows:

Section I: Local Waterfront Revitalization Area Boundary

Establishes the water side boundary.

Section II: Inventory and Analysis

Inventories and provides analysis on existing waterfront uses, including water dependent and enhanced uses. (Section IIB(b). Subsection IIB(1)(e)discusses Water Uses and Harbor Management, including the appointment of a Harbor Master at the Mayor's discretion. (See, LWRP, p. 35-37)

Section III: Local Waterfront Revitalization Policies

The following Policies provide guidance on water uses: Development Policies – 1, 2, 4; Fish and Wildlife Policies – 7, 9, 10, 12, 13Public Access Policies – 19; Recreational Policies – 21, 22; Water and Air Resource Policies - 36.

Section IV: Proposed Land and Water Uses and Projects

Details proposed water uses and projects.

Section V Local Implementation Techniques

Outlines proposed zoning map and code changes to implement the LWRP including imposition of a conditional use permit requirement and standards for commercial dock operations and associated ingress and egress transportation routes within the Core Riverfront District, and appointment of a Harbor Master. (See, LWRP, Appendix C).

Should the City determine that additional controls are necessary to regulate the construction, size, and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures, temporary or permanent, in, on or above waters adjacent to the City, and or the use of such surface waters and underwater lands within the City, the City will seek all necessary authority from the New York Department of State pursuant to Executive Law, Article 42, Section 922 to implement zoning and other management controls within the waters adjacent to the City's jurisdictional riverside boundary.

By meeting these objectives and achieving the LWRP's goal, the City will accomplish one of the primary recommendations of the Hudson Vision Plan (HVP) for the City's waterfront, "[t]o open the waterfront for boaters and the public and make it the center of civic activity. This will create a positive impetus for the entire downtown and, in the longer run, create new markets for retail uses." (HVP at 15)

SECTION I: LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

A. BOUNDARY CRITERIA

The boundary of the coastal area is expanded to include all land and features within the City that may have a “direct and significant impact” on coastal waters and encompasses uses and areas with one or more of the following characteristics:

- uses that have direct contact with, depend on or make use of coastal waters;
- natural features that are affected by or have an effect on coastal waters;
- areas with direct functional, cultural or historical relationships with the waterfront; and
- areas with direct aesthetic relationship with the waterfront in that they are visible from the coastal waters or contain direct viewpoints or viewsheds of the coastal waters.

B. DESCRIPTION OF PROPOSED LWRP AREA BOUNDARY

Oakdale Beach and Underhill Pond have been added to the proposed LWRP area boundary. Both are water bodies that drain into the Hudson River and include water-dependent and recreational uses. The LWRP proposes renovations to Oakdale Park and its facilities, including pedestrian pathways which will physically connect the area to the riverfront.

Proposed Boundary Revision

The LWRP boundary includes the existing State Coastal Area boundary as well as two water bodies located east of the boundary-Underhill Pond and Oakdale Beach, as shown on Figure 3.

Waterside Boundary

Beginning at the intersection of the northern boundary of the City of Hudson and the eastern boundary with the Town of Athens in Greene County;

Thence, extending along the eastern boundary with the Town of Athens to its intersection with the southern boundary of the City of Hudson.

Inland Boundary

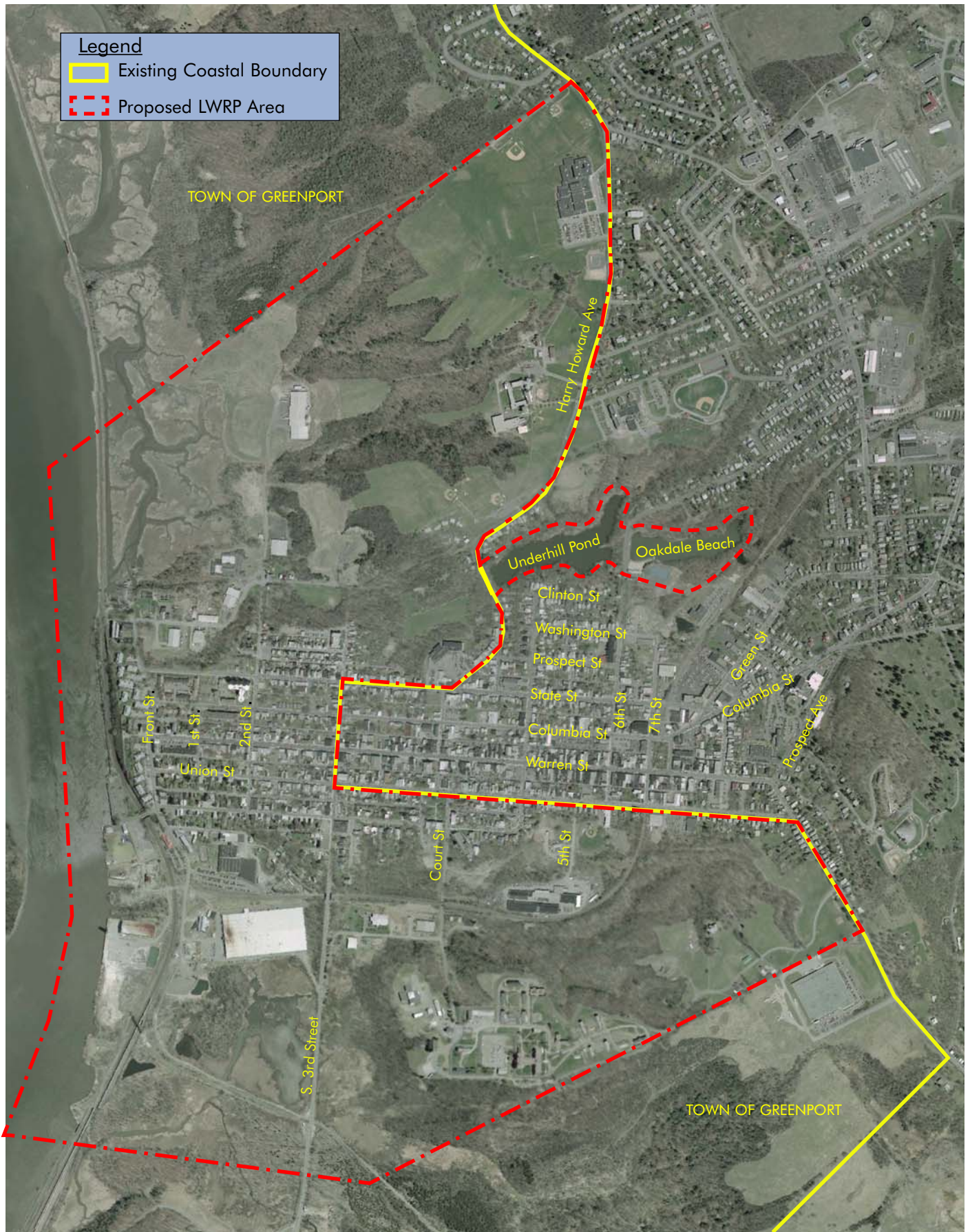
Beginning at a point on the eastern boundary of the City of Hudson where it intersects Harry Howard Avenue;

Thence, south and southwest along Harry Howard Avenue just south of Mill Street;

Thence, east and around the northern boundary of Underhill Pond as it winds and turns at its established mean high water line (MHWL);

Thence, continuing east across Glenwood Boulevard just north of where Glenwood Boulevard becomes North 6th Street across lands owned by the City of Hudson;

Thence, along the northern boundary of Oakdale Lake as it winds and turns at its established MHWL;



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 3: LWRP BOUNDARY

HUDSON, NEW YORK

SOURCE: NY STATE DOS



0 1800 ft

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Thence, south and southwest along the eastern boundary of Oakdale Beach following the City's property boundary adjacent to lands of the New York Power and Light Corporation;

Thence, west and northwest along the southern boundary of Oakdale Beach following the City's property boundary to a point on North 6th Street located 360 feet northerly from the northerly line of Washington Street;

Thence, continuing west and northwest across Glenwood Boulevard over lands owned by the City of Hudson to the southwestern boundary of Underhill Pond;

Thence, continuing west and around the southern boundary of Underhill Pond as it winds and turns at its established MHWL;

Thence, south along Harry Howard Avenue to a point just north of the northerly line of Clinton Street and west to Carroll Street;

Thence, southwesterly on Carroll Street to State Street;

Thence, northwesterly on State Street to North Third Street;

Thence, southwesterly on North Third Street to Union Street;

Thence, southeasterly on Union Street to Worth Avenue (Route 9); and

Thence, southerly on Worth Avenue (Route 9) to its intersection with the southern boundary of the City of Hudson.

SECTION II: INVENTORY AND ANALYSIS

A. OVERVIEW

The LWRP area encompasses approximately 975 acres and can be divided into four major sections; the Core Riverfront Area, the Northern Waterfront, the Southern Waterfront and the Upland Mixed Use Area (see Figure 4). The Core Riverfront Area is bracketed by the Northern and Southern Waterfront Areas which include extensive wetlands associated with the North and South Bays. The Upland Mixed Use Area includes the City's main street and surrounding commercial and residential areas east to 3rd Street and an area east of Union Street to 6th Street.

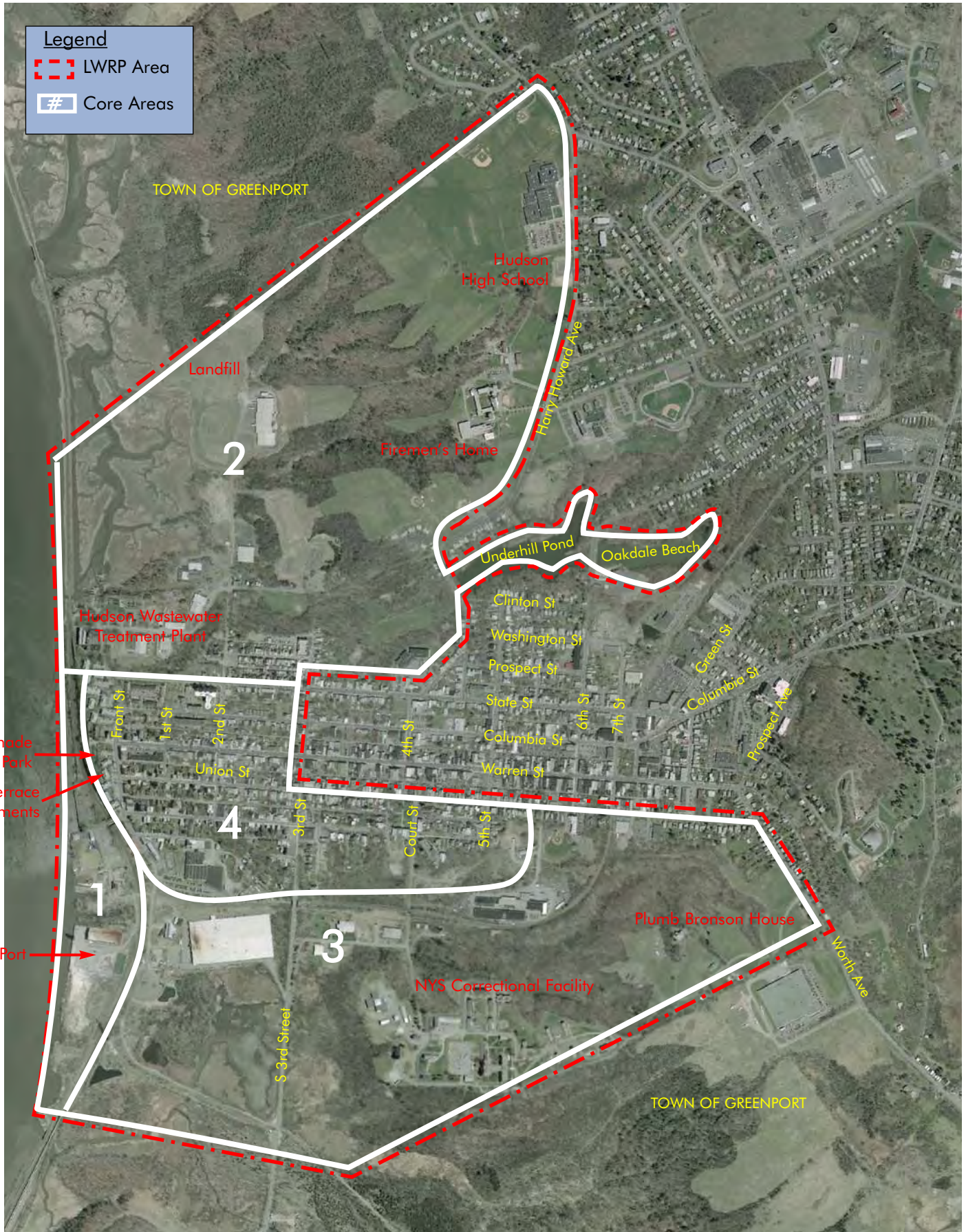
1. CORE RIVERFRONT AREA

The Core Riverfront Area, encompassing the area west of the rail road tracks from the southernmost river front boundary with the Town of Greenport, north to the terminus of Dock Street at the Hudson River, is the center of the City's riverfront and contains the following major land uses: the ~~deep-water~~ port, the City owned Henry Hudson Riverfront Park and associated dock spaces; the private Hudson Power Boat Association ("HPBA") marina which encompasses the ~~former~~ publically owned Hudson/Athens Ferry slip and associated property, (herein after referred to as the "Ferry Slip property"); the State Boat Launch; and approximately 7 acres of vacant riverfront property south of the ~~deep-water~~ port which is ~~currently~~ privately owned. Currently, the Ferry Slip property is not accessible to the public and the Henry Hudson Riverfront Park is underutilized. The State Boat Launch and parking lot are often over crowded on summer weekends, but otherwise stand idle. The privately owned ~~deep-water~~ port has had very limited use over the last twenty five years, but use has dramatically increased over the last ~~five~~ years with outgoing shipments of stone aggregate. It is anticipated that shipments of stone aggregate will continue ~~and possibly increase~~ over the next 25 years.

The Core Riverfront Area must become a focal point for the waterfront, not only drawing the public from Warren Street and the Upland Mixed Use Area to the river, but drawing boaters off the River and into the City. To accomplish this goal, the City will rezone the area from Industrial to the newly created Core Riverfront District. The Core Riverfront District authorizes limited residential uses and commercial, recreation, and transportation uses. Manufacturing, industrial and processing activities are not permitted.

Legend

- LWRP Area
- Core Areas



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

HUDSON, NEW YORK

SOURCE: NY STATE GIS

FIGURE 4: CORE AREAS



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Within this zone or district, the City proposes to relocate, if feasible, the State Boat Launch and the Hudson Power Boat Association to accommodate a small public docking area and short term marina. The City also plans to refurbish Franklin Park and Promenade Hill Park (located in the Upland Mixed Use Area) and connect the parks and areas via a pedestrian walkway over the railroad tracks. The City seeks to encourage development of restaurants and other commercial uses within this zone and to work cooperatively with the ~~deep~~-port owner and operator to modernize and regulate the port facility to ensure that all uses in the narrow Core Riverfront Area can coexist. The City also has a goal to acquire the 7 acres of vacant land south of the ~~deep-water~~-port including a right of way to enable public access to these acres to create a recreational area in the South Bay including the relocated State Boat Launch, a longer term public marina, beach and picnic area, walking trails and playgrounds. The port, 7 acres of riverfront property to the south of the port, and the South Bay (the South Bay is discussed in detail below under Southern Waterfront Area), are all currently owned by Holcim, US (“Holcim”), the successor in interest of the St. Lawrence Cement Company, and the largest single land owner in the City’s waterfront boundary area.

2. NORTHERN WATERFRONT AREA

The Northern Waterfront Area generally encompasses the land area west of the rail road tracks beginning at State Street north to the City’s boundary with the Town of Greenport, continuing northeast along the City’s northern boundary with Greenport to Harry Howard Avenue, then south on Harry Howard Avenue around and including Underhill Pond and Oakdale Beach and continuing on Harry Howard Avenue to the intersection of State Street, west on State Street to the intersection of Front Street and north on Front Street to Dock Street. The Area includes large institutional uses: the Firemen’s Home of the Fireman’s Association of the State of New York (FASNY), (hereinafter referred to as “the Fireman’s Home”), Hudson City School buildings, the City’s wastewater treatment plant [Publically Owned Treatment Works (POTW)]¹, and a former municipal landfill now closed and owned by Columbia County. The landfill is located adjacent to the North Bay which is part of the State designated Stockport Creek and Flats Significant Coastal Fish and Wildlife Habitat. The open space associated with the landfill, Fireman’s Home and Hudson City School building grounds offer spectacular views of the Hudson River. The area also includes a seasonal cabin area and certain associated docks commonly known as the Fugary Boat Club²; a Brownfield site; currently vacant former industrial or commercial buildings; a small number of operating industrial businesses; Underhill Pond and Oakdale Beach, a City owned and operated public recreational area which offers summer programs for the City’s youth; and the former Charles Williams School and grounds.

These open space, scenic and recreational resources must be capitalized on while maintaining the operating industrial businesses and encouraging additional light industry, clean technology and commercial uses in this area. To accomplish this goal, the City will rezone the North Bay and landfill area from Industrial to Conservation/Recreation, rezone the Fireman’s Home and School District land holdings from an R-1 to an Institutional/Residential Conservation District and rezone a portion of the Northern Waterfront Area to Residential Special Commercial (RSC)

¹ The City of Hudson ~~is currently engaged in litigation to establish title to~~~~has submitted an application to the New York State Office of Government Services to gain title to~~ approximately 14.49 acres of land underlying the so-called Fugary Boat Club Area and the City’s Publicly Owned Treatment Works which is currently owned by the State. It is anticipated that the City will successfully gain title to this property at the conclusion of this litigation following the application process.

² See Footnote 1, above.

District to create a transitional residential and commercial zone. To protect open space and provide the public with recreational opportunities, the City will work cooperatively with the Columbia Land Conservancy and the County to create the North Bay Recreation Area on the former landfill and surrounding lands and will strive to connect the Oakdale Beach area and the proposed park at the Charles William School grounds to the waterfront through pedestrian pathways. The City will also continue its work with the State to clean up the area's Brownfield site for development as an industrial or commercial site consistent with the LWRP.

3. SOUTHERN WATERFRONT AREA

The Southern Waterfront Area is generally bounded by the area east of the rail road tracks beginning at the City's southern boundary with the Town of Greenport, continuing along this boundary to Worth Avenue, continuing northwest on Worth Avenue to the intersection of Union Street, heading west on Union Street to 5th Street, continuing south on 5th Street to its intersection with East Allen Street, then generally continuing in a westerly direction along Allen Street to South Front Street. This Area includes the State owned and operated 162 acre Hudson Correctional Facility, including the Plumb-Bronson House and grounds, a National Historic Landmark. The Southern Waterfront Area also includes more than 100 acres of open space encompassing the South Bay area owned by Holcim.

This Area offers important opportunities to gain long desired public access to and views of the riverfront. Working cooperatively with Holcim, the City plans to enter into an agreement with Holcim to transfer title of the South Bay, excluding the causeway, to the City or a nonprofit land conservation organization, subject to a public transportation easement over the South Bay causeway to allow public pedestrian and vehicular traffic over the causeway. The agreement would also transfer to the City a conservation easement on the causeway to allow the easement holder the right to undertake measures to restore the South Bay, such as through the maintenance of existing, or the introduction of additional, culverts or construction of other physical alterations to the causeway that would increase water flow in the South Bay while not jeopardizing the structural integrity of the causeway. This agreement, would also encompass transfer of the 7 acres of riverfront property located in the Core Riverfront Area and will allow for the development of significant public recreational amenities on the riverfront as well as recreational, research, and flood water management and control opportunities in the South Bay.

To ensure that future redevelopment plans for this area are consistent with its goals, the City will rezone the Correctional Facility from an R-1 zoning to an Institutional/Residential-Conservation District; the South Bay from Industrial to Conservation/Recreation; and a portion of the Southern Waterfront Area around Tanner's lane to Residential Special Commercial (R-S-C) District to allow for a mixture of residential and commercial uses.

4. UPLAND MIXED USE AREA

The Upland Mixed Use Area is bounded by the three Areas just described. Currently, the main commercial activity in the waterfront boundary area is located in the Upland Mixed Use Area along Warren Street east to 3rd Street. Limited commercial uses also exist on Front Street. Commercial uses co-exist with residential uses, often in the same structure. In addition to mixed commercial and residential structures, the area includes single family and multiple dwelling residences as well as the Hudson Terrace Apartments, a 167 unit apartment complex encompassing two large apartment buildings. The complex dominates a central portion of the City's upland waterfront blocking views to the river and degrading views from the river toward Hudson, as well as limiting public access to the river which existed prior to construction of the

complexes in the early 1970s. The apartment complex also overshadows Promenade Hill Park, the Country's oldest public park.

Connecting the other riverfront areas with the commercial activity in the Upland Mixed Use Area was a primary goal of the Hudson Vision Plan and remains a primary goal of the City through the LWRP. This goal will be achieved by creating a new Riverfront Gateway (R-G) District; creation of a Warren Street Plaza; restoration of Promenade Hill Park, including connecting it to the Core Riverfront Area via Franklin Park; closely regulating redevelopment of the Hudson Terrace Apartments should that scenario occur; and changing the zoning along the east side of Front Street from R-2 to Residential Special Commercial (R-S-C) District to encourage the development of a commercial corridor along South Front Street.

B. INVENTORY AND ANALYSIS

Field surveys, previous studies, published data, interviews with more than 45 groups or members of the public and comments received from ten public hearings held in 2006-07 were used to assemble an inventory of existing conditions and features in the waterfront boundary area (see Appendices A and B). The results of this inventory and analysis are presented below and described in diagrams, maps and photographs incorporated as part of this plan.

1. EXISTING LAND AND WATER USE

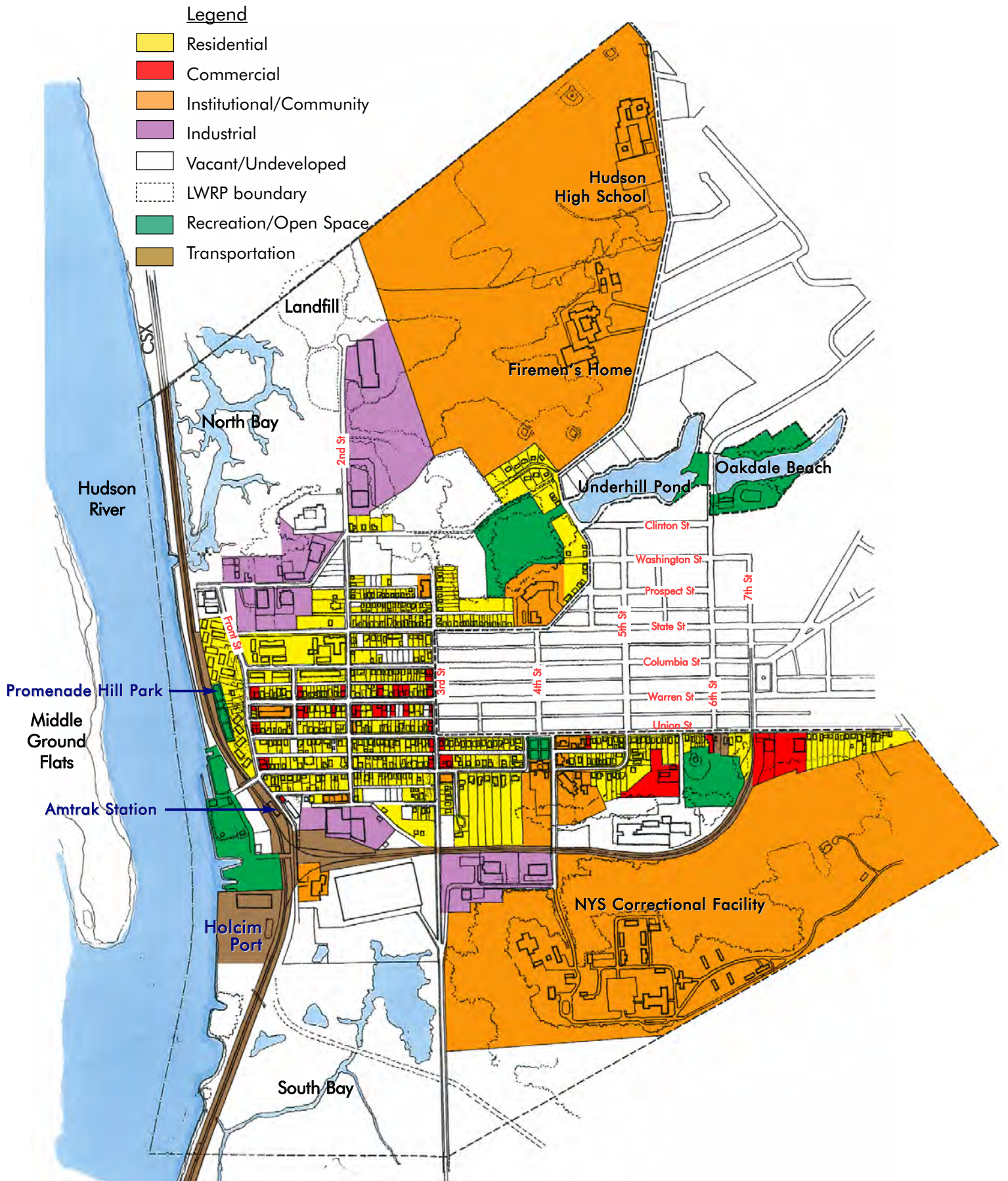
a. Overview of Land Use Patterns (see Figure 5: Existing Land Use Map)

Land use patterns in Hudson's coastal area reflect both the local topography and the historical development of the City which was founded as a port City to take advantage of the naturally occurring ~~deep-water~~ ports. More than 200 years later, industrial land uses are still localized within the waterfront boundary area. Shipping activities associated with industrial activities and commerce remain a part, albeit a limited part, of the local waterfront through operation of the ~~deep-water~~ port. Once a thriving seafaring port in the 1700s, with ~~deep-water~~ ports in both the North and South Bays, the construction of the railroad beds beginning in the late 1840's restricted water circulation from the Hudson River causing sedimentation and the destruction of ~~deep-water~~ ports in the Bays resulting in the formation of the existing large wetland areas.

Today, ~~deep-water~~ port access is limited to an approximately 7 acre dock area. In addition to the shipping activities, corridors of industrial activity exist in the Northern and Southern Waterfront Areas.

Three notable institutional land uses exist in the waterfront boundary area; the State Correctional Facility in the Southern Waterfront Area and the Fireman's Home and Hudson City School District complex located in the Northern Waterfront Area. Together, these uses account for about one third of the total land area within the waterfront boundary.

Residential land use closest to the riverfront consists of predominantly low and moderate income housing complexes centered in the Upland Mixed Use Area. The Upland Mixed Use Area also includes predominantly detached residential structures east of Front Street. A mix of commercial and residential uses in the same building is common along Warren Street, with residential uses dominating the landscape as one travels farther north and south of Warren Street.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 5: EXISTING LAND USE MAP

HUDSON, NEW YORK

SOURCE: CITY OF HUDSON



0 1850 ft

Commercial land uses in the waterfront boundary area are generally limited to the businesses located along Front Street and Warren Street with some additional commercial and entertainment venues extending north and south from Warren Street.

Recreational land uses include uses associated with water dependent and enhanced recreation, such as the privately owned and operated Hudson Power Boat Association marina; the Henry Hudson Riverfront Park and associated docks; and swimming at Oakdale Beach. Non water dependent or enhanced recreational uses include some pocket parks off Warren Street.

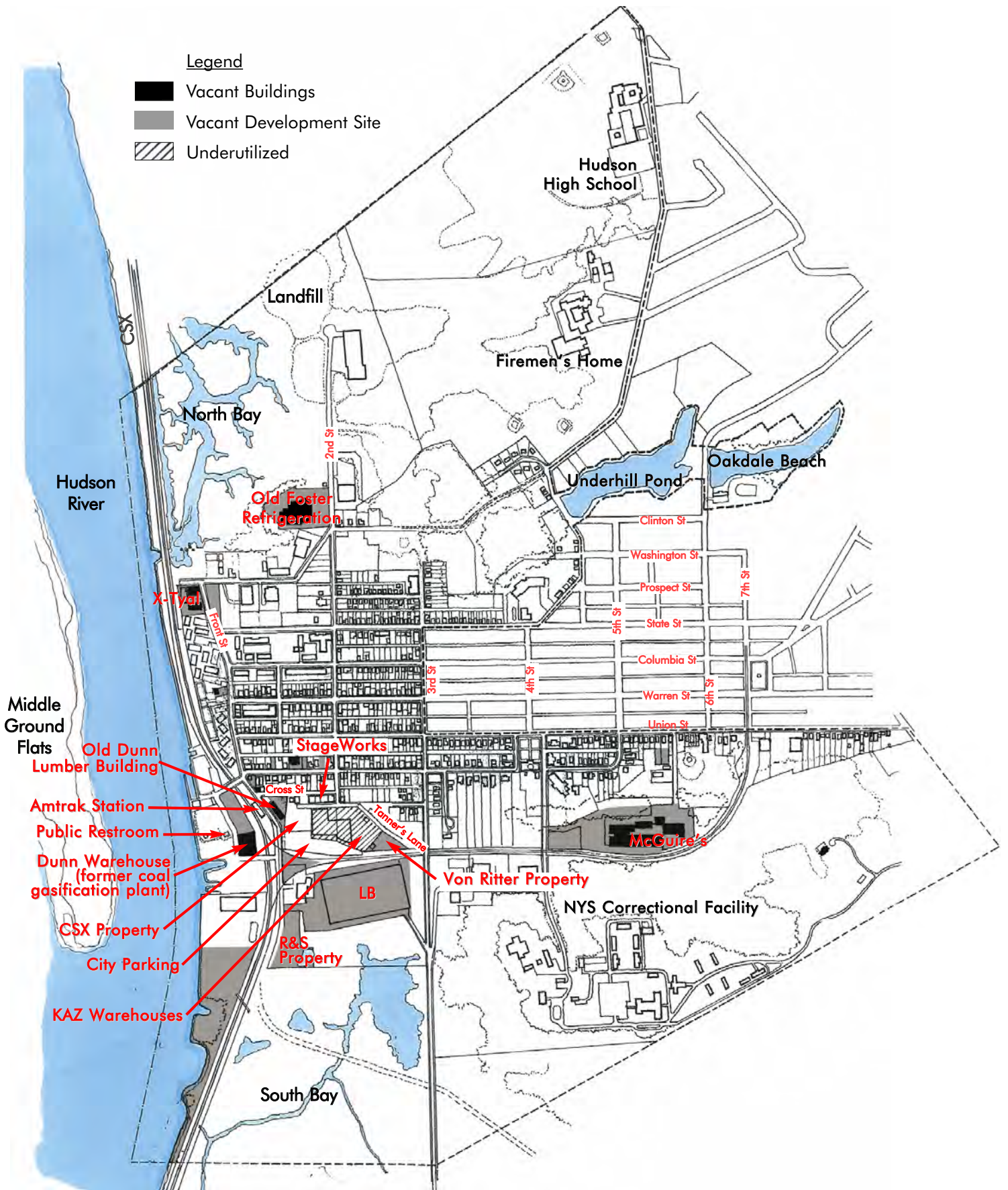
Transportation uses in the boundary area present some significant constraints on access to and use of the riverfront and future commercial or residential development. The rail road tracks significantly limit direct public access to the riverfront. Truck traffic through the boundary area, especially associated with the shipments of aggregate from the ~~deep-water~~ port, is of great concern to the City primarily due to the environmental justice issues as and will be discussed in greater detail in subsection 8 of this Section. The LWRP area also includes the historic Hudson train station operated by Amtrak. Freight trains also traverse through the City. Recreational and commercial waterborne traffic on the Hudson River originating from and traveling to the City is increasing.

i. Industrial Land Uses

Current industrial land use activities are generally limited to light manufacturing and are located within two corridors in the Northern and Southern Waterfront areas. The City's industrial base has been seriously eroded in the past decade. The City has an interest in maintaining and expanding its current industrial base to include more light industrial or high technology business opportunities. Maintaining and expanding this industrial base represents an important source of jobs which the City cannot ignore.

In 1996, the Hudson Vision Plan noted that four of the county's largest employers were located in Hudson: Kaz, Inc, employing 292 individuals; LB Products Corporation, employing 210; Emsig, "the world's leading button manufacturer," employing 200; and W.B. McGuire Co. Inc., employing 130 people. (HVP at 30, see also, 40) Today, none of these businesses are currently operating in Hudson (see Figure 6: Vacant and Underutilized Property). Kaz Inc., Emsig, McGuire and LB have all closed or relocated their operations overseas. The jobs lost by the relocation or closure of these businesses generally have not been replaced with new industrial job opportunities. Not only does the City need to retain and create new jobs in the light industrial and technology fields to provide a source of jobs and income for local residents, rising residential tax assessments, driven in part by the success of the main street revitalization efforts over the last 20 years, make it imperative that the City attract additional sources of non residential tax payers to help control the overall tax rate.

In the Northern Waterfront Area, industrial enterprises currently operating include CraftTech and E.A. Morris Inc. This area also includes the old Foster's Refrigeration operation. Through the Department of Environmental Conservation's ("DEC's") Brownfield redevelopment program, the Foster's site was slated for cleanup due to, among other concerns, heavy metal contamination. Unfortunately, State funds slated for cleanup of this site have been withdrawn. Currently plans for the site involve clearing debris from the site and using it for a parking area and the site will remain fenced and unavailable for redevelopment until such time as remediation funds become available. Through the LWRP and its implementing legislation, the City intends to maintain this corridor of industrial activity by maintaining the Industrial zoning designation along the eastern side of 2nd Street and Dock Street.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM **FIGURE 6: VACANT & UNDERUTILIZED**

PROPERTY
1850 ft



In the Southern Waterfront Area, active industrial uses include Dinosaw, and HAVE Inc. The City will maintain an industrial corridor on the south side of the ADM railroad spur encompassing these uses. The southern waterfront also includes the former McGuire industrial facility. The City proposes to maintain this property within an industrial zone because of its proximity to the railroad spur and the existence of a well maintained industrial facility and infrastructure. However, if the McGuire property does not return to productive industrial use within a reasonable time frame, perhaps 3 to 5 years, the City would support a change in use to better accommodate the needs of the City at that time. Acceptable uses compatible with the LWRP might include commercial, residential, open space, recreational use or institutional use. Shipping activities related to industrial uses are discussed in more detailed in subsection B.1(b)(i) of this Section.

ii. Institutional Land Uses

There are two major institutional land holdings In the Northern Waterfront area: the privately owned and operated Firemen's Home and the Hudson School District educational complex. Both of these land uses provide large areas of open space which afford the public outstanding views of the Catskill Mountains and the Hudson River.

The major institutional use in the Southern Waterfront area is the State-owned Hudson Correctional Facility. The Correctional Facility first opened in 1887 as a "house of refuge," or reformatory, for young women serving time for misdemeanors. From 1904 to 1975, the facility housed girls aged 12-15 and in 1976, the Department of Correctional Services converted the facility to a minimum security correctional facility for adult men with capacity to house 575 inmates. The entire complex encompasses 162 acres and includes the Plumb-Bronson House. The Plumb-Bronson House and thirty-two acres of land immediately surrounding the house were designated in 2003 as a National Historic Landmark for their connection with American architect Alexander Jackson Davis. The City hopes to acquire the Plumb Bronson House and grounds to provide public access to the property and additional park and recreation space to the Southern Waterfront area. The State's long term plans for the Correctional Facility are uncertain.

To ensure that the important open space and aesthetic values associated with these large institutional parcels are not degraded should their land uses change, the City proposes to change the R-1 zoning of the Fireman's Home, the High School and the Correctional Facility to Institutional/Residential Conservation. This new zone would permit institutional uses and a mix of residential development, including certain related uses and subject residential development involving the subdivision of 3 or more parcels or lots to conservation development subdivision rules which mandate the protection of designated open space. These three land uses represent almost a third of the land area within the waterfront boundary. Protection of their open space and aesthetic resources is critical to achieving the underlying goals of the LWRP. Therefore, special zoning designation is appropriate.

iii. Residential Land Uses

Residential uses occur in the Upland Mixed Use Area. Residential uses adjacent to the waterfront include the Hudson Terrace Apartments located on Front Street which provide 167 units of affordable housing for low and moderate income residents and the residential districts that extend two or three blocks to the North and South of Warren Street.

Residential development north of Warren Street within the waterfront boundary area includes

Bliss Towers consisting of a low rise complex and a 7 story high rise complex which provide a total of 132 apartments for low and moderate income families. Built in the early 1970's, Bliss Towers was constructed with funds from the Federal Housing and Urban Development agency and is operated by the Hudson Housing Authority. Other subsidized housing in this area includes Providence Hall and Schyler Apartments providing a total of 150 units of housing.

The clustering of affordable housing within the waterfront boundary area near industrial land uses reflects a not uncommon land use pattern of constructing housing for low and moderate income families near industrial or formerly industrial land uses because of the lower land values associated with being in close proximity to less desirable neighboring industrial land uses. As the City's revitalization effort continues to expand and to include and be supported by development of Hudson's waterfront, measures must be taken to ensure through incentive and inclusionary zoning, that the City's affordable or work force housing stock is not lost to gentrification. Accordingly, the City intends to enact zoning amendments applicable to certain areas within the waterfront boundary area to encourage a mixture of housing units including the provision of units for moderate and low income individuals or families.

The potential loss of workforce housing provided by the Hudson Terrace Apartments is of particular concern. The apartments are privately owned but were constructed with a Federally-Aided Mortgage, insured by the Federal Housing Administration under section 236 of the National Housing Act, for the provision of low and moderate income housing and must provide such housing until the mortgage is paid, after which the property can be redeveloped. It is estimated that redevelopment may occur as early as 2012. Should the apartment complex be redeveloped, redevelopment will have to conform to the LWRP and its implementing laws and regulations. For example, the apartment complex is located in a central portion of the City's waterfront and blocks views to the river, degrades views from the river toward Hudson, and limits public access to the river which existed prior to construction of the complexes in the early 1970s. As part of any redevelopment project, the City will encourage restoration of the City's historic grid pattern on the property through incentive zoning provisions and regulation by site plan or subdivision review, and the placement of any new buildings to allow better access to and views of the waterfront. Through the use of inclusionary zoning, the City will also mandate a 20% set aside for low and moderate income housing involving development or redevelopment of 10 housing units or more on a single parcel in the Riverfront Gateway District.

In addition to the subsidized housing just discussed and the mixed use, commercial residential structures to be discussed below; the City also has a growing stock of single and multiple dwelling housing. The high cost of housing in the metropolitan New York City area, better mass transit and the City's local revitalization efforts have spurred extensive residential restoration on Lower Allen and Union Streets, leading to Front Street, the waterfront and the Amtrak Station which was the subject of a major renovation to restore the station in keeping with its historic design.

iv. Commercial Land Uses

In recent years, economic growth, increasing housing costs in metropolitan areas, and well developed transportation facilities, particularly passenger rail service, have put Hudson and neighboring areas within the commuting fringe of both the New York City and Albany metropolitan areas. This interest in the residential market has helped spurred commercial activity in the Upland Mixed Use Area where commercial and residential uses often coexist in the same structure. Parcels with exclusively commercial uses are uncommon within the area.

Within the past 15 years this resurgence of business in downtown Hudson has included the growth of antique shops, galleries, gift shops, home furnishing stores, sporting goods stores, bookstores, clothing boutiques, restaurants, cafes, bars, and a concert hall. Connecting the riverfront with this commercial activity was a primary goal of the Hudson Vision Plan and remains a primary goal of the City through the LWRP. Restoring Promenade Hill Park, creating a Warren Street Plaza and rezoning much of the waterfront from industrial zoning to allow for mixed uses, will significantly help the City achieve this goal.

The resurgence of business along Warren Street has helped spur commercial activity and reuse of historic and other structures on the streets parallel to Warren Street, including Allen, Union, Columbia and State Streets. Examples of such reuse include Mid-Hudson Media in the former Masonic Temple, Time and Space Limited in a former Bakery, Griffin Warehouse slated for rehabilitation as mixed use residential, restaurant and architectural office space, the former City School District Bus Garage currently being renovated for use as a restaurant and night club venue, and the proposed redevelopment of a large portion of former apartment space in the 400 block of Warren Street as the Hudson River Hotel complex including a hotel, retail space and restaurant .

In the Southern Waterfront area, the former Glue Factory, now Basilica Industria, located between the train station and the waterfront, has undergone a major restoration and capital improvement and has been utilized as an arts, events, and performance space. The building is currently for sale and future plans for the structure and land are unclear. Also located in this area are the StageWorks Theater, a 100 seat Equity Theater Company offering performances to the public from May through September with occasional performances in the off season; the former Dunn Lumberyard including some outbuildings, located near the StageWorks property with frontage on Front Street; and the Kaz Warehouse Buildings (see Figure 6). Currently zoned industrial, this area is undergoing a transition from an industrial use to a commercial zone and provides an important buffer zone between the adjacent upland residential zones and the river front shipping operations. This buffer zone should be maintained and commercial uses, especially those compatible with the industrial and residential uses bordering the area should be encouraged.

For example, StageWorks Theater is ideally located in this zone as its performances typically occur indoors and in the evening. Through the LWRP and its enabling legislation, the City supports a mix of commercial uses in this area including retail, restaurants, gallery and additional performance space and limited residential options for artists in residence. To accomplish this goal, the City intends to rezone the area, including the Basilica Industries parcel to the Residential Special Commercial District which provides for a mixture of residential and commercial uses, and also creates additional pedestrian and vehicular connections between the waterfront and the upland residential sections.

Although the former LB Furniture enterprise was considered a light industrial operation, the building it occupied, located south of the ADM railroad spur, could provide a wide range of options for compatible mixed industrial and commercial use development. The site and building also offer excellent views of and access to the South Bay for recreational use such as for the development of a commercial or public kayak launch and cafe. Because the site borders active industrial operations on the east side of 3rd Street, including Dinosaw and HAVE, Inc., the City proposes to maintain the industrial zoning for the LB property. Industrial zoning allows commercial development subject to site plan review.

Other commercial activities currently operate within the R-2 zone along the east side of South

Front Street as non conforming uses. The City proposes to change this zoning to Residential Special Commercial (R-S-C) District to provide support for the development of a commercial corridor along South Front Street to help draw the public to the waterfront from the upland portions of the waterfront boundary and the Amtrak train station.

Commercial activity in the Northern Waterfront area is very limited. The City proposes to rezone the former X-Tyal building and surrounding land to Residential Special Commercial District to provide a transition between the existing residential zones to the south of this parcel and the industrial zones to the north and east (see Figure 6). Once remediation efforts on the old Foster's Refrigeration site are complete, this parcel may be well suited for additional commercial activity. An additional area for redevelopment as commercial space may be the City's current garage and salt storage area which could be relocated to City property located in Greenport, New York. An impediment to a mix of commercial and industrial uses in this area is the existence of the wastewater treatment plant. The City is undertaking a \$9 million upgrade of its waste water treatment plant which should, among other benefits, reduce odors from the plant.

v. Recreational Uses (See Figure 7)

The City has a pocket park on the 300 block of Warren Street and a sitting area on South Front Street just opposite of the former Washington Hose Fire Station. The pocket park on the 300 block of Warren Street, donated to the City by a private foundation, offers a gathering space for small public events including outdoor presentations of films after dark. The Charles Williams Park, currently under development, will offer a picnic area, playground and sports fields when completed. The City owned park facilities at Oakdale Beach and Underhill Pond provide City residents with the only public outdoor swimming venue and are in need of up upgrade. The City also owns the Henry Hudson Riverfront Park including the permanent dock and floating, seasonal docks associated with the Park and the Promenade Hill Park. The Henry Hudson Riverfront Park hosts some City events in the summer but is generally underutilized (see Figure 8). The Promenade Hill Park is also underutilized and in need of upgrading.

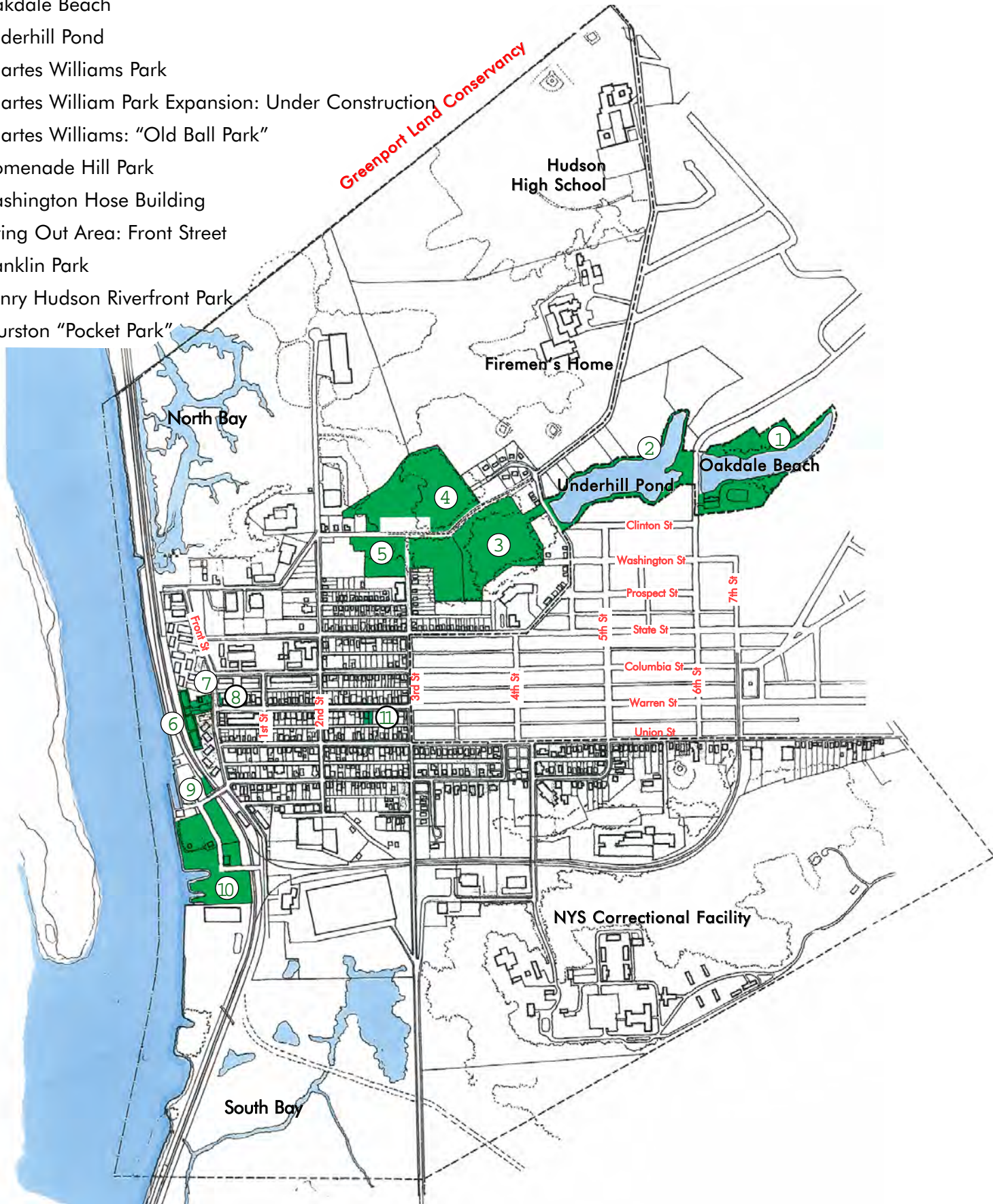
vi. Transportation Uses (See Figure 9)

Vehicular transportation throughout the City is predominately through privately owned vehicles. The City and County provide public transportation through bus service. People also travel by foot, bicycle or taxi cab. The State designated truck route runs through portions of the City. Dump truck traffic destined for the ~~deep-water~~ port travels on Columbia Street to Front Street accessing the port via Broad Street. The truck traffic destined for the port traverses through some of the most densely populated, lowest income neighborhoods in the City. Based upon the recommendations of the Vision Plan and Comprehensive Plan, a goal of the LWRP is to reduce or eliminate the adverse impacts of truck traffic throughout the City and to improve access to the riverfront.

Hudson's Amtrak train station is one of the busiest in the country. The rail lines used by Amtrak trains also carry freight during non commuting hours. Freight trains also traverse the City on the ADM spur line.

Legend

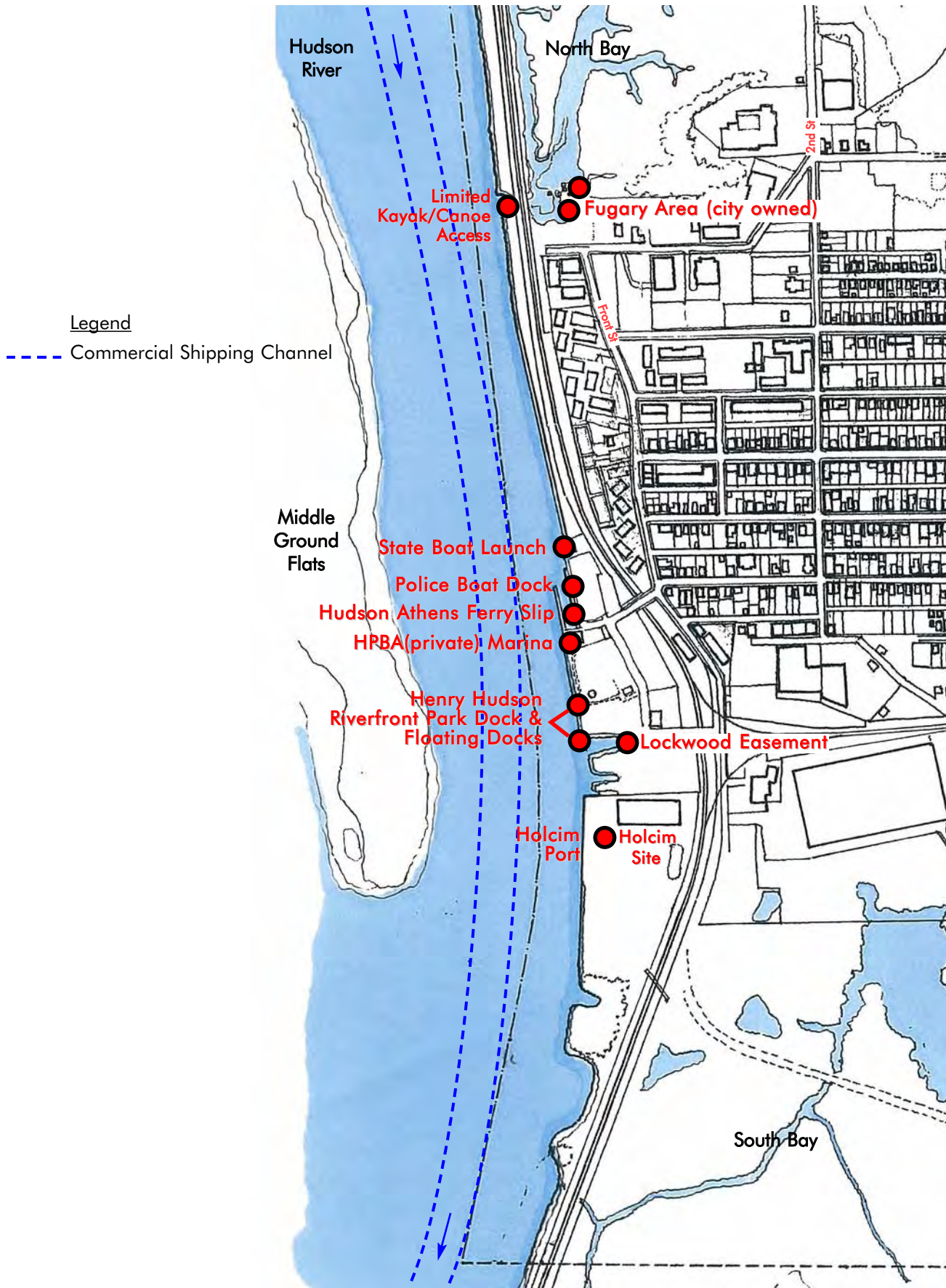
- ① Oakdale Beach
- ② Underhill Pond
- ③ Chartes Williams Park
- ④ Chartes William Park Expansion: Under Construction
- ⑤ Chartes Williams: "Old Ball Park"
- ⑥ Promenade Hill Park
- ⑦ Washington Hose Building
- ⑧ Sitting Out Area: Front Street
- ⑨ Franklin Park
- ⑩ Henry Hudson Riverfront Park
- ⑪ Thurston "Pocket Park"



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 7: CITY OWNED PARKS

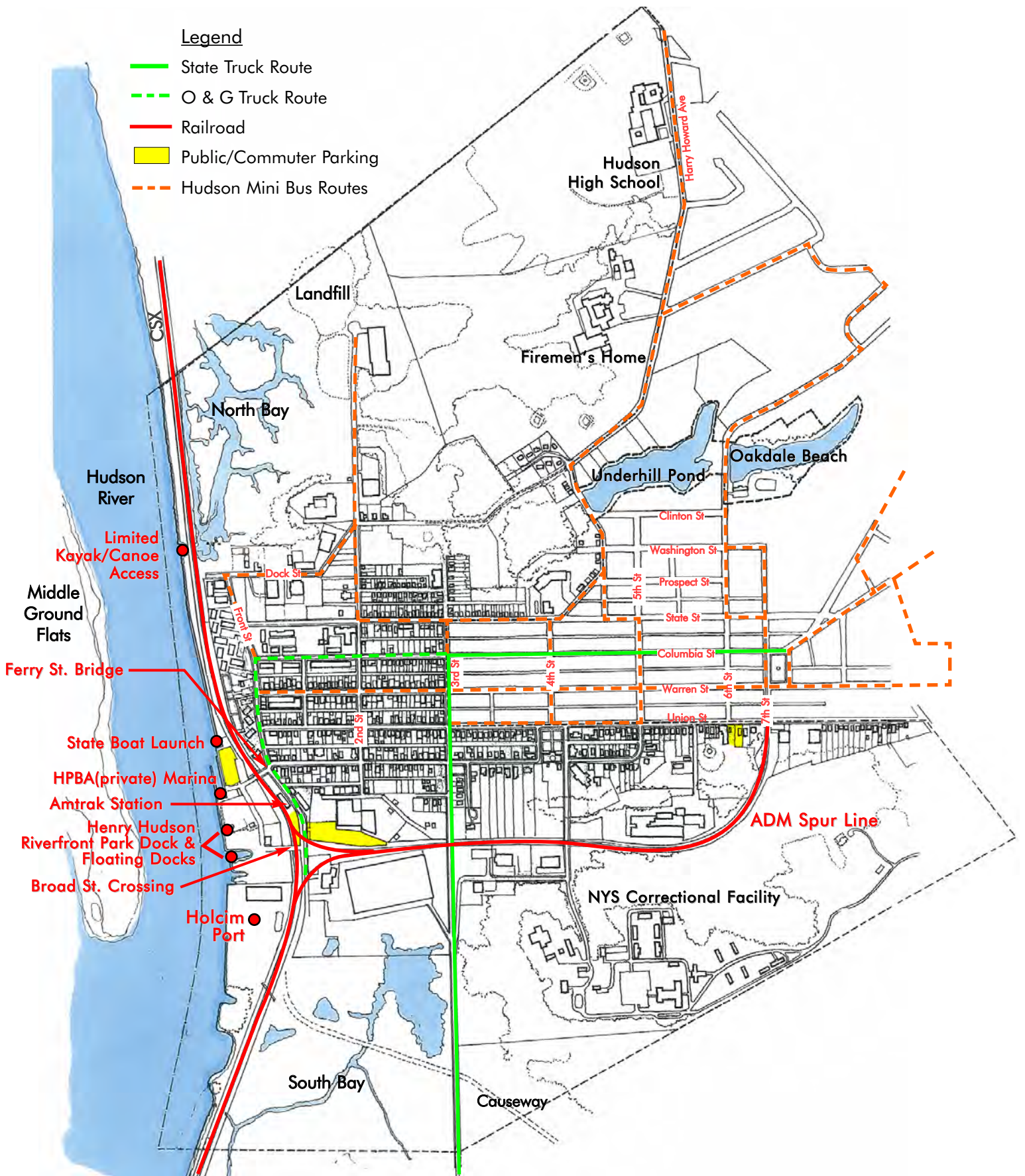




HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 8: EXISTING RIVER USES





HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 9: EXISTING TRANSPORTATION



Recreational boating and commercial shipments on the Hudson River are also important uses that must be accommodated and which are planned for in the LWRP. Subsection B.8 of this Section provides a detailed discussion of transportation land uses and issues.

b. Water-Dependent Uses

i. Water Dependent Industrial Uses

There are currently no active water-dependent “industrial” uses in the waterfront boundary area. Shipping of stone aggregate via the ~~deep-water~~ port to markets primarily in New York City and Connecticut via the East River and Long Island Sound is a water dependent shipping use which supports industrial activity located in Greenport, New York. Aggregate is mined from a quarry located outside the City, transported by dump trucks through the City along a portion of the State-designated truck route and other City streets, stockpiled at the dock side and loaded onto barges at the port. Stockpiled materials are visible from public portions of Henry Hudson Riverfront Park and the Hudson River and adversely impact the viewshed. The owner or operator responsible for the stockpiling should install screening to reduce these current adverse visual impacts.

Aggregate shipments are generally seasonal from approximately March to December depending on weather conditions and ice flow. Truck traffic and barge loading currently occurs Monday through Friday and barges traverse the port throughout the week as a function of tides. Aggregate shipments through the port totaled 183,458 tons in 2007.

~~The Two additional water-dependent shipping uses currently occur at the port: the delivery and storage of road salt for use by the County and several municipalities and is also used for the storage of buoys used by the United States Coast Guard. Road salt is stored both outside and within a large stock house located on the dock side. Buoys are stored outside (see Figure 16, photograph 5). The owner or operator responsible for the stockpiling should install screening to reduce the visual impact from these activities. The City does not support the continued stockpiling of salt in the Core Riverfront District. On September 21, 2010, the City served upon Cargill, the operator of the salt storage facility in Hudson, a Notice of Violation for violations related to a conditional use permit under which the company was storing salt. As part of the settlement of this Notice of Violation, Cargill will remove all salt currently stored at the waterfront by no later than May 2012, after which no salt storage will occur within the Core Riverfront District.~~

~~With the exception of salt storage, t~~The City supports improving access to and encouraging the regulated use of the City’s one remaining ~~deep-water~~ port for the transportation of raw materials and goods. Subject to compliance with the LWRP and its enabling legislation the City supports the continued use of the port to ship aggregate ~~accept and store road salt for use by local public works and transportation departments~~ and store coast guard buoys. ~~Modernization –of the existing port operation, including any man made modification to the road surface of the causeway, would be subject to the standards for Conditional Uses in the Core Riverfront (C-R) zoning district, all necessary city and state coastal consistency reviews and compliance with necessary environmental review.~~ The City supports these uses and future use of the dock facility for the import or export of other goods including agricultural and other products where such use and transport is compatible with adjacent land and water uses, complies with all applicable laws and is either compatible with the current owner’s operations, or is subject to control by a governmental agency should the ~~deep-water~~ port come under the full control of the City through the use of either the City’s eminent domain power or, as suggested by the Vision

Plan at page 89, via a voluntary arms length sale. As part of any agreement with the port owner, the City should include a provision for an option to purchase the 7 acres comprising the port if and when the owner decides to sell the property.

The City's support to encourage use of the port for shipments of raw materials, processed and/or finished products should in no way be construed to support a return to cement manufacturing. The City does not support cement manufacturing in or within close proximity to its municipal boundaries~~the City of Hudson~~. Cement manufacturing or production activities within the waterfront boundary would not be consistent with the LWRP.

Dump truck traffic associated with aggregate shipments via portions of the State designated truck route and other City streets to the waterfront has resulted in serious and significant adverse impacts to the communities along this truck route. As discussed in more detail in Section II B.8, adverse impacts from this truck traffic include increased noise and vibration from trucks experienced by residents and vibration of structures in close proximity to the truck route; safety concerns related to trucks traveling through residential districts; potential adverse human health and environmental impacts from diesel fuel emissions; and damage to City streets and infrastructure. As a temporary measure, ~~t~~The City supports plans proposed by Holcim (US) and its tenant to reroute dump truck traffic from the Holcim mine in Greenport, New York to the ~~deep water~~ port via the South Bay causeway. Use of the causeway will eliminate dump truck traffic through the City's most disadvantaged and densely populated neighborhoods thereby providing significant health, safety and environmental benefits to these communities. Upgrades to and use of the cause~~-~~way will be subject to all applicable local, state and federal laws.

The City views use of the causeway by commercial vehicles as a temporary measure to immediately eliminate truck traffic traversing through residential neighborhoods. As suggested in the Comprehensive Plan, the City supports a two phased approach to rectifying the adverse impacts associated with commercial vehicular traffic destined for the port. The first phase involves the development of a temporary alternative truck route using the causeway. In conjunction with this temporary use, the public would also gain a permanent public easement to use the causeway for access to the waterfront and a conservation easement to allow implementation of measures to restore the South Bay as discussed in section A(3) of this Section. The second phase of this transportation strategy involves the development of a new public access route from Route 9G to the port and waterfront using portions of property currently known as the LB and or the Basilica properties. Once the first phase of this plan is established, aggregate trucks would be prohibited from using Columbia Street to reach the port facility.

Upon adoption of the LWRP and its enabling legislation, the City will subject any change of use or modernization of the port facility to a conditional use permit, site plan approval, LWRP Consistency Review and compliance with all other applicable provisions of Federal, State and local law. Manufacturing or processing of raw materials or any other goods or products at the port facility will be prohibited as incompatible with adjacent recreational and commercial land uses within the relatively small area surrounding the port.

The only other potential water dependent ~~industrial or~~ shipping use currently possible at the waterfront relates to a 60 year right of way granted to the Lockwood Brothers, Inc., successors in interest to the Lockwood Properties, Inc., and its successors in interest to cross the former Lockwood parcel, now part of the Henry Hudson Riverfront Park, and to use the slip located on the parcel for the "business of rigging and heavy hauling for the purpose of transportation and the loading and unloading of marine vessels" (see Figure 8). The right of way terminates in

2062 and to date has not been exercised. Future planning efforts to improve the Henry Hudson Riverfront Park must take into account the existence of the Lockwood easement.

ii. Water Dependent, Enhanced and Inland Recreational Uses (see figures 7 and 8)

Recreational water dependent related uses include the privately owned and operated Hudson Power Boat Association, (HPBA); the State Boat Launch site on Ferry Street; the City owned dock located on the former Best Oil property and now part of the Henry Hudson Riverfront Park and associated floating docks; the so-called Fugary Boat Club which has two boat slips and is located on City property³ at the intersection of Dock and North Front Streets; and the City owned Oakdale Beach and Underhill Pond area.

The HPBA owns a small parcel of land just north of the Hudson Athens Ferry Slip property and leases from the City the Ferry Slip property and dock space. The Association also uses the water adjacent to the State Boat Launch for use of its floating docks. As currently situated at the Ferry Street entrance to the City's waterfront, the HPBA's boat club facility is often the first experience the public has of Hudson's waterfront. Because this facility is privately owned and operated as a members only club, and posts signs at the club's entrance so stating, new visitors to the waterfront are sometimes deterred from venturing to the public portions of the waterfront. Gaining public access to and control over the property currently owned or controlled by the HPBA as its marina and restaurant is key to the successful redevelopment of the Core Riverfront Area. The City also must return to the public domain, use of the Ferry Slip Property and slip.

The City supports relocation of the HPBA to the north end of the existing State boat launch, if possible, to facilitate public use of the land currently occupied by the HPBA. As discussed in more detail in Section IV(B), subject to all necessary feasibility studies and approvals, the City envisions relocating the State Boat Launch to land south of the ~~deep-water~~ port to enable development of a small public marina at the current HPBA location to provide the public with the ability to anchor at Hudson's marina for short periods of time, enabling visiting boaters to spend time exploring the waterfront and upland areas of the City. The small public marina would incorporate the Ferry Slip property. The City envisions development of a larger public marina adjacent to the proposed relocated State Boat Launch south of the ~~deep-water~~ port. This marina would provide for longer term dockage of pleasure craft.

Relocation of the State Boat Launch is also necessary because it is currently overcrowded on weekends during the summer. In order to address overcrowding, as well as to provide the opportunity to develop a more inviting public space in the Core Riverfront Area, the City commissioned a study to determine the feasibility of relocating the State Boat Launch to the southern end of the Henry Hudson Riverfront Park encompassing the recently acquired former CSX property. Completed in 2006, the Boat Launch Relocation Feasibility study concluded that relocation of the State Boat Launch to this parcel was not feasible due to space constraints and other operational issues.

In the recent past the City's dock space at the Henry Hudson Riverfront Park has been occupied by a private tour boat company to the exclusion of the public. A recent grant obtained by the City will fund the creation of floating dock space to the south of the current permanent dock during the 2009 or 2010 boating season. This expansion will increase the available dock space

³ See footnote 1.

and allow small pleasure craft to dock at the Henry Hudson Riverfront Park and provide a launching area for kayaks and canoes.

The City also owns riverfront property currently used by a group of people organized as the Fugary Boat Club. The Club members have, over many decades, built seasonal structures on City property and engaged in such recreational activities as fishing and boating. As City property the City must ensure public access to its property, especially where public access to the riverfront is limited. If feasible, the property should be redeveloped to accommodate a public kayak or canoe launch and public fishing area.

Further inland, there are City-owned beach and swimming facilities at Oakdale Lake and Underhill Pond. These water bodies are hydrologically connected to the Hudson River. Oakdale Lake currently provides the only public venue for outdoor swimming in the City. The facilities associated with the lake including a beach house and basketball court, are in dire need of updating. New playground and picnic areas should be developed at this location. The City is currently in the process of constructing a skate board park at this location. The City also envisions the development of pedestrian trails to connect Oakdale Lake and park area to the riverfront as more fully described in Section IV(B) of the LWRP.

Unauthorized swimming and picnicking takes place along the river on the vacant lands near South Bay currently owned by Holcim. As evidenced by the unauthorized use of privately owned property to gain access to the riverfront and through public input expressed at public meetings and through surveys, the public desires increased public access to the riverfront for swimming, fishing, hiking and other more passive forms of water dependent outdoor recreation. Transfer of title through an agreement between the City and Holcim, to approximately 7 acres of riverfront property south of the ~~deep water~~ port and the South Bay would enable this land to be used for open space, limited commercial uses, and recreational uses including relocation and expansion of the State Boat Launch, and creation of a public marina and a park area for swimming, fishing, walking and picnicking at the riverfront and passive recreational uses or canoeing and kayaking in the South Bay.

In 2006, the Governor announced the intended State acquisition and development of Middle Ground Flats Island, a 212-acre parcel located near the middle of the Hudson River between the Village of Athens and the City of Hudson. Although outside of the City's boundary, the undeveloped island contains more than four miles of river frontage and has a mix of uplands, marsh, and sandy beaches. The DEC will manage the property to promote habitat and resource conservation, and recreational access to the river. Development of the Island for additional water dependent recreational use will certainly enhance the City's waterfront redevelopment efforts.

Over the last three decades there has been a steep decline in commercial fishing in the Hudson River. Many factors have contributed to this decline, including over fishing, habitat loss, pollution, and fish kills caused by power plant water withdrawals. One of the most important factors is the presence of hazardous PCBs in the river sediment, which has led to a commercial ban on many fish species. There are several types of river herring that live in the ocean but migrate up the Hudson to spawn in spring. These species, which include American shad, alewives, and bluebacks, are considered safe to eat. Commercial fishing is permitted and there is a strong market demand for them, particularly shad. If the PCB problem is ever sufficiently remediated there will again be tremendous economic potential for commercial fishing. Commercial fishing restrictions along with state and interstate restoration programs have caused the population of once overexploited striped bass to rebound to historic high levels in

the Hudson. In addition, there are management and restoration programs that aim at regenerating stocks of shad, river herring, and sturgeon.

Although commercial fishing in the Hudson is in decline, recreational/sport fishing has become increasingly popular from riverbank or boat. Recreational/sport includes fishing for striped bass, large and small mouthed bass, American shad and other river herring. The increase in numbers of striped bass has spurred interest in sport fishing.

Recreational and commercial fishing both contribute to the local economy, and there is also competition between them. Through the LWRP, the City supports improving access to the City's shoreline for recreational fishing. If the PCB-based ban is lifted and commercial fishing becomes viable again, the City's LWRP may need to be amended to accommodate commercial fishing operations. For example, while those who fish for sport support the current ban on the sale of striped bass due to possible PCB contamination, commercial fishermen welcome recent discussions to lift the PCB based ban. If commercial fishing for striped bass becomes viable again, fisheries management programs will need to be developed so that this important resource can be shared.

c. Vacant and Underutilized Sites (see Figure 6)

Much of the vacant and "underutilized" land in the LWRP area includes coastal lands that contain steep slopes or are located in lowlands and floodplains in the North and South Bays. Some of these areas, such as the marshes of the North and South Bays, serve critically important ecological functions and should not be considered "underutilized" as they provide floodwater control, water purification, and habitat maintenance. These areas will become increasingly more important to control floodwaters as the affects of global climate change become more apparent.

Following is a more detail discussion of opportunities presented by the vacant and underutilized properties located in each of the four waterfront areas.

i. Core Riverfront Area Opportunities

The ~~deep water~~ port was used only sporadically from the 1970s until approximately 2006. ~~As the only remaining deep water dock and the only deep water port between Newburgh, New York and Albany capable of receiving large barge traffic, this asset~~ The dock has great local and regional importance not only to its current owner, but to the public at large and the City of Hudson in particular. Working in cooperation with the port's owner or potentially, as the owner of the port in the future through a port authority, the City would directly benefit from having the ability to ship locally produced or needed raw materials and goods.

~~To increase the use of the port, it will likely need to be modernized. The port may be modernized.~~ Modernization of the port will require compliance with all permits and approvals issued in conformity with the LWRP's goals and policies, implementing legislation and all applicable local, state and federal laws to ensure that the port usage will be compatible with the LWRP and adjacent land and water uses.

Franklin Park and Henry Hudson Riverfront Park are both currently underutilized (see Figure 7). The City supports renovation of Franklin Park including construction of a pedestrian friendly pathway over the rail road tracks leading to a terraced stairway to Promenade Hill Park (see Figure 23). The City also supports repair and renovation of the Ferry Street Bridge by the CSX

Corporation to provide for better pedestrian access over the tracks and to restore the Bridge's former carrying capacity of 15 tons. Repair of the bridge would enable needed access by emergency vehicles (see Figure 22).

The Henry Hudson Riverfront Park should be enhanced to include the former CSX parcel as more fully described in Section IV (see Figure 22). Through the use of a system of floating docks which will be installed and removed for the boating seasons, the City will be expanding the dock space associated with the Henry Hudson Riverfront Park. The installation of the new floating docks is planned for summer 20~~12~~⁰⁹ (see Figure 22).

The 7 acres of vacant land south of the ~~deep water~~ port currently owned by Holcim is currently underutilized. As further described in Section IV, the City envisions development of this property as a public park and possible marina space and State boat launch (see Figure 22). If the State boat launch is unable to be relocated south of the port, the City will reexamine the feasibility of locating the launch north of the port.

ii. Southern Waterfront Area Opportunities

Holcim currently owns approximately 120 acres of land in the Southern Waterfront area which is underutilized or vacant. The South Bay, consisting of approximately 100 acres, is currently vacant of buildings and contains the remnants of a rail road line which bisects the bay. Holcim does not use the property, except for maintaining limited access over the former rail road line area, commonly referred to as the South Bay "causeway".

The City supports and incorporates into its LWRP a wholly new land use scenario for this area whereby the City working in partnership, enters into an agreement with Holcim or any subsequent private owner, to transfer title of the South Bay, subject to a transportation and conservation easement over the South Bay causeway, to either the City or a Non-Governmental Organization (NGO) which could study and ecological restore the South Bay to the greatest extent feasible, consistent with sound scientific and ecological principles and the public health. Restoration of the South Bay could enhance the ecological functions already provided by the Bay, including storm water overflow control, as well as provide recreational, educational and conservation opportunities to the public as more fully described in Section II(D).

The Southern Waterfront area also includes a number of underutilized industrially-zoned properties located along or nearby the CSX spur railroad. These sites include the former McGuire Door property; the triangular-shaped junk yard near LB Furniture locally referred to as the Von Ritter Property; the Basilica Industria Building; the R&S property located south of Basilica Industria; the City owned former Dunn Lumber Building; the privately owned former Dunn Lumber Yard with associated out buildings; and warehouse buildings owned by Kaz Inc. (see Figure 6).

The City proposes to rezone a part of the area encompassing many of these properties from Industrial to Residential Special Commercial (R-S-C) (see Figure 27). The R-S-C zone permits retail stores and banks; personal services stores; professional, governmental or business offices; schools, churches, libraries, museums and art galleries; theaters, assembly halls, bowling alleys and eating and drinking places; hotels (including rooming and boarding houses), motels and clubs, light industry and residential uses. Interviews with the current property owners of these properties revealed a strong desire to rezone the property to commercial to enable the development of a variety of commercial enterprises including hotels, restaurants, expansion of the existing theater space, and gallery and retail space. The Residential Special Commercial

designation would encourage these owners or future developers and investors to reclaim and redevelop this valuable property for a mixture of uses.

Another large tract of underutilized land in the Southern Waterfront Area is the State Correctional Facility which currently houses 400 inmates. The area encompasses 167 acres of land offering extraordinary views to and from the Hudson River as well as including the Plumb-Bronson House and thirty-two acres of land immediately surrounding the house. The Correctional Facility lands represent a key component of future development within the southern waterfront area. The City has a long term goal of gaining public access to the Plumb-Bronson House and surrounding acreage, adding additional park and recreation space to that area of the City.

Recently announced long term plans by the State to shutter the Correctional Facility may make it more likely that the parcel could be developed for residential use, though the State has not announced any redevelopment plans for the facility or property. In effort to protect open space and the natural resources of this parcel, especially should the land become privately owned in the future, the City will rezone the entire parcel to an Institutional/Residential Conservation Zone to allow for a mix of residential units, including single and multi-family housing, certain related services, and the continuation of institutional uses, while protecting the unique open space, aesthetic, cultural and historical resources associated with this parcel through incentive zoning and mandatory cluster development for subdivisions of a parcel into 3 or more parcels or lots.

iii. Northern Waterfront Area Opportunities

The Northern Waterfront area contains the North Bay, several vacant buildings and lots formerly used for various industrial uses; a former landfill now owned by the County; the City's wastewater treatment works, garage and salt storage area; the Fugary Boat Club area; and the Charles Williams School grounds.

The City envisions using the currently underutilized portions of the North Bay to provide greater public access to the area for recreational purposes while maintaining and hopefully enhancing the Bay's ecological integrity by supporting the creation of the North Bay Recreation Area. In 2007, the Columbia Land Conservancy (CLC) was awarded a grant from a private foundation to plan and implement, on behalf of the City of Hudson, the North Bay Recreation Area on approximately 70 acres of land, including land formerly used as a municipal landfill. The North Bay Recreation Area would connect to the Greenport Conservation Area, a significant environmental area comprised of 714 acres of protected upland meadows, deciduous forests and estuarine wetland, located just north of Hudson in Greenport (see Figure 25). The Area would also likely encompass the Fugary Boat Club area (see Figure 8).

Subject to all necessary approvals and a feasibility and design study, the North Bay Recreation Area project would create a series of hiking and possibly biking trails to connect to the Greenport Conservation Area and a possible kayak and canoe boat launch area in the North Bay. Future recreational uses of the site may also include an entertainment venue. The full extent and nature of the possible recreational opportunities available in the North Bay will be determined after completion of a feasibility study to be conducted in 2009-10 by the CLC as part of a grant award to plan and develop the North Bay Recreation Area.

Vacant former industrial buildings in the Northern Waterfront Area include, the multi-story X-Tyal building, located on a 1.2 acre parcel on Front Street, south of Dock Street; the Old Fosters Refrigeration property, on the south side of the North Bay and currently designated as a brown

field site and slated for cleanup; and two parallel strips of vacant land extending across the southern part of the North Bay between the railroad and North Second Street. The X-Tyal ~~building is currently owned by the City. Recent redevelopment plans include sale of the building for redevelopment as an office building. building's current property owner envisions redevelopment of the property possibly for a hotel or other commercial enterprise once the City's waste water treatment plant is upgraded to control offending odors and the City's Department of Public Work's (DPW) garage and salt storage facility is relocated out of the waterfront.~~ Development of a commercial use at this location is consistent with the LWRP's goals and policies. Commercial development such as a hotel or office space would provide a welcomed transitional use between the residential zone to the south, the recreational area to the north and the industrial uses to the east.

The Old Fosters Refrigeration property was slated for a one million dollar environmental remediation through the State's Brownfield remediation program (see Figure 6). The property is to be cleaned up to a level which would allow commercial use of the property. Unfortunately, due to budgetary constraints, the State has withdrawn its funding commitment. Current plans for the site include clearing existing debris on the site and securing the site for use as a parking area until such time as and the property will remain fenced and inaccessible until additional remediation funds become available.

On the north side of Dock Street is an aggregation of City-owned parcels consisting of the sites of the Department of Public Works garage, salt storage area and the City wastewater treatment plant. Long term plans for the treatment plant include entire plant upgrades including odor control. These upgrades will help spur redevelopment of the underutilized or vacant properties in this area.

The City is working in cooperation with the County to relocate the DPW garage and salt storage area to a City owned parcel of land in Greenport, New York adjacent to a lot owned by the County and currently used for storage of County equipment and materials. Through this cooperative agreement, the City and County will share garage and storage space, thereby freeing up the City's waterfront property for additional redevelopment. Although the City proposes to retain the current Industrial zoning on the City DPW property, the property could be used for a range of uses once restored. Some non industrial potential uses for the site might include a public boat rental and repair operation to facilitate kayaking and canoeing activities in the North Bay Recreation Area or parking for vehicles and bicycles of those accessing the Recreation Area. Industrial zoning would not prevent these uses. However, until such time as the waste water treatment plant is updated, these non industrial uses may not be viable and the property may be better used for light industrial activities in the interim.

The City envisions the redevelopment of the currently vacant Charles Williams School grounds as the Charles Williams Park. The proposed Park would offer residents of the Northern Waterfront Area much needed access to park space for active recreational pursuits including hiking and biking trails connected to the riverfront, bocce and horseshoe courts, and sleigh riding in the winter, as well as passive recreational opportunities such as picnic areas and open space. This redevelopment plan is currently being undertaken (see Figure 25).

iv. Upland Mixed Use Area Opportunities

This area includes Promenade Park and the vacant Washington Hose Fire House both of which represent significant opportunities for revitalizing the waterfront. Promenade Hill Park is underutilized and should be restored and expanded to include a walkway to Franklin Park over

the rail tracks. The Washington Hose building will be renovated for use as office space for the County's Chamber of Commerce and the City's Development Corporation. This redevelopment should be renovated as a public space or commercial use to help attract people to the waterfront from Warren Street. A Warren Street Plaza should be created as described in Section IID(1) (see Figure 23).

Encouraging mixed residential and commercial use of the vacant buildings along Front Street would help provide additional incentives for the public to visit the waterfront area. To assist in this commercial development, the LWRP implementing legislation changes the current residential zoning along Front Street to Residential Special Commercial zoning (see Figure 27).

d. Recreation and Public Access

As part of recent efforts to enhance the waterfront, the City acquired title to three parcels of land in the Core Riverfront Area. In 1997, the City acquired and remediated the tank farm on the former Best Oil site located to the south of the privately owned and operated marina and the state boat launch facility. The former Best Oil parcel has since been revitalized with a lawn, gazebo and comfort stations and includes an embayment area and public dock facility with both a permanent dock and seasonal floating dock space. This parcel was part of a DEC lead effort to clean up contamination from a former Manufactured Gas Plant (MGP). As part of that effort, some contamination was left at the site in the subsurface soils. As a result, deed restrictions prohibit the excavation or disturbance of soils below three feet. This residual contamination places limitations on the Park's redevelopment options.

In 2003, the City acquired the former Lockwood parcel, situated directly south of the former Best Oil site. Another parcel, the former Conrail/CSX property, directly south of the former Lockwood parcel and adjacent to property currently owned by Holcim, was acquired by the City in 2004. The CSX site is approximately 2.6 acres in size and encompasses two long, relatively narrow embayments of the Hudson River. Together, the Best Oil Parcel, Lockwood Parcel and CSX Parcel, encompass the Henry Hudson Riverfront Park. These parcels also have deed restrictions related to the clean up measures approved by the New York State Department of Environmental Protection (DEC) and instituted by the former owner. Accordingly, any further redevelopment must be in conformity with the deed restrictions.

Acquisition of the Best Oil parcel also resulted in establishment of a public dock at the Henry Hudson Riverfront Park. Although the land was acquired to provide public access to the waterfront, in the past, the City has rented the dock space to a private entity that did not allow public access to or use of the dock. As a result of a grant obtained by the City in 2008, the City will expand this dock area through the use of floating docks and will prohibit private entities leasing dock space from closing off any part of the dock area to the public.

The Henry Hudson Riverfront Park is currently under-utilized by the public in part, due to poor site access. The park is accessed either from Front Street via the Ferry Street Bridge, a wooden structure owned by the CSX Corporation subject to weight restrictions and in need of repair, or from Broad Street across an at-grade crossing of the railroad tracks. The approach to the waterfront over the Ferry Street Bridge does not present a welcoming entrance to the City's waterfront or park. Upon crossing Ferry Street Bridge to access the waterfront, the public is met with a sign on the Hudson Power Boat Association property advising that the property is privately owned and trespassing is prohibited. It is unclear whether one may proceed further to the riverfront park without trespassing. Better signage would help direct the public to the public portions of the waterfront in the short term; however, as outlined in the Hudson Vision Plan, the

City supports a more public use of this property. (HVP at 82).

As discussed in Section II(B)(1)(b), subject to a feasibility study, and through a cooperative agreement with the HPBA, the City envisions relocating the HPBA to the north end of the existing state boat launch and using screening and other measures to minimize the visual and noise impacts from this non public use. Relocation of the HPBA would allow the association better access to riverfront property currently owned by the HPBA to the north of the club's current location. Should this relocation prove infeasible, the City may wish to use its inherent municipal authority to take control of this property

The City must restore the Ferry Slip property to public use. The Athens/Hudson Ferry provided public transportation between the City and Athens from 1786 to 1947. With the erection of the Rip Van Winkle Bridge in 1935, ferry service eventually ended. Pursuant to past agreements with the City, the HPBA has leased the land adjacent to the old Athens/Hudson Ferry dock and the Ferry Slip, known as the "Ferry Slip Property", and has erected a fence and fountain, effectively blocking the public's use of the Ferry Slip Property. In addition, the club has erected floating docks across the Athens/Hudson Ferry slip, foreclosing any public use of this slip and the City's riparian rights associated with this property.

The City must reassert the public's right to access this property. As envisioned in the HVP, the City supports reestablishing ferry service to Athens. (HVP at 82). Athens' own LWRP also envisions reestablishing this historic ferry service connection between the two municipalities. Reasserting public control of this dock would also allow larger vessels other than those providing ferry service between Athens and Hudson to dock at Hudson's shores.

Once public access is restored to these docking facilities, the City will appoint a City Harbor Master to manage access to all private and City owned docks in order to manage traffic from these docks and other commercial and recreational traffic passing through the City's harbor as more fully discussed in Section II(B)(1)(e).

An existing design feature of the Core Riverfront Area which discourages the public from accessing and using the Henry Hudson Riverfront Park is the location of the State Boat Launch north of and adjacent to the Hudson Power Boat Association. Parking for both boating facilities necessitates a large parking lot area, however, the current expanse of asphalt parking area, situated in a rectangle and devoid of any trees or landscaping, presents an eyesore to the public which must be addressed if the entrance to the City's riverfront and Henry Hudson Riverfront Park is to become a welcoming space which draws the public toward the park and river.

To ameliorate this negative design feature the City supports relocation of the HPBA, if feasible, to the northern end of the existing State Boat Launch and the State Boat launch should be relocated to the Southern Waterfront Area. In its place, the City supports creation of a small public marina with a redesigned parking space to make it more visually appealing, the development of a restaurant, and the renovation and expansion of Franklin Park (see Figure 23).

Remnants of Franklin Park, a small grassy area with two park benches, are located directly east of the Ferry Slip Property and the current location of the Hudson Power Boat Association. Relocation of the HPBA and State Boat Launch will enable this park to be restored and improved (see Figure 23). Not only would this park be incorporated into the public marina, the City envisions connecting Franklin Park with Promenade Hill Park via a stair built alongside the inclined southeastern recess of the Promenade Hill Park's embankment (faced with new

retaining wall and landscaping), descending approximately 25 feet to connect to a proposed pedestrian overpass over the rail tracks to Franklin Park.

Promenade Hill Park was specifically laid out by the City's founders to take advantage of the river views. These views represent a significant coastal resource important to cultural and historic tourism and the continued success of Hudson's main street revitalization efforts. The park has benches, grassed malls, walkways, small play areas and a statue of St. Winifred. Nevertheless the Park is underutilized by the public and must be made more accessible to the riverfront and serve as a place which draws the public off of Warren Street toward the waterfront.

Recognized by the HVP as a critically important area connecting the upland portions of the City with the waterfront, the Vision Plan called for a Warren Street Plaza including an Arch, public building and traffic calming modifications to the traffic intersection to provide for a more welcoming and pedestrian friendly transition from Warren Street to the waterfront via Promenade Hill Park. (HVP at 92) As one of its projects, the LWRP adopts the concept of a Warren Street Plaza and incorporates traffic calming modifications to the intersection of Warren and Front Streets. Development of the Plaza would be enhanced by reuse of the Washington Hose Fire House for a commercial or public space and restoration of Promenade Hill Park to the grandeur of its heyday in the 1870s, and development of a pedestrian link from Promenade Hill Park to the waterfront via Franklin Park situated at the base of the Park plateau as described above.

Reuse of the Washington Hose Fire House will be a critical element of a successful redevelopment effort. The Vision Plan called for the construction of a new publicly owned building to serve as an ice cream parlor and café as well as an information center. (HVP at 93). ~~Recently, the City announced plans to reuse t~~The Washington Hose Building for public office space. ~~could serve that function, however, as part of a pre-existing contract between the City and a mortgage company, the Washington Hose Fire House and other City owned Firehouses were used to underwrite construction of a new fire station within the City. According to the terms of that agreement, the Washington Hose Fire Company must be sold to help pay down the outstanding mortgage. Therefore, if the building is to be maintained as a publicly owned space, City officials must renegotiate the terms of the existing contract.~~ For purposes of the LWRP, the planning recommendation and vision is for the development of a Warren Street Plaza which includes the Washington Hose Fire House as a commercial or public use.

With assistance from a DOS Environmental Protection Fund grant, the City explored the feasibility of relocating the State Boat Launch to the southern end of the Henry Hudson Riverfront Park. In 2006, the study concluded that relocation of the State Launch to the former CSX property was not feasible due to poor access, insufficient space for parking and potential operational issues. Other impediments to the relocation of a use requiring direct access to the river at this location include the combined sewer overflow (CSO) outfall located in the more northern of the two embayments on the former CSX property and the existence of contaminated coal tar wastes left in place as part of the DEC's remedial action plan of the former Best Oil Tank property and Lockwood parcels. Additionally, the embayment associated with the former Lockwood parcel has a 60 year easement associated with it to allow the former owner and successors in interests, to use the property and embayment for docking and other purposes. The easement will expire in 2062.

Consequently, the future recreational activities at this park are likely limited to passive recreational activities for the extension of and improvements to the Henry Hudson Riverfront

Park through utilization of the former Conrail/CSX and the former Lockwood parcels, limiting use, for the near term, to picnicking, a playground, fishing area and perhaps a field for soccer or other related sports.

Even for these more limited uses to be fully operational and acceptable to the public, it is imperative for the future successful redevelopment of this area and for the public's health and the river environment that the City gain control of its CSO outfall. Until such time as the CSO outfall can be reliably controlled, redevelopment of the former CSX property may be limited.

Public access to the river front is difficult. The planned upgrade of the South Bay causeway could enable recreational boaters and others to use this access route to access the waterfront on weekends and on some holidays when heavy truck traffic will not utilize the causeway. [A new public access route near the current LB and Basilica properties would also improve public access to the waterfront.](#)

Water-dependent and water-enhanced activities such as swimming, boating and picnicking are discussed above in section II((B)(1)(b), under water-dependent recreational uses.

e. Water Uses and Harbor Management

i. Water Uses

The City of Hudson is located at approximately river mile 120 in the 153-mile long tidal portion of the Hudson River from the Battery to the Troy Dam. This area is within the Upper Hudson River Estuary, the freshwater portion of the river that runs from Poughkeepsie (river mile 75) north to Troy.

The surface waters in the vicinity of the City of Hudson are actively used in a variety of ways. The Hudson River is a vital commercial artery that connects the Port of New York with the upstate inland container port at the Port of Albany, from which goods are distributed via canal, rail, air and highway. Barges and ships laden with cargo and containers pass the City of Hudson on their way up and down the river. At this location, the channel runs in the relatively narrow river corridor between the City of Hudson and the Middle Ground Flats, the island located opposite the City, in the middle of the Hudson. The shipping channel comes within the City's coastal area as it passes east of Middle Ground Flats Island (see Figure 8). The channel is maintained at a depth of 32 feet (mean low water) and a width of 400 feet, through dredging to accommodate commercial shipping.

Today, the only commercial shipping from Hudson's waterfront involves the maintenance of a ~~deep-water~~ dock currently owned by Holcim and operated by O&G, Inc., a lessee of Holcim. O&G operates the dock for the transport of stone aggregate and allows occasional other shipping uses as well, such as the unloading and storage of ~~the County's annual winter supply of~~ road salt and shipment of aggregate by another local mining company. Currently, aggregate is loaded onto 250 foot-long barges at the dock for distribution downstream to the New York metropolitan area.

Commercial fishing is another use of the surface waters in the vicinity. It has been in steep decline in recent decades for a variety of reasons, one of the most important of which is the presence of hazardous PCBs in the river sediment which has led to a commercial ban on many species of fish that eat in the river and become contaminated.

Nevertheless, commercial fishing of certain species is allowed, including several types of “anadromous” river herring, including American shad, alewives, and bluebacks, that live in the ocean but migrate up the Hudson to spawn in spring. There is a strong market demand for these fish, particularly shad, and the flats and shoals in the Upper Hudson River are among the most productive American shad spawning and nursery areas in the region. Shad is fished from April to Memorial Day, and other species of river herring are commercially fished until August.

State and interstate programs have been implemented to regenerate depleted stocks of shad, river herring, and other fish, such as sturgeon. There is a moratorium on fishing for Atlantic sturgeon, and it is illegal to possess or kill the federally listed endangered shortnose sturgeon, which spawns and spends part of the winter in the stretch of the river from Hudson (river mile 120) to Troy.

Although commercial fishing in the Hudson is in decline, sport fishing has seen a tremendous resurgence. Commercial fishing restrictions along with management and restoration programs have caused the population of once overexploited striped bass to rebound to historic levels in the Hudson. The increase in striped bass has in turn spurred interest in sport fishing. Tournaments in which anglers compete to capture the heaviest striped bass are popular dockside events. From riverbank or boat, sports fishers angle for striped bass, large and small mouthed bass, as well as American shad and other river herring.

Recreational boating is an extremely important use of surface waters in the vicinity and takes a variety of forms. Kayakers and canoeists routinely put their boats into the Hudson using the public state boat launch as do owners of various other kinds of pleasure crafts. Others launch small motorized and non motorized crafts from the City-owned property known as the Fugary Boat Club. The Hudson Power Boat Association launches and receives motorized boats and yachts during the boating season. Jetskiers and occasional waterskiers also ply the waters.

In season, a tour boat ferries sightseers from both sides of the river to the Hudson-Athens lighthouse, a Second Empire-style brick lighthouse which is one of only seven lighthouses on the river. The lighthouse, which has a working bell that sounds in foggy weather, is a fully restored active aid to navigation and has helped to safely guide ships around Middle Ground Flats since 1874. The tour boat, “Spirit of Hudson”, ties up at the Henry Hudson Riverfront Park dock.

Other recreational users of the area are hunters and informal wildlife viewers. The numerous creeks and tidal freshwater marshes of the Upper Hudson River, including those associated with Middle Ground Flats Island directly across from the City of Hudson, serve as breeding, nursery, and migration corridors for waterfowl, shorebirds, and a variety of songbirds. Middle Ground Flats is a freshwater wetland complex which contains mudflats, shallows, freshwater tidal marshes, a hardwood swamp, dredged material bank islands habitat, and freshwater creek, habitats that are extremely valuable for fish and waterfowl.

ii. Harbor Management

At a regional level, the recent increase in recreational boating on the Hudson River has resulted in increased demand for boat launching access and the need to provide adequate marina space and facilities for transient boaters. This increased demand is evident at the local level where the State Boat Launch is used as a regional access point to the Hudson River.

The only existing marina within the Hudson harbor management area is the Hudson Power Boat Association which is located just south of the state boat launch. HPBA facilities are limited by the small size of the site. Access is also limited to members and guests. As mentioned earlier, the City supports the development of a small public marina in this location for short term dockage with the potential relocation of the HPBA facility. A larger marina could be developed south of the ~~deep-water~~ port for longer term dockage.

There are no individual private docks along Hudson's shoreline, however, a small cluster of fishing shanties in North Bay are clustered around two dock areas locally known as the Fugary Boat Club. This Club currently operates on City owned property⁴. As mentioned above, the City recognizes that such uses are not appropriate on the Hudson River as they encroach on public trust property.

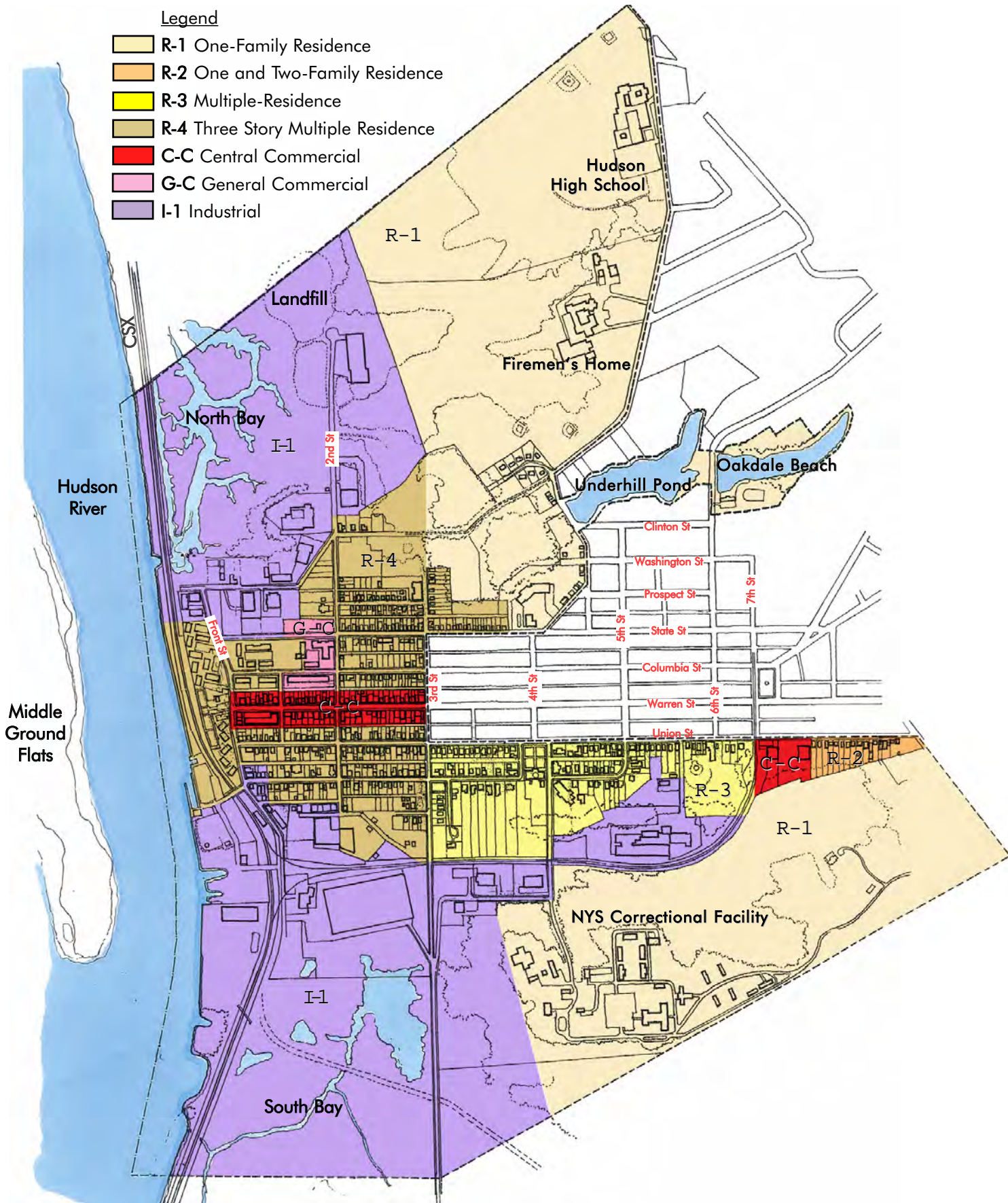
The City of Hudson recognizes the need to manage the nearshore areas of the Hudson River to protect the health, safety and welfare of the public using its waterfront and harbor. The need to manage harbor traffic will likely increase with the modernization of the ~~deep-water~~ port and the expansion of existing docks and development of new docks, launch areas and marinas in the nearby vicinity. Accordingly, the City will amend its Charter (see Appendix C), to provide for appointment of a Harbor Master, when deemed necessary by the Mayor, who shall manage vessel traffic within the City's jurisdictional limits to protect the public's health, safety and welfare and in a manner which conforms to the LWRP. This position could be funded through Harbor fees assessed to vessels docking within the City's harbor area at City owned docks and marinas, as well as through more equitable and representative property assessments of riverfront properties in private ownership. The Harbor Master will use the LWRP as guidance in managing traffic in the harbor. As mentioned in Section B, Vision Statement, the City will seek authority pursuant to Executive Law Article 42, Section 922 to regulate water use at such time as regulation of water use and dock configuration becomes necessary.

2. ZONING (see Figure 10: Existing Zoning, Figure 27: Proposed Zoning and Appendix C)

Zoning districts within the LWRP area are Industrial (I-1), R-1 One-Family Residence , R-2 One and Two-Family Residence, R-3 Multiple Residence-Conditional Office, R-4 Three Story Multiple Residence, C-C Central Commercial and G-C General Commercial. As shown on Figure 10, the I-1 and R-1 Districts are mapped on large parts of the study area, including both the North and South Bays and upland areas including the correctional facility and Fireman's home. The portion of the study area between Front and Third Streets that is bounded by State and Union Streets is zoned C-C. The R-4 zone is mapped in the central portion of the study area.

Principal permitted uses in the I-1 District include railroad station and transportation services as well as permitted or conditional uses designated in the G-C (General Commercial) District, subject to certain bulk regulations. Conditional uses in the I-1 zone are: animal hospital; radio, television and other electronic transmission and receiving stations and towers, public utility uses and structures; outdoor storage of lumber, building materials, contractors' equipment, trucks, vans, buses, passenger motor vehicles or any combination thereof, whether new or used for sale or for hire, subject to certain restrictions; manufacturing, assembling, converting, altering, finishing, cleaning or any other processing and storage of products or materials, provided that only oil, gas or electricity is used as fuel; and telecommunications towers.

⁴ See footnote 1.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 10: EXISTING ZONING

HUDSON, NEW YORK

SOURCE: CITY OF HUDSON



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Large areas of mapped wetlands in the South Bay and tidal wetlands and marshes in the North Bay are included within the I-1 zone. In theory, this zoning would allow development of these environmentally sensitive lands for the uses listed above. Such development would conflict with existing City policy documents such as the Hudson Vision Plan and Comprehensive Plan (see Section II.C. Recent Planning Activity for a full discussion) as well as the LWRP.

Principal permitted uses in the G-C District include all uses allowed in the C-C, subject to the bulk regulations of the General Commercial District, funeral homes and automobile and boat sales and service establishments, including motor vehicle service stations provided that no open lot for used car or boat sales shall be permitted except accessory to a franchised new car or boat sales establishment, and any use permitted in an R-1, R-2, R-2H, R-3 or R-4 district.

Principal permitted uses in the C-C District include retail stores and banks; personal services stores; professional, governmental or business offices; schools, churches, libraries, museums and art galleries; theaters, assembly halls, bowling alleys and eating and drinking places; hotels (including rooming and boarding houses), motels and clubs; service establishments furnishing services other than a person nature, but excluding gasoline filling stations and motor vehicle storage, repair or service establishments; outlets and pickup stations for laundries and dry cleaning establishments, excluding commercial laundry, self-service automatic laundry and dry cleaning establishments; newspaper printing and job printing; assembling, converting, finishing, cleaning, or any other processing of products within a fully enclosed building where goods so processed are to be sold at retail exclusively on the premises provided the space used does not exceed 3,000 square feet and not more than 5 people are engaged in such production or processing ; public and private parking lots and parking garages; bus stations; and any use permitted in an R-1, R-2, R-2H, R-3 or R-4 District.

Principal permitted uses in the R-1, R-2, R2H, R-3 and R-4 zones include: one-family dwellings; municipal buildings; public and private schools; places of worship; two-family dwellings; multiple dwellings; attached or row dwellings; and multifamily dwellings owned and operated by a municipal or non-profit housing authority providing housing for low-income families pursuant to any federal or state law.

In the Southern and Northern Waterfront Areas, the North and South Bays will be rezoned for conservation and recreation, except for the causeway which will be rezoned as Core Riverfront District. ~~Subject to vested rights, if any, to the use of the causeway in the South Bay, the Conservation/Recreation District Zone will not permit longer allow~~ industrial uses within the ~~districtzone~~ due to the sensitive nature of the natural resources and the desire to use the bay for possible storm water and flood water management areas as well as for open space, educational and recreational opportunities (see Figure 27).

The Conservation/Recreation District authorizes parks, recreational uses such as boating, hiking, biking, swimming, and fishing including, but not limited to, construction of related trails, boardwalks, marinas and boat launches, subject to all applicable provisions of federal, state and local law, including local site plan approval; flood water and storm water management fixtures and controls; educational and research programs and attendant monitoring fixtures and structures including but not limited to construction of a visitor's center subject to all applicable provisions of federal, state and local law, including local site plan approval; and entertainment venues.

~~As mentioned above, the~~ change in zoning of the South Bay is subject to vested rights, if any, to transport materials over the South Bay causeway. Any expansion or change in use from the

existing vested rights, if any, to use the causeway which occurs must be consistent with the LWRP and its enabling legislation, including the application and approval of a conditional use permit, site plan approval, LWRP Consistency Review and compliance with all other applicable local, state and federal laws.

Portions of the North and South Bay Areas and Front Street will also be rezoned to Residential Special Commercial (R-S-C) to provide a transitional area between the conservation, recreational districts and the industrial zoning districts. The LWRP supports the continuation of some industrial use within these areas (see Figure 27).

A new Core Riverfront District (CR) would replace industrial zoning in the core portion of the riverfront. This zone, extending west from the railroad tracks to the river, north to the Fugary Boat club area, and south to the City's boundary with Greenport, and including the South Bay Causeway, authorizes the following water-dependent and enhanced activities: marinas, public docks and boat launches, restaurants, parks, and recreational uses such as fishing, swimming, hiking and biking. Additional uses are permitted by conditional use permit only, such as the operation of existing commercial dock operations; limited residential uses; and hotels; annual or private membership clubs and telecommunications towers; public and private marinas; and shipping activities, including the storage of raw materials at the ~~deep water dock~~ (see Figure 27). All uses within this zone will require site plan approval and LWRP consistency review to ensure that the intended use is compatible with the surrounding land uses. ~~In addition, shipping uses will require a conditional use permit.~~ No industrial processing or manufacturing is permitted in this zone.

The City intends to rezone a third of the land within the waterfront boundary encompassing large institutional uses from an R-1 zone to a newly created Institutional/Residential Conservation zone [I/R-C Zone (see Figure 27)]. The new I/R-C zone, covering the Fireman's Home, the High School and the Correctional Facility, permits institutional and a mix of residential development, including certain related uses, but subjects large residential developments involving the subdivision of 3 parcels or lots to conservation development which mandate the protection of designated open space, to be determined on a parcel specific basis.

Finally, the City will create a new Riverfront Gateway (R-G) District to replace a portion of the current R-4 district (see Figure 27). The R-G district is intended to encourage development of a mixed use area which will draw the public from the Upland Mixed Use Area to the riverfront. The R-G district is also intended to maintain a diverse housing stock within the central waterfront boundary area through the inclusion of a mandatory 20% set aside of low and moderate income housing units involving the development or redevelopment of 10 or more housing units or a building with more than 10 housing units on a single parcel.

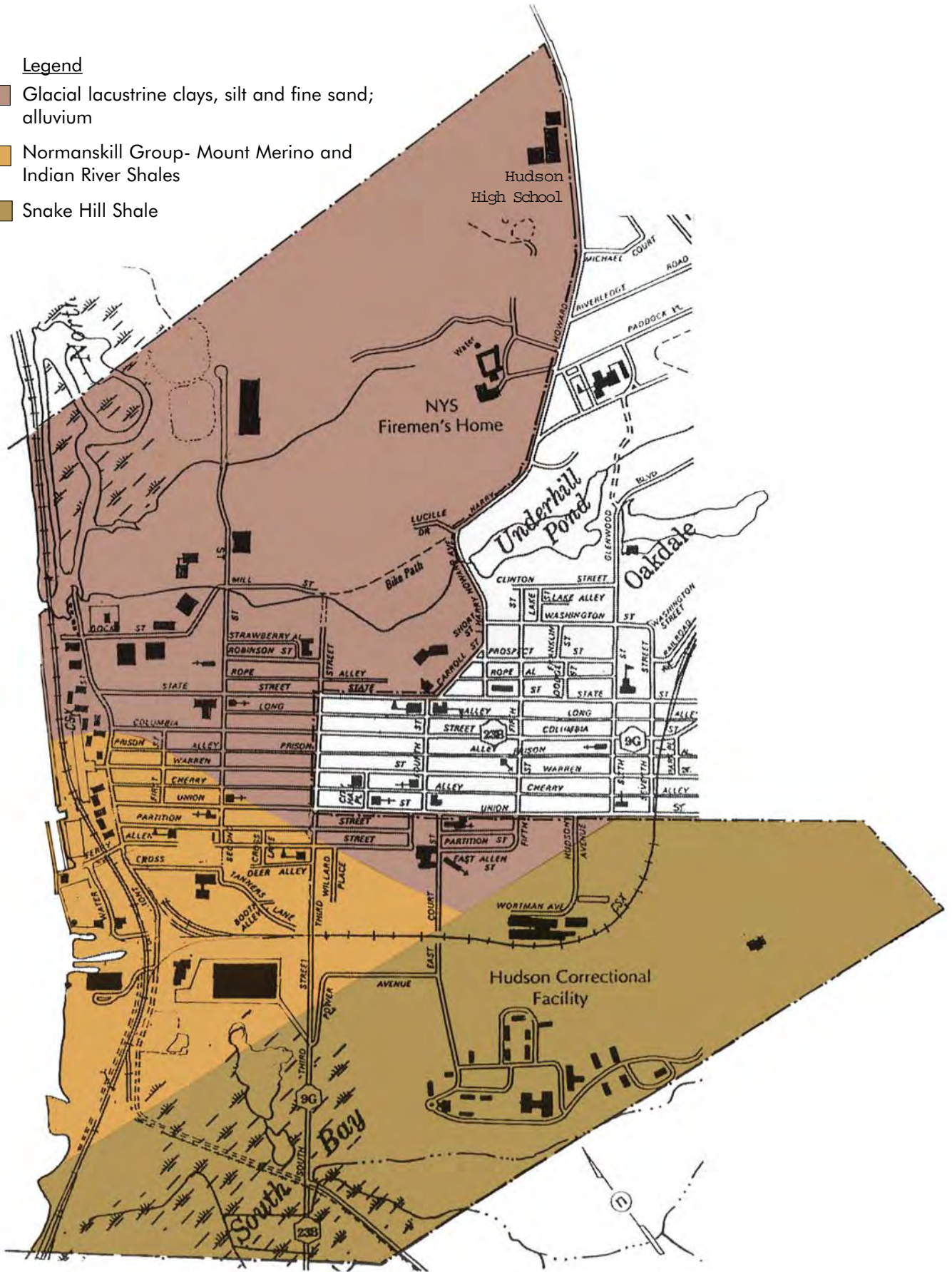
3. GEOLOGY (see Figure 11: Geology)

a. Topography

The Hudson coastal area is located entirely within the Hudson Valley lowland, the northernmost section of the Appalachian Valley and Ridge province. The Hudson Valley lowland is characterized by level to rolling plateau and upland separated from the river trench by steep escarpments. The river trench is essentially level. The base of the escarpment, in the vicinity of North and South Bays is approximately 1/3 to 2/3 of a mile from the water's edge, and the top of the escarpment is roughly one mile inland. Between the bays, however, the plateau draws closer to the river, forming a 50 to 75 foot high bluff at the river's edge at Promenade Hill Park.

Legend

- Glacial lacustrine clays, silt and fine sand; alluvium
- Normanskill Group- Mount Merino and Indian River Shales
- Snake Hill Shale



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 11: GEOLOGY

HUDSON, NEW YORK

SOURCE: SHUSTER ASSOCIATES, INC.



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The escarpments and plateau are cut in several locations by perennial and intermittent streams flowing in a west-northwesterly direction towards the river. To the east, and outside of the City's coastal area is a minor drainage divide between the Hudson River and Claverack Creek, a tributary. This divide encompasses the 370 foot high Academy Hill in the southeastern area of the City. Within the coastal area, elevations rise to over 180 feet on Harry Howard Avenue and over 220 feet on Worth Avenue, at the points where these two streets respectively intersect the City boundary.

The topography has strongly influenced the pattern of development in the City. The low lying areas near the bays were ideally suited to the development of industry. The plateau areas were better suited for non-industrial uses because the escarpments created a distinct barrier from the industrial uses. The escarpments limit access between the plateaus and the bays to just a few locations. Because the plateau comes so close to the Hudson River in the City, the railroad could only be feasibly located at the river's edge.

b. Bedrock Geology

Underlying the City's coastal area are shales, cherts and conglomerates and limestones of Cambrian and Ordovician ages. Evidence of this is based upon nearby bedrock outcrops in Athens, Claverack and Stockport. Bedrock exposures within the City are scarce, because of a thick mantle of Quaternary age lacustrine deposits which underlie much of Hudson and northern Greenport. This makes an accurate determination of bedrock units and characteristics difficult.

Bedrock is exposed along the railroad cut on the slope of Promenade Hill. The rock here is composed of black shale and chert of the Ordovician age Mount Merino Shale. Chert is very resistant to erosion, whereas the shales are more readily erodible. This formation underlies the area of the City south and west of a line extending from Promenade Hill to the CSX overpass of East Court Street. North and east of this line the Quaternary deposits obscure this unit.

The Mount Merino Shale is often found with three other rock units: the Ordovician age Indian River Shale and Stuyvesant Falls Formation and the Cambrian age Germantown Formation. Together, these rock units comprise the Van Buren thrust sheet of the late Ordovician Taconide Orogeny. The Stuyvesant Falls and Germantown Formations are exposed in Claverack and Stockport, but their occurrence within the City can only be inferred from the presence of the Mount Merino Shales and the shape of the thrust sheet contact. The south and west contact of this thrust sheet trends northerly into the City near Academy Hill, thence westerly towards the lighthouse, and thence northerly across the river and along the western shoreline in Athens.

South of the thrust sheet contact, the South Bay area of the Hudson coastal area is underlain by the black and gray shales and argillites of the middle Ordovician age Snake Hill Shale. These rocks are not very resistant to erosion, and produce low rolling topography.

c. Surficial Geology

Prior to the Pleistocene, the topography of the Hudson coastal area consisted of a low lying plain with meandering streams. By the beginning of the Tertiary Period uplifting of the land had begun, with rejuvenated streams, including the preglacial Hudson, forming the preglacial Hudson River Valley. During the latter part of the Tertiary Period, climatic changes were occurring, precipitating the continental glaciation of the Pleistocene epoch.

Glaciation occurred in several stages of advances and retreats. During the retreat of the final (or Wisconsinian) stage of glaciation, northward flowing drainage was dammed up at the ice front in what is now Saratoga County. This formed glacial Lake Albany, and extensive amounts of silt and clay were deposited along the river valley from Poughkeepsie northward, between 15,800 and 12,450 years ago.

Although there are scattered deposits of sand and till in the Hudson coastal area, the dominant sediment type is the "Lake Albany" clay. This brownish to grayish lacustrine clay is exposed on the surface in the plateaus east of North and South Bays, and is beneath the urbanized center of the City. These clays can pose a significant landslide hazard in areas having slopes greater than 12 and relief greater than 40 feet because they become soft and plastic with increasing wetness and depth (see Figure 11). Disturbance and development of the plateau and escarpment areas would necessitate special engineering designs and environmental analysis.

The low lying areas in the Hudson River floodplain and the bays are covered by recent alluvium derived from the river during periods of flooding and deposited as floodwaters recede, and have been supplemented with dredge spoil deposits and artificial fill.

d. Soils

The soils in the Hudson coastal area can be divided into two basic groups: those along the shoreline of the Hudson and the bays, and those on the upland and escarpments.

The soils along the shoreline and bays consist of riverine deposits, dredge and fill material, organic wetland deposits, with some silty loam of the Limerick series occurring at the south end of South Bay. The wetland deposits and some of the riverine deposits are often submerged and difficult to develop. The Limerick soils are deep, nearly level and moderately well drained soils which form in floodplains.

The predominant soil type found on the uplands and escarpments of the coastal area are the Hudson silt loams. There are also small scattered occurrences of the Blasdell, Manlius, Nassau and Stockbridge shaly silt loams, the Collamer silt loam, the Elmridge fine sandy loam, and the Kingsbury and Madalin silty clays. The Hudson, Kingsbury and Madalin series are deep soils formed in the glacial Lake Albany clay and silt deposits. The Kingsbury and Madalin soils are poorly drained, with gentle slopes. The Hudson soils, in contrast, are moderately well drained but have a gentle to very steep slope range. Permeability is moderate to low. The Hudson and Kingsbury soils have a perched seasonal high water table at about 0.5 to 2 feet below ground. The Madalin loam has a high seasonal water table from 0 to one half foot below ground. These high water conditions generally persist between November and June. These soils have a moderate to high shrink-swell potential and a moderately high plasticity index. The high water table, permeability, plasticity and shrink-swell characteristics would necessitate special engineering consideration for development.

The Collamer and Elmridge soils also have seasonally high water tables. But, they also have better permeability and lower plasticity indices and lower shrink-swell potentials. The Collamer silt loam is derived from lacustrine silts and clays. The Elmridge fine sandy loam is formed in a loamy mantle over clay deposits.

The Blasdell, Manlius, Nassau and Stockbridge silt foams are deep, well to excessively well drained soils having high permeability, no seasonal high water table, low shrink-swell potential and low plasticity indices. The Blasdell silt loam is derived from water sorted shaly material. The

other silt loams are derived from till. The Blasdell and Stockbridge soils are very well suited for development.

4. HABITATS AND WETLANDS (see Figure 12: Natural Features)

a. Habitats

(i) State Designated Significant Coastal Fish and Wildlife Habitats

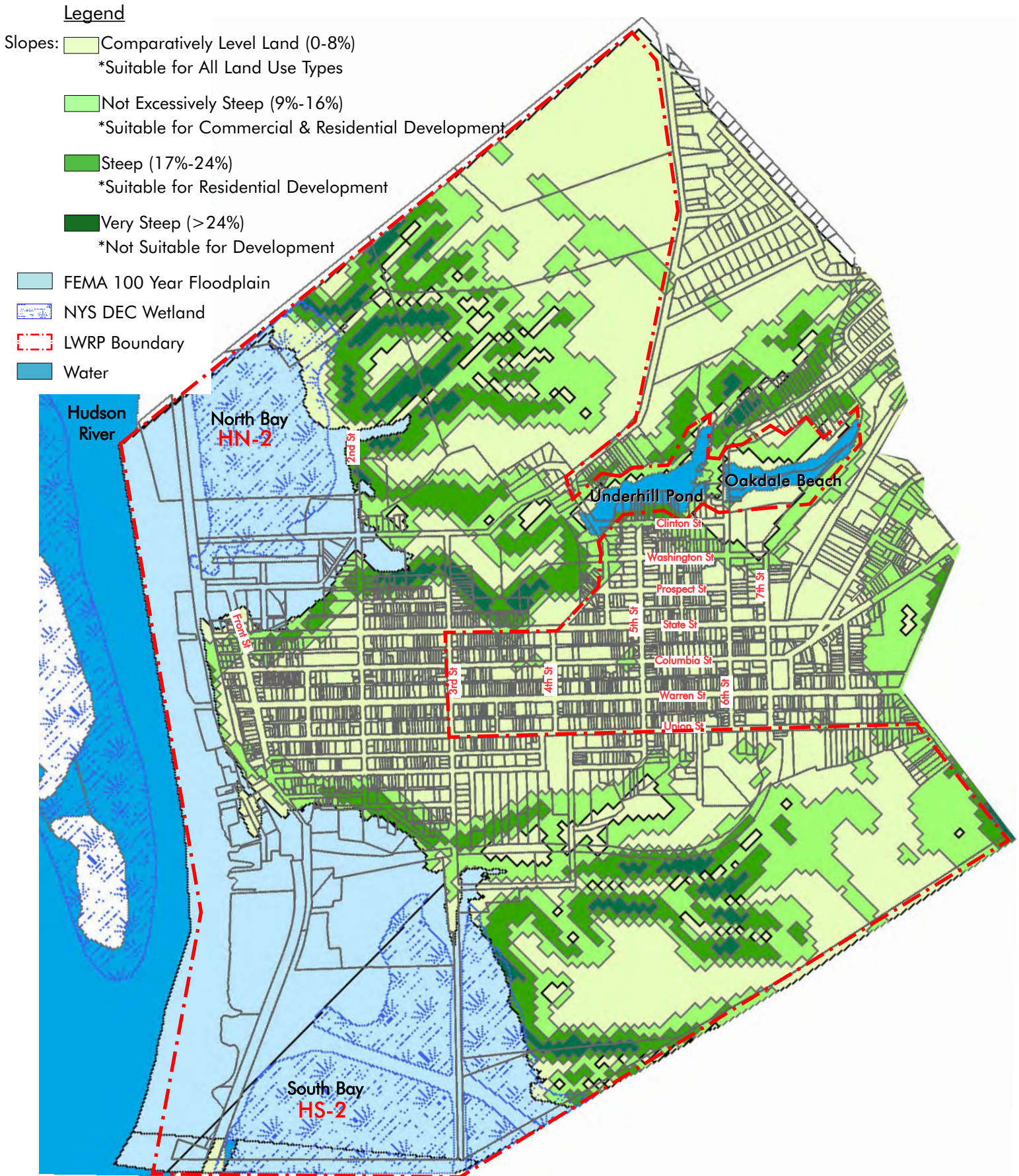
Many habitats that are vital to the survival of New York's coastal fish and wildlife resources exist along the Hudson River. However, as development pressures mount, these habitats are being degraded or lost. Significant Coastal Fish and Wildlife Habitats have been characterized, ranked, mapped and designated in accordance with Article 42 of the State Executive Law and implementing regulations in 19 NYCRR Part 602. The North Bay is part of the larger Stockport Creek and Flats which is a State designated Significant Coastal Fish and Wildlife Habitat. Middle Ground Flats, an island with associated wetlands area located just outside the City's coastal area is also part of a State designated Significant Coastal Fish and Wildlife Habitat.

Although the State has not designated the City's South Bay as a Significant Coastal Fish and Wildlife Habitat at this time, ~~the State has proposed the South Bay for designation. †The South Bay is a locally significant habitat and is the subject of an ongoing study by Scenic Hudson, an environmental advocacy group and land trust.—.~~

(a) North Bay (Part of the Stockport Creek and Flats Coastal Fish and Wildlife Habitat)

Location and Description of Habitat (see Appendix E for full description and map of this Habitat)

North Bay is part of the Stockport Creek and Flats Significant Coastal Fish and Wildlife Habitat (see Appendix E). This habitat extends approximately seven miles along the Hudson River from North Bay north to Newton Hook in the Town of Stuyvesant, and includes all of Stockport Creek and parts of Claverack and Kinderhook Creeks in the Town of Stockport (7.5 Quadrangles: Hudson North, and Stottville, NY). The fish and wildlife habitat encompasses approximately 1,600 acres of extensive mudflats and shallows, off-channel open water areas, fresh water tidal wetlands, and spoil bank islands.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 12: NATURAL FEATURES

HUDSON, NEW YORK

SOURCE: CITY OF HUDSON GIS



Fish and Wildlife

Stockport Creek, mostly located north of the study area, is a tributary of major significance to the Hudson River estuary containing a significant number and diversity of natural habitats. Extensive tidal freshwater ecosystems such as this are rare in the Hudson Valley and are critical as fish and wildlife habitats. This area also includes one of four sites comprising the Hudson River Estuarine Sanctuary, an area the federal government has dedicated to environmental research and education. Stockport Creek is one of the largest freshwater tributaries emptying into the Hudson River estuary. It is formed by the confluence of Kinderhook Creek and Claverack Creek, and provides approximately three miles of accessible water for fish spawning. The considerable length of stream channel accessible to migratory fishes, and the lack of significant human disturbance, provides favorable habitat conditions for a variety of anadromous as well as freshwater fish species. Stockport Creek is an important spawning area for alewife, blueback herring, smelt, and white perch. 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 move downstream to nursery areas in the Hudson River. In addition, shallow sub tidal areas comprising Stockport Flats serve as spawning sites for American shad, which concentrate in such areas between mid-April and June. The mudflats, littoral zones, and off channel areas are also utilized as nursery grounds and feeding areas by striped bass, shad, alewife, herring, and resident species. Concentrations of small mouth bass occur in Stockport Creek throughout the year. Adult bass move into the upper section of the creek in May or early June to spawn and return to river areas as water temperatures rise. Freshwater inflows from Stockport Creek are important for maintaining water quality in the Hudson River estuary. Stockport Creek and Flats provide valuable feeding and nesting habitats for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, Stockport Flats also provides an important waterfowl wintering area in the upper Hudson Valley region, especially significant for duck species such as the redhead and canvasback. Spoil bank islands in the area, including Stockport Middle Ground, provide relatively unique vertical sand banks that have been colonized by bank swallows. This habitat, along with Middle Ground Flats, is among the few locations in upper Hudson River where this species has been confirmed breeding. Wetland areas associated with Stockport Creek and Flats provide potential habitat for various marsh nesting birds, including the green heron, American bittern, American black duck, mallard, wood duck, Virginia rail, sora, fish crow, and marsh wren. Several rare plant species, including heartleaf plantain, also occur in the area.

Human use of the Stockport Creek and Flats area is of regional significance. The large concentrations of waterfowl in this area provide hunting opportunities for residents of the Hudson Valley region. The Stockport Creek and Flats area also provide excellent fishing for striped bass and shad during their migrations; prime fishing areas are at the mouth of Stockport Creek and in off channel areas adjacent to Stockport Middle Ground. The latter area also provides one of the northernmost commercial shad fisheries in the Hudson River. Designation of Stockport Creek and Flats as part of the Hudson River Estuarine Sanctuary will focus research and education activities in the Hudson Valley on this area.

(b) Vosburgh Swamp and Middle Ground Flats: Neighboring Habitat

Location and Description of Habitat (see Appendix E for full description and map of this Habitat)

Although this Significant Coastal and Fish Wildlife Habitat is not within the City of Hudson's coastal area, the Middle Ground Flats sections lies immediately west of the Hudson River shipping channel and very close to the City's western boundary. The entire habitat extends approximately four miles along the western shore of the Hudson River upstream from the Village of Athens. The habitat is located in the Town and Village of Athens, Greene County (7.5' Quadrangle's Hudson North, NY). The fish and wildlife habitat encompasses approximately 1,200 acres, comprised primarily of extensive mudflats and shallows, off-channel open water areas, hardwood swamp, a freshwater impoundment (Vosburgh Swamp) and spoil bank islands. The habitat also includes Murderers Creek, upstream approximately one-half mile to Sleepy Hollow Lake dam, which is the first impassible barrier to fish.

Fish and Wildlife

Extensive tidal mudflats and shallow littoral zones are relatively rare in the Hudson Valley region of New York. These habitat types, along with the emergent wetlands and open water areas, make the Vosburgh Swamp and Middle Ground Flats area very attractive to many fish and wildlife species. The mudflats, marshes, and littoral zones in this area provide valuable feeding and resting habitat for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, this area also provides an important waterfowl wintering area in the Upper Hudson Valley region especially significant for redhead and canvasback ducks. Several spoil bank islands on Middle Ground Flats provide relatively unique vertical sand banks that have been colonized by bank swallows. This is one of the few locations in this section of the Hudson River where this species has been confirmed breeding. A heavy concentration of American shad utilize the littoral zone areas at West Flats and around Middle Ground Flats for spawning. This area, including Murderers Creek, in Athens, is also utilized as a spawning nursery, and feeding area by striped bass, alewife, bluebacked herring, white perch, and a variety of resident freshwater species. Least bittern (SC) have been reported to reside in Vosburgh Swamp, but this has not been confirmed for either species. This wetland area does provide a potential habitat for various other marsh-nesting birds, including green heron, American bittern, American black duck, mallard, wood duck, Virginia rail, common moorhen, and marsh wren. Several rare plants species, including heartleaf plantain and subulate arrowhead, occur in river shoreline areas near Vosburgh Swamp.

Human use of the Vosburgh Swamp and Middle Ground Flats area is of regional significance. The area receives very heavy waterfowl hunting pressure during the fall migration period. In addition, one of the northernmost commercial shad fisheries is established in the vicinity of Middle Ground Flats. The NYSDEC boat launch in the City, across from the east side of Middle Ground Flats, provides access for recreational fishing throughout this area.

(ii) Locally Significant Habitat

South Bay Habitat

The South Bay habitat extends from the City of Hudson south and into the Town of Greenport, (7.5' Quadrangles: Hudson North and South, NY). The habitat encompasses approximately 165 acres, comprised primarily of fresh water tidal wetlands. The South Bay fish and wildlife habitat is somewhat similar to the North Bay habitat. However, tidally influenced water circulation is more restricted, as a result of the construction of South Third Street, the railroad right-of-way to the cement plant site in Greenport and the east-west causeway across the Holcim property all of which effectively divide the habitat into quadrants. Nonetheless, long periods of inactivity in the South Bay have allowed the re-establishment of plant and wildlife communities. For example, studies have shown that the area is an important feeding and resting habitat for migratory species including canvasback and redhead ducks. In addition, fish species caught in the off channel open water area of the Hudson River near the South Bay outlet include the American eel, banded killifish, striped, rock and small mouth bass, and tassellated darters. It is not known to what extent South Bay is utilized by any of these species as a spawning or nursery ground. The presence of waterfowl concentrations provides hunting opportunities during migratory periods. An October 2008 ecological assessment of South Bay conducted by Hudsonia on behalf of Scenic Hudson provides documentation of existing flora and fauna in the South Bay. The report suggests that any plans to improve or restore the ecology of the Bay should be based on further the gathering of additional data and further scientific investigations.

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 there from" (Section 24-0103, Environmental Conservation Law). Accordingly, DEC has identified and mapped all freshwater wetlands larger than 12.4 acres. Protected streams are those streams which are navigable and/or classified by the DEC as C(T) or above. Under Articles 15 and 24 of the Environmental Conservation Law the development of protected wetlands requires a "wetlands" or "stream disturbance" permit from DEC. Based on its evaluation of the permit application, DEC may, among other options, limit development, require mitigating measures or prevent development.

Two wetland areas have been designated in the study area: North Bay (HN-2) and South Bay (HS-2) (see Figure 12). Note that North Bay wetland is coincident with the Stockport Creek and Flats Significant Coastal Fish and Wildlife Habitat described above. Scenic Hudson has also mapped areas of submerged aquatic vegetation which are extensive in the North Bay which are believed to be critical to the health of the River.

North Bay is a Class I freshwater marsh influenced by the tidal actions of the Hudson River, with areas of open water. Dominant vegetative species include cattail (*Typha angustifolia*), and river bulrush in large areas of the wetland along with pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*) and arrow arum (*Peltandra virginica*).

South Bay is a Class I wetland with greatly restricted water circulation, although south of the causeway across the Holcim property there is better circulation and the wetlands are believed to be healthier. Dominant plants are the narrow leaf cattail (*Typha angustifolia*), purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) which are indicative of a disturbed

or altered environment. Quantities of goldenclub (*Orontium aquaticum*), a NYS threatened plant have also been identified. Based on information from Scenic Hudson, the construction of a system of culverts under the causeway across the Holcim property may lead to improved tidal flow into the northern portion of the South Bay which would help further restore natural fish and wildlife habitats. More study is required to determine the best course for future restoration efforts.

5. HYDROLOGY AND WATER QUALITY

a. Drainage

The LWRP area lies within the Hudson River drainage basin. Minor streams drain from plateaus of the City into North and South Bays. For statistical and regulatory purposes, these Hudson River tributaries have been numerically coded by DEC in progression starting at the mouth of Hudson at New York Bay. The unnamed streams entering South Bay (DEC. No. 198 and tributaries) are generally intermittent. North Bay is fed by several intermittent streams and swales, including Stream 201b. Also feeding into North Bay is the unnamed, perennial Stream 201a that drains Underhill Pond and Oakdale Lake (see Figure 12). All of these streams flow in a northwest to west-northwesterly direction, reflecting the influence of the bedrock and surface deposits upon topography.

The Hudson River within the City has a mean elevation near zero (sea level). Since the river is influenced by tides, its actual elevation fluctuates daily. The mean monthly tidal range is 4 feet. River discharge measurements are taken at the United States Geological Survey (USGS) gauging station in the City of Hudson. The long term daily freshwater flow at Green Island ranges between 5,712 and 31,700 cubic feet per second (cfs) with an average flow of 13,200 cfs. Long term average flow in the river at the mouth of Wappinger Creek in Dutchess County, about 52 miles to the south, is estimated at 18,600 cfs.

b. Flood Protection

The Federal Emergency Management Agency has developed a flood insurance study and maps for the City of Hudson that indicate flood events which are expected to be equaled or exceeded once during a 100 or 500 year period. The maps also show base flood elevation lines which indicate the anticipated water-surface elevation during a 100-year flood. Chapter 148 of the City's Code requires that development must either be built above the base flood elevations or contain flood protection devices to this height. The 100-year flood plain area is shown on Figure 12.

The 100-year flood elevation ranges from about 14 feet above sea level close to the river to about 25 feet at the base of the escarpments in North and South Bays. This means that during a 100-year flood, the following areas would be flooded: North and South Bay wetlands, the state boat launching facility, the private boat clubs, the industries along Water Street and South Front Street south of Cross Street, a portion of Dock Street including part of the sewage treatment plant, the industries on Mill Street and the western end of Power Avenue, the railroad north of the X-Tyal building and south of the Amtrak station, and South 3rd Street south of Power Avenue.

c. Surface Waters

Surface waters near the City of Hudson are monitored by the DEC. DEC monitors the Hudson

River for both conventional pollutants and toxic pollutants at the Greene County Highway Department dock in Catskill and the Niagara Mohawk Albany power plant at Glenmont, about 23 miles upstream from the City. Parameters for conventional pollutants such as coliform, fecal coliform, ph, and dissolved oxygen are tested at these sites once every 4 weeks throughout the year except during January and February. Monitoring for toxic compounds is done twice during the spring, summer and fall seasons. The quality of the Hudson River water has dramatically improved over the past several years, principally due to significant improvements at the upstream sewage treatment plants. The Hudson River at Hudson is currently rated as Class A, (i.e., freshwater suitable for drink, food preparation, primary contact and the propagation and taking of fish). The streams feeding into North and South Bays (Streams number 198, 201a and 201b) and the portion of South Bay southeast of the South Third Street are rated as Class D, which indicates suitability for secondary contact, but, not for fish propagation because of intermittent flow conditions. While stream 201a is rated as Class D, Oakdale Lake and Underhill Pond, which empty into this stream, are rated as Class B (suitable for primary contact). Streams rated as Class A, B or C (T) are protected under Article 15 of Environmental Conservation Law. A permit is required from DEC to disturb or alter a protected stream and its banks.

d. Sewage

The majority of the City's sewage treatment needs are accommodated by a sanitary sewer system. Initially built in the late 1800's (incorporating elements from prior centuries), the system has been upgraded through the years and was recently expanded to serve the new industrial development on the northern end of Second Street. Today this facility has a design capacity of 10 million gallons per day (mgd) through the primary treatment but due to an expired plant useful life, the actual capacity is presently closer to 4.5 million gallons per day. The treatment plant's secondary system is permitted for 4.2 million gallons per day but again due to an expired useful life, maximum flow is closer to 3.5 million gallons per day. Current use of this secondary facility is approximately 1.6 mgd)

Except for more recently developed areas on North Second Street and near the High and Middle schools, and North 7th Street, sanitary and storm sewage flows are combined. Combination flows account for 75% of the total flow going into the primary treatment plant. Combined sewer overflow (CSO) into the Hudson River from the City's sewer system presents significant environmental, health, regulatory and financial concerns for the City and the redevelopment of the waterfront. Overflows are permitted and regulated by the Department of Environmental Conservation (DEC). DEC's recent actions against the City related to the City's failure to adequately control its CSO discharges in a timely and effective manner resulted in a "Order on Consent", or legal agreement and timetable whereby the City had to complete its Long Term Control Plan (LTCP) for control of CSOs by the end of 2007 with full implementation of the plan by 2012. ([Order on Consent, DEC Reference Number R4-2007-0103-4, executed on May 3, 2007, most recently modified on September 16, 2008.](#))

Any future development in the City must not exacerbate the City's CSO overflows and comply with the LTCP once finalized as well as a recently signed consent order involving the CSO violations between the City and DEC. Future development in the waterfront boundary area must also take into account the critical need to reduce and eliminate CSO overflows in accordance with the LTCP as some of these overflows currently limit development of portions of the City's waterfront such as the embayment area to the south of the property purchased by the City from CSX.

Currently, only three buildings along the waterfront have sewer service, the Hudson Power Boat Association Club House, the restroom facilities in Henry Hudson Riverfront Park, and the City-owned former Dunn Lumber Building, previously used to manufacture gas. Extension of the sewer line throughout the waterfront to support the future development of additional public restrooms, restaurants and other commercial establishments is a precursor to waterfront revitalization efforts. Upgrades to sewer mains, force mains, pump stations and the waste water treatment plant are necessary if a capacity increase is identified for the waterfront area. The City must continue to seek funding opportunities, and work with the private sector, to enable sewer improvements otherwise future growth will be hampered.

e. Toxic Waste

In 2006 the City applied for funding under the Brownfield Opportunity Area Program (BOA) in order to investigate potential Brownfield sites within the western portion of the waterfront boundary area. The primary issues to be addressed by this project include a range of perceived and actual contamination problems stemming largely from the uses of the area for industrial development. One site, the three-acre Foster Refrigeration Property on North Second Street, was analyzed for potential contamination in 2007 and resulted in a finding of significant contamination. The site has been fenced off and is awaiting further remediation efforts.

f. Drinking Water and Groundwater

The City of Hudson draws its water from the Taghkanic Creek inlet at New Forge and is transmitted by gravity via 16" and 12" pipes to the Churchtown Reservoir in the Town of Taghkanic. The Reservoir also receives inlet water from a small feeder stream and natural watershed. Water from the Churchtown Reservoir is piped by gravity to the Mount Ray Water Treatment Plant, and after filtration and treatment is pumped to the 2.5 million gallon concrete storage tank at the high point of Mount Ray. The Mount Ray Water Treatment Plant has the capacity to treat 2.8 million gallons per day of water which is dependent upon flow through the reservoir pipeline. A pump station located on State Route 23B (Claverack Pump Station) can boost the flow when needed and draw water from the City of Hudson backup water supply at the former quarry site off Newman road. The City's average daily water usage is approximately 1.5 million gallons per day. The City's distribution system is pressurized by gravity from the storage tank. This system has been recently updated from a 4" main to an 8" water main to serve the waterfront west of the railroad, including the Hudson Power Boat Association, the public restrooms and the former Dunn Lumber Building; however this system is in disrepair as the loop connection over the tracks is cracked and valved off. The water distribution system has not been developed in the areas adjacent to South Bay, or anywhere else in the City with the exception of certain Urban Renewal projects completed in 1970's and early 1990's.

Groundwater resources in the City have not been investigated although an abandoned ground water source well exists at Mill Street. Such groundwater resources are not utilized within the City. Given the urban nature of Hudson with its central water system, groundwater should not be considered as a water supply source.

6. AIR QUALITY AND CLIMATE

a. Air Quality

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

The City and the adjacent surrounding area are currently classified as an attainment area for criteria pollutants. When considering the siting of a new facility or modification of an existing facility, the magnitude of the projected annual emissions of criteria pollutants must be evaluated.

b. Climate

The climate in the City is primarily continental in character, subject to some modification from the maritime climate which prevails in the extreme southeastern portion of New York State. In the summer, temperatures rise rapidly during the daytime to moderate levels. Winters are cold and occasionally can be fairly severe, with nighttime temperatures frequently dropping to 10°F or lower. Annual snowfall is variable, but range up to 75 inches at nearby higher elevations. The annual average precipitation is about 33 inches, with a considerable portion of the rainfall in the warmer months coming from thunderstorms. Wind velocities in the area are moderate, with southerly wind predominating most of the year except during winter and early spring when west-northwesterly winds predominate. The nearest first order weather stations to the Hudson area are located at the Albany County Airport (approximately 30 miles north) and in Poughkeepsie (36 miles south). These local weather patterns may alter as global climate change continues to affect weather patterns.

7. CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES

a. Cultural and Historic Resources

The City is rich in cultural resources due to its heritage as a major river and rail shipping center. Prior to the City's founding in 1783 by merchants and whalers from Nantucket and New Bedford, Massachusetts, the City's waterfront was known as Claverack Landing. This area was developed into a small shipping hamlet for inland agricultural and manufactured products. Henry Hudson is believed to have landed twice in this area in 1609 while exploring the River. In 1662, Jan Van Hoesen purchased a large tract of land on the eastern shore of the Hudson, located within what is now the City of Hudson. Trade soon developed in the protected harbors of Claverack Landing, and eventually the hamlet became a major junction point for several highways to Albany, Boston and New York.

In 1783, merchants and whalers, led by Seth and Thomas Jenkins, sought a protected port in which they could establish a commercial settlement and revitalize their industries, which had been seriously debilitated by the British during the Revolutionary War. In 1784, the Proprietors, as they were formally known, started planning and implementing a farsighted design for streets, lots, and public spaces to maximize the beauty and utility of the river. The city was chartered in

1785, the first city to be chartered in the newly established United States, and was named in honor of Henry Hudson. By 1786, there were an estimated 1,500 inhabitants of the City, and four years later the population was over 2,500. The City's present day boundaries were established by 1837, when the Town of Greenport was incorporated.

The City's industrial base grew to reflect the dominating influence of the River and then of the railroad. The peak of Hudson's major industrial and commercial activity ranged from the mid-1780s to the First World War. Activities included processing of natural resources, manufacturing, and shipping and distribution of finished products. In addition, government was also an important component in the industrial base as Hudson became the seat of Columbia County in 1805. The second half of the nineteenth century saw the enclosure of the North and South Bays due to construction of the railroad embankment along the Hudson Riverfront. Figure 13: City of Hudson 1873, shows the impact of the railroad layout on the City in the map dated 1873.

As its industrial base grew and declined, so did the City's residential areas, particularly those within the coastal area. The Lower Warren Street neighborhood was initially a very desirable place to live for the wealthy. After the Civil War, the development of the railroad was closely followed by heavy industrial development in the North and South Bay areas, which made the lower Warren Street area a less desirable place to live. Similar to other cities across the country, after World War II significant numbers of people began moving out of Hudson to suburban areas and the City's housing stock and infrastructure began to decline.

During the 1960s and 1970s, the City lost many of its historic buildings to urban renewal. More than fifty acres of the City, including commercial and residential buildings in proximity to Promenade Hill and the waterfront, were bulldozed to build new housing units. At this time also, Front Street, which was a straight street running parallel to the river with perpendicular streets branching west to the edge of the bluff to provide visual access to the river, was redefined and given the gentle curve it now has.

At this time also, a federally funded façade easement program was undertaken to preserve and restore the façades of the surviving buildings in the first two blocks of Warren Street and along the east side of South Front Street. In 1983, three National Register-listed historic districts were established in Hudson: the Promenade Hill Historic District, the area immediately surrounding historic Promenade Hill; the Hudson Historic District, including all of Warren Street and the areas south of Warren Street, and moving north along Fourth Street to include the library building and Sixth Street to take in the Pocketbook Factory; and the Rossman/Prospect Avenue Historic District, including the houses on Rossman Avenue and those along Prospect Avenue north and south of the entrance to Rossman. At a later point, the Promenade Hill Historic District was merged into the larger Hudson Historic District.

Hudson is uniquely well preserved among the Hudson River towns. More than 720 of its buildings are currently listed in the National Register of Historic Places, individually or as part of historic districts, and many more are eligible. Except for the variation introduced on Front Street, the city's original street layout is still intact and has not been disrupted by major highways. Hudson's wealth of historic buildings, street-grid pattern, and compact size make it ideal as a pedestrian and retail environment.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM FIGURE 13: CITY OF HUDSON 1873
HUDSON, NEW YORK

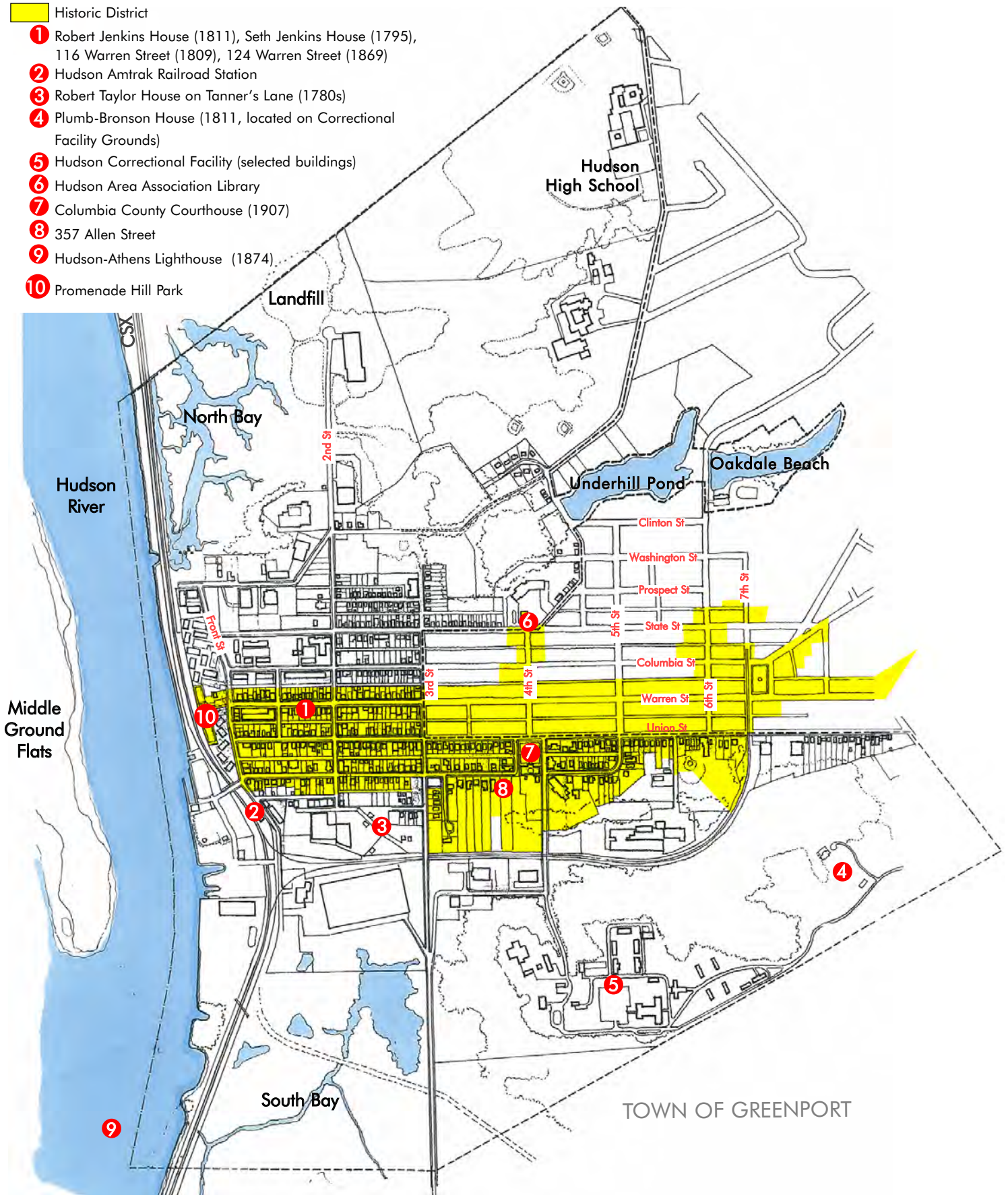
The City is reputed to have the finest dictionary of architectural history in the State of New York. The City's architectural inventory of buildings represents all the styles of American architecture from the late eighteenth century through the early twentieth century. Much of the National Register-listed Hudson Historic District falls within the Hudson Waterfront Revitalization Area (see Figure 14: Cultural and Historic Resources). The following list of historic resources are of particular note within the Local Waterfront Revitalization Area; these historic resources are categorized by those that are listed on the National and State Registers of Historic Places or that have been designated as locally significant by the Hudson Preservation Commission:

National and State Registers of Historic Places Listed Historic Resources:

- **Promenade Hill** Also known as Parade Hill, this is a rare surviving example of a Georgian townscape. Designated in 1795 by the Proprietors, Hudson's founders, as a public space set aside for the leisure use of the city's inhabitants, Promenade Hill is one of the earliest examples in the United States of a park area established for the viewing of scenic vistas. (Listed on the State and National Registers of Historic Places; locally designated by the Hudson Preservation Commission)
- **Robert Jenkins House** (113 Warren Street) Federal style brick house built in 1811 for Robert Jenkins, son of the Proprietor Seth Jenkins. This house, now the D.A.R. Chapter House and Museum, has been designated a local landmark by the City of Hudson Historic Preservation Commission. (Listed on the State and National Registers of Historic Places; locally designated by the Hudson Preservation Commission)
- **Seth Jenkins House** (115 Warren Street) This Federal style house was built c. 1795 for Seth Jenkins, brother of Robert Jenkins and the son of Seth Jenkins the original Proprietor. The interior and exterior of the house have been recently meticulously and accurately restored. (Listed on the State and National Registers of Historic Places)
- **116 Warren Street** A rare surviving example of the Adamesque style, this building was built in 1809 for the Bank of Hudson but was converted to a residence in 1819, after the bank failed during the depression that preceded the War of 1812.
- **124 Warren Street** A brick building with a cast-iron façade built around 1869 for the brewer Ezra Waterbury, this is believed to be the only cast-iron building in the northeast constructed exclusively as a residence.
- **Hudson Amtrak Station** Hudson's original passenger train station was restored in 1992. The station has been designated a local landmark by the City of Hudson Historic Preservation Commission.
- **Robert Taylor House** This eighteenth-century brick house built in the English Colonial style with a gambrel roof predates the founding of Hudson and is believed to be the oldest surviving house in the city. It has been designated a local landmark by the City of Hudson Historic Preservation Commission.
- **Plumb-Bronson House** Located on the grounds of the Hudson Correctional Facility, the house and thirty-two acres of land immediately surrounding the house were designated in 2003 a National Historic Landmark for their connection with American architect Alexander Jackson Davis. The NHL lists the site as the Dr. Oliver Bronson House and Estate. The State is currently working with a not for profit who plans on leasing the property for 32 years under a lease which will allow the nonprofit to restore the building.
- **Hudson Correctional Facility** The buildings that now house the correctional facility were originally built, at the turn of the century, as the Women's House of Refuge. The New York State Historic Preservation Office has determined the buildings eligible for inclusion in the National Register of Historic Places.

Legend

- Historic District
- 1 Robert Jenkins House (1811), Seth Jenkins House (1795), 116 Warren Street (1809), 124 Warren Street (1869)
- 2 Hudson Amtrak Railroad Station
- 3 Robert Taylor House on Tanner's Lane (1780s)
- 4 Plumb-Bronson House (1811, located on Correctional Facility Grounds)
- 5 Hudson Correctional Facility (selected buildings)
- 6 Hudson Area Association Library
- 7 Columbia County Courthouse (1907)
- 8 357 Allen Street
- 9 Hudson-Athens Lighthouse (1874)
- 10 Promenade Hill Park



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 14:
CULTURAL & HISTORIC RESOURCES



Hudson Preservation Commission Locally-Designated Historic Resources:

- **Hudson Area Association Library** (400 State Street) Built as the City's almshouse in 1818, this building is a unique surviving local example of Federal architecture intended for institutional use. The building has been designated a local landmark by the City of Hudson Historic Preservation Commission. An extensive restoration of the building is planned, which will begin in summer 2007.
- **Promenade Hill** (See description above; also listed on the State and National Registers of Historic Places.)
- **Robert Jenkins House** (See description above; also listed on the State and National Registers of Historic Places.)
- **116 Warren Street** (See description above; also listed on the State and National Registers of Historic Places.)
- **124 Warren Street** (See description above; also listed on the State and National Registers of Historic Places.)
- **Hudson Amtrak Station** (See description above; also listed on the State and National Registers of Historic Places.)
- **Columbia County Courthouse** Built in 1907, the courthouse was designed in Beaux Arts style by the celebrated architectural firm of Warren and Wetmore, who also designed Grand Central Station in New York City.
- **Willard Place** A historic neighborhood of unique design, Willard Place was established as a private street in 1872. The houses on the street, many of which are in the style of the Second Empire, were built within a period of twenty years, the last one being completed in 1893. Although the historic integrity and design of this neighborhood has been compromised by the addition of two houses built in 2004 imitating Greek Revival style, Willard Place is a locally designated historic district.
- **357 Allen Street** This is one of only about seventy domestic examples of Egyptian Revival architecture that exist in the entire United States.
- **Robert Taylor House** (See description above; also listed on the State and National Registers of Historic Places.)

Lying just beyond the city's boundary, the Hudson-Athens lighthouse was built between 1873 and 1874. The lighthouse is operated automatically by the US Coast Guard. The residential section of the lighthouse is being leased by the Hudson-Athens Lighthouse Preservation Association, a bi-county group, for restoration and development of a museum.

b. Archaeological Resources

The Hudson coastal zone is within several archaeological "sensitivity" areas defined by the State Museum and the Office of Parks and Recreation and Historic Preservation. The sensitive archaeological resources in the area are known to have been inhabited since Paleo-Indian Times (c.10,000 B.C.). Four important characteristics made Hudson a desirable site for habitation: arable land in the floodplain and uplands, hunting and fishing opportunities along the river, the availability of chert for tools and weapons, and caves in the nearby limestone for shelter. Toward the close of the Woodland Periods (100 B.C. to 1,600 A.D.) this area was inhabited by the Santoc and Wjckgoc communities of the Mahican (Mohican) Indians. The Mahican groups had developed stockaded settlements on the upland for habitation during the winter. However, they also lived along the river during the summer and other periods of hunting and fishing activity. According to the records of the Museum, several locations within the City's coastal area have a "higher than average probability of producing archaeological data if

excavated". In general, "the margins of the Upper Hudson River Valley are considered to be of high archaeological potential for prehistoric uses."

The following is list of these sites and their State Museum file number.

- **#3108 CMBA-6 Camp Site; Parker, 1922**
- **#413 NH1 Workshop; Mynter collection and map; Schambach, 1963**
- **#414 NH2 workshop; Mynter collection and map; Schambach, 1963**

Several sites dating to the Dutch period were discovered on the southern edge of North Bay during the urban renewal project, including the Cotton Gelston Store, the Titus Morgan Shipyard, and the Hagleboon Wharf.

Standards and guidance applicable to the protection of these coastal resources are contained in Policy 23.

8. TRANSPORTATION (see Figure 9)

a. Vehicular and Pedestrian Traffic

The nearest Hudson River vehicular crossing to the City is the Rip Van Winkle Bridge, about 2.5 miles southwest of the City via NY 9G and 23B. It was constructed in 1935 and spans the river between the Village of Catskill and the Town of Greenport. Prior to 1935, the Hudson-Athens ferry and further south, the Catskill-Greendale ferry provided service across the Hudson.

Much of the regional vehicular access to the City and waterfront boundary area is through the eastern portion of the City, where several State routes converge. Route 9G (NY9G) is a State-designated touring route that runs along Third and Columbia Streets. Worth and Warren Streets, Park Place, Columbia and Green Streets and Fairview Avenue are part of United States Touring Route 9 (US 9). Green Street east of Fairview Avenue is part of NY 23 B which also includes NY 9G and part of US 9 in the City. These vehicular corridors are specifically designated as "State arterial highways" under NYS Highway Law.

Locally, non commercial transportation in the Hudson coastal area is principally by private automobile, bus, taxi, bicycle or on foot. The City streets in the waterfront boundary area roughly conform to a gridiron pattern, with longer street and parallel alleys running from northwest to southeast and shorter cross streets running southwest to northeast (see Figure 13). This street system is most extensively developed in the downtown core, north and west of Park Place, and to a lesser degree south and east of Park Place and in the North and South Bays.

Local mini bus transit service is provided through the City operated Black and Red lines to most points in the City on weekdays. This bus system connects the Amtrak station on Front Street to the bus station on Columbia Street (see Figure 9). The County also provides bus service six days a week (from Monday to Saturday) operating routes between Hudson and other communities and destinations within Columbia County including the Greenport Shopping Center, the City of Albany and healthcare providers. A number of taxi services operate in the City.

The City's "down town" area centers around Warren Street which serves as the City's main street. Other important access streets through the City are State and Union Streets and Harry Howard Avenue, Warren and Columbia Streets. Warren and Columbia Streets and Harry Howard Avenue provide access to the waterfront area from the east and north. South Third Street and East Court Street provide the only access to the South Bay area of the City.

Transportation within the waterfront boundary and gaining direct access to the river has been problematic since the arrival of the railroad in 1851. The railroad dominates the riverfront, limits public access to the Hudson River and has hindered efforts to link the City's downtown to the waterfront.

Broad Street and Ferry Street cross the railroad tracks to reach the riverfront. Broad Street crosses the tracks at grade. Ferry Street is the principal access route to the riverfront and crosses the railroad tracks on a wooden overpass providing direct access to the State Boat Launch ramp. The Ferry Street Bridge is owned by the CSX Corporation and is in need of upgrades so that it can accommodate emergency and other large vehicles. In conjunction with federal officials, CSX should upgrade this bridge to restore the bridge to its former carrying capacity of 15 tons.

A State designated truck route runs through the City over Route 9(G), 3rd Street and Columbia Street. Truck traffic also traverses along Mill, Dock, North and South Front, and Water Streets onto Columbia Street and thence to either South Third or Worth Streets. Trucks destined for the ~~deep-water~~ port access the area from Columbia Street to Front Street and over the Broad Street CSX railroad crossing to the waterfront, traversing through the City's most disadvantaged neighborhoods. While this routing of truck traffic helps to reduce congestion and maintain a pleasant shopping environment along Warren Street, the State truck route and the route taken by trucks destined for the ~~deep-water~~ port significantly adversely affects these disadvantaged neighborhoods. The City intends to work with State and Federal representatives to address the impact of non local truck traffic through the City.

Increased dump truck traffic from the transport of mined rock to the ~~deep-water~~ port is exacerbating these adverse affects and is of increasing concern to City residents living along the truck route and businesses operating on the route. During the barge shipment season in 2006, approximately April to December, dump trucks, making 300 round trips weekly, transported approximately 100,000 tons of O&G aggregate to the dock. In addition, mine materials extracted by another private entity, A. Colarusso and Sons, transported approximately 30,000 tons during 2006 to the ~~deep-water~~ port via the same route. This level of dump truck traffic is far in excess of the level of truck traffic experienced in the City for many decades. ~~Projected shipments to the waterfront for 2008 are anticipated to reach 200,000 tons.~~ City residents who live and work along the truck route have noticed the increase and have raised significant concerns regarding safety, noise, traffic congestion, odor and vibration related to the truck traffic.

The City has also identified the increased truck traffic as a threat to aging sewer mains underneath Columbia Street. The substrate of Columbia and Green Streets is not designed for truck travel by dump trucks or other heavy trucks. As a result, the stone caps that cover the buried sewer channels have failed resulting in multiple sink holes and emergency repairs.

Even prior the recent addition of 300 round trip truck trips per week over the City's truck route, the City's 2002 Comprehensive Plan identified truck traffic through the City via 3rd Street and Columbia Streets and trucks accessing the waterfront via Warren and Front Streets as a problem. Specifically, the Comprehensive Plan found that these truck routes were "forcing trucks to pass through residential neighborhoods and are significantly deteriorating the quality, in some cases historic integrity of these homes. Further, trucks are required to make turns on urban streets that were not engineered to meet their turning radius needs." (HCP at v). Consequently, the Comprehensive Plan called for a truck study to develop a strategy "that takes truck traffic away from Hudson's neighborhoods and commercial core area while providing a more efficient circulation pattern for trucks." (HCP at v).

The City supports rerouting as much non-local commercial truck traffic as possible to avoid the residential areas of the City. Recently announced plans by Holcim and O&G Industries to re-route truck traffic from the mine off City streets and through the South Bay causeway will eliminate the adverse environmental impacts associated with this traffic on the residents who live and work along the State and City truck route. The City supports current plans to re-route, as a temporary measure, -the mining traffic off of Columbia Street and through the South Bay with appropriate mitigation measures to avoid any adverse impacts to the South Bay habitat to the maximum extent practicable. In addition, the City supports efforts to improve water circulation if such measures would improve habitat in the South Bay through alteration of the causeway.

In the long term, however, the City supports rerouting commercial traffic destined for the waterfront onto a new access road and views use of the causeway by commercial vehicles as a temporary measure to immediately eliminate truck traffic traversing through residential neighborhoods. As suggested in the Comprehensive Plan, the City supports a two phased approach to rectifying the adverse impacts associated with commercial vehicular traffic destined for the port. The first phase involves the development of a temporary alternative truck route using the causeway. In conjunction with this temporary use, the public would also gain a permanent public easement to use the causeway for access to the waterfront. The second phase of this transportation strategy would involve the development of a new public access route from Route 9G to the port and waterfront most likely using portions of the LB and possibly the Basilica properties.

Allowing public access to the waterfront via the causeway during the weekends and holidays when mining trucks will not use the causeway, will also improve public access to the waterfront, especially to the proposed South Bay Riverfront Park and proposed relocated State Boat Launch, thereby also alleviating traffic from recreational boaters over the Ferry Street rail road crossing. A new public access road in the vicinity of LB would also greatly improve public access to the waterfront.

b. Rail Service

There is both passenger and freight activity on the railroad in Hudson. Amtrak runs twelve passenger trains daily to Albany and New York City from Hudson, with more limited service on the weekends, as part of its high speed statewide-intercity service. The Hudson station is amongst the 50 busiest Amtrak stations in the nation. Much of the usage is increasingly by commuters to and from New York City. The 45 space Amtrak station parking lot is often filled to capacity on weekdays. Overflow parking is accommodated in a City owned 302 space parking

area located on the east side of Front Street. This larger lot is often filled to capacity with excess vehicles spilling over onto South Front Street and onto adjacent private property. A noticeable number of vehicles in the lot bare Massachusetts license plates.

CSX provides freight service for industries on the main line and on the spur to Claverack, which passes through the City via the park at Seventh Street, and runs parallel to Power Avenue in the waterfront boundary area. Another spur crosses South Bay to the former Independent Cement Plant in Greenport, but this spur has remained unused since the cement plant was closed.

According to CSX, approximately four CSX freight trains (two up and two back), traverse through Hudson on the main line each day with an average of 25-30 cars. Trains on the main line typically run at night between the hours of 8:00 p.m. and 6:00 a.m. On the Claverack (ADM) spur approximately 3-4 trains per week pulling an average of 30-40 cars run between 6:00 a.m. - 5:00 p.m. to service customers along that line.

c. Water Transport

The river itself is an important corridor for freight. As noted earlier, the shipping channel comes within the City's waterfront boundary area as it passes east of Middle Ground Flats. The channel is maintained at a depth of about 30 feet and a width of 400 feet, through dredging (see Figure 8).

Ferry service between Hudson and Athens from the Ferry Slip property was started in 1786, and continued in various forms for almost two hundred years especially during the late 1800s when both Hudson and Athens had evolved into major centers of industry and commerce. By the mid 1900s, with the construction of a number of bridges including the Rip Van Winkle, ferry service became obsolete and the last ferry to Athens was run in 1947.

The City supports efforts to modernize the City's ~~deep-water~~ port in conformity with this LWRP and supports the restoration of ferry service between Hudson and Athens as seasonal tourist attraction. Other recreational water transport uses are discussed in Sections II B.1b, c and d.

9. SCENIC RESOURCES (see Figures 15-19)

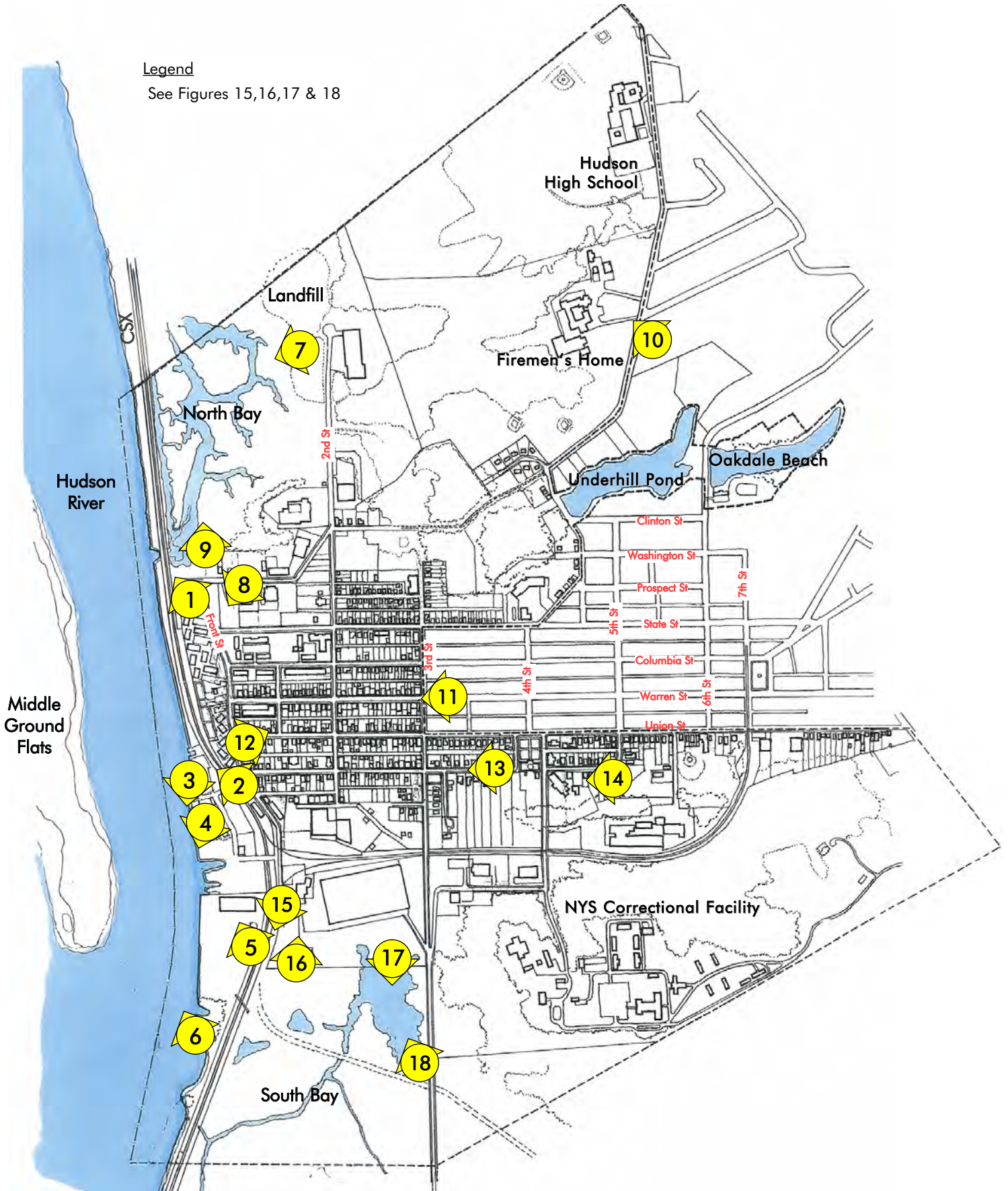
The DOS has designated Scenic Areas of Statewide Significance (SASS) in the Hudson River Valley. While none of these include sites within the City, the Columbia-Greene North SASS is north of the City and the Catskill Olana SASS is south of the City. Impacts to these SASS areas should be considered when actions are taken within the City's waterfront area.

The City also has abundant scenic resources within its borders (see Figures 15 through 19). Much of the City's scenic beauty derives from its restored historic buildings, the many views of the Hudson River and Catskill mountains, and views of the City from the water. At the riverfront there are a variety of views from private property and a number of significant public views (see Figure 16).

Currently in the Northern Waterfront area there is no direct access to the waterfront with the exception of a small ramp off Dock Street in the vicinity of the Fugary Boat Club which provides limited views of the railroad and the North Bay inlet. However, development of the North Bay Recreation Area will provide public access to the area and open up dramatic views to the public of the waterways of the North Bay and long-distance views towards the Catskill Mountains and Mount Merino (see Figure 16).

Legend

See Figures 15,16,17 & 18



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 15:
LOCATION OF MAJOR VIEWPOINTS

HUDSON, NEW YORK

SOURCE: CITY OF HUDSON



0 1850 ft

BFJ Planning



1. Railroad Alongside Riverfront: North Bay



2. State Boat Launch Site



3. Hudson Power Boat Association Marina



4. Henry Hudson Riverfront Park, Looking South



5. Holcim Port Property



6. View of Hudson Looking North



7. View towards River from Landfill



8. Vacant Warehouses adjacent to Dock and Front Streets



9. Fugary Boat Club Area, Looking towards North Bay



10. The Firemen’s Association of the State of New York



11. Warren Street Looking West towards River



12. Union Street near Front Street



13. Housing on Allen Street



14. County Courthouse from St. Mary's



15. Bridge Structure over Railroad



16. View towards Basilica Industrial



17. Looking South across South Bay



18. LB Industries from Route 9G

In the Core Riverfront Area, the Hudson Power Boat Association marina dominates the waterfront from the termination of Dock Street south to the State boat launch. The marina provides direct views of the water to its members, but no public views. Again, relocation of this private operation will allow for public viewing of the water. Key public views are currently obtainable at the State-owned boat launch site which looks out directly towards the Middle Ground Flats across the River. A public marina and refurbished Franklin Park will enhance these views.

There are also substantial public views towards the Catskills and the Town and Village of Athens from the City's Henry Hudson Riverfront Park and these represent a significant asset. The Holcim property occupies a critical location in terms of direct views of the water occupying land immediately south of the Henry Hudson Riverfront Park and to the west of the railroad tracks, providing unobstructed views of the lighthouse and the Athens waterfront on the opposite side of the River. Accordingly, any transportation use at the port must not obstruct for a prolonged period of time, views from the Henry Hudson Riverfront Park. Constant barge activity and the use of Hudson Max ships would impair the public's ability to enjoy unobstructed views to the lighthouse and beyond. Screening of shipping operations will also be a key element of site plan approval for the existing level of operation at the waterfront or any proposed modernization plan.

The Southern Waterfront area also offers spectacular views from the 7 acres of riverfront property owned by Holcim south of the ~~deep-water~~ port. Gaining title and access to this land will provide the public with a view these scenic resources.

The Second Street staircase provides views of the South Bay from downtown looking south. Within the South Bay itself, there is a rich variety of views including historic industrial buildings such as the Basilica Industria and the Holcim stock house storage facility and more traditional scenic views towards Mount Merino, the Catskills, and the plateau of northern Greene County (see Figure 19). Direct views of the river are limited. There are also views back towards the more prominent buildings in downtown Hudson which lie at a higher elevation, looking out across the South Bay. Some of the best views of the South Bay lay outside the City in the Town of Greenport looking north from the Mt. Merino Road which climbs an escarpment.

The downtown area offers no direct public views of the water. The entrance to the historic Promenade Hill is located at the foot of Warren Street, but due to an increase in elevation, it is not possible to see the park from Warren Street. On either side of the entrance to the park Hudson Terrace Apartments effectively block potential views of the River from Front Street. Site plan approval for the redevelopment of the Hudson Terrace Apartments must be particularly sensitive to restoring and protecting views and access to the riverfront. Provision should be made to restore, where ever possible, the historic gridiron pattern to these parcels of land to restore views and access to the riverfront.

C. RECENT PLANNING ACTIVITY

In the past decade, a number of planning initiatives have been undertaken which provide policies, guidelines and specific recommendations for action in the City's waterfront area. Central to community planning efforts in recent years was opposition to a proposal from the St. Lawrence Cement Company to construct a new cement manufacturing plant within the Town of Greenport connected via conveyor belt to the City's waterfront. The proposal, referred to as the Greenport Replacement Project, would have greatly increased industrial activities at the City's waterfront requiring the loading and unloading of cement products and raw materials twenty-four

hours a day.

In a twenty page Coastal Consistency Determination, the DOS determined that the Greenport Replacement Project was inconsistent with the State's Coastal Management Program. In making its determination, DOS considered over 13,000 comments from a wide range of interest groups, the public, businesses, community groups, DEC and neighboring states. The determination enumerated and applied different State waterfront policies relating to the restoration of underutilized waterfront areas to Hudson's waterfront, discussed the definition of a water-dependent use, and cited the City's Vision Plan. This decision and the planning efforts summarized below form the basis for some of the policies in Chapter III, land and water use proposals in Chapter IV and plan implementation techniques in Chapter V of this LWRP.

Local planning efforts, including the Hudson Vision Plan are summarized below.

1. COMMUNITY PLANNING

a. Hudson Vision Plan 1996

The Hudson Opera House, a non-profit organization, retained the Cavendish Partnership, Inc. to assist in the preparation of a "Hudson Vision Plan" (HVP). Completed in 1996, the plan established goals and policies for the City's core areas, which include the waterfront area, and developed a strategy, master plan and action plan to achieve the vision agreed upon. See Policy 1A.

The LWRP incorporates the overall community goal articulated in the HVP:

Enhance the City's quality of life as a place to live, work, and recreate through revitalization of Hudson's Core – Warren Street, Fourth Street and the waterfront. Conserve historical and natural resources along the Hudson River waterfront and strengthen the link to Warren Street and the core of Hudson. Encourage compatible forms of economic development, including commercial development and tourism, while maintaining the overall historic character.

The HVP also includes general land use recommendations for the waterfront including improving waterfront access for boaters and pedestrians; retail uses to increase the number of visitors to the waterfront; a waterfront restaurant; a children's museum in combination with and/or an ecological center; and a chartered fishing and scenic boat rides and ferry service. The LWRP incorporates many of these general land use recommendations as noted above.

b. Comprehensive Plan 2002

A Comprehensive Plan for the City of Hudson was adopted by the Common Council in April 2002. The Plan incorporated four broad goals aimed at "improving the quality of life in the City while maintaining the diversity and liveliness that defines Hudson." Methods for achieving these goals are described in detail in the plan and include protecting the traditional character of Hudson's downtown and neighborhoods, developing a parking strategy, promoting public festivals, cultivating community gardens, fostering development of neighborhood associations and public forums, and encouraging mass transportation. The Plan promotes improving the pedestrian streetscape and pedestrian amenities such as benches, trash receptacles, signage, and creating landscaped edges abutting parking lots and sidewalks; developing an integrated bike and pedestrian trail network; encouraging the creation of an Empire Zone (this has since

been designated to include the City); and promoting a balanced mix of housing types that encourages a mix of incomes as well as ethnicity and housing tenure throughout the City. The Plan also recommends adopting an LWRP and amending the City's zoning code to reflect mixed use commercial, residential and recreational uses.

The Comprehensive Plan includes several recommendations directly relevant to the waterfront including the creation of a new Urban Waterfront Zoning District generally located west of the railroad tracks and the mapping of conservation overlay districts on Hudson's North and South Bays. Through the creation of a Core Riverfront Zone, the Institutional/Residential Conservation Zone; rezoning some transitional areas from industrial to mixed use zoning districts; and inclusion of several major projects identified in the Comprehensive Plan as crucial to future planning efforts in the City, the LWRP and its enabling legislation incorporates many of the recommendations adopted as part of the Vision Plan and Comprehensive Plan.

c. State Boat Launch Relocation Study 2006

The 2006 State Boat Launch Relocation Study reviewed the feasibility of relocating the boat launch facilities to the old CSX parcel, immediately north of the Holcim property. The study concluded that the proposed site was not suitable as a new boat launch operation due to the size and configuration of the property.

d. Charles Williams Park Study 2006

The Charles Williams Park Study was submitted to the NYS Office of Parks Recreation and Historic Preservation and included a schematic development plan for Charles Williams Park and an evaluation of site opportunities and constraints. Installation of some of the amenities identified in this study are planned for 2010 (see Figure 25).

2. REGIONAL PLANS

In recent years, several regional initiatives have been put forth which can affect the City's waterfront including:

a. Hudson River Valley National Heritage Area Management Plan

In 1996, Congress created and dedicated funding for the Hudson River Valley National Heritage Area. The Management Plan, produced by the Hudson River Valley Greenway Communities Council and the Greenway Conservancy for the Hudson River Valley, Inc. presents comprehensive recommendations for the Heritage Area. One of the most important objectives of the Heritage Area is to increase access to and interpretation of the nationally significant cultural and natural resources in the Valley.

Heritage Sites and their communities will benefit from technical assistance, a clearinghouse, and networking opportunities. The public will benefit from a series of guidebooks and a cohesive and comprehensive approach to interpretation. Access will be enhanced by a well-coordinated system of signs, maps, and other descriptive materials. Five sites in and around Hudson are identified in the Inventory of Resources in the Management Plan.

b. Hudson River Estuary Action Agenda

In 1987, the New York State Legislature passed Section 11-0306 of the Environmental Conservation Law. Known as the Hudson River Estuary Management Act, this law directs the Department of Environmental Conservation (DEC) to develop a management program for the Hudson River Estuarine District and its associated shore lands. The Estuarine District is defined as the tidal waters of the Hudson River, including the tidal waters of its tributaries and wetlands from the Federal Lock and Dam at Troy to the Verrazano Narrows.

D. MAJOR WATERFRONT ISSUES AND OPPORTUNITIES

Major issues and opportunities in the Hudson Waterfront area include:

1. WATERFRONT ACCESS

A key challenge for Hudson's waterfront is public access. Public waterfront access for pedestrian as well as vehicular traffic is limited by the railroad line that runs along the river's edge through the City, with the result that the majority of the streets comprising the historic downtown, dead end at Front Street east of the railroad track. Currently, there are only two formal access points to the water's edge within the study area: Ferry Street and Broad Street. Both of these streets have limitations. The Ferry Street Bridge over the tracks has a weight limit of 5 tons; while Broad Street involves an at-grade crossing. To the north, Dock Street provides limited access to the waterfront area via an unimproved road to the Fugary Boat Club. Ideally, the City would like to have a third rail crossing for vehicular traffic.

The issue of the restricted pedestrian access to the riverfront was addressed in the Hudson Vision Plan. Restoration of the Ferry Street Bridge would improve public access to the riverfront. Development of a pedestrian friendly bridge or pathway over the railroad tracks at the southern end of Promenade Hill Park to Franklin Park would connect the restored Promenade Hill Park and new Warren Street Plaza with a restored Franklin Park, public marina and the rest of the waterfront and would greatly enhance public access to the river.

Opportunities exist to provide an improved pedestrian and bike trail system that could make both the North Bay and South Bay areas more accessible for Hudson residents. As discussed elsewhere, through the North Bay Recreation Area, funds have been acquired to establish trail connections leading from the northward extension of Second Street, giving access to scenic vistas from the County-owned landfill and providing connections to the Greenport Land Conservancy areas to the north of the City.

To the South, opportunities may also exist to provide sidewalk and trail connection from Front Street, leading to a possible connection to the existing trestle over the railroad as well as to the South Bay area across an existing causeway on the Holcim site. Other potential pedestrian and bike connections could be made adjacent to the CSX spur line, providing possible access to the Plumb Bronson site.

Public access on weekends and holidays to the waterfront via the South Bay causeway could provide needed public access to the southern waterfront area as would development of a permanent public road in the vicinity of the LB property.-

Public waterfront access could also be enhanced by the restoration of ferry service between

Athens and the City of Hudson. As discussed in Section IIB.8, the Athens Hudson Ferry Service operated between 1786 and 1947. Restoration of this service even as a seasonal tourist venture could improve public access to the waterfronts of both Hudson and Athens and provides an important opportunity to increase tourism. Ferry service between Athens and Hudson should also incorporate service to recreational and open space opportunities the state may provide in the future on Middle Ground Flats.

2. OPEN SPACE AND RECREATION

At the first public workshop for the updated LWRP, stakeholders suggested a variety of desired open space and recreational activities along the waterfront. These ideas are consistent with the results of the public opinion survey conducted by the Waterfront Advisory and Steering Committee. They include a swimming facility on the Hudson, a wetlands and estuary education center, kayak launch, public boat launch, tennis courts, outdoor performance space, fishing areas, mooring dock areas, picnic areas and for the longer term, possible restoration of ferry services from the Hudson Athens Ferry Slip property. Many of these suggestions mirror the recommendations and projects outlined in the Hudson Vision Plan for the provisions of open space and recreational amenities within the waterfront boundary. The LWRP incorporates many of the HVP recommendations and projects while incorporating many recreational amenities provided since the HVP.

To implement many of these recreational and open space plans in the Northern Waterfront area, the LWRP and City support efforts by the Columbia Land Conservancy to create the North Bay Recreation Area, as previously discussed. CLC's effort will likely encompass the Fugary Boat Club which currently presents limited opportunities for the public to access the water. Navigating kayaks and other small boats from the North Bay under the railroad trestle and out to the Hudson River through the Fugary outlet is noted as dangerous due to the strong current. This area will be studied as part of the North Bay Recreation Area feasibility study to identify ways to increase public access to the waterfront particularly by small craft, and to connect the Fugary site with the rest of the North Bay.

Increasing public access to the Core Riverfront Area as per many of the HVP and public comments received in 2006-07, will focus on creation of a Warren Street Plaza; restoration of Promenade Hill Park with a pedestrian connection over the tracks to a restored Franklin Park; relocation of the Hudson Power Boat Association and State Boat Launch, to be replaced by a public marina including the restoration of the Athens/Hudson Ferry Slip to public use, and development of a waterfront restaurant; pedestrian pathways connecting this central waterfront to the North Bay Recreation Area and the Henry Hudson Riverfront Park; restoring public control over and access to the City's Henry Hudson Riverfront Park Dock; expansion of the Henry Hudson Riverfront Park Dock; installation of additional park amenities at Henry Hudson Riverfront Park such as playground equipment and a pier for public fishing or launching of model boats; and creation of a larger longer term dockage marina south of the ~~deep water~~ port.

Increasing recreational opportunities in the Southern Waterfront area within a useful timeframe depends upon engaging in a cooperative agreement with Holcim. The City seeks to work in partnership with the private sector, currently Holcim, to forge such an agreement. The vacant property owned by Holcim represents a significant opportunity for the City to expand its public riverfront parkland. This area located between the railroad tracks and the River, lies to the south of the current Holcim operations and includes over 1000 feet of riverfront. Unlike the Lockwood and CSX parcels, this area provides sufficient space for the possible relocation of the public boat launch, an objective that was first articulated in the Vision Plan. As discussed earlier,

this parcel would also provide other recreational opportunities such as a beach for river swimming and development of a public fishing area, hiking and biking trails, a picnic area, as well as a research or educational facility to study the ecology of the estuary and river. As part of any agreement with Holcim and before taking title to this parcel, the City should explore any issues of possible environmental contamination on the property.

As previously discussed, Promenade Hill, Henry Hudson Riverfront Park, Oakdale Beach and the state-owned boat launch represent the only publicly accessible recreational areas within the study area. The City's acquisition of the Lockwood and CSX parcels represent opportunities to expand recreational activities at the riverfront as already discussed, building on the City's recent success in developing Henry Hudson Riverfront Park.

3. LARGE PARCEL OPPORTUNITY AREAS (See Figure 6)

The principal challenge to a comprehensive planning effort within the LWRP area is the limited amount of City-owned land. Most riverfront land is currently either in private ownership or is owned by the State. However, opportunities may exist for the redevelopment of many of these sites, which are either underutilized or vacant, as noted earlier in Figure 6. The more prominent sites include:

a. Holcim (US) Property

The Holcim property is the largest single property in private ownership in the coastal area occupying over 100 acres (12% of the LWRP area) and including much of the South Bay, and a parcel directly on the waterfront that provides a deepwater dock and 14 acres of riverfront property. For the past several years O&G Inc., has leased the port property from Holcim to ship stone aggregate. Stone is being extracted from a quarry located approximately three miles from the riverfront and is trucked to the ~~deep-water~~ port where it is loaded onto barges. The land area south of the dock is currently not used by Holcim or O&G Inc. The architecturally significant concrete storage building on the site is currently used ~~by O&G Inc.~~ for storage of road salt.

Understanding that former property owner, the St. Lawrence Cement Company had "no desire to dispose of the property" and that the property represented a "valuable asset" for the company, the 1996 Hudson Vision Plan contemplated entering into an agreement with the private owners for an easement for bicycle and pedestrian access roughly paralleling the railroad tracks to the bridge at South Bay. (HVP at 83). As a long term goal, the HVP recommended securing an option to purchase the property should the private property owner wish to sell the property in the future. (HVP at 89).

Based upon current discussions with Holcim, while the company still has no desire to dispose of the ~~deep-water~~ port property, the company may be willing to enter into agreements whereby it gives the City title to riverfront lands south of the ~~deep-water~~ port. In addition, the public would gain access to this land via an easement for use of an access road parallel to the railroad tracks. The public would also gain access over the Company's causeway on weekends and holidays.

b. Former McGuire's Overhead Doors Property

This prominent site overlooks the South Bay area and is adjacent to residential uses on East Allen Street. Currently zoned industrial, this site includes a well maintained facility with infrastructure that could be used for other industrial processes. The City proposes to maintain

the industrial zoning but acknowledges that this site also has great potential for residential, commercial, and recreational uses. A zoning change in the future to accommodate non industrial development also would be consistent with the LWRP.

c. Old Foster Refrigeration Property

This site is currently owned by the City and is awaiting remediation through the DEC's Brownfield program. Once remediation is complete, the property could be sold to help finance the City's portion of the remediation effort for redevelopment consistent with the LWRP as either a light industrial or commercial use.

d. X-Tyal Property

The X-Tyal property is located on the west side of Front Street, south of Dock Street includes an attractive warehouse structure in need of substantial rehabilitation. The City obtained title to this property and is currently in discussions with a potential purchaser who intends to renovate the structure for use as office space.~~current property owner envisions redevelopment of the property for a hotel or other commercial enterprise once the City's waste water treatment plant is upgraded to control offending odors and the City's Public Work's garage and salt storage area is relocated out of the waterfront.~~ Development of a commercial use at this location is consistent with the LWRP's goals. Commercial development such as a hotel or office space would provide a welcomed transitional use between the residential zone to the south and the recreational area to the north.

e. Former LB Furniture Property

The LB Property is located in the Southern waterfront area. The property encompasses 12 acres and includes a 300,000 square foot building built in 1989, suitable for industrial or manufacturing activities. Portions of the building are currently leased for various commercial enterprises.~~The property is currently vacant and for sale.~~ The City will maintain the property in the industrial zone in an effort to encourage light manufacturing or industry. The City has been seeking funding for the purchase and redevelopment of the site by the City. If the City gains control of this property it would seek to reconfigure or demolish the existing building and reconstruct a smaller, energy efficient building suitable for mixed use industrial and commercial uses. The City would also seek to develop a road on the parcel to allow public access, particularly access for trucks and other large vehicles, destined for the riverfront.

f. Waterfront Commercial Zone Properties

Vacant and underutilized sites in the vicinity of Tanners Lane include the recently purchased Old Dunn Lumber Yard property, the City owned "Kaz Inc." warehousing buildings, and the triangular junk yard situated on the "Von Ritter" property. Many of the private property owners in this area interviewed for the development of the LWRP support continuation of the trend toward commercialization of this area as opposed to encouraging industrial use. Current owners have a wide range of commercial ventures planned.

4. HISTORIC RESOURCES

Several historic properties in the study area present opportunities for preservation and adaptive reuse for water related and water dependent activities. Work is currently underway for the reuse of the former glue factory (now referred to as Basilica Industria) as a performing arts space with

the potential for kayak/canoe rental on a portion of the property. It has been suggested that the former Dunn Warehouse building could be used as a restaurant and outdoor farmers market on the weekend to take advantage of the unobstructed views to the water. Reuse of these properties for such uses would require the provision of adequate parking at or near these sites. The vacant warehouses located on Front Street near Dock Street also present opportunities for a variety of uses such as residential, office, business incubator or performing arts/visual arts space.

Opportunities also exist to capitalize on existing active resources such as the Hudson-Athens Lighthouse, built in 1874. It is an active lighthouse that includes a museum chartered by New York State. Ferry service to the lighthouse is provided on weekends in season.

5. SCENIC RESOURCES

Scenic resources in the study area include views to the Hudson River from Promenade Hill, Fugary Boat Club, the county landfill site, the high school, the Fireman's Home, and the Plumb Bronson site to the east of the Hudson Correctional Facility. These views provide important opportunities for visual connections to the river.

6. ZONING

See discussion of zoning issues in Section II(B)2 and Section V.

SECTION III: COASTAL POLICY STANDARDS

This section lists each City of Hudson's Local Waterfront Revitalization Policies. All actions and activities within the Local Waterfront Revitalization Area (LWRA) must be consistent with these Policy Standards and guidelines. The LWRA, also referred to as the waterfront area, is defined as that area within the confines of the Local Waterfront Revitalization Boundary.

A. DEVELOPMENT POLICIES

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

Explanation of Policy: Revitalization of once dynamic waterfront areas is one of the most effective means of rejuvenating or at least stabilizing adjacent residential and commercial districts. All government agencies must ensure that their actions further the revitalization of the LWRA in the City of Hudson. The transfer or purchase of property; the construction of a new road or park; provision of pedestrian access; enhancement of streetscapes; upgrading or siting and development of public utilities; the provision of tax incentives for businesses; and establishment of enterprise zones are all examples of government means for spurring waterfront revitalization. When such actions, or similar actions, are proposed, agencies must determine if the actions would contribute to or adversely affect the City's waterfront revitalization efforts.

The area within the LWRA has historically been characterized by a mix of uses including industrial, commercial and residential development. Direct access to the waterfront is limited by the presence of the railroad and a significant topographical grade change. As water-dependent industrial uses on and around the City's waterfront have diminished over time, this area has experienced a decline in activity and an increase in land and building vacancies. Redevelopment of the waterfront area should maintain its historical mixed use character, including limited industrial uses, but should focus on water-dependent and water-enhanced recreation and open space uses, as well as a mix of commercial and residential development. While small scale shipping and recreational boating activities can be compatible on the Hudson waterfront, shipping activity at the City's ~~deep-water~~ port should not dominate the port or surrounding waterfront areas.

The following guidelines will be used to determine the appropriateness of specific uses and activities throughout the waterfront:

- a. Priority should be given to uses which are dependent on a location adjacent to the water;
- b. The action should enhance existing and anticipated uses;
- c. The action should serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;
- e. The action must lead to development that is compatible with the character of the area, with consideration given to scale, architectural style, density and intensity of use;

- f. The action should have the potential to improve the existing economic base of the City and, at a minimum, must not jeopardize this base;
- g. The action should improve adjacent and upland views of the water, and at a minimum, must not affect these views in an insensitive manner;
- h. The action should have the potential for multiple uses of the site;

In order to stimulate desired revitalization in the waterfront area, the City will encourage investment of capital in a range of projects with an emphasis on restoration, revitalization, reconnection and/or redevelopment of the areas identified in the sub-policies below.

POLICY 1A SUPPORT CONTINUED ~~INDUSTRIAL OR~~ SHIPPING OPERATIONS ON ACTIVE ~~INDUSTRIAL OR~~ PORT PROPERTIES IN THE WATERFRONT AREA.

Limited shipping operations should be accommodated at the ~~deep water~~ port as described below:

a. ~~Deep Water~~ Port site

- Current shipping activity at the ~~deep water~~ port is controlled by O&G Industries as lessee from Holcim pursuant to a long term lease anticipated to be in effect for 25 years. Related shipping activity at the site includes stockpiling of stone aggregate prior to loading onto barges as well as storage for Coast Guard buoys and salt storage ~~for the county's municipal public works departments~~. The functionality of these existing uses is dependent upon their waterfront location. As stated in the Hudson Vision Plan, the "bulkhead provides excellent access for any barge-related cargo loading or unloading in the Hudson Area." (HVP at 83). Modernization ~~and increased use~~ of the port beyond current shipment levels must be compatible with the character of the area, given the scale, architectural style, density, and intensity of adjoining land uses. An increase in shipping activities necessary to support a major cement plant operation such as described in the 2005 DOS St. Lawrence Cement Greenport Project Coastal Consistency Determination would not be consistent with the City's LWRP as it would overwhelm Hudson's small harbor and the contemplated mixed use land use scenario set forth in the LWRP. The small-scale historic architecture and the City's historic district and the scale of the surrounding pedestrian-oriented parks, recreational boating activities, commercial retail, and tourism-oriented uses on or near the waterfront must be taken into account. Manufacturing or processing activities are not compatible with adjacent existing and planned recreational uses and are therefore not permitted at the port's dockside or within the proposed Core Riverfront Zone. Containerized shipping is not in character with the small port and is also not permitted. The continued stockpiling or storage of road salt in the Core Riverfront District by the Cargill Corporation is also not permitted after May 1, 2012. New salt storage operations or facilities are not permitted in the Core Riverfront District.

At a minimum, in order to provide compatibility between shipping activity at the port and

the recreational and open space uses discussed above, the following mitigation and guidance is required for ~~modernization~~~~expanded use~~ of the ~~deep water~~ port:

- Installation and maintenance of a landscape buffer to define and screen the site from adjacent uses;
- Improved road access serving truck traffic to the dockside and development of an alternative route for trucks delivering materials to the port. Continued heavy truck use of Columbia Street and other City streets presents an unacceptable threat to public health, safety and welfare; ~~and~~
- Installation and maintenance of screening and use of a covered enclosure for salt storage area until such time as the current salt pile is removed from the waterfront as per the City's settlement agreement with Cargill.;
- Issuance of a conditional use permit and site plan approval as required in the Core Riverfront District.
- Compliance with all applicable local, state and federal consistency and environmental reviews, rules, regulations and laws.

POLICY 1B SUPPORT CONTINUED INDUSTRIAL OPERATIONS IN THE NORTHERN AND SOUTHERN WATERFRONT AREAS

Active industrial operations in the LWRA should be encouraged as follows:

~~b. Industrial Operations in the Northern and Southern Waterfront Areas~~

Modest redevelopment and restoration of deteriorated and underutilized waterfront industry in the Northern and Southern Waterfront areas that are indicated on the Proposed Future Land Use Map (see Figure 20) should be supported.

In the southern waterfront area, the City maintains the McGuire property within an industrial zone because of its proximity to the railroad spur and the existence of a well maintained industrial facility and infrastructure. However, if the land does not return to productive industrial use within a reasonable time frame, perhaps 3 to 5 years, a change in zoning to commercial, residential, open space, recreational use or institutional use to better accommodate the needs of the City at that time the would be supported.

While industrial uses in the industrial zones are to be supported, given the proximity of these industrial areas to sensitive environmental resources in the North and South Bays and the close proximity of commercial and residential uses, the continuation, redevelopment or expansion of an existing industrial use or the creation of a new industrial use must be scrutinized carefully to determine if such activity can be undertaken in a manner that avoids adverse impacts on the environment and surrounding uses.

POLICY 1CB RESTORE AND REVITALIZE FRONT, WARREN AND DOCK STREETS WITH MIXED USE DEVELOPMENT.

Encouraging a mix of uses in the waterfront area is essential to the long term viability of Hudson's riverfront and the continued success of the two decades of commercial revitalization efforts along Warren Street. Commercial development within the LWRA should serve as a catalyst for continued private investment in the area to support Hudson's diversified economy in

which tourism, commercial, retail, recreation and second home purchases play a large role.

Accordingly, any commercial development or activities on Front, Warren or Dock Streets must support the continuation of the City's revitalization efforts.

POLICY 1 ~~DC~~ REVITALIZE HOUSING WITHIN AND ADJACENT TO THE CITY'S HISTORIC DISTRICT.

The Proposed Future Land Use Plan (see Figure 20) includes a substantial area that is designated for residential use. Existing housing types range from single family to multi-family housing and much of the residential area falls within the City's Historic District. Future residential infill and rehabilitation should be sensitive to the existing scale and architecture of adjacent buildings. Infill development should be encouraged, particularly in the area between Warren and State Streets where numerous vacant sites and buildings could accommodate additional units.

Possible future housing may also be accommodated in the newly proposed Institutional/Residential Conservation (I/R-C) zone comprising the High School, Fireman's Home and Correctional Facility. The City intends to rezone these areas from an R-1 zone to an I/R-C zone to address the potential transition from an institutional use to residential use. Should any of these current institutional uses change or expand to include more residential uses, the new zoning designation will require residential development that conserves designated open space areas in accordance with the zoning requirements, including the preservation of viewsheds.

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

Explanation of Policy – The traditional method of land allocation, i.e. the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to coastal waters, or that the competing uses will be complimentary. To ensure that such "water-dependent" uses can continue to be accommodated within the City, government agencies will not fund or approve non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses. Furthermore, government agencies will utilize appropriate existing programs to encourage compatible water-dependent activities. 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.

Hudson's waterfront properties, which comprise 1.5 miles of the City's shoreline, are a valuable resource for recreation and waterborne transport of raw materials and goods. Historically, these properties were mainly developed with industrial uses due to their riverfront location. Due to the globalization of industry, overall demand for such uses has declined and many of Hudson's former waterfront industrial sites are now vacant, deteriorated, or underutilized.

Demand for waterfront property is increasing throughout the State and the only reasonable expectation is that long-term demand for waterfront space will intensify. As global climate change continues to affect weather patterns and drive the search for alternative transportation methods and fuels, Hudson's port facility and waterfront may face ever increasing and competing development demands. It should be noted that all water dependent uses are not

guaranteed a riverfront location. Rather, the intent of this policy is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise.

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

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

1. Uses which depend on the utilization of resources found in coastal waters (e.g. fishing);
2. Recreational activities that depend on access to coastal waters (e.g. swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (e.g. docks, loading areas, short-term storage facilities);
4. Structures needed for navigational purposes (e.g. buoys, lighthouses);
5. Flood and erosion protection structures (e.g. breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (e.g. marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (e.g. hydroelectric power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained⁶;
9. Uses that operate under severe time constraints whereby proximity to shipping facilities becomes critical (e.g. firms processing perishable foods);
10. Scientific/educational activities, which by their nature, require access to coastal waters (e.g. certain meteorological activities and natural resource nature centers); and
11. Support facilities that are necessary for the successful functioning of permitted water-dependent uses (e.g. parking lots, snack bars, first aid stations, short term storage facilities). Though these uses must be near the given water-dependent uses, they should as much as possible be sited inland from the water-dependent use rather than on the shore.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is a use or activity that has no critical dependence on obtaining a waterfront location, but whose location on land adjacent to the shore adds to the public use and

⁶~~Cement manufacturing is not a water dependent use.~~

enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural or entertainment uses. A restaurant that uses good site design to take advantage of a waterfront view is an example of a water-enhanced use.

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 would 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 nonpermanent structures are uses of facilities which would likely be considered as "temporary" non-water-dependent uses.

The City will facilitate the location, continued existence, and expansion of water-dependent uses in the waterfront with particular emphasis on those which will contribute to local revitalization efforts, public and visual access, water transportation, and recreational development.

The City has identified the following sites as best suited for water-dependent or water-enhanced uses:

1. Henry Hudson Riverfront Park: An existing water-dependent and water-enhanced public recreational use, including the City's public Waterfront dock. This use should be expanded to encompass the former CSX parcel to the south of the existing park. The public dock should also be expanded to accommodate additional dockage space.
2. South Bay Riverfront Park: Future water-dependent and water-enhanced public recreational use, including a public marina, swimming, fishing, boating, hiking and biking. To be located south of the ~~deep water~~ port currently owned by Holcim (see 11 below).
3. State Boat Launch: Existing water-dependent recreational use, currently located north of Henry Hudson Riverfront Park. If feasible, this use should be relocated south of the ~~deep water~~ port currently owned by Holcim and made a part of the proposed South Bay Riverfront Park. Once relocated, the former State boat Launch location could be used for a small public marina. The parking area could help accommodate a river side restaurant.
4. Hudson Power Boat Association: Existing private, water-dependent recreational use located north of Henry Hudson Riverfront Park to be relocated, if feasible, north of the existing State Boat Launch. Redevelopment and reuse of this site is key to revitalizing the Core Riverfront Area as a vital and welcoming public space.
5. Hudson/Athens Ferry Dock: Water-dependent recreational and transportation use located north of the State Boat Launch. This site is currently not accessible to the public but public access must be provided. Future goals for the site include the restoration of the Hudson/Athens Ferry service.
6. Franklin Park: Existing underutilized water-enhanced recreational use located west of the Hudson/Athens Ferry Slip. Future park renovation and expansion planned to connect Promenade Hill and Warren Street with the Core Riverfront Area.
7. Water Street properties including the Historic Dunn Warehouse site: Potential future water-enhanced uses such as an environmental education center, signature waterfront restaurant, tourist services, etc.

8. City Launch Area at Fugary Boat Club: Water-dependent recreational use located at the western terminus of Dock Street. Public access and use should be enhanced.
9. North Bay Recreation Area: Future water dependent and enhanced recreational use to be located, if feasible, north of the City Launch Area at Fugary Boat Club, encompassing the former City Landfill.
10. Promenade Hill: Water enhanced recreational use located at the western terminus of Warren Street. Promenade Hill is an historic City park that provides commanding views of the riverfront and the Catskill Mountains to the west.
11. Holcim Site/Deepwater Port: The ~~Deep Water~~ port is a water-dependent shipping use located in the Core Riverfront Area. This site is currently privately owned by Holcim and used for shipping of rock aggregate. It provides important access for large vessels and should be maintained as a shipping use, however, port modernization—~~expanded shipping~~ activities must be compatible with surrounding recreational and commercial land and water-enhanced or dependent uses.

A balance between shipping activity and public access to the waterfront will be encouraged on the Holcim site encompassing the ~~deep water~~ port. Holcim's existing use of the site for off-loading of stone aggregate onto barges ~~and storage of Coast Guard buoys and municipal salt~~ is a tax-generating, water-dependent use. Holcim currently utilizes approximately seven acres of their fourteen acre waterfront property. Seven acres to the south of their existing stone aggregate stockpiling and barge loading operations are currently vacant. The City envisions the development of this property as the new South Bay Riverfront Park. Water-dependent uses that should be located within this park include a public boat launch, which could be relocated from the existing State-owned site, fishing piers, a small beach area, and similar uses. The site could also include water-enhanced uses such as passive recreation areas and a bicycle/pedestrian trail. Adjacent and to the north of this site is the City's Henry Hudson Riverfront Park currently used for passive recreational activities as well as for public events such as a waterfront concert series during the summer. Modernization~~Expanded use~~ of the port facility for shipping must be compatible with these existing and planned adjacent recreational uses.

Continued use of the ~~deep water~~ port for the shipment of certain raw materials and goods is consistent with the LWRP as long as appropriate controls are placed on the time, place and manner of shipping activity. The ~~deep water~~ port, currently privately owned, is a valuable asset to the City and the region, ~~as the only deep water port between Newburgh, New York and Albany~~. It is foreseeable that this port will become even more important in the future due to changes in the global climate and rising fuel costs. Therefore, the City supports the continued operation of this port, preferably under the ownership and control of the City of Hudson. Absent the City's ability to gain title and control of the port facility, it is in the City's interest to work cooperatively with any private owner or operator to ensure that the port can be used by the City and other entities for the shipment of necessary materials and goods. It is also imperative that the City exercise appropriate control over the use of the facility to ensure consistency with the LWRP.

Continued operation of the ~~deep water~~ port by Holcim or their lessee of the existing stone aggregate stock piling and shipping use on a portion of its property is consistent with Hudson's ~~industrial~~ maritime history and contributes to the tax base of the City. However, to ensure that this existing use comports with the LWRP, modernization~~expansion~~ of the activity must be

subject to a conditional use permit and site plan approval which imposes appropriate controls on the use and site to ensure that the activity will be in character with the City's waterfront plan and complies with the guidelines in this policy. Specifically, shipping operations at the ~~deep-water~~ port must not conflict with or compromise the City's ability to meet the goal of Policy 4 to promote such desirable activities as recreational fishing, marinas, historic preservation, cultural pursuits, and other compatible activities that have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas.

Heavy truck traffic through the City and in particular through the LWRA and the proposed Core Riverfront zone from the existing level of shipping operations at the dock facility is not consistent with the goals and policies of the LWRP. ~~Expansion of the shipping operations using the existing method and route to transport aggregate through the City would also be inconsistent with the goals of this policy.~~ An alternative truck route or method of transport must be devised for the continued shipment or expansion of aggregate shipping at the port facility.

Operation of manufacturing processes or the processing of raw or other materials at the port would not comport with the character of the City's waterfront and would be detrimental to the City's decade's long trend away from industrial uses at the waterfront and the goals of Policy 4 applicable to small harbors. Manufacturing processes or processing of raw materials within the proposed Core Riverfront Zone is also inconsistent with this policy.

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

This policy is not applicable. The coastal area is not situated within any of the State's major port areas.

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

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors such as Hudson's, contribute to a community's economic strength and attractiveness. Thus, efforts shall center on promoting such desirable activities as recreational fishing, marinas, historic preservation, cultural pursuits, and other compatible activities that have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas.

The City of Hudson has a long maritime history which once featured a number of thriving Hudson River industries. The community character has experienced a shift away from industry toward a mixed commercial and residential setting characterized by dramatic expansion of retail uses, restaurants, arts, and recreational opportunities especially recreational opportunities focused on riverfront recreation. The City's Vision Plan and the adopted Comprehensive Plan cite the redevelopment of the City's waterfront area as key to continued expansion of the City's core commercial district along Warren Street.

Any development in the LWRA must enhance and support the continued revitalization of the City's business core along Warren Street and the City's existing community character.

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses that are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development, which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g. a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the economic base of a community.
6. The action will not detract from views of the water and smaller harbor areas, particularly where the visual quality of the area is an important complement of the area's appeal and identity.

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

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.

This 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 areas;
- Preserve open space in sufficient amounts and where desirable; and
- 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.

Combined sewer overflow (CSO) into the Hudson River from the City's ~~collection sewer~~ and wastewater treatment plant occur at seven locations as noted in the SPDES permit and this presents significant environmental, health, regulatory and financial concerns for the City and the redevelopment of the waterfront. These overflows are permitted and regulated by the DEC pursuant to a State Pollution Discharge Elimination Permit, SPDES NY-0022039. DEC's recent actions against the City related to the City's failure to adequately control its CSO discharges in a timely and effective manner resulted in a "Order on Consent", or legal agreement and timetable whereby the City was required to complete its Long Term Control Plan (LTCP) for control of CSOs by the end of 2007 with full implementation of the plan by 2012. (Order on Consent, DEC Reference Number R4-2007-0103-4, executed on May 3, 2007, most recently modified on September 16, 2008). DEC approved the City's LTCP on April 13, 2009.

Any future development in the City must not exacerbate the City's CSO overflows and adhere to the LTCP once finalized as well as the Order on Consent, ~~executed on May 3, 2007~~. Future development in the LWRA must also take into account the critical need to reduce and eliminate CSO overflows in accordance with the LTCP as some of these overflows currently limit development of portions of the City's waterfront such as the embayment area to the south of the property purchased by the City from CSX. Any new connections to the City's collection and wastewater treatment facility must be approved by the DEC pursuant to Part II of the City's SPDES permit. (See, 6 NYCRR Part 750-2.10).

Currently, only a few buildings along the waterfront have sewer service: the Hudson Power Boat Association Club House, the restroom facilities in Henry Hudson Riverfront Park, the Basilica Industria Building and the City-owned former Dunn Lumber Building. Extension of the sewer line throughout the waterfront to support the future development of additional public restrooms, restaurants and other commercial establishments is a precursor to waterfront revitalization efforts. Upgrades to sewer mains, force mains, pump stations and the waste water treatment plant are necessary if a capacity increase is identified for the waterfront redevelopment area. The City must continue to seek funding opportunities, including working with the private sector, to enable sewer improvements otherwise future growth will be hampered. Developers interested in developing within these areas of the waterfront may need to factor into development associated infrastructure costs. The specific needs for upgrades to the collection system and wastewater treatment plant related to new development in the waterfront area will be determined by the City on a case by case basis after discussion with potential developers and notification to and approval by the DEC.

Vehicular access to the waterfront is also hampered by the railroad tracks and lack of overhead or at grade rail crossings. In addition, there is limited roadway access to the ~~deep-water~~ port area. There is a need for alternative road access to the waterfront and the ~~deep-water~~ port area.

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

For specific types of development activities and in areas suitable for such development, State agencies and the City will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as all regulatory goals are not jeopardized. These

procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government.

B. FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7A NORTH BAY, PART OF THE STOCKPORT CREEK AND FLATS SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT, SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Natural habitats provide the conditions and resources that fish and wildlife species need in order to survive: the proper temperature, water and soil conditions, sunlight, food sources, places of refuge, and safe reproduction grounds. Certain habitats are critical to the maintenance of specific fish and wildlife populations and, therefore, merit special protection. These habitats exhibit one or more of the following characteristics:

1. Essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare and endangered species;
3. Found at a very low frequency within a coastal region;
4. Support fish and wildlife populations having significant commercial and/or recreational value; and
5. Difficult or impossible to replace.

Poorly planned development in critical wildlife areas causes habitat degradation and loss and prevents species from migrating from one suitable habitat to another. Proper land use planning can ensure the preservation of important habitat areas, open up the borders around them, and provide migration corridors sensitive to the needs of species.

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

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would destroy or significantly impact 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 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 that should be considered in applying the habitat impairment test includes:

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

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the habitat narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with this policy.

Stockport Creek and Flats Significant Habitat

North Bay, encompassed within the Stockport Creek and Flats Significant Habitat, possesses a combination of physical and biological characteristics that make it an important fish and wildlife habitat within the Hudson River Estuary. (See Section II for further description, as well as Appendix E).

Impact Assessment

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

Any activity that would substantially degrade water quality, increase turbidity or temperature,

reduce freshwater inflows, or alter tidal fluctuations in Stockport Creek and Flats would result in significant impairment of the habitat. Disruption of freshwater or tidal flows in this area could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat. Elimination of wetland or shallow areas, through dredging, filling, or bulkheading, would result in a direct loss of valuable fish and wildlife habitats.

Modifications to infrastructure such as the CSX Railroad, or changes in the size or configuration of causeways and bridges, could affect the hydrology of shoreline wetland areas. Activities that would subdivide this relatively large, undeveloped area into smaller fragments should be restricted. However, habitat management activities, including expansion of productive littoral areas, may be designed to maintain or enhance populations of certain fish or wildlife species. Discharges of sewage or storm water runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) would result in impairment of fish habitat. Of particular concern are the potential effects of upstream and adjacent disturbances, including water withdrawals, impoundments (e.g., hydro power development), stream bed disturbances, discharges of agricultural runoff and groundwater contamination. Barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the stream as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April-July for most warm water species.

Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages. Adjacent undeveloped upland areas are particularly important for maintaining the water quality and habitat value of Stockport Creek and Flats and should be preserved as a buffer zone.

POLICY 7B PROTECT, PRESERVE, AND RESTORE THE LOCALLY SIGNIFICANT SOUTH BAY SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.

Although the South Bay is not currently a State designated Significant Coastal Fish and Wildlife Habitat, it is an important natural resource within the waterfront area and the DOS has recently proposed to designate the South Bay as a Significant Coastal Fish and Wildlife Habitat. As part of the Hudson River Estuary Habitat Restoration Project, the U.S. Army Corps of Engineers along with the New York State Department of Environmental Conservation and the New York State Department of State, has identified the South Bay as one of fourteen high priority sites for restoration along the Hudson River. The South Bay is one of eight such sites (including North Bay) in the upper Hudson River estuary. In January 2007 Scenic Hudson commissioned a preliminary ecological assessment of South Bay. This report provides preliminary findings and recommends further ecological investigation in order to determine a course of action for improving and restoring the ecology of South Bay.

Any activity in the South Bay that could impact the ecological character of the area or which could potentially impact fish and wildlife and the ability of the Bay to be restored, must be carefully considered. In particular, use of the causeway for a transportation corridor, needs to be carefully considered and will be consistent with this policy, only if done in such a way as to

mitigate potential impacts. Under such conditions, a transportation corridor could be an acceptable use.

Should the State designate the South Bay as a Significant Coastal Fish and Wildlife habitat, a "habitat impairment test" will be required for any activity that is subject to consistency review under federal and State laws, or under applicable local laws implementing the city's approved local waterfront revitalization program. The proposed activity is subject to consistency review with the habitat protection policy if the proposed action affects the designated habitat.

POLICY 7C PROTECT, PRESERVE, AND RESTORE THE NEIGHBORING SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT VOSBURG SWAMP AND MIDDLE GROUND FLATS, SO AS TO MAINTAIN IT'S VIABILITY AS HABITAT.

Although the Vosburgh Swamp and Middle Ground Flats Habitat is not within the City of Hudson's coastal area, Middle Ground Flats island lies immediately west of the Hudson River shipping channel, very close to the City's western boundary. Due to its proximity, Middle Ground Flats Island is of importance in the City of Hudson's waterfront planning process.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair this habitat are described below to assist in applying the habitat impairment test to a proposed activity. (See Appendix E)

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the Vosburgh Swamp and Middle Ground Flats habitat would result in significant impairment of the habitat. Disruption of the freshwater or tidal flows in these areas could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat. Elimination of productive wetland and littoral areas, through dredging, filling, or bulkheading would have significant impacts on the fish and wildlife resources of Vosburgh Swamp and Middle Ground Flats. Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and wintering waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages.

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.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes as defined by

NYS DEC can be found in 6 NYCRR Part 371.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bioaccumulation 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 waste but controlled through other State laws.

The City will use zoning and land use controls to avoid the siting of uses within the waterfront area that could introduce hazardous wastes into air, ground, surface waters or other features of the environment; threaten fish, bird and wildlife resources; or could be directly or indirectly toxic or dangerous to humans. Any development proposed in the waterfront area must incorporate proper disposal plans to avoid ground and/or surface water pollution that could accumulate in the food chain and comply with all applicable laws regarding waste and effluent discharge into the environment.

In addition, as boats can be a source of human waste discharges to the river, the City will support efforts to provide pump-out facilities where boat waste can be processed properly. The development of marinas must include provision for pump-out facilities.

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.

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

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

In order to expand and improve recreational fishing facilities, efforts will be made to expand marinas, make physical improvements to existing docks and piers, and provide additional locations for recreational fishing where feasible and as land becomes available. Recreational opportunities for fishing in the North and South Bays will depend on assessment of water quality and efforts required to foster the fish population in the freshwater tidal marshes.

NYS Department of Environmental Conservation is primarily responsible for managing the state's fish and wildlife resources. All efforts to supplement existing stocks in the vicinity of the Hudson coastal area and the enforcement of a fish and wildlife resource management program will be encouraged.

The following guidelines shall be used to determine whether a proposed action is consistent

with this policy.

1. Consideration should be made as to whether an action will impede existing or future utilization of the surrounding recreational fish and wildlife resources.
2. 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.
3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:

- 1) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES;
- 2) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND
- 3) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER THAT ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Commercial fishing of Anadromous alewife and blueback herring (collectively known as river herring), of fish in the Hudson, such as American shad and freshwater herring is currently allowed in the Hudson River in the vicinity of the City of Hudson, and there is a strong market demand for them. There is, however, a ban on the sale and fishing of most other species of fish due to the presence of PCBs in the Hudson as well as due to declines in certain fish populations (i.e. American shad). Therefore commercial fishing is very limited at present. However, if the PCB contamination is sufficiently remediated and fish recovery plans implemented at the State level, commercial fishing for other species, such as striped bass and American shad, could again become economically viable and the potential for commercial fishing should be considered in planning for the City's riverfront.

~~Commercial fishing of certain species of fish in the Hudson, such as American shad and freshwater herring, is currently allowed and there is a strong market demand for them. There is, however, a ban on the sale of most other species of fish due to the presence of PCBs in the Hudson. Therefore commercial fishing is very limited at present. However, if the PCB contamination is sufficiently remediated, commercial fishing for other species, such as striped bass, could again become economically viable and the potential for commercial fishing should be considered in planning for the City's riverfront.~~

C. FLOODING AND EROSION POLICIES

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

There are no identified Coastal Erosion Hazard Areas within the waterfront area.

All development within the City's flood hazard areas is regulated by Chapter 148 of Hudson's Code, which provides flood hazard standards for the City. The purpose of these standards is to regulate development in flood hazard areas, protect against erosion and flood damage, and reduce flood hazard impacts in the coastal areas of adjacent municipalities. Hudson's flood hazard areas are identified by the Federal Emergency Management Agency on its National Flood Insurance Rate Maps. In all special flood hazard areas within the City, the following standards are required for new construction and substantial improvements:

1. Anchoring
 - a. Anchor structures to prevent floatation, collapse or lateral movement.
 - b. Install manufactured homes using methods and practices that minimize flood damage.
2. Construction materials and methods
 - a. Use materials and utility equipment resistant to flood damage.
 - b. Use methods and practices that minimize flood damage.
3. Utilities
 - a. Design and locate electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during flooding conditions.
 - b. Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
 - c. Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of flood waters
 - d. Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
4. Subdivision proposals
 - a. All subdivision proposals must be consistent with the need to minimize flood damage.
 - b. Public utilities and facilities such as sewer, gas, electrical and water systems shown on subdivision proposals must be located and constructed to minimize flood damage.
 - c. All subdivision proposals must have adequate drainage to reduce exposure to flood damage.
 - d. Base flood elevation data must be provided for subdivision proposals and other proposed development greater than either 50 lots or five acres.
5. Encroachments
 - a. All proposed development in riverline situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects of the flood carrying capacity of the area of special flood hazard. This may require the submission of additional technical data to assist in the determination.
 - b. In all areas of special flood hazard in which base flood elevation data is available and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood area more than one foot at any point.

- c. In all areas of special flood hazard where floodway data is provided or available, pursuant to #7 (Floodways) below, floodways shall apply.

6. Special standards

In special flood areas where base flood elevation data has been provided, the following standards are required:

- a. Residential construction.
 - Lowest floor, including basement or cellar, must be elevated to or above base flood elevation.
 - Design fully enclosed areas below the lowest floor that are subject to flooding to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters.
- b. Nonresidential construction.
 - Lowest floor, including the basement or cellar, must be elevated to or above the base flood elevation or be flood proofed to the base flood level.
 - If the structure is to be elevated, fully enclosed areas below the base flood elevation must be designed to automatically (without human intervention) allow for entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls.
 - If the structure is to be flood proofed, certification will be required from a licensed professional engineer or architect to confirm that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight.
- c. Construction standards for areas of special flood hazard without base flood elevations
 - Lowest floor must be elevated to at least two feet above the highest adjacent grade next to the proposed foundation of the structure.
 - Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls.

7. Floodways

- The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

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

Natural protective features such as the freshwater wetlands that are found in the North and South Bay areas help safeguard coastal lands and property from damage, as well as reduce the

danger to human life that can result from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the fragile nature and high protective values of these natural features, lead to weakening or destruction of these landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are avoided or minimized to the maximum extent feasible.

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

Erosion protection structures have been used to protect manmade land along the Hudson River, particularly in the vicinity of South Bay. However, some of these structures have deteriorated due to a lack of maintenance. Bulkheads that protect publicly accessible water-dependent uses and do not cause habitat impairment should be given priority for bulkhead repair.

If repair and replacement of bulkheads is necessary and appropriate, reconstruction shall not encroach further on the water.

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.

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

The City's Code establishes regulations pertaining to development in flood hazard areas. Proper drainage and land restoration practices must be followed to prevent erosion and weakening of shore lands. Structures placed in identified floodways must not increase the base flood level so as to cause damage to otherwise flood-free areas.

POLICY 15 DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES THAT 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.

There is little natural beach material in the City's coastal area which is supplied to the adjacent land via natural coastal processes.

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.

Best available technology must be used to minimize the dispersion of silt that may be released as a result of dredging activities. Any dredging activities in the coastal area must be accomplished in a manner that will not significantly impact habitat and wetland areas. When dredging occurs near docks, bulkheads or unprotected shoreline, it must be done in a manner that will not dislodge pilings or cause piling slumping on adjacent lands. The total volume of dredging in any period must be limited to the capacity of the interim dredge spoil site.

Mining and excavation of any materials in the LWRA is prohibited.

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 AREAS 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.

No erosion hazard areas have been designated within the City.

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

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:

- 1. THE SETBACK OF BUILDINGS AND STRUCTURES;**
- 2. THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE;**
- 3. THE RESHAPING OF BLUFFS; AND**
- 4. THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

The City of Hudson recognizes that there are areas along the waterfront where structural measures are not necessary to protect property and natural resources against flooding and erosion. Non-structural measures would afford the degree of protection appropriate to the character of these areas, the purpose or activity, and to the hazard. These areas include: parks and small beach areas; wetlands; and undeveloped, stable shoreline.

Appropriate non-structural measures include, but are not limited to:

- a) The strengthening of coastal land forms by planting appropriate vegetation.
- b) The reshaping of manmade landforms to achieve the appropriate angle of repose to reduce the potential for slumping or erosion.
- c) The use of minimum lot coverage for buildings and parking areas along the waterfront to reduce the amount of runoff that could erode a natural waterfront.

In addition, within identified flood hazard areas the following measures should be considered:

1. Avoidance of risk or damage from flooding by the siting of buildings outside the hazard area.
2. Flood-proofing of buildings or their elevation above the base flood level.

This policy will apply to the planning, design, and siting 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.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

D. 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.

Proposed major actions should only be undertaken if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the goals and safeguards that the State has established to protect those waters and resources. Proposed actions must take into account the social, economic, and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage and recreation.

E. PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER RELATED RECREATION RESOURCES AND

FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHOULD BE GIVEN TO PUBLIC BOATING FACILITIES, FISHING AREAS, TRAILS, DOCKS AND PARKS.

This policy is applicable to the water-related resources more fully described in the inventory analysis. A primary planning goal for Hudson's waterfront is the provision of better [pedestrian and vehicular](#) access to and creation of additional public recreational and open space along the Hudson riverfront. Proposed waterfront recreation projects include the expansion of Henry Hudson Riverfront Park and Franklin Park; the creation of new parks areas, such as the proposed South Bay Riverfront Park on the southern portion of the Holcim property which is currently vacant, and the proposed Warren Street Plaza; reestablishing public access to the City's three dock facilities at the Henry Hudson Riverfront Park, the former Hudson/Athens Ferry Slip site, and the Fugary Boat Launch; and the addition of water-dependent and water-enhanced recreational amenities at Promenade Park, the North Bay Recreation Area, Oakdale Beach, and possibly at the City Department of Public Works Garage and Salt Storage Facility. Other proposed parks include Charles William Park, and the grounds of the historic Plumb Bronson House at the Hudson Correctional Facility.

Creation of a new short term dockage public marina to replace the current State Boat Launch location including restoration of the Hudson/Athens Ferry slip; development of the Fugary Boat Launch area for better public access and use; a new long term dockage marina in the Southern Waterfront area; and restoration to public control and expansion of the Henry Hudson Riverfront Park Dock are goals of the City and the historic use of the waterfront, and could strengthen the economic base of Hudson's waterfront area.

This policy calls for achieving a balance among gaining access to a resource or facility, the capacity of the resource or facility, and the protection of natural resources in the LWRA. Achieving a balance among these at times competing public policies is often hampered by access related problems. Accordingly, priority will be given to improving physical access to existing and potential coastal recreation sites.

[Broad Street and Ferry Street cross the railroad tracks to reach the riverfront. Broad Street crosses the tracks at grade. Ferry Street is the principal access route to the riverfront and crosses the railroad tracks on a wooden overpass providing direct access to the State Boat Launch ramp. The Ferry Street Bridge is owned by the CSX Corporation and is in need of upgrades so that it can accommodate emergency and other large vehicles. In conjunction with federal officials, CSX should upgrade this bridge to restore the bridge to its former carrying capacity of 15 tons. City, County, and State officials need to continue to work closely with railroad interests to assure that the rail corporation maintains and repairs the bridge over the railroad.](#)

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreational 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.

The following list provides 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 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: Land or facilities held by 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.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, transmission lines, or similar linear features.
 - (4) There are increases in the following: Already existing special fares of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility, and 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 that would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The City, State, and federal government will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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

In addition to the active recreational facilities, access to the publicly-owned lands of the coast should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the City waterfront or to a vantage point from which to view the shore. Similar activities requiring access include bicycling, bird watching, photography, nature study, and fishing. Methods for providing access include the development of a waterfront trail network; the provision of access points across the railroad to the waterfront; the improvement of access to waterfront areas in the City, and the promotion of mixed-use development.

This policy applies to the areas of publicly owned lands within and adjacent to Hudson's foreshore. This includes, but is not limited to:

1. City ownerships: North Bay, including lands utilized by the Fugary Boat Club, the existing Henry Hudson Riverfront Park, including the Henry Hudson Riverfront Park dock, the Hudson/Athens ferry slip property, Franklin Park, and Promenade Hill.
2. County ownership: County landfill in the North Bay.
3. State ownership: Public boat launch.

The policy also applies to any other publicly owned sites that may exist or any property which may become publicly owned on or after the date of enactment of this LWRP.

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

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

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

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

- a. See definitions under Policy 19 of “access” and “public lands or facilities.”
 - b. A reduction in the existing or anticipated level of public access includes, but is not limited to the following:
 1. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar facilities.
 2. Pedestrian access is diminished or blocked completely by public or private development.
 - c. An elimination of the possibility of increasing public access in the future, includes but is not limited to the following:
 1. Construction of public facilities that physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 2. Sale, lease or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 3. Construction of private facilities that physically prevent the provision of public access to public coastal land 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 reduction in the existing level of public access includes, but is not limited to the following:

- a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear features.
 - b. Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the waterfront 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; or (b) adequate access exists within one-half mile. 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 access way.

4. The City and State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access 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 that would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

The proposed pedestrian and bicycle trail network along the waterfront discussed in Policy 21A will provide access to publicly owned foreshore and adjacent lands. It will connect the major environmental features in the LWRA to the City's central business district and the waterfront. In areas where these trails are proposed over publicly owned property, State and local government agencies should give priority to public access use and provide for access easements.

6. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

F. RECREATIONAL POLICIES

POLICY 21 WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST.

Water-related recreation includes water-dependent activities such as boating, swimming and fishing as well as certain activities that are enhanced by a coastal location and increase the public's access to the coast, such as pedestrian 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, and provided demand exists, water-related recreation development should be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by case analysis.

The siting or design of new public development in a manner that would result in a barrier to the recreational use of a major portion of the City's waterfront will be avoided as much as is

practicable.

Development of adequate boating services to meet future demand is a priority. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. Boating facilities will include parking, park-like surroundings, toilet facilities, and pump-out facilities.

POLICY 21A DEVELOP A PEDESTRIAN AND BICYCLE TRAIL NETWORK TO ENHANCE PUBLIC ACCESS TO AND THROUGHOUT THE WATERFRONT AREA.

Although the City has undertaken substantial efforts to increase access to the waterfront and enhance the recreational opportunities available to the public, existing public access to the Hudson River is limited to the Henry Hudson Riverfront Park and public boat launch. The opportunity to link existing and proposed public parklands and other publicly owned lands with major points of recreation and natural and cultural interest along the Hudson River and within the waterfront area is a central goal of the waterfront plan. All means to provide for public access linkages, such as the construction of a pedestrian/bicycle trail along the waterfront, and the acquisition of public access easements over privately owned property to create linkages should be pursued. Public access linkages will provide for greater utilization of public parklands and recreational resources along the waterfront, and expand the public's enjoyment of these resources (see Figure 24 for proposed linkages).

The intention of this policy is to provide public access along the Hudson River and to link various public recreation facilities in a manner that is compatible with the principal development's function in terms of design, landscaping, lighting and periods of use.

This trail network is proposed to include the following pathways:

1. A north-south route along or adjacent to the riverfront, connecting the North Bay Recreational Area and Greenport Conservation areas to the north, Fugary Boat Club site and Dock Street with Front Street, Franklin Park, Promenade Hill, the existing Henry Hudson Riverfront Park and the proposed South Bay Riverfront Park.
2. A link via Dock and Mill Streets to the existing bike route connecting to Harry Howard Boulevard.
3. Proposed sidewalk extension and improvements to Second Street, Mill Street, and Harry Howard Boulevard.
4. Possible pedestrian and bike trail utilizing the existing causeway crossing South Bay.
5. Possible east-west trail alongside the CSX spur line, providing potential access to the Plumb Bronson site.
6. Proposed stairway descending from the southern end of Promenade Hill Park over the rail road tracks, via a pedestrian bridge, and connecting to the Henry Hudson Riverfront Park through Franklin Park and the proposed public marina at the location of the current Hudson Power Boat Association property and City owned Hudson/Athens Ferry Slip.

POLICY 21B MAINTAIN AND ENHANCE PUBLIC BOAT ACCESS BY SUPPORTING THE RELOCATION AND EXPANSION OF THE PUBLIC BOAT LAUNCH,

CREATION OF A PUBLIC MARINA, RESTORATION OF PUBLIC ACCESS TO THE WATERFRONT DOCK, HUDSON/ATHENS FERRY DOCK, FUGARY BOAT LAUNCH, AND CREATION OF SMALL BOAT/KAYAK LAUNCH FACILITIES ON THE WATERFRONT.

The existing public boat launch facility on the Hudson waterfront is too small to accommodate public boating needs. The vacant land to the south of the active Holcim property provides an opportunity to relocate the public boat launch from the existing State-owned site, subject to State approval, and expand public boat launch and marina facilities. The City should work with Holcim to obtain an agreement that would allow the utilization of this portion of this site as a public boat launch and public long term dockage marina.

By relocating the State Boat Launch and the privately owned Hudson Power Boat Association, the City can then create a small short term dockage public marina around the publicly owned Hudson/Athens Ferry Slip property. The ferry slip property and attendant access to the water must be restored to the public domain.

Similarly, public access to the Waterfront Dock, currently leased and under the full control of a private operator and the Fugary Boat Club launch area are both publicly owned and must be returned to public use so that public access to the waterfront can be increased. Dockage space at the Henry Hudson Riverfront Park Public Dock should be increased.

In addition, the City should pursue opportunities to expand launching facilities for kayaks and small boats on the waterfront, particularly at the inlets in the North and South Bays where possible, and north of and adjacent to the Holcim property if feasible.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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

Uses which are appropriate in the Hudson waterfront area and which can provide opportunities for water related recreation as a multiple use include: parks, sewage and water treatment facilities, large scale residential and mixed use projects, and maritime commercial and industrial uses.

Whenever a proposed development is compatible with the policies of this LWRP and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the waterfront, then such development should be encouraged to locate adjacent to the waterfront. Any proposed project on the waterfront should be designed such that it allows for and/or contributes to the implementation of the proposed waterfront area pedestrian/bicycle trail network. Future development must include access easements for this trail system over both public and private property.

G. HISTORIC AND SCENIC RESOURCE POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, OR ARCHAEOLOGY OF THE CITY OF HUDSON.

Among the most valuable of the man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve 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 a passive mandate, but must include active efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

This policy applies to historic resources within the LWRA which are listed or eligible for listing on the State or Federal Registers of Historic Places, locally designated by the Hudson Preservation Commission or which become listed on the State or Federal Registers or designated by the Hudson Preservation Committee in the future. Sites which currently fall into any of these categories are identified in Section II, and include the Hudson Historic District, which contains many structures that were built between 1810 and 1880, the peak period for the City's river and rail-related industrial and commercial activity. The Historic District includes all of Warren Street in the area bounded roughly by the escarpment on South Bay, the Claverack railroad spur, Prospect Avenue, Eighth and State Streets and Prison Alley. This Historic District includes Promenade Hill, also known as Parade Hill.

All practicable means to protect these resources shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features, including type, color and texture of building materials; entryways and doors; fenestration; light fixtures; roofing; sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures; and in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent that they are relevant, the U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" should be adhered to).
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in the above paragraph and any other appurtenant fixture associated with a building, structure or earthwork.

3. All proposed actions within five hundred 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 judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

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

The City also wishes to promote restoration and reuse of vacant, historic industrial buildings in the waterfront area, such as the Dunn Warehouse, Glue Factory, Washington Hose Firehouse, and Holcim storage building; and the restoration and reuse of the historic Plumb Bronson House and grounds.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.

Although there are no scenic resources of statewide significance located within the City of Hudson, the Columbia/Green North and Catskill/Olana Scenic Areas of Statewide Significance (SASS) are located to the north and south of the City, respectively. The City must take into consideration impacts to these scenic resources when undertaking or permitting any waterfront actions that could potentially impact these natural resources.

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

Although Hudson does not include any Scenic Areas of Statewide Significance, the City has abundant scenic resources. Much of its scenic beauty derives from both its restored historic buildings and its many views of the Hudson River and Catskill Mountains. The waterfront area has many spectacular views of the Hudson River that contribute to the overall scenic quality of the coastal area. Actions undertaken in the waterfront area must protect, restore and enhance these views, particularly existing publicly accessible views. Efforts should also be made to enhance privately accessible views and open those views to the public where practical and feasible.

Key publicly accessible views of the Hudson River, the Hudson/Athens lighthouse and beyond to the Catskill Mountains include views from the former County landfill in North Bay, Promenade Hill Park, the State boat launch, Henry Hudson Riverfront Park, and the playing fields of Hudson High School. Significant views from privately held property include views from the Hudson Power Boat Association marina, the Holcim property, and the NYS Fireman's Home. Potential views of the River from the downtown at Front Street are blocked by Hudson Terrace Apartments, a housing development located on the waterfront. If this housing development is redeveloped involving the physical alteration of the housing structures, views to and from the river should be restored in accordance with the LWRP and its policies.

Views across South Bay and southward towards the Merino Mountains are available from undeveloped sites along Union and Allen Streets and from portions of Tanner Lane. There are also key views of the North Bay from the Fugary Boat Club; the County Landfill, and from the high ground along North Second Street. These views and views from inland areas to the Hudson River should not be blocked by new development. Impairment of resources that contribute to the overall scenic quality of Hudson and the Hudson River should be discouraged.

When considering a proposed action that would affect a scenic resource of local significance, ensure that the action will be undertaken in a manner that protects, restores or enhances the overall scenic quality of the Hudson coastal area. Activities that could impair or further degrade scenic quality include:

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

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

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 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 structurally sound, existing structures, especially historic buildings, into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;

6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

H. AGRICULTURAL LANDS POLICY

POLICY 26 CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA.

This policy is not applicable. There are no agricultural lands in the Hudson coastal area.

I. 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.

Demand for energy in New York State will continue to increase. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are contained primarily in Article 6 of the New York State Energy Law. With respect to transmission lines and the siting of major electric generating facilities, Articles VII and X of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for shorefront location. The policies derived from the siting regulations under these Articles are 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 Coastal Management Program.

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

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

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

This policy is applicable where ice management practices presently are undertaken to maintain the Hudson River channel, as well as to other coastal tributaries. Methods to mitigate potential adverse impacts must be identified and utilized whenever feasible.

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

This policy is not applicable. The Hudson coastal area does not lie within the outer continental shelf in Lake Erie or within any area likely to have significant energy resources.

J. WATER AND AIR RESOURCE 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.

Municipal, industrial and commercial discharges include not only “end of pipe” discharges into surface and groundwater, but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through the municipal treatment systems before reaching the State’s waterways.

Such “end-of-pipe” discharges are monitored and regulated by the New York State DEC’s SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Environmental Protection Agency. Currently periodic discharges resulting from combined sewer overflows have a significant negative impact on the City’s waterfront area. The DEC approved Long Term Control Plan (LTCP) noted the presence of CSO related overflows in the Hudson River and the City of Hudson is required to maintain compliance with all Best Management Practices specified in the SPDES. An engineering study prepared in December 2003 noted that primary discharges occur at North Bay and at the South Front Street pump station. Hudson is required to meet DEC standards. The City’s Department of Public Works will work with the State to address combined sewer overflows and implement remedial actions to address this issue permit. The City of Hudson, in coordination with their engineer, contractors, and Department of Public Works, will work to address the inflow/infiltration issues through the corrective actions noted in the LTCP in order to reduce the number of overflow events.

New developments within the waterfront area must be supported by adequate wastewater treatment. Necessary improvements and expansions will be made in areas where the system is inadequate. Priority will be given to water and sewer projects that will eliminate or prevent the discharge of pollutants into the Hudson River.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES 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.

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

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

The quality of water resources is defined in terms of chemical, physical, and biological characteristics, which, in turn, relate to the water’s acceptability for its intended use. The DEC has classified all streams, lakes and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards. The water quality classifications used by DEC are as follows:

- Class AA Source of water supply for drinking, culinary or food processing purposes and any other usage.
- Class A Source of water supply for drinking, culinary or food processing purposes and any other uses with treatment.
- Class B Primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes.
- Class C Suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes.
- Class D Suitable for secondary contact recreation but will not support the propagation of fish.

The Hudson River, North Bay and the section of the South Bay west of South Third Street have been classified as Class A, suitable for all uses with treatment. Any action taken in the Hudson coastal area that would degrade water quality in these areas will be considered inconsistent with the coastal policies.

Stream 201a, which drains Oakdale Lake and Underhill Pond, is classified as “D,” as are other tributary streams of the North and South Bays. Actions to improve the quality of these streams

from Class D to Class C or better will be deemed consistent with these policies and compatible with their present use and future objectives.

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

This policy is not applicable. The City of Hudson is served by a central sanitary sewer system.

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

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

The City of Hudson will explore nonstructural methods to control combined sewer overflows such as the use of the South Bay as a potential method to manage uncombined storm water runoff, in addition to funding opportunities to implement structural methods for addressing combined sewer overflows. The City will need to seek DEC review and approval of the concept, associated design, and construction work for any nonstructural methods proposed to address the CSO issue. Where available, local, State and Federal aid should be allocated towards helping the City meet DEC standards and the Order on Consent entered into in May 2007.

Areas where non-point discharges are most likely to occur are those presently undeveloped parcels of waterfront land that will be developed in the future. Such areas include lands immediately adjacent to the waterfront as well as upland landholdings, such as the Fireman's Home property. New development in Hudson's waterfront area could increase stormwater runoff unless proper erosion protection measures are taken during construction and are incorporated into final design. The standards set forth in Policy 37 will apply to the construction in the coastal area to control stormwater runoff and erosion. Any construction in the waterfront area would be required to comply with the Department's SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-10-001 (January 2010), as subsequently amended Standards and Specifications for Erosion and Sediment Control (August 2005), as subsequently amended and the Stormwater Management Design Manual (August 2003) as subsequently amended. Department standards with regard to stormwater management will supersede any contrary provisions set forth in the LWRP.

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

POLICY 34A PUMPOUT FACILITIES WILL BE REQUIRED FOR ALL NEW MARINAS AND MARINA EXPANSIONS IN ORDER TO ELIMINATE DISCHARGE OF SEWAGE INTO THE HUDSON RIVER FROM BOATING ACTIVITIES.

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into the Hudson River is regulated by federal and State laws. The Hudson River from the federal dam in Troy south to Manhattan is a State designated vessel waste no-discharge zone in accordance with Section 33-e of the State Navigation Law, and discharge of both treated and untreated sanitary wastes from vessels is prohibited in this portion of the Hudson River. New marinas in Hudson for recreational vessels and any commercial shipping facilities in Hudson must include appropriate vessel waste pump out or dump station. In addition, special effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657). Materials from pump out facilities must be disposed of off-site at a SPDES permitted waste water treatment facility or other facility permitted by DEC to dispose of such materials. Discharge of pump out materials to surface or subsurface water is strictly prohibited.

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

Dredging is often 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 affects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site.

Periodic dredging of the Hudson River is essential to maintain the channel at adequate depths for navigation. Dredging adjacent to the marinas and the state boat launch is also appropriate, as a means to achieve Policies 19 and 21. Proposed disposal sites will be reviewed to determine if they will contribute to the objectives of the LWRP and are consistent with its policies. However, spoil disposal sites are not acceptable if they are located in a designated wetland, will significantly impair or degrade valuable habitat, or will adversely affect a designated historic resource.

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.

Hazardous wastes are unwanted by-products of manufacturing processes and generally characterized as being flammable, corrosive, reactive or toxic. 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. Specifically, this policy applies to the sewage treatment plant, marina and light industrial sites in the coastal area, as well as salt storage, if any, and shipping activities at the Holcim ~~deep-water~~ port site, cargo shipments along the railway and existing and future residential development in the coastal area.

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

Important fish and wildlife habitats and waterfront recreation areas need protection from contamination from non-point discharge of excess nutrients, organics and eroded soils. Best management practices available to reduce these sources of pollution include, but are not limited to, encouraging alternative and organic fertilization and pest control practices, soil erosion control practices, and surface drainage control techniques. The use of fertilizers and chemical pesticides will be discouraged in the waterfront area.

Any construction in environmentally sensitive areas will be required to comply with DEC's SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-10-001 (January 2010), Standards and Specifications for Erosion and Sediment Control (August 2005), and the Stormwater Management Design Manual (August 2003).

Guidelines regulating development or construction to be used in implementing this policy include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than it would be under natural, pre-development conditions. Appropriate techniques to minimize such effects shall include, but not be limited to, the use of stormwater detention basins, rooftop runoff disposal, rooftop detention, parking lot storage and cistern storage.
2. Natural ground contours should be followed as closely as possible and grading minimized.
3. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
4. Extreme care should be exercised to locate artificial drainage ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
5. Natural, protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
6. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
7. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
8. Ground cover should be installed to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

9. Runoff from a site should be collected and detained in sediment basins to trap pollutants that would otherwise be transported from the site.
10. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume and runoff resulting from facilities constructed.
11. The angle for graded slopes and fills should be limited to an angle no greater than the area that can be retained by vegetative cover. Other erosion control devices or structures should be used where vegetation is not sufficient to control erosion.
12. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
13. Opportunities to improve site conditions, wherever practicable, should be pursued in addition to necessary actions to minimize damage from erosion.

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.

Protection of local groundwater supplies and surface water on the Hudson River, Oakdale Lake and Underhill Pond for their recreational value must be considered in planning and decision-making. Impacts to be evaluated include those from construction activity, land use management, point and non-point pollution sources and direct actions on waterways.

While groundwater and surface water in the City are not currently utilized for water supply purposes, these resources could potentially be developed for emergency usage.

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

Long-term storage (defined as storage of a waste greater than ninety days), treatment, and disposal of solid waste, particularly hazardous waste, shall be prohibited with the exception of municipal solid waste collection, reduction and recycling activities.

The definitions of the terms “solid wastes” and “solid wastes management facilities” are taken from New York State’s Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing or other processes or activities and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as: “waste or combination of wastes which because of its quantity, concentration, or

physical, chemical or infectious characteristics, may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or otherwise managed.” A list of hazardous wastes (6 NYCRR Part 371) has been adopted by NYSDEC.

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

Development on or adjacent to the County landfill site must be undertaken in such a manner as to ensure full assessment of potential impacts upon ground and surface water and other environmental features.

Railroad uses for transport of solid waste through the City shall not be operated or conducted in a manner that will unnecessarily contribute to pollutants to the soil, air, ground water, and surface water; or unnecessarily contribute to noxious odors or fumes to the air or environment.

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

Untreated effluent from industrial facilities into coastal waters is not permitted within the City of Hudson.

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

The LWRP incorporates the air quality policies and programs developed for the State by DEC pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

Uses in industrial zones within the coastal area will be limited to those that will not violate national or state air quality standards. Hudson’s local law also provides protection against the degradation of air quality in the coastal zone and throughout the City. Pursuant to §325-17 of the City Code, industrial uses that are noxious or offensive by reason of emission of odor, dust, smoke, gas, fumes or radiation, or that present a hazard to public health or safety are prohibited.

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

The policies of the City’s LWRP concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in waterfront areas or adjacent areas.

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

Hudson's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

K. WETLANDS POLICY

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

There are no tidal wetlands in the City's waterfront area.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. Freshwater wetlands within the Hudson waterfront area include North Bay (HN-2) and South Bay (HS-2). Refer to Section II (Inventory and Analysis) for more details.

The South Bay wetland area suffers from restricted water circulation due to the barriers created by the Amtrak line, the old railroad causeway and by Route 9G. A former landfill also appears to exist in the northern end of the South Bay on property referred to as the LB property. A recent study sponsored by Scenic Hudson noted the impacts caused by these barriers. Follow-up studies should be carried out to identify ways to improve the natural habitat of the South Bay.

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

1. Habitat for wildlife and fish and contribution to associated aquatic food chains;
2. Erosion, flood and storm control;
3. Natural pollution treatment;
4. Groundwater protection;
5. Recreational opportunities;
6. Educational and scientific opportunities; and
7. Aesthetic open space in many otherwise densely populated areas.

Existing State laws establish the basis for preservation of coastal resources, but should be reinforced with appropriate local actions.

New roads and walkways that would traverse wetlands should be elevated wherever possible so that water circulation is not impeded. The maintenance or upgrading of existing roads, causeways, and rail lines ~~shall~~ not significantly degrade wetlands. Activities in the coastal area that would adversely affect freshwater wetlands by causing increases in erosion, sedimentation, pollution or similar affects should be avoided, wherever possible. Where such impacts cannot be avoided, mitigating actions will be required.

Construction, reconstruction, resurfacing, or improvements of existing roadways, causeways and rail lines shall be performed in a manner which preserves natural features and drain ways, minimizes grading and cut and fill operations, ensures conformity with natural topography, and

retains natural vegetation and vegetative buffers around waterbodies to the maximum extent practicable in order to prevent any increase in erosion or the volume and rate or velocity of sedimentation or surface water runoff prior to, during, and after site preparation and work.

Areas adjacent to wetlands should be designed to:

1. Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands;
2. Direct runoff away from adjacent waters and wetlands, to the extent feasible, by site grading or other methods; and
3. Remove runoff from parking lots, maintenance, fueling and wash down areas in a manner that will prevent oils, grease and detergents from reaching adjacent waters and wetlands.

SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS

A. PROPOSED LAND AND WATER USES (see Figures 20-26)

The land use plan for the area within the LWRP area reflects the policies of the LWRP described in the previous section and applies these policies to the existing land use pattern, existing natural and physical resources, and development constraints within the area. The proposed land uses also respond to a number of key planning goals that are based on the findings contained in both the Hudson Vision Plan and the Comprehensive Plan, as well as reflecting many of the comments received during the public workshops held during the course of the LWRP study (see Section VII). The planning goals include:

- Provision of additional public open space and recreational opportunities along the Hudson Riverfront.
- Protection and enhancement of wetlands and associated open space within the North and South Bays.
- Development of an integrated pedestrian and bike trail network throughout the LWRP area which connects the riverfront area with the upland portions of the waterfront boundary area and City.
- Provision of new waterfront uses and activities including restaurant, marina, recreation and tourist facilities.
- Maintaining a broad mix of uses that reflect historic land use patterns within the City.
- Revitalization of underutilized buildings and new development on vacant parcels of land.
- Development of new mixed uses along Front Street and a Warren Street Plaza to link Warren Street to the riverfront.
- Restoration, whenever possible, of hydrological connections between upland portions of the City and the Hudson River.

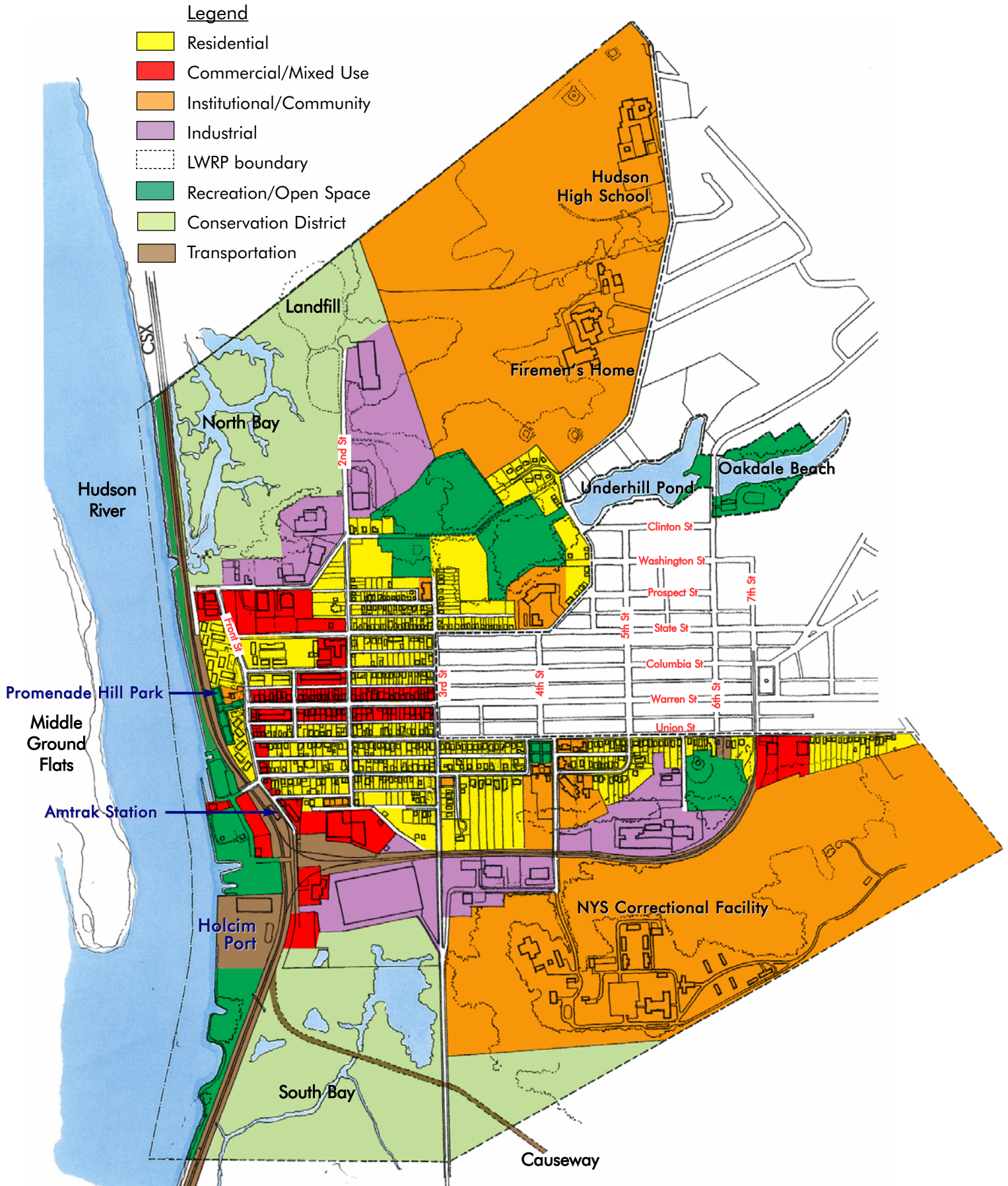
The Land Use Plan is not intended to describe a detailed distribution of uses on a parcel by parcel basis. Rather, the plan provides a generalized layout of future land uses intended for the LWRP area that also supports increased access to and use of the water resources provided by the Hudson River and Oakdale Beach. It constitutes the framework upon which revised zoning regulations for the waterfront are based. This generalized land and water use plan, illustrated in Figures 20 through 26, incorporates seven broad categories of land use which support the City's proposed water uses and are summarized below.

1. CONSERVATION USES

A key land use component within the LWRP area concerns the major wetland areas in the Northern and Southern Waterfront Areas. The two areas cover approximately 185 acres, representing 19% of the total LWRP area.

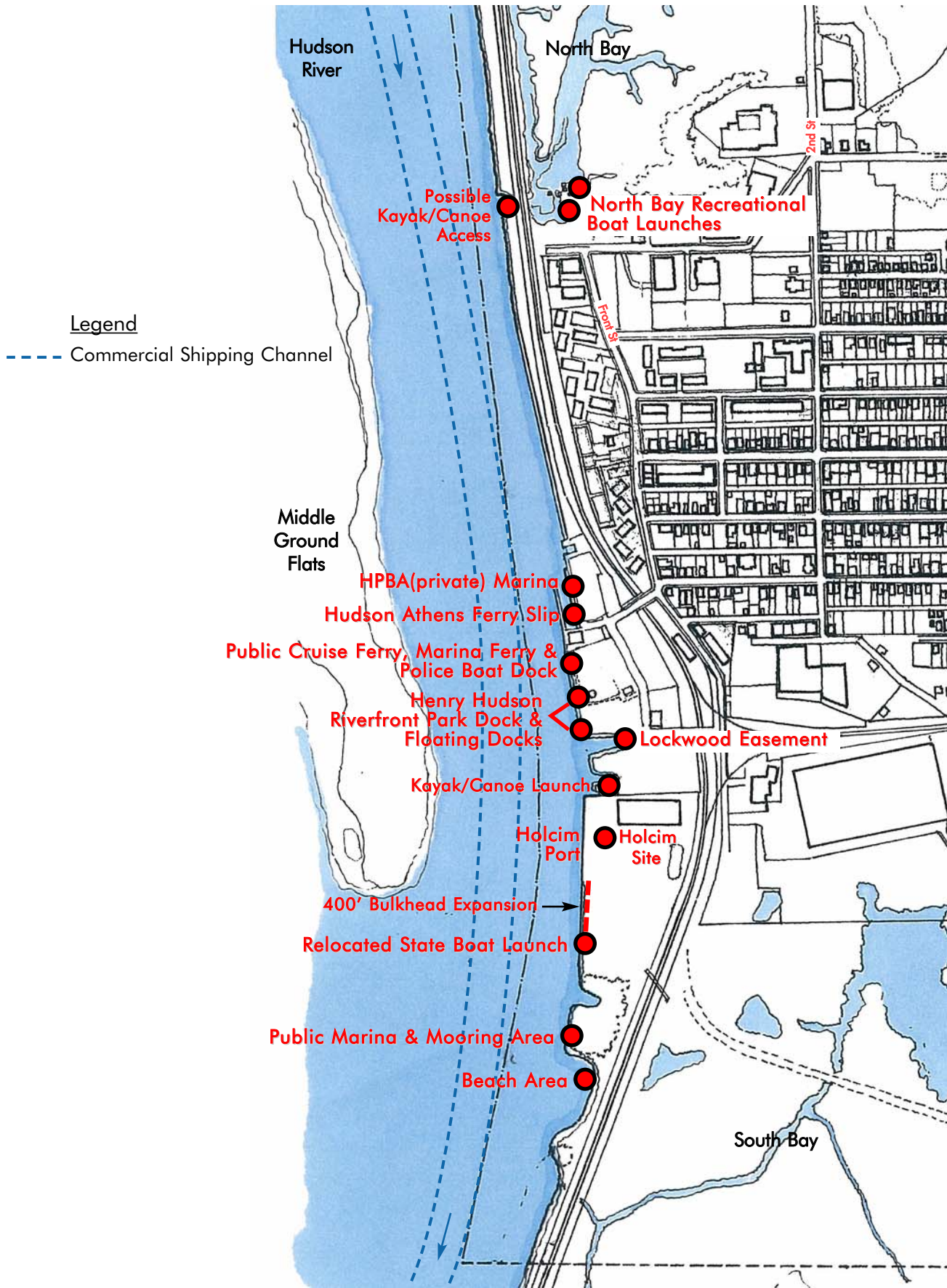
a. North Bay

The North Bay area is a protected wetland and is designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State. The wetland area lies adjacent to the county-owned landfill which is included within the proposed Recreation/Conservation Zone given its strategic location and the fact that its future use is likely limited to passive recreation pursuits. The landfill also provides a unique opportunity for viewing the Hudson River and the Catskills to the west. The proposed zoning will allow for the development of the North Bay Recreation Area while still protecting the ecological resources of the North Bay for conservation and open space values.



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM FIGURE 20: PROPOSED LAND USE MAP





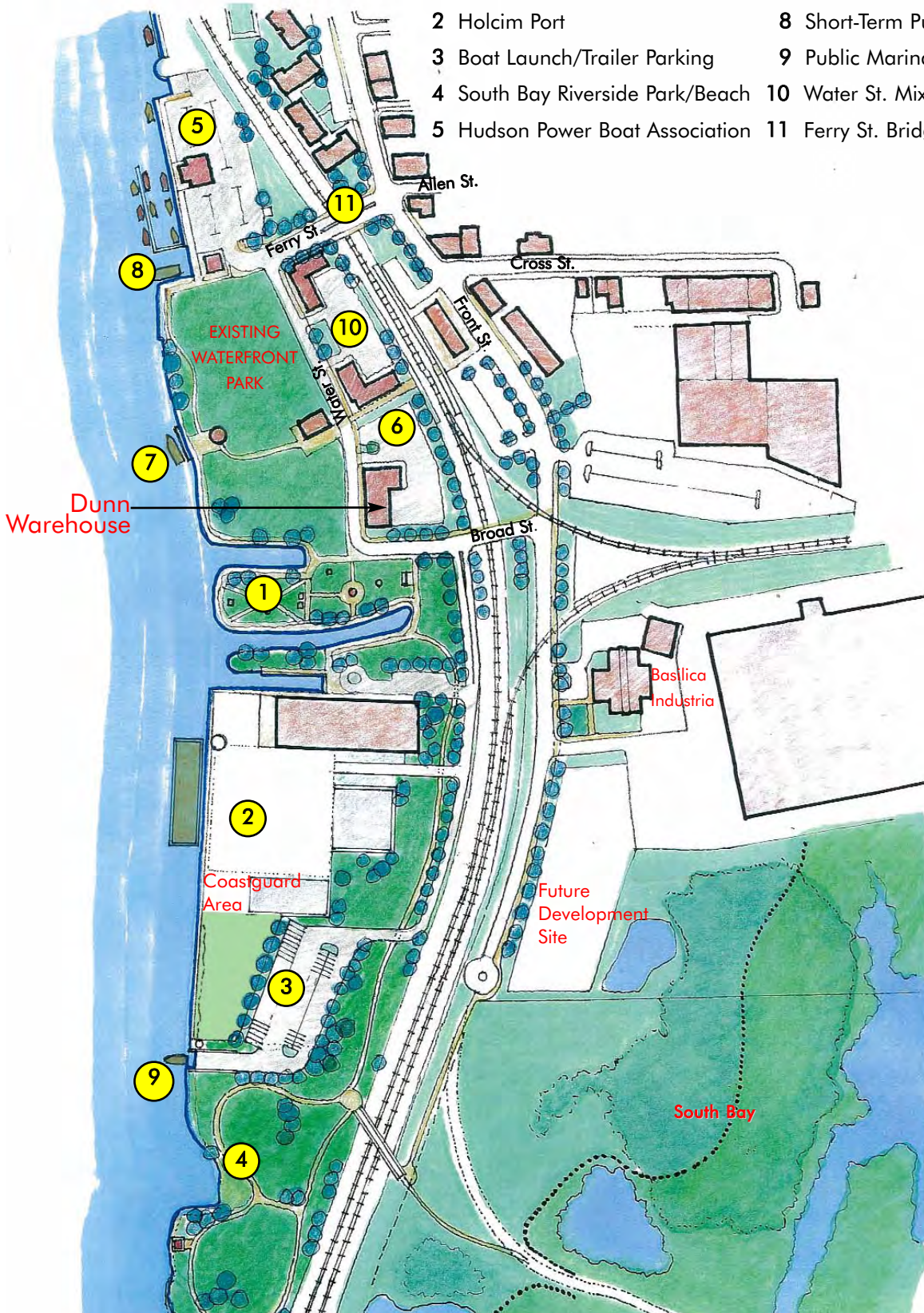
HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 21: PROPOSED RIVER PROJECTS & USES



Legend

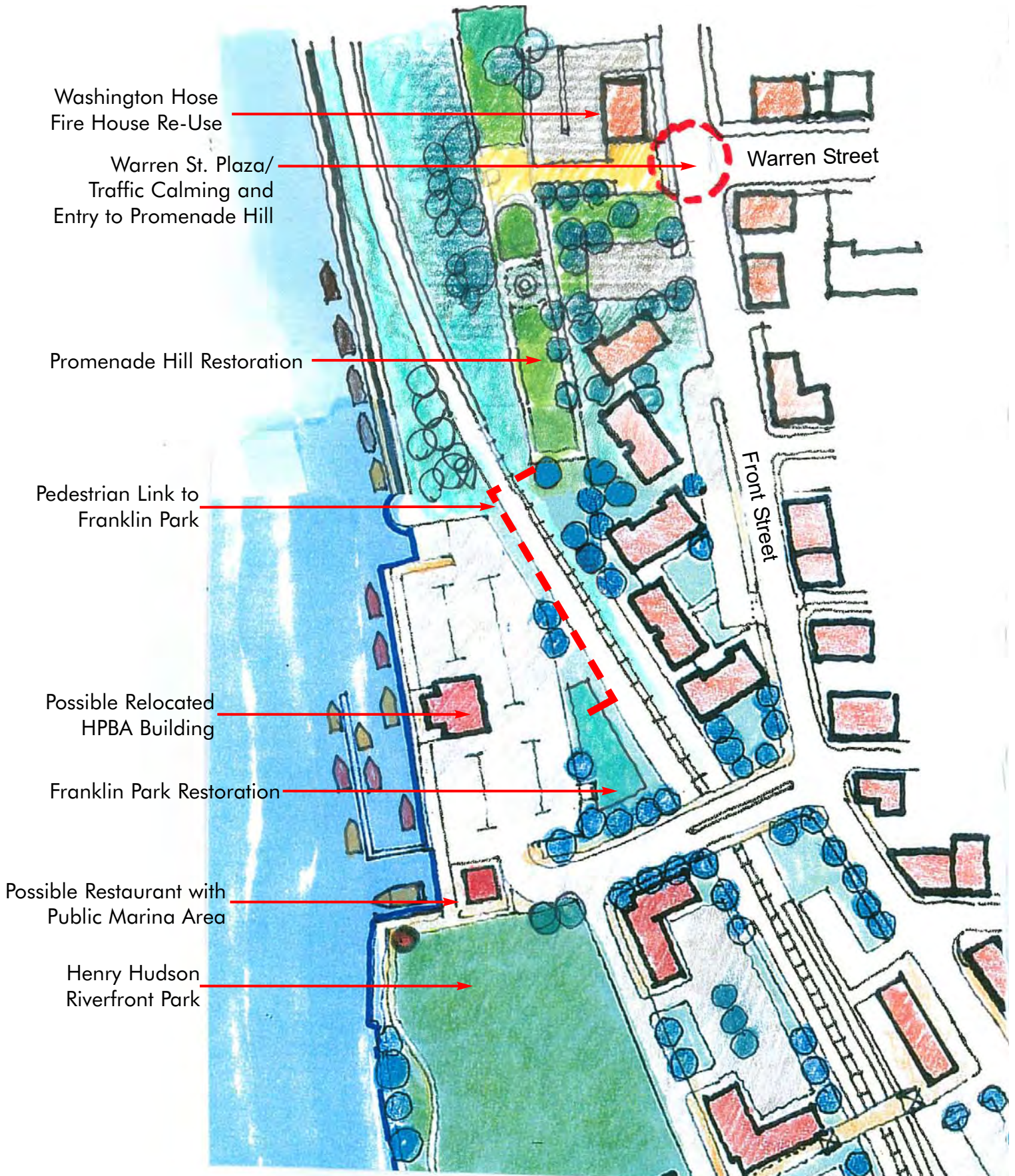
- | | |
|----------------------------------|--|
| 1 HH Riverfront Park Expansion | 6 Redevelopment Site |
| 2 Holcim Port | 7 Public Floating Dock Expansion |
| 3 Boat Launch/Trailer Parking | 8 Short-Term Public Dock and Ferry Service |
| 4 South Bay Riverside Park/Beach | 9 Public Marina/Mooring Area |
| 5 Hudson Power Boat Association | 10 Water St. Mixed Use Development |
| | 11 Ferry St. Bridge |



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 22: PROPOSED WATERFRONT PROJECTS-
DETAIL SOUTH OF CORE RIVERFRONT AREA



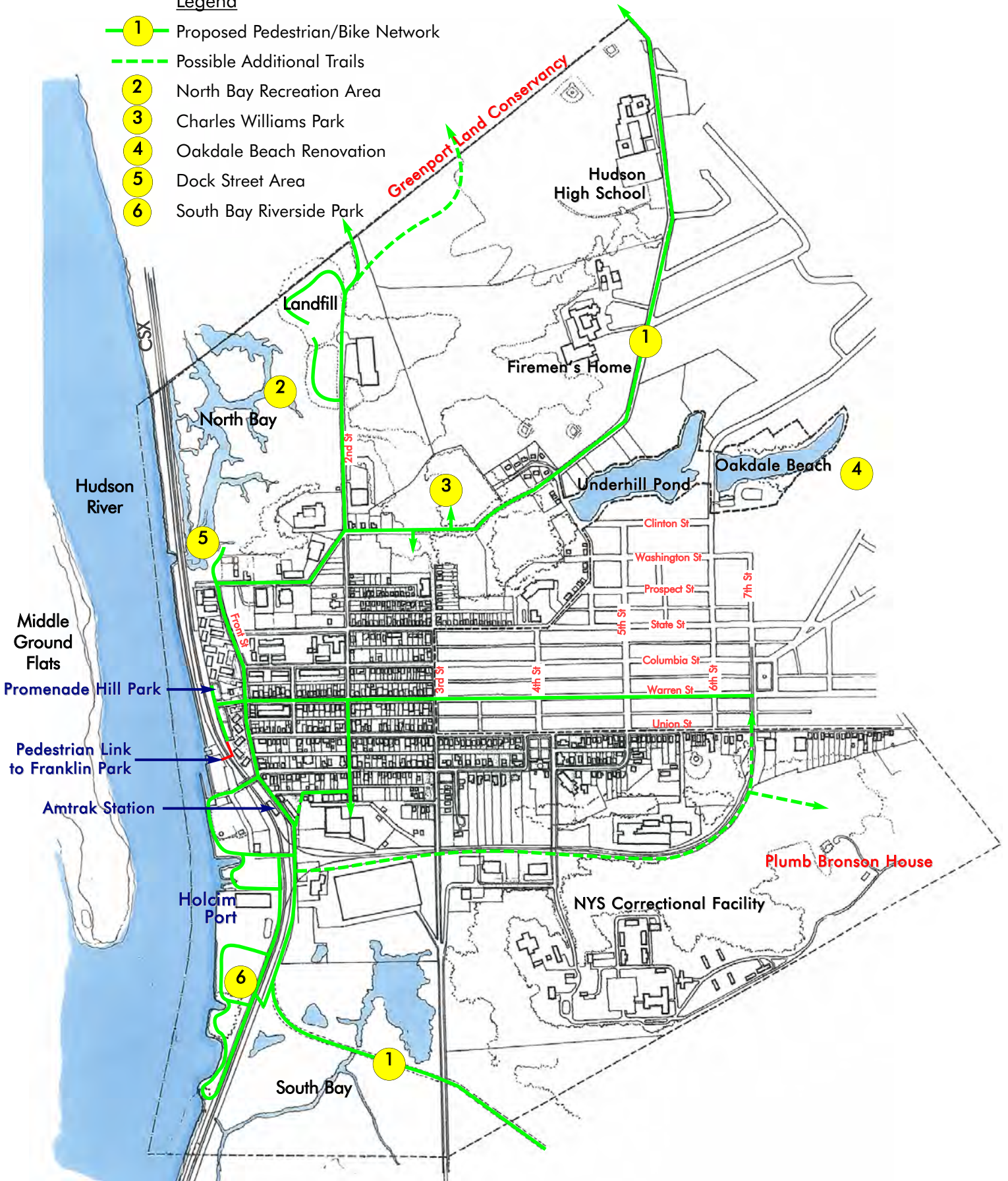


HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 23: PROPOSED WATERFRONT PROJECTS-
DETAIL OF CORE RIVERFRONT AREA & WARREN ST PLAZA

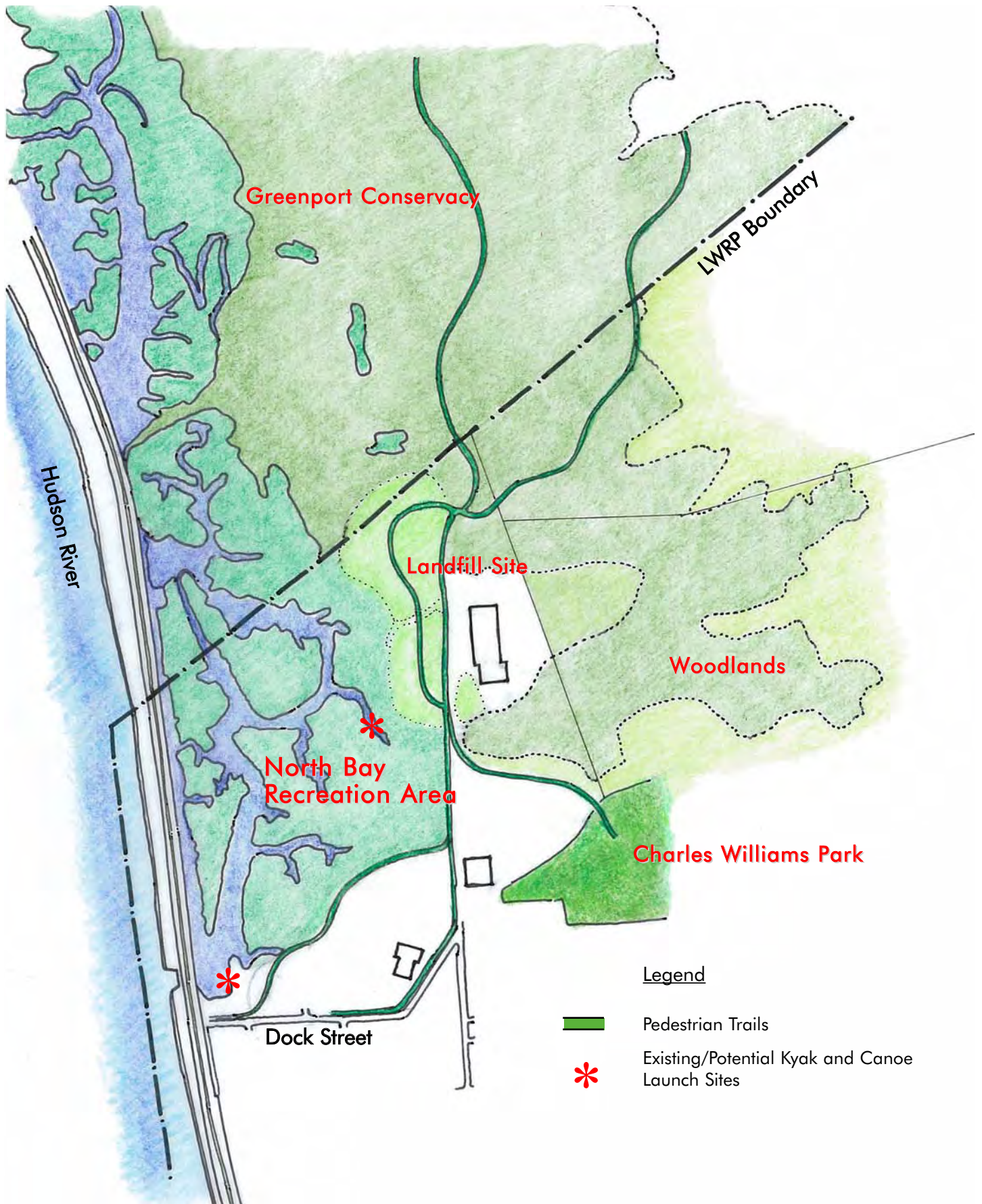
Legend

- 1 Proposed Pedestrian/Bike Network
- 2 Possible Additional Trails
- 3 North Bay Recreation Area
- 4 Charles Williams Park
- 5 Oakdale Beach Renovation
- 6 Dock Street Area
- 7 South Bay Riverside Park



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 24: PROPOSED INLAND RECREATION PROJECTS AND PEDESTRIAN NETWORK



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 25: PROPOSED WATERFRONT PROJECTS: NORTH BAY AREA

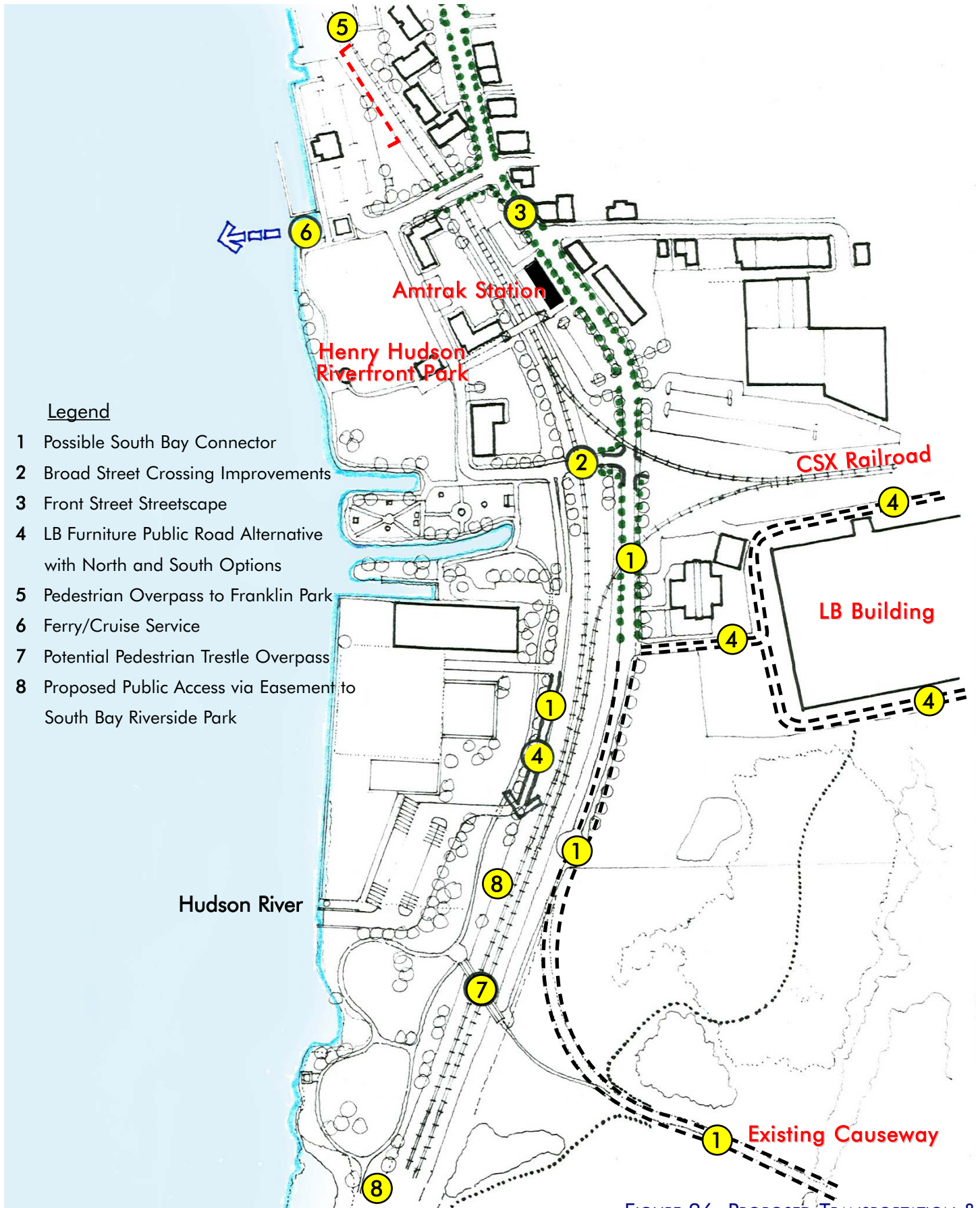


FIGURE 26: PROPOSED TRANSPORTATION & INFRASTRUCTURE PROJECTS



b. South Bay

The South Bay also represents an important natural resource although the wetland areas are traversed by Route 9G and by an East-West causeway (formerly a rail line to the riverfront and commonly referred to as the “causeway” or “South Bay causeway”). The proposed zoning for this area supports a land use plan designed to protect, conserve and restore the South Bay to the greatest extent possible, by rezoning this area from Industrial to Recreation/Conservation. The causeway itself will be part of the C-R District subject to vested rights, if any, Holcim may have to the use of the causeway for transportation. The land use plan will conserve the vast majority of the South Bay for conservation, ecological and educational purposes and could supports the LWRP’s vision to utilize the South Bay for possible storm water retention, habitat protection, open space, recreational uses and education purposes through establishment of a nature center.

In the absence of a feasible alternative which has fewer significant adverse environmental impacts, the LWRP and land use plan also contemplates and supports use of the South Bay causeway as part of a two phased strategy for the transport of heavy or dump truck traffic to the ~~deep-water~~ port during the weekdays and for public use and access to the waterfront on weekends and holidays. Use of the South Bay causeway for truck transport represents the only feasible and reasonable short term alternative available at this time to heavy truck traffic destined for the ~~deep-water~~ port which currently traverses through the most disadvantaged and densely populated neighborhoods of the City. The City’s support for the causeway for vehicular traffic reflects a policy decision to protect the health, safety and welfare of the business owners and residents, many of whom are low and moderate income families and individuals, who are now disproportionately burdened with the significant adverse environmental impacts of the heavy or dump truck traffic. Upon completion of any upgrades necessary to use the causeway for transport and issuance of all necessary approvals, the use of Columbia Street below Third Street by trucks transporting aggregate or other goods and materials to the waterfront would be prohibited. The land use plan’s support of this policy decision does not eliminate or insulate development of the causeway from the requirements of environmental review pursuant to the State Environmental Quality Review Act, and it is anticipated that land conservation or wetlands restoration measures will be necessary to mitigate possible adverse impacts to the South Bay from using the causeway for a truck route in order to meet the conservation goals of the LWRP. In the longer term, the LWRP supports development of a permanent route in the vicinity of the current LB property for truck and public vehicular traffic destined to the waterfront. Development of this route could enable more intensive restoration efforts in the South Bay.-

Any activity in the South bay subject to a permitting requirement would be subject to a “habitat impairment test” as per Policy 7B, should the DOS designate the South Bay as a Significant Coastal Fish and Wildlife Habitat.

2. PARKS AND RECREATION USES

The most notable public park and recreational uses within the LWRP area include the Henry Hudson Riverfront Park, Promenade Hill, Charles Williams Park, Oakdale Beach and the adjacent Underhill Pond area, and the recreation field located on the south side of Union Street. Future open space proposals focus on 1) the expansion of the Henry Hudson Riverfront Park to include playground and potentially a soccer field or playing field area which would incorporate the former Lockwood and Conrail/CSX parcels directly south of the existing Henry Hudson Riverfront Park, and the expansion of the waterfront dock (see Figure 22); 2) creation of a Warren Street Plaza with playground area, connected to a refurbished Promenade Hill Park

including pedestrian walkway to a restored Franklin Park and public marina (see Figure 23); 3) development of the North Bay Recreation Area in conjunction with the Columbia Land Conservancy (see Figure 25); 4) creation of the Charles Williams Park to be connected to a refurbished Oakdale Beach area (see Figure 24); and 5) development of the South Bay Riverfront Park including the relocation of the State Boat Launch and creation of a long term dockage public marina utilizing 7 acres of land to the south of the ~~deep-water~~ port (see Figure 21). Creation of the South Bay Riverfront Park including relocation of the State Boat launch is dependent upon obtaining some form of title or ownership to the approximately 7 acres of riverfront land owned by Holcim and located south of their ~~deep-water~~ port.

These proposed projects support the Land and Water Use Plan articulated in the LWRP and the goals of: increasing public access to the riverfront and other waterfront recreational and open space opportunities; creating additional public open space and recreational opportunities along the Hudson Riverfront and at inland areas; and developing an integrated pedestrian and bike trail network throughout the LWRP area which connects the riverfront area with the upland portions of the waterfront boundary area and City.

3. COMMUNITY AND INSTITUTIONAL USES

Three major community and institutional uses in the LWRP area are the Hudson High School and Fireman's Home in the Northern Waterfront Area and the Hudson Correctional Facility in the Southern Waterfront Area (see Figure 4). Together these uses encompass a total of over 350 acres, representing approximately one-third of the LWRP area. The Fireman's Home property includes ball field facilities that are available for use by the City. The institution is also considering an expansion of its facilities to include an assisted housing complex with associated support services on a site adjacent to its current development.

The eastern portion of the Correctional Facility includes the historic Plumb Bronson house, now undergoing restoration. The house and the surrounding vacant parkland should be considered for future public park uses given their relative isolation from the Correctional Facility complex.

These areas will be rezoned from an R-1 designation to a Residential/Institutional Conservation Zone to protect, through subdivision regulation, conservation development and open space resource protection, the open space and scenic values of these last remaining parcels of large, undeveloped open space in the waterfront boundary.

4. INDUSTRIAL USES

The LWRP maintains corridors of industrial use in the Northern and Southern Waterfront areas. The industrial corridor in the Northern Waterfront area includes the vacant Fosters Refrigeration plant site, the Hudson Fabrics facility, and the City Public Works Garage and Water Treatment Plant. The industrial corridor in the Southern Waterfront area, located on the north and south sides of the CSX spur line, includes underutilized or vacant properties that are currently zoned for industrial use. These land use areas in the Northern and Southern Waterfronts allow for modest expansion of industrial use if appropriate (see Figure 20). ~~The only industrial-related use proposed on the waterfront is the existing stone and gravel stockpiling and distribution or shipping use on the Holcim property. The shipping activity taking place on this approximately seven-acre site is a water dependant use which must be permitted and operated consistent with the policies described in Section III and the proposed Core Riverfront District.~~

5. COMMERCIAL USES

The Central Commercial District encompasses the most densely urbanized portions of the City, centered on Warren Street and extending eastward from Promenade Hill Park. The blocks along either side of Warren Street, located within the existing central commercial zone, contain a mix of retail, office and community/service uses as well as residential uses. Continued expansion of restaurants, boutiques, artisan shows and art galleries is encouraged to promote visitor activity to this area. Consideration should be given to improving the quality of existing development on the south side of Warren Street near Front Street. The existing layout and resulting streetscape provide an unattractive pedestrian experience for this key section of Warren Street.

Additional commercial zones are proposed to the waterfront area such as the Residential Special Commercial District and the Core Riverfront District, both of which allow for a mix of commercial uses intended to support continued mixed use development along Front Street and in the Core Riverfront area to encourage the redevelopment of vacant sites and increase pedestrian activity within areas near the riverfront and the Amtrak train station. These areas include the vacant parcels on the south side of Dock Street, sites on the east side of Front Street extending southward from Warren Street, the vacant land adjacent to the Henry Hudson Riverfront Park, the Dunn Warehouse building, and two transitional areas to be rezoned to Residential Special Commercial in the Northern and Southern Waterfront Areas (see Figure 27: Proposed Zoning).

These land use and zone changes in concert with the development of a Warren Street Plaza and a pedestrian overpass to the riverfront from Promenade Hill Park support the goals of the LWRP to connect the upland portions of the City with its waterfront; create new waterfront uses and activities including restaurant, marina, recreation and tourist facilities; maintain a broad mix of uses that reflect historic land use patterns within the City; and revitalize underutilized buildings and encourage new development on vacant parcels of land.

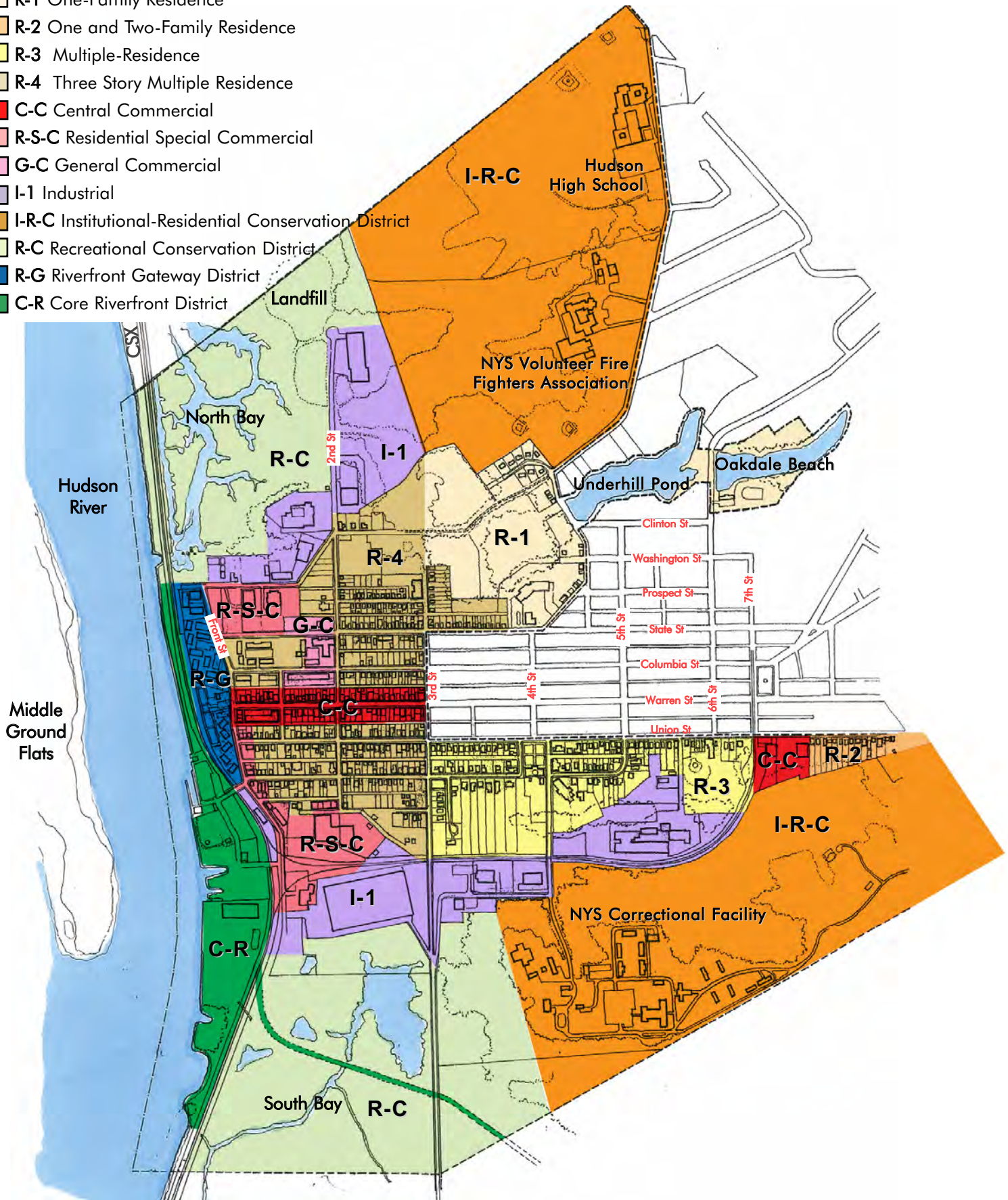
6. RESIDENTIAL USES

The residential uses shown on the generalized future land use plan (see Figure 20) include areas within the existing R1, R2, R3 and R4 zones. These zones include a broad mix of housing types ranging from single family housing to multi-family units, including the one high-rise development in the City, Bliss Towers. Much of the residential area falls within the Historic District and future infill and rehabilitation should be sensitive to the scale and architecture of existing buildings. A number of opportunities exist to add additional units due to scattered vacant sites and vacant buildings, particularly within the area north of Warren Street. As discussed in Section IV A.3, under conservation uses, the only remaining areas in the City where large scale residential development could occur is in the areas where large institutional land uses currently exist. In order to achieve the goals of the LWRP to protect open space and viewsheds, the Land Use Plan and associated proposed zoning restricts large scale residential development in the areas by subjecting the subdivision of a parent parcel of land into 3 parcels or more to conservation development zoning,

Creation of the Core Riverfront and Riverfront Gateway zoning districts and a change in land use from industrial to Residential Special Commercial (see Figure 27), support the LWRP's goal to encourage mixed use development by allowing commercial and residential land use development in the same area.

Legend

- R-1 One-Family Residence
- R-2 One and Two-Family Residence
- R-3 Multiple-Residence
- R-4 Three Story Multiple Residence
- C-C Central Commercial
- R-S-C Residential Special Commercial
- G-C General Commercial
- I-1 Industrial
- I-R-C Institutional-Residential Conservation District
- R-C Recreational Conservation District
- R-G Riverfront Gateway District
- C-R Core Riverfront District



HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

FIGURE 27: PROPOSED ZONING

HUDSON, NEW YORK

SOURCE: CITY OF HUDSON



0 1850 ft

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7. TRANSPORTATION USES

The transportation uses shown on the generalized future land use plan include the existing rail road spur which traverse the northern portion of the Southern Waterfront Area; the Amtrak station and rail lines which service Amtrak and freight cars; the South Bay causeway; and the ~~deep-water~~ port (see Figures 20 and 26). The proposed land use plan proposes no change to the location or operation of the rail road line or spur, but does, as set forth in Section IVA.1, contemplate the temporary use of the South Bay causeway for heavy truck and recreational traffic destined for the waterfront. (See discussion of causeway in Section IVA.1(b), above).

The Land Use Plan also provides for the continued use of the ~~deep-water~~ port for commercial shipping operation. The only industrial-related use proposed on the waterfront is the existing stone and gravel stockpiling and distribution or shipping use on the Holcim property. The shipping activity taking place on this approximately seven-acre site is a water dependant use which must be permitted and operated consistent with the policies described in Section III and the proposed Core Riverfront District. The ~~deep-water~~ port and approximately seven acres of adjacent waterfront property are owned by Holcim's and used by its long-term tenant, O&G Industries for stockpiling of stone aggregate prior to loading onto barges. This area ~~is also utilized for stockpiling salt (prior to distribution to nearby municipal and county public works departments) and~~ provides space for the storage of buoys used by the Coast Guard.

In reviewing the ~~deep-water~~ port's assets, the Hudson Vision Plan noted that the "bulkhead provides an excellent access for any barge-related cargo loading or unloading in the Hudson area. Its proximity to the rail line also adds significantly to the value of the property. Other industrial uses of this property might include activities that deal with heavy fabrications including pressure vessels, major steel fabricators, bulk cargo, boatyard facility, etc. The City should try to secure an easement for bicycles and pedestrians on the existing road to follow access to the southern open space and South Bay. An easement would not interfere with future uses of the property." (HVP at 83).

The Proposed Land Use plan and zoning support the use of the port for continued commercial activity as part of its goal to maintain a broad mix of uses that reflect historic land use patterns within the City. However, use of the port property or adjacent riverfront property owned by Holcim for manufacturing, fabrication, industrial operations or similar uses such as the types of industrial uses contemplated in the HVP as noted above would not be consistent with the Land Use Plan and zoning as set forth in the LWRP. As discussed in Section IVA.2, the Land Use Plan and LWRP also support use of the underutilized land south of the port for open space and recreational uses.

B. PROPOSED PROJECTS

The physical projects proposed ~~below as part of this Program~~ are ~~described below and~~ located on Figures 21, 22 and 23. ~~The number of projects included has been limited to those most appropriate to the objectives of the Program or those of highest priority.~~ It is recognized that limited City funding resources will require that projects be staged over many years and that outside financial assistance will also be required in the program implementation. Further, all projects on City property or involving public funds will require employing a planning firm to provide a detailed design of the final project prior to implementation. All projects, regardless of whether initiated by a public or private entity will be subject to all applicable federal, state and local laws, and will require environmental review in conformance with the State Environmental Quality Review Act (SEQRA) and consistency with the policies and goals of this LWRP.

Projects have been grouped under the following categories:

1. Waterfront Projects
2. Open Space and Recreation
3. Redevelopment Sites
4. Transportation and Infrastructure

1. WATERFRONT AND COMMERCIAL PROJECTS

a. Henry Hudson Riverfront Park Upgrades and Floating Dock Expansion

Henry Hudson Riverfront Park: The planned extension of the existing park is an important priority for the City's waterfront. A feasibility study carried out by Bergmann Associates in April 2006 concluded that the use of the Old Lockwood and CSX parcels as a site for the public boat launch was not feasible. However, some of the existing water inlets within this area may provide opportunities for small-scale boat facilities such as kayak launch areas. Other potential park uses include picnic and sitting-out areas, recreational facilities for teens and younger children, fishing facilities, an area for exhibiting outdoor sculpture, and a playing field for outdoor sports. The existence of a CSO overflow outfall into one of the existing water inlets limits some recreational uses. Elimination or minimization of the impacts from this outfall should be explored.

Another limitation on the redevelopment of these sites is the existence of deed restrictions on the former Lockwood and Best Oil parcels which prohibit excavation of the soil surface below three feet. Also, the rip rap which serves to stabilize the embankments are part of the DEC mandated clean up of these sites and many not be disturbed.

Henry Hudson Riverfront Park Upgrades: The City plans to upgrade the Henry Hudson Riverfront Park by incorporating playing fields and park amenities, including picnic tables and playground equipment as discussed above on the former Lockwood and CSX parcels (see Figure 22).

Public Dock Expansion: Through a grant received in 2008, the City is in the process of expanding the Waterfront Dock using a series of floating docks to provide access for large tourist vessels and additional private pleasure craft, including kayaks and canoes. This expansion will include pump out and treatment facilities.

b. ~~Deep-Water~~ Port Modernization

The LWRP's Land Use Plan contemplates the continued use of the port for commercial activity. Holcim's tenant has expressed the intention to possibly extend the existing ~~bulkheaddock~~ approximately 400 feet to the south and modernize the port. Holcim has indicated it has no plans to use the 7 acres of land south of the port and may be amenable to entering into an agreement with the City whereby the company would grant to the City title or some form of title to the approximately 7 acres south of the ~~deep-water~~ port and transfer its holdings in the South Bay, subject to a right of way over the causeway, to a Non Governmental Organization (NGO) or the City. At this time, the company has indicated it has no plans to sell or provide an option on the approximately 7 acres adjacent to the ~~deep-water~~ port. The company has also indicated that it may be is amenable to providing an easement over these seven acres to enable public access to the proposed South Bay Riverfront Park and the relocated State Boat Launch. The

company has also indicated a willingness to provide an easement over the causeway for public access and below the causeway for the conduct of restoration efforts such as the upgrade or creation of new culverts.

A depiction of the possible port modernization is shown in Figure 22. The layout provides for a total of 700-800 feet length of bulkhead, for continued barge access for loading/unloading. Loading and unloading operations are not contemplated to occur on or adjacent to the 400 foot proposed bulkhead expansion, nor would such activity be consistent with the LWRP. Though Figure 22 accurately depicts a possible development scenario which could accommodate a relocated state boat launch adjacent to the possible 400 foot bulkhead extension, coastal consistency will be determined at the time, if ever, when an application for bulkhead extension is submitted. All modernization efforts including bulkhead extension would require consistency with all LWRP Policies. Stockpiling of gravel is limited to the existing paved area immediately south of the historic storage building. Space for ~~an enclosed salt storage facility and for the~~ storage of Coast Guard buoys is provided within easy reach of the bulkhead. No activities other than those related to shipping will be permitted, nor any of the other uses contemplated by the HVP, such as heavy fabrications, including pressure vessels or major steel fabricators, and a bulk cargo or boatyard facility.

An approximate 100 foot wide easement is shown adjacent to the rail tracks to allow for road and pedestrian/bike access to the proposed South Bay Riverfront Park. A final design may incorporate an easement that is less than 100 feet.

In addition to the easement, the following design features would be considered for this site:

- Landscape buffering to define and screen the 7 acre active industrial site.
- Improved road access and landscaping serving truck traffic to the dockside.
- ~~— Screening and covered enclosure of the salt storage utilizing the historic Holcim storage building.~~

c. State Boat Launch Relocation and Long-term Public Dockage Marina

If the vacant land to the south of the active Holcim property is transferred to the City, the land would provide an opportunity to relocate the State boat launch from its existing location. Figure 22 illustrates a possible layout for boat launch operations, trailer parking, a public marina, and parking for visitors to the proposed new South Bay Riverfront Park discussed below. Car parking areas have been sited to act as a buffer between the Holcim operations and future parkland.

d. South Bay Riverfront Park

As noted in Section IV.A above, an opportunity exists to establish additional park land on the southern portion of the Holcim property. The approximately seven acre vacant property offers two tidal basins including a small beach area, existing woodlands and over 1,500 feet of riverfront. These features combine to make this a potentially significant open space and recreational asset for the community. Subject to a feasibility study including an assessment of whether contamination exists on the property, the LWRP envisions creation of a park for swimming, fishing, and passive recreational opportunities, in addition to hiking, biking and nature trails. This park, to be known as the South Bay Riverside Park would connect with the newly relocated State Boat Launch and the Henry Hudson Riverfront Park (see Figure 22).

e. Hudson Marina – Short-term Public Dockage

The proposal to relocate the Hudson Power Boat Association is consistent with earlier plans proposed in the Hudson Vision Plan. The proposed new site for the HPBA is shown at the northern end of the State-owned property, and allows for boat service facilities as well as a new club building (see Figure 23).

Relocation of the Power Boat Association building allows for the development of a public restaurant and a small, associated public marina in conjunction with the restoration of the former Athens/Hudson Ferry slip property and restoration of Franklin Park as more fully described below. In opening this area to the public for a marina and restoring the Athens/Hudson Ferry slip property to public use, this site could provide waterfront access for larger transient vessels, acting as a public landing and an inviting physical connection to the upland portions of the waterfront boundary via the proposed pedestrian bridge and stairway to Promenade Hill Park. A public marina would allow boaters to extend their visit to Hudson thereby supporting the local economy.

f. Warren Street Plaza

The Vision Plan called for a Warren Street Plaza including an Arch, public building and traffic calming modifications to the traffic intersection to provide for a more welcoming and pedestrian friendly transition from Warren Street to the waterfront via Promenade Hill Park. (HVP at 92) Through the LWRP, the City adopts the concept of a Waterfront Plaza (see Figure 23). The Plaza project should incorporate traffic calming modifications to the intersection of Warren and Front Streets, the redesign of the entrance to Promenade Hill Park in keeping with the planned historical restoration of the Park itself, and reuse of the Washington Hose Fire House for a commercial or public space. A proposal to re-use the vacant Washington Firehouse as a museum and Visitors' Center would establish an attractive gateway to both Warren Street and the riverfront. Another reuse could involve an ice cream parlor, cafe and visitors center as called for in the HVP. (HVP at 92-93).

g. Water Street Mixed Use Development

The area between Water Street and the railroad overlooks the park and riverfront (see Figure 22). This three-acre site should be considered for mixed commercial or tourist service uses, complementing the activities at the park as originally proposed in the Hudson Vision Plan. Appropriate future development could include an inn, retail, restaurant or museum uses. Redevelopment of this area should incorporate the rehabilitation and re-use of the Dunn warehouse building at the south end of the parcel. A potential reuse in keeping with the regional trend toward organic and specialty farming could be as a regional farmer's market, as suggested in the HVP and modeled upon the highly successful farmer's market on the waterfront in Troy, New York. (HVP at 72).

h. Design Guidelines/Standards

The City supports enactment of uniform design standards to help guide development applicable to development in the commercial and mixed use areas of the LWRA. Such standard could be in the form of guidelines or requirements but should address the following areas: 1) Site layout and Development; 2) Architectural Character; 3) Parking and Outdoor areas; 4) Streetscapes; and 5) signage as more fully set forth in the Design Guideline Template found in Appendix G.

i. Ferry Street Bridge Upgrade

The City supports upgrades to Ferry Street Bridge crossing. The bridge is currently owned and maintained by CSX and appears to be in poor condition. The bridge has a 5 ton weight limit and cannot support heavy truck or emergency vehicle traffic, yet access provided by the bridge is critical to future development of the waterfront as it represents one of two access points over the rail tracks. The City will work with CSX and support efforts to obtain funding to upgrade this crossing for better public access.

2. OPEN SPACE AND RECREATION

a. Pedestrian and Bike Trail Network

Figure 24 illustrates a proposed network of pedestrian and bike pathways and trails that connect the major environmental features within the LWRP area to the City's CBD and waterfront. This proposal incorporates the recommendations of the 2002 Comprehensive Plan which advocated the development of a fully integrated bike and pedestrian trail network throughout the City. It is also consistent with the 2007 grant award to the Columbia Land Conservancy from the Catskill-Olana Viewshed Mitigation Fund to recreate the North Bay Recreation Area.

The network shown in Figure 24 incorporates the following elements:

- A north-south route along or adjacent to the riverfront, connecting the Fugary Boat Club site and Dock Street with Front Street, Promenade Hill, the existing Henry Hudson Riverfront Park and proposed additional parkland to the south.
- Trail links to the North Bay, landfill area and the Greenport Conservation Area to the north.
- A link via Dock and Mill Streets to the existing bike route connecting to Harry Howard Boulevard.
- Proposed sidewalk extension and improvements for Second Street, Mill Street, and Harry Howard Boulevard.
- Possible pedestrian and bike trail utilizing the existing causeway crossing South Bay.
- Possible East-West trail alongside the CSX spur line, providing potential access to the Plumb Bronson site.
- Possible pedestrian pathway utilizing the now privately owned railroad trestle for pedestrian access across the CSX railroad tracks to the proposed South Bay Riverside Park.

b. North Bay Recreation Area (see Figure 25)

As noted above, proposals for the capped landfill site adopt the earlier recommendations to encourage use of the landfill as a passive park for users wishing to take advantage of the dramatic views to the river and the Catskill Mountains to the west. An element of the recent grant award to the CLC from the Catskill-Olana Viewshed Mitigation Fund authorizes a feasibility study to determine the extent of recreational opportunities possible given the nature of ground conditions and the need to respect the existing natural qualities of the North Bay and Greenport Conservation Area that surround the landfill site. The LWRP assumes continued

County ownership of the landfill area, and recommends that future uses focus on the development of walking trails, picnic areas, etc. while limiting any development to small-scale structures such as information kiosks or look-out pavilions, subject to the feasibility study findings.

Depending upon the results of the feasibility study, the site also may be amenable to hosting a public outdoor, seasonal entertainment venue. However, the County has informed the City that while it will retain ownership of the landfill, including the long term responsibility for monitoring the landfill closure, and will also retain responsibility for any catastrophic failure of the landfill closure, pursuant to an agreement with the DEC, the County is unwilling to take on any additional responsibility for repair or maintenance associated with the City's use of the property for a recreation area. Therefore, any development on the landfill must be carefully and fully evaluated to ensure that the City will not become responsible for expensive landfill closure repairs or otherwise incur unreasonable risk or expense. Accordingly, based upon the findings of the feasibility study, the City should work with its insurance carrier and the County to properly take into account potential future liabilities, if any, which might be associated with using the landfill for any activities, especially activities which go beyond passive recreational opportunities.

Based upon surveying work and the feasibility study, the North Bay Recreation Area may also include the area known as the Fugary Boat Club. The City must improve public access to and use of this area (see Figures 8 and 25). For many decades the property has been used by a group of people known as the Fugary Boat Club. The Club has erected seasonal structures on the City's property where the members are able to gain limited access via a viaduct to a small boat basin located on the inland side of the Amtrak railroad. The existing link to the river under the viaduct is extremely limited due to the height of the viaduct. Clearance for canoes and kayaks is only possible during low tide.

A planned extension of Dock Street could however include improved small-boat launch facilities into the North Bay for the general public. This area should also be viewed as a possible "gateway" for the proposed network of pedestrian and bike trails leading to the North Bay wetlands, Charles William Park and other recreational facilities (see Figure 25).

c. Charles Williams Park

A proposed plan to develop the Charles Williams Park was prepared in May 2006 and initial funding has been allocated under the Environmental Protection Fund administered by the NYS Office of Parks, Recreation and Historic Preservation. The plan included a pavilion, basketball courts, skateboard park and other facilities. Pedestrian paths and bike trails will link the facility to the CBD and to nearby schools and the North Bay area.

d. South Bay Wetlands Protection and Restoration Plan

The South Bay wetland area suffers from restricted water circulation due to the barriers created by the New York Central Lines used by Amtrak and other freight trains, the old railroad causeway and by Route 9G. A 2008 study prepared by Hudsonia, Ltd. on behalf of Scenic Hudson⁶ noted the impacts caused by these barriers.

⁶ "Biological Surveys of a Transect Through South Bay and Adjoining Uplands, Town of Greenport and City of Hudson, Columbia County, New York," Hudsonia Ltd., October 2008.

With transfer of much of this area to a Non-Governmental Organization (NGO) or the City, and a conservation easement on the causeway to allow the easement holder the right to undertake measures to restore the South Bay. follow-up studies and efforts could be carried out to identify ways to improve the natural habitat of the Bay and examine the potential for increased public viewing and access to this important natural asset. The South Bay should also be studied to determine whether the area can decrease City wide impacts from the City's CSO system through an examination of the Bay's ecological capacity to retain and ecologically restore storm water inputs.

A local wetlands protection plan for wetland restoration in the North and South Bays should be developed in accordance with the State Freshwater Wetland Law and should be reviewed by NYSDEC.

e. Oakdale Beach Park

The beach at Oakdale Lake and its associated facilities and grounds need to be upgraded. New playground equipment and a refurbished picnic area and basketball courts would greatly improve the public's experience at the park. Oakdale Lake and park area should also be more directly connected to the proposed Charles Williams Park and waterfront boundary area through the development of pedestrian trails (see Figure 24).

f. Promenade Hill Park Restoration

The plan calls for extensive renovations to Promenade Hill Park. Restoration of the Park's plantings, fencing, furniture and fixture to replicate the Park's historic appearance would encourage greater resident and visitor use. This project also entails designing and constructing a physical connection between Promenade Hill Park and Franklin Park, including construction of an upgraded pedestrian bridge over the CSX tracks (see Figure 23).

g. Franklin Park Restoration

Remnants of Franklin Park, a small grassy area with two park benches, are located directly east of the Ferry Slip Property and the current location of the HPBA. Relocation of the HPBA and State Boat Launch will enable this park to be restored and improved (see Figure 23). Not only would this park be incorporated into the public marina, the City envisions connecting Franklin Park with Promenade Hill Park via a stair built alongside the inclined southeastern recess of the Promenade Hill Park's embankment (faced with new retaining wall and landscaping), descending approximately 25 feet to connect to a proposed pedestrian overpass over the rail tracks to Franklin Park.

3. REDEVELOPMENT SITES

a. Redevelopment of Vacant Industrial Sites

The City, in conjunction with the Columbia-Hudson Partnership and other redevelopment organizations, will pursue opportunities to redevelop or expand vacant industrial sites within the LWRP area. Important vacant parcels include the Fosters Refrigeration plant on North Second Street, the McGuire property to the south of Union Street, and a number of sites on Front Street and Tanner's Lane adjacent to the South Bay area (see Figure 6). The Columbia-Hudson Partnership is promoting possible agribusiness ventures – such as small-scale processing facilities related to food production and distribution – that could be attracted to these vacant

sites.

Some of these parcels are likely to require contamination clean-up programs prior to any redevelopment. As an example, a remedial investigation carried out in January 2007 on the Foster Refrigeration property concluded that re-use of the site would involve over \$900,000 in contamination clean-up costs. It is likely that clean-up costs can be reduced by retaining industrial uses on this property.

b. Re-use of Washington Hose Firehouse

~~The Washington Hose Firehouse will be restored and used as office space for the Columbia County Chamber of Commerce and the City's Development Agency. acts as a "gateway" to Warren Street from the west and to Promenade Hill Park. A proposal by the recently formed Museum Initiative Steering Committee seeks to convert the building to a Historic Museum and Visitor Center. The Washington Hose's location is ideal for this purpose and will help to link the waterfront with Warren Street. Other private investors have expressed interest in using the space as an ice cream parlor. Possible commercial uses, including a café or ice cream parlor should also be considered to help ensure that a high level of pedestrian activity is encouraged for this area.~~

~~Although currently publicly owned, pursuant to an agreement entered into between the City and a mortgagor, the Washington Hose Firehouse must be sold to help repay the debt amount on construction of the City's new fire station. Absent a change in this agreement or repayment of the debt by some other means, the property will need to be sold by the City. Redevelopment of this key waterfront structure in the best interests of the public at large may be complicated by a future sale to a private party whose interests may not be aligned with the City's waterfront redevelopment efforts.~~

c. Dunn Lumber Building

This City owned building has the potential to help draw people to the waterfront and development of the space should be carefully planned (see Figure 6). Possible uses include development as a restaurant, cafe, ice-cream stand, or movie house or any mixture of these or similar uses. The City through a DOS LWRP Environmental Protection Fund grant, will be preparing a feasibility analysis for the potential reuse of this structure.

d. Dock and Front Streets Redevelopment Area

This area includes parcels on both sides of Front Street and the historically important "Old Dock" site near the south limits of North Bay (see Figure 24). Preliminary proposals for these sites include redevelopment as mixed commercial uses, including a possible hotel. Renovation of at least one of the two brick warehouses is also under consideration. Relocation of the City's garage and salt storage to a shared facility with the County on City owned property in Greenport, New York will allow for commercial, office or compatible light industrial uses at this location.

4. TRANSPORTATION AND INFRASTRUCTURE

Figure 26 illustrates a number of improvements that are designed to address transportation and infrastructure issues that impact the waterfront.

a. South Bay Connector Routes

~~The City should investigate the feasibility of developing an access road connector from Route 9G to the waterfront, as originally suggested in the Comprehensive Plan. One option involves a possible route alongside the CSX spur rail line, to the north of the LB Furniture building that provides a connection to Broad Street. This route could connect to the existing LB access road off Route 9G. Figure 26 shows a possible alignment on the south side of the CSX line; an alternative route that crosses the rail track and runs along the north side of CSX could also be explored. Another access route within the Southern Waterfront Area which the City views as a priority is construction of a truck access route over the South Bay causeway. Eliminating dump truck traffic destined for the deep water port and traversing over Columbia and Front Streets is imperative for the health, safety and welfare of residents and businesses living and operating on this truck route. The South Bay causeway route could also provide alternative vehicular access on weekends and holidays to expanded waterfront facilities that are proposed in the southern section of the LWRP area.~~

In the absence of a feasible alternative which has fewer significant adverse environmental impacts, the LWRP and land use plan contemplate and support use of the South Bay causeway as part of a two phased strategy for the transport of heavy or dump truck traffic to the port during the weekdays, and for public use and access to the waterfront on weekends and holidays. Use of the South Bay causeway for truck transport represents the only feasible and reasonable short term alternative available at this time to heavy truck traffic destined for the port which currently traverses through the most disadvantaged and densely populated neighborhoods of the City. The City's support for the causeway for vehicular traffic reflects a policy decision to protect the health, safety and welfare of the business owners and residents who live and work along the route currently used by trucks destined for the port. Many of these people are low and moderate income individuals or members of families who are now disproportionately burdened with the significant adverse environmental impacts of the heavy or dump truck traffic. The City has also identified the increased truck traffic as a threat to aging sewer mains underneath Columbia Street. The substrate of Columbia and Green Streets is not designed for truck travel buy dump trucks or other heavy trucks. As a result, the stone caps that cover the buried sewer channels have failed resulting in multiple sink holes and emergency repairs.

The City's support of this project does not eliminate or insulate development of the causeway from the requirements of environmental review pursuant to the State Environmental Quality Review Act, and it is anticipated that land conservation or wetlands restoration measures will be necessary to mitigate possible adverse impacts to the South Bay from using the causeway for a truck route in order to meet the conservation goals of the LWRP. Upon completion of any upgrades necessary to use the causeway for aggregate transport and issuance of all necessary approvals, the use of Columbia Street below Third Street by trucks transporting aggregate or other goods to the port will be prohibited.

The second phases of this transportation strategy would involve the development of a new public access route from Route 9G to the port and waterfront most likely using portions of the LB and possibly the Basilica properties. Development of this route could enable more intensive restoration efforts in the South Bay, as the City would seek a commitment from Holcim and its tenants to cease using the causeway for port access.

b. Broad Street Crossing

Roadway, signage and streetscape improvements are required at Broad Street where the road crosses the rail line. Improvements would need to be negotiated with CSX. The road crossing will be the major entry point for the proposed new waterfront facilities, as well as functioning as the key access for the truck traffic generated by Holcim.

c. Franklin Park Promenade Hill Pedestrian Overpass

A new pedestrian overpass over the rail road tracks should be developed to connect Promenade Hill Park and the Warren Street Plaza Area to a refurbished Franklin Park and the Henry Hudson Riverfront Park (see Figure 23).

d. Front Street Streetscape

Both the Vision Plan and the Comprehensive Plan underlined the importance of improving the pedestrian amenities along Front Street, given its role as a key connection between Warren Street and the riverfront. Streetscape improvements will include additional tree planting and improved sidewalks and street furniture for both sides of Front Street extending from Dock Street in the north to the Board Street crossing at the south. In the longer term, sidewalk and landscape improvements should be constructed along the proposed southern extension of Front Street, linking up to a possible future pedestrian trail on the causeway across South Bay (see Figure 23).

e. Ferry/Cruise Boat Operations

Relocation of the Hudson Power Boat Association facilities provides an opportunity for boat cruise and ferry services to operate from the Ferry Street area. The City supports re-instating the earlier function of this site which was used as a slip for the Hudson-Athens ferry service until it was closed in the 1940s (see Figure 22). Restoration of the Athens/Hudson Ferry Service will support tourism and commercial uses in Hudson and Athens. Service to Middle Ground Flats should also be considered when the State develops Middle Ground Flats for public use.

f. Modernize City Sewer System

The periodic discharges resulting from the combined sewer overflows have a major negative impact on the City's waterfront area. An engineering study prepared in December 2003 noted that primary discharges occur at North Bay and at the South Front Street pump station. The City is working to meet NYS Department of State and Department of Environmental Conservation standards and implementation of the 2003 recommendations and other remedial steps as part of a \$14 million waste water treatment plant upgrade project.

SECTION V: LOCAL IMPLEMENTATION TECHNIQUES

This section of the LWRP sets out implementation strategies for the City of Hudson LWRP. This section considers existing laws and sections of City Code that relate to the Policies, as well as identifying proposed laws, amendments and other public and private actions necessary to support the Policies. A management structure for implementation and consistency review is presented, along with an outline of the financial resources that may be necessary to implement the LWRP.

A. EXISTING LAWS

1. Zoning (Hudson City Code Chapter 325)

The intent of Chapter 325 is to establish a precise and detailed plan for the use of land in the City based on the Comprehensive Plan in order to promote and protect the public health, safety, morals, comfort, convenience and general welfare of the public. This law regulates and restricts, by district, the location, construction, and use of buildings and structures, and the use of land in the City of Hudson. This law specifies the process for obtaining building permits and certificates of occupancy, as well as the duties of the designated Code Enforcement Officer (Building Inspector). Article IX establishes the Zoning Board of Appeals and outlines their duties. (See Section II for further discussion on zoning).

2. Historic Preservation (Hudson City Code Chapter 169)

Chapter 169 establishes a Historic Preservation Committee responsible, among other duties, for approving or disapproving applications for certificates of appropriateness. A ~~certificates~~certificate of appropriateness is required to carry out any exterior alteration, additions, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within an historic district, or to make any material change in the appearance of such as property or its windows, or install or move a satellite dish. Chapter 169 sets forth the procedure for applying for such certificate and the criteria for approval.

3. Garbage, Rubbish and Refuse; Solid Waste (Hudson City Code, Chapters 157 and 260)

These chapters regulate the collection, separation and disposal of garbage, rubbish, trash and solid wastes.

4. Use of Parks & Mass Gatherings (Hudson City Code Chapters 65 and 199)

Chapter 65 regulates the consumption of alcohol at the Henry Hudson Riverfront Park and establishes the conditions under which the consumption of alcoholic beverages are permitted at the park. Chapter 199 regulates mass gatherings and sets forth the requirements and authorizations necessary in order to hold a mass gathering or special event within the City.

5. Sewers (Hudson City Code Chapter 240)

This chapter authorizes the adoption of rules and regulations to govern the proper use of the sanitary sewer system to maintain the effectiveness of the system. The rules and regulations were codified in a Sewer Use Ordinance adopted by the Common Council in 2008. The purpose of these rules and regulations is to prevent the introduction into the sewer system of any substances that would interfere with the proper functioning of the system; ensure all new connections are properly designed; and constructed and to provide for the equitable distribution of costs on all users, among other purposes. The

rules also require installation of a private waste water disposal system which meets all requirements of the New York State Department of Health where public sewer is not available.

6. Streets and Sidewalks (Hudson City Code Chapter 266)

Chapter 266 regulates the use of streets and sidewalks in the City of Hudson. It sets forth regulations for a number of activities, including the care, obstruction and repair of sidewalks as well as the opening and backfilling of sidewalks for utility placement and curb cuts.

7. Trees (Hudson City Charter C22-22)

Hudson City Charter Article 22 provides the Commissioner of Public Works with the power to regulate and control the planting and setting out of trees and shrubs in and upon the highways, streets, sidewalks and all other public places of the City. The Article also provides the Commissioner with authority to require proper maintenance and care of such trees and shrubs by private owners abutting the place upon which such tree or shrub stands.

8. Flood Damage Prevention (Hudson City Code Chapter 148)

This Chapter includes Flood Damage Prevention regulations to minimize the impacts of flooding and erosion.

9. Junkyards (Hudson City Code Chapter 182)

Chapter 182 prohibits any individual, partnership, association or corporation from establishing, maintaining, or operating a junkyard as defined therein.

10. Signs (Hudson City Code Chapter 244)

Chapter 244 sets for the rules and regulations for the placement and maintenance of signs within the City of Hudson.

11. Telecommunications Facilities (Hudson City Code Chapter 284)

Chapter 284 regulations the placement, construction and modification of wireless telecommunications facilities as define therein.

12. Environmental Quality Review (Hudson City Code Chapter 131).

This law requires that all actions of the City of Hudson and its agencies shall be carried out in conformity with the State Environmental Quality Review Act as defined in Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of the State of New York and Part 617 of Title 6, New York Code, Rules and Regulations.

B. LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP

To implement the policies and provisions of the City of Hudson Local Waterfront Revitalization Program, the following amendments shall be made to the City Code and Charter, in particular the Zoning Ordinance and Zoning Map for the City of Hudson (see Appendix C). These laws and amendments are proposed to promote tourism, enhance activity in the downtown business district, increase public access to the waterfront, protect environmental and scenic resources, and promote general well being in City.

1. Local Consistency Review Laws (Appendix D)

Major aActions to be directly undertaken, funded or permitted within the local waterfront

revitalization area must be consistent with the policies of the City of Hudson LWRP. Through the adoption of a LWRP consistency review laws (see Appendix D), the City ~~has can~~ established the legal framework required for the review of direct and indirect actions with the LWRP.

2. Zoning Map and Code Amendments (Appendix C)

The Proposed Zoning map identifies a recommended zoning scheme to better guide development in a manner to encourage water-related uses in the LWRP area. Several of the key map changes recommended on Figures 20 through 27 are described below. The proposed zoning code changes, including the addition of several new zoning districts and subdivision regulations, are also intended to ensure that development in the LWRP area is consistent with the LWRP, as more fully described below.

Core Riverfront Area (See Figures 4, 10 and 27)

The Core Riverfront Area will be rezoned from an Industrial (I) District, to the newly created Core Riverfront (CR) District in order to promote recreational and commercial development in the City's main riverfront venue. This area also includes the ~~deep-water port and causeway~~. The purpose of the Core Riverfront C-R District is to encourage a mixture of compatible uses at the riverfront; provide access to the riverfront for water dependent transportation and recreational uses and water enhanced uses such restaurants and publicly accessible walking and biking trails; to ensure that such uses are compatible; and to protect the visual, cultural, natural, ecological and historical resources of the City's core riverfront area. Allowable uses include ~~public marinas~~, public docks and launches for pleasure or recreational watercraft, boating instruction schools and tour, commercial, charter and/or fishing boat operations and eating and drinking places, parking lots and parking garages, public parks and public recreation facilities and amenities. Conditional uses include existing –commercial dock operations, multiple dwellings, eating and drinking establishments. (See Appendix C for a more detailed description of the allowed and conditional uses.)

Northern Waterfront Area (See Figures 4, 10 and 27)

This area currently contains land zoned for Industrial and Residential uses (R-1 and R-4). The proposed zoning significantly reduces the land zoned for industrial use and rezones much of the industrially zoned land to a newly created Recreation-Conservation (R-C) District. The purpose of the Recreational Conservation District is to conserve the unique and ecologically sensitive environments of the North and South Bays, including the State Designated Significant Fish and Wildlife Habitats in and adjacent to the North Bay; maintain the integrity of the landfill closure measures undertaken in the North Bay; and to the greatest extent possible, provide public access to the recreational and natural resources of the North and South Bays and the Hudson River. Allowable uses include public docks and launches for pleasure or recreational watercraft, parking lots, public parks, and recreational facilities. (See Appendix C for a more detailed description of the allowed and conditional uses.)

The proposed zoning maintains a corridor of industrial land use on either side of Second\ Street and changes a large area encompassing lands used by the school district and the Fireman's Home from Residential (R-1) to a newly created Institutional-Recreational-Conservation (I-R-C) District. The purpose of the I-R-C District is to allow for the development of residential and institutional uses while protecting unique or sensitive natural resources located in the coastal areas, including open space, viewsheds, steep slope areas and wetlands, through the use of conservation development and incentive

zoning. (See Appendix C for a more detailed description of the allowed and conditional uses.)

Southern Waterfront Area (See Figures 4, 10 and 27)

This area currently contains land zoned for Industrial and Residential uses (R-1 and R-4). The proposed zoning significantly reduces the land zoned for industrial use and rezones much of the industrially zoned land to a newly created Recreation-Conservation (R-C) District. The purpose of the Recreational Conservation District is to conserve the unique and ecologically sensitive environments of the North and South Bays, including the locally designated fish and wildlife habitat in the South Bay; and to the greatest extent possible, provide public access to the recreational and natural resources of the North and South Bays and the Hudson River. Allowable uses include public docks and launches for pleasure or recreational watercraft, parking lots, public parks, and recreational facilities. (See Appendix C for a more detailed description of the allowed and conditional uses.)

Upland Mixed Use Area (See Figures 4, 10 and 27)

This area is currently zoned Residential (R-4) and Commercial (G-C and C-C). The proposed zoning rezones some of the R-4 and I areas to a transitional Residential-Special-Commercial (R-S-C) zone. The R-S-C zone (see §325-13 of the Hudson City Code), authorizes multiple dwelling units, attached or row housing, one and two family housing units, and municipal buildings. Conditional uses include retail stores, schools, churches, warehousing, theaters, eating and drinking places, and assembling, converting, cleaning or any other processing of products within a fully enclosed building. The R-S-C Districts are located at the north western and south western corners of this area and are intended to provide a transitional use area between the remaining industrial corridors in the Northern and Southern Waterfront Areas and the commercial and recreational uses in the LWRP area.

The proposed zoning also rezones a portion of land currently zoned R-4 located at the end of Warren Street along Front Street to a newly created Riverfront Gateway (R-G) District. The purpose of the R-G) District is to ensure the continuation and further development of a diverse housing stock and to ensure that commercial and recreational development in the gateway area from the City's primary upland commercial area leading to the riverfront is consistent with the City's Comprehensive Plan and Local Waterfront Revitalization ~~Program~~^{Plan}. Institutional, commercial, residential, and municipal land uses within this District must be compatible with each other and support the City's goal of providing a physical, architectural, and pedestrian friendly connection between the upland portions of the City and its riverfront. Permitted uses include, multifamily dwellings owned and operated by a municipal housing authority; a limited dividend nonprofit or cooperative corporation, or other entity, providing housing for low to moderate -income families pursuant to any federal, state or local law; multiple dwellings; attached or row dwellings; public parks; recreation facilities and amenities, including but not limited to walking and biking trails, information kiosks, public plaza. Conditional uses included, professional, governmental or business offices and office buildings; eating and drinking places; and retail stores and banks.

Subdivision of Land (See Appendix C)

The current zoning code does not contain adequate subdivision regulations. The proposed zoning amendments adopt subdivision to govern the minor and major division

of land for the purpose of accommodating orderly, efficient and economical growth and development in the City of Hudson, particularly in the LWRP area where the largest areas of undeveloped land are located. All plans for subdivision must be reviewed and approved by the Planning Commission and shall be designed in accordance with the design standards and required improvements established by the amendments.

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

There are a number of public and private actions and projects that involve the potential redevelopment of prominent locations in the LWRP area. These actions hold promise for assisting with the renewal of the waterfront and the continued economic resurgence of the City and are fully outlined in Section IV of this program.

Several of the projects outlined in Section IV and located in the Southern Waterfront Area are dependent upon the City gaining access to the South Bay and the 7 acres of land currently owned by Holcim located south of the ~~deep-water~~ port. The City hopes to gain title to these 7 acres of river front property through an agreement with Holcim. Transfer of title to the City would be contingent upon an environmental review and compliance with all applicable laws. Obtaining this property would enable the City to provide the public with greater access to the river. The City also supports a transfer of title or conservation easements for wetlands in the South Bay from Holcim to either the City or a land conservation organization for purposes of recreation, conservation and education and a conservation easement for the causeway for public use and restoration efforts.

D. MANAGEMENT STRUCTURE TO IMPLEMENT THE LWRP

The review of proposed actions for consistency with the policies and provisions of the City of Hudson LWRP will be undertaken by the City agency that receives the application for funding or approval. Prior to undertaking, approving, permitting or funding any Type I or Unlisted action in the City of Hudson, as defined by Chapter 325 of the Hudson City Code, the respective agency shall review the submitted Coastal Assessment Form and the recommendation of the LWRP Consistency Review Board to determine if the action is consistent with the LWRP. Appendix D contains a copy of the LWRP Consistency Review Law, which more fully sets forth the local review process (a copy of the requisite Coastal Assessment Form is included in LWRP Consistency Review Law).

All State and federal actions proposed within the City's LWRA shall be reviewed in accordance with the guidelines established by the DOS which are in Appendix F.

E. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

The implementation of the proposed projects identified under Section IV will require funding from a combination of public and private sources. These costs will include capital outlays, maintenance costs and, in some cases, property acquisition. For many of the projects, costs are undetermined at this time. It is recognized that if the majority of the projects identified are implemented, they will be funded privately or supplemented by State and Federal funding. Where applicable, the City will work diligently to secure funding through grants available through State and Federal program funds to support implementation of the identified LWRP projects.

The City is obligated to fund a portion of the construction and renovation costs of proposed improvements on City owned property. There are grants available from State and Federal

agencies that the City hopes to obtain and leverage local funds against. At the present time, the City has obtained or otherwise received recent funding for the following projects in the waterfront area:

- Saland Member Item Grant: In 2008, the City received a \$250,000 grant from Senator Saland to expand the City's public dock space at Henry Hudson Riverfront Park. The City is currently using this grant to fund design and install of floating docks and physical improvements to the existing permanent dock per the LWRP.
- BOA Grant: The City has secured a \$37,000 grant to identify Brownfield sites in the waterfront. The investigation is ongoing.
- Office of Small Cities CDBG Grant. Awarded in August 2008, the City has obtained a 600,000 Community Development Block Grant for upgrades to the City's aging waste water treatment plant. The grant allocates 60,000 to administration. The remainder will be used for physical upgrades to the plant.
- DOS Waterfront Grant Nos. C006231 and C006188 currently funding efforts to develop and enact the LWRP and its enabling legislation and agreements.
- NIMO in-kind services attributable to Henry Hudson Riverfront Park upgrades and amenities, in the amount of \$150,000, part of which is being used as the City's matching grant money for DOS Grant No. C006231.

The City will continue to aggressively seek out additional grants or in kind assistance from governmental entities, elected representatives, quasi-governmental organizations and private entities to implement the plans and projects outlined in the LWRP.

SECTION VI: STATE AND FEDERAL ACTIONS 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 following state and federal authorities are part of the institutional framework for local waterfront planning and harbor management that includes planning initiatives as well as regulatory requirements. The City anticipates that all of the involved governmental entities identified in this section will likely have continuing roles affecting Hudson's waterfront area.

A. STATE AND FEDERAL ACTIONS AND PROGRAMS

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 for 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.

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

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

- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY (Regional Agency)

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

OFFICE OF CHILDREN AND FAMILY SERVICES

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

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 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

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 Disturbances
- 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 (Diversion 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 State lands, including grants of land and grants of easement of land under water, including for residential docks over 4,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance
- 3.00 Facilities construction, rehabilitation, expansion or demolition
- 4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archaeological and paleontological objects under State water bodies
- 5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (Regional Agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility -

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation or expansion of facilities.
- 2.00 Affordable Housing Corporation

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (Regional Agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program

4.00 Greenway Trail Activities

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (Regional Agency)

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Increases in special fares for transportation services to public water-related recreation resources

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office
- 2.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 3.00 Funding program for recreational boating, safety and enforcement

- 4.00 Funding program for State and local historic preservation projects
- 5.00 Land and Water Conservation Fund programs
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan, the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes
- 9.00 Recreation services program
- 10.00 Urban Cultural Parks Program

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF 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

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

THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (Regional Agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation and Canal Recreationway Commission
- 2.00 Facilities construction, rehabilitation, expansion, or demolition
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by CSX
 - 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.

b. 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, CSX

- 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 USACOE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

NUCLEAR REGULATORY COMMISSION

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

SURFACE TRANSPORTATION BOARD

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 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 Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

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)

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)

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

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

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

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

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

2. Federal and State Actions Necessary to Further the LWRP

a. State Actions and Programs

OFFICE OF GENERAL SERVICES

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP — including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

DEPARTMENT OF STATE

- Provision of funding for the implementation of an approved LWRP.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

HUDSON RIVER VALLEY GREENWAY

- Technical and financial assistance to enhance local land use planning and support Greenway Criteria.

GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY

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

b. Federal Actions and Programs

DEPARTMENT OF DEFENSE

Corps of Engineers

A U.S. Army Corps of Engineers permit would be required for the following activities:

- dredging and shoreline stabilization
- repair or installation of boat ramps
- installation of piers and marina-related facilities

ENVIRONMENTAL PROTECTION AGENCY

1. Review of any proposed action within a National Register District pursuant to NEPA

DEPARTMENT OF THE INTERIOR

National Park Service

2. Provision of funding under the Land and Water Conservation Fund Program

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

1. Federal Consultation

No direct federal consultation regarding the structure and organization of the LWRP has taken place at this time.

2. State Consultation

The following State agencies were contacted during the preparation of the LWRP:

Department of State – Division of Coastal Resources

Input was requested regarding the structure and organization of the LWRP.

Office of General Services

Maps and clarification on land title issues related to the ~~deep-water~~ port area were requested and received from the Office of General Services.

Office of Parks, Recreation and Historic Preservation

Clarification on state boat launch ownership was sought.

3. Regional Consultation

The Columbia County Planning Department was provided information regarding county housing and population statistics and municipal planning trends in the county on a variety of land use planning topics.

4. Local Consultation

Local consultation has consisted of numerous meetings and outreach activities as listed below, see also, Appendix A and Section VIII.

The following activities were undertaken to ensure that the current interests and concerns of all of Hudson's residents, city and county officials and interested organizations are reflected in the policy standards in the LWRP and its enabling and implementing legislation, agreements and actions. The key activities and programs included the following:

- A public opinion survey was distributed in 2006 to solicit ideas on future waterfront uses. A total of 390 responses were received by Hudson residents.
- Multiple public workshops were held including a kick-off meeting on August 31, 2006 at John L. Edwards Elementary School. This meeting reviewed the issues and opportunities presented by the waterfront and identified goals and policies of the LWRP (see Appendix B for workshop summaries). A series of five meetings were then held in January 2007 in a storefront at 330 Warren Street to receive comments on two concept plans. As part of these workshops a survey was distributed to record opinions on the different proposals.

- A meeting attended by City officials, key property owners, members of the Waterfront Advisory Steering Committee and interested organizations was held on November 27, 2006 to review possible development strategies for the waterfront area.
- A series of over 45 meetings with key stakeholders were held throughout the study period, involving city and county officials, property owners, agency representatives and interested study participants. A list of these individuals is given in the Appendix A.
- Dozens of public comments and some additional survey results received in May 2007 in response to a draft LWRP circulated for public comment.

SECTION VIII: OBTAINING LOCAL COMMITMENT

A. PUBLIC OUTREACH

The LWRP was prepared in partnership with the DOS and in accordance with regulations established by the DOS. The DOS initiated a review of the Draft LWRP by potentially affected state, federal and local agencies to identify and avoid, conflicts with existing projects, programs and policies.

In addition the City undertook extensive efforts to gain public input and comment on the LWRP. In conjunction with BFJ, Planning, the LWRP Advisory Committee held 6 public work shops. (See Appendix A and B) BFJ and or members of the LWRP Advisory Committee also held individual meetings with 47 individuals or groups to gain additional input. (See Appendix A)

B. LWRP PROCESS

In January of 2006, the City Council appointed a Waterfront Advisory Committee (WAC) to prepare a draft Local Waterfront Revitalization Program in coordination with BFJ Planning. The Committee relied upon nearly two decades of previous work related to redevelopment of the waterfront completed by previous WACs, the Hudson Opera House, and members of the public. The WAC and BFJ also studied Hudson's Comprehensive Plan as well as other recent planning studies (See Section II). The WAC met to discuss the development of the LWRP and sponsored the workshops and public meetings set forth in Appendix B. In addition, the Chairperson of the WAC and BFJ staff met with 45 individuals or groups who either had an interest in or owned property in the LWRA. See Appendix A.

~~A D~~drafts of the LWRP ~~were~~was prepared and released in April of 2007 ~~and September 2007.~~ ~~A third.~~ A second draft was released in December of 2008. Thereafter, the Common Council declared itself lead agency, accepted the Draft LWRP and began its SEQRA compliance by issuing a Positive Declaration pursuant to 6 NYCRR 617.7 in December 2008. The Positive Declaration called for the preparation of a Generic Environmental Impact Statement (GEIS). (See Section IX for a discussion of the City's SEQRA compliance).

SECTION IX: SEQRA COMPLIANCE

Please see Final GEISA Draft and Final Environmental Impact Statement were prepared on the Draft LWRP pursuant to SEQRA. The Final Generic Environmental Impact Statement was accepted by the City of Hudson Common Council on September 26, 2011.

APPENDICES

Appendix A: MEETINGS WITH STUDY PARTICIPANTS

Appendix B: SUMMARIES OF PUBLIC WORKSHOPS

Appendix C: PROPOSED ZONING AMENDMENTS TO CODE AND CHARTER

Appendix D: LOCAL CONSISTENCY LAWS

Appendix E: SIGNIFICANT COASTAL AND FISH WILDLIFE HABITAT NARRATIVES

Appendix F: GUIDELINES FOR REVIEW OF STATE AND FEDERAL PROJECTS

Appendix G: DESIGN GUIDELINE TEMPLATE

APPENDIX A: MEETINGS WITH STUDY PARTICIPANTS

Numerous individual meetings and discussions took place with stakeholders and study participants during the preparation of this LWRP, including the following:

Jeff Baker, Young Sommer LLC
Andy Bicking, Scenic Hudson
Louise Bliss, Athens Lighthouse
Charles Butterworth, Past Superintendent, Public Works Department
Marissa Codey, Columbia Land Conservancy
Richard Cohen, Hudson River Hotel
Dave Colby, Columbia County Chamber of Commerce
Quintin Cross, Past Committee Member
Tom Crowell, Columbia Land Conservancy
Ray Curran, Scenic Hudson
Patrick Doyle, Basilica Industria
David Driscoll, O&G Industries
Bob Elliot, Director New York Planning Federation
Todd Erling, Columbia-Hudson Partnership
Susan Falzon, Friends of Hudson
Ken Faroni, O&G Industries
Jeff First, Manager, Bliss Towers
Dean Fisher, Commodore, Hudson Power Boat Club
James Galvin, Columbia-Hudson Partnership
Jan Hanvik, Columbia County Council on the Arts
Clay Hiles, Hudson River Fund
Hillary Hillman, Hudson Main Street Manager
Richard Katzman, KAZ Manufacturing
Joe Kenneally, Hudson Power Boat Association
Leslie Lak, L&B Furniture
John Maiuri, Columbia County Chamber of Commerce
Peter Marotta
Seth McKee, Scenic Hudson
Joe Meadows, St. Lawrence Cement
Brian Meeker, X-Tyal Building
Ken Merz, O&G Industries
Abdus Miah, President, Hudson Islamic Center
Sher Sha Mizian, Hudson Islamic Center
James Monahan, Sneeringer Monahan Provost Redgrave Title Agency
Rich Moore, McGuires
Steve Nack, Columbia County Soil and Water Conservation
Peter Paden, Columbia Land Conservancy
Patrice Perry, Columbia County Planning Department
Sam Pratt, Past LWRP Committee Member
Christopher Read, Friends of Hudson
Hank Ritter, Property Owner
Dave Robinson, Columbia County Commissioner of Public Works
Michael Sassi, City of Hudson DPW
Harold Smith, Fugary Boat Club
Donald Stever, Kirkpatrick Lockhart Nichol森 Graham LLP
Andy Sturm, PARC Foundation
Sally and Peter Sweeny, Dunn Lumber Property

Appendix B: SUMMARIES OF PUBLIC WORKSHOPS

- 1 August 31, 2006
- 2 January 4, 2007
- 3 January 9, 2007
- 4 January 12, 2007 (Montgomery C. Smith Middle School Students)
- 5 January 18, 2007
- 6 January 30, 2007

LOCAL WATERFRONT REVITALIZATION PROGRAM
CITY OF HUDSON

PUBLIC WORKSHOP SUMMARY
AUGUST 31, 2006



INTRODUCTION

The first public workshop for the City of Hudson's Local Waterfront Revitalization Program took place on August 31, 2006 at John L. Edwards Elementary School. Approximately 40 people attended the workshop. The meeting began with a presentation by the consultants for the study, BFJ Planning, which covered the following topics:

1. LWRP Purpose and Scope

The basic purpose of New York State Local Waterfront Revitalization Program was described. The status of the City's current LWRP draft was also described as were prior studies including the 1996 Vision Plan, 2002 Comprehensive Plan and the 2006 Resident Survey. Key objectives were listed and the timeline was presented aiming for completion of the Plan within 9 months, by April 2007.

2. Resident Survey

Results of the 2006 Resident Survey were summarized. This included a description of overall preferred waterfront activities rated from 1-5. Open space and parks and restoration of habitats and conservation featured at the top of the list.

3. Issues and Opportunities

The bulk of the presentation focused on issues and opportunities under the following subheadings:

- Open Space and Recreation
- Development Proposals and Opportunities
- Transportation and Waterfront Access
- Historic and Scenic Resources



The LWRP Study Area.

ROUNDTABLE QUESTIONS

After the presentation, four roundtable discussion groups were asked to answer the following five questions. Each group's responses to the questions are summarized below.

QUESTION #1

Open space and recreation were rated as the most important potential future waterfront activities by Hudson residents in the 2006 survey conducted by the Waterfront Advisory Steering Committee. Please list the specific activities/uses that you would like to see on the waterfront.

Table 1

Greater access to the waterfront including:

- Bridge over Amtrak or tunnels, possibly continuing Warren Street in a tunnel to waterfront
- Greater waterfront access along Front Street
- A possible stairway from the south side of Promenade Park to waterfront

Table 2

- Education, including a nature center (possible name: Everett Mack Nature Center)
- Increased signage to natural areas and historic resources
- Hudson as the "Gateway to Columbia County"

Table 3

- Series of formal walks on the waterfront should be organized, including historic timelines
- Short and long term projects should be identified to connect different waterfront areas



Table 4

- Wetlands and estuary education center to provide information on waterfront habitats
- Flood zones should be clearly identified; concerns of global warming
- Swimming facility that could float on the Hudson (similar to City of Beacon)
- Picnic areas, including benches and grills

QUESTION #2

What kinds of new development should be encouraged on or near the waterfront and where should they be located?



Table 1

- Restaurants
- Greenmarket
- Artists' studios
- Chandlers
- Boat supply and other stores selling waterfront-related goods
- Residences behind L & B site
- Hotel,
- Bike shop
- Tennis courts,
- Kayak launch
- Skating rink
- New housing w/modern architecture
- Public boat launch.



Table 2

- Limited residential development
- Place for refreshments

Table 3

- North Bay trail system should connect to the Greenport Conservancy areas and trailway system
- Additional waterfront uses will create additional demand for parking; plan should address how parking needs will be accommodated



Table 4

- Restaurant would be a good use for Dunn warehouse
- Fosters refrigeration building could accommodate a sports/recreation complex
- Light industry (clean & high tech)- would improve tax base
- New buildings should be green and sensitive to historic surroundings
- Combine/integrate history and tourism



QUESTION #3

What ideas do you have to increase access to the water's edge?

Table 1

- Sensitivity and style in design
- Economic growth attractive to the waterfront
- Bring Warren Street to the river
- Renovation and reuse of firehouse
- Information about the wetlands, including a visitor center
- Connection between North and South Bays
- Access should be provided from L & B site to 3rd Street
- Ferry service to Athens



Table 2

- Safe access via a boardwalk (similar to NJ shore)

Table 3

- Kayak launch from landfill site has been approved
- Habitats in North and South Bays should be properly identified

Table 4

- Road access should be provided from L&B site



Question #4

What historic buildings and views in the LWRP area are most important to you?
(3 tables responded)

Table 1

- Views of the Catskills
- Mt. Merino
- Wetlands
- Dunn Warehouse- could be used as a museum for Hudson River painters

Table 3

- Old docks in the northern part of the waterfront
- The St. Lawrence bulk storage facility in the southern portion; it is one of the first poured concrete structures in the State

Table 4

- Plum Bronson House
- Industria Basilica
- Dunn warehouse
- St. Lawrence Cement storage building
- Allen Street viewshed
- Mt. Merino
- NYS Correctional Facility

Question #5

What is the most important recommendation you would like to see in the LWRP?
(3 tables responded)

Table 1

- Public access to the waterfront
- City should acquire St. Lawrence property
- Any commercial or residential uses should be setback from the waterfront
- Clarification of ownership issues relating to the Hudson Power Boat Club

Table 2

- Stormwater management and control of sewer overflow

Table 4

- Maintain as much open space as possible
- Preserve historic integrity of Hudson
- Provide additional access to waterfront

INTRODUCTION

The Public Workshop was held at the David Deutsch Gallery at 330 Warren Street, attended by over 100 local residents, business representatives and city officials. A presentation by BFJ Planning was designed to inform residents of the progress in updating the Waterfront Revitalization Plan. The presentation covered the following topics:

- Overview of the LWRP: History and Purpose
- Summary of results of August 31, 2006 Workshop
- Description of Study Area
- Historic Overview
- Future Planning Strategies
 - Industry
 - Housing
 - Retail and Tourism
- Waterfront Plan
 - Existing Conditions
 - Issues and Opportunities
 - Alternative Concepts



2. PUBLIC DISCUSSION

Future Zoning

- Between residential and industrial uses, housing is probably more likely to help the city improve its tax base
- The future of Hudson Terrace remains a big question mark; what are their long term plans?
- There are underutilized and vacant lots that would be well-suited for housing – industry doesn't need scenic views
- Waterfront park increases the value of surrounding land for housing
- Commercial uses (e.g., restaurant, café) should be included on the waterfront so that people have another way to enjoy the river.
- The South Bay shouldn't be zoned industrial given that it is a designated State wetland
- It would be desirable to bury utility lines (LWRP will include streetscape design guidelines)

Recreational/park uses

- A council member expressed approval of a possible museum on the waterfront and is thrilled at the amount of public land and green space that may be available.
- Columbia County has little land that is available for public walking and biking. Increased public access to new waterfront land is therefore critical.
- Sculpture park is just a possible idea; the park could also be used for active recreation and include a skate park for example.
- Kayakers may wish input on siting of a kayak launch
- Middle Ground Flats – there will be meetings (via the Hudson River Foundation?) regarding the future of MGF. One idea is to have an “urban cultural park” there.
- Consider in a floating swimming pool at the waterfront.

Economic potential

- The waterfront can be a real economic engine, and a lot of potential can be unlocked. SLC is willing to unlock large portions of their property, which will increase the tax base and bring a beautiful amenity to the city.
- A report has been done that analyzes the economic impact of arts and culture to Columbia County.

- Having a working waterfront is desirable. The SLC dock is important because it's deepwater and the only dock of its size between Poughkeepsie and Rensselaer. The dock has potential for the future – not just for use by SLC, but, for example, to ship agricultural goods downriver to NYC.
- There have been meetings with the Columbia-Hudson partnership regarding obtaining cleaner and lighter industrial waterfront uses, including agribusiness.

Truck traffic (needs to be alleviated/diverted)

- Truck route map (shown in presentation) contains an error (from Front to Third Streets, it doesn't go via Allen Street)
- Diverting SLC truck traffic so that it avoids city streets will also improve 9G as the "gateway" to the city

Proposed SLC conveyer

- Impact on South Bay will be significant and needs analysis
- SLC's proposed conveyer is problematic given that South Bay is a Class 1 wetland; but the conveyer concept may be preferable to the impacts of truck traffic (through the City's downtown area)
- The conveyer itself is quiet; the more noisy aspects of the operation are the gravel hitting the metal barge and the "beeps" of trucks backing up

North Bay South Bay Areas

- The County DPW is eager to work with the city to increase public access to the county landfill
- The North Bay has Region 4 approval for various uses and \$110K in funding from the DEC for a trail system
- South Bay habitat restoration needs to happen. Scenic Hudson believes that opening up the causeway and increasing the tidal flow is key, and that upgrading South Bay's designation to "significant" wetland is likely. Scenic Hudson expects a consultant's report re: South Bay ecological restoration to be complete within two weeks.

LWRP process, including implementation

- Individual stakeholders approached in the LWRP process included SLC, LB Furniture, Columbia-Hudson Partnership, Industria Basilica, the county, the Hudson Boat Club, Fugary Boat Club, the Athens' Lighthouse, and Scenic Hudson. In addition, there has been research on housing, Plumb-Bronson House, the correctional facility, and ongoing title searches.
- Concerns were expressed about implementing the plan. It would be desirable to identify short- and long-term projects and goals. The LWRP will contain a list of specific projects that will help to implement the plan.
- The LWRP, once approved, will give Hudson access to state grants and funds to implement projects.

Combined sewer overflow (CSO) issue

- CSO is a pressing problem for the city and for other municipalities, and the city is under deadlines to solve the problem.
- The LWRP will discuss the CSO issue, including in the list of specific projects to be implemented.

CITY OF HUDSON LWRP

PUBLIC WORKSHOP

JANUARY 30, 2007

Held at 330 Warrant Street

The workshop was held as an additional information meeting, conducted by Linda Mussman, Chair of the Waterfront Steering Committee. Approximately, 60 people attended the session. The meeting reviewed the plans prepared by BFJ Planning that were first presented at the Workshop held on January 4, 2007.

Public comments focused on the alternative plans prepared for the waterfront, including proposals for the SLC owned property. Particular concern was expressed about the concept showing a possible conveyor belt connection across South Bay, an option requested by SLC. This option was designed to eliminate the truck traffic that currently conveys stone and gravel via downtown Hudson for stockpiling at the waterfront.

The following issue/topics were discussed:

SLC Site

Concerns were expressed about the O & G Operations now using the SLC dock area.

- Proposals for use of a conveyor belt across South Bay was noted as inappropriate in earlier DOS findings.
- The City should investigate the legality of trucking through the downtown area. It was noted that no mention was made about truck routes/operations in earlier DEIS documents prepared for State review.
- A route around LB Furniture from Route 9G should be explored.
- City should consider prohibiting truck traffic during weekends.
- A “dream scenario” for the waterfront should be one without industrial activity. Eminent domain is a possibility but funds would have to be found to buy out SLC.

Industry at the Waterfront

Individual comments from the audience included:

- A plan that includes a working waterfront is a plus.
- Plan has to consider SLC otherwise LWRP Plan will face gridlock.
- City Council “does not have the votes” to rezone the waterfront; will need to take actions on this issue.
- The City DPW noted that there is a great value in a deep port and the City should retain a “working’ waterfront.

- Eliminating SLC Operations and other manufacturing use will negatively impact employment situation in Hudson.
- The plan should illustrate a mix of employment areas with public park uses.

Furgary Boat Club

- Club has been in existence for 3 generations; the Boat Club is part-time (summer) as there is no electricity or water hook-ups.
- Members mostly hunt, fish, kayak and canoe. They use Middle Flats and have helped to maintain the island and preserve wildlife. A survey of the island will be presented in July 2007.
- The club is concerned with seeing improvements carried out in the North Bay area. Hudson Storage building is viewed as dangerous and there is sewage from the County Landfill that should be addressed.
- The Club helps to clean up when sewage contaminates the river due to runoff after heavy rain.

Other Comments

- The LWRP plan should consider housing at the waterfront.
- The "Spirit of Hudson" cruise boat should be noted in the report.
- Future zoning proposals should be identified.
- Future recreational facilities should include specific areas designed for use by youths and seniors.

CITY OF HUDSON LWRP

WORKSHOP JANUARY 12, 2007

**Ideas for Hudson's
Revitalized Waterfront**

**7th & 8th Grade Students
Montgomery C. Smith Middle
School**

Hudson City School District

WORKSHOP: JANUARY 12, 2007

Ideas for Hudson's
Revitalized Waterfront

7th & 8th Grade Students
Montgomery C. Smith Middle School
Hudson City School District

Activities We Would Like the New Waterfront to Support

- Boat rides/tours along the river
- Tours (from waterfront up through the town)
- Sports (basketball, soccer, football, baseball, skateboarding, swimming, boating, fishing...)
- Outdoor movies
- Family reunions, receptions & big barbeques
- Performances (dance, plays) & concerts
- Festivals & Carnivals
- Relaxation (place to chill without getting hassled)
- Eating

Structures or Facilities These Activities Will Require

- Public boat launch
- Commercial dock for tour boat
- Fishing dock
- Rental shop for boats, canoes, kayaks, jet skis, fishing gear, bikes, rollerblades....
- Bike & rollerblade path
- Playfields, basketball courts, skateboard park
- Public pool (or public swimming area in river, if it's ever clean enough)
- Outdoor theater/performance space & seating

More Structures or Facilities

- Picnic tables, barbeques, outdoor fire pits, covered eating & cooking facilities
- Small store to buy firewood & the picnic stuff somebody in your group forgot to bring
- Nature walks, park benches & art exhibits
- Snack bars, cafes, restaurants
- Arcade
- Room to set up carnival for special holidays

Some Concerns

- Safety & security
- Insurance & Liability
- Cost of admission to events
- How will the waterfront be kept up so it doesn't look messy & rundown after a couple of years?
- Does the state or city or country have a budget for what you can do down here? How will the money be raised to get any of this, and where will the money come from to keep it up?

Things We Would Like to See in Town

- New shops, especially clothing stores that kids would actually like
- Arcades & other stuff to keep kids busy
- More clubs for kids
- Jobs for kids

Additional Ideas Offered by Kids after the Meeting

- Small scale train (kind of a tourist train) that would take people along the waterfront, maybe even along the edge of the wetland, and that would maybe connect the waterfront with the parks
- Miniature golf
- Dog park, so people could bring their dogs but people wouldn't have to worry about dog messes

City of Hudson LWRP – 1/18/07 Public Workshop Notes

1 Notes from general discussion

SLC dock and the “working waterfront”

The City of Hudson has to work with SLC. SLC owns 14 acres within the LWRP boundary and the South Bay. SLC owns more land than the City of Hudson itself.

SLC has a 25-year lease with O&G to ship aggregate from the dock. O&G requires 700 feet of dock for barges. This deepwater dock is valuable and fixed; it cannot be relocated or rebuilt. SLC has the right to use its dock to load the aggregate from its mine. If the dock were to be rezoned non-industrial, SLC's use would be grandfathered in.

Single-use green park, or mixed use waterfront? Need to develop broad-brush zoning plan

The waterfront is the economic engine that the city needs. Along with passive green park there can be a mix of uses, which leads to zoning issues. Mixed use is more sustainable than having a single use – if one use doesn't work, another can be tried in its place.

The City of Peekskill “proposed land use” map shows an example of mixed zoning that has been proposed for a Hudson River Community.

“Port of Hudson”

As a long-term conceptual solution to the problem of SLC being on the waterfront, maybe the City of Hudson could ultimately own all of the waterfront and there could be a Port of Hudson. It could include a wide mix of uses, including port/dock operations. As transportation infrastructure, the Port of Hudson could be an important source of revenue and an economic resource for the city. It might be possible to ship county agricultural products from the port. The city would lease the port to an operator, and there would be a port process to address issues such as trucks and traffic as they arise. If the city owned the port there would be meaningful regulation.

This concept is not intended as an attempt to shift to a new alternative, but rather to try to find a workable idea that addresses a problem, that people like, and that can be incorporated into the LWRP should identify the city's desire to ultimately be the owner of the property and of the Port of Hudson. In order for the city to acquire the dock it would have to purchase it from SLC. SLC will not sell it if they are not allowed to ship their product out.

Is the idea feasible? Does it need state and federal approval? There are a couple of existing federal connections to the waterfront that might help support the idea of a “Port of Hudson”. There's a working Coast Guard Lighthouse and the Coast Guard stores salt for several counties on the Hudson waterfront. Also, in the 1700s, Hudson was one of only three official ports of entry.

Due to its size, the SLC dock might make sense as a ferry dock.

Alternative access road

The access road near L&B industries would be great road truck traffic, cars from 9G, and boats going to the waterfront. This idea is being addressed in the LWRP. If the road is only for SLC's trucks it's not enough of a public benefit.

Idea of conveyor system from SLC quarry to the dock

In order to transport aggregate without truck traffic, the feasibility of a conveyor system from the SLC mine directly to the dock should be explored. For this concept to gain support there needs to be a higher degree of cooperation and coordination between Greenport and Hudson, as well as SLC and other stakeholders.

Dock-and-dine restaurant

A waterfront restaurant with transient boat slips (like Hagar's Harbor Restaurant in Athens) would be desirable. There's new housing on Catskill Creek and the slips there have boats from different states and Canada – boaters enjoy a place to go.

The site of Hudson Power Boat Club (HPBC) is a "gateway" to Hudson. It is proposed to move HPBC to the site of the existing state boat launch, which will be relocated to the south. It would be good to have a restaurant and dock where HPBC is now.

River access

Comment re: desire to see universal public access to the Hudson River. Too much residential might affect that goal. Also, concern about potential problems that shipping uses could cause in the river, such as CRS disease in fish, which is related to ship ballast.

LWRP boundary and process

Comment regarding confusion about the LWRP boundary [re: Warren Street? Unclear].

It would be desirable to add more time to the LWRP planning process. On the other hand the process has been going on for many years and a completed LWRP opens the way for generous funding to help with design and to accomplish the vision.

There is a need for the LWRP and revised zoning to be put in place. The current state of zoning in the city is "alarming". There is very little to protect the city and the LWRP area is mostly zoned industrial.

Significant progress in the LWRP process has been made since last summer's workshop, when "issues and opportunities" were first discussed – since then there have been discussions with stakeholders.

Other

Rick Bianchi (Columbia County Chamber of Commerce) presents supportive comments about the desirability of a timely and workable LWRP.

II. Notes from breakout sessions re: the four categories of LWRP preliminary ideas/proposals

RECREATION

Along with the ideas listed (items #1-6 on handout), workshop participants suggested the following:

- A dog exercise zone. There is already one as part of Charles Williams Park, but it might be nice to have on in the southern waterfront area as well.
- A sports/recreational rental supply (e.g., where people could rent roller blades, lockers, lock up their kayaks). May make sense to site this near the kayak launch.
- "A place to dance down by the river"
- A nurses station (first aid)

OPEN SPACE

General agreement re: #2 (overlook/pedestrian access to North Bay wetlands), #4 (expanded waterfront park), and #6 (preserve/enhance Plumb-Bronson setting).

- #1: Passive Public Park on county landfill
 - Is it safe? There's gas on the property
 - Should be linked with Greenport Conservation Area (there are plans for this)
 - Have seasonal concerts on the landfill: people could sit on the slope
- #3: Enhanced South Bay including increased tidal flow
 - Could the CSX track be raised (see #3 on "Open Space" map). This would allow for greater flows. But this might exacerbate flooding problem on 9G.
- #5: New Waterfront Park on SLC property
 - Working on negotiating a trade-off with SLC (ideas are preliminary)
- #7: Pedestrian connection from Promenade Hill to Waterfront Park
 - Idea doesn't seem feasible. How would it be done – a bridge over railroad tracks with a spiral staircase down?
 - Improve existing pedestrian paths to waterfront (e.g., signage to point the way to the waterfront)
 - Reinforce and restore the street grid down to the waterfront

Other:

Oakdale Park

- There's a trail from Oakdale Park all the way to Fairview Avenue (near the car dealership). This is an important pedestrian linkage which should be preserved and enhanced.
- Similarly, there's a trail from Oakdale Park that leads to behind the middle school.
- Have more picnic areas at Oakdale Park

TRANSPORT AND INFRASTRUCTURE

The most important priority should be to eliminate combined sewer overflows (CSOs)

Agree that Broad Street crossing to waterfront should be improved

Re: "adding public parking near riverfront" - ??? – depends on the location, it's a problem where it is now

Agree that pedestrian links between Warren Street and river should be improved. The signage should be improved. "Find a way through the Terraces."

A goal should be developing an alternative route for all traffic (not for SLC trucks only)

Agree re: ferry/cruise routes on river

Improving transit services to Albany & Poughkeepsie doesn't seem applicable to the LWRP. On the other hand, it would be good to increase transportation into the city (clean buses, jitneys).

Additional goals:

Expand public transportation within the city, including jitneys. The service is too irregular now.

Restore street grid ("unearth" one of the streets)

Develop and enhance concept of "gateways" into the city

Friends of Hudson have talked to Solaqua about hydrogen-powered cars (cabs) that could go to the waterfront.

NEW DEVELOPMENT

Idea of a Port of Hudson fits here

General agreement re: points 1-6 (as listed on handout)

Residential infill and rehabilitation in downtown area should be a priority (before building a new housing development).

Re: potential new housing sites, there should be an analysis of the costs and benefits of new housing (e.g., are there hidden costs? What are the strains on infrastructure?)

With reference to the "New Development" map, sites 4 and 6 (existing light-industry and potential housing sites on the northern waterfront) are within the 100-year flood plain, so it will not be possible to get flood insurance.

Generally, with the sea level expected to rise in the future, the railroad tracks along the river will need to be raised.

The McGuire's site, an inactive industrial site, is an interesting problem. It's awkward as an industrial site (though with better access that could improve) but it's ideal for residential as it's close to an existing residential neighborhood and infrastructure. It's a question how it should be zoned. It would be good for local residents to be able to work at light industrial and/or green industrial concerns right in the city, without having to commute to Coxsackie or Poughkeepsie.

CITY OF HUDSON LWRP

PUBLIC WORKSHOP

JANUARY 30, 2007

Held at 330 Warrant Street

City of Hudson LWRP – 1/30/07 Public Meeting Notes

I Discussion of draft conceptual zoning plan (led by Bill Ebel)

BFJ prepared the draft conceptual zoning plan. It's for discussion purposes only – a starting point for thinking about how the waterfront should be rezoned.

The zoning key (linked to map) is as follows:

(1) New waterfront recreation district

This long, thin parcel extends from the railroad tracks west to the river. It's a very sensitive area with many issues. The district will include special regulations that accommodate public access water-dependent uses.

Comments:

- South Front Street is the entrance to the waterfront and the zone should reflect that. Extend the district east into the Amtrak station area, Front Street, and Basilica.
- Concern that the area not become all parking lot. For example, if a hotel goes into the Dunn site, non-water-dependent parking on the waterfront would negatively impact water-dependent uses. Need to manage water-dependent versus non-water-dependent parking.

(2) Conservation overlays on North and South Bays

This is in recognition that these are wetlands that cannot be intensively developed. Passive recreational uses are okay, but not residential, manufacturing, or commercial uses.

Comment:

- The conservation district would be adjusted to include any area that shouldn't be built on. For example, within the proposed light-industrial zone (see#5), south of Basilica, water is pooling and it seems as if the wetland is creeping in. This needs to be analyzed before the manufacturing zone is finalized.

(3) Continued industrial use via grandfathering or special permit

This zone regards the SLC property, and grandfathering would allow SLC to continue its existing use of the dock.

Comments:

- Cheryl Roberts notes that SLC's use of the site is an open question. SLC may have abandoned the use and may be operating there without city approval.

(4) Residential/mixed-use zones adjacent to downtown

- Objection to “boomerang”-shaped zone: query as to whether zoning has to be contiguous. (Query as to why a particular lot is included in this zone – clarification that this zoning map is only general and conceptual.)
- Query whether this zoning district could be rerouted around COARC at the bottom of Warren Street (at edge of R4 zone), rather than following the street.
- Trade-off between creating high-end housing versus creating jobs for middle and lower income residents is a very sensitive issue. High-end residential would be badly received by the community. But that’s not something that can be addressed in the zoning.
- You don’t want to create empty spaces by retaining industrial zoning when its obsolete.
- McGuire’s is in an ideal location for residential use because it’s so close to other residential areas. But if the site is contaminated, residential use may not happen.
- Hesitate before dislodging the McGuire’s facility as a place for industry. It has embedded infrastructure (e.g., the physical plant) that’s difficult to replace. It would be good to re-use it for light-industrial, or get a number of firms to come in and use it.
- Brownfield issues re: McGuire’s. At what point does soil get tested? Can McGuire’s ever truly go residential? Linda Mussman has a grant to explore brownfield issues, including title searches and clean up. This issue might also affect the Fosters Refrigeration building. There are areas here that can’t be residential - but we don’t know what they all are.
- This zone should be extended to include Basilica.
- This zone should be extended to include Plumb-Bronson House (located in existing R-1 zone). (Also, a comment about creating access by the tracks there.)

(5) Light industrial

This zone recognizes that this is where existing light industry and business are. The southern light industrial area includes L&B, CAD Inc., Basilica, the new and old Fosters plant, the button plant and Dinosaw. There are some empty sites, including the old salt pile site. In the northern light industrial area, businesses include E.A. Morris, Kraftech, the city garage, Town & Country, and the sewage treatment plant.

Comments:

- Light industrial, residential and commercial uses can exist side by side. It's a very exciting mix that should be encouraged.
- The industrial zone shouldn't come up Broad Street to Basilica. Basilica should be zoned commercial. Also, Patrick Doyle has talked about a lot of different uses (for Basilica?) there, such as a grocery. Concern about making South Front Street look appealing here.
- If SLC's use is grandfathered in, there's only a very narrow passage to the waterfront. Also, you don't want to cut off the park on the waterfront with the light-industrial zone.
- The Basilica area would be more inviting if it's zoned for mixed-use. Also, maintaining the street grid pattern would be desirable here as well as in other redeveloping areas.
- How do you deal with vacant sites in a light-industrial area? It would be good to have mixed uses within the district to help with that, and so that Basilica and L&B can exist side by side.
- What kind of industry will come here? New "green" industry would be very desirable. Could there be a light-industrial zone to encourage certain types of businesses to locate? "Come build your windmill here." That's a desirable goal and is more of a special program rather than zoning per se. But at the same time, you don't want to chase out existing industries.
- Within this zone (south of Basilica), water is pooling and it seems as if the wetland is creeping in. This needs to be analyzed before the manufacturing zone is finalized. The conversation district (see#2, above) would be adjusted to include any area that shouldn't be built on.

Existing R-1 zones. The existing R-1 zones would not be changed. These areas contain institutional uses, namely, the NYS correctional facility (on 160 acres), the Firemen's Home, and Hudson High School.

Comments:

- If the uses here were to change, the areas would have to be looked at on a case by case basis.
- Questioning R-1 zoning. Would a conservation overlay be appropriate here? But these areas are in active use.

- Suggestion to build in a clause whereby if an institutional entity (e.g., the state) leaves and R-1 property, the zoning would be up for revision by the city.
- Plumb-Bronson house (located in R-1) has national historic landmark designation and the zoning should reflect that.

Other comments:

- Portions of the LWRP area are in the 100-year flood plain and perhaps the zoning should take the official flood plain map into account. There should be hesitation about allowing permanent residential development there. Also, permanent infrastructure in general will be affected by global warming in a flood plain.
- Watershed protection measures are needed in the Oakdale area, similar to the measures that are being taken with regard to Kinderhook Creek.
- Odor from the sewage treatment plant limits what can be done with the X-Tile building. Also, the Fugary kayakers complain about CSO's.
- Peter Marotta believes that the zoning map is missing 5 or 6 acres of land in the North Bay. Also, he queries how the current plan reflects the surveys that were just done. Response is that the surveys were collected and given to BFJ over the weekend. Public access and recreational uses were included in the surveys and the plan reflects that.

II Discussion of decision to prepare a Generic Environmental Impact Statement (GEIS) in conjunction with the LWRP (Cheryl Roberts)

Cheryl Roberts's recommendation is that the city go through CEQR in conjunction with the LWRP process. CEQR is an opportunity for the community and the Common Council to take a "hard look" at the LWRP and see what the alternatives are. The GEIS would analyze various alternatives and impacts and would give the Common Council the information it needs to make a rational decision. DOS does not always require a GEIS but agrees that it would be appropriate for Hudson.

The Common Council would need to be the lead agency and request that a GEIS be prepared. There would be a scoping meeting in which the public is asked what options should be studied. The scope would be determined and the BFJ planners would prepare the GEIS.

Not doing a GEIS could result in the city being sued down the road. Doing the GEIS could make the city more attractive to prospective developers, because a lot of the homework will have been done for them. Or, the Common Council could ask a developer for a supplemental EIS to address project-specific concerns.

The LWRP and CEQR would be done jointly, and the GEIS would be part of the LWRP. When the Common Council selects the alternatives, the draft GEIS would go to the DOS for 60-day review.

About \$65,000 is left in the DOS grant, which should be more than enough to prepare a GEIS. Initially it was hoped that these funds could be used to implement waterfront projects but that won't happen.

It would be reasonable to extend the moratorium while the GEIS is being completed and courts generally agree with such extensions.

Comments:

Peter Marotta comments that the Village of Athens has concerns about the Hudson LWRP [not specified]. He asks if the GEIS would be the way to study the working waterfront or the amphitheater. The amphitheater idea is "off the table" because the planners determined that it is too sensitive a use for North Bay.

Appendix C

Proposed Zoning Amendments to Code and Charter

Draft LOCAL LAW NO. ___ OF 2011
, 2011
A LOCAL LAW AMENDING THE CITY ZONING CODE TO IMPLEMENT
THE LOCAL WATERFRONT REVITALIZATION PROGRAM AND FOR
OTHER PURPOSES

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS FOLLOWS:

SECTION 1. TITLE. This Local Law shall be known as Local Law No. ___ for the year 2011, the Local Waterfront Revitalization Program Law.

SECTION 2. LEGISLATIVE FINDINGS.

The Common Council of the City of Hudson finds that:

Revitalization of the City's waterfront is critical to the City's continued economic growth and the health and welfare of its residents who desire better access and additional opportunities to enjoy coastal resources, including recreational, historic, and cultural resources within the waterfront boundary area.

The economic and social interests of the City's residents would be best served by revitalization of the waterfront boundary area based upon a mix of land uses including residential, commercial, industrial, shipping, recreational, open space and conservation.

The current industrial zoning in much of the waterfront does not provide for a mixture of land uses and does not comport with the goals of the City's Comprehensive Plan or the Local Waterfront Revitalization Program.

To that end, the Common Council adopts this legislation to advance the following purposes:

- (a) to maintain and reestablish physical and visual public access to and along the waterfront;
- (b) to promote a greater mix of uses in waterfront development in order to attract the public and enliven the waterfront;
- (c) to encourage water dependent uses along the City's waterfront;
- (d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;
- (e) to preserve historic resources along the City's waterfront; and
- (f) to protect natural resources in environmentally sensitive areas along the shore.

SECTION 3. LEGISLATIVE INTENT.

It is the intent of the Common Council to amend the Hudson City Code to change the existing zoning within the waterfront boundary area to enable redevelopment of the

waterfront boundary area based upon a mixed use revitalization plan in accordance with the City's Local Waterfront Revitalization Program.

SECTION 4. STATEMENT OF AUTHORITY.

This local law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York); the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Chapter 18 of the Consolidated Laws of the State of New York, Article 42 of the Executive Law); the General City Law, (Chapter 21 of the Consolidated Laws of the State of New York, Article 3, §§20, 27-a, 32 and 37 and Article 5-A, §81-D); the General Municipal Law (Chapter 24 of the Consolidated Laws of the State of New York, Article 12-A, §247); and the Environmental Conservation Law (Chapter 42-B of the Consolidated Laws of the State of New York, Article 49, §49-0301).

SECTION 5. ZONING AMENDMENTS

A. Hudson City Code, Chapter 325, Article I, Section 325-1, is hereby AMENDED by DELETING the section and REPLACING such section with the following:

“§325-1. Establishment of zoning plans: purpose.

- A. There is hereby established a comprehensive plan and a Local Waterfront Revitalization Program for the City of Hudson, New York, which plans are set forth in the text and maps that constitute this chapter and the policies and programs identified in the Local Waterfront Revitalization Program. The Comprehensive Plan is adopted for the purposes set forth in Paragraphs 24 and 25 of §20 of Article 2-A of Chapter 21 of the Consolidated Laws of the State of New York. The Local Waterfront Revitalization Program is adopted for the purposes set forth in Paragraphs 1-7 and 10 of §912 of Article 42 of Chapter 18 of the Consolidated Laws of the State of New York. In addition, the plans and maps are adopted for the following purposes:
- (1) Facilitation of the efficient and adequate provision of public facilities and services.
 - (2) Provision of privacy for families.
 - (3) Prevention and reduction of traffic volume and congestion and the provision of safe and adequate traffic access to uses generating large volumes of vehicles including trucks.
 - (4) Maximum protection of residential areas.
 - (5) Gradual elimination of nonconforming uses.
 - (6) Protection of limited areas for industrial use and the encouragement of a mix of uses in the local waterfront revitalization area boundary.

- (7) Protection of business areas by limiting the size of buildings so as to prevent injury to business which would be caused by over congestion of traffic and parking.
 - (8) Protection of the City’s historical, cultural, visual, and natural resources, especially those natural resources located within the City’s local waterfront revitalization area boundary.
- B. The above shall not in any way be construed to limit the purposes of this chapter.”

B. Hudson City Code, Chapter 325, Article II, section 325-2, is hereby AMENDED by ADDING the following at the end thereof:

“Core Riverfront District	C-R
Recreational Conservation District	R-C
Institutional-Residential Conservation District	I-R-C
Riverfront Gateway District	R-G”

C. Hudson City Code, Chapter 325, Article II, section 325-3, is hereby AMENDED by ADDING, “and the waterfront boundary”, after the word “districts”.

D. Hudson City Code, Chapter 325, Article II, section 325-4, is hereby AMENDED by ADDING, “and waterfront” in the section title after “of”, ADDING, “or the waterfront boundary”, after “districts”, and is hereby further AMENDED by ADDING as follows:

- 1. in Paragraph “A”, “or waterfront”, after “district”; and
- 2. in Paragraph “B”, “or waterfront”, after “district”.

E. Hudson City Code, Chapter 325, Article III, section 325-6, is hereby AMENDED by DELETING the section and REPLACING such section as follows:

“§325-6. Subdivision or Site Plan approval required: Local Waterfront Consistency Determination required.

- A. Site Plan or Subdivision approval by the Planning Commission shall be required in all districts in accordance with §325-35 or §325-35.1, respectively, of this chapter. Site plan approval shall be required for the erection or enlargement of all buildings other than one-and two-family residences and accessory uses thereto, and for all uses of land where no building is proposed and where a building permit or certificate of occupancy is required. Subdivision approval shall be required for major subdivisions, as defined in §325.42, and conservation development projects pursuant to §325-28.
- B. A local waterfront consistency determination in accordance with §325-35.2 shall be required in all districts located within the local waterfront revitalization area boundary as set forth on the map adopted pursuant to §325-3 of this chapter, for the undertaking of all major actions as

defined in §325.42. Minor actions, as defined in §325.42, are not subject to local waterfront consistency review.”

F. Hudson City Code, Chapter 325, Section 325-17 is hereby *AMENDED* by *ADDING* the following *NEW* sections thereafter:

“§325-17.1 Core Riverfront C-R District.

A. District Purpose. The purpose of the Core Riverfront C-R District is to encourage a mixture of compatible uses at the riverfront; provide access to the riverfront for water dependent transportation and recreational uses and water enhanced uses such as restaurants and publicly accessible walking and biking trails; to ensure that such uses are compatible; and to protect the visual, cultural, natural, ecological and historical resources of the City’s core riverfront area.

B. Site Plan Approval. All new uses or change of uses in the CR District will be subject to site plan approval by the Planning Commission pursuant to Section 325-35.

C. Permitted Uses. Subject to the bulk and area regulations of the Core Riverfront C-R District, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, in whole or in part, for any purpose in the Core Riverfront C-R District except the following:

- (1) Public docks and launches for pleasure or recreational watercraft.
- (2) Public parks, including but not limited to public beaches, boat launch areas, and playing fields.
- (3) Public and private recreation facilities and amenities, including but not limited to snack bar or café to service public parks, walking and biking trails, boat rental facilities, information kiosks.
- (4) Tour, commercial, charter, and/or fishing boat operations.
- (5) Boating instruction schools.
- (6) Watertaxis and ferries.

D. Conditional Uses. Other than the permissible uses set forth in 325-17.1C and the accessory uses set forth in 325-17.1E, and subject to the bulk and area regulations of the Core Riverfront C-R District, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or improvement thereon, be constructed, altered, paved, improved or rebuilt, in whole or in part, for any purpose in the Core Riverfront C-R District except that the following conditional uses are permitted, subject to the approval of the Planning Commission in accordance with Article VIII

hereof. These uses are further subject to the regulations specified below and elsewhere in this chapter.

(1) Continuation of existing commercial dock operations for the transport and shipment of goods and raw materials, including loading and unloading facilities, and storage of such goods and raw materials, and associated private roads providing ingress and egress to or from such commercial dock operations, as such uses existed on the effective date of this local law. Any existing commercial dock operation may continue to operate as a non-conforming use until such time as one or more of the actions or events specified in paragraph D above is proposed to be undertaken. Where one of the actions or events specified in paragraph D above is proposed, in addition to the provisions of Article VIII, and as more fully set forth in Section 325-17.1F2), the Planning Commission shall impose additional conditions on such use as may be necessary to protect the health, safety and welfare of residents living in close proximity to commercial docks and the public while recreating and using public facilities adjacent to commercial docks as authorized in the Local Waterfront Revitalization Program.

(2) A private causeway or private road that provides ingress to or egress from the property upon which a commercial dock operation is conducted as set forth in Section 325-17.1F(2)(h) & (k).

(3) Public and private marinas.

(4) Annual or private membership clubs providing private playgrounds, swimming pools, tennis courts, marina and boat launch facilities, related recreational buildings. At a minimum, such uses shall be subject to the special conditions set forth in Section 325-7-B(3).

(5) Railroad, public utility, radio and television transmission and receiving antennas, rights-of-way and structures necessary to serve areas within the City.

(6) Multiple dwellings, hotels (not including rooming and boarding houses) and motels.

(7) Telecommunications towers as provided for in Chapter 284.

(8) Eating and drinking places.

E. Accessory Uses. Customary and accessory uses, including off-street parking as regulated in Article IV, permitted accessory uses as provide for in §325-7C(1), (2), (4), and (5) and signs as regulated in Central Commercial C-C District, §§325-14C and 325-25.

F. Standards for Conditional Uses.

(1) For all conditional uses, where the subject property abuts the water, the planning commission shall consider the quality and extent of views from the adjacent public streets through the property to the water as well as the design and relationship of development to the waterfront as viewed from the water.

(2) Special Conditions for Commercial Dock Operations (including private roads providing ingress and egress to the commercial dock operations):

- (a) Emissions of dust, smoke, gas, odor or air pollution, or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in a manner or amount as to cause permanent damage to the soil or waters shall not adversely affect the surrounding area or to create a nuisance. See Hudson Zoning Regulations § 325-27, Prohibited Uses in All Districts.
- (b) In order to minimize nuisance noise from loading dock operations to residential receptors and nearby uses, noise shall be kept within the limits established in Chapter 210 Noise of the City Code. Control measures may include, as the Planning Commission deems appropriate, the placement of noise attenuating barriers and landscaping around loading docks.
- (c) Loading or unloading operations at the docks and truck arrivals and departures shall be limited to the hours of 7 am to 7 pm. This limitation shall not apply to on-water operations by tugboats and barges.
- (d) Truck engine idling is prohibited at loading docks.
- (e) Artificial lighting facilities of any kind with light sources visible beyond the lot lines or which create glare beyond such lines are prohibited pursuant to § 325-27, subject to lightening devices deemed necessary for the public safety and welfare by federal, state or City authorities.
- (f) Visual impacts associated with such operation shall be minimized. Corridors from a public street or tract of land that provide a direct and unobstructed view to the water from a vantage point within a public street, public park or other public place shall be protected wherever possible. Outdoor storage of goods and raw materials shall be screened from the public view to the greatest extent possible.
- (g) As far as practical, public access to and along the river shall be incorporated into site designs for conditional uses but shall not substantially interfere with the established uses on the property.

- (h) In areas of annual flooding, flood plains and wetlands shall be preserved in their natural state to the maximum possible extent practicable to protect water retention, overflow and other natural functions.
 - (i) Loading and unloading operations at the docks shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, water flow, and permitted uses on adjoining property.
 - (k) Construction, reconstruction or resurfacing of and other improvements to the dock operations (including private roads providing ingress and egress to the commercial dock operations) shall be performed in a manner which preserves natural features and drainways, minimizes grading and cut and fill operations, ensures conformity with natural topography, and retains natural vegetation and vegetative buffers around waterbodies to the maximum extent practicable in order to prevent any increase in erosion or the volume and rate or velocity of sedimentation or surface water runoff prior to, during, and after site preparation and work.
- (3) Special conditions for a private causeway or private road that provide ingress to or egress from the property upon which a commercial dock operation is conducted include the requirements as set forth sections 325-17.1F(2)h) & (k).
- (4) Special conditions for public and private marinas include the following:
- (a) Docks and moored vessels must be situated so as not to interfere with the free and direct access to such waters from the property, wharf, dock or similar structure of any other person unless written permission is obtained therefor from such other person.
 - (b) Any application for a dock to be constructed at the end of a right of way will require written consent from all parties having an interest in the right of way.
 - (c) All docks fifty (50) feet or longer in length must be equipped with a US Coast Guard approved regulatory navigation light at the seaward end of the dock facility.
 - (d) As far as practical, public access to and along the river shall be incorporated into site designs for marinas.
- (5) Special conditions for multiple dwellings, motels and hotels include the following:

- (a) The design, scale, and appearance of units, structures, and the entire facility shall be compatible with present and potential uses of adjacent properties and structures.
- (b) The size, scale or configuration of a proposed facility must be found not to create an undue increase in traffic congestion on adjacent and nearby public streets or highways.
- (c) Structures and outdoor activities will be reasonably screened from adjacent properties. Landscaping and buffer zones will be provided to reduce noise, dust, and visibility.
- (d) Outdoor lighting shall be contained on the site and shielded to assure that lighting is not visible from neighboring lots.
- (e) There shall be no outdoor public address or music system audible beyond the limits of the site.
- (f) The number of guest rooms may be limited to the availability of public water and sewage facilities.
- (6) Special conditions for eating and drinking places include the following:
 - (a) There shall be no outdoor public address or music system audible beyond the limits of the site.
 - (b) The maximum customer capacity of the restaurant shall be calculated in order to determine potential sewage and kitchen waste disposal. A plan demonstrating how the disposal of sewage and kitchen wastes will be handled shall be provided.
 - (c) Structures and outdoor eating areas will be reasonably screened from adjacent properties. Landscaping and buffer zones will be provided to reduce noise, dust, and visibility.
 - (d) Outdoor lighting shall be contained on the site and shielded to assure that lighting is not visible from neighboring lots.

E. Salt Storage. The stockpiling or storage of road salt is not a permitted, conditional or accessory use.

§325-17.3 Recreational Conservation R-C District.

A. District Purpose. The purpose of the Recreational Conservation District is to conserve the unique and ecologically sensitive environments of the North and South Bays,; maintain the integrity of the landfill closure measures undertaken in the North Bay; and

to the greatest extent possible, provide public access to the recreational and natural resources of the North and South Bays and the Hudson River.

B. Permitted Uses. Subject to the bulk and area regulations of the Recreational Conservation R-C District, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, in whole or in part, for any purpose in the Recreational Conservation R-C District except the following:

- (1) Public and private boat rental operations, docks and launches for pleasure or recreational watercraft.
- (2) Public and private parking lots.
- (3) Public parks.
- (4) Recreation facilities and amenities, including but not limited to walking and biking trails, boat rental facilities, boat launching facilities, boating instruction schools, and information kiosks.

C. Conditional Uses. The following conditional uses are permitted, subject to the approval of the Planning Commission in accordance with Article VIII hereof. These uses are further subject to the regulations specified below and elsewhere in this chapter.

- (1) Telecommunications towers as provided for in Chapter 284.
- (2) Outdoor entertainment venues provided that in addition to complying with Article VIII, such venues do not degrade or otherwise harm the natural or environmental resources located within the R-C District including any state or locally designated significant coastal fish and wildlife habitats, or degrade or in any other manner compromise the state approved closure of the former municipal landfill located in and adjacent to the North Bay.

D. Accessory Uses. Customary and accessory uses, including off-street parking and loading areas as regulated in Article IV, permitted accessory uses as provide for in §325-7C(1), (2), (4), and (5) and signs as regulated in Central Commercial C-C District, §§325-14C and 325-25.

§325-17.4 Institutional-Residential Conservation I-R-C District.

A. District Purpose. The purpose of the Institutional-Residential Conservation I-R-C District is to allow for the development of residential and institutional uses while protecting unique or

sensitive natural resources located in the coastal areas, including open space, viewsheds, steep slope areas and wetlands, through the use of conservation development pursuant to section 325-28 and incentive zoning pursuant to section 325-28.1.

- B. Permitted Uses. Subject to the bulk and area regulations of the Institutional-Residential Conservation I-R-C District, and the provisions of Paragraph E of this Subsection, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, in whole or in part, for any purpose in the Institutional-Residential Conservation I-R-C District except the following:
- (1) Any use permitted in and as regulated in, §325-7A, except that one-family dwellings shall conform to the bulk requirements of the I-R-C District and where applicable, Paragraphs E of this Subsection.
 - (2) Public or private parks.
 - (3) Recreation facilities and amenities, including but not limited to walking and biking trails, information kiosks, restroom facilities, snack bar or café, swimming pool, athletic fields.
- C. Conditional Uses. The following conditional uses are permitted, subject to the approval of the Planning Commission in accordance with Article VIII hereof. These uses are further subject to the regulations specified below and elsewhere in this chapter.
- (1) Hospitals, sanitariums, philanthropic or eleemosynary institutions and convalescent or nursing homes, congregate housing, or homes for the aged, provided that such hospital, institution or home or housing does not primarily care for patients suffering from alcoholism, or drug abuse and is not a transitional service facility and that such uses conform to the bulk requirements of the I-R-C District and Paragraph E of this Subsection.
 - (2) Conditional uses as authorized and regulated pursuant to §325-7B(3), (4) and (5).
- D. Permitted Accessory Uses.
- Any accessory use as authorized and regulated pursuant to §325-7C.
- E. Conservation Development.
- Subdivisions of a parcel into 3 or more parcels or lots must comply with §325-28.

§325-17.4 Riverfront Gateway District R-G District.

- A. District Purpose.
The purpose of the Riverfront Gateway District (R-G) District is to ensure the continuation and further development of a diverse housing stock and to ensure that commercial and recreational development in the gateway area from the City's primary upland commercial area leading to the riverfront is consistent with the City's Comprehensive Plan and Local Waterfront Revitalization Program. Institutional, commercial, residential, and municipal land uses within this District must be compatible with each other and support the City's goal of providing a physical, architectural, and pedestrian friendly connection between the upland portions of the City and its riverfront.
- B. Permitted Uses. Subject to the bulk and area regulations of the Riverfront Gateway R-G District and Paragraph F of this section, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, in whole or in part, for any purpose in the Riverfront Gateway R-G District except the following:
- (1) Multifamily dwellings owned and operated by a municipal housing authority, a limited dividend nonprofit or cooperative corporation, or other entity, providing housing for low to moderate -income families pursuant to any federal, state or local law.
 - (2) Multiple dwellings.
 - (3) Attached or row dwellings.
 - (4) Any use permitted in and as regulated in the One- and Two-family Residence R-2 District, § 325-8A(1).
 - (5) Public Parks
 - (6) Recreation facilities and amenities, including but not limited to walking and biking trails, information kiosks, public plaza.
- C. Conditional Uses. The following conditional uses are permitted, subject to the approval of the Planning Commission in accordance with Article VIII hereof. These uses are subject to the regulations specified below and elsewhere in this chapter.
- (1) Professional, governmental or business offices and office buildings, including customary accessory uses thereto, as permitted and regulated in Multiple Residence-Conditional Office R-3 District §325-10B(3).
 - (2) Eating and drinking places.
 - (3) Retail stores and banks.

- D. Permitted Accessory Uses.
- (1) Customary and accessory uses as permitted and regulated in the One-Family Residence R-1 District, §325-7C.
 - (2) Customary and accessory uses related thereto, as permitted and regulated in the Central Commercial (C-C) District, §325-14C
- E. Mixed Use Development. Residential and conditional uses, and any accessory uses permitted thereto, authorized in the Riverfront Gateway (R-G) District, may exist together, upon one lot, subject to the approval of the Planning Commission in accordance with Article VIII hereof. These uses are subject to the regulations specified below and elsewhere in this chapter.
- (1) Except for the ground floor, no floor in any building having a mix of residential and conditional uses may be used for both dwellings and conditional uses unless two separate entrances, including hallways, are provided, giving direct access to each use.
 - (2) Where a residential use and a conditional use are proposed on the same lot, in addition to the provisions of Article VIII, the Planning Commission may impose additional conditions on such mixed use development as may be necessary to protect the public health, safety and welfare of residents living on the same lot or in close proximity to conditional uses. Such additional conditions may include, but are not limited to, regulation of noise, lighting and visual impacts associated with the operation of such conditional uses.
- F. Inclusionary Zoning. In order to ensure an economically diverse housing stock in the R-G District, the development or redevelopment of any multiple dwelling, multiple family dwelling, or the subdivision of a parcel resulting in 10 or more dwelling units shall only be developed or redeveloped as set forth in this Paragraph. For purposes of this Paragraph, the term “redevelopment” means any activity related to a building or structure for which the issuance of a building permit would be necessary pursuant to §325-30.
1. Affordable housing set aside. At least 20% of the total number of dwelling units must be set aside and affordable as “low income housing” or “moderate income housing” as those term are defined in §325-42, where upon the Planning Commission shall grant a density bonus to the owner or developer of such parcel of no greater than 30% as provided for in §325-28.1G(1)(a)-(e), (2) and (3).

2. Notwithstanding §325-17.4F(1) and §325-28.1G , where the Planning Commission determines, due to the unique physical characteristics of a parcel, (for purposes of this Subparagraph, referred to as the “transferring parcel”), that approving a density bonus commensurate with the affordable housing set aside would cause extreme financial hardship to the owner or developer, or that increasing the transferring parcel density to accommodate the bonus would be impossible due to such unique physical characteristics, the Planning Commission may authorize the transfer of the density bonus from the transferring parcel to another parcel, to be known as the “receiving parcel”, located within the LWRA, provided that at least 25% of the affordable housing set aside dwelling units are developed on the transferring parcel.
3. At least half of the affordable housing set aside dwelling units must be affordable as low income housing. Such determination shall be made according to the following procedure:
 - (a) A property owner may request preservation credit certificates from the Planning Commission. The Commission shall calculate the total number of credits upon the real property within a designated sending area using a development yield factor. Development yield is established by multiplying the gross area of the parcel by the relevant development yield factor for the sending district. The development yield factor for all mapped sending areas shall be one right per 43,560 square feet of unimproved real property.
 - (b) Preservation credits may be used to increase the development yields within receiving areas. In its determination of the total development yield of a particular property upon which development rights are to be applied, the Planning Commission shall consider the extent of natural features existing on the site, including, but not limited to, water surfaces, freshwater wetlands and slopes in excess of 30 % grade.
 - (c) In the One-Family Residence (R-1) District and One, Two-Family Residence (R-2) District, Multiple Residence-Conditional Office (R-3) District and General Commercial (G-C) District with regard to detached dwellings, preservation credits may be used to increase lot yield by one lot per 40,000 square feet after

subtracting for that land area required for infrastructure and public improvements.

- (d) In the Multiple Residence-Conditional Office (R-3) and Three Story Multiple Residence (R-4) Districts with regard to attached dwellings and multiple dwelling units, preservation credits may be used to increase the dwelling unit density at a rate of one dwelling unit per preservation credit redeemed, not to exceed four dwelling units per 40,000 square feet.
- (e) In the Central Commercial (C-C) District and the General Commercial (G-C) District, preservation credits may be used to increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.
- (f) In the Industrial (I-1) District, preservation credits may be used to increase the development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.

G. Hudson City Code, Chapter 325, Article IV, Section 325-18 is hereby AMENDED by DELETING the section and REPLACING such section with the following:

“§325-18. Schedule of Bulk and Area Regulations and Density Calculation.

- A. Schedule of Bulk and Area Regulations. There is hereby established at the end of this chapter, a Schedule of Bulk and Area Regulations for all zoning districts. Such Schedule sets forth regulations applicable to the following area and use dimensions of a parcel: the area of lots; the heights of buildings; the yards and open spaces to be provided; the minimum floor area ratio; and required off-street parking spaces. Additional off-street loading and parking requirements are contained in Article IV, alternative area or use dimensions and additional regulations, including those related to conservation development and incentive zoning, are contained in Article V.
- B. Schedule Applicability. In accordance with Article VIII, subdivision or site plan approval must be in conformity with the Schedule of Bulk and Area Regulations, and/or in the alternative where applicable, the provisions of Article V relating to conservation development and incentive zoning.

C. Density and net parcel size. To calculate the density of a parcel and therefore the number of potential lots into which such parcel may be subdivided, if any, the applicant shall prepare and submit to the Planning Commission a proposed subdivision plat showing, roads, recreation areas, lots meeting the minimum lot size and setback requirements. From that subdivision plat, the Planning Commission must determine the net parcel size by subtracting from the gross (total) parcel:

- (1) state designated wetlands requiring issuance of a state wetland permit prior to alteration or use or wetlands that meet the criteria for classification as federal jurisdictional wetlands;
- (2) land having slopes greater than thirty percent (30%); and
- (3) land subject to an easement or right of way, or road, unless the applicant has secured and submitted to the Planning Commission all necessary permits or approvals that would allow development in those areas.

Density shall be determined by applying the area and use dimensions, set forth in the Schedule of Bulk and Area Regulations, to the net parcel size. As a result of features unique to a parcel or lot, the Planning Commission may, through site plan or subdivision review, reduce density below the density otherwise permissible according to the application of the Schedule of Bulk and Area regulations to the net parcel size, as the Planning Commission deems necessary to protect the public health, safety and welfare.”

H. Hudson City Code, Chapter 325, Article V, Section 325-22 is hereby AMENDED by DELETING the word “districts” in the title of the section and REPLACING the word with “uses”.

I. Hudson City Code, Chapter 325, Article V, Section 325-25 is hereby AMENDED by ADDING at the end thereof the following:

“D. Local Waterfront Revitalization Area Boundary. All signs located in the local waterfront revitalization area boundary shall conform to §244-39.2.”

J. Hudson City Code, Chapter 325, Article V, section 325-28 is hereby AMENDED by DELETING such section and REPLACING such section with the following NEW section:

“§325-28. Conservation Development.

A. Purpose. The purpose of this section is to promote the health and general welfare of the City of Hudson by preserving open space, providing recreational opportunities, protecting natural resources, preserving scenic views, particularly views of the Catskill Mountains and the Hudson River, and reducing infrastructure and related maintenance costs associated with reducing the width or length of

streets and reducing the distance over which utilities must be extended by encouraging flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.

B. Applicability, Subdivision of Parent Parcel.

- (1) Conservation development is authorized and may be utilized as provided for in this section in any residential district or district authorizing residential uses.
- (2) Notwithstanding Paragraph B(1) of this Subsection, conservation development is required in the Institutional-Residential Conservation I-R-C District for the subdivision of 3 or more parcels or lots.
- (3) An applicant may not subdivide a parcel in segments in such a manner as to avoid the requirement of Paragraph B(2) or to circumvent the restrictions on segmentation set forth in the State Environmental Quality Review Act. The number of permissible subdivisions shall be based upon the parent parcel size as defined by §325-35.1.

C. Conditions of Conservation Development Approval. In order to promote the purposes of this section, the Planning Commission may, in a residential district, a district authorizing residential use or the Institutional-Residential Conservation I-R-C District, authorize development of a conservation development by granting the right to vary the parcel or lot site dimensions including: bulk, area, lot size, set back requirements, height, and size of a residential or congregate care dwelling unit subject to imposition of the following conditions and findings by the Planning Commission:

- (1) Density. The proposed conservation development must result in a total density no greater than the density otherwise permissible pursuant to §325-18. Therefore, where a conservation development is proposed on a parcel having a total parcel size of 30 acres and a net parcel size of 20 acres in a district zoned for 1 dwelling unit per 1/8 acre, the maximum possible total density (prior to a determination of the conserved land set aside as per §325-28C(2)), pursuant to §325-18 for such parcel would be 160 dwelling units situated on 20 acres.
- (2) Conservation land set aside. Not less than 50% of the net parcel size, as defined by §325-18C, must be set aside and maintained as permanent conservation land as provided for in §325-28D. For purposes of calculating the conservation land, privately owned open space areas or conservation areas associated with and within 50 feet of a dwelling or congregate care unit are considered not to have conservation value and may not be included as conserved land or open space. Where the net parcel size is 10 acres or less, the conservation land set aside calculation may include up to 25% of the net parcel (i.e., any land on the parcel described in §325-18C(1)-(3)). Therefore, in a district zoned for 1 dwelling unit per

1/8 acre, where the gross parcel size is 20 acres, the net parcel size is 10 acres and a 25% conservation land allowance is applied; the maximum possible density for such parcel would be 80 dwelling units situated on 12.5 acres with 7.5 acres reserved as conservation land.

- (3) Conservation land value. Only land having conservation value shall be eligible to be included in a conservation easement or deed covenant. Land having conservation value shall include, but not be limited to:
 - (a) land with scenic view sheds or located in scenic view corridors, especially those encompassing the Catskill Mountains or the Hudson River, and all scenic views identified in the LWRP;
 - (b) land encompassing or adjacent to park and recreation land, biking or pedestrian trails, unfragmented forest land, mature forests, wildlife corridors and habitats, water bodies, stream corridors, greenways, unique geological features, open space areas, historic and archaeological sites, ridgelines, and steep slopes;
 - (c) Critical Environmental Areas as defined by a local agency or state agency pursuant to the State Environmental Quality Review Act or
 - (d) lands included in a conservation land allowance as set forth in Section 325-18C(2).
- (4) Development design. Lots shall be arranged in a manner that protects conservation land, minimizes habitat fragmentation, and facilitates pedestrian and bicycle circulation. The design of the development shall provide for the grouping or clustering of dwelling or congregate care unit or units so that each cluster is set off from the others and/or from adjacent property by intervening open space with the intention of permanently preserving the undeveloped land and of permanently preserving as much of the existing foliage as possible especially around the perimeter of the site. Visual privacy shall be preserved for residents through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing partially or fully enclosed patios shall be provided. The development design shall also utilize the least amount of impervious road surface as is practically possible. Any development shall not compromise the conserved land or diminish its conservation value. Where possible, development should occur on land that has been disturbed or altered in the past. For purposes of this section, land disturbed or altered in the past does not include land disturbed by an applicant within 2 years prior to applying for conservation development approval.

- (5) Alteration of lot dimensions. Appropriate minimum yard set backs, bulk and areas requirements and other parcel or lot dimensions in a conservation subdivision will depend upon the lot sizes, the type of road frontage (state, county, city or private) and the character of the surrounding community and the proposed conservation subdivision. Where height restrictions are varied within the Local Waterfront Revitalization Area, the height of any structure shall not obstruct any scenic views identified in the LWRP. In no instance may the height of any structure in a conservation development exceed 4 stories or 45 feet, whichever is less. Yard requirements and other lot dimensions shall be established at the time of subdivision plat approval and shall be included on the plat.
 - (6) Public sewer and water. Each lot in a conservation development must be served by public water supply and sewer systems.
 - (7) Notations on plat or site plan. Preserved conservation land shall be clearly delineated and labeled on the final subdivision plat or site plan as to its use, ownership, management, method of preservation and the rights, if any, of the owners of other lots in the subdivision to such land. The plat or site plan shall clearly show that the conservation land is permanently reserved for open space purposes and shall contain a notation indicating the deed reference of any conservation easement or deed covenant required to be filed to implement such restrictions pursuant to §325-28(D).
- D. Conservation Easements and Deed Restrictions. Conserved land or open space areas in a conservation subdivision shall be permanently preserved by a conservation easement or deed covenant, or such other land agreement as may be approved by the Common Council in consultation with the City Attorney, which permanently conserves the conservation land area. Such conservation easement or covenant shall be approved by the Planning Commission prior to filing with the County Recorder and shall be required as a condition of approval. Further, such easement or covenant shall be recorded with the County Recorder prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. Pursuant to §247 of the General Municipal Law and/or Article 49 of the Environmental Conservation Law, conservation easements shall be granted to the City, with the approval of the Common Council, or to a qualified not-for-profit conservation organization or Home Owners Association acceptable to the Planning Commission. The Planning Commission may require that the conservation easement be enforceable by the City if the City is not the holder of the conservation easement.
- E. Ownership of Conservation Land. Unless the developer of the conservation development retains ownership of conservation land of 4 or more acres, such land shall be conveyed as follows:

- (1) To the City of Hudson, subject to approval by the Common Council;
- (2) To a nonprofit organization whose principal purpose is the conservation of open space;
- (3) To a hospital, sanitarium, philanthropic or eleemosynary institution, convalescent or nursing home or home for the aged which owns the cluster development; or
- (4) To a home owners association (HOH) or in such other form of private ownership as the Planning Commission finds adequate to properly manage and protect the conservation value of the conserved or open space land. Such HOH or other organization or form of ownership interest shall be subject to the following conditions:
 - (a) The HOH, other organization or other form of ownership interest must be established prior to final subdivision plat approval and must comply with all applicable provisions of the General Business Law.
 - (b) Every deed to or lease of a dwelling unit constructed pursuant to this article shall contain a covenant or provision mandating that all conserved land shall be maintained by the owners or lessees of such dwelling units. It shall be a condition to the final approval of any such site plan that each such deed or lease will be recorded at the Columbia County Clerk's office within 10 days after its execution, and the form of such consent or provision must be approved by the City Attorney prior to the issuance of a certificate of occupancy.
 - (c) Membership in the association must be mandatory for each property owner within the subdivision and for every successive property owner, who must be required by recorded covenant to pay fees to the HOH for taxes, insurance and maintenance for common open space, private roads or other common facilities.
 - (d) The ownership of conserved land areas shall be divided among all owners of building lots within a conservation development in order to provide that all residents in such development shall have access at all times onto land in the development on which no structures are erected, except for private lots in single ownership associated with individual dwelling units and except that the roads or other open lands in the development may, with the approval of the Planning Commission and consent of the City, be dedicated to the City.

- (f) All restrictions on the ownership, use and maintenance of conserved land areas must be permanent and shall pass with the conveyance of the lots or dwelling units.
- (g) The association must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas, including any active recreation areas and related facilities.
- (h) Each lot owner within the subdivision shall be made responsible for paying his proportionate share of the association's costs, and the assessment levied by the association shall become a lien on the property if not paid.
- (i) The association shall have the power to adjust assessments to meet changing needs.
- (j) In the event that the maintenance, preservation and/or use of the conserved land area(s) ceases to be in compliance with any of the above requirements or any other requirement specified by the Planning Commission when approving the subdivision plat, the City shall be granted the right to take all necessary action to assure such compliance and to assess against the association and/or each individual property owner within the subdivision all costs incurred by the City for such purposes, including the payment of property taxes on the conserved land area(s).
- (k) The City Attorney shall make a determination that any documents necessary to comply with or demonstrate compliance with Subsections D(a)-(j) are legally sufficient and enforceable as necessary to carry out the intent of this Subsection.

F. Permitted Uses of Conserved Land Areas. Conserved land or open space areas shall be preserved in their natural state where ever possible, and the uses of such areas shall be limited to appropriate conservation, open space and recreation purposes as determined by the Planning Commission and further defined below. A portion of the conserved land areas(s) may be designated "active recreation areas" on the subdivision plat, in a location approved by the Planning Commission. Active recreation shall include but not be limited to playgrounds, swimming pools, biking trails, tennis courts, and accessory buildings thereto. Such active recreation area and uses, including any accessory buildings shall not exceed 20% of the total conserved land area and shall not degrade the conservation value of the conserved lands. Where deemed appropriate, the Planning

Commission may specify a phased construction schedule for structures and facilities associated with active recreation. Enlargement of such structures and facilities not shown on the filed plat shall be subject to the approval of the Planning Commission.

- G. Maintenance. As a condition of subdivision approval, final plat approval shall include ongoing maintenance standards to preserve and protect the conserved land. Such standards shall be enforceable by the City against the owner of the conserved land to ensure that the conserved land is not used for storage or dumping of refuse, junk or other offensive or hazardous materials. If the failure to maintain the conserved land results in the creation of a public nuisance, the City may, upon 30 days' written notice to the owner, enter the conserved lands for necessary maintenance, and the cost of such maintenance by the City shall be assessed ratably against the landowner, or in the case of a HOH, the owners of the properties within the development. Such costs shall, if unpaid, become a tax lien on such property or properties.

- H. Approval procedure, notice and public hearing. Conservation subdivision developments shall be subject to the subdivision approval process as set forth in §325-35.1. In addition, conservation developments shall be subject to review at a public hearing. Such public hearing shall be incorporated into the subdivision approval process set forth in. §325-35.1. and, when ever practical, shall be incorporated into a hearing held, if any, pursuant to the State Environmental Quality Review Act.”

K. Hudson City Code, Chapter 325, Article V, section 325-28 is hereby further *AMENDED* by *ADDING* at the end there of the following *NEW* section:

“§325-28.1. Incentive Zoning.

- A. Purpose. The purpose of this section is to promote the health, safety and general welfare of the community by preserving and making available open space; protecting natural resources; preserving scenic views; protecting and encouraging the rehabilitation of historic buildings, structures, archaeological sites, or other resources recognized as eligible for listing on the State or National Register of Historic Places or as a local landmark; promoting housing units affordable to low and moderate income residents; using environmental or “green” building design; and promoting public ingress, egress and use of the Hudson River and its waterfront.
- B. Applicability. Incentive Zoning is authorized and may be utilized as provided for in this section within the Local Waterfront Revitalization Area in any residential district or in any district outside the Waterfront Revitalization Boundary Area authorizing residential uses in order to further the objectives of the Comprehensive Plan and the LWRP.

- C. Filing with Building Inspector and Destruction of Dwellings.
- (1) The density bonus permit applicant must file the density bonus permit with the Office of the Building Inspector within 5 business days after approval by the Planning Commission.
 - (2) No lot or parcel shall ever be eligible for a density bonus of greater than a total increase of 20%, or 30% in the case of the provision of low or moderate income housing. If a dwelling unit(s) constructed with a density bonus is destroyed, restoration or reconstruction of such unit(s) may only occur with the approval of the Planning Commission pursuant to this section.
- D. Procedure. Application for a density bonus permit shall be made as part of site plan or subdivision approval in accordance with §325-35 or §325-35.1. A public hearing shall be required prior to taking action on any density bonus application and such hearing, when ever practical, shall be incorporated into a hearing held, if any, pursuant to the State Environmental Quality Review Act.
- E. Density Bonus. In order to promote the purposes of this section, the Planning Commission may, within the Local Waterfront Revitalization Area in any residential district or district authorizing residential uses, grant a density bonus permit to vary the residential density of the underlying zoning district up to a maximum of 20%, or in the case of the provision of low or moderate income housing, up to a maximum of 30% in exchange for an applicant providing one or more of the following public amenities within the LWRA:
- (1) Provision of affordable housing units as provided for in §325-28.1G;
 - (2) Protection of conservation land in excess of 50% of the net parcel area;
 - (3) Maximizing and facilitating public ingress, egress, access to and enjoyment of public conservation land associated with conservation development as provided for in §325-28 by providing linkages to pedestrian and bicycle trails between such conservation land and the LWRA;
 - (4) Maximizing and facilitating public ingress, egress, access to and enjoyment of the Hudson River and waterfront by providing linkages to pedestrian and bicycle trails throughout the LWRA or public access to the riverfront; or
 - (5) Protection and/or rehabilitation of historic buildings, structures, archaeological sites, or other resources recognized as eligible for listing on the State or National Register of Historic Places or as a local landmark.
- F. Amount of Bonus. In exchange for the provision of the community benefits or amenities set forth in §325-28.1E, the Planning Commission may award density bonuses by increasing the density of the underlying zoning district up to a maximum of 20% in proportion

to the degree to which the proposed community benefit or amenity confers to the public a benefit. An additional 10% bonus may be awarded for the provision of affordable housing as provided for in §325-28.1G. In awarding a density bonus, the Planning Commission shall:

- (1) Make a written determination setting forth specific findings stating how such community benefits or amenities further the purposes of the Comprehensive Plan and the LWRP and the rationale justifying the amount of the density bonus authorized in proportion to the community benefit or amenity provided.
- (2) Require, as a condition of issuing a density bonus permit, the execution of a Memorandum of Understanding prepared to the satisfaction of the City Attorney, between the applicant and the City. Such Memorandum shall be legally enforceable, subject to the approval of the Common Council and, at a minimum, contain the following provisions:
 - (a) in the case of a density bonus awarded for the provision of affordable housing for low or moderate income individuals or families, certification of compliance with all provisions of §Section 325-28.1E(1).
 - (b) in the case of a density bonus awarded for the provision of conservation land pursuant to § 325-28.1E(2), certification of compliance with all applicable provisions of §325-28.
 - (c) in the case of a density bonus awarded for the provision of public access pursuant to §325-28.1E(3) and (4), a requirement that such access be provided in perpetuity and that provision be made for future maintenance. Easements or other means of providing legal public access shall be included on the deed of the subservient property and recorded in the Columbia County Clerk's Office.
 - (d) in the case of a density bonus awarded for the protection and/or rehabilitation of historic buildings as provided for in §325-28.1E(5), submission of architectural drawings stamped by a licensed architect documenting the restoration or rehabilitation efforts undertaken, a certificate of appropriateness from the Historic Preservation Commission, and a copy of any approvals, if necessary, from the New York State Office of Parks, Recreation and Historic Preservation.
- (3) Except for affordable housing bonuses granted pursuant to §325-28.1G, a developer may transfer a density bonus

awarded for benefits or amenities listed in §325-28.1E(2)-(5) to another parcel within the LWRA.

G. Affordable Housing Bonus.

- (1) In order to encourage an economically diverse housing stock in the LWRA, the Planning Commission may grant a density permit and award a density bonus where an applicant provides affordable housing to low or moderate income residents under the following conditions:
 1. Term of agreement. Affordable housing must remain affordable for 40 years except as provided for in §325-28.1G(2).
 2. Lease agreements. Lease agreements associated with affordable housing rental units must place a renter on notice that such units are subject to the provisions of this law.
 3. Covenants and Deed Restrictions. Prior to issuance of any residential building permits for parcels having been granted a density bonus for owner occupied low or moderate income residential housing, the permit applicant shall execute, in a form acceptable to the City Attorney, covenants and deed restrictions that guarantee the affordability of each of the designated affordable housing units for 40 years as provided in Section 325-28.1G(1)(a), or in perpetuity, as provided for in Section 325-28.1G(2). Such covenant and deed restrictions shall include: the initial maximum allowable sale price; the rate by which subsequent sale prices may increase; the income and assets limitations of the purchasers of each affordable housing unit; and fair marketing and selection procedures. Such deed restrictions or covenants must be filed with the Office of the Clerk of Columbia County, New York.
 4. Property owners of affordable housing rental units must certify annually that such units are occupied by residents eligible to reside in either low or moderate income housing, as the case may be, as those terms are defined in Section 325-42. Such certification must be filed with the Office of the Building Inspector on such form as the Building Inspector may provide.
 5. Any affordable housing units created pursuant to this section or §325-17.4 shall have the same outward physical appearance as market rate housing units located on the same parcel or in the same development.
- (2) Notwithstanding §325-28C(1), where affordable housing units are provided for in perpetuity, the Planning

Commission may grant a height variance of an additional one story above the otherwise applicable height restriction.

- (3) Density bonuses provided for affordable housing are not transferable to any property other than the property which is the subject of the density bonus permit application.”

L. *Hudson City Code, Chapter 325, Article VIII, Section 325-35, is hereby amended by DELETING section 325-35F and INSERTING the following NEW sections:*

“F. Performance bond or other security.

(1) As an alternative to the installation of required infrastructure and improvements, prior to approval by the Planning Commission, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Commission in consultation with the Department of Public Works and the Common Council, shall be furnished to the City by the applicant or owner. Such security shall be provided to the City pursuant to the provisions of subdivision 8 of section 33 of Article 3 of the General City Law.

(2) Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the City Clerk any required inspection fee and shall notify the Planning Commission and Common Council in writing of the time when he proposes to commence construction of such improvements so that the Planning Commission may cause inspection to be made to assure that all City specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Commission.

(3) Proper installation of improvements. If the required improvements are not performed before the expiration date of the performance bond or have not been constructed in accordance with plans and specifications filed by the subdivider, the Planning Commission shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond.

(4) Bond Renewal. The subdivider shall provide written notice of the expiration date of any bond or other security to the Planning Commission no less than 21 business days prior to said expiration date.

G. Compliance with the State Environmental Quality Review Act. In undertaking any action pursuant to this section, the Planning Commission shall comply with the provisions of the State Environmental Quality Review Act under article 8 of the Environmental Conservation Law and

its implementing regulations. Where ever possible, the procedure and requirements of the State Environmental Quality Review Act and the site plan review process should be conducted and complied with contemporaneously.

H. Duties of the Planning Commission and Procedure.

- (1) The grounds of the Planning Commission's decision shall be stated on the record, including, where applicable, any conditions or modifications deemed necessary by the Commission for approval.
- (2) Grounds for Decision. In considering whether to approve a site plan or site plan amendment, the Planning Commission shall take into consideration the public health, safety and general welfare, the general purpose and intent of this Chapter, the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular, and shall base such decision upon the following grounds:
 - (a) Maximum safety of pedestrian and vehicular traffic access and egress.
 - (b) Site layout (including location, power, direction and time of any outdoor lighting of the site) which would have no significant adverse impact upon any adjoining or nearby properties by impairing the established character or the potential use of properties in such districts. Any adverse impacts must be mitigated to the maximum extent practicable.
 - (c) The reasonable screening, at all seasons of the year, of all playgrounds, parking and service areas from view of the adjacent residential properties and streets.
 - (d) Conformance of the proposed site development plan with the City of Hudson Comprehensive Plan and, where applicable, the Local Waterfront Revitalization Program including any applicable policies contained in the LWRP.
 - (e) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problem.
 - (f) All waterbodies, wetlands, steep slopes, and other areas of scenic, ecological and historic value shall be preserved insofar as possible. All site preparation activities shall be conducted with the goal of retaining stormwater on the site.
 - (g) Landscape treatment should be provided to enhance architectural features, strengthen vistas and visual corridors and provide shade.
 - (h) No material or equipment, other than as shown on an approved site plan, shall be stored in the open if it would be substantially visible from adjoining properties and public roads. Storage of equipment and materials should be within wholly enclosed

structures approved for such use or should be screened from view by fencing or landscaping, or a combination of fencing and landscaping, as determined by the Planning Commission.

- (i) Without restricting the permissible limits of the applicable zoning district, the height, location, design and signage of each building should be compatible with its site and the existing and historic character of the surrounding neighborhood. Adaptive reuse of existing structures is strongly encouraged.
- (3) Public hearing and decision on complete site plan application.
- (a) Hearing and notice. Except where the application includes a density bonus request, the Planning Commission may, at its discretion, convene a public hearing for the purpose of accepting public comment on the proposed site plan or site plan amendment application. In deciding whether to convene a public hearing, the Planning Commission shall consider the level of public interest in and desire for a public hearing and the potential for the proposed plan or amendment to adversely impact the public's health, safety or welfare. If the application includes a request for a density bonus, the Planning Commission shall hold a public hearing. Where the Commission convenes a public hearing, such hearing shall be held within 62 days from the day a completed application is submitted to the Secretary of the Planning Commission. Notice of such public hearing shall be sent to the applicant by mail at least 10 days before said hearing and public notice of said hearing shall be provided in a newspaper of general circulation in the City at least 5 days prior to the date of the hearing. Notice shall also be provided to the County Planning Commission of such hearing where necessary as required by §239-m of the General Municipal Law and to "neighboring municipalities" as defined and required by §239-nn of the General Municipal Law
 - (b) Timing of decision. The Commission shall grant, deny, or grant subject to conditions such site plan application within 62 days after close of such hearing, or after the day the complete application is received if no hearing is held. The time within which the Planning Commission must render its decision may be extended by mutual consent of the applicant and the Commission. If a public hearing is held pursuant to the State Environmental Quality Review Act on a Draft Environmental Impact Statement, public hearings must be held jointly in accordance with the State Environmental Quality Review Act

and regulations adopted pursuant thereto. For any Unlisted or Type I action under the State Environmental Quality Review Act no application hereunder shall be deemed complete until a negative declaration or notice of completion of a draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

- (5) Filing with the City Clerk. The Planning Commission's decision shall be filed in the Office of the City Clerk within 5 business days after such decision is rendered and a copy thereof mailed to the applicant.
- (6) Court Review. Any person aggrieved by a decision of the Planning Commission made pursuant to this section may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of record of competent jurisdiction on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the Office of the City Clerk."

M. Hudson City Code, Chapter 325, Article VIII, Section 325-35.1, is hereby amended by *REPEALING* Section 325.1 and *REPLACING* such section with the following *NEW* section at the end thereof:

“§325-35.1. Subdivision approval. Whenever any subdivision of land is proposed to be made, including a conservation subdivision, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner or his duly authorized agent shall apply in writing, by submission of a subdivision application and all other necessary materials, for approval of such proposed subdivision.

For purposes of this chapter, the number of parcel subdivisions shall be calculated based upon the “parent parcel” as that term is defined in §325-42. . Accordingly, the number of permissible subdivisions shall be calculated based upon the parent parcel as follows: Lots which have been created from a parent parcel can not be further subdivided unless more than one lot assignment was made to the parcel during the initial subdivision of the parent parcel. Therefore, if a 100 acre parent parcel is subdivided into two lots, one with 40 acres and one with 60 acres and the original parent parcel was allowed 8 lots, the parent parcel landowner could stipulate, for example, that the 40 acre parcel is given six lot assignments and the 60 acre parcel is given two lot assignments. In any case, the assignment of lots may not exceed the maximum number of lots allowed for the original parent parcel.

Subdivision approval must be obtained in accordance with the following procedures:

- A. Submission of Sketch Plan. Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Secretary of the Planning Commission at least 10 days prior to the regular meeting of the Commission, 7 copies of a Sketch Plan of the proposed subdivision which shall comply with the following provisions for the purpose of classifying the subdivision and preliminary discussion of the application.
- (1) The Sketch Plan initially submitted to the Planning Commission shall be based on tax map information or some other similarly accurate base map at scale preferably not less than 400 feet to the inch to enable the entire tract to be shown on one sheet.
 - (2) The Sketch Plan shall be submitted on a sheet of paper no less than 8.5 x 11 inches.
 - (3) The Sketch Plan shall be submitted showing the following information:
 - (a) A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks and other public or conservation lands, and whether such subdivision is located within the City's Local Waterfront Revitalization Area.
 - (b) All existing structures, including any structures of historical or archeological importance, existing property lines, wooded areas, streams or watercourses, wetlands and other significant physical features within the area to be subdivided and within 500 feet thereof.
 - (c) The kind of development proposed, including uses (such as residential, commercial, mixed use).
 - (d) The proposed pattern and approximate dimensions and areas of lots (including lot width and depth), building sites, road and driveway type and configuration, recreation areas, conservation areas, systems of drainage, water supply, and sewage system within the subdivision, including scale, north arrow and acreage involved.
 - (f) The name and owner of all adjoining property.
 - (g) All existing restrictions on the use of the land, such as zoning district designation, rights of way or other easements, including conservation easements, and covenants.
 - (4) A density bonus application pursuant to §325-28.1, if applicable.
 - (5) Copies of any applications to the Zoning Board of Appeals for a use or area variance, if applicable.
- B. Sketch Plan Meeting. The owner or applicant, or his duly authorized representative, shall attend a meeting of the Planning Commission to discuss the Sketch Plan and applicable laws, rules and regulations related to the proposed subdivision. Upon conclusion of such meeting where

possible, but in no event not later than 30 days following such meeting, the Planning Commission shall make the following determinations:

- (1) Whether the Sketch Plan meets the requirements of §325-35.1A, and if necessary, make specific recommendations regarding such requirements in writing to be incorporated by the applicant in the next submission to the Planning Commission.
 - (2) In accordance with this paragraph, determine whether the subdivision is a major or minor subdivision, and if a minor subdivision, whether such minor subdivision will be subject to subdivision review or site plan review.
 - (a) Major Subdivision approval. Review of major subdivisions, as that term is defined by section 325-42, shall be required for all applications involving one or more of the following:
 - (i) The subdivision of land into three or more lots;
 - (ii) The subdivision of land involving three or more acres of land area, regardless of the number of lots;
 - (iii) The subdivision of land involving the construction or extension of a street; and/or
 - (iv) any conservation development proposal authorized pursuant to §325-28.
 - (b) Minor subdivision approval. Review of minor subdivisions, as that term is defined by Section 325-42, may be subject to site plan review pursuant to §325-35.
- C. Time for Filing Application. Within 6 months after acceptance and classification of the Sketch Plan, the applicant shall submit to the Planning Commission an application for a subdivision approval for any major subdivision or a minor subdivision deemed to warrant such a review. Failure to submit such application based upon the Sketch Plan within 6 months from acceptance and classification of the Sketch Plan will result in revocation of Sketch Plan approval.
- D. State Environmental Quality Review.
- (1) Coordination with the State Environmental Quality Review Act. The owner or applicant shall provide full disclosure and cooperate with the Planning Commission in its efforts to comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
 - (2) Receipt of a complete application and preliminary plat. In any Unlisted or Type I action under the State Environmental Quality Review Act no application hereunder shall be deemed complete until a negative declaration or notice of completion of a draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

- E. Subdivision Application. Within 6 months of the classification of a Sketch Plan as a major subdivision or where the Planning Commission has determined that a minor subdivision shall nevertheless be subject to subdivision review, the owner or applicant of such subdivision may submit 7 copies of the Sketch Plan which shall incorporate recommendations, if any, made by the Planning Commission as a result of the Sketch Plan meeting to the Secretary of the Planning Commission together with 7 copies of an application for such subdivision, accompanied by the required fee. The application shall include the following documents:
- (1) A copy of such covenants, deed restrictions, road requirements or road maintenance agreements as are intended to cover all or part of the subdivision plat or a statement by the owner that no such restrictions exist.
 - (2) If the application covers only a part of the owner's or applicant's entire contiguous holdings, the application shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed subdivision to the entire holding(s). The map shall show an outline of the planned area with its proposed streets and shall indicate the probable future street system with grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire subdivision. The area proposed for subdivision shall be considered in light of the entire holding.
 - (3) All appropriate environmental forms, assessments and impact statements which are necessary in connection with the environmental review process, including a Long Form Environmental Assessment.
 - (4) Applications for a density bonus permit pursuant to Section 325-28.1 or use or area variances, where applicable
 - (5) Seven (7) copies of the preliminary plat certified by a licensed land surveyor and/or professional engineer at a scale of not more than 100 feet but preferably not less than 50 feet to an inch shall be submitted to the Secretary of the Planning Commission at least 5 days prior to the regular Planning Commission meeting, which plat shall contain the following information:
 - (a) Proposed subdivision name and location, date, true or magnetic north point, map scale, name and address of the record owner and owner or applicant, name and address of engineer and/or surveyor, including license number(s) and seal(s).
 - (b) The name of all owners or parcels immediately adjacent and within 200 feet of the property, including opposite side of roads or highways.

- (c) All parcels of land proposed to be dedicated to public use or preserved as conservation or open space and the conditions of such dedication or preservation.
- (d) Location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, soil types, slopes greater than 15% and 30%, and other significant existing physical features and significant environmental resources as identified by the City for the proposed subdivision and adjacent property.
- (e) Location of existing and proposed sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (f) Contours with intervals of 10 feet or less as required by the Commission, including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
- (g) All existing and proposed roads or public ways or places shown on the Official Zoning Map within the area to be subdivided or developed, including width, location, grades, road profiles and cross-sections of all roads or public ways as proposed by the developer.
- (h) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (i) Sufficient data acceptable to the Planning Commission to readily determine the location, bearing and length of every road line, lot line, boundary line, including chord bearing, curve radii and arc length or central angle and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and, in any event, should be tied to reference points previously established by a public authority.
- (j) The length and bearing of all straight lines, radii, chord bearing, arc and/or central angles of all curves shall be given for each road. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the properties.
- (k) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, fire ponds and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewer disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (l) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of discharge.

- (m) Plans and cross sections showing the proposed location and type of sidewalks, road lighting standards, road trees, curves, water mains, sanitary sewers and storm water drains, and including the size and type thereof, the character, width and depth of pavements and sub base, the location of manholes, catch basins and overhead lines, underground conduits, i.e., telephone, CATV, power, gas, and all contemplated infrastructure.
- (n) Preliminary designs of any bridges or culverts which may be required.
- (o) The proposed lot lines with approximate dimensions and area of each lot.
- (p) Where topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over and under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public conservation land or open space shown on the subdivision or the Official Zoning Map.
- (q) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to or by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by suitable monuments as recommended by the licensed land surveyor, and shall be referenced and shown on the plat. The plat shall show all existing structures, wooded areas, streams, wetlands and other significant features within the portion to be subdivided or developed and within 200 feet thereof. Topical contour shall also be included in intervals of not more than 10 feet.
- (r) All on-site sanitation and water supply facilities shall be designed to meet or exceed the minimum of the current State and County sanitation laws. The feasibility data on sanitation facilities including percolation test, water and storm water drainage, including documentation from on-site investigation by the Columbia County Department of Health or a licensed engineer shall be noted on the plat and signed by a duly appointed agent of the County or licensed engineer.
- (s) Road requirements or road maintenance agreement notes approved by the Planning Commission.
- (t) Photos or aerial photos, if required.
- (u) Layout of all utilities and proposed easements.

F. Approval Procedure.

- (1) Owner or Applicant to Attend Planning Commission Meeting. The owner or applicant, or his duly authorized representative, shall attend the meeting of the Planning Commission scheduled to discuss the subdivision application.
- (2) Official Submission Date. The time of submission of the subdivision application shall be considered to be the date of the Planning Commission's regular meeting on or before which the complete application, accompanied by the required fee and all data required by this section has been filed with the Secretary of the Planning Commission. The application shall not be considered complete until either a Negative Declaration has been filed or a Notice of Completion of a draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of the application shall begin upon filing of the Negative Declaration or the Notice of Completion.
- (3) Consideration of the Preliminary Plat. The Planning Commission shall study the practicability of the preliminary subdivision plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of roads, their relation to the topography of the land, water supply, road requirements and road maintenance agreements, sewerage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet not subdivided, and the requirements and goals of this chapter, the Comprehensive Plan, and the Local Waterfront Revitalization Program and the policies contained therein.
- (4) Highway Referral. In any application for a subdivision that will require access from a state, county or City highway, the applicant will forward notice of the proposed subdivision or development to the appropriate agency for review and comment, with proof of such submission and the response from the agency, if any, to be filed with the Secretary of the Planning Commission.
- (5) Public Hearing on Preliminary Plat: Planning Commission as Lead Agency.
 - (a) The time within which the Planning Commission shall hold a public hearing on the preliminary plat as follows:
 - (i) If such Commission determines that the preparation of an Environmental Impact Statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after receipt of a completed application by the Secretary of the Planning Commission.
 - (ii) If such Commission determines that an Environmental Impact Statement is required, and a

public hearing on the draft Environmental Impact Statement is held, the public hearing on the preliminary plat and the draft Environmental Impact Statement shall be held jointly within 62 days after filing of the Notice of Completion of such draft Environmental Impact Statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft Environmental Impact Statement, the public hearing on the preliminary plat shall be held within 62 days of the filing of the Notice of Completion.

(iii) Where the subdivision includes a density bonus application pursuant to Section 325-28.1, the Planning Commission shall convene a public hearing which shall be held jointly with any other hearing held pursuant to this subsection.

(b) Notice and Length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the City at least 5 days before such hearing if no hearing is held on the draft Environmental Impact Statement, or 14 days before a hearing held jointly therewith. The Planning Commission may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Commission within 120 days after it has been opened.

(i) The applicant shall mail notice of the filing of the application and all public hearings regarding such subdivision directly to all owners of abutting parcels of the parcel or parcels proposed to be subdivided. Notification in all cases shall be made by certified mail, return receipt requested, at least 10 days prior to the scheduled Planning Commission meeting or hearing. Documentation of the foregoing notification shall be submitted to the Planning Commission prior to the public hearing.

(c) Decision. Approval of a preliminary plat shall be based upon demonstration of compliance with all relevant provisions of this chapter and consistency with the Comprehensive Plan and, where applicable, any applicable policies and projects contained in the Local Waterfront Revitalization Program. The Planning Commission shall approve, with or without modification, or disapprove such preliminary plat as follows:

- (i) If the Planning Commission determines that the preparation of an Environmental Impact Statement on the plat is not required, such Commission shall make its decision within 62 days after the close of the public hearing. Such decision shall include a preliminary determination on any application for a density bonus permit; or
 - (ii) If the Planning Commission determines that an Environmental Impact Statement is required, and a public hearing is held on the draft Environmental Impact Statement, the final Environmental Impact Statement shall be filed within 62 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft Environmental Impact Statement, the final Environmental Impact Statement shall be filed within 45 days following the close of the public hearing on the plat. Within 30 days of the filing of such final Environmental Impact Statement, the Planning Board shall issue findings on the Final Environmental Impact Statement and make its decision on the preliminary plat, including a preliminary determination on any application for a density bonus permit.
 - (iii) If the Planning Commission fails to act within the specified time periods, the default approval provisions of the General City Law shall apply.
 - (iv) The time in which the Planning Commission must take action on such preliminary plat may be extended by mutual written consent of the owner or applicant and the Planning Commission.
- (d) Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Commission. When so approving a preliminary plat, the Planning Commission shall state in writing or in its minutes any modifications it deems necessary for submission of the preliminary plat in final form.
- (6) Public Hearing on Preliminary Plat: Planning Commission Not as Lead Agency.
- (a) Public Hearing on Preliminary Plat. The Planning Commission shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft Environmental Impact Statement, where the lead agency holds such hearing. Failing

agreement or if no public hearing is held on the draft Environmental Impact Statement, the Planning Commission shall hold the public hearing on the preliminary plat within 62 days after receipt of a complete application by the Secretary of the Planning Commission.

(b) Notice and Length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the City at least 5 days before such hearing if no hearing is held on the draft Environmental Impact Statement, or 14 days before a hearing held jointly therewith. The hearing on the preliminary plat shall be closed upon motion of the Planning Commission within 120 days after it has been opened.

(i) The applicant shall mail notice of the filing of the application and all public hearings regarding such subdivision directly to all owners of adjoining parcels of the parcel or parcels proposed to be subdivided. Notification in all cases shall be made by certified mail, return receipt requested, at least 10 days prior to the scheduled Planning Commission hearing. Documentation of the foregoing notification shall be submitted to the Planning Commission prior to the public hearing.

(c) Decision. Approval of a preliminary plat shall be based upon demonstration of compliance with all relevant provisions of this chapter and consistency with the Comprehensive Plan and where applicable, any applicable policies and projects contained in the Local Waterfront Revitalization Program. The Planning Commission shall, by Resolution, approve, with or without modification, or disapprove such preliminary plat as follows:

- (i) If the preparation of an Environmental Impact Statement on the plat is not required, the Planning Commission shall make its decision within 62 days after the close of the public hearing; or
- (ii) If an Environmental Impact Statement is required, the Planning Commission shall make its own findings and its decision on the plat within 62 days after the close of the public hearing on such plat or 30 days of the adoption of findings by the lead agency, whichever period is longer.
- (iii) If the Planning Commission fails to act within the specified time periods, the default approval provisions of the General City Law shall apply.
- (iv) The time in which the Planning Commission must take action on such preliminary plat may be

extended by mutual written consent of the owner or applicant and the Planning Commission.

- (d) Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Commission. When so approving a preliminary plat, the Planning Commission shall state in writing or in its minutes any modifications it deems necessary for submission of the preliminary plat in final form.
- (7) Action on Major Subdivision Preliminary Plat.
- (a) Approval of a preliminary plat shall not constitute approval of the subdivision, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the preliminary subdivision plat, the Planning Commission may require additional changes as a result of further study of the subdivision as a result of new information obtained at the public hearing.
 - (b) Certification and Filing of Preliminary Plat. Within 5 business days of the adoption of the resolution granting approval of the preliminary plat, such plat shall be certified by the Secretary of the Planning Commission as having been granted preliminary approval, and a copy of the plat and Resolution shall be filed in the Office of the City Clerk. A copy of the Resolution shall be mailed or otherwise provided to the owner or applicant.
 - (c) Revocation. Within 6 months of the approval of the preliminary plat, the owner must submit the plat in final form. If the plat is not submitted within six 6 months, the preliminary approval shall be revoked, but such preliminary approval is subject to extension by the Planning Commission at its discretion.
- (8) Approval of Final Subdivision Plat.
- (a) Submission and Approval of Final Plat. When a plat in compliance with paragraphs (b) and (c) of this subsection and marked as "Final Plat" is submitted to the Planning Commission which the Planning Commission deems to conform to the preliminary plat previously approved, including any conditions of such approval, the Planning Commission shall by Resolution either conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing and certification of such final plat, within 62 days of its receipt by the Planning Commission. Failure of the Planning Commission to act

within such time, unless such time period is extended by mutual consent, shall constitute approval of such final plat.

- (b) Form of Final Plat. The final plat for a major subdivision or conservation development to be filed with the County Clerk shall be printed upon linen or Mylar or upon such paper or materials required by County Clerk of Columbia County to be duly filed. The plat shall show:
- (i) Proposed subdivision or development name and name of the City and county in which it is located, date, true or magnetic north point, map scale, name and address of the record owner and owner or applicant, name and address of engineer and/or surveyor, including license number(s) and seal(s).
 - (ii) All parcels of land proposed to be dedicated to public use or preserved as open space and the conditions of such dedication or preservation. The agreements or documents as are necessary to show the manner in which such areas are to be owned, maintained and preserved, including road maintenance agreements approved by the Planning Commission shall be noted on or appended to the plat.
 - (iii) Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (iv) Location of existing and proposed sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
 - (v) Contours with intervals of 10 feet or less as required by the Commission, including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
 - (vi) All existing and proposed roads or public ways or places shown on the Official Zoning Map within the area to be subdivided or developed, including width, location, grades, road profiles and cross-sections of all roads or public ways as proposed by the developer.
 - (vii) Sufficient data acceptable to the Planning Commission to readily determine the location, bearing and length of every road line, lot line, boundary line, including chord bearing, curve radii and arc length or central angle and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and, in any event,

should be tied to reference points previously established by a public authority.

- (viii) The length and bearing of all straight lines, radii, chord bearing, arc and/or central angles of all curves shall be given for each road. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the properties.
- (ix) Lots and blocks within a subdivision shall be numbered and lettered in accordance with the prevailing City practice.
- (x) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, fire ponds and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewer disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (xi) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of discharge.
- (xii) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the City Public Works Superintendent. When referenced to the State system of plan coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the City Public Works Superintendent and their location noted and referenced upon the plat.
- (xiii) All lot corner markers shall be permanently located satisfactorily to the City Public Works Superintendent at least three-quarters of an inch (if metal) in diameter, and at least twenty-four (24) inches in length and located in the ground to existing grade.
- (xiv) Monuments of a type and approved by the City Public Works Superintendent shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all road intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the City Public Works Superintendent.
- (xv) The proposed lot lines with approximate dimensions and area of each lot.

- (c) Underground Utilities Map. A map shall be submitted to the satisfaction of the Planning Commission, indicating the location of the monuments marking all underground utilities as actually installed. If the owner or applicant completes all required improvements without a security agreement, then such map shall be submitted prior to final approval of the subdivision plat. However, if the owner or applicant elects to provide a security agreement for all required improvements, such bond or other security shall not be released until such a map is submitted in a form satisfactory to the Planning Commission
- (d) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (e) Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the Planning Commission deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided in §325-42, the following shall apply:
 - (i) Planning Commission as lead agency; public hearing; notice; decision.
 - (aa) Public hearing on final plats. The time within which the Planning Commission shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Commission may schedule pursuant to the state environmental quality review act, as follows:
 1. if such board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within sixty-two days after the receipt of a complete final plat by the clerk of the planning commission; or

2. if such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within sixty-two days following filing of the notice of completion.

(bb) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the city at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning commission within one hundred twenty days after it has been opened.

(cc) Decision. The planning commission shall make its decision on the final plat as follows:

1. if such commission determines that the preparation of an environmental impact statement on the final plat is not required, the planning commission shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within sixty-two days after the date of the public hearing; or

2. if such commission determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the final plat. Within thirty days of the filing of the final environmental impact statement, the planning commission

shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

(dd) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning commission.

(ii) Planning Commission not as lead agency; public hearing; notice; decision.

(aa) Public hearing. The planning commission shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the plat within sixty-two days after the receipt of a complete final plat by the clerk of the planning commission.

(bb) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the city at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning commission within one hundred twenty days after it has been opened.

(cc) Decision. The planning commission shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

1. If the preparation of an environmental impact statement on the final plat is not required, the planning commission shall make its decision within sixty-two days after the close of the public hearing on such final plat.
2. If an environmental impact statement is required, the planning commission shall make its own findings and its decision on the final plat within

sixty-two days after the close of the public hearing on such final plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning commission.

- (f) Plat Certification. Upon passage of a Resolution by the Planning Commission of conditional or final approval of the final plat, the Planning Commission shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the Resolution. Within 5 business days of such Resolution, the plat shall be certified by the Clerk of the Planning Commission as having been granted conditional or final approval, and a copy of said plat shall be filed in the City Clerk's office and mailed to the owner or applicant. In the case of a conditionally approved plat, such Resolution shall include a statement of the requirements which, when completed, will authorize the signing of the conditionally approved plat as final. Upon completion of such requirements, the plat shall be signed by the duly authorized officer of the Planning Commission and a copy of the signed plat shall be filed in the Office of the City Clerk.
- (g) Approval of Plat in Sections. In granting conditional or final approval of a plat in final form, the Planning Commission may permit the plat to be subdivided and developed in two or more sections and may, in its Resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat, be accepted before the sections may be signed by the duly authorized officer of the Planning Commission. Conditional or final approval of the sections of the final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Commission.
- (h) Conditional Approval. Conditional approval of the final plat shall expire within 180 days after passage of the Resolution granting such approval unless all requirements stated in such Resolution have been certified as completed. The Planning Commission may extend by not more than 2 additional periods of ninety 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Commission's opinion, such extension is warranted by the particular circumstances.

- (9) Default Approval of Preliminary Plat. Any default approval of preliminary plat shall not avoid the need for final plat submission and approval.
- (10) Improvements and Performance Bond. Before the Planning Commission grants final approval of a subdivision plat, the owner or applicant shall complete all improvements (including roads and highways) or comply with the following procedure:
- (a) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements, as above provided, prior to planning commission approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the planning commission or a city department designated by the planning commission to make such estimate, where such departmental estimate is deemed acceptable by the planning commission, shall be furnished to the city by the owner.
 - (b) Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, as provided in this section, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the county clerk or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the county clerk and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.
 - (c) Form of security. Any such security must be provided pursuant to a written security agreement with the city, approved by the Common Council and also approved by the city attorney as to form, sufficiency and manner of execution, and shall be limited to:
 - (i) a performance bond issued by a bonding or surety company;
 - (ii) the deposit of funds in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in this state;
 - (iii) an irrevocable letter of credit from a bank located and authorized to do business in this state;
 - (iv) obligations of the United States of America; or
 - (v) Any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the city,

such security shall be held in a city account at a bank or trust company.

- (d) Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the planning commission, but in no case for a longer term than three years, provided, however, that the term of such performance bond or security agreement may be extended by the planning commission with consent of the parties thereto. If the planning commission shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the planning commission in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Common Council, the planning commission may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the planning commission.
- (e) Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Common Council may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the city shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
- (f) Extension of Period Specified in Security Agreement. The time period for the completion of all required improvements, as set forth in the security agreement and any renewals or replacements thereof, shall not be extended except upon approval of the Planning Commission. Requests for an extension shall be addressed in writing to the Planning Commission and shall set forth the following information:
 - (i) Detailed reasons for failure or inability to complete the work within the time specified in the security agreement.

- (ii) The amount of work which has been completed, as certified by the applicant's engineer.
- (iii) The maximum estimated time required to complete the remainder of the work.
- (iv) The terms of the security agreement.

The Planning Commission shall consider escalations in construction costs and may require the amount of security/bond to be increased to reflect the increased construction costs.

- (g) Reduction in Security. Upon approval of the Common Council and after due notice, the Planning Commission may reduce the required amount of the performance bond or other security during its term if the Planning Commission finds that sufficient improvements have been installed to warrant such a reduction. Requests for a reduction shall be made in writing to the Planning Commission and shall itemize the amount of required improvements already completed and the amount of reduction requested. The Planning Commission shall forward such application to the Common Council for its action.
- (11) Filing of Approved Subdivision with County.
- (a) Upon completion of the requirements of this section and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Commission and shall be filed by the applicant or owner, together with the Underground Utilities Map, and any related deed restrictions or covenants, in the office of the County Clerk of Columbia County, New York. The approval of any subdivision plat not so filed or recorded by reasons of the failure of the owner or applicant to act within 62 days of the date upon which such plat is approved as final, shall lapse and shall require resubmission to the Planning Commission for re-stamping or review as a preliminary or final plat as the Planning Commission determines, given the duration of such failure, the reasons therefore, the performance of required improvements and the applicability of intervening laws, standards or requirements.
 - (b) No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Commission and signed and certified on the plat, unless the said plat is resubmitted to the Planning Commission and such Commission approves any modifications. In the event that any such plat is recorded

without complying with this requirement, the same shall be considered null and void, and the City shall institute proceedings to have the plat stricken from the records of the County Clerk.

(12) Public Roads, Recreation Areas.

- (a) The approval of the Planning Commission of a subdivision plat shall not be deemed to constitute or be evidence of an acceptance by the City of any road, easement, or other open space shown on such plat.
- (b) When a conservation easement, trail, park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the City of such area. The Planning Commission shall require the plat to be endorsed with appropriate notes to this effect. The Planning Commission may also require the filing of a written agreement between the applicant and the City covering future deed and title dedication and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

G. **Waivers.** Where the Planning Commission finds that, because of the special circumstances of a particular subdivision or conservation development, extraordinary hardship may result from strict compliance with this Chapter, the Planning Commission shall have the authority to vary or modify the application of any of the requirements herein, in the interest of public health, safety and general welfare; provided, however, that any such waiver by the Planning Commission shall be preceded by recommendations to, and concurrence by, the Common Council.

H. **Costs.** All costs for outside expertise, including engineering, planning, legal and/or other project costs deemed necessary by the Planning Commission, for either a minor or major subdivision or conservation development, shall be borne by the applicant.

I. **Court Review.** Any person aggrieved by a decision of the Planning Commission made pursuant to this section may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of record of competent jurisdiction on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the Office of the City Clerk.”

N. ***Hudson City Code, Chapter 325, Article X, Section 325-39 is hereby AMENDED by ADDING the term “subdivision,” after the term “site plan” where ever the term “site plan” appears.***

O. ***Hudson City Code, Chapter 325, Article XIII, Section 325-42 is hereby AMENDED by ADDING the following NEW definitions:***

“CONGREGATE HOUSING — A community residential-style living option that provides nursing-home care, including unskilled support, to individuals which promotes independent living but which does not provide for the treatment or care of individuals suffering from adverse effects of alcohol or illicit drug use or transitional housing for individuals newly released from a correctional institution or other court mandated treatment facility or program for drug or alcohol abuse or for the treatment of mental illness

FINAL PLAT means a drawing prepared in a manner prescribed by §325-35.1 showing the final layout of a proposed subdivision or cluster development including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

INCENTIVE ZONING means the system by which specific incentives or bonuses are granted, pursuant to this section, on condition that specific physical, social, or cultural benefits or amenities would inure to the community.

INCENTIVES OR BONUS means adjustments to the permissible population density, area, or height for the purpose of preserving and making available open space; protecting natural resources; preserving scenic views; protecting and encouraging the rehabilitation of historic buildings, structures, archaeological sites, or other resources recognized as eligible for listing on the State or National Register of Historic Places or as a local landmark; promoting housing units affordable to low and moderate income residents; and promoting public ingress, egress and use of the Hudson River waterfront.

LIGHT INDUSTRY means a facility which manufactures, designs, assembles, or processes a product for wholesale or retail within a fully enclosed building and which does not result in the generation of potentially dangerous, offensive or hazardous materials or wastes or utilize a process which is dangerous, polluting or incompatible with other uses of the district.

LOW INCOME HOUSING means rental or permanent residential housing which is affordable to individuals whose household income is thirty (30%) percent or below the median household income, adjusted for family size, for the County of Columbia, New York. For purposes of determining eligibility for low income housing or incentive zoning benefits provided pursuant to §325-28-1, the median household income for the County of Columbia shall be the median income level as of January 1 of the year in which eligibility is requested.

MARINA means any premises containing one or more piers, wharves, docks, moorings, bulkheads, buildings, slips or basins and used primarily for the docking, mooring, storage and servicing of boats for compensation. Such premises may include incidental sale of marine supplies and food.

MODERATE INCOME HOUSING means rental or permanent residential housing which is affordable to individuals whose household income is between thirty one percent (31%) and one hundred (100%) percent of the median household income, adjusted for family size, for the County of Columbia, New York. For purposes of determining eligibility for moderate income housing or incentive zoning benefits provided pursuant to §325-28-1, the median household income for the County of Columbia shall be the median income level as of January 1 of the year in which eligibility is requested.

OPEN SPACE or **OPEN SPACE AREA** means any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

PARCEL means an area of land with definite boundaries, all parts of which are owned by the same person(s)/entity(ies), the boundaries of which are established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of §325.35.1.

PARENT PARCEL means a parcel of land which existed on December 31, 2009.

PERSON means a firm, association, organization, partnership, trust, company or individual.

PLAT means a map or plan, drawn to scale, showing, at a minimum, property boundaries and geographic features.

PROCESSING means the processing, preparation and production activities associated with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. Processing activities shall include, but not be limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

SITE PLAN means a rendering, drawing, or sketch prepared to specifications and containing necessary elements as set forth in §325-35D and E, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SUBDIVIDABLE LOT means a parcel or plot of land with two or more times the minimum acreage area within a particular zoning district.

SUBDIVISION means the division of any parcel of land into a number of lots, blocks or sites with or without streets or highways, for the purpose of sale, transfer of ownership, or development.

SUBDIVISION, MAJOR means all subdivisions not classified as minor.

SUBDIVISION, MINOR means a subdivision of land for the creation of not more than two lots.

PRELIMINARY PLAT means a map or plan prepared in a manner prescribed by §325-35.1 showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.”

P. Hudson City Code, Chapter 244 is hereby *AMENDED* by *ADDING* the following *NEW* section:

“§244-39.2. Signs in the local waterfront revitalization area boundary .

In addition to the provisions of this Chapter, all signs within the waterfront boundary shall conform to the following standards:

- (1) The design of free-standing signs or wall signs should be consistent with and integrated into the architectural design of the associated building, taking into account the materials, colors, and layout of the sign with the architectural character of the associated building.
- (2) Letters on the sign should be carefully formed and generally not occupied more than 60% of the total sign area.
- (3) Signs should have dark background colors with light colored letters to minimize the apparent size of the signs within the streetscape. The number of colors used in a sign should be limited to three unless used in an illustration.
- (4) Wall signs should not obscure or cover architectural features of the building façade.”

Q. The Appendix to Chapter 325 containing the Schedule of Bulk Regulations for Commercial and Industrial Districts, and the Schedule of Bulk Regulations for Residential Districts is hereby *AMENDED* by *DELETING* such schedules and *REPLACING* them with the Schedule of Bulk Regulations for Commercial and Industrial Districts, and the Schedule of Bulk Regulations for Residential Districts as set forth in Appendix “A” of this local law.

SECTION 6. SEVERABILITY. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

SECTION 7. EFFECTIVE DATE. This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced _____

Seconded _____

Approved _____

By _____

Richard Scalera, Mayor

City of Hudson
Schedule of Bulk Regulations
For Residential Districts

	R-1 One- Family	R-2, R-3 and R4 One or Two- Family	R-3 and R-4 Attached Dwellings	R-3 Multiple Dwellings	R-4 Multiple Dwellings	I-R-C	R-G	C-R	R-C
Minimum Required:									
Lot area:									
Total (square feet)	5,000	4,000	---	8,000	6,000	10,000	6,000	6,000	12,000
Per dwelling unit (square feet)	---	2,400	2,000	2,000	1,500	---	1,500	1,000	
Lot width (feet)	50	40	20 ¹	80	60	60	60	100	100
Lot depth (feet)	100	100	100	100	100	100	100	100	100
Front Yard (feet) ⁴	20	15	15	10	10	20	10	10	20
Each side yard (feet)	10	7 ½	--- ¹	10	--- ³	15	--- ³	10	15
Rear yard (feet)	30	30	30	30	30	30	30	20	30
Usable open space per dwelling unit (square feet)	---	---	400	400	300	500	300	400	500
Off-street parking spaces per dwelling unit	1	1	1	1	1	1	1	1	1
Maximum Permitted									
Lot coverage	30%	35%	35%	30%	30%	30%	30%	30%	25%
Building height:									
Number of stories	2 ½	2 ½	2 ½	2 ½	3	2 ½	3	3	3
Feet	35	35	35	35	45	35	45	35	35
Building length (feet) ²	--	--	160	160	160	---	160	---	---

Notes:

1. All end attached dwellings shall have a minimum lot width of 35 feet, which includes a side yard of not less than 15 feet. The minimum dwelling unit width shall be 20 feet.
2. Walls intersecting at an interior angle of more than 135 degrees shall be considered one building wall. To be considered as a separate wall, any break in said plane shall have a minimum length and depth of at least 60 feet.
3. Ten feet or ½ the building height, whichever is greater.
4. The Planning Board may approve a front yard setback that conforms with the prevailing building setback for the respective street on which a property is located.

City of Hudson
 Schedule of Bulk Regulations for
 Commercial and Industrial Districts

For Commercial and Industrial Uses permitted in:	R-3 ¹	C-C	Commerce	G-C	Industrial	I-1
Minimum Required:						
Lot area (square feet)	10,000	---	5,000		10,000	---
Lot width (feet)	100	20	40		100	---
Lot Depth (feet)	100	---	100		100	---
Front Yard (feet)	10	---	---		---	---
Side Yard (feet)	15	²	²		10	10
Side yard for lots within 25 feet of residence district boundary (feet)	---	10	10		15	40
Rear yard (feet)	30	--	20		20	10
Rear yard for lots within 25 feet of residence district boundary (feet)	---	30	30		30	40
Off-street parking spaces per 300 square feet of floor area	1	---	1		1	1
Maximum Permitted:						
Lot coverage	30%	---	50%		50% ³	75%
Building height (feet)	35	45	35		35	⁴
Number of stories	3	4	3		3	⁴

Notes:

1 For new office structures or new structures with combined office and residential use.

2 None required, but ten-foot minimum if provided.

3 Maximum areas devoted to manufacturing, 10,000 square feet.

4 Two feet in building height for each one foot of distance from any property line; maximum height of 45 feet.

Draft LOCAL LAW NO. ___ OF ~~2009~~2011
, ~~2009~~2011

**A LOCAL LAW AMENDING THE CITY CHARTER TO PROVIDE FOR
THE APPOINTMENT OF A HARBOR MASTER IN ORDER TO IMPLEMENT
THE LOCAL WATERFRONT REVITALIZATION PROGRAM**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON
AS FOLLOWS:**

SECTION 1. TITLE. This Local Law shall be known as Local Law No. ___ for the year 2009, the Harbor Master Law.

SECTION 2. LEGISLATIVE FINDINGS.

The Common Council of the City of Hudson finds that:

Revitalization of the City's waterfront is critical to the City's continued economic growth and the health and welfare of its residents who desire better access and additional opportunities to enjoy coastal resources, including recreational, historic, and cultural resources within the waterfront boundary.

The economic and social interests of the City's residents would be best served by adoption of a Local Waterfront Revitalization Program (LWRP) to revitalize the waterfront based upon a mix of land uses including residential, commercial, industrial, shipping, recreational, open space and conservation.

Adoption of the City's LWRP will likely result in increased use of the Hudson River and the City's riverfront by water borne vessels, thereby necessitating appointment of a Harbor Master to protect the public's health, safety and welfare and to ensure implementation the LWRP.

SECTION 3. LEGISLATIVE INTENT.

It is the intent of the Common Council to amend the Hudson City Charter to authorize the Mayor to implement the LWRP through the appointment of a Harbor Master to ensure the public's health, safety and welfare.

SECTION 4. STATEMENT OF AUTHORITY.

This local law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York); the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Chapter 18 of the Consolidated Laws of the State of New York, Article 42 of the Executive Law); the General City Law, (Chapter 21 of the Consolidated Laws of the State of New York, Article 3, §§20, 27-a, 32 and 37 and Article 5-A, §81-D); the General Municipal Law (Chapter 24 of the Consolidated Laws of the State of New York, Article 12-A, §247); and

the Environmental Conservation Law (Chapter 42-B of the Consolidated Laws of the State of New York, Article 49, §49-0301).

SECTION 5. APPOINTMENT OF HARBOR MASTER

- A. Hudson City Charter, Article IV, §C4-4B, is hereby *AMENDED* by adding at the end thereof the following *NEW* paragraph:**

“(7) Harbor Master”

- B. Hudson City Charter is hereby *AMENDED* by *ADDING* the following *NEW* Article:**

“XXVIIB Harbor Master

§C27B-1. Establishment of Office.

There shall be in the City of Hudson an officer known as the “City of Hudson Harbor Master”.

§C27B-2. Appointment of Harbor Master; term of office.

There shall be appointed by the Mayor a Harbor Master for the City of Hudson who shall hold office during the pleasure of the Mayor.

§C27B-3. Certification of appointment of Harbor Master.

The appointment of the Harbor Master of the City of Hudson shall be evidenced by a certificate in writing signed by the Mayor and filed forthwith in the office of the City Clerk.

§C27B-4. Powers and duties of the Harbor Master.

The Harbor Master shall collect fees in accordance with a fee schedule established by the Common Council, from vessels docking at any City owned dock or marina space. The Harbor Master shall keep records of vessels docking at any City owned dock or marina space and any fees collected and shall transmit such fees the City Treasurer’s Office not more than 30 days after receipt. The Harbor Master shall, as necessary, direct vessel traffic within the jurisdictional limitations of the City in a manner which protects the public’s health, safety and welfare.

§C27B-5. Required reports of the Harbor Master.

It shall be the duty of the Harbor Master to meet with the Mayor of the City of Hudson at least once annually to report on the condition of any City owned dock or marina space and provide an accounting of the fees collected for the reporting year.”

SECTION 6. SEVERABILITY. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid,

such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

SECTION 7. EFFECTIVE DATE. This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced _____

Seconded _____

Approved _____

By _____

Richard Scalera, Mayor

APPENDIX D
LOCAL CONSISTENCY LAWS

Draft LOCAL LAW NO. ___ OF 20~~--09~~11
, 200911

**A LOCAL LAW AMENDING THE CITY ZONING CODE TO IMPLEMENT THE
LOCAL WATERFRONT REVITALIZATION ~~PROGRAM~~LAN BY PROVIDING FOR
LOCAL CONSISTENCY REVIEW**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS
FOLLOWS:**

Section 1. TITLE. This Local law will be known as the City of Hudson Local Waterfront
Revitalization Program ~~Coastal~~ Consistency Review Law.

Section 2. LEGISLATIVE PURPOSE AND AUTHORITY.

The purpose of this local law is to provide a framework for agencies of the City of Hudson to incorporate the policies and purposes contained in the City of Hudson Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the coastal area; and to assure that such actions or direct actions by City agencies are consistent with the LWRP policies and purposes.

It is the intention of the City of Hudson that the preservation, enhancement and utilization of the unique coastal area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate limited population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss and degradation of living coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

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

This local law is adopted under the authority of the Municipal Home Rule Law ~~(Chapter 36 a of the Consolidated Laws of the State of New York)~~§10 and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York ~~(Chapter 18 of the Consolidated Laws of the State of New York,~~ Article 42 of the Executive Law).

Section 3. ~~Coastal Consistency~~ ~~AMENDMENTS~~amendments.

A. Hudson City Code, Chapter 325, Article XIII, Section 325-42 is hereby AMENDED by ADDING the following NEW definitions:

“ACTIONS include all the following, except minor actions:

- A. Projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the coastal area or the environment by changing the use, appearance or condition of any resource or structure, that:
 - (1) are directly undertaken by an agency; or
 - (2) involve funding by an agency; or
 - (3) require one or more new or modified approvals, permits, or review from an agency or agencies.
- B. Agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions.
- C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect coastal resources or the environment.
- D. Any combination of the above.

AGENCY means any board, agency, department, office, other body, or officer of the City of Hudson.

COASTAL AREA or LOCAL WATERFRONT REVITALIZATION AREA (LWRA) means that portion of New York State coastal waters and adjacent shorelands located within the boundaries of the City of Hudson, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the City of Hudson Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) means the form used by the Coastal Consistency Review Board~~Planning Commission~~ to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT means that the action will fully comply with the Local Waterfront Revitalization Program policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS mean actions planned or proposed for implementation by an agency,

such as, but not limited to a capital project, rule making, procedure making and policy making.

ENVIRONMENT means all conditions that will be affected by a proposed action, including land, air water, minerals, flora, fauna, noise, resources of agriculture, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.

LOCAL WATERFRONT REVITALIZATION AREA (LWRA) or COASTAL AREA means that portion of New York State coastal waters and adjacent shorelands located within the boundaries of the City of Hudson, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the City of Hudson Local Waterfront Revitalization Program

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

MINOR ACTIONS include the following actions:

- A. maintenance or repair involving no substantial changes in an existing structure or facility;
- ~~A.B.~~ replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in 6 NYCRR Part 617.4(b) and except for structures in areas designated by the Coastal Erosion Hazard Area (CEHA) law where structures may not be replaced, rehabilitated or reconstructed without a permit;
- ~~A.C.~~ repaving or widening of existing paved highways not involving the addition of new travel lanes;
- ~~A.D.~~ street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- ~~A.E.~~ maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within State Designated Significant Coastal Fish and Wildlife Habitat areas;

- A.F. construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- A.G. routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- A.H. construction or expansion of a single-family, a two-family or a three-family residence on approved lot including provision of necessary utility connections;
- A.I. construction, expansion or replacement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- A.J. extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- A.K. granting of individual setback and lot line variances, except in relation to a regulated natural feature, a bulkhead or other shoreline defense structure;
- A.L. granting of an area variance(s) for a single-family, two-family, or three-family residence;
- A.M. minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;
- A.N. installation of traffic control devices on existing streets, roads and highways;
- A.O. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- A.P. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;

- ~~A.Q.~~ official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code;
- ~~A.R.~~ issuance of an historic preservation certificate of appropriateness pursuant to Chapter 169;
- ~~A.S.~~ routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- ~~A.T.~~ conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- ~~A.U.~~ refinancing existing debt;
- ~~A.V.~~ license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- ~~A.W.~~ adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- ~~A.X.~~ engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- ~~A.Y.~~ civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- ~~A.Z.~~ adoption of a moratorium on land development or construction;
- ~~A.AA.~~ interpreting an existing code, rule or regulation;
- ~~A.BB.~~ designation of local landmarks or their inclusion within historic districts;

~~A-CC.~~ emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance practicable under the circumstances to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired are fully subject to all rules and regulations which were otherwise applicable.

B. Hudson City Code, Chapter 325, Article VIII, Section 325-35, is hereby amended by ADDING the following NEW sections at the end thereof:

“§325-35.2-1 ~~Coastal LWRP~~ Consistency Review ~~Board~~ Authority.

- A. The Coastal Consistency Review Board shall be responsible for coordinating review of actions in the City’s coastal area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.
- B. The Coastal Consistency Review Board shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.
- C. The Coastal Consistency Review Board shall assist the City in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.
- D. The Coastal Consistency Review Board shall perform other functions regarding the coastal area and direct such actions or projects as the Common Council may deem appropriate to implement the LWRP.

§325-35.2-2 LWRP Consistency Review of Actions.

- A. Whenever a proposed action is located within the City's coastal area, each City agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Section H herein. No action in the coastal area shall be approved, funded or undertaken by that agency without such a determination.
- B. Whenever an agency of the City receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the agency shall refer a copy of the completed CAF to the Coastal

Consistency Review Board within ten (10) days of its receipt and prior to making its determination, shall consider the recommendation of the Coastal Consistency Review Board with reference to the consistency of the proposed action.

B.C. After referral from an agency, the Coastal Consistency Review Board shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Section H herein. The Coastal Consistency Review Board shall require the applicant to submit all completed applications, CAFs, EAFs, and any other information deemed necessary to its consistency recommendation.

The Coastal Consistency Review Board shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Coastal Consistency Review Board and the applicant or in the case of a direct action, the agency. The Coastal Consistency Review Board's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion. The Coastal Consistency Review Board shall, along with a consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.

In the event that the Coastal Consistency Review Board's recommendation is not forthcoming within the specified time, the agency shall make its consistency decision without the benefit of the Coastal Consistency Review Board's recommendation.

- D. If an action requires approval of more than one City agency, decision making will be coordinated between the agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency for the specific action being reviewed. Only one CAF per action will be prepared. If the agencies cannot agree, the Common Council shall designate the consistency review agency.
- E. Upon receipt of the Coastal Consistency Review Board's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in Section H herein. The agency shall consider the consistency recommendation of the Coastal Consistency Review Board, the CAF and other relevant information in making its written determination of consistency. No approval or decision shall be rendered for an action in the coastal area without a written determination of consistency having first been rendered by a City agency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Coastal Consistency

Review Board in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

- F. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Section H and include a thorough discussion of the effects of the proposed action on such policy standards.
- G. In the event the Coastal Consistency Review Board's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.

~~G.H.~~ H. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III (Policies) of the City of Hudson LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with Section IV (Proposed Uses and Projects), in making their consistency determination. The action must be consistent with the policies to:

1. Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses ~~uses dependent on a waterfront location and compatible with the historic and scenic character of the area~~ (Policies ~~1, 1A, 1B, 1C, 1D~~).
2. Strengthen the economic base of the harbor area, ~~e~~Encourage tourism through preservation, enhancement and protection ~~/or appropriate resources~~ of historic, scenic and recreational interest (Policy ~~4A~~);
3. Retain and encourage the development of water dependent uses and facilities on or adjacent to ~~near~~ coastal waters (Policy 2);
4. Ensure that development occurs where adequate public in-fra~~struc~~ture is available (Policy 5);
5. Expedite~~Streamline development~~ permit procedures (Policy 6);
6. Protect and preserve fish and wildlife habitats of local importance and those which DOS has identified as significant, from human disruption and chemical contamination (Policies 7, 7A, 7B, 7C, ~~7D, 7E~~ and 8);

7. Maintain and expand the recreational use of existing fish and wildlife resources (Policy 9);
8. Maintain, promote and expand commercial fishing opportunities (Policy 10).
9. Minimize flooding and erosion hazards through proper siting of buildings and structures; protection of natural protective features; construction of carefully-selected, long-term structural measures; and the use of appropriate non-structural means (Policies 11,12,13,14,15, and 17);
10. Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16);
11. Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18);
13. Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting the environment and adjacent land uses (Policies 19, 20, and 20A);
14. Encourage and facilitate water-dependent and water-enhanced recreational resources and facilities near coastal waters (Policies 21, 21A and 21B);
15. Encourage the development of water-related recreational resources and facilities, as multiple-uses, in appropriate locations within the shore zone. (Policy 22);
16. Protect and enhance historic resources~~scenic and aesthetic resources~~ (Policies 23, ~~23A~~);
17. Protect and enhance scenic and aesthetic resources (Policies ~~24A, 24B, 24C~~ and 25);
- ~~18. Conserve and protect agricultural lands (Policy 26);~~
- ~~19.~~18. Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 ~~and 40~~);
- ~~20.~~19. Undertake ice management practices to avoid adverse coastal impacts (Policy 28);

- ~~21.20.~~ Protect surface waters and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, ~~32~~, 33, 34, 34A, 35, 36, 37 and 38);
- ~~22.21.~~ Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35);
- ~~23.22.~~ 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, 40);
- ~~24.23.~~ Protect air quality (Policies 41, 42, and 43); and
- ~~25.24.~~ Preserve and protect ~~tidal and~~ freshwater wetlands (Policy 44).

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

§325-35.2-3 Enforcement.

No action within the City of Hudson coastal area which is subject to review under this Chapter shall proceed until a written determination has been issued from a City agency that the action is consistent with the City's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the City shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The City Building Inspector, Attorney, Code Enforcement Officer and Police Department shall be responsible for enforcing this Chapter.

§325-35.2-4 Violations.

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by this Chapter shall have committed a violation, punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) for a conviction of a first offense and punishable by a fine of two thousand dollars (~~\$500~~2000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The City Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.”

~~C. Hudson City Charter, Article XXXII is amended by RENUMBERING such Article “XXXIII Miscellaneous Provisions” and the sections thereafter “C33-1.” Et. Seq.; and REPLACING Article XXXII with the following:~~

~~“ARTICLE XXXII
Coastal Consistency Review Board~~

~~§C32-1. Establishment of Review Board.~~

~~There shall be in the City of Hudson a review board known as the “Coastal Consistency Review Board.”~~

~~§C32-2. Members; appointment’ terms of office; filing of vacancies.~~

~~There shall be appointed by the Mayor three members, who together shall be the Coastal Consistency Review Board, and one of them shall be appointed for a term of one year, one for a term of two years and one for a term of three years; and at the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of 1/3 of such Board shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than 1/3 of the members of said Board shall hold any other public office in the City of Hudson.~~

~~§C32-3. Certification of appointment of members.~~

~~The appointment of the Board shall be evidenced by a certificate in writing signed by the Mayor and filed forthwith in the office of the City Clerk.~~

~~§C32-4. Members to serve without compensation.~~

~~The members of the Board shall serve without compensation for their services as such Members.~~

~~§C32-5. Matters to be referred to the Board.~~

~~In accordance with the applicable provisions of Chapter 325 and the City of Hudson Local Waterfront Revitalization Program, all actions or direct actions subject to a coastal consistency review shall be referred to the Board by the appropriate agency of the City for a recommendation as to whether such action or direct action is consistent with the Local Waterfront Revitalization Program. Such Board shall also make such other recommendations as provided for in Chapter 325.~~

~~§C32-5. Statutory authority.~~

~~This article is enacted pursuant to the powers given by the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).”~~

Section 4. Severability.

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

Section 5. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced _____

Seconded _____

Approved _____

By _____

Richard Scalera, Mayor

COASTAL ASSESSMENT FORM

A. **INSTRUCTIONS** (Please print or type all answers)

1. Applicants, or in the case of direct actions, City of Hudson agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a City of Hudson agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any questions in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. **DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Type of agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
 - (b) Financial assistance (e.g. grant, loan, subsidy) _____
 - (c) Permit, approval, license, certification _____
 - (d) Agency undertaking action: _____

2. Describe nature and extent of action: _____

3. Location of action: _____
Street or Site Description

4. Size of site: _____

5. Present land use: _____

6. Present zoning classification:

7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):

8. Percentage of site which contains slopes of 15% or greater: _____ %

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

(1) Name: _____

(2) Size (in acres): _____

10. If an application for the proposed action has been filed with the agency, the following information shall be provided:

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: _____

(d) Application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes___ No___ If yes, which state or federal agency? _____

C. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

(a) Significant fish or wildlife habitats?

(b) Scenic resources of statewide significance?

(c) Important agricultural lands?

(d) Natural protective features in an erosion hazard area?

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed activity have a significant effect upon:

- (a) Commercial or recreational use of fish and wildlife resources?
- (b) Scenic quality of the coastal environment?
- (c) Development of future, or existing water dependent uses
- (d) Operation of the State's major ports
- (e) Land and water uses within the State's small harbors
- (f) Stability of the shoreline?
- (g) surface or groundwater quality?
- (h) Existing or potential public recreation opportunities?
- (i) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law?
- (e) Mining, excavation, filling or dredging in coastal waters?
- (f) Reduction of existing or potential public access to or along the shore?
- (g) Sale or change in use of state-owned lands located on the shoreline or under water?
- (h) Development within a designated flood or erosion hazard area?
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?
- (j) Construction or reconstruction of erosion protective structures?
- (k) Diminished surface or groundwater quality?
- (l) Removal of ground cover from site?

4. PROJECT.

(a) If the project is to be located adjacent to the shore:

- (1) Will water-related recreation be provided?
- (2) Will public access to the foreshore be provided?
- (3) Does the project require a waterfront site?
- (4) Will it supplant a recreational or maritime use?
- (5) Do essential public services and facilities presently exist at or near the site?
- (6) Is it located in a flood prone area?
- (7) Is it located in an area of high erosion?

- (b) If the project site is publicly owned:
 - (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?
 - (2) If located in the foreshore, will access to those and adjacent lands be provided?
 - (3) Will it involve the siting and construction of major energy facilities?
 - (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?
- (c) Is the project site presently used by the community neighborhood as an open space or recreation area?
- (d) Does the present site offer or include scenic views or vistas known to be important to the community?
- (e) Is the project site presently used for commercial fishing or fish processing?
- (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?
- (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?
- (h) Will the project involve any waste discharges into coastal waters?
- (i) Does the project involve surface or subsurface liquid waste disposal?
- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?
- (k) Does the project involve shipment or storage of petroleum products?
- (l) Does the project involve discharge of toxics, hazardous substances?
- (m) Does the project involve or change existing ice management practices?
- (n) Will the project alter drainage flow, patterns or surface water runoff on or from the project site?
- (o) Will best management practices be utilized to control storm water runoff into coastal waters?
- (p) Will the project utilize or affect the quality or quantity of sole source of surface water supplies?
- (q) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

If assistance or further information is needed to complete this form, please contact City of Hudson Clerk at _____.

Telephone Number: _____

Title: _____ Agency: _____ Date: _____

Appendix E

SIGNIFICANT COASTAL AND FISH WILDLIFE HABITAT NARRATIVES

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Stockport Creek and Flats**

Designated: **November 15, 1987**

County: **Columbia**

Town(s): **Stuyvesant, Stockport, Greenport**

7½' Quadrangle(s): **Hudson North, NY; Stottville, NY**

<u>Score</u>	<u>Criterion</u>
64	Ecosystem Rarity (ER) An extensive area of undeveloped freshwater wetlands and mudflats, including a major tributary of the Hudson River, rare in New York State.
0	Species Vulnerability (SV) No endangered, threatened or special concern species reside in the area.
23	Human Use (HU) Scientific/educational value as an Estuarine Sanctuary is of state-wide significance; recreational and commercial uses important to residents of Hudson Valley. Additive division: $16 + 9/2 + 9/4 = 23$.
9	Population Level (PL) Concentrations of waterfowl and various anadromous fish species are unusual in the Hudson Valley ecological region.
1.2	Replaceability (R) Irreplaceable

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

= **115**

DESIGNATED HABITAT: STOCKPORT CREEK AND FLATS

HABITAT DESCRIPTION:

Stockport Creek and Flats, located between the hamlet of Newton Hook and the City of Hudson, extends along the eastern shore of the Hudson River for approximately seven miles. The area is located in the Towns of Stuyvesant, Stockport, and Greenport, Columbia County (7.5' Quadrangle: Hudson North, N.Y.; and Stottville, N.Y.).

FISH AND WILDLIFE VALUES:

Stockport Creek is a tributary of major significance to the Hudson River estuary. Large expanses of nearly all coastal related habitats occur in the Stockport Creek and Flats area. Extensive tidal freshwater ecosystems such as this are rare in the Hudson Valley and are among the most valuable fish and wildlife habitats in this region of New York. This area includes one of four sites comprising the Federally designated Hudson River Estuarine Sanctuary, (an area dedicated to environmental research and education).

Stockport Creek is one of the largest freshwater tributaries emptying into the Hudson River estuary. It is formed by the confluence of Kinderhook Creek and Claverack Creek, and provides approximately three miles of accessible waters for fish spawning. The considerable length of stream channel accessible to migratory fishes, and the lack of significant human disturbance in the creek, provides favorable habitat conditions for a variety of anadromous as well as resident freshwater fish species. Stockport Creek is an important spawning area for alewife, blueback herring, smelt, and white perch. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the Hudson River. In addition, shallow subtidal areas comprising Stockport Flats serve as spawning sites for American shad, which concentrate in such areas between mid-April and June. The mudflats, littoral zones, and off-channel areas are also utilized as nursery grounds and feeding areas by striped bass, shad, alewife, herring, and resident species. Concentrations of smallmouth bass occur in Stockport Creek throughout the year. Adult bass move into the upper section of the creek in May or early June to spawn and return to river areas as water temperatures rise. Freshwater inflows from Stockport Creek are important for maintaining water quality in the Hudson River estuary.

Stockport Creek and Flats provide valuable feeding and resting habitat for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, Stockport Flats also provides an important waterfowl wintering area in the upper Hudson Valley region, especially significant for redhead and canvasback ducks. Spoil bank islands in the area, including Stockport Middle Ground, provide relatively unique vertical sand banks that have been colonized by bank swallows. This is one of the few locations in the upper Hudson River where this species has been confirmed breeding. Wetland areas associated with Stockport Creek and Flats provide potential habitat for various marsh nesting birds, including green-backed heron, American bittern, black duck, mallard, wood duck, Virginia rail, sora, fish crow, and marsh wren. Several rare plant species, including heartleaf plantain, also occur in the area.

Human use of the Stockport Creek and Flats area is of regional significance. The large concentrations of waterfowl in this area provide excellent hunting opportunities for residents of the Hudson Valley region. The Stockport Creek and Flats area also provides excellent fishing for striped bass and shad during their migrations; prime fishing areas are at the mouth of Stockport Creek and in off-channel areas adjacent to Stockport Middle Ground. The latter area also provides one of the northernmost commercial shad fisheries

in the Hudson River. Designation of Stockport Creek and Flats as part of the Hudson River Estuarine Sanctuary will focus research and education activities in the Hudson Valley on this area.

IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,
- significantly impair the viability of a habitat.

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

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

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

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

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

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

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

It is essential that any potential impacts on Stockport Creek and Flats be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions. Any activity that would substantially degrade water quality, increase turbidity or temperature, reduce freshwater inflows, or alter tidal fluctuations in Stockport Creek and Flats would result in significant impairment of the habitat. Disruption of freshwater or tidal flows in this area could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat. Elimination of wetland or shallow areas, through dredging, filling, or bulkheading, would result in a direct loss of valuable fish and wildlife habitats.

Potentially, the Conrail Railroad could affect the hydrology of shoreline wetland areas, through changes in the size or configuration of causeways, and bridges. Activities that would subdivide this relatively large, undeveloped area into smaller fragments should be restricted. However, habitat management activities, including expansion of productive littoral areas, may be designed to maintain or enhance populations of certain fish or wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) would result in impairment of on fish habitat. Of particular concern are the potential effects of upstream and adjacent disturbances, including water withdrawals, impoundments (e.g., hydro power development), stream bed disturbances, discharges of agricultural runoff and groundwater contamination. Barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the stream as well as in the Hudson River.

Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April-July for most warmwater species. Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages.

Adjacent undeveloped upland areas are particularly important for maintaining the water quality and habitat value of Stockport Creek and Flats and should be preserved as a buffer zone.

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Vosburgh Swamp and Middle Ground Flats**

Designated: **November 15, 1987**

County: **Greene**

Town(s): **Coxsackie, Athens**

7½' Quadrangle(s): **Hudson North, NY**

<u>Score</u>	<u>Criterion</u>
25	Ecosystem Rarity (ER) An extensive area of tidal mudflats, wetlands, and littoral zones; rare in the Hudson Valley region.
0	Species Vulnerability (SV) Mud turtle (T) and least bittern (SC) reported, but not confirmed.
14	Human Use (HU) Commercial shad fishery and waterfowl hunting support significant use by residents of the Hudson Valley; additive division: $9 + 9/2 = 14$.
9	Population Level (PL) Concentrations of waterfowl and various anadromous fish species are unusual in the Hudson Valley.
1.2	Replaceability (R) Irreplaceable.

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

= **57**

DESIGNATED HABITAT: VOSBURGH SWAMP AND MIDDLE GROUND FLATS

HABITAT DESCRIPTION:

Vosburgh Swamp and Middle Ground Flats extend for approximately four miles along the western shore of the Hudson River, upstream from the Village of Athens, in the Towns of Coxsackie and Athens, Greene County (7.5' Quadrangle: Hudson North, N.Y.). The fish and wildlife habitat encompasses approximately 1,200 acres, comprised primarily of extensive mudflats and shallows, off-channel open water areas, hardwood swamp, a freshwater impoundment (Vosburgh Swamp) and spoil bank islands. The habitat also includes Murderers Creek, upstream approximately one-half mile to Sleepy Hollow Lake dam, which is the first impassable barrier to fish.

FISH AND WILDLIFE VALUES:

Extensive tidal mudflats and shallow littoral zones are relatively rare in the Hudson Valley region of New York. These habitat types, along with the emergent wetlands and open water areas, make the Vosburgh Swamp and Middle Ground Flats area very attractive to many fish and wildlife species. The mudflats, marshes, and littoral zones in this area provide valuable feeding and resting habitat for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, this area also provides an important waterfowl wintering area in the upper Hudson Valley region, especially significant for redhead and canvasback ducks. Several spoil bank islands on Middle Ground Flats provide relatively unique vertical sand banks that have been colonized by bank swallows. This is one of the few locations in this section of the Hudson River where this species has been confirmed breeding.

A heavy concentration of American shad utilize the littoral zone areas at West Flats and around Middle Ground Flats for spawning. This area, including Murderers Creek, is also utilized as a spawning, nursery, and feeding area by striped bass, alewife, blueback herring, white perch, and a variety of resident freshwater species. Mud turtles (T) and least bittern (SC) have been reported to reside in Vosburgh Swamp, but this has not been confirmed for either species. This wetland area does provide potential habitat for various other marsh-nesting birds, including green-backed heron, American bittern, black duck, mallard, wood duck, Virginia rail, common moorhen, and marsh wren.

Several rare plant species, including heartleaf plantain, and subulate arrowhead, occur in river shoreline areas near Vosburgh Swamp.

Human use of the Vosburgh Swamp and Middle Ground Flats area is of regional significance. The area receives very heavy waterfowl hunting pressure during the fall migration period. In addition, one of the northernmost commercial shad fisheries is established in the vicinity of Middle Ground Flats. A NYSDEC boat launch is located on the south side of Murderer's Creek, providing access for recreational fishing throughout the area.

IMPACT ASSESSMENT:

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

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

- destroy the habitat; or,
- significantly impair the viability of a habitat.

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

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

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

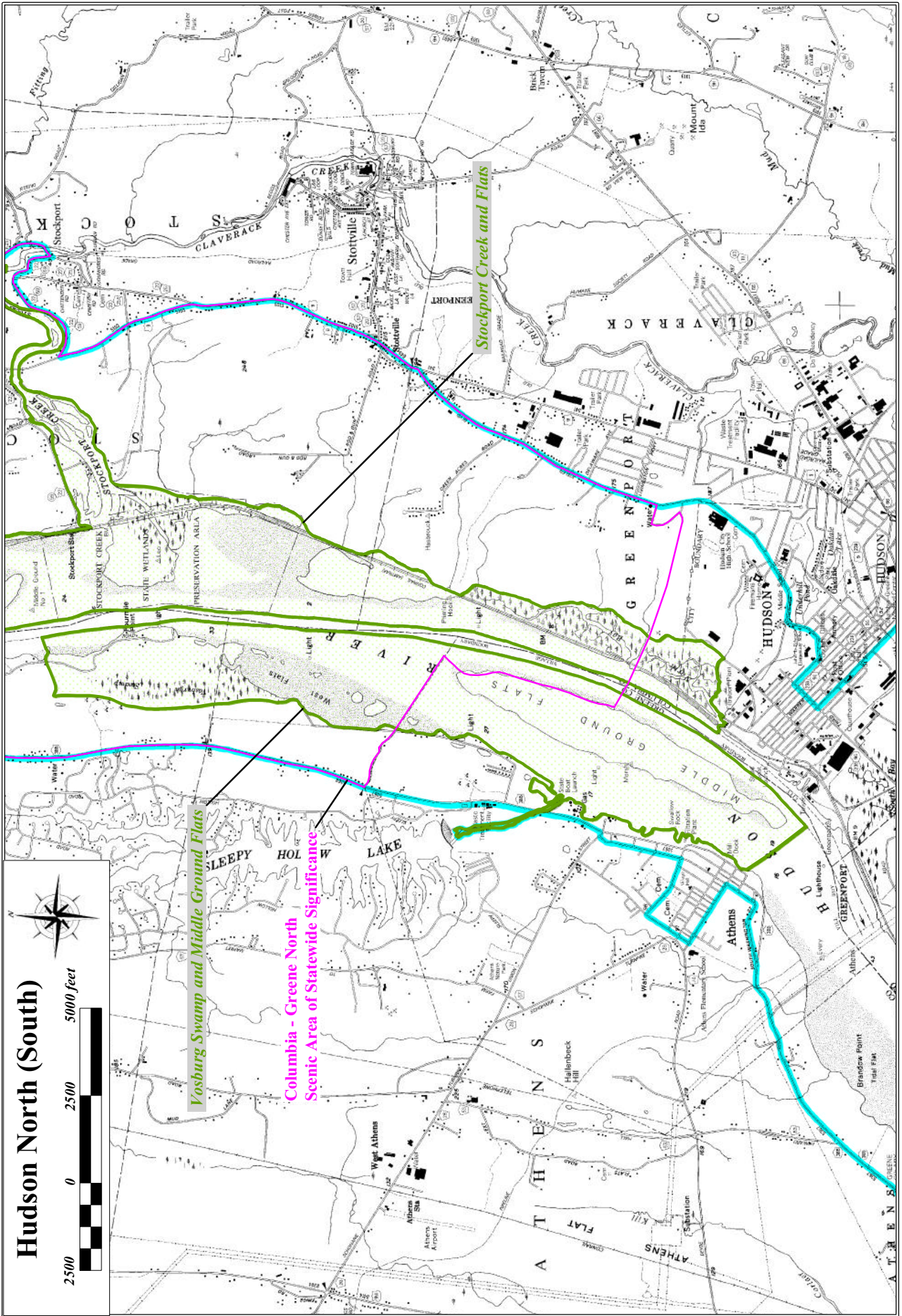
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the Vosburgh Swamp and Middle Ground Flats habitat would result in significant impairment of the habitat. Disruption of the freshwater or tidal flows in these areas could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat. Elimination of productive wetland and littoral areas, through dredging, filling, or bulkheading would have significant

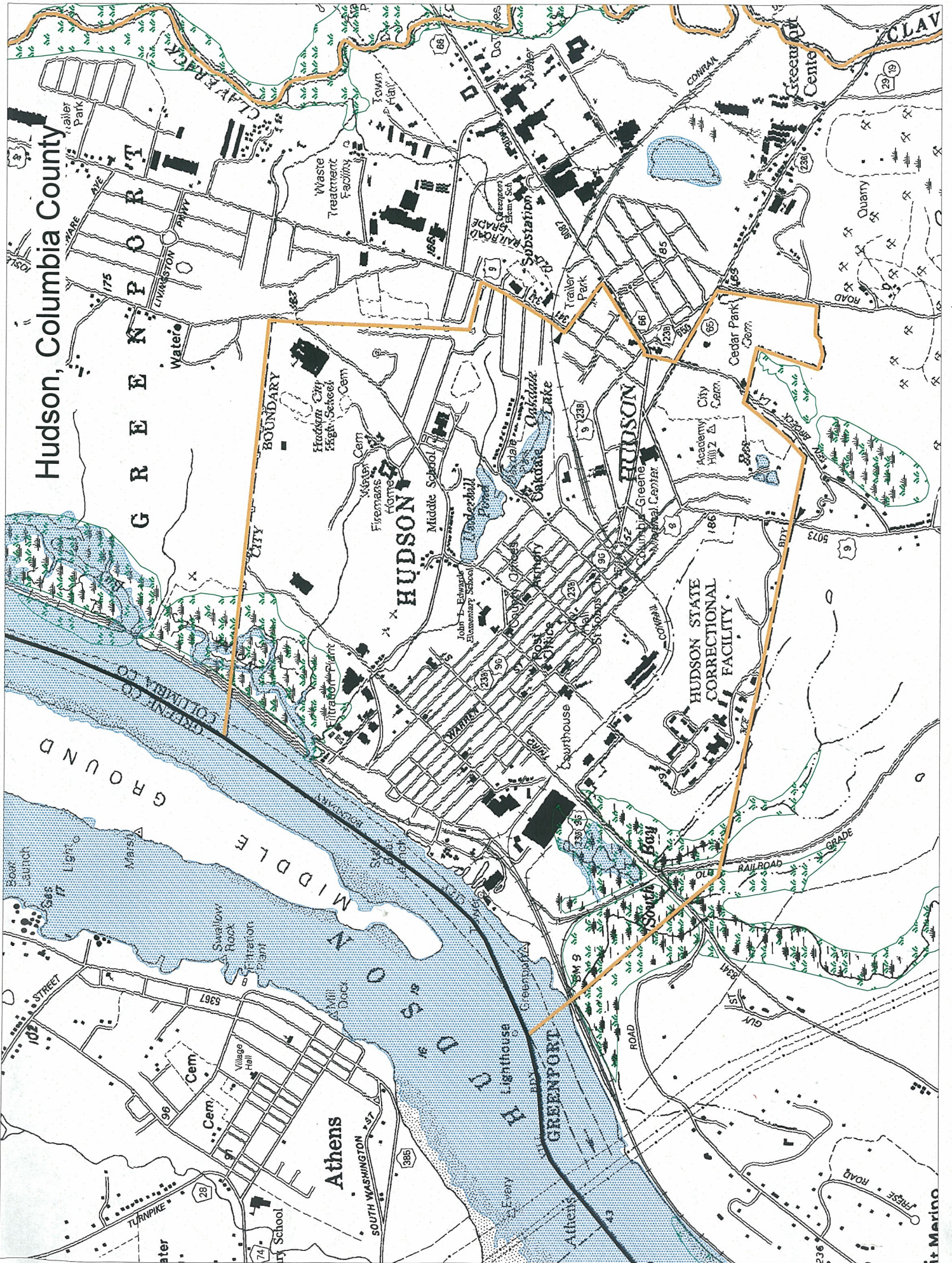
impacts on the fish and wildlife resources of Vosburgh Swamp and Middle Ground Flats. Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and wintering waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages.



Hudson North (South)



Hudson, Columbia County



Appendix F:

GUIDELINES FOR REVIEW OF STATE AND FEDERAL PROJECTS

**PROCEDURAL GUIDELINES FOR COORDINATING
NYS DEPARTMENT OF STATE (DOS) & LWRP
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that

the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

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

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM**

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

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
 3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

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

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
 - 4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

APPENDIX G: DESIGN GUIDELINE TEMPLATE

Introduction

The overriding objective of the design guidelines is to ensure that new development fits in well with its surroundings. The following guidelines share this objective, aim to guide the design of new development in a manner that strengthens the City's mixed-use commercial core. The community has clearly stated its desire to maintain the small town atmosphere and qualities that have historically characterized the City of Hudson. However, it was also recognized that new development provides the opportunity for a broader mix of businesses and services, residential units and employment and an expanded tax base. The 1996 Vision Plan recommended the development of design guidelines to ensure that new development creates a compact, mixed-use commercial core that is pedestrian oriented in scale, character and function.

The guidelines prepared for the LWRP focus on the CBD zones located along Warren Street (extending from Third Street to Front Street), and along portions of Front Street between Dock Street and South Bay. These zones contain a broad mix of commercial, community and residential uses, including restaurants, antique stores and art-related uses that have helped establish Hudson as an important cultural center for the region.

The overall goals for the guidelines are as follows:

- To encourage site planning and architectural design that respects the scale and historic character of existing development.
- To enhance the pedestrian environment with improved streetscape design and attractive and convenient pedestrian connections.
- To encourage new development in a manner that strengthens and expands the City's mixed-use commercial district.

The design guidelines are discussed below under the following five categories:



Modest scaled buildings are characteristic of Hudson's downtown area

Site Layout and Development
Architectural Character
Parking and Outdoor areas
Streetscape
Signage

A-SITE LAYOUT AND DEVELOPMENT

(1) Maintain Street Walls

Street Walls should be maintained if a prevailing, historic pattern exists with buildings located on the property line. Where such a pattern does not currently exist, minor variation in setback/build-to line (less than 5 feet) for structures, porches, architectural elements, etc. should be encouraged. Street wall heights should be varied to reflect the scale of existing development in Hudson.

(2) Building Continuity

Buildings facing public streets and spaces should generally be located close together with minimal side yard areas.

(3) View Preservation

Views of the river and major open space areas (such as the North and South Bays) are enjoyed from several vantage points in the LWRP area. Future development should respect existing view corridors and building placement should take advantage of views to existing natural features that exist within the city and surrounding region.

(4) Active Ground Floor Uses

A variety of uses are encouraged on the ground floor to create active urban spaces for pedestrians. Retail, restaurant, service and arts-related uses are favored to take advantage of and generate pedestrian traffic.

(5) Contribute to Streetscape

Where applicable, building layouts should contribute to the quality of the streetscape by means of careful building placement, use of building recesses and projections, and integration of open space areas.



Continuous street wall development along Union Street



Preserved view towards Promenade Hill from Front Street

B-ARCHITECTURAL DESIGN

(1) Building Scale

Larger buildings should be broken down into smaller forms to lessen the total building mass and to relate to nearby architectural character. Design elements to be considered include the use of building setbacks at upper levels, the addition of balconies or other projecting features, and the use of recesses such as deep set windows.

(2) Architectural Character

Building design should be compatible with the architectural character of the neighborhood. New construction and building rehabilitation within the Historic District should be compatible with the scale, architectural styles and building materials that define the immediate area.

(3) Variety of Architectural Styles

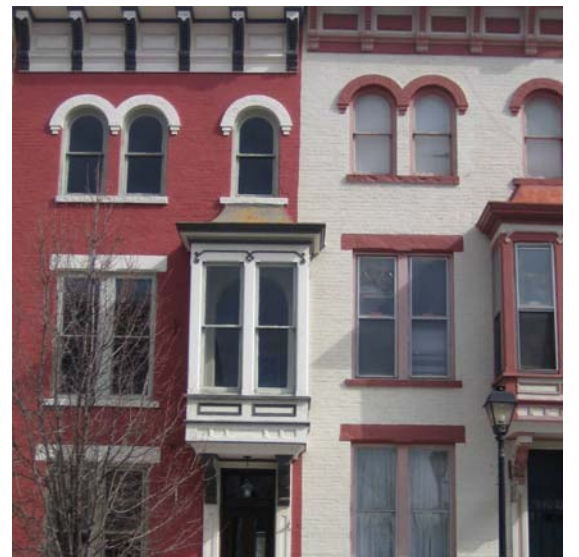
The City contains a wide variety of architectural designs dating from the mid-eighteenth century to the present day. New development should continue to provide a mix of architectural styles in order to maintain the variety of building form that characterizes many of the city neighborhoods.

(4) Façade Design

- The design of building façade should respond to the following guidelines:
- The front façade should face onto a public street and should not be oriented to face towards parking lots or service areas.
- Building facades should provide architectural detail (e.g. eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs) that are proportionate with the building and compatible with historic buildings in the City.
- The architectural features, materials, and the articulation of a façade of a building should be continued on all sides visible from a public street or public parking lot where feasible.



Varied balcony designs reduce the scale of building facades



Consistent design treatment of architectural elements on building facade

(5) Fenestration

Window openings should be vertically oriented; and may be grouped together to provide variety to the façade design. Window surfaces should be set back from facades to provide relief to the wall surface. The historic buildings in surrounding areas are a rich resource in window styles and should be examined.

(6) Roof Treatment

The rooftops and upper floors of many buildings are highly visible due to the City's existing topography. Special attention should be paid to the form, material and style of these areas to create a varied and attractive roofline. Designs should incorporate varied roof types including the use of dormers, cupolas and ornamental cornices to reduce the scale of larger roof forms.

All roof mounted mechanical equipment such as air conditioners, elevators, transformers, antennas, satellite dishes and utility equipment should be screened from contiguous properties and adjacent streets in a manner that is compatible with the architectural treatment of the principal structure.

(7) Storefront Design

A minimum of fifty (50) percent of the front façade on the ground level should be transparent, consisting of display windows or door openings to create visual interest. Primary entries to storefronts should be emphasized through the use of architectural features such as roofs, recessions into the façade, pilasters, or other details that express the importance of the entrance.

(8) Porches & Balconies

The outline, height, shape and existing features (e.g. hand rails, baluster, brackets, etc.) should be retained if appropriate. When feasible, original materials and features should be reused. If such features are not available, close visual approximations of the original are viable alternatives based on historical or physical documentation.



A variety of building forms result in a varied roofline seen from the public street



Vertically oriented windows are a consistent design feature within the downtown area

Enclosing of porches and balconies should not be permitted unless it does not impact the visual and/or historic character of the building. New porches should be of design and scale that is stylistically appropriate to the structure. Balconies should be compatible with the exterior building face and character.

(9) Awnings and Canopies

The design, color, and details of awnings and canopies should be designed to work within the building façade and respect existing architectural details. The same type of awning should be used on multiple storefronts as a means of unifying the entire structure.

Awnings shall not extend more than four feet from the building wall, and should not constrain pedestrian circulation. Second floor awnings may be allowed where appropriate. The use of vinyl and waterfall type awnings is discouraged. Awning colors should complement the buildings' color scheme and should not introduce significantly new colors/palettes.



Traditional awning design relates well to the historic facade

(10) Materials

The use of materials having a historic context are encouraged. Materials such as brick, clapboard, shingle and stone materials are preferred. Vinyl, asphalt and other synthetic siding materials are discouraged. Visible roof materials could include asphalt shingles, synthetic slate, wood shingles, standing seam metal. Varying color schemes and material combinations and contrast are encouraged for decorative purposes in special locations, such as cornice lines and setback areas. The use of primary colors shall be prohibited, while use of earth tones is encouraged.

C-PARKING AND OUTDOOR SPACES

(1) Parking Lot Design

Surface parking lots should be screened from public streets by low walls, hedges or other forms of planting, within a landscaped buffer five to 10 feet wide. At least 15% of the inside areas of larger lots should be landscaped.



Brick and clapboard provide the dominant exterior wall material within the business district

(2) Screen Walls

Low retaining walls in front yards should be kept where they currently exist. If new walls are required, they should match the surrounding properties in scale, material and detail. Fencing material, design, placement and scale should be appropriate for the structure and streetscape. Chain link or woven fences are inappropriate and their use is discouraged. If used in the rear or an unseen side yard, they should be camouflaged with hedges or vines.

(3) Outdoor Spaces

Courtyards and outdoor areas should be designed to enhance surrounding buildings and provide appropriate amenities for users (e.g. textured paving, landscaping, lighting, street trees, benches, trash receptacles, street furniture). Courtyards should have recognizable edges defined on at least three sides by buildings, walls, landscaping, and street furniture.

D-STREETScape

(1) Sidewalks

The planned expansion of sidewalks and pedestrian connections discussed in Section IV above will play an important role in upgrading the overall design quality of the area. Consistent design treatment of sidewalks will help establish a sense of place and careful selection of materials will make the pedestrian experience more attractive and safer for future users. Where feasible sidewalks should include the following features:

- The main pathway should be a minimum 4'0" width, of scored concrete. Consideration should be given to adding a grey pigment to the concrete mix.
- Where feasible, a paved strip, 2'0" to 3'0" wide, should be incorporated, abutting the sidewalk. This strip should be designed to accommodate street furnishing such as trees, light poles, signage etc. and to provide adequate separation between pedestrians and vehicles on the roadway.
- Paving for the strip should be bluestone or grey concrete pavers. The use of pavers will ensure adequate



Example of an information kiosk designed for visitor/tourist use



Use of pavers along concrete sidewalk, accommodating street lighting

moisture reaching tree roots, thus avoiding the need for tree grates or other three pit treatment.

(2) Street Trees

The planting of continuous rows of street trees along roadways and sidewalks forms an important goal for the area. Street trees are the most effective physical solution to make sidewalks seem more welcoming and walkable. Regularly spaced street trees, located close to the road, provide a sense of protection from traffic for pedestrians. Lines of trees will also help to visually unify parking lots, vacant sites, and buildings that occur in many areas with the LWRP area. Trees should be spaced approximately 30-40 feet apart.

(3) Lighting

Many of the existing streets include lighting that features high-level cobra-style fittings, scaled for the automobile driver. This lighting should be replaced by pedestrian scaled fixtures, using ornamental-style poles that should be spaced at approximately 60 feet intervals. The example used in the waterfront park could be considered as a prototype for Front Street and adjacent waterfront areas. Lighting that accents distinctive architectural features is encouraged. "Uplighting," is however discouraged, particularly if used for advertising purposes.

(4) Street Furnishings

The quality and appearances of future street furnishings will have a significant impact on the overall image presented by the streetscape. Benches, litter receptacles and other furniture should present an attractive and coordinated design theme and reflect the need to keep maintenance costs to a minimum. Streetscape proposals for Front Street and for areas within the vicinity of the riverfront should provide opportunities to incorporate furnishings and features (such as outdoor sculptures) that have a nautical theme, in order to reinforce the City's past history as a whaling center.



Cobra-style lighting attached to utility poles is out of scale with Hudson's street architecture



Use of nautical-style banners can enliven streetscape image



Pedestrian-scale lighting and coordinated design of street furniture occurs in Waterfront Park

E-SIGNAGE

- (1) The design of free-standing signs or wall signs should be consistent in terms of materials, colors, layout, etc. with the architectural character of the associated buildings. The use of natural materials such as wood is encouraged.
- (2) Signs should have a minimum of information in order to avoid clutter and confusion. The use of bold, easily recognized symbols, logos and simple illustrations that identify a business or activity is encouraged.
- (3) Letters should be carefully formed and properly spaced. Generally, no more than 60% of the total sign area should be occupied by lettering.
- (4) Signs should have dark background colors with light colored letters since this minimizes the apparent size of signs within the streetscape. The number of colors used in a sign should be limited to three unless used in an illustration.
- (5) Wall signs should not obscure or cover architectural features of the building façade.



Use of an easily recognized illustration for a hanging sign



Simply designed signs relate to building facades along Warren Street