

SECTION III
COASTAL POLICIES

Section III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

DEVELOPMENT POLICIES

- POLICY 1** **RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.**
- POLICY 1A** **REDEVELOP AND REVITALIZE THE LAND AREAS ADJACENT TO THE HUDSON RIVER FOR WATER DEPENDENT AND WATER-ENHANCED COMMERCIAL, RECREATIONAL, AND OPEN SPACE USES.**
- POLICY 1B** **REDEVELOP AND REVITALIZE THE LAND AREA BETWEEN THE RAILROAD TRACKS AND THE HUDSON RIVER TO INCLUDE WATER DEPENDENT AND WATER ENHANCED COMMERCIAL, WATER DEPENDENT LIGHT INDUSTRIAL, RECREATIONAL, AND OPEN SPACE USES WHICH CAN INCORPORATE PUBLIC ACCESS TO THE WATER.**
- POLICY 1C** **REDEVELOP AND REVITALIZE THE LAND AREA WEST OF MARINE DRIVE FOR COMMERCIAL, CULTURAL, RECREATIONAL, AND RESIDENTIAL USES WITH EMPHASIS ON INTEGRATING USES WHICH ARE WATER ENHANCED SUCH AS PUBLIC POCKET PARKS WITH VIEWS TO THE RIVER.**
- POLICY 1D** **CREATE A PEDESTRIAN LINK OF THE USES ALONG THE WATERFRONT AND LINK THE WESTERN PORTION OF THE LWRP AREA WITH THE WATERFRONT, ESPECIALLY ALONG THE BROADWAY CORRIDOR AND FROM WASHINGTON'S HEADQUARTERS AND THE MONTGOMERY-GRAND-LIBERTY STREETS HISTORIC DISTRICT NEIGHBORHOODS.**
- POLICY 1E** **WATER-RELATED AND WATER-ENHANCED USES WILL BE GIVEN PRIORITY ON THE WATERFRONT PARCELS.**
- POLICY 1F** **PURSUE DEVELOPMENT OF THE HUDSON RIVER INTERPRETIVE CENTER ON LANDS WITHIN THE WATERFRONT AREA.**

Explanation of Policy

Land usage within the waterfront area is characterized by large areas of residential usage, industrial usage and open space, interspersed with public and semi-public uses, and a limited amount of commercial and public recreational space. There is a substantial amount of vacant, underutilized, and deteriorating parcels throughout the area, a significant portion of which is suitable for revitalization and redevelopment.

Among the vacant and underutilized land within the LWRP area is the urban renewal land along Water Street owned by the Newburgh Community Development Agency and the waterfront parcels located between South William Street on the south and Washington Street on the north. The City has been actively pursuing a combination of residential, commercial, and public usage of the urban renewal land. On either side of Newburgh Landing are former urban renewal parcels which are currently under construction for commercial and restaurant uses. To the south of the Landing, two retail/office buildings totaling approximately 8,500 square feet are under construction, and a 141-slip marina is in the permitting and approval stage. To the north an 8,500 square foot restaurant is under construction. This plan includes a small number of boat slips primarily to be used by restaurant patrons. A public walkway built on a 20 foot right-of-way will wind along the river shoreline through both proposed projects as well as Newburgh Landing.

The vacant land along the Quassaick Creek offers opportunities for such water dependent uses as fishing and wildlife viewing and trails. The City has been actively working with the NYS Department of Environmental Conservation as well as a coalition of community groups to create a nature preserve and greenway trail along the creek from its confluence with the Hudson River up to Mill Street, and if possible, even farther west. Where possible, the nature preserve and trail would extend from the shore of the creek to the top of the bluff (Bay View Terrace) thus also protecting scenic vistas as well as wildlife and fish habitats.

Rehabilitation and revitalization of the vacant, abandoned, deteriorating, and underutilized structures within the inland area especially in the vicinity of Washington's Headquarters, Lower Broadway, and the Montgomery-Grand-Liberty Streets area shall be priority items. Incentives, if available (tax, loans, technical aid); public improvements to encourage infill development of residential, institutional, and commercial structures; rehabilitation of existing structures and facilities; and the expansion of public recreational land and open space in appropriate locations within the waterfront area shall be priority activities.

For purposes of a waterfront connection between the Central Business Districts (CBD) and the river, Broadway presents the best and most logical linkage. Uses and activities which encourage and enhance the use of the waterfront both visually and physically as

well as uses with a large patron appeal and pedestrian orientation are encouraged along lower Broadway as are physical improvements such as pedestrian walkways, public open space and landscaping, and structural improvements. Uses which enhance and promote the waterfront and are in the public interest will be given priority by the City during review.

All new development must be compatible with the waterfront. This would include compatible heights and building mass, complimentary facades, and appropriate landscaping. These compatibility objectives will help to unify the area.

Redevelopment and revitalization activities which maximize the use of the waterfront would greatly improve Newburgh's physical appearance and economic condition. Water-related and water-enhanced uses on waterfront parcels are encouraged and will be given priority where environmentally feasible, economically practical, and where consistent with city planning objectives.

When actions are proposed that will affect the revitalization, development, or redevelopment of parcels in the waterfront area, they will be evaluated in terms of compliance with the above policies. More specifically:

1. No actions that would cause deterioration of the waterfront area will be approved.
2. Uses that are water-dependent will be given priority over uses that are not water-dependent.
3. All actions shall enhance existing and anticipated uses.
4. Wherever possible uses along the river shall include waterfront public access and/or recreational uses.
5. All actions, especially public actions, shall serve as a catalyst to private investment in the area.
6. Priority shall be given in the allocation of public monies to aid development or redevelopment of parcels in the waterfront area to those projects which create employment opportunities and expand the tax base.
7. All actions shall improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (i.e., a building could not be abandoned without protecting it against vandalism and/or structural decline).
8. All actions must lead to development which is compatible with the character of the area. Consideration shall be given to scale, architectural style, density, and

intensity of use. Adaptive reuse will be used, wherever possible, as a technique to preserve existing structures along the water.

9. All actions should have the potential to improve the existing economic base of the community.
10. All actions where feasible and appropriate should improve adjacent and upland views of the water, and, at a minimum, must not affect views in an insensitive manner.

(See Policies 2, 5, 11, 11A, 19, 21, 23, 25)

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

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. 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 a waterfront site will, in fact, have access to the State's coastal waters.

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

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);

8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
9. Support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the dependent use, rather than on the shore.

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

There are a limited number of water-dependent uses located within Newburgh's LWRP area. These include Gull Harbor Marina, Washington Street Boat Launch, Newburgh Landing Waterfront Park, and the Newburgh Yacht Club. In addition, boat slips are planned for the Joscoss development and a marina at the Front Street on Hudson development. These projects are currently in the permitting review process. Boat slips are available to residents as an accessory use to the Pier Loun residential development.

It will be the City's priority where practical to expand existing and attract additional water dependent uses and activities on all waterfront parcels. The following actions will be taken to promote and facilitate water-dependent uses:

1. Water-dependent uses will be favored when considering new developments.
2. City owned property within the LWRP area when available for re-use will be considered for water-dependent uses first. Water enhanced uses will be given second priority.
3. Development incentives for water-dependent uses will be offered when necessary and/or required to encourage development. Consideration will be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Uses which are water enhanced will be encouraged within the LWRP area, but not at the expense of a water dependent use.

5. If there are no immediate demands for water dependent/water enhanced uses within the LWRP area but future demands are foreseeable, non-water dependent uses will be considered.

In the actual choice of sites where water dependent uses will be encouraged and facilitated, the following guidelines will be considered.

1. Competition for space - competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. For instance an industrial water-dependent use would be more appropriate in the southern portion of the area near the Sewage Treatment Plant than in the northern portion near the Yacht Club. Anticipated impacts could either be the increased protection of existing water-dependent activities or else the encouragement of water-dependent development.
2. In-place Facilities and Services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water dependent uses, consideration shall be given to assure adequate public sewers, public waterlines, power supply, access, and other such services which exist or can be provided before sites are appropriated for water-dependent usage.
3. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources -water dependent uses shall be located so that they enhance, or at least do not detract from, the surrounding environment. Consideration should be given to such factors as the protection of nearby residential and/or recreational areas from odors, noise, and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, boat launching area, or fishing pier would enhance, and in turn be enhanced by, nearby restaurants, motels, and other non-water oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on significant coastal resources.
4. Preference to Underutilized Sites - the promotion of water dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote a site. Such a stimulus is needed in those portions of the waterfront area which are currently underutilized.

In promoting water dependent uses the following kinds of actions will be considered:

1. Favored treatment will be given to water dependent use areas with respect to capital programming.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements will be given to water dependent uses.
3. Where possible, consideration will be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. The local Industrial Development Agency will work with the State to actively promote water dependent uses. A list of sites available for non-water dependent uses will be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to water dependent uses.⁶ Priority to waterfront uses and the assurance of adequate space for the development of such water dependent uses shall be incorporated where consistent with LWRP planning objectives.

(See Policies 1, 1A, 4, 19, 21, 22)

POLICY 3 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE CITY OF NEWBURGH

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.

POLICY 4A REDEVELOP THE HARBOR FOR PROMOTION OF WATER-DEPENDENT AND WATER ENHANCED USES.

Explanation of Policy

The City of Newburgh does not have a harbor with a unique maritime identity or strong economic function. Even though there is not a significant harbor area in Newburgh, efforts toward promoting recreational fishing, cultural activities, marinas, water related

recreational facilities, historic preservation, natural resource preservation, the preservation of vistas and views, and other activities which will make the waterfront area appealing as a tourist location and for residential, commercial, and recreational usage will be pursued. Special consideration will be given to visual appeal and social benefits.

The following guidelines will be used by the City to determine consistency:

1. Priority will be given to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. Uses will be promoted that will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. Uses will be promoted that will 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. Uses will not be allowed that cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. Uses that will adversely affect the existing economic base of the community will not be promoted. Uses which continue to promote economic revitalization within the area shall be given priority, especially developments or uses which increase the number of visitors, patrons, employees, or residents in the area. Such uses will increase economic activity, improve the tax base, and support the area's revival.
6. Uses will not be promoted that will detract from views of the water particularly where the visual quality of the area is an important component of its appeal and identity.

(See Policies 1, 2, 9, 19, 19A, 21, 22, 23, 25)

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

Explanation of Policy

Intensive development (residential, commercial, and industrial) will not be allowed in areas where water and sewer facilities are not adequate. Development, particularly large scale development, within the LWRP area will be encouraged to locate within or in close proximity to areas where infrastructure and public services are adequate or can be expanded or upgraded. Water and sewer improvements will be made where necessary and where economically feasible to support new development. Facility expansions will be provided as necessary to support redevelopment and revitalization activities.

Existing water and sewer service facilities will be continuously monitored to ensure proper functioning. All system components will be maintained to avoid unnecessary environmental problems such as seepage, the discharge of untreated effluent, leakage, and standing water.

The following points will be considered when assessing the adequacy of the area's infrastructure and public service for proposed developments:

1. The streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
2. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
3. The existing sewage disposal system can accommodate the wastes generated by the development;
4. The energy needs of the proposed land development can be accommodated by existing utility systems;
5. All stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities without negatively impacting other properties; and
6. The existing schools, police and fire protection, and health and social service are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

The allocation of funds for water and sewer improvements and other public services will give priority to activities and areas which promote waterfront revitalization in the LWRP area.

(See policies 11, 14, 18, 19A, 21, 30, 33)

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

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of a regulation's objectives is not jeopardized. Permit procedures and regulatory programs will be coordinated within each agency and efforts will be made to ensure that each individual agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government.

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

FISH AND WILDLIFE POLICIES

**POLICY 7 THE STATE COASTAL POLICY REGARDING SIGNIFICANT
COASTAL FISH AND WILDLIFE HABITATS IS NOT
APPLICABLE TO THE CITY OF NEWBURGH**

**POLICY 7A ACTIVITIES THAT WOULD ADVERSELY AFFECT FISH
RESIDENT IN OR MIGRATING THROUGH WATERS
ADJACENT TO NEWBURGH WILL BE AVOIDED.**

Explanation of Policy

Although fish and wildlife habitats of significant Statewide importance have not been identified in Newburgh, a variety of fish species which reside in or migrate through the Hudson River estuary at Newburgh should be protected. If fish are not protected, recreational fishing will not be available to local residents.

Since residents of Newburgh fish from the water's edge, an attempt to preserve the existing fish and wildlife and encourage reproduction is important. The water quality levels in Newburgh shall be maintained and improved where possible. Dumping into the Hudson River will be prohibited. Adequate sewage and storm water facilities will be maintained. Because the disposal of untreated waste into the Hudson River is prohibited,

marinas, all land and water uses, and water craft must dispose of waste properly. Adequate solid waste receptacles should be provided near Newburgh Landing and waterfront park, the Newburgh Yacht Club, Washington Street Boat Launch, and any proposed new recreational developments. In addition a pump out station for small water craft should be considered for each new marina or boat docking facility. The City is also exploring the possibility of establishing a pump out station at the wastewater treatment plant site. Construction of a City pump out station would depend on whether any proposed marinas incorporate this type of facility into the overall project design, and whether they will be open for public use.

All new developments will be carefully monitored to assure the protection of fish and wildlife. Actions which destruct or significantly impair water quality or potential habitats will not be permitted. New development, especially in the waterfront area and along the Quassaick Creek corridor, may not be undertaken if it could potentially destroy or significantly impair biological conditions unless such conditions are found to be harmless to fish and wildlife. An action will be considered to significantly impair a habitat or wildlife area if it will reduce a vital resource or change environmental conditions. Measures will be taken to mitigate negative conditions which could occur as a result of new development, revitalization activities, or any other action.

Activities that are likely to affect fish and wildlife should be avoided wherever possible. Such activities would include but are not limited to the following:

1. Filling Shallow Areas of Streams and the Estuary: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
2. Grading Land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
3. Clear Cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
4. Dredging or Excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
5. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.
6. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban

runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

7. Creating or maintaining man-made barriers to anadromous fish passage.

The above mentioned activities in coastal areas are to be avoided if at all possible because they may alter the necessary combination of elements or characteristics required by certain biological habitats for survival.

If a proposed action is likely to alter any biological, physical, or chemical characteristics beyond a tolerance level acceptable to fish and wildlife, their viability will be significantly impaired or destroyed. Such an action would be inconsistent with state and local policies and would not be permitted.

(See Policies 2, 5, 8, 8A, 9, 12, 17, 19, 20, 25, 28, 30, 33, 34, 35, 36, 37, 39, 40, 44)

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

Explanation of Policy

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

**POLICY 8A NEW DEVELOPMENTS OR EXPANSION OF EXISTING
FACILITIES WILL NOT BE PERMITTED IF SUCH FACILITIES
INTRODUCE HAZARDOUS WASTES OR OTHER POLLUTANTS
INTO THE ENVIRONMENT OR IF THEY ARE UNABLE TO
ACQUIRE THE NECESSARY STATE, FEDERAL, AND LOCAL
PERMITS.**

Explanation of Policy

Any person that discharges, causes or permits the discharge of waste within Newburgh is required to provide protection from accidental discharge of prohibited materials. Protection mechanisms must be provided and maintained at the owner and/or user's expense. Detailed plans showing facilities and operating procedures which will provide protection must be submitted for review, and must be deemed acceptable to the city before construction of the facility is started.

In case of accidental discharges of unacceptable waste, the city must be notified immediately to enable countermeasures to be taken by the city to minimize damage to the municipal sewage system, treatment facility, treatment processes and receiving waters. The owner of the property in question is liable for any expense, loss or damage to the sewer system, treatment plant or treatment process, and/or the purification of receiving waters.

Whenever a discharge of unacceptable waste is made in violation of this policy or applicable city ordinances which causes a condition of contamination, pollution or nuisance, the city may petition the state supreme court for issuance of a temporary or permanent injunction as is appropriate to restrain or prohibit the continuance of unlawful discharge. The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste list (NYCRR Part 366) are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Future development or activities on vacant and underutilized land that may negatively impact fish and wildlife will be restricted. The siting of facilities within the LWRP area that could introduce hazardous wastes or other pollutants into the environment will be avoided.

(See Policies 5, 7, 30, 33, 34, 35, 36, 37, 39, 40)

POLICY 9

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

POLICY 9A

INCORPORATION OF A PEDESTRIAN WALKWAY ALONG THE WATERFRONT IN NEW DEVELOPMENT SHALL BE ENCOURAGED WHEREVER POSSIBLE TO PROVIDE PUBLIC ACCESS FOR FISHING AND WILDLIFE OBSERVATION.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting and non-consumptive uses such as wildlife photography, bird watching, and nature study. Any efforts to increase recreational use of these resources must be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Such increases in other words must not negatively affect existing resources or activities.

In order to expand and improve recreational fishing facilities all efforts will be undertaken to encourage marina development and provision of boat slips, improve the local boat launching facilities for recreational purposes, and provide additional locations for waterfront access and recreational fishing where feasible and as land becomes available.

Although there are no state-designated Significant Coastal Fish and Wildlife Habitats in Newburgh, efforts to supplement existing fish and wildlife stocks in the LWRP area for continued public enjoyment and pursue the enforcement of a fish and wildlife resource management program will be supported. In particular, the City of Newburgh supports restoration efforts along Quassaick Creek.

The following guidelines shall be considered to determine whether or not a proposed action is consistent with this policy as State, Federal and local agencies determine the consistency of any of their proposed actions including possible restoration of fish passage for anadromous and potomodromous fish and conservation of habitats along the creek shoreline which are known to support bald eagle, cooper's hawk, black-crowned night heron and other species of birds, reptiles, amphibians and mammals.

1. Consideration shall be made as to whether an action will harm or impede existing or future utilization of the surrounding recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to overutilization of that resource or cause impairment of habitats. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using a habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting with local officials on potential habitat areas and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be done in accord with existing State Law.

(See Policies 1, 2, 19, 19A, 20, 21, 22)

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

There are no commercial fishing activities within the City of Newburgh, but the City will, from time to time, review the need to promote such activities.

Commercially important species which utilize the Hudson and Quassaick Creek include the alewife, blueback herring, American shad, striped bass, Atlantic sturgeon, tomcod, American eel, carp and white catfish. Opportunities to restore historic fish spawning habitat on the Quassaick Creek will be encouraged.

FLOODING AND EROSION POLICIES

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

POLICY 11A ALL DEVELOPMENT ON PROPERTY WHICH INCLUDES FLOOD HAZARD AREAS WILL BE LOCATED AT AN ELEVATION ABOVE THE 100-YEAR-FLOOD PLAIN.

POLICY 11B MAJOR GRADING AND CLEARING ACTIVITIES WILL BE DISCOURAGED ON THE WASHINGTON HEIGHTS BLUFF TO AVOID SOIL EROSION IMPACTS TO QUASSAICK CREEK AND THE HUDSON RIVER.

Explanation of Policy

The City of Newburgh participates in the National Flood Insurance Program in conjunction with the Federal Emergency Management Agency.

Residential, industrial and commercial development within flood hazard areas is regulated by the Floodplain Management Ordinance of the City of Newburgh. Certain water dependent uses as well as piers, docks and other structures necessary to gain access to the water are permitted; but construction to minimize damage from flooding and erosion is required. Existing, non-conforming structures located in flood hazard areas may be only minimally enlarged.

There are no erosion hazard areas within the LWRP area. Flood hazard areas can be found along both the Hudson River and Quassaick Creek and extending inland along Quassaick Creek to Muchattoes Lake. New development in these areas must be located at an elevation above the 100-year flood plain. New zoning districts are being introduced that include standards from the Flood Plain Management Ordinance. Where human lives may be endangered, all necessary emergency preparedness measures will be taken as prescribed the disaster preparedness plan. No floodways have been identified by FEMA within the City of Newburgh. (See Policies 12, 14, 17)

The LWRP recognizes the uniqueness of the Washington Heights bluff which should be protected through implementation of appropriate erosion control measures. This area should be protected from encroachment, since any soil erosion would ultimately discharge to Quassaick Creek and the Hudson River. Minor activities would be allowed, provided best management practices are utilized, including grading or clearing activities to link any potential passive trail system with the Washington Height's area. Existing disturbed areas for this type of connection would be used to the greatest extent practicable.

POLICY 12 THE STATE COASTAL POLICY REGARDING PROTECTING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE CITY OF NEWBURGH.

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.**

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Erosion protection features are necessary in the City of Newburgh at this time. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the shoreline's fragile nature and protective values may lead to the weakening or destruction of the City's existing landforms and will be prohibited. Activities or development on, or in proximity to, natural protective features must ensure that any such adverse efforts will be minimized.

The existing shoreline in Newburgh, shall be protected since such topographical features give the City its valued visual character. Excavation, grading and major landform changes will not be permitted. Bulkheading improvements shall be made as necessary, including maintenance, extensive repairs, and expansions to provide adequate protection for waterfront properties. Erosion control practices including rip-rap stabilization, will continue to be implemented to preserve the existing land area immediately adjacent to the river, and protect the river walkway and buildings along the river's edge.

(See Policies 12, 16)

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

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus

increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the basic flood level is increased causing damage in otherwise hazard-free areas.

All development proposed within the LWRP area must receive site plan approval. Site plan review will monitor developments to ensure that actions will not be taken which may result in the damage to or loss of property and endangerment of human lives.

All new developments will be required to install the proper drainage facilities in order to eliminate the possibility of excessive runoff that may cause or increase erosion.

Any new developments located directly along the waterfront must include necessary erosion protection features. Existing bulkheading must be maintained, repaired and expanded as necessary to protect investments.

(See Policies 1, 2, 11, 12, 16)

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

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. All dredging activities proposed under this program will be done in a manner that is consistent with the Army Corps of Engineers' requirements and which does not increase shoreline erosion.

(See Policy 35)

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR

EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investments in development and for new developments which require 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 on the rate of erosion and on natural protective features. It requires careful analysis of benefits and long-term cost prior to expending public funds.

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

Explanation of Policy

Although existing flood problems in the City of Newburgh are largely due to storm water runoff and not offshore flooding, this policy shall be followed as necessary. It recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail.

Non-structural measures shall include, but not be limited to:

Within identified flood hazard areas, (a) whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To find out whether or not an action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the

character and purpose of the activity or development, and eliminate or reduce hazards. 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 offer appropriate protection, 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.

All structures located within the waterfront area shall be sited outside of the 100-year flood zone unless no practical alternatives exist, such as piers, docks and/or floating structures. (See Policies 1, 2, 11, 12, 14, 16)

GENERAL POLICY

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

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources. 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, hydro-electric power generation, and recreation.

Any major action that may take place within the City of Newburgh's LWRP area will be carefully monitored to ensure the protection of valuable resources. Consistency with applicable program policies, site plan and development requirements, flood protection requirements and all other pertinent local ordinances will be enforced.

POLICY 18A MAINTAIN AND IMPROVE EXISTING LOW AND MODERATE INCOME HOUSING.

Explanation of Policy

The Hudson Valley is experiencing development pressures that cause housing costs to escalate, making affordable housing difficult to find. The City of Newburgh has affordable housing that should be preserved. Impacts on affordable housing will be

considered and mitigative measures pursued when new development proposals are evaluated and approved.

PUBLIC ACCESS POLICIES

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

Explanation of Policy

This policy calls for a balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Priority will be given to improving physical access to existing and potential recreation sites, such as the Newburgh Landing area and if economically and physically feasible to new development areas.

Efforts to increase the ability of residents to get to recreation areas by making transportation improvements will be made. Water related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks.

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

1. The existing access from public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access. This shall not preclude the relocation of existing public facilities to other waterfront sites if required as part of a comprehensive redevelopment process.
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.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility.
3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Reductions in existing levels of public access will not be permitted. Reductions of existing levels may include, but would not be limited to the following:

- (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
- (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increase will significantly reduce usage by individuals or families with incomes below the State government established poverty level.

The possibility of increasing public access to the waterfront in the future will not be eliminated. The following activities will not be permitted unless the actions are found necessary or to be of greater benefit to the common good.

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

POLICY 19A IMPROVE PEDESTRIAN, VEHICULAR AND BOATER PUBLIC ACCESS TO NEWBURGH LANDING AND WATERFRONT PARK AND ANY NEW DEVELOPMENTS ALONG THE HUDSON RIVER. MINIMIZE THE BARRIER CREATED BY THE RAILROAD EMBANKMENT THROUGH LANDSCAPING AND RELATED AMENITIES.

Explanation of Policy

Improved public access to the river in the vicinity of Lower Broadway and in conjunction with all new waterfront developments will be encouraged where feasible. Public transportation should incorporate waterfront stops on its bus routes.

A public boat launch facility to serve all City residents is located at the foot of Washington Street. Consideration must be given to both pedestrian access and vehicular access. At the boat launch, adequate parking for boat trailers is provided. Because the City wishes to limit the amount of waterfront property dedicated to parking, provision of a shuttle service from upland parking lots may be desirable in the future.

Temporary docking facilities are available at Newburgh Landing. Commercial projects on former urban renewal properties on both sides of the Landing include the provision of boat slips and development of a marina. To create a link between the waterfront and the upland residential and business districts, safe and well-lit walkways will be provided under the railroad tracks. Proposed waterfront developments may require reopening of previously blocked railroad underpasses to provide additional pedestrian access to the river. A pedestrian reopening has occurred at the underpass for Second Street. Pedestrian crossing signals should be installed along Water Street as waterfront development occurs. The City has received funding to construct a public walkway which will be built on a 20-foot City right-of-way winding along the river through adjacent to two private development projects on either side of Newburgh Landing as well as through the park. The walkway extends generally from South Street to Second Street. In addition, existing street rights-of-way that are perpendicular to, and located between Front Street and the river will be developed for public parking and pedestrian access. The shoreline is being stabilized adjacent to the walkway. To improve access from the water to waterfront parks by boaters, deteriorated barges need to be removed.

The City proposes the development of a walkway that would ultimately extend along the entire length of the Hudson River waterfront including extension of the walkway along City property. The walkway will be available for public use.

(See Policies 1A, 1B, 2, 9, 9A, 20, 21, 22)

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

POLICY 20A WHERE REDEVELOPMENT OF CITY-OWNED WATERFRONT PROPERTY IS UNDERTAKEN, PUBLIC WATERFRONT WALKWAYS AND OPEN SPACES WILL BE INCORPORATED INTO THE NEW DEVELOPMENT; AND PROVISION WILL BE MADE TO LINK SUCH PUBLIC AREAS IN A NETWORK OF PUBLIC WALKWAYS AND OPEN SPACES WITHIN THE COASTAL AREA.

Explanation of Policy

Access to public-owned land within the LWRP area should be provided for activities which require a minimal amount of facilities for their enjoyment. Examples of activities requiring access would include walking along the waterfront, the enjoyment of scenic resources, bicycling, birdwatching, photography, nature study, and fishing.

For these activities, there are several methods of providing access. These include: the development of a waterfront trails system; the provision of access across transportation facilities to the waterfront; the improvement of access to the waterfront; and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent on shore 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, and/or the protection of fragile coastal resources.

The following guidelines as well as those described in Policy 19 will be used in determining the consistency of a proposed action with this policy:

1. Existing access from public lands or facilities to existing public waterfront lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, or the protection of identified fragile coastal resources or where, (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 accessway.

When waterfront land becomes available for possible public use, the City will work with property owners to achieve public access to the water through acquisition, easements, lease or other mutually acceptable solution.

(See Policies 2, 9, 19, 21, 22)

RECREATION POLICIES

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

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, fishing and wildlife viewing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and

bicycle trails, picnic areas, and passive recreation areas that take advantage of coastal scenery.

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

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

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities may be essential to meet demand generated. Boating facilities will, as appropriate include parking, park-like surroundings, toilet facilities, and pumpout facilities.

**POLICY 21A ENCOURAGE ADDITIONAL AND IMPROVE EXISTING
WATERFRONT ACCESS ALONG THE HUDSON RIVER AND
THE QUASSAICK CREEK TO HELP INCREASE PUBLIC
ENJOYMENT OF THE WATERFRONT AND THE
RECREATIONAL USAGE OF FISH AND WILDLIFE HABITATS.**

Explanation of Policy

Public recreation, both active and passive, will be promoted along the shore where possible, economically feasible, and consistent with City planning and economic development objectives. Multi-use developments which provide public access to the shore in combination with residential and commercial uses will be encouraged on the vacant and underutilized parcels between the wastewater treatment plant and Nicoll Street. Multi-use developments could include such uses as picnic areas, walkways and/or bikeways, and/or passive recreation areas for fishing or visual enjoyment of the water.

Where redevelopment of city-owned waterfront property is undertaken, public waterfront walkways and open space will be incorporated into the new development. As part of the commercial redevelopment of the parcels on both sides of Newburgh Landing, the City has received funding to construct a public walkway which will be built on a 20-foot City

right-of-way winding along the river through both proposed projects and Newburgh Landing.

Recreational uses along the Quassaick Creek should be of low intensity. A quiet corridor along the Creek will be developed where feasible to promote public enjoyment of the fish and wildlife habitats of the stream corridor and its forested glen and to provide hiking and greenway trail connections in the corridor and with other destinations in the City and its environs.

**POLICY 21B DOCKING FACILITIES FOR TRANSIENT VESSELS
INCLUDING LARGE PASSENGER VESSELS WILL BE
PROVIDED WHEREVER POSSIBLE IN NEW DEVELOPMENT
AND AT EXISTING PUBLIC LAUNCH AND DOCKING AREAS.**

Explanation of Policy

As water-borne travel and recreation increases, it is important that docking and mooring facilities be provided so that visitors can arrive via the Hudson River. On-shore facilities and services needed by boaters will be provided within new development. Economic revitalization plans shall incorporate tourism and promote the resources that attract tourists.

(See Policies 1, 2, 4, 9, 9A, 19, 20, 22)

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

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an accessory use. Therefore, developments located at the shoreline should incorporate some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which may occur or which already exist along Newburgh's waterfront and which can generally provide water-related recreation as a multiple use include but are not limited to:

parks
multi-family developments
commercial developments
specialized industries
utility transmission rights of way
sewage treatment facilities
nature preserves
historical properties redevelopment

Appropriate recreation uses that do not require any substantial additional construction shall be provided at the expense of a project sponsor provided the cost does not exceed two percent (2%) of total project cost.

Public safety will be considered in determining whether compelling reasons exist which would make recreation inadvisable as a multiple use.

Whenever a proposed development would be consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development will be encouraged to locate adjacent to the shore.

**POLICY 22A DEVELOPMENT ALONG THE WATERFRONT IN THE
WASHINGTON STREET, LOWER BROADWAY, NEWBURGH
LANDING AND NEWBURGH YACHT CLUB AREAS SHALL BE
ENCOURAGED TO PROVIDE PUBLIC ACCESS AS A
MULTIPLE USE.**

Explanation of Policy

New developments and/or the rehabilitation or expansion of existing developments located along the waterfront, especially in the Washington Street, Lower Broadway, Newburgh Landing and Newburgh Yacht Club areas, will be encouraged to provide public access such as fishing access, walkways and bike paths to and along the shore. Technical and/or financial assistance will be provided to facilitate public access as a multiple use in these areas.

(See Policies 1, 19, 20)

HISTORIC AND SCENIC RESOURCES POLICIES

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

POLICY 23A NO CHANGES IN ANY EXTERIOR ARCHITECTURAL FEATURE, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION, ALTERATION, RESTORATION, REMOVAL, DEMOLITION, OR PAINTING, SHALL BE MADE TO IDENTIFIED RESOURCES EXCEPT AS HEREINAFTER PROVIDED.

Explanation of Policy

Within Newburgh these resources include the architectural design districts and historic districts designated on the zoning map; structures, sites and districts listed or eligible for listing on the National Register of Historic Places; and archaeologically sensitive areas and sites listed in the State inventory maintained by the Office of Parks, Recreation and Historic Preservation and the New York State Museum.

Much of the LWRP area is located within a local Historic Overlay District, generally bounded by Monument Street, Bay View Terrace, Colden, Edwards and Water Streets, Washington Street, Grand and High Streets, Montgomery Street, Water Street, Broad Street, Forsyth Place, LeRoy Place, Liberty Street and Gidney Avenue and subject to the City's Landmark Preservation Law. In addition to the local historic district, there are five structures and one district located on the National Register of Historic Places. These include 1) Washington's Headquarters, (Hasbrouck House; 2) the David Crawford House; 3) the Dutch Reformed Church 4) the U.S. Post Office, 4) the Newburgh Armory and 5) the East End Historic District. The Old Towne Cemetery and Palatine Church site are listed on the New York State Register of Historic Places.

Structures, districts, areas or sites of significance in the history, architecture, archeology or culture of the State, the City of Newburgh and the Nation are found in the Coastal Area. In order to provide for the promotion of the educational, cultural, economic and general welfare of the people of Newburgh, all practical means shall be taken to prevent significant adverse change to these structures and to retain them as significant historic and archeological resources.

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 archeological resource. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource.

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

This policy shall not prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. The policy shall not 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 archeological resource.

In order to further protect archaeologically sensitive areas and sites listed in the State inventory maintained by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and the New York State Museum, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law requires that, if a State action is involved, SHPO must be consulted when evaluating individual proposals that involve soil disturbance to determine if any resources will be adversely affected. In addition, if there is any Federal agency involvement, the Advisory Council on Historic Preservation's regulations "Protection of Historic and Cultural Properties" 36 CFR 800, require that agency to initiate consultation with the SHPO.

The City recognizes the potential for submerged historic, archaeological and cultural resources and artifacts that may be located in the Hudson River within the City's LWRP boundaries. Shipwrecks and other submerged artifacts also comprise a growing tourism economic resource, attracting divers and cultural tourists. The NYS Office of General Services (OGS) participates in an interagency Ad-Hoc Committee for Submerged Cultural Resources which is responsible for establishing shipwreck preserves, as well as preservation considerations for submerged cultural resources. The Committee is comprised of NYS OGS, the OPRHP, the New York State Museum, the NYSDEC, and the Department of State, Division of Coastal Resources. The City will coordinate with these groups during review of any plans that might potentially affect said resources.

Activities that protect and restore historic structures and districts while at the same time promote and enhance the entire LWRP area will be supported and encouraged by the City.

The City of Newburgh is pursuing the creation of a Hudson River Architectural Design District (ADD) for a portion of the waterfront area located outside the East End Historic District. Concern exists that new development proposed on urban renewal parcels, other vacant parcels, or existing structures reminiscent of the City's history could be designed architecturally in a manner that would be incompatible with surrounding historic properties. The Hudson River ADD will guide the architectural design of buildings as well as streetscapes within a portion of the LWRP area.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:(I) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (II) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

Although no upland area in the City has been designated a Scenic Area of Statewide Significance (SASS), the Hudson Highlands SASS extends from the southern boundary of the City to a point opposite the northern end of Dennings Point. The SASS is located on the east side of the Hudson River, south of the City of Beacon, and includes the Hudson River from the mean high tide line on the western shore, thereby including river waters within the City of Newburgh. It is included within the HH-27 Dutchess Junction Subunit. The scenic quality of this subunit is summarized in Appendix B.

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. It includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad.

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

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

- (a) a review of the coastal area map to ascertain if it shows an identified scenic resources which could be affected by the proposed action, and
- (b) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment will include:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly and consider both the scenic resource and the City's development objectives and priorities. Guidelines include:

- Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- Removing deteriorated and/or degrading elements;
- Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except

when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;

Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

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

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

Explanation of Policy

The panoramic view of the Hudson River and the surrounding mountains is the main feature of the scenic environment in Newburgh. Variations in color take place as the wooded mountains go through their annual cycle of change. More elements are added to the picture in the summer when yachts and small boats make their appearance on the river. The emergence of life, color, and movement on a grand scale creates a panorama that is unique to Newburgh. The picture is further enhanced by the structure of the viewing positions from which it is observed. These positions produce channeled and glimpsed views that create an interesting variety in the landscape as well as broad panoramas. From the Hudson River, the City steps back on a series of plateaus. The immediate waterfront is mainly vacant urban renewal land, with waterfront commercial and industrial operations and the deteriorated Newburgh Landing structures dominating. The abutment supporting the railroad tracks is dominant in some areas. Some old factory buildings remain. West of Water Street are the grassy slopes of Downing Vaux Park and other open spaces separating in Water Street from the densely settled central area. The new Key Bank building dominates the landscape at this level. The City skyline as a whole is varied and interspersed with large old trees. The existence of a large number of such onshore and offshore views has produced a high quality scenic environment that is conducive to the furtherance of the economic growth and development of the city. It is recognized however, that, insofar as it can lead to a deterioration of environmental quality, unchecked development can be self-defeating. It is therefore the purpose of the LWRP to establish policy mechanisms for the protection of the scenic environment.

Views and vistas in the City of Newburgh contribute to the overall scenic quality of the City and therefore must be protected. Every effort will be made to utilize these views in the development of an attractive and appealing environment. Any impairment of scenic resources which contribute to the overall scenic quality of the City, especially the

panoramic views southeast to the Hudson Highlands, will be prevented where at all feasible.

A principal consideration that guides such a policy is that not all existing views can be preserved, because they are created by the absence of structures along the waterfront, a situation created through demolition under the Urban Renewal Program. Therefore, the most treasured of the scenic views must be identified and emphasis placed on preserving these while recognizing that others of lesser importance may be lost or altered. The views from the following positions have accordingly been identified for protection and protected through the City's Scenic Resources Protection Law (see Appendix A).

1. Grand and Washington Streets
2. Washington's Headquarters
3. Broadway and Colden
4. Grand and Second Streets
5. The view from the Library
6. South and Water Streets
7. First and Montgomery Streets
8. Montgomery and Leroy Streets
9. Montgomery Street
10. Leroy Street and Park Place.

In addition, panoramic views of the Hudson Highlands from the Washington Height's bluff will likewise be preserved to the greatest extent practicable.

The City also will pursue demolition of the City Incinerator smokestack to improve the visual quality along the waterfront.

(See Policies 1, 4, 12, 18)

AGRICULTURAL LANDS POLICY

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

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Article VII of the State's Public Service Law requires additional forecasts and establish the basis for determining compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City of Newburgh, the Department of State will comment on the State Energy Office Policies and planning reports as might exist; present testimony for the record during relevant proceedings under Articles VII of the Public Service Law; and use the State SEQR and DOS regulations to ensure that decisions on proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

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

Explanation of Policy

Ice management practices are not performed by the City of Newburgh, however the City will help insure that actions which may adversely affect fish and wildlife habitats or increase shoreline erosion or flooding will be avoided. An assessment of ice management practices will be made prior to any actions in an attempt to measure the potential effects such actions will have upon fish and wildlife habitats, flood levels, erosion and other natural features. If such actions are found to be unacceptable, the City will aid appropriate agencies in any necessary mitigating action.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE CITY OF NEWBURGH

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

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

The municipal sewage treatment plant located along the Hudson River at Renwick Street is monitored to avoid the accidental discharge of pollutants. New developments within the LWRP area will be reviewed to ensure the adequacy of the existing water and sewer system to support them and necessary improvements and expansions will be made in areas where such systems are inadequate. The City shall provide the necessary improvements such as system enlargement and pipe replacement if such improvements will encourage new development and/or eliminate potential pollutant discharge. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River and Quassaick Creek.

All state and national water quality standards will be followed and enforced as necessary in the City of Newburgh.

(See Policies 2, 5, 7, 8, 18, 21, 33, 34, 35, 36, 37, 38, 39, 40)

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH

**CONTAMINANTS WILL BE RECOGNIZED AS BEING A
DEVELOPMENT CONSTRAINT.**

Explanation of Policy

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

The Hudson River is classified as "A" in the Newburgh area. The water quality classification for Quassaick Creek has been improved from a "D" classification to a "C" classification.

**POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF
ALTERNATIVE OR INNOVATIVE SANITARY WASTE
SYSTEMS IN SMALL COMMUNITIES IS NOT APPLICABLE TO
THE CITY OF NEWBURGH**

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or reducing pollution caused by the discharge of stormwater runoff and combined sewer overflows.

Priority will be given to water and sewer improvements within the LWRP area if such improvements are necessary to reduce excessive stormwater runoff, eliminate the leakage or seepage of sewage into the environment and to eliminate the drainage of untreated discharge into the Hudson River and Quassaick Creek. The expansion and improvement of existing water and sewer service facilities to accommodate new development and revitalization activities will be implemented as necessary. Because of the size and age of many of the lines, existing pipes may need to be replaced to achieve a larger capacity and more efficient system. It is the City's policy that any newly installed systems have separate storm and sanitary sewer lines.

During the process of site plan review, all new developments are required to assure the adequacy of existing systems and/or describe the actions that will be taken to ensure the control of stormwater runoff and sewage.

(See Policies 2, 5, 7, 8, 30)

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

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Fish and wildlife habitats, waterfronts, and public water bodies need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards will be followed by all agencies.

No person shall dump, drop, throw or place any vegetables, garbage, ashes, cinders, dross, rubbish, dirt, shells of oysters, clams or other fish or offal, or the carcass of any animal or filth, or sewage of any kind in the Hudson River, or any of the streams or ponds within the boundaries of the City. No person shall deposit any dead animal, manure, garbage, compost, vegetable or any putrescible matter in any spring, marsh, watercourse, or reservoir, nor on or in the ground within fifty feet thereof, nor anywhere in such a manner that it can be washed by rain, melting snow or otherwise over the surface of the ground into any spring, marsh, watercourse or reservoir (Section 4-5). No person shall deposit any human excreta on the ground within one hundred thirty feet of any spring, marsh, watercourse or reservoir, nor anywhere in such a manner that it could be washed into the same.

A pump out station for small water craft should be planned and constructed. Private developments will be encouraged to include pump out stations as part of any marina proposals. In the alternative, should private developments not be able to provide these facilities, the City should give consideration to constructing a pump out facility at the wastewater treatment plant site. Receptacles for garbage, rubbish and other solid and liquid materials will be required in waterfront recreation areas especially around the yacht club, Newburgh Landing, Washington Street boat launch and at any other new recreational sites. These receptacles must be large enough to adequately support peak usage. Section 4-6 of the local Code of Ordinances prohibits leaving, "any bait cans, dead bait, lunch box, garbage, refuse or paper" on or around the "City property of any waterway. Such waste shall be deposited in the receptacles provided by the City." This ordinance shall apply to all waterfront recreation areas. As part of the design plans for

the river walkway, decorative receptacles have been selected and will be installed to prevent littering. Garbage receptacles will be installed in any new "high activity" areas within the LWRP area.

(See Policies 2, 5, 7, 8, 18, 30, 33, 35, 36, 37, 38, 39, 40)

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

Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 15, 26 and 44). If dredging activities become necessary in connection with this program, all applicable standards and policies will be followed.

The City of Newburgh abides by all necessary standards set by the New York State Department of Environmental Conservation and the Army Corps of Engineers.

(See Policies 7, 15, 24, 44)

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.

**POLICY 36A STORAGE AREAS FOR PETROLEUM AND OTHER
HAZARDOUS MATERIALS WILL BE BERMED TO PREVENT
ON-SITE SPILLS FROM ENTERING COASTAL WATERS. NO
MORE THAN 150 GALLONS OF SUCH MATERIALS SHALL BE
KEPT IN TEMPORARY STORAGE FACILITIES AT ANY ONE
TIME.**

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) 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 as defined by DEC can be found in 6 NYCRR Part 371.

Clean-up of accidental discharges will be conducted according to State regulations and other applicable authoritative regulations. Restitution for damages would be the responsibility of the manufacturer or property owner. Local site plan review procedures will require all applicants developing nonresidential uses to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal. Disclosure during the Site Plan review process will alert the City to any potential difficulties and will assure that shipment disposal and storage of hazardous wastes will be conducted in a conscientious manner.

(See Policies 30, 33, 34, 37, 39, 40)

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

Explanation of Policy

Important fish and wildlife habitats, beaches, and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Actions to minimize erosion and the use of alternative (organic) methods of fertilization and pest control will greatly minimize discharge. The use of fertilizers and pest control chemicals will be discouraged within the LWRP area.

Non-structural erosion control methods, such as the planting of vegetation, and if necessary structural erosion control will be utilized to prevent the excessive discharge of eroded soil into local waters however, non-structural methods will be given priority.

Erosion and non-point source protection plans will be required for proposed construction to achieve the following objectives:

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

Site plan review procedures and approval, for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental permits where water quality is concerned.

(See Policies 30, 33, 34, 36, 39, 40)

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

Explanation of Policy

The City of Newburgh obtains its drinking water supply from reservoirs outside the City's limits within the Town of Newburgh.

As a general principal, surface and groundwater are primary sources of drinking water and therefore must be protected.

Site plan review procedures and approval, and all other building permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental permits where water quality is concerned.

(See Policies 30, 31, 33, 34, 36, 37, 39, 40)

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

Explanation of Policy

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

Solid waste management facilities must meet the requirements contained in 6NYCRR Part 360 dated December 31, 1988.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) 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." As list of hazardous wastes is provided in 6 NYCRR Part 371.

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

Nonresidential applicants must identify hazardous wastes and other solid wastes of unusual origin. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. The information disclosed by the developer must assure consistency with the LWRP policies and adequate environmentally conservative handling of wastes.

**POLICY 39A DUMPING OF SOLID AND HAZARDOUS WASTES IN THE
COASTAL WATERS OF THE CITY OF NEWBURGH IS
PROHIBITED.**

Explanation of Policy

Navigation and recreation activities in and around the coastal waters of the City of Newburgh are of economic importance and contribute to the quality of life of its residents.

Dumping of materials which create navigation hazards or pollute the water are detrimental to the quality of life, endanger the welfare of boaters, and adversely impact the operation of water dependent business industry.

(See Policies 30, 36, 40)

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

Explanation of Policy

The State Board of Electric Generation Siting and the Environment considers a number of factors when reviewing a proposed site for facility construction. One of these factors is

that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by the siting board when evaluating an applicant's request to construct a new steam electric generating facility.

(See Policies 30, 36, 37, 38, 39)

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

Explanation of Policy

The State Coastal Management Program and the LWRP incorporate State Laws on air quality developed by the Department of Environmental Conservation and the Clean Air Act into their programs. Requirements set out in the Clean Air Act are the minimum air quality control requirements applicable to the coastal area.

Site plan review procedures and approval and other permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal, State and County environmental approvals where air quality is concerned.

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

Explanation of Policy

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

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

Explanation of Policy

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

Necessary State and Federal approvals concerning acid rain and the generation of nitrates and sulfates will be required where applicable. The disclosure of sulfate and nitrate generating activities will be required if applicable during Site Plan Review.

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

Explanation of Policy

At the mouth of the Quassaick Creek is a tidal wetland which is stressed from various regulated and unregulated pollutant discharges. Regardless, the Creek continues to be used for recreational and fishing opportunities. The City recommends the rehabilitation of the Creek, and supports activities to upgrade the water quality and ecological habitat in this vicinity. Ultimately, water quality improvements to Quassaick Creek, a tributary to the Hudson River, will help to improve water quality within the river itself. Activities conducted within tidal or freshwater wetlands will be subject to applicable state and federal permit reviews and approvals.