

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Village of Castleton and Town of Schodack. Also included are additional local policies and an explanation of how both State and local policies relate to the local waterfront area.

DEVELOPMENT POLICIES

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

Explanation of Policy

The waterfront area is divided into three distinct sections. The central section, the Village of Castleton, is appropriate for revitalization to reverse deterioration caused by loss of economic activity. The two remaining sections, which comprise some 85 % of the waterfront, are virtually unutilized due to development limitations and/or ownership patterns. Their appropriate use, however, can contribute to the economic health of the waterfront area. This diversity of character in the waterfront area lends itself to both general interpretation of the above policy, as well as more specific guidelines for each area.

Generally, the following criteria shall apply to the evaluation of any proposed action throughout the waterfront area:

1. Priority on the waterfront should be given to uses which are dependent on a location adjacent to the water;
2. The action should enhance existing and anticipated uses;
3. The action should serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;
5. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
6. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
7. The action should improve adjacent and upland views of the water and, at a minimum, must not affect these views in an insensitive manner or detract from the views as seen from the water; and

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

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

POLICY 1A DEVELOPMENT OF A MIXTURE OF WATER DEPENDENT AND ENHANCED USES SHALL BE PERMITTED ON CAMPBELL ISLAND SUBJECT TO CONTROLS WHICH PROTECT THE NATURAL RESOURCES OF THE WATERFRONT.

Explanation of Policy

Campbell Island, north of the Village, is the only substantial privately held lands with direct river frontage in the entire Town. This land, between the railroad and the river is relatively isolated and is appropriate for a variety of uses including water-dependent industry, commercial recreation and multi-family residential. The sensitive environment of the Planned waterfront District requires that development be subject to standards to protect coastal resources. Such development standards are as follows (see also Policy 2 and Appendix E):

1. A minimum site of 20 acres.
2. No structure within 200 feet of the mean high line of the Hudson River or Papsanee Creek, unless water-dependent.
3. Total horizontal coverage by roads, roof tops, parking lots and other impermeable surfaces shall not exceed one-third of the total site area. No such surfaces shall be located within 100 feet of the mean high water line of the Hudson River or Papsanee Creek, except for essential access roads to water-dependent uses.
4. No structure in excess of 50 feet in height.
5. Maximum floor area ratio of 0.2.
6. Careful review of development plans to ensure that public access and recreational opportunities are maximized, that visual impact is minimized and that natural resources are protected and best management practices are employed to prevent adverse affects from erosion and siltation.

**POLICY 1B THE MAIN STREET OF CASTLETON SHALL BE REVITALIZED
IN A MANNER THAT PRESERVES THE HISTORIC CHARACTER
OF THE EXISTING BUILDINGS AND PROMOTES THE
DIVERSITY OF USES COMPATIBLE IN A SMALL SCALE
BUSINESS/RESIDENTIAL DISTRICT.**

Explanation of Policy

Main Street is the traditional center of business activity and residential concentration in the waterfront area. The density of development and architectural character reflect this role. Activities such as facade restoration, in-fill of vacant sites, sidewalk repair, structural rehabilitation, rear facade clean-up and repair, and introduction of uses permitted in the zoning district shall be encouraged in accord with this policy and Policies 5, 23, and 25.

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

Explanation of Policy

The primary obstacle to siting of water-dependent uses on or adjacent to coastal waters is the railroad which traverses the entire shoreline. This barrier legally and physically limits use to those few locations where crossings exist (albeit at-grade and, in some cases, unprotected). Therefore, although much land is apparently available, sites for water related uses are, in fact, quite scarce and existing water-dependent uses such as the Castleton Boat Club and the boat sales on the north wharf should be preserved.

Facilitating the siting of water-dependent uses will take two courses of action:

- a. Identifying water-dependent uses and encouraging their location at the few sites where access across the tracks exists. Therefore, the following types of uses and facilities are considered water-dependent and shall be encouraged at such locations (see Map No. 5).
 - (1) Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
 - (2) Aids to navigation;
 - (3) Flood and erosion protection structures (for example: breakwaters and bulkheads);

- (4) Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities, etc.);
 - (5) Scientific/education activities which, by their nature, require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities); and
 - (6) Support facilities which are necessary for the successful functioning of permitted water-dependent uses.
- b. Working to improve existing rail crossings, create new ones and to create a circulation system (both pedestrian and vehicular) from these crossings to appropriate sites and between sites where appropriate (see also Policies 19 and 20).

In addition, uses which are enhanced by, though not dependent on, a waterfront location are generally encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but 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. Until more waterfront sites are made accessible, however, water-enhanced uses should only be considered if they do not preclude water-dependent uses or are temporary in nature.

Sites for water-dependent uses should satisfy certain criteria, based on the type of use being considered. The following guidelines have been used to designate sites indicated for water-dependent use and should be applied to any additional sites proposed in the future. Such sites are included in the Intensive and Planned Waterfront areas shown on Map No. 6.

- a. **Special Suitability:** Sites which are suited to a particular type of use should be reserved for such use if possible. For instance, few sites have the appropriate land and water characteristics for marinas or boat launches. Those sites identified should be zoned and/or acquired for such use.
- b. **In-place Facilities and Services:** Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: (see also Policies 1 and 5).
 - (1) The availability of public sewers, public water lines and adequate power supply;
 - (2) Access to the area for trucks or rail, if heavy industry is to be accommodated; or boat trailers for marinas or boat launches.

- (3) Access to public transportation, if a high number of person trips is to be generated.
- c. Access to Navigational Channels: Commercial shipping, commercial fishing, and recreational boating require sites with a sheltered harbor, from which access to adequately sized navigation channels can be assured.
- d. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources such as wetlands and scenic areas.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

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.

Explanation of Policy

Despite its restricted access to the waterfront, Castleton exhibits some of the characteristics and diversity of smaller harbors. The intent of this policy is encourage the expansion and development of a range of commercial and recreational services which will serve the needs of boaters, tourists and residents.

Guidelines to be used to measure consistency with this policy include the following:

- a. Priority shall be given to water-dependent or water-enhanced uses which are compatible with the existing pattern of uses and will enhance rather than detract from existing uses.
- b. An action shall not be out of keeping with existing development in terms of scale, intensity of use, architectural character, or potential as a source of noise, litter, traffic jams, or other nuisance.

- c. Actions shall not detract from views of the water or from views of the shore as seen from the water.
- d. Priority shall be given to actions which enhance the economic base by furthering use and enjoyment of recreational facilities. Such actions include:
 - (1) Zoning to facilitate continued use of and necessary expansion of commercial recreational facilities.
 - (2) Dredging to permit continued use and enjoyment of the river for boating.
 - (3) Elimination of pollution sources which detract from the waterfront environment.
 - (4) Addition of space for docking, mooring and launching recreational vessels.

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

Explanation of Policy

The Village of Castleton is the only place within the waterfront area where public water supply and sewage disposal facilities are available. This is the area to which normal urban type development should be directed for the following reasons:

- a. To strengthen existing residential, industrial and commercial concentrations;
- b. To foster an orderly pattern of growth;
- c. To increase the productivity of existing public services and moderate the need to provide new public services in outlying areas; and
- d. To preserve open space in sufficient amounts.

It is recognized that certain types of development are not compatible in an urban setting or do not require urban services and infrastructure or have specific site requirements that cannot be satisfied in such a location. Therefore, this policy shall not apply to the following:

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

Several of the above criteria apply to Campbell Island where a Planned Waterfront District permits a variety of water-dependent and enhanced uses subject to various standards and controls, including adequacy of infrastructure, to protect the natural environment. See also Policy 32.

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

Explanation of Policy

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

FISH AND WILDLIFE POLICIES

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

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

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

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

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

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

- destroy the habitat; or
- significantly impair the viability of an area as a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these

actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

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

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

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

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

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

POLICY 7A THE PAPSCANEE MARSH AND CREEK HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

Papscanee Marsh and Creek is located on the east side of the Hudson River, beginning just south of the City of Rensselaer and extending south along the west side of NYS Route 9J for approximately four miles. The fish and wildlife habitat is located in the Towns of East Greenbush and Schodack, Rensselaer County (7.5" Quadrangles: Delmar, NY; and East Greenbush, NY).

The Papscanee Marsh and Creek habitat is primarily a floodplain wetland area, encompassing a large tidal creek, emergent marshes, freshwater tributaries, old fields, and young woodlands. The habitat also includes an approximate one mile segment of the Moordener Kill, which is a medium gradient, warm water stream, with a gravelly substrate and a drainage area of approximately 33 square miles. The habitat boundary along the Moordener Kill (and the coastal boundary from the dam to a point approximately 500' downstream) follows the top of the banks. Papscanee Marsh and Creek has been subject to considerable human disturbance, as a result of agricultural use, and nearby commercial and industrial developments.

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of stormwater runoff or wastewater containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish and wildlife populations in the area. Barriers to fish migration, whether physical or chemical, would also have significant impacts on fisheries resources in Papscanee Creek, as well as in the Hudson River.

Physical alteration of Papscanee Creek, through dredging, filling, or bulkheading would eliminate productive shallow water areas. Elimination of wetlands, through filling or drainage, would result in a direct loss of valuable habitat area. Expansion of agricultural activities in recent years has resulted in such habitat losses, but could be designed to maintain or enhance certain wildlife species.

Habitat management activities, including restoration of tidal wetlands, may be especially productive in the Papscanee Marsh and Creek area. Habitat disturbances in Papscanee Marsh and Creek would be most detrimental during fish spawning and incubation periods (April-July for most warmwater species) and wildlife breeding seasons (April-July for most species).

Existing areas of natural vegetation bordering aquatic and wetland areas should be maintained to provide bank cover, soil stabilization, and buffer zones. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources area available.

**POLICY 7B THE SCHODACK AND HOUGHTALING ISLANDS AND
SCHODACK CREEK HABITAT SHALL BE PROTECTED,
PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS
TO MAINTAIN ITS VIABILITY AS A HABITAT.**

Explanation of Policy

Schodack and Houghtaling Islands and Schodack Creek are located along the eastern shore of the Hudson River, beginning approximately one mile south of the Village of Castleton-on-Hudson, and including portions of the Town of New Baltimore in Greene County, the Town of Schodack in Rensselaer County, and the Town of Stuyvesant in Columbia County (7.5' Quadrangles: Delmar, NY; and Ravena, NY). The Schodack and Houghtaling Islands and Schodack Creek area is approximately 1,800 acres in size, containing a diverse combination of ecological communities, including extensive floodplain forests, brushlands, cultivated fields, tidal creeks and mudflats, littoral zones, the lower portion of the Muitzes Kill, and emergent marshes. Much of the area is within Castleton Island State Park, which is an undeveloped property administered by the NYS Office of Parks, Recreation, and Historic Preservation. Habitat disturbances in the area are generally limited to occasional dredge spoil disposal, agricultural activities, and uncontrolled recreational use.

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

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the littoral zones, wetlands, and streams making up this habitat would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may adversely affect fish or wildlife populations. Bulk-heading, dredging, and dredge spoil disposal could be especially significant in these areas. Barriers to fish migration, whether physical or chemical, would have adverse impacts on fish populations in the area. Aquatic habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April-July for most warmwater species. Disturbance of mature woodlands on the islands would reduce the potential value of the area to certain wildlife species.

Human disturbance of lower Schodack Island should be minimized when osprey are in the area. Significant development of the islands for residential or commercial uses would eliminate an unusual example of a Hudson River floodplain ecosystem. However, development of

appropriate public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available. Adjacent undeveloped upland areas are particularly important for maintaining the water quality and habitat value of Schodack Creek and should be preserved as a buffer zone.

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 [Section 27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes has been adopted by DEC (6NYCRR Part 371).

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

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

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

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The resources for such recreation in the Schodack/Castleton waterfront area are particularly extensive and varied (see Section II, pages 7-14). Increased recreational use of these resources should be undertaken in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, cost and available technology.

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

- a. Consideration should be given as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
- b. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter from using the habitat area.
- c. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

See Policies 19, 20 and 21.

POLICY 10 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF COMMERCIAL FISHING RESOURCES IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

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.

Explanation of Policy

Development in flood hazard areas along the river and its tributaries is controlled by flood damage prevention regulations which govern the type and location of development, particularly mobile homes. These regulations are local laws adopted in accord with provisions of the National Flood Insurance Program.

POLICY 12 THE STATE COASTAL POLICY REGARDING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK.

POLICY 13 ALTHOUGH THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES WHICH HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS IS NOT APPLICABLE TO THE VILLAGE OF CASTLETON-ON-HUDSON OR THE TOWN OF SCHODACK, A LOCAL POLICY IS SET FORTH BELOW.

POLICY 13A REPAIR AND RESTORATION OF EXISTING BULKHEADS SHALL BE UNDERTAKEN IN A MANNER THAT WILL ADEQUATELY PROTECT ADJACENT PROPERTY FOR APPROPRIATE USE.

Explanation of Policy

Erosion protection structures have been used to protect "made" land along the Hudson River, particularly in the Village, and to preserve navigation channels. However, many such structures have deteriorated due to lack of maintenance. Bulkheads which protect State park lands or water dependent uses shall be given priority for bulkhead repair. Repairs should be designed to complement uses such as boat launches and docking facilities where consistent with other policies herein. (See Policies 9, 19 and 20).

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 Policies

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

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

- a. Natural ground contours should be followed as closely as possible.
- b. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
- c. 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.
- d. Natural protective vegetation should remain undisturbed if at all possible.
- e. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
- f. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
- g. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- h. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.

- i. The angle for graded slopes and fills should be limited to one no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should only be used where vegetation is not sufficient to control erosion.
- j. The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

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

Explanation of Policy

There is little natural beach material in the waterfront area which is supplied to the adjacent land via natural coastal processes. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential. See also Policy 35.

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

Explanation of Policy

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

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

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail. This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Application of the Flood Damage Prevention regulations, best management practices (see Policy 14) and review of alternatives in accord with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where nonstructural measures are not feasible, structural solutions will be required.

GENERAL POLICY

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

Explanation of Policy

Proposed major actions may not be undertaken in the waterfront area if they will significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources.

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

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND PROTECTION OF HISTORIC AND NATURAL RESOURCES.

Explanation of Policy

No public access exists in the Town or Village, although private water-dependent uses exist in the Village. Opportunities for such access, while severely limited by the railroad tracks, are appropriate for generally passive activities. Priority will be given to actions which extend access along the river shore and link public and private waterfront uses.

In general, implementation of this policy requires careful balancing of several factors such as the for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and the protection of natural and historic resources.

Existing and future access must not be impaired by reducing the number of available parking spaces; imposing barriers such as roads, utility right-of-ways, or other public facilities; sale or lease of public lands; or construction of private facilities which hinder access.

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

POLICY 19A ACCESS TO THE STATE OWNED CASTLETON ISLAND STATE PARK SHALL BE DESIGNED IN CONJUNCTION WITH THE PREPARATION OF AN OVERALL PLAN FOR THE DEVELOPMENT, USE AND MANAGEMENT OF STATE LANDS.

Explanation of Policy

Although half of the Schodack riverfront is owned by the State of New York, there is virtually no public access to this vast potential resource. Castleton Island was the most significant acquisition recommended in the 1969 "Master Plan for Outdoor Recreation in the Capital District State Region". Although acquisition has been completed, no action to develop the park has been taken due to a variety of factors, of which fiscal constraints are probably the most significant. While priorities have changed and projected demands have not been realized, the land now in State ownership is a magnificent resource and a great potential asset to the State and the surrounding community.

The recent allocation of funds to the New York State Office of Parks, Recreation and Historic Preservation for use at Castleton Island, offers an opportunity to design access and to re-evaluate the proposed use and development program for the park, in light of current conditions, and identify and resolve specific problems. To be most useful, such a process should be carried out in cooperation with the involved communities and coordinated with plans and policies for the river developed under the Local Waterfront Revitalization Program.

One well designed access road will make some four miles of waterfront accessible to the public and satisfy most of the need for such access within the Castleton/ Schodack waterfront area. The increased public access must be analyzed and found consistent with this policy only if:

- a. The level of access to be provided is in accord with estimated public use.
- b. The level and type of access to be provided does not cause a degree of use which would exceed the physical capability of the resource or the facility.
- c. The level of use and nature of the access does not adversely affect adjacent land uses or the natural environment or unduly tax the facilities or services of the Town or Village.

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

Explanation of Policy

In addition to active recreation facilities, access to the publicly-owned land of the coast should be provided, where appropriate, for numerous activities and pursuits which require only minimal

facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the water. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the improvement of vehicular access to the waterfront and the promotion of mixed and multi-use development. Public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety or the protection of fragile coastal resources.

Opportunities to increase access to the foreshore in the northern part of Town will be encouraged in the review of any planned development (see Policy 1). Also, land at the Village sewage treatment plant will be used for access if problems related to the existing rail crossing can be resolved. However, sale of easements on underwater lands to adjacent onshore property owners may be granted if public use of the foreshore is not substantially limited. Other actions to improve or increase access to the foreshore that are consistent with this policy are the creation of a "riverwalk" from the Castleton Boat Club to the sewage treatment plant and improvements to the surface and safety at existing rail crossings.

The following guidelines will be used to determine if proposed actions are consistent with this policy:

- a. Existing access from public lands to the coastal waters shall not be reduced or precluded, except in the case of over-riding public benefit.
- b. Public access shall be provided from the nearest public roadway to the shoreline, where consistent with other policies herein.
- c. Proposed access shall be analyze in accord with estimated public use and the physical capability of the coastal lands to accommodate such access.

The public lands of Castleton Island State Park will be retained and access to the foreshore improved. See Policy 19.

Adjacent to the Village, opportunities for multi-use development providing access to the foreshore from privately held land will be encouraged. See Policy 1 and 22.

RECREATIONAL POLICIES

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

Explanation of Policy

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

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

New public development shall not be sited or designed in a manner which would result in a barrier to recreational use of the shoreline. Among the types of water-dependent recreation, the provision of adequate boating services to meet future demand is to be encouraged. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

Recreation development at Castleton Island State Park shall provide as diverse and extensive an array of water-related opportunities as can be accomplished consistent with the other policies herein--particularly Policies 2,7, 7A, 19, 20 and 44. In the Village, water-dependent

commercial recreation uses are particularly appropriate and the Zoning Law will continue to limit development west of the railroad to such uses.

The natural ravines, or "kills", particularly those south of the Village, are unique features of the coastal environment. Actions to acquire land adjacent to the kills or to obtain easements will permit development of a continuous trail system leading from the Village park or Vlockie Kill to the top of the escarpment and then, via the power lines, to Muitzes Kill and the state park. Review of development proposals for land including or adjacent to the kills will require dedication of open space to extend the trail system.

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

Explanation of Policy

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

Uses which are appropriate in the Castleton/Schodack waterfront area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines, sewage treatment facilities, schools, nature preserves, large scale residential and mixed use projects, and maritime commercial uses. The limitation to access imposed by the railroad tracks must be considered in each case.

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

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor.

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

HISTORIC AND SCENIC RESOURCES

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.

Explanation of Policy

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

The Schodack Landing Historic District and the Staats House are listed on the National Register of Historic Places and are part of the maritime history of the community. All practicable means shall be taken to protect these sites, including measures to prevent significant adverse change. A significant adverse impact includes, but is not limited to the following:

- A. 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, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings; walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property.
- B. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
- C. 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.

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

Also of historic importance are individual structures along the Main Street business district in Castleton. The following standards shall apply to this area:

A. Alteration

No alteration, repair, or rehabilitation shall remove or destroy architectural features of a building unless a compelling reason exists for the removal of the features.

B. New Construction

Any new construction shall comply with the following standards:

1. Compatibility with the architectural style and spirit of the district in terms of materials, size, scale, rhythm, texture, and other appropriate considerations;
2. Compatibility with the architectural style and spirit of the district in terms of height; infill construction and additions shall not exceed the height of the next two abutting buildings, nor shall the minimum height be less than the lower of the next two buildings on either side of the building site;
3. In cases of alteration, not removing or destroying architectural features, repairs, alterations and rehabilitation of existing buildings should either be consistent with the spirit of their architectural style or should alter the structure to an appropriate appearance consistent with the architectural style of this district.

C. Demolition

1. Demolition is prohibited in the case of all structures erected in or prior to 1890 unless the structure presents public safety hazards which cannot be eliminated by the economic means available to the applicant or owner, and which have not been caused by neglect or the intentional activity of the applicant or owner.
2. Demolition is prohibited in the case of any structure erected subsequent to 1890 if it is of particular architectural or historic significance.

Given the possibility of archaeologically significant sites within the waterfront area, public agencies shall contact the New York State Historic Preservation Officer to determine appropriate protective measures to be incorporated into development decisions.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (1) THE IRREVERSIBLE MODIFICATION OF GEOLOGICAL FORMS, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (2) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

Explanation:

The Town of Schodack is included in the Columbia-Greene North Scenic Area of Statewide Significance (SASS), as designated by the New York State Secretary of State. The Columbia-Greene SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility, and public recognition. There exists in the SASS unusual variety, as well as unity, of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features.

The section of the Columbia-Greene North SASS within the Town of Schodack is included within the following sub-units:

- CGN-4 Islands Sub-unit
- CGN-13 Schodack Landing Sub-unit

The Town of Schodack is adjacent to a section of the Columbia-Greene North SASS located in the Town of Coeymans, Albany County included within the following sub-units:

- CGN-1 Coeymans Hamlet Waterfront Sub-unit
- CGN-2 Hannacrois Creek Outlet Sub-unit

The scenic quality of these sub-units is summarized in Appendix C.

When considering a proposed action, agencies shall determine whether the action could affect the Columbia-Greene North SASS and, if so, whether the types of activities proposed would be likely to impair the scenic quality of an identified resource. Impairment includes:

- A. The irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- B. The addition of structures 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 the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

- A. 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 shores;
- B. Clustering or orienting structures to retain views, save open spaces and provide visual organization to a development;
- C. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- D. Removing deteriorated and/or degrading elements;
- E. Maintaining and restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- F. Maintaining or adding of 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;

- G. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
- H. 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 MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.

Explanation of Policy

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

The siting and development guidelines outlined in Policy 24 will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Both the scenic resources and the objectives and priorities of the Town and Village will be considered.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements are consistent with this policy. Such actions include: selective maintenance and/or removal of vegetation at key vantage points along Route 9J to enhance scenic vistas of the River; actions to screen or otherwise reduce the visual impact of the Village's sewage treatment plant; and improved maintenance of the rear facades of buildings in the Village which face the river.

Much of the length of Route 9J is a surprising experience of peaceful beauty within minutes of downtown Albany. The long views of the river from the higher elevations, entering from the south, give way to closer views of creeks and backwaters as one approaches the Village. From the north, views are less impressive until just north of the Village where views of the river open up. The Village itself is a compact, urban contrast to the approaches. This entire scenic experience should be preserved. Opportunities for selected viewing locations will be provided at locations such as the north entrance to the Village.

AGRICULTURAL LANDS POLICY

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

Explanation of Policy

Soils classified as "prime agricultural lands" are situated both within and adjacent to the waterfront area. Some of these lands are in active agricultural use and/or included in designated agricultural districts. These lands are not officially designated on the Coastal Area Map, but are expected to be designated in the near future. Therefore, any action which involves such farmland must be evaluated in terms of its impact on the agricultural environment, as well as other factors.

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

- A. The action would consume more than 10% of the land of an active farm, or a total of 100 acres, or divide an active farm into two or more parts, thus impeding efficient farm operation.
- B. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of important agricultural lands.
- C. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
 1. Extension of public water or sewer facilities to serve non-farm structures.
 2. Development of major non-agribusiness commercial development or major public institutions adjacent to identified agricultural lands.
 3. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land.

The evaluation of proposed actions affecting important agricultural lands will balance the availability and appropriateness of alternate sites which would not impact such lands against the unique site features required for the proposed action. The extent and nature of the actions and its benefits to the community will also be weighed against its adverse affects on agricultural lands.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

Demand for energy in New York will increase, although at a rate slower 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 establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for purposes of ensuring consistency with the State Coastal Management Program and the Local Waterfront Revitalization Program.

In addition, any such facility shall be consistent with Policies 7, 8, 19, 23, 25, 30, 36, 39, 40, 41 and 44.

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

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. This policy shall apply where ice management practices presently are undertaken to maintain the Hudson River channel, as well as to the other coastal tributaries. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO SCHODACK OR CASTLETON.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

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

State and federal laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways and vigorous regulatory and/or legal actions are necessary to insure that violations are identified and the regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply or strengthen existing monitoring and enforcement efforts. Local citizen participation is to be encouraged both for educational and enforcement purposes.

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

Explanation of Policy

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

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

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

Explanation of Policy

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

The Village of Castleton is served by a public sewage system. The only other existing concentration of development in the waterfront area is the hamlet of Schodack Landing. Its small size and proximity to the river would be appropriate for such an alternative system should the need arise. Planned development, in accord with Policy 1, north of the Village will either connect to the Village sewage system or be required to provide an acceptable alternate means of sewage treatment.

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

Explanation of Policy

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

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

POLICY 34A **NO VESSEL SHALL DISCHARGE WASTE OR OTHER WATER UNSUITABLE FOR HUMAN CONSUMPTION INTO THE COASTAL WATERS WITH THE INTENT OF TAKING ON FRESH WATER FROM THE RIVER TO BE TRANSPORTED ELSEWHERE FOR SALE OR USE WITHOUT OBTAINING ALL REQUIRED APPROVALS AND PERMITS.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State Law. The significant habitats and mapped wetlands within the waterfront area of Schodack and Castleton should be protected from contamination by vessel wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657) and shall be strictly enforced. Plans for expansion or development of new marinas will be required to provide onshore pump-out facilities unless specifically demonstrated to be infeasible. The recently discovered practice of large tankers exchanging contaminated water for the pure water of the river is also a threat to the ecology of the river. Therefore, the policy shall apply in the coastal waters and is recommended to other communities on the river, as well.

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

Explanation of Policy

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

Periodic dredging of the Hudson is essential to maintain the channel for navigation. The use of dredge spoils can be effective in the development of Castleton Island State Park and to create suitable sites for appropriate development on Campbell Island (see Policy 1A). Spoil disposal sites are not acceptable, however, if they are located in a designated wetland, will permanently disturb a significant wildlife habitat or will adversely affect a designated historic site or district. Minor dredging to maintain or create sufficient depth at or adjacent to marinas, boat launches, etc. is encouraged as a means to achieve Policies 19 and 21.

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

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities, but also to residential and other users of petroleum products and radio-active and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue

of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See also Policy 39.

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

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. See also explanation of Policy 14.

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

Explanation of Policy

Local groundwater supplies and surface water of the Hudson River must be protected. The impact of an action on the quality of Hudson River water will be a major factor in planning and decision making. Such impacts include those, resulting from construction activity, land use management, point and non-point pollution sources and direct actions on the waterways.

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

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [527-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. 6 NYCRR Part 371 lists hazardous wastes.

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

POLICY 40 THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS IS NOT APPLICABLE TO SCHODACK AND CASTLETON.

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

Explanation of Policy

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

POLICY 42 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

Not included in the Local Program.

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

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

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. Two such areas are delineated in the Town: Papscaenee Creek (EG-1) and Schodack Creek (R-201).

No tidal wetlands are delineated on the Hudson north of the Tappan Zee Bridge.

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

- a. Habitat for wildlife and fish and contribution to associated aquatic food chains (see Policy 7 and 7A);
- b. Erosion, flood and storm control;
- c. Natural pollution treatment;
- d. Groundwater protection;
- e. Recreational opportunities;
- f. Educational and scientific opportunities; and
- g. Aesthetic open space in developed areas.

Existing State laws establish the basis for preservation of coastal resources, but should be reinforced by appropriate local action where necessary. Activities in the proximity of freshwater wetlands will be reviewed to determine possible affects thereon due to erosion, sedimentation, pollution or similar affects. The extent of adverse impacts will be analyzed and mitigating actions required where such impacts cannot be avoided.