

City of Watervliet  
Local Waterfront Revitalization Program

Adopted:

City Council, February 16, 2006

Approved:

New York State Acting Secretary of State Frank P. Milano, February 24, 2006

Concurred:

U.S Office of Ocean and Coastal Resource Management, March 2, 2006

---

---

**City of Watervliet**

**LOCAL WATERFRONT  
REVITALIZATION  
PROGRAM**

# Table of Contents

<b>TABLES AND FIGURES</b>	<b>iv</b>
<b>ACKNOWLEDGEMENTS</b>	<b>v</b>
<b>PREFACE</b>	<b>vii</b>
<b>I WATERFRONT REVITALIZATION AREA BOUNDARY</b>	
LWRP Boundary	I-01-1
Harbor Management Boundary Plan Area	I-04-1
<b>II INVENTORY AND ANALYSIS OF EXISTING CONDITIONS</b>	
Watervliet Overview	II-01-1
History of the Watervliet Waterfront	II-02-1
Watervliet Waterfront Demographic Profile	II-03-1
Existing Land and Water Uses	II-04-1
Waterfront Area Zoning	II-05-1
Recreational Resources	II-06-1
Historic Resources	II-07-1
Natural Resources	II-08-1
Infrastructure	II-09-1
Transportation	II-10-1
Issues and Opportunities	II-11-1
<b>III WATERFRONT REVITALIZATION POLICIES</b>	
<b>IV PROPOSED LAND AND WATER USES</b>	
Proposed Land Use	IV-01-1
Proposed Water Uses Harbor Management Plan	IV-02-1
Proposed Park Projects	IV-03-1
Proposed Projects to Improve Waterfront Accessibility	IV-04-1
Proposed Preservation Projects	IV-05-1
Proposed Economic Development Projects	IV-06-1
Harbor Management Plan	IV-07-1

**V    TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE  
     WATERFRONT PROGRAM**

**How Existing Plans, Laws and Regulations**

**Implement the LWRP** **V-01-1**

**Other Private Activities Necessary to Implement  
the LWRP** **V-03-1**

**Management Structure Necessary for Implementation  
of the Program** **V-04-1**

**Procedures to Ensure Local Compliance** **V-05-1**

**Local Review of State and Federal Actions** **V-06-1**

**VI    STATE AND FEDERAL ACTIVITIES LIKELY  
     TO AFFECT IMPLEMENTATION** **VI-01-1**

**VII    OBTAINING LOCAL COMMITMENT  
     FOR THE CITY OF WATERVLIET LWRP** **VII-01-1**

**BIBLIOGRAPHY**

**Appendix A** **Watervliet Zoning Law**

**Appendix B** **Watervliet Consistency Law**

# Tables and Figures

## TABLES

1. Historic and Projected Population Trends	II-03-1
2. LWRP Area Population by Race and Ethnicity	II-03-1
3. Comparison of Population by Age	II-03-2
4. Educational Attainment in LWRP Area	II-03-3
5. Household Income	II-03-4
6. LWRP Area Residents Employment by Industry	II-03-5
7. Resident Occupation	II-03-5
8. Journey to Work Comparison	II-03-6
9. Value of Specified Owner-Occupied Units	II-03-7
10. Housing Inventory	II-03-7
11. Historic Resources Inventory	II-07-4
12. Interstate 787 Traffic Volumes	II-08-6

# Acknowledgements

The City of Watervliet Local Waterfront Revitalization Program Advisory Committee would like to recognize and thank the many people and organizations whose assistance has made the completion of the Program a reality. In addition, the Committee would like to thank the residents of the City who took part in the meetings through attendance and provided feedback on development of the Program.

Robert D. Carlson, Mayor

William Anderson, Councilman

Charles J. Diamond, Councilman

Paul S. Murphy, General Manager

Nicholas Ostapkovich, Deputy General Manager

Gerald Beston, Chief of Police

James Bulmer, Water System Supervisor

Craig Carlson, Historian

Christopher Daus, Director of Recreation

David Dressel, Commissioner of Public Works

Robert Fahr, Director of Finance

Mark R. Gilchrist, Assessor

Bruce A. Hidley, City Clerk

Joseph F. Monaghan, Corporation Counsel

Robert Beston Jr.

Paul Healey

Anthony Medici

Marlene O'Brien

David Such

Laberge Group  
4 Computer Drive West  
Albany, New York 12205

Portions of the history included in this report were originally compiled for the *Draft Local Waterfront Revitalization Program* report completed for the City of Watervliet in 1985 by the Capital District Regional Planning Commission. Excerpts are from *The City of Watervliet 19<sup>th</sup> Street Corridor Strategic Plan* completed for the City of Watervliet in 2003 by The Laberge Group.

# Preface

## *Coastal Planning*



*The Hudson River.*

## *Introduction*

Coastal planning in the United States began with the federal government's adoption of the Coastal Zone Management Act (CZMA) in 1972. In that Act, Congress identified specific coastal objectives to promote the protection and wise use of the nation's coasts. The CZMA provides federal assistance to states to develop comprehensive coastal management programs for their coastlines. The New York Coastal Management Program (CMP) was developed and subsequently approved in 1982.

In 1981, in order to implement the CMP at the State level, the New York State Legislature passed the Waterfront Revitalization and Coastal Resource Act (Article 42 of the Executive Law). This Act encourages municipalities to work with the State in establishing Local Waterfront Revitalization Programs (LWRPs), and requires State agencies to undertake their actions in a manner consistent with State coastal policies or approved LWRPs. LWRPs are comprehensive plans for a municipality's coastal area, allowing waterfront municipalities to develop a comprehensive strategy for guiding future development along their shorelines. LWRPs include a locally customized set of policies based on and consistent with the State policies. Once approved by the State (NYS Secretary of State) and the federal government (U.S. Department of Commerce), the policies and purposes of LWRPs replace the more general State policies as LWRPs provide more specific guidance on development, tailored to address the unique challenges and opportunities facing each community. The NYS Department of State Division of Coastal Resources administers the CMP and Local Waterfront Revitalization Program for NYS.

The Hudson River and its shoreline as far north as the Federal Dam in Troy is included in New York State's Coastal Area because the river is a coastal "estuary." As an estuary, the Hudson has an unimpaired connection with the Atlantic Ocean and is influenced by daily tides up to the Troy Dam. The City of Watervliet, located across the Hudson from Troy, has the centerline of the Hudson River as its eastern boundary. The City's coastline along the Hudson River extends approximately two miles.

As a voluntary participant in New York's LWRP, the City of Watervliet first initiated planning for its waterfront in September 1984. The City began a yearlong planning process identifying strategies for developing its Hudson River shoreline. Although several draft LWRP reports were completed, none was ever

formally adopted. Reinvigorated by a successful corridor study completed in 2003, the City, in early 2004, decided to reinitiate the process and focus once more on identifying both a vision for its waterfront and the implementation strategies necessary to achieve that vision.

The 2004 - 2005 planning effort built upon the process that began in the 1980s. An LWRP Advisory Board was created to guide development of the LWRP. Created in spring 2004 to oversee the City's planning process, the LWRP Advisory Board held regular meetings at the City's Community Center during the course of the planning process. The LWRP Advisory Board, appointed by the City's Mayor, consisted of the following members:

- Nick Ostapkovich, Deputy General Manager
- Peg Germano
- Robert Strohecker
- Anthony Medici, Sr.
- Joseph Zawistowski
- Paul Healey
- Ellen Fogarty

To support the process, several public visioning meetings were held during the spring and summer of 2004. Advertised via flyers at fraternal organizations, nonprofits, and public buildings including City Hall and the Community Center, and via the local Watervliet television channel WVLT, Channel 17, each of the meetings was designed to solicit input from the public on specific issues. The intent behind the first public meeting, held on June 17, was to identify the Watervliet waterfront area's strengths and weaknesses. The focus of the second public meeting, held on July 7, 2004, was to identify possible opportunities to improve the waterfront area. The final draft plan was presented to the public at a third public meeting, held on July 29.

Consistent with the outline identified in the NYS Division of Coastal Resources 2004 *Guidebook: Making the Most of Your Waterfront*, the Watervliet LWRP contains the following five sections:

1. The Local Waterfront Revitalization Program boundary.
2. An inventory and analysis of existing conditions.
3. Waterfront policies.
4. Proposed land and water uses and projects.
5. Implementation techniques.

It should also be noted that this planning process comes on the heels of a number of other widely promoted waterfront planning efforts in the City and region.

In early 1997, the City of Watervliet pursued funding from the Small Cities Community Development Block Grant Canal Corridor Initiative to enhance Hudson Shores Park, its riverfront park. Hudson Shores Park, surplus land acquired as a result of the construction of I-787, was, at that time, under the jurisdiction of NYS Department of Transportation, and under-utilized and lacked amenities. The proposal included development of a boat launch, a full-service marina with showers, pump-out and fueling facilities, docks, a restaurant, a pavilion and public picnic area, and a bike-hike trail. To accommodate these uses, the waterfront was to be bulkheaded, thus increasing the land area. Several hearings were held to solicit public input regarding the proposal. While the proposal enjoyed wide-spread support from local and state officials and agencies as well as from City residents, the perceived threat of environmental impacts on the river and fish resources hindered all but the pavilion, picnic area, and trail from being constructed.

*The Albany County Waterfront Strategy*, completed in 1999, created a cooperative community vision for Albany County's waterfront. The plan was designed to further public and private investments. In addition to reviewing several previously completed plans, additional plan and project development data was obtained

through meetings and dialogues with local municipal representatives, developers, and landowners. This plan resulted in the following five (5) goals.

1. To reconnect people to the waterfront.
2. To revitalize and maximize waterfront and water dependent uses.
3. To maintain, restore, and enhance the water quality and shoreline ecosystems of the Hudson River.
4. To establish the regional context of the waterfront while recognizing and supporting local municipal interests.
5. To support waterfront communities interested in reconnecting to their waterfront.

Specific projects proposed for the City of Watervliet included creating additional trail linkages to the self-contained bike trail in Hudson Shores Park. It was proposed that the Hudson Shores trail could be linked to the Mohawk Hudson Bike Hike Trail, which currently terminates south of Hudson Shores at Fourth Street in Watervliet.

In July 2003, *The Mohawk Hudson Bike Hike Trail Crossroads Connections Study* was completed. Funded by grants from the Hudson River Valley Greenway, the purpose of the study was to identify off-road alternatives for continuing the Mohawk Hudson Bike Hike Trail between the City of Albany and the Village of Waterford and to examine the need for improved signage along the on-road portion of the Mohawk Hudson Bike Hike Trail in Albany County. Over a 7-month period, the Hudson River Valley Greenway, Albany County Department of Economic Development, Conservation and Planning, and the Capital District Transportation Committee conducted a public outreach process to solicit input from the municipalities, stakeholders, and residents. This process included three public meetings to discuss trail opportunities.

The Mohawk Hudson Study proposed development of an additional trail segment to be located in the City of Watervliet.

These included a 7,500-foot shoreline connection between the trail end at Fourth Street and the self-contained trail in Hudson Shores Park that terminates at 15<sup>th</sup> Street. The trail would require cutting into the I-787 embankment, and sensitive trail design would be needed to protect against disturbance of the shoreline and any local aquatic habitats.

Finally, most recently, in late 2003 the City of Watervliet completed *The 19<sup>th</sup> Street Corridor Strategic Plan*. The planning process for this project began in January 2003 with the creation of a Strategic Plan Citizens Advisory Committee. The Committee included a representative cross section of business owners, City officials, senior citizens, students, and homeowners. Throughout the process, the Committee held open meetings to promote public participation. Opportunities for public participation included surveys, public workshops, and stakeholder interviews. During the planning process, it was determined that improvements were needed to foster a dynamic economic climate and improve the housing stock and infrastructure for existing and future residents and business owners. The Citizens Advisory Committee developed goals that build on the community's assets and capitalize on the many opportunities identified during the planning process.

---

---

**Section I  
Waterfront  
Revitalization Area  
Boundary**

# Local Waterfront Revitalization Program Boundary



*View of the Hudson River.*



*View of the boats along the River.*

The LWRP boundaries in the City of Watervliet From south to north are as follows:

- Originating at the point where the centerline of the Hudson River meets with the City's shared southern border with the Town of Colonie, the Coastal boundary runs westward along the City's shared southern waterside boundary with the Town of Colonie.
- From the point where the City's southern border with the Town of Colonie intersects with Third Avenue, the Coastal boundary will run northerly along Third Avenue, encompassing the buildings fronting on the western side of the avenue up until 9<sup>th</sup> Street.
- The Coastal boundary then follows the triangular-shaped perimeter of the Arsenal property out to the western edge of the City and easterly along 10<sup>th</sup> Street following the Arsenal's northern boundary.
- Upon reaching the mid-block alley that runs between Second and Third Avenues, the boundary turns northward, following this mid-block alley until 15<sup>th</sup> Street.
- At 15<sup>th</sup> Street, the boundary turns slightly to the east, following 15<sup>th</sup> Street briefly to where it intersects with Second Avenue.
- At Second Avenue the boundary follows a straight path northward to the City's shared northern border with the Town of Colonie, encompassing the properties that front onto Second Avenue on the western side of the avenue.
- The Coastal boundary then runs east along the City's shared northern border with the Town of Colonie, into the Hudson River, out to its centerline.
- It then travels southward, following the centerline of the Hudson River to Watervliet's southern waterside boundary with the Town of Colonie.

See the [City of Watervliet LWRP Boundary Map](#).

---

---

**Section 2**  
**Inventory and Analysis**  
**of Existing Conditions**

## Harbor Management Boundary Plan Area



The City of Watervliet's in-water boundary extends out to the centerline of the Hudson River. This varies with the width of the river. The river width varies from 850 feet at the City's southern boundary with the Town of Colonie to 600 feet in the vicinity of the Congress Street Bridge.

---

---

**Section II**  
**Inventory and Analysis**  
**of Existing Conditions**

## Watervliet Overview



*View from Hudson Shores Park.*

The City of Watervliet, located 5 miles north of Albany, New York's state capital, grew along the western bank of the Hudson River. With the Erie Canal and the Hudson River, the City was a significant maritime center during the 19<sup>th</sup> century. Since the 1970s, the City has been separated from the River by Interstate-787, a major limited access highway that connects downtown Albany with the City of Cohoes, north of Watervliet.

Watervliet, at 916 acres, or 1.3 square miles, is one of the smallest communities in Albany County. It is approximately 150 miles north of New York City, 200 miles west of Boston, and 200 miles south of Montreal. The Town of Colonie encircles Watervliet on three sides, with the Hudson River forming the City's eastern boundary. Other neighbors include the Village of Menands to the south, the City of Cohoes and the Village and Town of Green Island to the north, and the City of Troy across the river to the east.

Like many other small cities and villages across New York State, Watervliet has experienced a population decline in recent years. While the City's overall population is decreasing, the City is becoming more diverse. In addition, as the number of residents decreases, the City's elderly population is increasingly comprising a larger portion of the City's population.

With the number of families living in Watervliet decreasing, the City's share of renters and non-resident landlords has increased. As a result, the City has been experiencing a growing number of problems associated with poorly maintained rental properties. This recently prompted the City to institute a moratorium on the construction of any dwelling type other than single-family homes.

Once a major trading and manufacturing center, the City's industrial golden age has long since passed, but the City still houses several industrial and manufacturing uses. The Watervliet Arsenal, although still a top employer in the area, no longer employs the thousands it once did. One highly visible manufacturing facility is the Passano Paints plant, located on Broadway. Although outside the coastal boundary, the City also houses an incubator affiliated with Rensselaer Polytechnic Institute that brings some additional information technology jobs into the City. Many local residents are employed at the numerous small shops and commercial businesses located throughout the City.



*The City of Troy is located across the River.*

## History of the Watervliet Waterfront



*View of Broadway at 15th Street looking north.*



*Erie Canal Weighlock building at 26<sup>th</sup> Street operated from 1850 to 1910.*

Located on the western banks of the Hudson River, the City of Watervliet was first settled in 1630, when Patroon Killian Van Rensselaer purchased the area from Native Americans. The area's flat, rich lands and proximity to Albany's Fort Orange attracted early settlers. Derived from the Dutch word for plain- vlakte- "Watervliet" means the "overflowed plains," referring to the annual spring flood.

The presence of navigable waterways greatly influenced the City's development. The Erie Canal connected the city to the center of the new world, and the Hudson River linked the city with the commerce of Europe and the Far East. Largely farmlands until the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, businessmen soon came to realize the advantages of Watervliet's location adjacent to the Hudson River. As the northernmost settlement on the western shore before the impassible Green Island Rapids, Watervliet became a hub of activity, trade, transportation, and commerce. The opening of the Troy and Schenectady turnpike circa 1906 further enhanced the area's importance as a commerce and trade center.

The Township of Watervliet was incorporated in 1788. By the early 1800's, three villages were laid out within Watervliet. The Village of Washington was the first, and the southernmost of the villages. Later it was enlarged and renamed Port Schuyler. Gibbonsville, the second village, was located adjacent to Washington, and extended north to what was then known as Buffalo Street (15<sup>th</sup> Street today). The Village of West Troy was formed soon after, just north of Buffalo Street. In 1836, the three villages were incorporated as a single village, called West Troy.

Fearing a British invasion during the War of 1812, the federal government purchased 12 acres of land from a Mr. James Gibbons, to build an arsenal in Watervliet. The Gibbonsville Arsenal began as a distribution center for military goods. By 1817, the name would change to include Watervliet. Eleven years later, the complex would expand by 30 acres with yet another purchase by the U.S. Government, and become known as the Watervliet Arsenal.

Broadway was the City's first post-road and functioned as its waterfront thoroughfare. First called the Whitehall Turnpike, or Northern Turnpike, it was the primary north-south transportation route for the region and likely originated as a Native American

## Inventory and Analysis of Existing Conditions

---

---



*West Troy Ferry in late 1800s, shuttling passengers between Troy and West Troy.*



*Arsenal railroad service.*

footpath. Passing through Watervliet, it ran along the shoreline of the Hudson and Stone Hook (as the Dutch knew it, Steen Hoeck).

Stone Hook was an easily recognized reference point for navigators and land surveyors alike as it was an elevated topographic portion of natural blackish rock jutting out from the western banks of the Hudson River and was a common mooring place for ships as early as 1675.

For many years riverfront activity focused on transporting people and goods from one side of the Hudson River to the other. Ferries were used for traveling across the Hudson as early as 1777, when it is said that American troops crossed on the Van der Heyden ferry on their way to the Battle of Saratoga. The ferries operated from a number of points along the riverfront throughout the 19<sup>th</sup> century. The earliest ferry boats were flat-bottomed “bateaux”, driven with long poles. By 1800, ferries were attached to ropes across the river and were moved by the current. By 1820, horses on-board the boats were moving the paddles. These horse-ferries were in operation until the mid-to-late 19<sup>th</sup> century when steam-powered ferries became more common.

In 1824, the Erie Canal opened, linking the Hudson River with the Great Lakes. The canal began north of Albany and paralleled the Hudson River up through Watervliet. The Canal passed through Port Schuyler (along what is now Route 32), into Gibbonsville through the United States Arsenal, along Albany Street, and up Erie Street in West Troy (now Second Avenue). A side cut to the south of the Arsenal was known as the “lower side cut” and one at Union Street (now 23<sup>rd</sup> Street) was known as the “upper side cut” provided, through a series of locks, access between the Erie Canal and the Hudson River. Providing passenger transport between Albany and Buffalo and Rochester, travel by boat on the canal was cheaper than stagecoach so many families and foreign immigrants started their trips westward on the Erie Canal. An 1837 enlargement of the canal allowed for larger boats that could transport more freight. The first weighlock for weighing the boats and cargo was built in 1825. In 1853, a new weighlock was built at the northern boundary of the village of West Troy.

With both the river trade and transport on the Erie Canal, Watervliet quickly became a strong commercial center. The area was ripe for manufacturing, settlement, production, shipping, and

trade. The first Post Office opened in 1814 and by 1823, there were already hat factories, soda factories, flourmills, iron foundries, a cooperage factory, a brewery, hotels and a carriage manufacturer well established in this commercial center. These industries kept the river and canal active. Around 1850, there were said to have been more than forty ships owned and captained by citizens of the village. The lumber industry played a major role in the river activity, with one report claiming that over 130 ships were engaged in the business at one time.

West Troy was at its prime in the decades from 1840 to around 1870. The village attracted many businesses, including notably the Meneely Bell Foundry (a bell manufacturer); J.M. Jones Car Shop (established in 1839, a manufacturer of carriages, wagons, and later, street cars); and James Roy Mills (established in 1843, makers of woolen and worsted goods). By 1850, there were numerous lumbering businesses, foundries, stove and other factories, as well as many home industries.

Around 1851, the Albany Northern Railroad was built. Its proposed location was parallel to the river, east of Broadway. However, local citizens realized the value of the riverfront and opposed the proposed location. This public outcry delayed construction of the railroad, and forced it to be relocated to the west at the base of the hill. The railroad further contributed to the advantageous location of West Troy, and growth continued. The Civil War brought somewhat of a boom to the local economy, with the population jumping from 8,952 in 1860 to 10,639 by 1870. About 1,500 people were employed at the Arsenal at that time in the production of munitions for the U.S.

The first Watervliet bridge was completed in 1874, spanning the river between Congress Street in Troy and Genessee Street (now 19<sup>th</sup> Street) in West Troy. In 1896, the Village of West Troy was dissolved to make way for the incorporation of the City of Watervliet. By 1925, rail and auto transportation had become a faster and more efficient way to carry people and goods. Increasingly, the City's industrial products (cannons, steel, and abrasives) were being transported by rail and highway. The Erie Canal was abandoned and filled. In the 1970s, I-787 was constructed and the City of Watervliet lost its riverfront orientation.

# Watervliet Waterfront Demographic Profile

As stated previously, the City of Watervliet has experienced a population decline in recent years. While the waterfront population has also declined, it has been at a slightly slower rate. In fact, it was estimated that the population in the waterfront area increased slightly between 2000 and 2003. Please see Table 1.

**Table 1: Historic and Projected Population Trends**

Year	LWRP Area		Watervliet		Albany County	
	Number	Growth	Number	Growth	Number	Growth
1990	2,284	N/A	11,046	N/A	292,588	N/A
2000	2,103	-7.9%	10,207	-7.6%	294,565	0.7%
2003	2,113	0.5%	10,156	-0.5%	294,539	0.0%
2008	2,107	-0.3%	10,099	-0.6%	293,532	-0.3%
1990-08	-177	-7.7%	-947	-8.6%	944	0.3%

Source: U.S. Census of Population and Housing and ESRI Business Information Solutions.

The City, as well as its waterfront, is becoming more diverse, with non-white residents comprising 3.7% of the area population in 1990 and 7.3% in 2000. The area's Hispanic population also increased during the 1990s, from 0.9% to 4.1% (21 residents to 87 residents). The waterfront's Diversity Index nearly doubled, from 7.3 in 1990 to 14.1 in 2000, while the City's more than doubled from 7.4 in 1990 to 15.2 in 2000. Please see Table 2 for additional details.

**Table 2: LWRP Area Population by Race and Ethnicity**

Total Population	1990		2000		1990-2000
	Total	%	Total	%	% Change
White	2,199	96.3%	1,948	92.7%	-11.4%
Black/ African American	23	1.0%	62	2.9%	169.6%
American Indian/ Alaska Native	7	0.3%	2	0.1%	-71.4%
Asian	7	0.3%	25	1.2%	257.1%
Pacific Islander	0	0.0%	5	0.2%	N/A
Some Other Race	12	0.5%	26	1.2%	116.7%
Two or More Races	35	1.5%	34	1.6%	-2.9%
Hispanic or Latino*	21	0.9%	87	4.1%	314.3%
Total Population	2,283	100.0%	2,102	100.0%	-7.9%
Diversity Index- LWRP Area	7.3		14.1		93.2%
Diversity Index- Watervliet	7.4		15.2		105.4%

\*Excluded from total. Source: U.S. Census of Population and Housing, 1990 and 2000. Source for Diversity Index: ESRI Business Information Solutions.

National trends call for an aging population as the baby-boomers approach retirement age, and, with medical and health advances, more people are living longer. **Table 3** compares the age characteristics of the waterfront to the City and the County.

In absolute terms, while it is evident that the area's population overall is decreasing, there were increases in those aged 35 - 54 and those aged 85 and older. In comparing the waterfront to the City as a whole and to Albany County, several aspects that distinguish the City's waterfront area become evident.

First, the waterfront area has a larger share of children under the age of five. This is likely due to the location of the Watervliet Housing Authority developments within the waterfront area.

Second, approximately 26% of the population is aged 35 to 64 in both the City and in its waterfront area as compared to about 30% in Albany County as a whole. This is endemic of the national trend of families leaving cities in favor of suburban communities during the child-rearing years.

**Table 3: Comparison of Population by Age**

Age	LWRP Area		Watervliet		Albany County	
	Total	%	Total	%	Total	%
Under 5	147	7.0%	670	6.6%	16,649	5.7%
5-19	409	19.5%	2,007	19.7%	60,603	20.6%
20-24	134	6.4%	717	7.0%	22,609	7.7%
25-34	346	16.5%	1,688	16.5%	39,421	13.4%
35-54	556	26.4%	2,678	26.3%	87,714	29.8%
55-64	159	7.6%	811	7.9%	24,975	8.5%
65-84	305	14.5%	1,439	14.1%	36,609	12.4%
85 and Over	45	2.1%	197	1.9%	5,985	2.0%
<b>Total</b>	<b>2,101</b>	<b>100.0%</b>	<b>10,207</b>	<b>100.0%</b>	<b>294,565</b>	<b>100.0%</b>
<b>Median Age</b>	<b>33.7</b>		<b>33.4</b>		<b>33.9</b>	

Source: U.S. Census of Population and Housing, 1990 and 2000.

Finally, the City and the waterfront area both house a larger share of elderly residents than does the County. Affordability, convenience, proximity to services, and access to public transit are several aspects of urban life that draws older residents to cities. The waterfront houses the Hudson Shores Plaza, a privately developed senior residential development with 122 units for residents aged 55 and over.

As compared to 1990 data, more residents are attaining higher levels of education in both the waterfront and the City. The multitude of colleges and universities in Albany County ensures the presence of a highly educated area workforce. In 2000, a third of the County's population had a bachelor degree or higher. Although educational attainment in Watervliet lags behind the County, it has been improving. In 1990, only 10.6% of the City's population had a bachelor degree or higher; this figure grew to 15.1% in 2000. In 1990, just under ten percent, 9.6%, of the waterfront population had a bachelor's degree or higher. In 2000, this figure had risen to 14.4%. Please see Table 4.

**Table 4: Educational Attainment in LWRP Area, 1990 and 2000**

Age	1990		2000		% Change (1990-2000)
	Total	%	Total	%	
Less than 9th grade	199	13.8%	56	3.9%	-71.9%
9th to 12th grade, no diploma	238	16.5%	213	15.0%	-10.5%
High school graduate	559	38.7%	587	41.3%	5.0%
Some college, no degree	201	13.9%	256	18.0%	27.4%
Associate degree	108	7.5%	103	7.3%	-4.6%
Bachelor's degree	96	6.6%	138	9.7%	43.8%
Graduate or professional degree	44	3.0%	67	4.7%	52.3%
<b>Total</b>	<b>1,445</b>	<b>100.0%</b>	<b>1,420</b>	<b>100.0%</b>	<b>-1.7%</b>

Source: U.S. Census of Population and Housing, 1990 and 2000.

**Table 5** shows a comparison of household income in the waterfront, in the City, and in the County. The economic characteristics of households in the waterfront area are very similar to the City's. More than half the households in the waterfront area (54.9%) earned less than \$35,000 in 1999; this compares to 53.2% for Watervliet and 40.7% for Albany County. Conversely, only 8.4% of households in the waterfront area earned more than \$75,000 in 1999, as compared to 9.0% in Watervliet and 23.5% in the County.

While still significant, the gap in household income, when comparing the waterfront area to both the City and the County, is lessening. In 1990, households in Watervliet made approximately 8.5% more than households in the waterfront area, while Albany County households made 39.9% more. In 2000, these figures had decreased to 2.6% and 36.0%, respectively. The difference in family income, while diminishing when compared to the City (from 7.1% in 1990 to 3.4% in 2000), is increasing when compared to the County. Albany County families earned 31.0% more than

## Inventory and Analysis of Existing Conditions

families in the waterfront area in 1990 and 50.2% more in 2000. The percentage of households living below poverty in the waterfront area decreased from 14.8% to 13.6% during the 1990s. However, the 2000 estimate of 13.6% was still higher than Watervliet (12.3%) and Albany County (10.7%).

**Table 5: Household Income, 2000**

INCOME IN 1999	LWRP Area	% of Total	Watervliet	% of Total	Albany County	% of Total
Less than \$15,000	242	23.8%	982	21.0%	18,870	15.6%
\$15,000 to \$24,999	173	17.0%	760	16.2%	14,632	12.1%
\$25,000 to \$34,999	144	14.1%	748	16.0%	15,632	13.0%
\$35,000 to \$49,999	205	20.1%	899	19.2%	19,033	15.8%
\$50,000 to \$74,999	168	16.5%	871	18.6%	24,146	20.0%
\$75,000 to \$99,999	41	4.0%	220	4.7%	13,105	10.9%
\$100,000 to \$149,999	41	4.0%	146	3.1%	10,054	8.3%
\$150,000 or more	4	0.4%	58	1.2%	5,173	4.3%
<b>Households</b>	<b>1,018</b>	<b>100.0%</b>	<b>4,684</b>	<b>100.0%</b>	<b>120,645</b>	<b>100.0%</b>
Median HH -1990	\$23,836		\$25,861		\$33,358	
Median HH -2000	\$31,730		\$32,548		\$43,160	
Median Fam -1990	\$31,806		\$34,065		\$41,670	
Median Fam -2000	\$37,651		\$38,927		\$56,453	

Source: U.S. Census of Population and Housing, 2000.

According to the U.S. Census Bureau, average household size was 2.14 in 1990 and 2.03 in 2000; average family size was 2.91 in 1990 and 2.74 in 2000.

Resident employment industrial sectors are illustrated in Table 6. Most area residents are employed in the education, health, and social services and public administration industries.

## Inventory and Analysis of Existing Conditions

**Table 6: LWRP Area Residents Employment by Industry-2000**

CLASSIFICATION	LWRP Area		Watervliet		% Area/ City
	#	%	#	%	
Agri./Forestry/Fish/Hunting/Mining	3	0.3%	3	0.1%	100.0%
Construction	46	4.4%	230	4.5%	20.0%
Manufacturing	84	8.1%	437	8.6%	19.2%
Wholesale trade	30	2.9%	194	3.8%	15.5%
Retail trade	139	13.4%	765	15.1%	18.2%
Transportation/Warehousing/Utilities	48	4.6%	195	3.8%	24.6%
Information	30	2.9%	132	2.6%	22.7%
FIRE, rental and leasing	137	13.2%	522	10.3%	26.2%
Profesnl/Scient/Mgmt/ Admin/Waste	60	5.8%	329	6.5%	18.2%
Education/Health/Social Services	172	16.6%	971	19.1%	17.7%
Arts/Entertainment/Recreation/ Accom	78	7.5%	367	7.2%	21.3%
Other Services	50	4.8%	269	5.3%	18.6%
Public Administration	160	15.4%	661	13.0%	24.2%
Total	1,037	100.0%	5,075	100.0%	20.4%

Source: U.S. Census of Population and Housing, 2000.

Resident occupation is shown in **Table 7**. Interestingly, while the waterfront area's unemployment rate closely resembles the County (4.1% as compared to 4.4%), the City's rate is only 2.9%. In 1999, a third of waterfront residents (36.2%) held positions as sales representatives, office employees or administrative staff. An additional 23.4% had management or professional positions.

**Table 7: Resident Occupation, 2000**

Occupation Type	LWRP Area		Watervliet		Albany County	
	#	%	#	%	#	%
Management/Professional	243	23.4%	1,338	26.4%	61,112	42.3%
Service industry	185	17.8%	908	17.9%	20,106	13.9%
Sales/Office and Admin Support	376	36.2%	1,768	34.8%	41,701	28.9%
Farming/Fishing/Forestry	0	0.0%	0	0.0%	168	0.1%
Construction/Extraction/Maintenance	92	8.9%	402	7.9%	8,945	6.2%
Production/Transportation/Material	143	13.8%	659	13.0%	12,448	8.6%
Total	1,039	100.0%	5,075	100.0%	144,480	100.0%

Source: U.S. Census of Population and Housing, 2000.

A journey to work overview is presented in Table 8. As an older, traditional urban community with a tight network of streets and sidewalks, a greater share of area residents walk to work (7.5% compared to 4.3% in the City and 4.7% in the County). As there are several Capital District Transit Authority (CDTA) bus routes in the area, it is unsurprising that a greater proportion of area residents use public transportation to get to work (12.4% compared to 8.5% in the City and 5.6% in the County). In addition, a larger share also carpool to work (13.1% in the waterfront as compared to 10.8% in the City and 9.8% in the County).

**Table 8: Journey To Work Comparison, 2000**

Workers 16+ by Means of Transportation to Work	LWRP Area		Watervliet		Albany County	
	#	%	Total	%	Total	%
Drove Alone	644	64.3%	3,588	72.3%	108,966	76.8%
Carpooled	131	13.1%	537	10.8%	13,902	9.8%
Public Transportation	124	12.4%	420	8.5%	7,956	5.6%
Walked	75	7.5%	215	4.3%	6,672	4.7%
Other Means	17	1.7%	46	0.9%	668	0.5%
Worked at Home	10	1.0%	155	3.1%	3,678	2.6%
<b>Total</b>	<b>1,001</b>	<b>100.0%</b>	<b>4,961</b>	<b>100.0%</b>	<b>141,842</b>	<b>100.0%</b>

Source: U.S. Census of Population and Housing, 2000.

An overview of home values is presented in Table 9. As much of the waterfront area's (and the City's) housing stock is older, and thus smaller than newer housing, home values in the City are lower than homes elsewhere in the County. The disparity in home value has been declining. While median house value in Watervliet was 12.8% higher than the waterfront in 1990 (\$79,748 compared to \$70,714), it was only 7.3% higher in 2000 (\$84,344 compared to \$78,636). In 1990, the median house value in Albany County was 56.9% higher than the waterfront (\$110,933 compared to \$70,714); in 2000, this difference had decreased to 47.9% (\$116,273 compared to \$78,636). This may indicate a correction prompted by an initial under valuation of the City's housing stock.

**Table 9: Value of Specified Owner-Occupied Units, 2000**

House Value	LWRP Area		Watervliet		Albany County	
	#	%	#	%	#	%
Less than \$50,000	21	10.5%	83	8.3%	995	1.7%
\$50,000 - \$99,999	152	76.0%	758	75.8%	18,886	32.9%
\$100,000 to \$149,999	20	10.0%	140	14.0%	22,644	39.5%
\$150,000 to \$199,999	5	2.5%	14	1.4%	8,716	15.2%
\$200,000 to \$299,999	2	1.0%	5	0.5%	4,570	8.0%
\$300,000 or more	0	0.0%	0	0.0%	1,518	2.6%
<b>Total</b>	<b>200</b>	<b>100.0%</b>	<b>1,000</b>	<b>100.0%</b>	<b>57,329</b>	<b>100.0%</b>
Median Value-1990	\$70,714	-	\$79,748	-	\$110,933	-
Median Value-2000	\$78,636		\$84,344		\$116,273	

Source: U.S. Census of Population and Housing, 1990 and 2000.

**Table 10** provides an overview of housing inventory in Watervliet waterfront area. The trend in Watervliet, both within and outside the waterfront area, has been for the conversion of former single family and two family homes into multiple unit rental dwellings. Along with an increase in smaller rental units, this trend has resulted in a diminishing supply of owner-occupied units, with “absentee landlords” owning a greater share of the City’s housing stock. In 1990, 39.7% of Watervliet’s housing was owner-occupied; this figure declined to 37.6% in 2000. In 1990, 37.0% of waterfront housing was owner-occupied; this declined to 33.4% in 2000. Poor maintenance and lack of oversight has led to growing concerns about safety, as an increasing number of structures are dilapidated.

**Table 10: Housing Inventory, 1990 and 2000**

Characteristics	1990		2000		% Change (1990-2000)
	#	%	#	%	
<b>Total housing units</b>	<b>1,121</b>	<b>100.0%</b>	<b>1,148</b>	<b>100.0%</b>	<b>2.4%</b>
Occupied housing units	1,067	95.2%	1,038	90.4%	-2.7%
Vacant housing units	54	4.8%	110	9.6%	103.7%
<b>Occupied housing units</b>	<b>1,067</b>	<b>100.0%</b>	<b>1,038</b>	<b>100.0%</b>	<b>-2.7%</b>
Owner-occupied units	415	38.9%	383	36.9%	-7.7%
Renter-occupied units	652	61.1%	655	63.1%	0.5%
<b>Vacant housing units</b>	<b>54</b>	<b>100.0%</b>	<b>110</b>	<b>100.0%</b>	<b>103.7%</b>
For rent	22	40.7%	63	57.3%	186.4%
For sale only	2	3.7%	7	6.4%	250.0%
Rented or sold, not occupied	9	-	10	9.1%	11.1%
Seasonal, recreation, occasion	0	0.0%	1	0.9%	-
Other vacant	21	38.9%	29	26.4%	38.1%

Source: U.S. Census of Population and Housing, 1990 and 2000.

## Inventory and Analysis of Existing Conditions

---

---

There are also a growing number of vacant units in both the City and the waterfront. In 1990, there were 260 vacant housing units in the City - 5.1% of its housing. In 2000, this had increased to 451 units, or 8.8%. In 1990, the waterfront area had 54 vacant units, 4.8% of the waterfront area's housing. By 2000, the number of vacant units in the waterfront area had grown to 110 units, or 9.6%. While vacant units grew by 73.5% in the City during the 1990s, it more than doubled in the waterfront, increasing by 103.7%.

## Existing Land and Water Uses

### *Watervliet Waterfront*



*Congress Street Bridge.*



*Watervliet's shoreline.*

Since the 1970s construction of I-787 along the western shore of the Hudson River, the City of Watervliet has been effectively cut off from its waterfront. At one time housing a myriad of waterfront commercial and shipping industry uses, today all that remains accessible of the City's shoreline is a 9-acre shoreline park, Hudson Shores Park, and a much smaller, NYS Department of Transportation-owned trailhead.

Both park locations provide for recreational fishing and passive recreation along the shore. Hudson Shores Park provides opportunities for picnicking. The Park houses a pavilion and restrooms. During summer 2004, farmers markets were held at the park. The Mohawk Hudson Bike Hike Trail has an off-road trail segment that continues both north and south of the trailhead. Within the City, the trail is on-road and runs along Broadway. The only other property owner of Watervliet shoreline is the Watervliet Arsenal, which owns a portion of narrow steep shoreline across from the military base.

As infill was placed to support I-787 and the highway was intentionally constructed to flank the shoreline, a good portion of the land along the shoreline south of Hudson Shores Park is steep, graded terrain. As such, it is unbuildable, unusable, and inaccessible.

There are no industrial or commercial water-dependent uses currently existing along the City's shoreline. The City's shoreline is severely constrained by its narrow lots, its lack of privately owned developable parcels, its lack of accessibility. These constraints, and the nature of much of the shoreline itself, which is characterized by steep grades means the location has not attracted any water dependent commercial uses since the construction of I-787. Additional limitations to development are presented by the proximity of the Federal channel along Watervliet's shoreline. These circumstances are not going to change, so the waterfront's lack of appeal for water-dependent commercial uses is unlikely to change anytime in the future. See [Existing Land and Water Uses Map](#).

Although Hudson Shores Park provides waterfront access, pedestrians are forced to cross several I-787 ramps to access the park. The park's adjacency to I-787 also results in several areas of the park being plagued by the loud rumble of automobile traffic.

### *Waterfront Area West of I-787*

The Capital Region houses marinas in Albany, Cohoes, Coeymans, Rensselaer, Ravena, and Troy. While the City of Watervliet did propose the development of a marina at one point, it was eventually nixed by NYS Department of Conservation, as the proposed design required too much infill in the Hudson River. Subsequent discussion about establishing a boat launch at Hudson Shores Park was dropped, as the use would, by necessity, be done to the exclusion of all other uses at the park. Notwithstanding the City's desire to develop a variety of uses at the park to ensure its broad appeal, as there are so many other marinas within close proximity (in addition to those in the Capital Region, nearby Greene County houses five in Catskill and three in Saugerties), any facility development at Hudson Shores Park, given the park's limited land area and lack of nearby amenities, would be hard-pressed to compete in a well-established market.

Thus, the development of non-water dependent, water-enhanced uses along Watervliet's shoreline would not at present, and in the foreseeable future, displace any water-dependent uses from being developed along the shore.

As a result of these factors, City residents' ability to enjoy their location along the Hudson River has been seriously diminished. For this reason, the City is looking for possible opportunities to expand the array of activities available to users of Hudson Shores Park.

To the west of I-787 the City of Watervliet is intensively developed, housing a mix of residential, commercial, industrial, and office uses. As Route 32 has developed into a commercial corridor, many homes on Second and Third Avenues have been renovated to accommodate both ground floor retail uses and multi-family housing. Due to the proximity of I-787, and the resultant automobile noise, a number of homes along Broadway, which runs parallel to I-787, have been converted to commercial uses. While some businesses are located on side streets, commercial uses are primarily concentrated along the major routes that provide access into the City, including Route 32 and Broadway.

The City's northern end accommodates a variety of uses. The City's original village fabric was eliminated in this area, as the blocks between the northern City line and 16<sup>th</sup> Street, and Broadway and Second Avenue, were cleared during the nation's urban renewal

## Inventory and Analysis of Existing Conditions

---

---



*British American Plaza blank face along Broadway.*



*Homes along Broadway.*

period. As a result, much of this area consists of larger-scale development. The Watervliet Housing Authority (WHA) has two public housing communities just north of 21<sup>st</sup> Street, including the 90-unit Michael J. Day Apartments and the 60-unit senior housing Daniel P. Quinn Apartments, and a third located on Second Avenue at 24<sup>th</sup> Street (58-unit Edward E. Joslin family development).

South of the WHA is British American Plaza, a retail shopping plaza that houses a Price Chopper supermarket and other retail and service establishments. South of the retail plaza is the City's senior citizen center, which shares a building with the Watervliet Public Library. North of the senior citizen center is Hudson Shore Plaza Apartments, a 9-story senior housing development that fronts onto Broadway between 16<sup>th</sup> and 17<sup>th</sup> Streets. Second Avenue houses several of the City's parks, including the Veterans' Memorial, a playground, and the City pool.

With some exceptions, most notably the Eckerds Pharmacy, the west side of Second Avenue (Route 32) retains the City's original development. The City line to 16<sup>th</sup> Street consists of a mix of commercial and residential uses. Ground floor retail uses include local restaurants and take-out businesses, banks, and chain establishments. Second Avenue between 16<sup>th</sup> and 17<sup>th</sup> Streets Broadway across from the WHA development houses many automotive related shops, in addition to other businesses and multi-family residential.

Immediately north of the Arsenal is a small area that retains much of Watervliet's original urban development. Many of the City's community and civic buildings are located in this area, including City Hall. A former church building recently acquired by the City is to be retrofitted to accommodate the City's court functions. Several restaurants are located in the area. The Watervliet Fire Department is located on Second Avenue at 13<sup>th</sup> Street. The Dome, the City's indoor recreational facility, is located at Second Avenue and 13<sup>th</sup> Street. The Watervliet Civic Center is located on First Avenue at 14<sup>th</sup> Street.

Encompassing the Port Schuyler neighborhood, the area south of the Watervliet Arsenal is primarily residential. Along Broadway, it is mostly multi-family, as former one and two family homes have been subdivided into smaller rental apartments. The WHA's 30-

### *Watervliet Arsenal*



*The Watervliet Arsenal.*

unit Abram Hilton Apartments is located on Broadway at 5<sup>th</sup> Street. Along Third Avenue (Route 32), commercial and residential uses are inter-mixed. Although most of the commercial activity is neighborhood-oriented, there are several light industrial uses located in this area as well. These include a ladder company and a paint factory. Automotive uses, such as body shops and automobile upholsterers, are also located in the area. Fast food establishments, including delis and pizzerias, can be found along Third Avenue and to a lesser extent, Broadway.

Located in the center of the City, the Watervliet Arsenal encompasses approximately 144 acres of land. Once the City's major industry and top employer, the Arsenal has been the U.S. Army's only manufacturer of large caliber cannon for nearly 200 years. Although it is still operated as an army post, the federal government has reduced activities at the Arsenal in recent years. The only military personnel currently at the facility is the Arsenal's chief commander. In addition, about 20 military families live on the grounds in military housing. As the Arsenal site is federally-owned land, the City has not historically collected any property taxes on the land.

During earlier years of the Arsenal's 200-year history, manufacturing processes contaminated the soils with petrochemicals. For the purpose of preventing and mitigating migration of these chemicals to the Hudson River, the Baltimore Corps of Engineers has been injecting potassium permanganate into two bedrock wells to halt and neutralize chlorinated solvents from reaching the Hudson River via natural hydrology and inclined drainage from Watervliet Arsenal land. The Arsenal has one well tested once a year on the other side of 787. This well is part of a final remedy for the main manufacturing area of the Arsenal.

About 500+ federal-civilian employees work at the Arsenal, including researchers at Benet Laboratories' design, research, and development center. Several hundred more employees work in non-Arsenal, yet military-related fields (such as military recruiting).

In recent years, the federal government, through its Defense Base Realignment and Closure Act, has been focusing on streamlining military activities and consolidating base locations. In response to the trend of federal retrenchment, there has been an ongoing shift



*Trail along the Hudson River.*

### *Existing Water Uses*



*Fishing at the Mohawk Hudson Bike trailhead.*

to privatize the Watervliet Arsenal. While there are no foreseeable plans to close the Watervliet Arsenal, it is anticipated that the shift to privatize the facility will continue.

The Arsenal Business and Technology Partnership, known as the Arsenal Partnership, was created in 1999 by local government, business, and educational leaders. A not-for-profit, the organization's mission is to transform the site into a center for technology and business. The organization actively recruits businesses to the site, marketing it via its website and providing economic development assistance to tenants. As the entire Watervliet Arsenal is included in Albany County's Empire Zone, qualifying manufacturing and commercial businesses at the Arsenal are eligible for special tax benefits and economic development incentives.

In 2004, it was estimated that approximately 70 non-federal workers were employed at the Arsenal compound. One business located on-site includes a training facility that, once underway, will add about 120 non-federal employees to the Arsenal. It is anticipated that, with continued cutback of federal military and non-military personnel from the site, the Watervliet Arsenal will progress into a totally privatized industrial and technology park, under the oversight of the Arsenal Partnership.

The waterside uses along the City of Watervliet's waterfront are presently few in number. The City's shoreline is physically and psychologically separated from the City by Interstate 787, which cuts through Watervliet. Otherwise unneeded lands owned by the NYS Department of Transportation as part of their right-of-way for the highway were eventually deeded to the City for the creation of a linear park. The result was Hudson Shores Park, a 9-acre City-owned park that runs along the Hudson River between 16<sup>th</sup> Street and 23<sup>rd</sup> Street. The park entrance is at 23<sup>rd</sup> Street, but park users must cross several heavily trafficked I-787 ramps to access the park entrance. Limited in size, the park provides a river walk and fishing opportunities.

The Mohawk Hudson Bike Hike Trail is a cycling and hiking trail that runs parallel to the Hudson River from Albany to the southern part of Watervliet, terminating at Fourth Street. In addition to cycling on the trail the trailhead area is also used as an access point for fishing in the river.

### *Underwater Land Issues*

The Federal Channel, under the jurisdiction of the US Army Corps of Engineers, runs along the Watervliet shoreline. The distance between the channel and the shoreline varies. At its furthest point from the shoreline, near Reach 13N, the channel is more than 450 feet into the Hudson River. At its closest point to the Watervliet shore, within ACOE designated Reach 14N, the channel is approximately 70 feet from the shoreline. The Federal Channel is approximately 400 feet wide.

The Watervliet Arsenal owns the mostly narrow, steep wooded shoreline on the eastern side of Broadway, across from the military base. The Arsenal has four water outfalls, as well as storm drainage along this property.

The historic understanding that the air, the running waters and the sea are common to all people is the main tenet of the Public Trust Doctrine. This Doctrine, dating from Roman times and based on common law principles, guarantees the public's right to reach and use tidal lands, waters and their living resources. Under the Public Trust Doctrine, the State of New York generally holds title to the foreshore, tidal waters and submerged land under tidal waters below the mean high water line as trustee for the public, and must administer the use of these lands in the public interest.

In New York State, the courts have interpreted the Public Trust Doctrine to mean that the public has the right to use public trust lands and waters for bathing, boating, fishing and other lawful purposes when the tide is in; and when the tide is out, to walk along the foreshore to gain access to the water for these purposes and to lounge and recline on the foreshore. The courts have recognized that recreation is a valid and protected Public Trust purpose. The Public Trust doctrine applies on the Hudson River, which is tidal to the federal dam at Troy. The Public Trust Doctrine is complicated and ever evolving.

Upland property owners whose lands abut public trust resources have certain limited rights of access to publicly owned lands and waters. These rights are limited as to the type of use, which may be placed in the water, and they must be reasonably exercised. By the nature of location in or over the water, the exercise of these rights always interferes to some degree with public uses of the water and lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase, lease or use underwater lands. In the 18th and 19th centuries, the state sold large expanses of public trust lands and waters to adjacent landowners to promote the development of commerce. In many cases these owners placed fill in the Hudson River to create new upland. In more recent years, private use of public trust waters include marinas, commercial fishing operations, and docks and piers for shipping and recreational boating. Many grants were limited, and public interests in the underwater lands remain. While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of certain grants of public trust land to riparian owners. The courts have held that where some types of grant have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights were extinguished, although the State may still regulate such lands under its police powers and may authorize local governments to do so as well. The courts have also held that some grants are invalid where the grant is no longer in the public interest, or conditions or purposes of grants are not met.

The importance of the Public Trust lands for public access and as a recreational resource and the use of the Public Trust Doctrine to better protect New York's coastal areas, their living resources and the public's rights to access and enjoy them have recently been re-emphasized. The use of trust lands by the public generates billions of dollars for the State economy. The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The areas provide habitat and breeding areas for species of commercial and recreational importance. Private actions that interfere with these activities diminish the public's use and enjoyment of these commercially and recreationally productive areas.

In 1992, the legislature passed Chapter 791 codifying, in part, public trust interests in and to publicly owned underwater lands. The legislature found that regulation of projects and structures, proposed to be constructed in or over state-owned lands underwater, was necessary to responsibly manage the state's proprietary interests in trust lands. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the state. The intent of the act was also to ensure that waterfront owners' reasonable exercise of riparian

rights and access to navigable waters did not adversely affect the public's rights. The legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the state.

Over the years there have been many underwater land grants made by the State to adjacent upland owners along the Hudson River. These grants, which primarily date from the 19th century, are a mixture of commerce grants and beneficial enjoyment grants. Along the shoreline of Watervliet, filling in the Hudson included support for the construction of I-787 during the 1960s and 1970s.

The development of an accurate inventory of public trust lands and those lands that have been leased or granted to private interests within Watervliet is critical. The Village of Mamaroneck, Westchester County carried out such an underwater lands study within the context of their LWRP (Village of Mamaroneck and L.R. Johnston Associates, 1989). This study's three principal objectives:

- to identify those near shore areas (underwater land) where ownership, jurisdiction and right to use the property may be unclear or undocumented in current local codes, programs and plans
- to document and clarify the ownership, jurisdiction and usage rights on these properties
- to evaluate how this information may affect local and State management of water and waterfront areas and, more specifically, how this information can best be utilized by the local municipality to improve public access and recreational opportunities, protect and promote water dependent uses and maintain scenic quality

This study provides a model which could be used in the City of Watervliet to inventory and analyze its underwater land resources.

Before considering any development activity or land purchases in the waterfront area, prospective developers and owners are advised to check on the ownership of underwater and formerly

underwater filled lands. This must be done at the OGS office in Albany. OGS manages State owned lands, including underwater lands that are not managed by another State agency, and maintains a series of "Water Grant Index maps" that identify lands within State ownership as well as grants, easements and leases issued by the State to various public and private areas. According to an April 14, 2003 correspondence from Allan L. Scott of OGS, the portion of the City's shoreline that runs along Hudson Shores Park is within the boundaries of lands previously granted by the State of New York, as part of the George Tibbits Grants of 1835 and 1851. Issued for commerce related uses, both grants continue to be valid.

It is important to fully understand the nature of the ownership of underwater lands as municipal, State and federal agencies should consider the public's rights under the Public Trust Doctrine during their regulatory review of development proposals. In many cases it can provide a rationale for modifying or denying permits when an activity would impair public trust resources or if the use is inconsistent with the Public Trust Doctrine. Where areas have been illegally filled, both state and federal agencies can seek to have the area restored to its original condition or require the provision of compatible public trust opportunities. Existing State grants, easements and leases to upland owners for use of public trust lands do not necessarily extinguish the public's rights to use these resources. Remaining public rights depend on the specific grant, easement or lease and in some cases require judicial interpretations. In addition, the federal government and the State both regulate activities in navigable waters overlying underwater lands including the Hudson River.

# Waterfront Area Zoning

## *Zoning Districts*

The zoning districts located within the Watervliet waterfront area include R-3 Residential, R-4 Residential, Business B-1, Manufacturing M-1, Business B-2, Waterfront Recreation WRD, Waterfront Open Space WOSD, and Waterfront Business WB. See [City of Watervliet Zoning Map](#).

R-3 Residential districts permit the following uses: one-family dwellings, two-family dwellings, fire stations and other public buildings and essential services, churches and places of worship, public libraries or public museums, public schools, parochial schools, institutions of higher learning, public parks, and playgrounds, hospitals, cemeteries, structures for public utilities, bulletin boards or signs in connection with the uses permitted in the district and accessory uses and structures.

There are three sizable areas within the waterfront area that area zoned R-4 Residential. R-4 districts permit all those uses in R-3 Districts plus multi-family dwellings, high-density multi-family dwellings, residential hotels, boardinghouses, lodging houses, rooming houses and tourist houses, nursing homes, convalescent homes, homes for the aged, clubs, lodges, social and recreational center buildings, professional offices, funeral parlors and signs.

The City's Central Business District, its B-2 Business district does not permit single and two-family dwellings. It does permit fire stations and other public buildings, stores, shops or markets, business and professional offices, banks and fiduciary institutions, restaurants, gas stations, signs, hotels, theaters, dance halls, billiard rooms, bowling alleys, skating rinks, commercial schools, newspaper publishers, funeral homes and mortuaries, new and used motor vehicle sales and service, laundries and dry-cleaners, municipal and other governmental buildings. A small B-1 Local Business district exists along Third Avenue, between 6<sup>th</sup> and 7<sup>th</sup> Streets. B-1 districts allow any use permitted in the R-3 District. In addition, person business and professional offices, banks and financial institutions, restaurants, gas stations, and signs.

The Watervliet Arsenal is zoned M-1 manufacturing. There is also a small M-1 district located north of 25<sup>th</sup> Street between Broadway and Second Avenue. This district permits any use in the CBD except that no building can be used for dwellings. Manufacturing uses are not specified, but are permitted upon written approval of

### *Flood Damage Prevention Ordinance*

the Board of Zoning Appeals, if they would not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions.

The Waterfront Business district has specific regulations for waterfront recreation and tourism uses. This district allows the City to work with potential developers to target the desired types of development, such as restaurants, shops, and cafes.

The Waterfront Recreation District applies to City owned lands along the shoreline that comprises Hudson Shores Park. A range of public water-related uses are permitted.

The Waterfront Open Space District encompasses the City's shoreline outside of Hudson Shores Park and is characterized primarily by steeping sloping shore lands.

The City's Flood Damage Prevention Ordinance was adopted in 1987 to minimize public and private losses resulting from flood conditions. The chapter applies to all areas of special flood hazard within the City, as identified in the *Flood Insurance Study for the City of Watervliet, of Albany County, New York* dated 1979.

A "floodway", or "regulated floodway", is identified as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the amount permitted. These areas, which correspond to FEMA's 100-year flood zone, are regarded as extremely hazardous due to high velocity floodwaters that may carry debris and land areas that may erode and give way. For identified floodways, the ordinance prohibits all encroachments, including fill, new construction, substantial improvements and other development, unless a technical evaluation demonstrates that such encroachments will not result in any increase in flood levels during a base flood discharge.

The City of Watervliet's Flood Damage Prevention Ordinance identifies specific standards and requirements for construction in flood areas. These standards include construction practices as well as construction materials. For residential development, the ordinance requires that the lowest floor of any home be elevated to or above base flood elevation, with special enclosed areas below

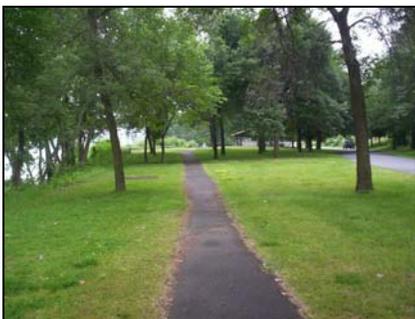
the first floor designed to allow for the entry and exit of floodwaters. The ordinance mandates that the lowest floor of nonresidential structures be elevated to or above the base flood elevation, or be flood proofed so that the structure is watertight below the base flood level. New construction must be anchored and constructed using flood resistant materials and equipment. For areas without base flood elevations, the lowest floor must be elevated at least two (2) feet above the highest adjacent grade next to the proposed structure foundation.

Please see the *Wetlands and Flood Zone Areas* section for a discussion of the areas within the City that are located within flood hazard areas and the [Natural Resources Map](#).

## Recreational Resources

### *Waterfront Resource Areas*

### *Hudson Shores Park*



*Hudson Shores Park Trail that Terminates at 15<sup>th</sup> St.*

Interstate 787 parallels the shoreline, functioning as both a barrier to and separating the Hudson River shoreline from the City's business and residential areas, effectively limiting Watervliet residents' physical and visual access to and enjoyment of the river. Two underpasses provide access, one at the northern end of the City at 23<sup>rd</sup> Street, and one at the southern end at Fourth Street. The northern access point is at the entrance to Hudson Shores Park while the southern access provides entrance to the Mohawk Hudson Bike Hike Trail. Hudson Shores Park, the larger of the two parklands and City-owned, is an important part of the City of Watervliet's waterfront that is not fully utilized as it could be.

This 9-acre park runs between 16<sup>th</sup> Street and 23<sup>rd</sup> Street, with an entrance at 23<sup>rd</sup> Street. Located along the Hudson River, adjacent to I-787, the park provides a river walk and fishing opportunities. Watervliet now owns the park, which was at one time owned by New York State and leased to the City. It was developed in 1975 after the construction of Interstate-787, and includes picnic tables and public rest rooms. A pavilion was later added. The restrooms are opened when the pavilion is rented out. There are approximately 40 on-site parking spots. Although the City's primary access to the Hudson River, the park is difficult to access. Park goers must traverse several I-787 ramps to get to the park entrance-which is in Village of Green Island. As a result, the park is not as widely used as it could be.

The park could benefit substantially through the development of additional activities and attractions, giving it a wider appeal. Other water enhanced uses such as restaurants and cultural activities would serve to spur additional use of the park. During the LWRP public participation process, many residents indicated a desire for other water-based uses, such as boating, at the park.

While there is a strong desire to develop as many uses at Hudson Shores Park as possible, making the area more attractive and appealing, the park is severely limited by its size. At only 9 acres, much of the park is already occupied by circulation roads, parking, paths, and structures (including the pavilion and restroom building). These facilities currently occupy about 1 ½ acres or nearly 17% of the park. In addition, much of the park's shoreline is steeply graded and not developable. To accommodate and facilitate increased usage at the park, an

## Inventory and Analysis of Existing Conditions

---

---



*Hudson Shores Park Parking Area.*



*Fishing Spot at Hudson Shores Park.*

additional parking area will be developed (this will total approximately a third of an acre). With this, about 20% of the park will be developed. The remaining areas will remain as recreational open space.

Many of the residents and members of the business community that attended the public workshops during the LWRP process expressed a need to maximize Hudson Shore Park's potential for recreational and other uses. To this end, participants expressed a need to maintain as much landside area as possible to provide for a diverse range of activities. At present, the park houses a pavilion, picnic area, and restroom facility. During the warm weather months, people walk or bike along the park's trail, picnic at the table areas, or attend the City's farmers market. During the winter months, the park is a popular spot for cross-country skiing. While there is one area that is slightly cleared that provides access for fishing, there are currently no spots in the park where a person can legally launch a kayak or canoe.

During the LWRP public workshops, City residents expressed an interest in seeing improved water access points at the park for both fishing and boating. Many families with young children live near the park and people expressed a desire for a playground and additional park benches. While the picnic areas provide seating, older residents expressed a desire for additional bench seating closer to the shore, so that park goers may sit along the shore and view the Hudson River. Workshop participants also expressed a desire to see the development of water-enhanced uses that would attract more of a cross-section of people, both residents and non-residents, younger people, older people, and families, and would provide a potential spark to encourage economic revitalization in the City and in its beleaguered waterfront area. Ideas for water-enhanced uses identified by participants during the LWRP public workshops including developing a restaurant at the park and an outdoor theater for summertime concerts.

Unfortunately, the realities that this is the City's only waterfront park area and it is severely limited in size presents a very large impediment to developing new uses at the park. The City must be very judicious in how it considers development of the park, to ensure that the park has broad appeal and

## Inventory and Analysis of Existing Conditions

---

---



*Hudson Shores Park Pavilion.*

maintains a balance of diverse uses. For instance, while a boat launch was identified as a potentially desirable use, the idea was nixed by the City as the development of trailer parking to accommodate boat launch users would require paving too much parkland, ultimately diminishing the park's appeal for non-boaters.

The City may be able to consider several of the other uses, such as a playground, suggested by participants in the LWRP process. The National Recreation and Park Association promotes a standard for playground development that identifies a range of  $\frac{1}{4}$  acres to  $\frac{1}{2}$  acres for each 1,000 residents in population. The Watervliet waterfront area has an estimated 2003 population of 2,100. Although Pershing Green, Reds Field and the Seventh Street parks all have playgrounds, these parks are all located south of the Watervliet Arsenal. There is no playground in the waterfront area north of the Arsenal. A playground at Hudson Shores Park would range in size between  $\frac{1}{2}$  acre and 1 acre. Development of such a playground would add to the park's variety of uses and would not require the use of too much land. Another possibility for expanding the diversity of uses at the park includes the use of temporary, waterside structures.

### *Mohawk Hudson Bike Hike Trail*



*Mohawk Hudson Bike Hike Trail Entrance.*



*Mohawk Hudson Trail Parking.*

The Mohawk Hudson Bike Hike Trail is both an off-road and on-road cycling and hiking facility. Beginning at the Corning Preserve in downtown Albany, the trail is off-road through the Village of Menands and the Town of Colonie, up until Fourth Street in the City of Watervliet. It should be noted that through the Town of Colonie, adventurous trail users vary their hike by taking an alternate route through the historic Schuyler Flatts, the Schuyler Flatts Connector. At Fourth Street in Watervliet, the off-road segment of the Mohawk Hudson Bike Hike Trail terminates and from this point, the trail segment runs coterminous with Broadway/NY Route 32 through the City of Watervliet. At Twenty-fifth Street in Watervliet, north of Henry Hudson Shores Park, the Bike Hike Trail turns to the northeast into the Village of Green Island. This trail segment continues as an on-road trail until Alexander Street in Cohoes when a new off-road facility begins.

Owned by the NYS Department of Transportation, Albany County is responsible for the Mohawk Hudson Bike Hike Trail's maintenance. The trail provides a relatively flat and protected course, as well as an attractive view of the Hudson River. The trail continues off-road along the river in Watervliet because the strip of land between the highway and the river is very steep and narrow. At the time the trail was built, the costs of making necessary improvements to the bank outweighed the perceived benefits of extending the bikeway. As it currently exists with the on-road segment, trail users must often contend with vehicular traffic on Route 32, as it is a busy thoroughfare, and cars parked along the on-road trail, both of which limit visibility for cyclists and contribute to safety problems.

*The Mohawk Hudson Bike Hike Trail Crossroads Connections Study*, completed in July 2003, recommended constructing an off-road connection that would link the Mohawk Hudson Trail with Hudson Shores Park. This study also recommended connecting the Mohawk Hudson Bike Hike Trail in Menands with the Schuyler Flatts recreational facility located in the Town of Colonie but with an entrance in Watervliet at Broadway and 1<sup>st</sup> Street.

Parking for trail users is provided in Watervliet at Fourth Street and also in the City of Albany where the trail originates. The Watervliet parking lot provides parking for about 30 vehicles. The trailhead area is also used as an access point for fishing in the River

### *Parks and Recreational Areas*



*Canon commemorates history in munitions manufacturing outside the Community Center.*

and the trail is also used during winter months for cross-country skiing.

The City would ultimately like to see the trail extended north of Fourth Street and connected to the trail in the Hudson Shores Park. The City has sought grant funds to facilitate the development of a connection between the two trails.

In addition to Hudson Shores Park and the Mohawk Hudson Bike Hike Trail, Watervliet has a number of parks and recreational areas located within or adjacent to the waterfront area.

- **Pershing Green:** This park, named after famed General "Black Jack" Pershing, is located at Second Avenue and Fourth Street. Park amenities include a basketball court, swings and playground.
- **Seventh Street Park:** This park is located at Seventh Street and Second Avenue in the City's Port Schuyler section. Park amenities include a basketball court, swings and playground apparatus, and a summertime spray pool.
- **Reds Field:** This playground and park area is located at Eighth Street and Third Ave in Port Schuyler. The park amenities include a baseball/softball field and a basketball court. This park is located just beyond the waterfront coastal boundary.
- **The Dome:** also known as the Watervliet Veterans Memorial Recreational Facility, is an indoor facility that provides a year round location for recreational activities. The facility is located at Second Avenue and 13th Street. Recreational activities at the Dome include ice-skating in the winter and basketball and soccer during the summer.
- **City Pool:** The City maintains a municipal swimming pool that is open to residents of the City. Located on Second Avenue, between 15th and 16<sup>th</sup> Streets.
- **Veterans Memorial:** Located next to the City Pool on Second Avenue at the corner of 16<sup>th</sup> Street is the new



*Schuyler Flatts Historic Site and Recreational Trail has an entrance on Broadway at 1<sup>st</sup> Street.*

Veterans Memorial. This passive park area includes a memorial, with flower garden and seating.

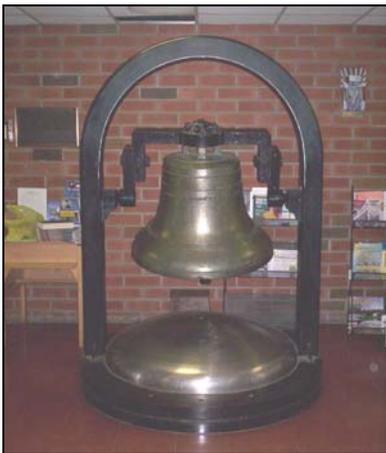
- **The Watervliet Civic Center:** Located at First Avenue and 14<sup>th</sup> Street, this facility houses many programs for young people including golf lessons, basketball, and billiards.
- **Watervliet Community Center:** Located on Broadway between 15<sup>th</sup> and 16<sup>th</sup> Streets, the community center doubles as a senior center and a library.
- **Schuyler Flatts:** A National Register listing, Schuyler Flatts was also designated a National Historic Landmark on November 4, 1993. The area contains the archeological remains of 6,000 years of human occupation including intact features and artifactual evidence. Located in the Town of Colonie immediately to the south of Watervliet, Schuyler Flatts was recently rehabbed by Colonie with assistance from the City. The area is a multi-use facility with open space that can be used for recreational purposes as well as areas with historic markers that identify the historic nature of the site. A foundation owns the property and the Town of Colonie maintains it. There is an entrance to the park in Watervliet at 1<sup>st</sup> Street and Broadway, or via the Fourth Street trailhead.

## Historic Resources

### *Hudson Mohawk Urban Cultural Park/RiverSpark*



*This Historic Marker commemorates the Erie Canal Side Cuts.*



*A Meneely Bell Sits in the Watervliet Community Center.*

While the City of Watervliet is an area rich in historical and cultural resources, this fact is underplayed by the lack of resources identifying the City's role in New York's industrial history. See [Historic Resources Map](#).

The Hudson-Mohawk Urban Cultural Park, known as RiverSpark, is an innovative park design that preserves, interprets and promotes the historic resources and heritage of a region that was at one time the industrial heartland of the nation. In addition to Watervliet, RiverSpark's other member communities include the Cities of Cohoes and Troy; the Villages of Green Island and Waterford; and the Towns of Waterford and Colonie. First developed in 1977, the Hudson-Mohawk Urban Cultural Park was the model for the State's Heritage Area System, created later in 1982. The park's infrastructure includes three visitor centers located in Troy, Cohoes and Waterford with a new center currently being developed on Peebles Island.

Themed attractions designed to interpret the park's labor and industry theme include the Watervliet Arsenal Museum and the R & S Car Shop in Green Island. In addition to learning experiences, RiverSpark promotes recreational activities such as bicycling, boating, and sightseeing. A 28-mile Heritage Trail links the park's many historic and recreational resources. In addition to the City's recreational resources, RiverSpark includes the following historic resources in its cultural resource inventory: the Watervliet Arsenal, site of the James Roy Mills woolen mill and associated worker housing, and the Erie Canal's sidecuts.

Although the City is one of the original member communities of RiverSpark, they have not maintained their involvement with the Heritage Area. One potential resource that the City could promote is its place in the history of American bell casting. Troy and West Troy (now Watervliet) were at one time home to four separate bell-casting foundries, producing more bells for the nation than any other region. Three of the four also made chime sets. Many of these bells and chimes are still in existence today. Torn down during the urban renewal period of the 1960s, one of the most prominent of the area's bell manufacturers was the Meneely Bell Foundry, located on Broadway in what was formerly West Troy. In 2002, RiverSpark celebrated the 200<sup>th</sup> anniversary of Andrew Meneely's birth with special exhibits, lectures, and a bus tour of

### *National Heritage Areas*



*Postcard of Erie Canal at 23rd Street Side Cut in Watervliet*

### *National Register of Historic Places*

local bells. According to RiverSpark, they continue to receive many inquiries about Meneely bells.

The City of Watervliet is also within close proximity to two very important National Heritage Areas. These are the Erie Canal National Heritage Corridor and the Hudson River Valley National Heritage Area. Heritage areas were developed as a strategy to encourage residents, government agencies, non-profit groups, and private partners to collaboratively plan and implement programs and projects that recognize, preserve, and celebrate many of America's defining landscapes. The heritage areas seek short and long-term solutions to their conservation and development challenges by fostering relationships among regional stakeholders and encouraging them to work collaboratively to achieve shared goals.

The Erie Canal National Heritage Corridor Commission recently completed a new Preservation and Management Plan to guide future development and projects along the corridor.

#### **The Watervliet Arsenal Historic District**

The Watervliet Arsenal Historic District is one of two sites within the City of Watervliet listed on the National Register of Historic Places. Adjacent to and visible from the Hudson River, the district includes a variety of noteworthy buildings, including the Iron Building, which houses the Watervliet Arsenal Museum. The Arsenal, founded in 1813, was also designated a National Historic Landmark on November 13, 1966.

The Iron Building, also known as Building 38, was erected in 1859 and is made entirely of pre-fabricated cast iron plates, cast and wrought iron trusses, and sheet steel roofing. Originally a storage facility for tools and equipment, the building's entire 30,000 square foot area houses a museum, archives, offices and storage. Artifacts on display range from special leather goods manufactured at the arsenal to the world-class quality cannon for which Watervliet Arsenal is known.

As one of RiverSpark's major theme attractions, the Arsenal Museum interprets the Arsenal's history, including the role it played in America's defense since 1813, as well as its role in the economic development of the region. The Watervliet Arsenal Museum tells the story of America's development of cannon as well as the history of America's oldest, continuously active arsenal.



*Erie Canal at the Side Cut at 23rd Street with the "Viking" en route to Chicago World Fair in 1895.*

### ***Other Potential Historical Resources***

As a Certified Army Museum, the Arsenal Museum is free and open to the general public from 10 a.m. to 3 p.m. Sunday through Thursday. Visitation has been as high as 5,000-6,000 annually, but in recent years has been around 3,000. There is also a library and research facility complete with historical publications, photographs, and other files describing military history.

#### **Watervliet Side-Cut and Double Lock**

The second site in Watervliet is the Erie Canal's side-cut and double lock. According to NYS Department of Transportation officials, this site is buried in sand under the northbound exit ramp of Interstate 787 at 23rd Street.

#### **Schuyler Flatts**

Schuyler Flatts is another National Register site, in addition the site was also designated a National Historic Landmark on November 4, 1993. The Flatts, located south of the City in the Town of Colonie, is accessed via an entrance on 1<sup>st</sup> Street at Broadway or through the Fourth Street trailhead. The area, one of the earliest settlements along the rich, alluvial flatlands on the bank of the Hudson, has great archeological potential due to its long history of settlement. Of primary importance in its history were settlements by the Indians, and subsequently by the Dutch. The site is named for the Schuyler family who established a late 17<sup>th</sup> century farm. The area was also used as a camp and hospital grounds for Revolutionary troops.

*The Hudson-Mohawk Urban Cultural Park Heritage Trail Technical Report* (prepared by the Preservation/Design Group and the Reimann-Beuchner-Crandall Partnership in 1979) included a comprehensive Cultural Resources Inventory for the City of Watervliet. During the 1980s LWRP planning process, a licensed architect familiar with National Register designation criteria conducted a visual exterior inspection of the properties listed in that report. As part of the 2004 LWRP planning process, site visits were conducted to ascertain whether the structures from the 1979 report still existed and were still in a condition qualifying them as potentially eligible for the National Register. While several structures, such as Public School #1, are in a state of disrepair, they are still noteworthy for their historic significance and architectural qualities.

During the LWRP planning process, the Community Advisory Committee identified an area that, due to a concentration of historic resources, had potential for the creation of a local historic district. The City may explore such a designation in the future. This area, encompassing Broadway west to Second Avenue and north of the Arsenal to 15<sup>th</sup> Street, includes several of the resources identified in **Table 11**. These resources are indicated with an asterisk (\*).

The St. Nicholas Ukrainian Catholic Church, located at 2410 Fourth Avenue, at the corner of 24<sup>th</sup> Street, is just beyond the coastal boundary. This Church was recently identified for inclusion on the State and National Historic Place Registers.

281 Broadway	Watervliet City Hall (15 <sup>th</sup> Street & Broadway)*
329-399 Broadway	Russell Place (13 <sup>th</sup> Street & 1 <sup>st</sup> Avenue)*
401-429 Broadway	201-209 Thirteenth Street*
525 & 529 Broadway	1425 & 1429 Broadway*
527 Broadway	1437 Broadway*
Public School #1	1445, 1449, 1453 Broadway*
779 Broadway	United Methodist Church (1409 First Ave.) *
917 Broadway	1432 First Avenue*
937 Broadway	1415 First Avenue*
953 Broadway	1436 First Avenue*
2101 Second Avenue	Reformed Dutch Church
2115 Second Avenue	201-203 16 <sup>th</sup> Street
2121 Second Avenue	Mc Intyre Hose Company
Ukrainian Church	VFW northern foundation wall - Erie Canal
St. Patrick's Church	19 <sup>th</sup> Street

***Other Potential  
Archaeological and  
Underwater Resources***

According to the NYS Office of Parks, Recreation, and Historic Preservation, the City of Watervliet is, as is much of the Hudson River corridor, a significantly archeologically sensitive area. This is unsurprising given the historic role the Hudson River played in the life of both Native Americans and early European settlers. During the construction of I-787 in the 1960s, the potential for archaeological resources located along both sides of the highway was well documented. Any land disturbance of these areas would likely trigger the need for an archaeological survey.

While there is the potential for archaeological resources in the lands along the Hudson, no underwater resources, such as shipwrecks, have been identified along the river bottom itself.

## Natural Resources

### *Wetlands and Flood Zone Areas*



*View of Mohawk Hudson Trail  
Entrance From River.*

### *Wildlife/Fish Resources Area*

Environmental conditions identified and examined during the LWRP planning process include the following: wetlands and flood prone areas, fisheries and wildlife, soil and erosion, steep slopes, water quality, and noise.

Wetlands and activities in them are regulated by the NYS Department of Environmental Conservation and the U.S. Army Corps of Engineers. NYSDEC wetland classification determines what uses are permitted in wetland areas. There are four classes of wetlands - Class I being the most sensitive, thus the most limited in terms of permitted uses; and, Class IV being the least sensitive.

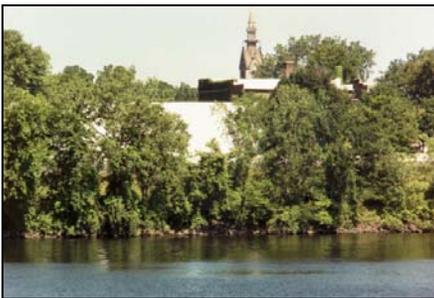
The NYS Department of Conservation has identified and regulates a freshwater wetland at the City's southern end, bordering the Mohawk Hudson Bike Hike Trail head and partially under I-787. The wetland is 14.6 acres, however only about 6 acres is located in Watervliet. The remainder is located in the Town of Colonie. Part of the Schuyler Flatts wetlands, this wetland is known as "Little River." Due to its location within an urbanized area, the wetland is designated Class II. Permits for activity in a Class II wetland are issued only if a significant social and economic need is demonstrated, which clearly outweighs the loss of the benefits provided by the wetland.

Through the National Flood Insurance Program, the City of Watervliet established regulations designed to protect against damage from flooding within the flood hazard area. While not entirely seasonal, most major flooding occurs in the City from February through May, as a result of snowmelt and spring rains. However, flooding has occurred in summer and fall months as a result of frontal storms. Major floods occurred in 1857, 1886, 1900, 1902, 1913, 1936, 1949, and 1977.

Please see the [City of Watervliet Natural Resources Map](#) for a delineation of the 100-year flood zones and identification of the City's major soil types. Base flood elevations for Watervliet range from 24 feet at the southern end of the City, to 27 feet at the north.

As an estuary, the Hudson River supports an abundant variety of natural resources. According to NYSDEC, the estuary contains important spawning and nursery grounds for commercially

### *Soil and Erosion*



*Watervliet's shoreline.*

valuable fish and shellfish. NYSDEC, in 2001, identified the Hudson River adjacent to Watervliet, as supporting a freshwater fishery that includes sportfish such as largemouth bass, smallmouth bass, striped bass, walleye pike, northern pike, tiger musky, American shad, and gizzard shad. Many of these species feed on the migrating runs of blueback herring and alewives. Other fish identified as utilizing the area include the Atlantic sturgeon and the endangered shortnosed sturgeon, as well as white perch, yellow perch, brown bullhead, catfish, and eels.

The river's tidal wetlands and beds of submerged aquatic vegetation support numerous other ecosystems, including a variety of plant and animal species. The river offers important resting and feeding areas for migratory birds.

A waterfowl wintering area has been identified as existing in the area from the federal dam in Green Island, south to the Congress Street Bridge. The small islands in the river (the largest of which is Center Island) provide a protected area away from the river's main channel, where waterfowl such as mallards and black ducks are concentrated in winter months.

*The Soil Survey of Albany County*, completed in 1992, identifies much of the soil along the waterfront as being urban land and clayey urban land, with a composite of urban land and clayey and loamy Udorthents soils. This composite is usually about 50% urban land, 30% Udorthents, and 20% other soils. Slopes range from 0 to 8%. Typically the surface layer of Udorthents is about 5 inches thick, with the layers below the surface to a depth of 60 inches or more, a brown and yellowish brown silt loam to silty clay containing as much as 40% rock fragments. The natural drainage, permeability, available water capacity, and runoff vary with the soil material. Urban land runoff is rapid.

The Arsenal has some areas where the soil is Nassau channery silt loam, both rolling and undulating. For the rolling variety, these soils are shallow and excessively drained, with slopes ranging from 3% to 15%. For the undulating variety, these soils are shallow and excessively drained, with slopes ranging from 3% to 8%. For both varieties, the surface layer is typically dark grayish brown channery silt loam about 8 inches thick. The subsoil is yellowish brown and about 8 inches thick. Dark gray shale bedrock is located at a depth of 16 inches. Depth to bedrock is 10 to 20 inches, limiting

the rooting depth. Permeability is moderate, while available water capacity is very low.

The northern part of the waterfront, right along the shoreline, is characterized as landfill. The construction of Interstate 787 prompted major changes in Watervliet's shoreline. Largely made up of fill, the shoreline has been rip-rapped with rock for bank stability. As these soils are principally fill and alluvial deposits, they are susceptible to erosion because the particles are small and easily transportable. Erosion may occur in areas where the riverbank is steep, particularly where it lacks sufficient vegetation to provide stability. However, there have been no problems with erosion along the City's shore in recent years.

### *Slopes*

The City of Watervliet's Hudson River shoreline is characterized primarily by steep slopes. The segment of shoreline owned by the Watervliet Arsenal, encompassing the shore directly across from the Arsenal, is the most narrow, steep portion of the shoreline. Lacking any developable land, this segment is fortified by a retaining wall. To the north of the Arsenal, the City-owned Hudson Shores Park, and to the south, the State-owned Mohawk Hudson Bike Hike trail, both have wider flat lands with some steep areas closer to the riverfront. A good portion of Hudson Shores Park is sloped, rendering a sizable portion of the park undevelopable for recreational purposes.

### *Hudson River Water Quality*

In this area, the Hudson River has long suffered from chemical and biological pollutants. According to NYS Department of Conservation, Region 4, in a correspondence dated June 17, 2004; the stretch of the Hudson River adjacent to the shoreline of Watervliet is classified as Class C. As Class C, the water is regarded as good for fish breeding and fishing. There are moderate impairments due to the presence of priority organics and Polychlorinated Biphenyl (PCB) contamination. While the river is currently regarded as unsuitable for swimming or drinking, there are Statewide goals to improve water quality, allowing the river to be swimmable by 2009.

### *Stormwater Management*

While the City is designated as an MS4 community, it currently has no parcels, aside from parklands, exceeding one acre in size. Watervliet has been proactive in educating the public on preservation of water quality. In conjunction with the Village of

Menands, the City held a workshop on safe lawn care. Educational programs addressing stormwater management have also been broadcast on the local television network.

In addition to the City itself, the City has three major independent contributors to stormwater runoff. These are the Town of Colonie, the Watervliet Arsenal, and I-787. The Town of Colonie, which encircles the City on its three landward sides, contributes more than 80% of the total volume of stormwater that passes through the City's systems. The exact extent and impact of discharges from the Watervliet Arsenal, which comprises about 25% of the City's land area, is not known. I-787 generally sheds runoff to both the east and west along the City's Hudson River shoreline.

The City has been actively addressing water quality issues on two important fronts. The City has been actively participating on an Albany County Water Quality Sub Committee that deals solely with stormwater issues. One primary objective of the committee is to assist municipalities in developing and implementing newly identified federal requirements from the Environmental Protection Agency. The Committee also works to efficiently channel the resources of the Capital District Regional Planning Commission (CDRPC), Albany County Soil and Water Conservation, and Albany County Planning. Albany County Planning, on behalf of the committee, applied for and received a \$100,000 grant to assist in this endeavor. Using monies available from several sources (including grant funds allocated for stormwater management, 604B Program funds disbursed through CDRPC, and Albany County Soil and Water resources), the committee has focused on developing a variety of activities, so that the overall effectiveness of the funds is maximized.

Activities funded through the program include public education and outreach; training building officials; educating zoning and planning board members; and training contractors. Other objectives include the evaluation of stormwater management plans as they impact adjacent communities and developing intermunicipal agreements, GIS mapping, assessment of local land use, and providing educational resources for all communities.

Watervliet's stormwater management program includes public outreach and education to inform residents of the impacts associated with illegal discharges and improper disposal of

household chemicals. The City will also draft an ordinance in the future to address all aspects for the proper channeling of stormwater. This will include developing an appropriate design as well as establishing maintenance guidelines for newly-constructed properties on 1+ acre sites. This will insure that best management practices are being implemented.

The second area where the City has been attempting to address water quality issues is the combined sewer overflows, CSOs. The City currently holds a SPDES permit that was revised recently to comply with the Federal Combined Sewers Overflow Policy. The permit set forth the best management practices that the City has in place and will continue to follow. The permit also outlines the timetable for the creation of a long-term control plan for the City and five of its adjoining neighbors that have CSO's along the Hudson River. The City has been working in conjunction with these neighbors – Albany, Troy, Cohoes, Green Island, and Rensselaer – with CDRPC and DEC in developing a long-term control plan. This project is estimated to cost in excess of \$4 million. Based on the findings and recommendations of the study, substantial improvements to the water quality of the Hudson River should result.

At present, there are a limited number of sources of direct discharge into the Hudson River from the City of Watervliet. The Watervliet Arsenal has a treatment plant where it processes industrial wastewater, including operational and cooling water. The plant treats chromic acid laden rinse waters and oily wastes, releasing chemically safe waters to the Hudson River under New York State Department of Environmental Conservation permits. The environmental composition levels of the Arsenal discharge falls well within the requirements identified by the Clean Waters Act for aquatic use. The solid sludge generated through the treatment process is removed to appropriate landfills.

While the City currently has five (5) outfalls, consistent with its cooperative efforts with adjacent communities, Watervliet has taken proactive steps to eliminate overflows from its combined sewers. Discharges from the city's combined sewer overflows (CSO) occur only in wet weather. In 2003 the City was able to, through a bond act grant, remove one CSO from its inventory.

**Noise**



*No Visual or Sound Mitigation along I-787 on Broadway.*

One of the most obvious and difficult environmental issues in the waterfront area is that of noise pollution. Interstate 787 is not only a physical barrier, but also a major source of noise pollution in the area. In most areas of Hudson Shores Park and along Broadway, the noise is very pronounced. Traffic volumes along this stretch of I-787 have increased considerably, by more than a third, in recent years. (Please see **Table 12** that follows). Recent reconstruction and repaving of I-787 resulted in the highway being raised along its entire length, varying between a few inches to at least a foot in some sections, making the noise even more pronounced. To encourage more recreational users to both waterfront parks, the Mohawk Hudson Bike Hike trail and Hudson Shores Park, as well as to encourage visitors to Broadway, mitigation must be installed.

**Table 12: Interstate 787 Traffic Volumes**

Year of Traffic Count	1994	1997	1998	2000	2002	% Change 1994-2002
Segment: Colonie to Route 7	55,487	59,017	62,103	69,041	74,640	34.5

Source: New York State Department of Transportation Traffic Volume Report and HSR Report Annual Average Daily Traffic.

**City of Watervliet Harbor Management Plan**



*Vacant Lots on Broadway are Used Exclusively for Parking.*

The City of Watervliet recognizes the need to manage its near shore area of the Hudson River and has integrated a Harbor Management Plan within the LWRP. The Inventory and Analysis has discussed the many uses and issues associated with the Hudson River in the City of Watervliet. The key issues identified in this section relate to a number of harbor management issues. These include:

- reconnecting the City to its waterfront,
- providing for improved public access,
- maintaining a balance of uses along the shore,
- and ensuring water quality protection.

## Inventory and Analysis of Existing Conditions

---

---



*Unmitigated View of I-787 on Broadway.*



*Broadway at 23<sup>rd</sup> Street with I-787 Ramps. This is pedestrian access for Hudson Shores Park.*

There are no commercial shipping, commercial fishing, or underwater land issues of significance in the harbor management area of the City of Watervliet.

The major issue of local importance is the need for the City to be reconnected with its waterfront. The construction of I-787 in the 1970s effectively cut the shoreline from the rest of the City. The linear shoreline was eventually turned over to the City and it now houses Hudson Shores Park. One access point to the park is located off 23<sup>rd</sup> Street. Pedestrians or cyclists must cross the I-787 on and off ramps before getting to the park entrance. Providing for safer access to the park, as well as additional access points, is a major issue addressed in this program.

With the construction of I-787 during the 1960s and 1970s, Watervliet's connection to its waterfront was effectively severed. At one time the City housed a vital maritime waterfront. For a number of years, following the construction of I-787 in 1973, much of the City's shoreline was little more than a marginal piece of extra right-of-way under the control of NYS Department of Transportation. In 2001, the City of Watervliet bought the northern most portion of this land from NYS DOT for the development of what has come to be known as Hudson Shores Park.

Hudson Shores Park, which effectively functions as the City's waterfront, is not presently used for water dependent uses beyond providing access to the public for fishing and other passive recreational uses, and, if proper infrastructure is provided, could be used for recreational boating. Unfortunately, pedestrian access to the park is best described as hazardous. Limited to one entrance at 23<sup>rd</sup> Street which is technically in Green Island, park-goers are forced to cross several I-787 ramps to get to the entrance.

Since Watervliet acquired Hudson Shores Park, the City has struggled to develop uses at this linear park that are responsive to the expressed needs of the City's residents. While the City did propose the development of a marina at one point the proposed design required too much infill in the Hudson River. Subsequent discussion about establishing a motorized boat launch at Hudson Shores Park was dropped, as the use would, by necessity to provide adequate trailer parking, be done to the exclusion of all other uses at the park. The City now wishes to attract people to the

## Inventory and Analysis of Existing Conditions

---

---



*Mohawk Hudson Urban Cultural Park/RiverSpark Trail Under I-787.*

shoreline by providing a restaurant over the water. A barge restaurant would not interfere with fishing opportunities. In fact, allowing such a facility with boat slips would serve to encourage additional recreational boating along the Watervliet shoreline. Because it would not be a permanent structure, it could be removed/relocated in the future if water-dependent uses needed the space. It would also not preclude future active uses within the park, such as the amphitheatre.

The City of Watervliet is fully sewered. Any new uses at Hudson Shores Park, proposed by the City to further advance its goals identified in this LWRP, will be required to connect to the City's public infrastructure. As the Hudson River, between Battery Park in Manhattan and the City of Troy's dam in Rensselaer County, was designated a no-discharge zone in November 2003, any vessels traveling or moored within the area are prohibited from discharging any kind of boat sewage. At the time of the designation, it was determined that the 35 pumpout facilities along the Hudson were more than adequate to service these vessels. As of January 2005, the Hudson River has 38 pumpout facilities.

As the City's shoreline is severely constrained by its small size, its lack of privately owned developable parcels, its lack of accessibility, and the nature of much of the shoreline itself, which is characterized by steep grades, the location has not attracted any water dependent commercial uses since the construction of I-787. Additional limitations to development are presented by the proximity of the Federal Channel along Watervliet's shoreline. As none of these limitations are temporary in nature, the waterfront's lack of appeal for water dependent commercial uses is unlikely to change anytime in the near future.

# Infrastructure

## *Sewers*



*Fully sewerred, Hudson Shores Park has restroom facilities.*

## *Water Supply*

The City of Watervliet is completely sewerred. Watervliet's sewage disposal system is connected to the Albany County system. The City routinely contributes less to the facility than allocated, and is not overburdening the sewer facility. However, the age of the sewer system --with much of it installed around 1930-- has contributed to a number of problems. Early system designs do not meet modern standards, with the system combining both sanitary sewage and storm runoff, causing an increased burden on the sewage treatment plant during rainstorms. Historically, the Port Schuyler neighborhood has experienced the worst overflow problems. The City has recently installed several storm and sanitary sewers that have succeeded in reducing the effluent from the combined sewer outfalls, providing residents with a more dependable system.

In 2003 the City removed one CSO from its inventory. Currently, the City experiences discharges from the city's combined sewer overflows (CSO) only in wet weather conditions. Continued capital improvements to separate combined storm and sanitary sewers is desirable, as it would eliminate a source of pollution.

Watervliet's waterfront revitalization area, as well as the entire City, is serviced by a municipal water supply. The City uses the 480-acre Watervliet Reservoir in the Town of Guilderland for its public water supply. Since the City has municipal water, the quality of their potable water is relatively consistent. However, the City occasionally must address problems due to the advanced age of the system. Almost 40% of Watervliet's water system was built in 1915. Another 55% was built between 1935 and 1945. The system accommodates approximately 2,800 service connections and, in 2002, the total water delivered to the City was approximately 1 billion gallons with the daily average being 2.75 million gallons.

A study completed for the U.S. Army Corps of Engineers in 1981, the *Watervliet, New York Water Distribution System Network Analysis*, identified a number of primarily age-related problems with the City's water distribution system. In addition to a susceptibility to leaking, the U.S. Army Corps of Engineers identified many of the water mains as being insufficiently sized for fire protection and for compliance with current engineering practices. Corrosion had also significantly impacted carrying capacity in many cast-iron mains. Many major mains had an excessive head loss and the entire

system's flows were inadequate for fire protection. A major flaw with the system was that only one major transmission main connected the distribution system to the water supply.

Since that 1981 report was completed, there have been major improvements to the water distribution system. The City has taken an aggressive approach to reducing water loss. Through a proactive leak detection program, leaks have been identified and corrected. Based on current flow information and on the bi-annual leak detection program the City is currently below the 15% standard established by the American Water Works Association.

Watervliet also enacted a program to eliminate undersized water mains. Since 1985, a number of undersized mains have been replaced through public works projects. Also as part of this capital improvement program, the City installed several new mains to complete the grid system and eliminate dead ends. The capital projects in 2002 alone resulted in approximately 2,600 linear feet of 8" water main along Fourth Avenue (from 19<sup>th</sup> Street to the north municipal line), while a new main was also installed along 8<sup>th</sup> Street (from Broadway to Third Avenue). To address corrosion in the water distribution system's mains, in 1986 Watervliet began adding an inhibitor during the treatment process. There has been a measurable reduction in the rate of turburculation of the City's system. In 2002, aeration was installed at the service reservoir.

In 1986, the City installed a second major feed to the northern end of the city. This new transmission main made a significant improvement in the overall reliability of the system. A new interconnect with the City of Troy, capable of providing 1.2 million gallons per day, was installed at Schuyler Flatts. The City also has interconnects with the Town of Colonie and the Village of Green Island. These interconnects can provide the City with all the water necessary to carry out domestic and business needs if activated.

The actions the City has taken to address flow and pressure problems have resulted in a marked improvement of the overall system. This improvement is demonstrated in the 1995 ISO Analysis performed by Commercial Risk Services. In their evaluation of Watervliet's system, the City went from an overall rating of class 6 to a rating of class 4. This reduction in the rate resulted in lower fire rates for mercantile properties within the city. A jump of two points indicates the achievement of significant major improvements.

# Transportation

## *Introduction*

As it was with many of New York's older urban areas, proximity to the Hudson River is what prompted the settlement of the villages once known as Gibbonsville, Port Schuyler, and West Troy. With the creation of the Erie Canal, a vital transportation route was established, leading boaters directly through the center of Watervliet and influencing the evolution of land use development of the area, including the City's development as a regional industrial center.

## *Highway and Road Network*

Watervliet is centrally located amidst several of the Capital Region's major transportation routes. Watervliet residents have a direct connection to points north, south, east, and west by means of I-787, which connects with Route 7 north of the City and the NYS Thruway (I-87) south of the City. NYS Route 2, known as 19th Street within the City limits, provides a direct and vital connection to another major north-south route, I-87 (Northway) to the west as well as a connection to Troy to the east. NYS Route 32 is a north-south arterial and is Second Avenue north of the Arsenal and Third Avenue south of the Arsenal. The City's internal transportation network, as well as its Central Business District hub, is centered on the intersection of NYS Route 2 and NYS Route 32.

## *Traffic Volumes*

NYS Route 2 currently serves as a Principal Urban Arterial, connecting all the various components of the city such as the riverfront, Central Business District, and Interstate I-787 as well as providing a linkage to neighboring Town of Colonie and City of Troy (via the Congress Street Bridge over the Hudson River). A major east-west route used mostly as a "pass through" commuter roadway, NYSDOT Traffic Volume Report and HSR Report Annual Average Daily Traffic (AADT) counts indicate that 13,900 vehicles traveled on the segment of Route 2 between Route 32 and the Albany County line experienced an AADT of 15,400 vehicles in 2000.

NYS Route 32 progresses in a north-south direction and is classified as a Minor Urban Arterial. Passing through the eastern portion of the City, this route provides a major connection for commuters traveling to I-87 west of the City. Traffic counts indicate that the traffic volumes on Route 32 vary widely, with the segment between Route 155 and Route 2 having an AADT of 3,150 vehicles in 2002, while the segment between Route 2 (19<sup>th</sup> Street) and 23<sup>rd</sup> Street --the City's Central Business District --had an AADT



*Third Avenue by the Arsenal Exit Lacks Crosswalks.*

### ***Watervliet Arsenal Traffic***

### ***Truck Traffic***



*Broadway at 16<sup>th</sup> Street lacks a crosswalk.*

of 13,400 vehicles. The segment of Route 32 between 23<sup>rd</sup> Street to the north City Line had an AADT of 6,400 vehicles in 2002.

The remaining roads within the study area are classified as local roads. The primary function of local roads is to provide access to various land uses. They serve short trips, moderate speeds and do not carry large volumes of traffic. Many local roads in the study area have been converted to one - way streets to increase the number of parking spaces. Although one-way streets can hinder ease of circulation, it does maximize parking spaces in confined areas.

The City's major gateway entrance is at 23<sup>rd</sup> Street and Broadway, the exit for I-787. A confusing entry into the City, vehicles from four separate off-ramps converge at 23<sup>rd</sup> Street to a set of blinking caution lights. Those looking to get onto Broadway in Watervliet need to make a right turn from the left most lane in order to be positioned properly to get onto Broadway. In addition to a lack of signs indicating where the City's resources are, there is insufficient time to identify where one must go. The intersection should be improved via timing and light improvements as well as additional signage.

Watervliet Arsenal traffic includes approximately 1,000 employees, as well as periodic shipments, deliveries, and visits by contractors and others. In addition, the Arsenal has an Interagency Support Agreement with the New York Army National Guard. That agreement allows the National Guard to make repairs to its motorized and tracked vehicles at the Arsenal.

Truck traffic or heavy vehicles as they are sometimes called, differ from passenger cars and light trucks by their size, weight, and operational characteristics. Due to the excessive weight of truck traffic and the difficulty encountered when maneuvering, the amount of truck traffic can significantly affect the longevity of pavement, curbing, driveway entrances and other features of the roadway system if not properly designed. Truck traffic also imposes environmental impacts, such as noise and air pollution, not to mention inconvenience and aesthetic displeasure. According to the NYSDOT, Official Description of Designated Qualifying and Access Highways in New York State, a number of segments on NYS Routes 2 and 32 are designated as qualifying highways for larger dimension vehicles.

### *Pedestrian and Cyclist Access*



*Broadway and 23<sup>rd</sup> Street lack adequate crosswalks.*

### *On and Off-Road Parking Facilities*

Due to the fact that both Route 2 and Route 32 terminate in downtown Watervliet, and both function as designated truck routes, truck traffic utilizes Watervliet's downtown roadways to access the two designated truck routes. The City is aware of this excessive burden on its transportation system and has been pursuing options to rectify this problem.

The Town of Colonie is currently engaged in a planning and design project, which will redirect truck traffic via a new roadway called Elm Street Bypass. Once completed, the new roadway will reduce the amount of truck movement traveling on several residential streets in the City of Watervliet Streets, thus providing a local benefit for economic development and vehicular/pedestrian safety.

Crosswalks, lighting, handicap accessibility, curb cuts, pedestrian crossing signals, drainage, and traffic calming elements are all part of the provisions of a safe pedestrian use system. Due to inadequate infrastructure conditions and limited traffic calming devices, the study area is generally not a pedestrian friendly environment. Sidewalks should be improved throughout the waterfront area, crosswalks need to be better defined, pedestrian signals should be installed, and traffic calming measures should be implemented.

Cyclists currently utilize the travel lane for access. Marked shared - use lanes would improve conditions for cyclists. Except for the terminus of the off-road segment of the Mohawk Hudson Bike Hike Trail, there are no major bicycle accommodations within the City. The Hudson Shores Park trail provides internal access but does not link to anything outside the park.

Major bus stops on Broadway lack crosswalks or pedestrian lights, and many segments of sidewalk along Broadway and Second Avenue have been paved over to accommodate parked vehicles. There are several intersections that, while heavily used by pedestrians, allow right-on-red turns, prompting a dangerous situation. The intersection of Broadway and 19<sup>th</sup> Street is one such intersection.

On-road parking is permitted on most streets located within the waterfront. Route 32 is sufficiently wide enough to accommodate on-street parking along both sides of the street. However, parking



*On-street parking on Broadway.*



*This parking lot on 3<sup>rd</sup> Avenue appears underutilized.*

### ***Public Transit***

is currently prohibited on the east side of the street. There are no pavement markings to delineate spaces or to restrict parking or standing. Parking signs are severely faded and need replacement.

Parking along Broadway is permitted in some areas, prohibited in others. It is permitted at both the northern and southern ends of the City, where residential uses dominate. However, parking appears to be prohibited in the center of the City, near the Arsenal.

In many locations, adequate signage is not provided to indicate if parking is allowed on the street. Many trees are present along Route 2 within the street right of way. The City currently has no traffic calming or other streetscape features in place.

Although the City does own several parcels that may be suitable for parking, it does not currently have a public municipal parking lot. Two City-owned parcels that may be developable for parking uses include one located on Broadway at Fourth Street and one located at Second Avenue and 25<sup>th</sup> Street by the City northern municipal line. There is a City-owned parking lot behind the Senior Center/Community Center, but parking here is for visitors to the Community Center as well as to City Hall.

There are several large, privately-owned parking lots that may be underutilized at various times during the day, and a shared parking space program may be an acceptable alternative to better accommodate increased visitation into the City. The Elks parking lot, located on Third Avenue, between 4<sup>th</sup> and 5<sup>th</sup> Streets, is one such lot, while another is located off Broadway at 19<sup>th</sup> Street.

The Capital District Transportation Authority (CDTA) offers handicapped accessible public transportation services for the capital region. Service for Watervliet residents is provided along CDTA's service Routes #22, 84, & 90. CDTA Route 22 serves the Cities of Albany, Troy, and Watervliet. Route 84 is properly named the Watervliet Belt because it serves numerous bus stops along 19<sup>th</sup> Street, 12<sup>th</sup> Avenue, Crabapple Lane, 25<sup>th</sup> Street, and Broadway in the City of Watervliet. Commuters from Watervliet can also use the CDTA Route 90 bus route to reach destinations such as Crossgates Mall, Colonie Center, Samaritan Hospital, RPI College, and SUNY at Albany. There are many bus stops within the City. However, very few bus stops include bus shelters to

### *Access to Waterfront Parks*



*Hudson Shores Plaza Bus Stop Lacks Crosswalk.*



*Mohawk Hudson Trail Entrance off Broadway Under I-787.*

protect people from inclement weather. Several major bus stops, including the stop on Broadway across from the Senior Center and Library, lack a pedestrian crosswalk or pedestrian signals.

Access to Hudson Shores Park is very dangerous. The entrance to the park is at 23<sup>rd</sup> Street, technically in Green Island. There is an unkempt trail that goes under I-787, crossing several on and off ramps that lead to the park entrance. As the trail is not maintained and is characterized by weeds and overgrowth, cyclists and pedestrians opt to walk along 23<sup>rd</sup> Street to get to the park entrance. Recent traffic volume numbers for 23<sup>rd</sup> Street in the vicinity of the park identified an AADT of 4,500 below Broadway and 11,300 above Broadway. The signage identifying both the park and the trail leading to the park is poorly placed and inadequate. The entrance should be improved to better provide hikers and cyclists with a sense of safety, through crosswalks, pedestrian signals, improved lighting, and traffic light timing.

The access to the off-road segment of the Mohawk Hudson Bike Hike Trail terminus at Fourth Street and Broadway in Watervliet is poor. The entrance to the trailhead is an underpass below I-787. The underpass is unlit and not well maintained and does not present a very good welcome to potential visitors. In addition to lacking lighting, the trailhead entrance lacks sufficient signage and a crosswalk.

## Issues and Opportunities



*Broadway in Center of City. See I-787 in Background.*



*Example of a vacant building on Broadway that is in disrepair.*

The construction of I-787 along the eastern shore of Watervliet not only isolated the City from the Hudson River, but it also effectively altered the character of the community. Watervliet's original identity, with its proximity to the river and the Erie Canal, was defined by the City's 19<sup>th</sup> century role as an industrial and trade center. In developing an LWRP, the City is looking to reconnect not only with the waterfront, but also reestablish its cultural and historical identity as a waterfront community. This is a formidable task given the impediments that must be overcome, requiring a multi-pronged approach. Given the limitations of the City's waterfront, it is necessary to focus on a wider area, targeting not only the waterfront itself, but also the "upland", that is, the historic waterfront bounded by Route 32, the former Erie Canal path. It also requires elimination of both the psychological and physical barriers imposed by I-787

First, to reengage Watervliet residents with the waterfront, it will be necessary to promote the Hudson Shores Park waterfront for a diverse range of uses appealing to a variety of users. With I-787 truncating the City's shoreline from the remainder of its commercial area, including its upland waterfront area, Hudson Shores Park effectively is the only area available for development of a range of new uses directly on the City's waterfront. Providing multiple uses would make the park more attractive, encouraging more than just early-morning walkers to visit. Increased visitation would reinforce park safety, as the long-held perception of the park being a desolate place is replaced by a growing awareness of constant activity. However, reality dictates that the 9-acre site, characterized by a steeply sloped shoreline, housing approximately 40 parking spaces and several picnic areas, including a pavilion, can only accommodate so much.

In addition to park size, the entire City has been identified by the State's Office of Parks, Recreation, and Historic Preservation as archaeologically sensitive, especially the lands along the Hudson River. Even minimal land disturbance, such as would be required for the installation of lighting in Hudson Shores Park, would likely necessitate an archaeological survey of the area. Additional limitations to in-water development are presented by the proximity of the Federal Channel along Watervliet's shoreline.

The City would like to see Hudson Shores Park developed for waterfront recreational uses-- both water-dependent and water-



*Some Areas of Sidewalk Consist of Paved Slate.*



*Newer Development has been in the Form of Strip Development.*

enhanced uses-- that will appeal to a variety of users --younger people, families, seniors, as well as non-residents--and broaden the appeal of the park. The City would like to see the development of additional active recreational uses at the park, including a playground to serve area residents living north of the Arsenal. More passive recreation could be accommodated by the installation of additional benches oriented towards the water for passive viewing of the river. The City would like to see improved opportunities for recreational water activities, such as boating and fishing in the Hudson River. The City also desires improved, safer pedestrian access to get to the park itself, ways that do not require pedestrians to navigate through the high traffic volumes at the 23<sup>rd</sup> Street entrance.

The City would like the Park to act as a catalyst for additional development in the area. The City would like to see uses at the park that better meet the recreational needs of City residents, while also attract more non-residents to the waterfront. In 2004, Hudson Shores Park was used for a farmers market for the first time. The City is encouraging the continuation and potential expansion of this activity at the park. If deemed an appropriate use compatible with existing navigation in the area, seasonal boat slips along the park could potentially allow for increased boating opportunities. In addition, the City would like to see more public activity, including, possibly, an outdoor theater for shows, and a restaurant. Many Watervliet residents, especially many of the households living in the waterfront area, are moderate and low income. An opportunity for waterside dining allows non-boaters to have an opportunity for casual enjoyment of the Hudson River. In addition to non-residents, a new restaurant in the Park would likely attract those City residents that currently avoid the park due to its desolate reputation.

Unfortunately, the size limitations as well as other constraints provide challenges Watervliet must overcome to develop its waterfront park. The City must evaluate all potential opportunities to increase the diversity of uses supported at Hudson Shores Park. Given the upland constraints, and plans for developing additional uses at the site, such as an outdoor theater, one option for allowing for the development of a restaurant at Hudson Shores Park would be through the use of a barge. The City of Albany, south of Watervliet and similarly cut off from the river by I-787, uses a barge to accommodate a seasonal floating



*Attractive Boulevard Treatment  
on 16<sup>th</sup> Street at 2<sup>nd</sup> Av.*



*Vacant Building on 2<sup>nd</sup> Av at 25<sup>th</sup>  
St Presents Opportunity for  
Redevelopment.*

restaurant at its Corning Preserve. Such a seasonal structure would float on the water and be temporary in nature. Floating docks with boat slips could also potentially allow seasonal mooring of vessels along the City's shoreline. Placing a seasonal barge along the shoreline would not require dredging nor changes in the natural characteristics or values of the river. In addition, the nature of the barge itself will allow visitors to experience actually boarding a vessel at the Watervliet shoreline, which is not something people are currently able to experience. If the City were to allow such a use, it would be permitted as a special use under its zoning ordinance.

The second aspect of the LWRP includes improving the City's "upland" waterfront area and making it "connect" to the river. Route 32 in the City runs parallel to the former Erie Canal path, just west of it. Historically all uses within this area were water-dependent, related to industry or trade or ship-building. While a number of historic sites are indicated via markers, such as the former Erie Canal Side Cuts, others are not. Signs identify the "heritage trail" created by the RiverSpark Heritage Area, but nothing exists to tie these sites together contextually, either to one another or to link them with the overall history of the City. It is possible to walk along Broadway or Second Avenue and be oblivious to the City's historic role in the development of the region. This must be remedied through cultural resource development. Effort must be made to both identify the City's resources and to utilize its rich past in promoting cultural programs, greater use of the riverfront, and economic development.

Much of the City's waterfront upland is underutilized and in need of physical enhancements and financial investment. A small city, slightly more than one square mile, Watervliet does not have a competitive advantage in new office park development. What the City does have is a long, rich history and a relatively intact historic development pattern in much of its waterfront area. The City needs to capitalize more on its inherent values and pursue creating a more attractive environment for residents and visitors alike. In addition to the National Register-listed (and National Historic Landmark) Watervliet Arsenal, the City has several other historically significant resources (St. Nicholas Ukrainian Catholic Church, James Roy Mill Site), as well as cultural icons (Gus's Hotdogs). The City needs to develop a cultural promotion

## Inventory and Analysis of Existing Conditions

---

---



*Vacant building across from Mohawk Hudson Trail presents opportunity for redevelopment.*



*Residential rehab and renovation on Third Avenue.*

program that will link historic structures, sites and uses to the City's history and highlight the City's other resources, including Hudson Shores Park and the Mohawk Hudson Bike Hike Trail. One idea proposed was the development of a local museum in the City's newly acquired court building. The City is also looking to promote the development of tourism-related uses, such as restaurants, outdoor cafes, antique shops, and retail shops. Reestablishing its relationship with the RiverSpark Heritage Area would provide the City with additional opportunities for promotion as well as additional resources and support in program development.

Finally, the third aspect that the City of Watervliet's LWRP must address is physical access to the Watervliet riverfront. Currently, I-787 severely restricts access to the riverfront. Access to Hudson Shores Park is limited to a poorly maintained trail along 23<sup>rd</sup> Street at the northern end of the City, while access to the off-road segment of the Mohawk Hudson Bike Hike trail is limited to the Fourth Street entrance. The Hudson Shores Park entrance is overgrown and is dangerous to access as pedestrians and cyclists must transverse several I-787 ramps. Providing for additional, safer access to Hudson Shores Park would likely result in increased utilization of the park. Possible alternatives for creating additional access to the Park include construction of an overhead pedestrian bridge, a staircase from Congress Street, or an underground entrance from Broadway. An off-road extension of the Mohawk Hudson Bike Hike could be constructed along the shoreline from Fourth Street to connect at 15<sup>th</sup> Street with the Hudson Shores Park trail. In addition to opening up access to Hudson Shores Park via the Fourth Street trailhead, and allowing residents to access the Park via Broadway, it would also result in better utilization of the park, as trail cyclists could continue on to Hudson Shores Park. Improvements must also be made to the trailhead entrance, which is poorly signed, lacks lighting, and is generally regarded as uninviting.

Please see the [Initial Observations Map](#) that includes geographical representation of many of issues discussed above.

---

---

**Section III  
Waterfront  
Revitalization  
Policies**

# Waterfront Revitalization Policies

## *Policy 1*

**Foster a pattern of development that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development.**

A small city, slightly more than one square mile, Watervliet does not have a competitive advantage in new office park development. What the City does have is a long, rich history and a relatively intact historic development pattern in much of its waterfront area. The City's growth was prompted largely by the Hudson River and the Erie Canal, and each one's role as a key transportation corridor for commerce and trade in the new world. In addition to the Watervliet Arsenal, the City has several other historically significant resources (St. Nicholas Ukrainian Catholic Church, James Roy Mill Site), as well as cultural icons (Gus's Hotdogs).

The community character of the City is defined by a traditional 19<sup>th</sup> century pattern of commercial and residential development clustered around its waterfront. Today, much of the City's waterfront upland is underutilized and in need of physical enhancements and financial investment. The City needs to capitalize more on its inherent values and pursue creating a more attractive environment for residents and visitors alike. There are many vacant retail spaces within the waterfront area that the City would like to see become viable businesses. As part of this LWRP, the City would like to develop a cultural promotion program that will link historic structures, sites and uses to the City's history and highlight the City's other resources, including Hudson Shores Park and the Mohawk Hudson Bike Hike Trail. In conjunction with this, the City is also looking to promote the development of tourism-related uses on its waterfront upland located west of Broadway. These uses would include restaurants, outdoor cafes, antique shops, and retail shops.

These objectives are consistent with the City's long-standing planning goals, which are aimed at preserving and enhancing the character of its commercial areas, particularly its Central Business District (CBD) centered at 3<sup>rd</sup> Avenue and 19<sup>th</sup> Street, and reconnecting the City's waterfront to the rest of the City.

This policy is intended to foster a pattern of development that provides for economic prosperity and the beneficial use of waterfront resources in Watervliet. The primary components of

the desired development pattern are: strengthening economic activity in the CBD, encouraging water-dependent and water-enhanced recreational activities along the Hudson River shoreline, reconnecting the City to its shoreline, both physically and psychologically, and encouraging the development of tourism related uses and businesses within the LWRP area.

### **1.1 Focus redevelopment efforts to revitalize deteriorated and underutilized waterfront areas and reconnect the City with its shoreline.**

Watervliet's waterfront should be designed and developed to attract people to the shore. Strong links, including both physical connections and wayfinding signage, should be developed to connect the shoreline with the upland waterfront area and adjacent CBD. Development and redevelopment decisions should be compatible with community and regional needs, as well as market demands.

Since I-787 transverses the City right along its shoreline, the City will focus redevelopment efforts on Hudson Shores Park. A variety of uses will be encouraged at the Park to act as a catalyst for additional development in the area. Such uses should meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. Use of the site for a farmer's market, an amphitheater for shows and a restaurant are encouraged. Because space along the shoreline is severely limited, a seasonal barge could house a restaurant, similar to what the City of Albany has along the Corning Preserve. Such a seasonal structure would float on the water and would be temporary in nature.

A major aspect of developing the waterfront is improving access to Hudson Shores Park. Currently access to the Park is limited to a poorly maintained trail at 23<sup>rd</sup> Street which pedestrians and cyclists must transverse several I-787 ramps to get to. Providing for additional, safer access to Hudson Shores Park would likely result in increased utilization of the park. Possible alternatives for creating additional access to the Park include construction of an overhead pedestrian bridge, a staircase from Congress Street, or an underground entrance from Broadway. An off-road extension of the Mohawk Hudson Bike Hike could be constructed along the shoreline from Fourth Street to connect at 15<sup>th</sup> Street with the Hudson Shores Park trail. In addition to opening up access to Hudson Shores Park via the Fourth Street trailhead, and allowing residents to access the Park via Broadway, it would also result in

better utilization of the park, as trail cyclists could continue on to Hudson Shores Park.

Redevelopment and revitalization efforts should highlight the City's existing resources, especially those contributing to Watervliet's identity. This includes both its local history and the role it played in the nation's history. Revitalization efforts in the upland waterfront area should focus on fostering new commercial and retail uses in vacant and underutilized buildings and on promoting appropriately scaled infill development on vacant parcels. Deteriorated commercial and residential properties should be rehabilitated to reinforce community identity, strengthen the viability of the City's waterfront, and foster stable neighborhoods. Successful revitalization of the waterfront would require the development of additional public parking opportunities.

All development or uses should recognize the unique qualities of a coastal location by:

- Ensuring that design and siting of uses and structures complements the surrounding community and landscape, and makes beneficial use of its coastal location and resources.
- Minimizing potential adverse impacts on natural resources.
- Limiting shoreline alteration and surface water coverage.
- Incorporating recreational activities, public access, open space, or amenities, as appropriate, to enhance the site and the surrounding community, and to increase visual and physical access to the coast.
- Attracting people to the coast, as appropriate.
- Using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand.
- Reinforcing community identity by highlighting local history and important natural and man-made features.

### **1.2 Ensure that development or uses make beneficial use of their coastal location.**

The amount of waterfront and its associated resources are limited. All uses should relate to the unique qualities associated with a waterfront location. Consideration should be given to whether a use is appropriate for a waterfront location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the siting, design, and orientation of the development. Given the development constraints associated with the City's shoreline, the types of uses that would make beneficial use of the City's waterfront include parks and trails. Additionally, in Hudson Shores Park, an amphitheater and temporary barge restaurant would be appropriate.

### **1.3 Maintain and enhance natural areas, recreation and open space lands.**

Open space and recreational land contribute to a variety of public benefits including scenic and recreational benefits, as well as environmental benefits. These lands may support fish and wildlife habitat, provide watershed management of flood control benefits.

Future uses should relate to the unique qualities associated with a publicly owned, waterfront location. Existing water-dependent uses, such as fishing should be protected and enhanced. Viable water-dependent uses, such as recreational boating, should be promoted. The City-owned shoreline should be developed to support additional waterfront recreation uses, both water-dependent and water-enhanced uses that will appeal to a variety of users and encourage increased usage of the shoreline by a variety of users.

A variety of uses should be developed at Hudson Shores Park to act as a catalyst for additional development in the area. Uses at this park that should meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. Examples of uses to be encouraged include farmers markets, an amphitheater for shows, and a restaurant. To maintain open space at the park for recreational uses, considering the use of a seasonal barge, similar to what the City of Albany has along the Corning Preserve, will be considered. The barge, which would be 42 feet by 200 feet and would rise 23 feet above water elevation, would be located approximately 100 feet from the shoreline. It is anticipated that the barge, at that distance, will have little impact on parkside

views of the river. In addition, the barge will provide much enhanced, close up views of the river.

Cognizant of the specifics associated with coastal locations, water-dependent and water-enhanced uses in Watervliet should be sited, oriented, and designed to:

- Attract people to the waterfront and provide opportunities for coastal access.
- Provide public views to or from the water.
- Provide improved connections between the waterfront and the upland.
- Make the best use of the City-owned waterfront park for a variety of water-dependent and water-enhanced recreational uses.
- Not cause significant adverse impacts to community character and surrounding land and water resources.

In addition, uses that would result in any of the following should be avoided:

- Unnecessary and avoidable loss of coastal resources.
- Substantial impairment of habitats and wetlands.
- Deterioration of water quality and unacceptable changes to natural erosion processes.

#### **1.4 Minimize the adverse impacts of new development or redevelopment in the City's waterfront.**

To enhance community character and maintain the quality of the natural and man-made environment, potential adverse impacts of new development and redevelopment on natural resources, existing land uses, physical environments, and economic factors should be addressed and mitigated.

Development should reflect existing site characteristics, limit disturbance of land and water, and foster visual compatibility with surrounding areas.

The size, scale, and design of redevelopment should be compatible with the character of the City's waterfront area. Redevelopment of sites within the waterfront area and development of new uses should be designed to meet community needs, both through type of use and physical accessibility. Proposed uses and development should reconnect the City with its waterfront, and ameliorate the isolated nature of the City's waterfront.

Any proposed activities along the shoreline will be constructed in a manner that meets the requirements identified by the City in its zoning code. This would include that any proposed development, where applicable, connect to the City's public sewer infrastructure and be subject to site plan review.

Proposed activities should protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic. Appropriate design measures, such as sound barriers and/or buffers should be used to mitigate conflicts between incompatible land uses. Cumulative and secondary adverse impacts from development and redevelopment should be minimized.

Potential adverse economic impacts should be minimized, as follows:

- Prevent deterioration of the waterfront and surrounding area by preventing derelict or dilapidated conditions to prevail;
- Avoid uses that detract from community character; and
- Protect and enhance the economic base of the community and promote economic diversity.

### **1.5 Protect and improve stable residential areas.**

The existing residential neighborhoods in the City are important to the overall character and economic functioning of the area. New development located in or adjacent to existing residential areas in the City's waterfront area should be compatible with neighborhood character.

The scale, size, and architecture of new development in the City's residential areas should be consistent with the area's existing development. New uses should be designed to enhance and

*Policy 2*

strengthen the City's residential areas, not impair neighborhood character.

**Preserve historic resources in the City of Watervliet.**

This policy recognizes the importance of preserving and enhancing the area's historic, archaeological, and cultural resources, especially those with a connection to the Hudson River and the City's historic waterfront. Effective preservation of historic resources must also include active efforts to restore or revitalize aging structures and also promote an awareness of the City's history and traditions.

The City of Watervliet was incorporated in the 19<sup>th</sup> century when the three original villages, Port Schuyler, Gibbonsville, and West Troy, were cobbled together. The City has a traditional grid pattern with wide avenues running north-south, and generally narrower streets run east west. A relatively small community, at 1.3 square miles, the City is 98% developed, with most of the structures dating back to 1939 and earlier.

Due to urban renewal of the 1960s and the subsequent construction of I-787, the City's tangible connections to several of its most precious resources, such as the Hudson River, have been severed. However, many of the City's historic resources do remain. Resources listed on the National Register include the Watervliet Arsenal Historic District, the Watervliet Side-Cut and Double Lock, and Schuyler Flatts. The Arsenal and Schuyler Flatts are also designated National Historic Landmarks.

In addition to the above noted historic structures, historic resources that would be covered under this policy include those structures, districts, areas and sites that are listed or designated as follows:

- any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource.
- any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places.
- any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust.

- any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation.
- any resource which is a significant component of an Urban Cultural Park.
- any locally designated historic or archaeological resources protected by a local law or ordinance.

Historic resources and archaeological sites are tangible links to the past development of the City. They are important components in defining the community's distinctive identity and heritage. Therefore, the effective preservation of historic resources must also include efforts to restore and revitalize important resources, where appropriate. The intent of this policy is to preserve these resources in the City of Watervliet.

In identifying those elements important in defining the character and value of an historic resource, designation information, available documentation and original research should be used. Important character-defining elements of the resource should be identified in terms of:

- time, place, and use.
- materials, features, spaces, and spatial relationships.
- setting within its physical surroundings and the community.
- association with historic events, people, or groups.

The value of the historic resource should be determined as indicated by:

- its membership within a group of related resources which would be adversely impacted by the loss of any one of the group.
- the rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example.

*Policy Standards*

- the significance of events, people, or groups associated with the resource.

**2.1 Maximize preservation and retention of historic resources in the City of Watervliet.**

The historic character of significant resources identified in the City shall be preserved by protecting historic materials and features as follows:

- Evaluate the physical condition of important materials and features.
- Stabilize materials and features to prevent further deterioration.
- Protect important materials and features from inadvertent or deliberate removal or damage.
- Ensure the protection of historic elements through a program of nonintrusive maintenance of important materials and features.
- Foster uses that maximize retention of the historic character of the resource and minimize alterations so as to preserve and retain the character of the structure.
- Repair historic materials and features according to recognized preservation methods when their physical condition warrants.
- Alterations should not obscure, destroy or radically change character defining spaces, materials, features, or finishes in order to reduce adverse impacts to the resource.
- Alterations may include selective removal of features that are not historic elements of the resource and its setting and its removal does not detract from the overall historic character of the resource.
- Minimize potential negative impacts on the historic character of the resource due to necessary updates to systems in order to meet health and safety code requirements or to conserve energy.

- In constructing new additions, use appropriate design and construction to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of structure.

The loss of historic resources or the historic character of an area shall be minimized when it is not possible to completely preserve the resource.

- Historic structures should be relocated only when the resources cannot be preserved in place.
- Demolition of a resource should only be allowed where alternatives for retention are not possible.

Avoid potential adverse impacts of development and redevelopment on adjacent or nearby historic resources.

- Historic resources should be protected by ensuring that development is compatible with the historic character of the affected resource.
- Potential development should be designed to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.
- Potential development should be designed using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

Limit adverse cumulative impacts on historic resources.

- Minimize the potential adverse cumulative impact on an historic resource, which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.
- Minimize the potential cumulative impacts of a series of otherwise minor interventions on an historic resource.
- Minimize potential cumulative impacts from development adjacent to the historic resource.

**2.2 Protect and preserve archaeological resources.**

When a development action is proposed in the City of Watervliet on an archaeological site, fossil bed, or in an area identified for potential archaeological sensitivity on the archaeological resources inventory maps prepared by the New York State Department of Education, a cultural resource investigation will be conducted.

- A site survey will be undertaken to determine the presence or absence of cultural resources in the project area.
- If cultural resources are discovered as a result of the initial survey, a detailed evaluation will be conducted to allow for a determination of the resource's archaeological significance.

If the potential for impacts to an archaeological resource exists, adverse impacts shall be minimized by:

- redesigning the project.
- mitigating direct impacts on the resource.
- recovering significant data/resources prior to construction.

Disturbance or adverse effects to any archaeological or paleontological resources situated on or under lands owned by the State of New York. These resources may not be appropriated for private use.

With respect to activities that involve excavation in the City of Watervliet, public agencies and utilities should contact the New York State Office of Parks, Recreation, and Historic Preservation to determine appropriate protective measures for archaeological resources.

**Enhance visual quality and protect outstanding scenic resources.**

Coastal landscapes possess inherent scenic qualities. Some of the elements that draw people to the water's edge include the presence of water and ever-changing expansive views, the ephemeral effects of wildlife and atmospheric changes, and the visually interesting

*Policy 3*

*Policy Standards*

working landscape. Because of its importance, scenic quality should be considered in balancing wise use and conservation of waterfront resources.

**3.1 Protect and improve visual quality within the City of Watervliet.**

The visual quality of the City's landscape is an important aspect of the City's historic character. Given its role in history and the development of commerce via the Hudson River and Erie Canal, the City includes many historic buildings and structures. Preservation of these resources is necessary to ensure the continued visual quality of the City.

**3.2 Protect and improve visual quality within the City of Watervliet's Central Business District.**

The visual quality of the City's Central Business District, centered at 19<sup>th</sup> Street and Second Avenue, should be preserved and enhanced. Many of the structures in the CBD are historic and should be rehabilitated and renovated. Efforts should be made to improve and enhance the visual quality of the CBD through streetscape design, signage, gateway development, and other aesthetic treatments. Such efforts would aid in boosting the attractiveness of this area, thereby making the district a more inviting location for tourism and economic activity and improving its overall connection to the waterfront.

*Policy 4*

**Minimize loss of life, structures, and natural resources from flooding and erosion.**

This policy seeks to protect life, structures, and natural resources from the hazards of flooding and erosion. The policy reflects State flooding and erosion regulations and provides measures for reduction of hazards and protection of resources. While the City of Watervliet has a mostly natural shoreline, a section of the City's northern shore was created through infill to accommodate highway construction. Portions of the City are located within the 100-year flood zone, as designated by the National Flood Emergency Management Agency. The City participates in the National Flood Insurance Program, with a Flood Damage Prevention Ordinance in place since 1987. This ordinance was adopted in order to prevent future property damage within the flood hazard area.

According to City's Flood Damage Prevention Ordinance, the City's shoreline is within the Floodway or Regulatory Floodway. As such, it is defined in the Ordinance as "part of the adjacent land areas of a [channel of] river that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by FEMA in a flood insurance study or by other agencies." Identified as "an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces" in the Flood Damage Prevention Ordinance, encroachments including "fill, new construction, substantial improvements and other development," are prohibited within the limits of the floodway, unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.

Bisected by I-787, Watervliet's shoreline is severely limited in size and is in public ownership. The City owns Hudson Shores Park, while the State has jurisdiction over the Mohawk Hudson Bike Hike Trail head. As much of this area is also designated Floodway, the City's shoreline is essentially undevelopable. While there is, and has been historically, much interest in seeing additional waterfront uses and activities in the City, there are substantial environmental limitations that would need to be overcome to allow the development of any new uses along the shore.

### *Policy Standards*

#### **4.1 Minimize losses of human life and structures from flooding and erosion hazards.**

Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards. Continue to enforce the Flood Damage Prevention Ordinance to ensure that new construction is appropriately located and properly protected. Avoid developing new structures and uses in areas likely to be exposed to hazards unless the structure or use requires a coastal location or is in an area of substantial public investment. Public infrastructure in or near identified high velocity flood zones should not promote new development, should not impair natural protective features, and should be designed to avoid or withstand damage from flooding and erosion.

Use vegetative non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry, and sediment composition.

Hard structural erosion protection measures should be used for control of erosion only where:

- Avoidance of the hazard is not appropriate because a structure is functionally dependent on a location on or in coastal waters and/or is located in an area of extensive public investment.
- Vegetative approaches to controlling erosion are not effective and construction of a hard structure is the only practical design consideration and is essential to protecting the principal use. The proposed hard structural erosion protection measures should be limited to the minimum scale necessary, based on sound engineering practice, and include practical vegetative methods in the project design and implementation.
- Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.
- Any activities proposed within the waterfront area must be conducted in a manner that adheres to *New York State Department of Environmental Conservation Standards and Specifications for Erosion and Sediment Control*.

#### **4.2 Preserve and restore natural protective features by minimizing interference with natural coastal processes.**

Provide for natural supply and movement of unconsolidated materials and for water and wind transport.

Intrusion of structures into coastal waters should be limited. However, limited interference may be allowed where the principal purpose of the structure is necessary to:

- Simulate natural processes where existing structures have altered the coast.
- Provide necessary public benefits for flooding and erosion protection.

- Provide for the efficient operation of a water-dependent or water-enhanced public use.

Limited interference is to be mitigated to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

#### **4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**

Retain ownership of public trust lands, which have become upland areas due to fill or accretion resulting from erosion control projects.

Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, or to public trust lands and their use.

#### **4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.**

- Manage navigation channels to limit adverse impacts on coastal processes.
- Design channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas by:
  - using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.
  - locating channels away from erodible features, where feasible.
  - preventing adverse alteration of basin hydrology.

**4.5 Expend public funds for management or control of flooding or erosion hazards only in areas of the coast that will result in proportionate public benefit.**

- Expenditure of public funds for flooding or erosion control projects:
  - Is limited to those circumstances where public benefits exceed public costs
  - Is prohibited for the exclusive purpose of flooding or erosion protection for private development, and
  - May be apportioned among each level of participating governmental authority according to the relative public benefit accrued.
- Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:
  - Economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce.
  - Protection of significant natural resources and maintenance or restoration of coastal processes.
  - Extent of public infrastructure investment or extent of existing or potential public use.

***Policy 5***

**Protect and improve water resources.**

The purpose of this policy is to protect the quality of water in the waterfront area. Quality considerations include both point and nonpoint source pollution. Efforts to protect and improve water quality must include both managing new and addressing existing sources of pollution. The City has been actively pursuing the improvement of area stormwater runoff, as a participant in the Albany County Water Quality MS4 Sub Committee, and through efforts to eliminate combined sewer outfalls (CSOs). The City is completely sewerred, with all new developments and projects required to connect to the public sewer system under the Zoning Ordinance.

### *Policy Standards*

#### **5.1 Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards and targets.**

Prevent point source discharges into coastal waters and manage or avoid land and water uses which would:

- Exceed applicable effluent limitations.
- Cause or contribute to contravention of water quality classification and use standards.
- Materially adversely affect receiving water quality.
- Diminish water quality in the Hudson River through violation of a vessel no-discharge zone.

Effective treatment of sanitary sewage and industrial discharges should be ensured through the efficient operation of sewage and industrial treatment facilities. Existing sewage treatment facilities should be modified to provide improved nitrogen removal capacity. Effective secondary treatment of sanitary sewage should be provided, and where feasible, additional treatment, particularly for nitrogen removal, should be incorporated into plans for new or upgraded wastewater treatment plants.

Limiting the infiltration of excess water in collection and transport systems and eliminating any unauthorized collection system hookups should reduce demand on treatment facilities. Pretreating industrial wastes and limiting discharge volumes and pollutant loadings to or below authorized levels can effect other demand reductions. Low-flow water conservation fixtures should be installed in both new development and when replacing fixtures in existing development.

The loadings of toxic materials into coastal waters should be reduced by placing limits on toxic metals as part of wastewater treatment plant (WWTP) effluent permits. The City should continue to pursue funding to eliminate the City's remaining combined sewer outfalls (CSOs).

### 5.2 Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

Limit nonpoint sources of pollution by:

- Reducing or eliminating the introduction of materials which may contribute to nonpoint pollution;
- Avoiding activities that would increase off-site stormwater runoff and transport of pollutants;
- Controlling and managing stormwater runoff to minimize transport of pollutants, restore degraded natural stormwater runoff conditions, and achieve a no-net increase of runoff where unimpaired stormwater runoff conditions exist;
- Retaining or establishing vegetation to maintain or provide soil stabilization and filtering capacity in riparian and littoral zones
- Preserving natural hydrological conditions to maintain natural surface water flow characteristics, retain natural watercourses and drainage systems (where present), and
- Where natural drainage systems are absent or incapable of handling the anticipated runoff demands, developing open vegetated drainage systems as a preferred approach, with long and indirect flow paths to decrease peak runoff flows, and using closed drainage systems only where site constraints and stormwater flow demands make open systems infeasible.
- Reduce pollutant loads to coastal waters by managing unavoidable nonpoint sources and using appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs. Vegetative means should be used, wherever possible, to protect stream banks and shorelines from erosion.
- Reduce nonpoint source pollution using management measures appropriate to specific land use or pollution source categories.

### For Urban Land Uses:

- For new development, manage total suspended solids in runoff to remain at predevelopment loadings. To help achieve this, best management practices (BMPs) identified in the *New York State Department of Environmental Conservation Stormwater Management Design Manual*, should be used.
- For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.
- For construction sites, reduce erosion and retain sedimentation on site, and limit and control use of chemicals and nutrients.
- For roads, highways, and bridges, minimize to the extent practical the runoff of contaminants to coastal waters.
- Any future waterfront development must connect to the Watervliet municipal sewer system.

### For Floatables and Litter:

- Direct or indirect discharges of refuse or litter into the Hudson River, or upon public lands contiguous to and within 100 feet of waters of the River, should be prohibited.
- Through proper containment and litter prevention, the entry of refuse and other floatables into the Hudson River should be limited. Floatables and litter in surface waters and shorelines should be removed and disposed of.
- Implement pollution prevention and education programs to reduce discharge of floatables and litter into City storm drains.

### **5.3 Protect and enhance water quality of coastal waters.**

Protect water quality of the City's waterbodies based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

Protect water quality of the Hudson River and the “Little River” from the adverse impacts associated with excavation, fill, dredging, and disposal of dredged materials by avoiding and/or mitigating such activities.

**5.4 Protect and conserve quality and quantity of groundwater resources.**

Prevent contamination of groundwater resources by limiting pollutant discharge, maintaining water quality in accordance with State designated classification, and limiting land use practices likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

*Policy 6*

**Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.**

This policy requires that coastal ecosystems, including designated significant coastal fish and wildlife habitats, as well as other fisheries, wetland habitats, or wildlife habitats, be protected and restored. There are no significant coastal fish and wildlife habitats located in the City. There are certain natural resources in the City of Watervliet that warrant protection and restoration. These resources, which include the Hudson River, several wetlands including a portion of Schuyler Flatts wetlands known as “Little River,” and plant and animal populations, contribute to the City’s quality of life.

*Policy Standards*

**6.1 Protect and restore the quality and function of ecosystems.**

The Hudson River has been identified as a freshwater fishery supporting a variety of species, including both fish and shellfish. The Hudson River also offers important resting and feeding areas for migratory birds. To protect and restore these resources, any uses or activities that would destroy habitat values, or significantly impair the viability of a habitat, should be avoided.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Mitigation measures should be selected to ensure the least environmentally damaging feasible alternative. Mitigation measures include:

- Avoiding potential adverse impacts, through avoiding ecologically sensitive areas; scheduling activities to avoid vulnerable life cycle periods; and preventing fragmentation of intact habitats.
- Minimizing potential, although unavoidable, adverse impacts, through reducing scale or intensity of use or development; choosing alternative actions or methods that would lessen potential impact; and careful design of projects.
- Specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment

### **6.2 Protect and restore freshwater wetlands.**

Wetlands provide numerous benefits, including, but not limited to, habitat for wildlife, erosion and flood control, natural pollution treatment and filtration, groundwater protection, and aesthetic open space. The City houses one rather sizable freshwater wetland, located at the City's southern end, bordering the Mohawk Hudson Bike Hike Trail head. Part of the Schuyler Flatts wetlands, this wetland is known as "Little River." Regulated by the NYS Department of Conservation, the wetland is 14.6 acres in size, but only approximately 6 acres are located in the City of Watervliet. Most of the wetland is located in the Town of Colonie to the south of the City.

The following measures can further the protection or restoration of wetlands:

- Compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and the Stream Protection Act.
- Prevention of the net loss of wetlands by avoiding placement of fill or excavation of wetlands; minimizing adverse impacts resulting from unavoidable fill, excavation or other activities; providing compensatory mitigation for adverse impacts which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished; and providing and maintaining adequate

*Policy 7*

*Policy Standards*

buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the wetlands character, quality, values and functions.

**Protect and improve air quality in the coastal area.**

This policy provides for protection of the coastal area from air pollution generated within the coastal area or adversely affecting coastal air quality.

**7.1 Comply with State standards that control and prevent the degradation of air quality in the City of Watervliet.**

Limit pollution resulting from new or existing stationary air contamination sources, consistent with:

- Attainment or maintenance of any applicable air quality standards.
- Applicable New Source Performance Standards.
- Applicable control strategy of the State Implementation Plan,
- Applicable Prevention of Significant Deterioration requirements.
- Recycle or salvage air contaminants using best available air cleaning technologies.
- Limit pollution resulting from vehicular or vessel movement or operation, including actions that directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards, and applicable portions of any control strategy of the State Implementation Plan.
- Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant, or animal life or property, or that would unreasonably interfere with the comfortable enjoyment of life or property.
- Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final

control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

**7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

State air quality standards regulate radioactive materials and pollutants. For actions with a potential impact on air quality, the City shall provide necessary information, as appropriate, to the State to enable the State to effectively administer its air quality statutes pertaining to atmospheric radioactive material.

**7.3 Capture and recycle chlorofluorocarbon compounds during service and repair of air-conditioning and refrigeration units to the greatest extent possible.**

State air quality standards regulate chlorofluorocarbon pollutants. For actions with a potential impact on air quality, the City shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to chlorofluorocarbon compounds.

**7.4 Limit sources of atmospheric deposition of pollutants, particularly from nitrogen sources.**

State air quality standards regulate sources of nitrogen pollution. For actions with a potential impact on air quality, the City shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly nitrogen sources.

*Policy 8*

**Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances.**

The intent of this policy is to protect people from sources of contamination and to protect the City of Watervliet's coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites to permit redevelopment.

Watervliet does not have any active hazardous waste sites located within the waterfront area or adjacent to the waterfront area. The City, while it does house several industrial/commercial uses in the waterfront area, including the Watervliet Arsenal and Passano

*Policy Standards*

Paints, is primarily zoned for residential development. The Hudson River is a no-discharge zone and no wastes are emitted into the river. As the City does not have a port, there are not loading/unloading activities that may result in potentially hazardous materials being spilled into the river.

**8.1 Manage solid waste to protect public health and control pollution.**

Municipalities must plan for the proper and effective disposal of solid waste, defined under ECL §27-0701 and 6 NYCRR Part 360-1.2, prior to undertaking major development or redevelopment activities that generate solid waste.

In the management of solid waste, priority must be given to reducing the amount of solid waste generated; reusing and recycling; and using land burial or other approved methods to dispose of non-reusable or recyclable solid waste.

Create and support a market for maximum resource recovery by using materials and products manufactured with recovered materials, and recovering materials as a source of supply for manufacturing materials and products.

Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

Operate solid waste management facilities to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, pest infestation, and other conditions harmful to the public health.

**8.2 Manage hazardous wastes to protect public health and control pollution.**

Hazardous wastes, defined under ECL §27-0901 and 6 NYCRR Part 371, must be managed in accordance with the following priorities:

- Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
- Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.

- Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
- Phase out land disposal of industrial hazardous wastes.
- Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial hazardous waste treatment, storage, and disposal.
- Remediate inactive hazardous waste disposal sites.
- Expedite remediation of substances hazardous in developed centers to permit redevelopment of the sites.
- Select a remediation remedy at a particular site to ensure that the public health and the environment will be protected. The future use of a site may determine the selected cleanup levels.

### **8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.**

- The release of toxic pollutants, as defined under ECL §17-0105, and hazardous substances, as defined under ECL §37-0101, should be prevented. These substances, if released, would have a deleterious effect on fish and wildlife resources.
- To prevent environmental degradation caused by persistent toxic pollutants, the discharge of bioaccumulative substances should be limited and the resuspension of toxic pollutants and hazardous substances and wastes should be prevented. Resuspension of such pollutants may allow bioaccumulative substances re-entry of into the food chain.
- Prevent and control environmental pollution due to release of radioactive materials as defined under 6 NYCRR Part 380.
- Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides, as defined under ECL §33-0101 and 6 NYCRR Part 325. Use of pesticides should be limited to effectively target pest

populations as indicated through integrated pest management methods. The direct or indirect entry of pesticides into waterways should be prevented and the exposure of people, fish, and wildlife to pesticides should be minimized.

- Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

#### **8.4 Prevent and remediate discharge of petroleum products.**

- Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.
- Demonstrate that an adequate plan for prevention and control of petroleum discharges is in place at any major petroleum-related facility.
- Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.
- Clean up and remove any petroleum discharge in accordance with the guidelines contained in the *New York State Water Quality Accident Contingency Plan and Handbook* and the procedures specified in the *New York State Water Quality Accident Contingency Plan and Handbook*. This includes giving first priority to minimizing environmental damage by responding quickly to contain spills and containing discharges immediately after discovery. Best available practices should be used to recover and recycle petroleum discharges.
- Transport solid waste and hazardous substances and waste using routes and methods which protect the safety, well-being, and general welfare of the public and the environmental resources of the State; and protects continued use of all transportation corridors and highways and transportation facilities.

*Policy 9*

**8.5 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.**

- Solid and hazardous waste facilities should not be located within the coastal area unless there is a demonstrated need for waterborne transport of waste materials and substances.
- Preclude impairment of the Hudson River from solid and hazardous waste facilities by siting these facilities so that they are not located in or would not adversely affect any surface waters, primary water supplies, or principal aquifers; habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities; and wetlands.

**Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the coastal area.**

Along many stretches of New York State’s coast, physical and visual access to coastal lands and waters is limited. Existing development has made much of the coast inaccessible and new development has been eliminating remaining opportunities to provide meaningful public access. In addition to diminishing opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. These limitations to access are compounded by a lack of diverse recreational opportunities at those sites that do provide access. Often available access and recreational opportunities are limited to local residents.

Deriving its name and much of its history from the water that runs along side it, the City of Watervliet’s long relationship with the Hudson River was effectively severed in 1968 with the construction of I-787. While the interstate cuts off the City from its historic port, both physically and visually, it did result in the development of a publicly accessible waterfront park. In 1975, the State constructed Hudson Shores Park. Originally property of the NYS Department of Transportation, the 9-acre parcel was turned over the City in the late 1990s. The other waterfront property in the City is the Fourth Street trailhead which provides access to the off-road segment of the Mohawk Hudson Bike Hike Trail. Owned by the State, this facility is small, with limited parking, but provides access to Albany’s Corning Preserve via the Mohawk Hudson Bike Hike trail.

### *Policy Standards*

Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide public access throughout the coastal area. The need to maintain and improve existing public access and facilities is the first of these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. The second measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

#### **9.1 Promote appropriate physical public access and recreation throughout the coastal area.**

Improving public access to the Hudson River in the City of Watervliet is very important. Waterfront access for the public and recreation facilities can attract tourists, improve the quality of life for residents and help to enhance the economic vitality of the City. The following standards should be used to guide future decision making with regard to public access and expansion of public recreational opportunities both within Hudson Shores Park and elsewhere in the City's waterfront area.

Provide a level of public access and type of recreational use which takes into account proximity to the City's Central Business District and upland commercial areas; public demand; type and sensitivity of natural resources that may be affected; public accessibility and safety; needs of special groups such as the elderly and persons with disabilities; and the potential for adverse impacts on adjacent land uses.

Provide convenient, well-defined physical public access to and along the Hudson River for water-related recreation.

Protect and maintain existing public access and water-related recreation facilities through proper maintenance, appropriate provision of supporting infrastructure; and ensuring that new development does not hinder physical public access and recreation.

Provide additional access and recreation facilities at public sites throughout the coastal area by enhancing the activities of the City's waterfront parks to appeal to more area residents; providing for improved access to the shoreline, possibly through streets terminating at the shoreline; facilitating public access and recreation through appropriate federal or state projects or funding;

and retaining public ownership of all the City's waterfront park and recreation lands.

Provide physical access linkages among public access sites, open space areas, public trust lands, and nearshore surface waters. Expand recreational opportunities within the State via the creation of physical linkages that would establish blueways and greenways. Expansion of the off-road portion of the Mohawk Hudson Bike Hike Trail along the City of Watervliet's shoreline would further this objective.

Provide physical public access to, and/or water-related recreation facilities, and water-enhanced activities on, coastal lands and waters whenever development or activities are likely to increase the public's use and enjoyment of public coastal lands and waters. Provide incentives to private development projects which provide public access and/or water-related recreation facilities.

### **9.2 Provide public visual access to coastal lands and waters or open space at all sites where physically practical.**

- To the greatest extent possible, views of the Hudson River should be expanded to allow full appreciation of this resource from Hudson Shores Park.
- To avoid loss of existing visual access from Hudson Shores Park, any proposed development at the park or along the shoreline should be sensitively designed to not impede visual access. Scale, design, location, and structure type should be considered. Enhanced landscaping along Hudson Shores Park can present an opportunity for improved scenic views of the river.
- Provide compensatory mitigation for loss of visual access where structures developed along the shoreline block visual access from inland public vantage points. Comparable physical access should be made either at the site or at nearby locations.
- Visual access to the coast should be increased whenever practical by providing interpretative exhibits at appropriate locations on both the upland and along the shoreline to enhance public understanding and enjoyment of the Hudson River and the City's historic waterfront.

### 9.3 Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.

- Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water.
- An assessment of environmental impacts should be conducted to assess potential adverse impact and should consider the following: impact on natural resource management, public access and recreation, and commerce; size, character, and effect of the transfer in relation to neighboring uses; potential for interference with navigation, public uses of waterway, and riparian rights; economic impact on existing commercial enterprises; and consistency with the public interest.
- Limit the conveyance of public trust lands to the minimum necessary by using legal instruments that least abrogates public interest and by limiting the physical land area conveyed to the minimum necessary. Grants in fee of underwater lands should be limited to exceptional circumstances. The impact of individual conveyances of grants, easements, and leases of public trust lands should be assessed cumulatively to protect against substantial loss of public interest in public trust lands. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.
- Retain a public interest in the transfer of interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
- Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

### 9.4 Assure public access along public trust lands above the line of mean low water.

- Provide free and substantially unobstructed passage along public trust shorelands. Interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water. Provide passage around interferences on public trust lands through adjacent upland easements or other mitigation where public access is substantially impeded. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.
- Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.
- Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.
- Allow obstruction of public use, including navigation, in navigable waters: for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use; for commercial recreational boating facilities and/or water-enhanced uses, provided that the loss of navigable waters or use of underwater lands is offset by sufficient public benefits; and in order to gain reasonable access to navigable waters from riparian lands.
- Obstruction of navigable waters and underwater lands is limited to the extent that it interferes with commercial navigation. The right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.
- Obstruction of navigable waters and underwater lands is limited to the minimum necessary for access to navigable waters. The minimum is determined by evaluating: the extent of the use's dependence on access to navigable waters; the range of tidal water level fluctuation; the size and nature of the body of water; the nature of public use of the adjacent waters; the traditional means of access used by surrounding similar uses; and whether or not alternative means to gain access are available.

- Obstruction of navigable waters and underwater lands is limited by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent or water-enhanced use.
- Obstruction of navigable waters and underwater lands is limited by potential adverse effects on natural resources and their uses, and by potential adverse effects on public safety.
- Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:
  - when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result.
  - for commercial recreational boating facilities and/or water-enhanced uses provided that: (1) the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and (2) obstruction of commercial navigation does not result.
  - when the principal purpose of the structure is necessary: (1) to provide public access for water-based or water-enhanced recreational uses; (2) for improvements for navigation; (3) for protection from coastal hazards, or (4) for essential public transportation and transmission facilities.

### **9.5 Provide access and recreation, which is compatible with natural resource values.**

- Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources. To evaluate the potential for adverse environmental effects, the following should be evaluated: intensity of the associated recreational, scientific, or educational activity; sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area; and level of disturbance

associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance: (1) motorized activities; (2) active, non-motorized activities, including water-dependent and water-related uses; (3) passive activities; and (4) avoidance of the area.

- Provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.
- Provide public access for fish and wildlife resource related activities, including fishing and hunting, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.

### *Policy 10*

**Protect water-dependent uses; promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.**

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

#### **Water-dependent uses**

Water-dependent uses should be promoted where appropriate and given precedent over other types of development at suitable waterfront sites. Existing water dependent uses should be protected.

Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity.

Development which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided.

### *Policy Standards*

#### **Water-enhanced uses**

Water-enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their coastal location.

*Water enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.*

Locating a floating restaurant at Hudson Shores Park is an opportunity to develop a water-enhanced use along the shoreline that has broad appeal. Providing casual waterside dining allows non-boaters to have an opportunity for enjoyment of the Hudson River.

#### **10.1 Protect existing water-dependent recreational uses.**

Actions that would adversely impact or interfere with existing water-dependent uses should be avoided. Existing water-dependent uses in Watervliet include recreational fishing opportunities at the City's two waterfront parks, Hudson Shores Park and the Mohawk Hudson Bike Hike Trail. Public access to the City's shoreline and the water quality of the Hudson River should be maintained so that the shoreline can continue to be used for recreational fishing purposes.

#### **10.2 Promote the development of appropriately sited new water-dependent recreational uses along the City's public-owned shoreline and provide for their safe operation.**

This policy recommends that water-dependent uses be located within urban or developed areas that contain concentrations of water-dependent commercial, industrial, or recreational uses and essential support facilities. Exceptions may be allowed when there is a demonstrated demand for the water-dependent use coupled with a lack of suitable sites, and the proposed use is small in nature, will provide water access, and is consistent with the character of the area.

Adverse impacts resulting from new and expanding water-dependent uses should be minimized.

Located on the western shore of the Hudson River north of Albany, the City of Watervliet is more than 98% developed. Due

the area's flood zone status, lack of privately owned, developable land, and relative inaccessibility caused by I-787, the City's shoreline is not a desirable location for the development of water-dependent commercial or marine uses.

Any new water dependent or water-enhanced activities along Watervliet's shoreline shall be done in a manner that allows for the continuing safe use of that Hudson River for water passage. No structures will be permitted to intrude on or interfere with the Federal Navigation channel.

Water-dependent uses should be sited in locations where:

- the need for dredging is minimized.
- waterside and landside access, as well as upland space for parking and other facilities, is adequate.
- the necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures; roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities.
- water quality classifications are compatible.

Ensure that new or expanding marinas:

- incorporate marine services and boat repair, as feasible, to meet a range of boating needs.
- do not displace or impair the operation of water-dependent transportation, industry, or commerce.
- do not encroach upon navigation channels or channel buffer areas.
- incorporate public access to the shore through provisions, such as including access from the upland, boat ramps, and transient boat mooring.
- limit discharge of sewage by providing pump out facilities unless the State's Clean Vessel Act plan indicates that adequate pumpout facilities exist.

- avoid or minimize adverse impacts on natural resources and existing neighborhoods and communities.

### **10.3 Improve the economic viability of water-dependent uses.**

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the ability of water-dependent uses to function. These non-water-dependent uses often mix compatibly with water-dependent uses, provide beneficial support, and positively affect the working waterfront character.

Non-water-dependent accessory or mixed-use developments may be allowed, provided:

- accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use.
- mixed uses subsidize the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use.
- uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use, and
- uses do not preclude future expansion of a water-dependent use.
- Locations that exhibit important natural resource values, such as significant resources, such as wetlands and fish and wildlife habitats, should be avoided.
- Other uses may be incorporated in the waterfront, particularly water enhanced and marine support services, provided that these uses:
  - do not interfere with the efficient operation of another water-dependent use.
  - make beneficial use of a coastal location through siting and design to increase public enjoyment of the waterfront.

Develop uses at the park that will better meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. These uses include a playground, improved water access, improved amenities, farmers markets, an amphitheater for shows, and a floating restaurant. Promote development of tourism-related uses on its waterfront upland, on the west side of Broadway. These uses would include restaurants, outdoor cafes, antique shops, and retail shops.

### **10.4 Allow water-enhanced uses which complement or improve the viability of water-dependent uses.**

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

In addition to water-dependent uses, it may be appropriate to encourage water-enhanced uses to locate along the Hudson River in the City of Watervliet. Water-enhanced uses, while they do not need a waterfront location, their placement on the waterfront could add to the public's use and enjoyment of the area. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

Water-enhanced uses that have broad appeal, such as a floating barge restaurant at Hudson Shores Park, will be encouraged. Locating the restaurant on a temporary riverside structure preserves the landside of Hudson Shores Park for recreational uses, both water-dependent uses such as fishing, as well as water-enhanced recreational uses, such as passive recreation and playgrounds.

Water-enhanced uses should be compatible with water-dependent uses, should provide beneficial support, and should be a positive impact on the waterfront area and on the City's Central Business District and adjacent commercial areas.

When determining if a water-enhanced use is appropriate for siting along the City of Watervliet's shoreline, or over the water, the following factors will be considered:

- The use would not preclude future expansion of a water-dependent use.
- The use would be sited and operated so as not to interfere with water-dependent uses.
- The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.

The development of a dining establishment on the water, through the use of a barge, would allow for enhanced seasonal use of the waterfront and encourage increased visitation to the site. Developing such a restaurant facility with wet slips would support recreational boating along the Hudson River. As there are currently no commercial water-dependent uses in existence along the City's shore, such a water-enhanced use would not preclude future expansion of a water-dependent use. A barge restaurant along Watervliet's shore would have to be placed in such a manner so that it does not interfere with the public's existing access to fish along the shore.

A barge restaurant would be required to make beneficial use of its shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character. Landscaping for enhanced views of the Hudson River would have to be maintained. Mooring of the barge would be done in a manner consistent with any environmental requirements identified by any state or federal review agencies. Development would follow prescribed timing restrictions and use of silt curtains to mitigate against turbidity. Such a use would also be subject to Site Plan Review and required to connect to the City's public sewer infrastructure.

The development of water-enhanced uses will meet the following requirements:

- The need for dredging is minimized.
- Waterside and landside access, as well as upland space for parking and other facilities, is adequate.
- The necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities.

- Water quality classifications are compatible.

**10.5 Promote the efficient management of surface waters and underwater lands.**

Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities.

To promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner:

- If warranted, various water use zones and vessel speed zones should be established for uses such as docks, moorings, navigation channels, turning basins, and any special recreational areas (bathing, water skiing, personal water craft, etc.).
- Wet slip docks, in-water structures, and surface water uses should not encroach upon navigation channels.
- Permanent non-water dependent structures and/or uses should not be allowed on or over surface waters.
- The establishment of future water use zones and the siting of in-water structures should be done in a manner, which minimizes potential impacts on sensitive resources such as wetlands and fish and wildlife habitats.

***Policy 11***

**Promote sustainable use of living marine resources in coastal waters.**

Living marine resources play an important role in the social and economic well being of coastal communities. Commercial and recreational uses of living marine resources constitute an important contribution to the economy of the state. The continued use of living resources depends on maintaining long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations.

### *Policy Standards*

Ensuring the sustainability of the state's fisheries resources requires the state's active management of fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of these resources. Allocation and use of the available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

The City of Watervliet does not have any commercial fisheries located within its boundaries. Use of living marine resources would be limited to recreational fishing at the City's two waterfront parks, the Hudson Shores Park and the Fourth Street Mohawk Hudson Bike Hike Trail head.

#### **11.1 Ensure the long-term maintenance and health of living marine resources.**

Recreational activities using living marine resources, such as fishing, should be managed in a manner that seeks to maintain the long-term health, abundance, and diversity of the area's fish population. Such recreational resources should not interfere with population and habitat maintenance and restoration efforts; should use best available scientific information in managing the resources; and should minimize waste. Furthermore, the occurrence and abundance of marine resources should be fostered through the protection, enhancement and restoration of habitats and water quality.

- Ensure that commercial and recreational use of living marine resources is managed in a manner that:
  - places primary importance on maintaining the long-term health and abundance of fisheries.
  - results in sustained useable abundance and diversity of the resource.
  - does not interfere with population and habitat maintenance and restoration efforts.
  - uses best available scientific information in managing the resources.

- minimizes waste and reduces discard mortality of fishery resources.
- Ensure that the management of the state's transboundary and migratory species is consistent with interstate, state-federal, and interjurisdictional management plans.
- Protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other marine living resources.

*Protection of native stocks includes protecting the genetic integrity of recognizable native populations, which can be placed at risk by inappropriate stocking. Native stocks also need to be protected from adverse impacts due to introduction of nonindigenous species.*

- Foster occurrence and abundance of marine resources through:
  - protection of spawning grounds, habitats, and water quality.
  - enhancement and restoration of fish and shellfish habitat.

### **11.2 Provide for and promote the recreational use of coastal fisheries.**

To better promote use of marine resources along the publicly owned Hudson Shores Park shoreline, and provide both a valuable recreational resource experience and support the viability of fishing-related businesses in the area, the City proposes improvements to Hudson Shores Park to make it a more attractive and safer park. Improvements include additional benches, a playground, landscaping improvements, and the development of a restaurant.

To protect the public health and marketability of resources from contamination, the public should be advised of the health risks associated with consuming seafood contaminated with toxics. All appropriate measures to maintain water quality, and the wholesomeness of fish resources, should be taken.

- Maximize the benefits of resources to provide:

- valuable recreational resource experience.
- viable business opportunities for commercial and recreational fisheries.
- Protect public health and marketability of resources from contamination.
  - Advise the public regarding health risks of consuming seafood contaminated with toxics.
  - Restrict harvest of fish when they are contaminated with toxics exceeding established public health thresholds.
  - Maintain water quality and wholesomeness of fishery and marketable marine resources to protect public health.
  - Foster direct public recreational use of marine resources along shorelines, bays, and surface waters.

***Policy 12***

**Protect existing agricultural lands in the coastal area.**

This policy is not applicable to the City of Watervliet because the City contains no farmland.

***Policy 13***

**Promote appropriate use and development of energy and mineral resources.**

This policy calls for the conservation of energy resources in the City of Watervliet and addresses alternative energy resources. It provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, presents standards to minimize the impact of large fuel storage facilities, and sets standards for land excavation and dredging.

***Policy Standards***

**13.1 Conserve energy resources as an important part of prudent future planning.**

Energy efficiency can be achieved through promoting energy efficient modes of transportation. This would include promoting and maintaining a variety of transportation facilities, including

those for rail freight and waterborne cargo and passenger transportation. It would also include integrating access to mass transit facilities and, where feasible, provide secure bicycle parking and safe bicycle lanes in new development projects.

Requiring new developments be planned and constructed taking into consideration a number of energy efficient design measures, such as solar utilization, protection from wind, and landscaping for thermal control, can enhance energy efficiency. Greater energy efficiency can be identified as a goal when existing facilities are being upgraded.

### **13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.**

Avoid interference with coastal resources and processes, including interference with migratory birds from wind farm developments.

There are no existing hydroelectric power generation facilities in the coastal area. There are no sites in the coastal area where the benefits of developing hydroelectric generating facilities are not outweighed by the economic costs and the potential adverse impacts on natural resources.

### **13.3 Consider energy use and environmental impacts in the siting of major energy generating facilities.**

Energy generating facilities may be sited in the City of Watervliet when a clear public benefit has been established and there is a demonstrated need for the facility, e.g. other alternatives including upgrades of existing facilities and alternative available methods/sources of energy cannot reasonably meet the public need.

Such a facility must satisfy additional electric capacity needs or electric system needs and must incorporate feasible public recreational uses. Siting major energy generating facilities close to load centers may maximize transmission efficiency.

New energy generating and transmission facilities should not be sited so as to adversely impact commercial or recreational navigation, commercial and recreational fishing, wetlands, and important habitats, and historic and scenic resources.

**13.4 Minimize adverse impacts from fuel storage facilities.**

Ensure that production, storage, and retention of petroleum products in Watervliet complies with DEC regulations;

**13.5 Ensure that mining, excavation, and dredging do not cause an increase in erosion, an adverse effect on natural resources, or degradation of visual resources.**

This Standard regulates land excavation and dredging activities in the City. Due to the disruptive nature of these activities, caution must be exercised to ensure these activities do not adversely affect natural resources or disturb the human environment. Any project calling for the removal of soils and/or overburden requires the development of a plan that addresses both site preparation and site reclamation. Such a plan must address drainage and erosion control, pollution prevention, slope, vegetation, materials disposal, and future land use of the affected land.

---

---

**Section IV**  
**Proposed Land and**  
**Water Uses**

# Proposed Land Use

## *Introduction*



*Attractive buildings on Broadway.*

## *Existing Land Uses*



*Cummings Funeral Home on Third Avenue.*

## *Future Land Uses*

As described previously, the construction of I-787 along the eastern side of Watervliet isolated the City from both the Hudson River and from its historical identity as a 19<sup>th</sup> Century industrial and trade center positioned at the confluence of the Hudson River and the Erie Canal. The proposals included in this LWRP are intending not only to reconnect the City and its residents with the waterfront but also to reestablish Watervliet's cultural and historical identity as a waterfront community. (See [Proposed Land and Water Use Map](#).) To this end, these proposals include broadening the waterfront, both figuratively and literally. This is to be accomplished by enhancing Hudson Shores Park and by focusing on a wider geographic area, targeting not only the riverfront itself, but also the "upland", that is, the historic waterfront bounded by Route 32 (the former Erie Canal path). The riverfront must be made more accessible, with efforts to eradicate both the psychological and physical barriers created by I-787.

More than 95% developed, there is little vacant land remaining in the City. The City proposes the revitalization of existing structures and vacant parcels in the City's upland waterfront area. A City with a long history, the land uses proposed are a continuation of the land uses already existing in the City. These include development of shopping and retail districts, restaurants, cafes, museums and cultural resources.

The Watervliet Arsenal, which comprises about 25% of the City's land area, is a large land use along the waterfront. In response to the trend of federal retrenchment (through the Defense Base Realignment and Closure Act), there has been an ongoing shift to privatize the Watervliet Arsenal. While there are no foreseeable plans to close the Watervliet Arsenal, it is anticipated that the shift to privatize the facility will continue. The Arsenal Business and Technology Partnership, known as the Arsenal Partnership, is responsible for overseeing this transition. The Arsenal Partnership actively recruits manufacturing and high-tech industrial businesses to the site, marketing it via its website and providing economic development assistance to tenants.

Much of the City's waterfront upland is underutilized and in need of physical enhancements and financial investment. The City proposes the revitalization of existing structures and vacant parcels in the City's upland waterfront area. The City needs to capitalize more on its inherent values and pursue creating a more



*Vacant storefront on Third Avenue at 5<sup>th</sup> Street.*



*Example of the suburban style strip development that exists on Third Avenue.*

attractive environment for residents and visitors alike. These include development of shopping and retail districts, restaurants and outdoor cafes, antique shops, and museums and cultural resources.

Watervliet's waterfront essentially is the Hudson Shores Park. Its upland waterfront area is the area bounded by the LWRP delineation, encompassing the area west of I-787 (and Broadway), extending out to Route 32, encircling the Watervliet Arsenal. The City's CBD is centered at Second Avenue and 19<sup>th</sup> Street. The City has a number of businesses located throughout the area. Some of these businesses are located within the CBD and within a small B-1 Local Business District.

With two Waterfront Business Districts north and south of the CBD, encompassing the western side of Broadway, the City is intending to encourage tourism related commercial uses within close proximity to the Hudson Shores Park entrance at 23<sup>rd</sup> Street. The idea is to develop restaurants, antique shops, and other retail opportunities that would present attractive window-shopping opportunities.

The City would like the Park to act as a catalyst for additional development in the area. The City would like to see Hudson Shores Park developed for waterfront recreational uses-- both water-dependent and water-enhanced uses-- that will appeal to a variety of users --younger people, families, seniors, as well as non-residents--and broaden the appeal of the park. The City would like to see the development of additional active recreational uses at the park, including a playground to serve area residents living north of the Arsenal. More passive recreation could be accommodated by the installation of additional benches oriented towards the water for passive viewing of the river.

The City would like to see improved opportunities for recreational water activities, such as boating and fishing in the Hudson River. If deemed an appropriate use compatible with existing navigation in the area, seasonal boat slips along the park would allow for increased boating opportunities. The City also desires improved, safer pedestrian access to get to the park itself, ways that do not require pedestrians to navigate through the high traffic volumes at the 23<sup>rd</sup> Street entrance.

In addition to improving how the City meets the recreational needs of City residents, the City would like to develop uses at Hudson

## Proposed Land and Water Uses

---

---



*Landscaping and benches could enhance Hudson Shores Park.*

Shores Park that will draw more non-residents to the City's waterfront. In 2004, Hudson Shores Park was used for farmers markets for the first time. The City is encouraging the continuation and potential expansion of this activity at the park. In addition, the City would like to see more of such uses, including, possibly, an outdoor theater for shows, and a floating restaurant. In addition to non-residents, a new restaurant in the Park would likely encourage City residents that currently do not frequent the park due to its perceived desolate nature to visit the park.

# Proposed Land and Water Uses

---

---

## Proposed Water Uses and Harbor Management Plan

### *Waterfront Lands*

The shoreline's three property owners are the City, the Watervliet Arsenal and the NYS Department of Transportation. The City owns the 9-acre Hudson Shores Park, which accounts for roughly a quarter of the City's shoreline. The Watervliet Arsenal owns the steep shoreline area located just east of Broadway across from the military base. Finally, the NYS Department of Transportation owns the Mohawk Hudson Bike Hike trailhead.

The City of Watervliet would like to see its waterfront accommodate more water-related uses, both water-dependent and water-enhanced recreational activities. Areas of the coastal shoreline open to the public include Hudson Shores Park and the DOT-owned Mohawk Hudson Bike Hike Trail. As the City controls Hudson Shores Park, most of these additional water uses are proposed for the Park. These resources include improved access for recreational boating, access for fishing, and a restaurant. See [Proposed Land and Water Use Map](#).

### *Addressing Constraints to Development*

In promoting the development of a wide array of recreational uses at its waterfront park, the City of Watervliet is forced to confront a number of constraints, not the least of which is the limited amount of usable land available at the 9-acre Hudson Shores Park for development of additional uses. Approximately 17% of the Park (1-½ acres) is presently occupied by circulation roads, paths, parking, and structures. Additional parking to facilitate increased usage at the park will cover another third of an acre. Much of the park's shoreline is steeply graded and not developable. This leaves a very limited amount of space within the park to develop for recreational and water-enhanced uses. To meet this challenge, the City must evaluate all potential opportunities to increase the diversity of uses supported at Hudson Shores Park.

In addition to park size, the entire City has been identified by the State's Office of Parks, Recreation, and Historic Preservation as archaeologically sensitive, especially the lands along the Hudson River. Even minimal land disturbance, such as would be required for the installation of lighting in Hudson Shores Park, would likely necessitate an archaeological survey of the area. Additional limitations to development are presented by the proximity of the Federal Reserve channel along Watervliet's shoreline, and the need



*Albany's floating restaurant.*



*Albany's floating restaurant allows boaters to stop and dine.*

for any proposed in-water uses to obtain permits from the NYS Office of General Services.

Given the upland constraints, one option allowing for the development of a restaurant at Hudson Shores Park would be through the use of a barge. The City of Albany, south of Watervliet also cut off from the river by I-787, uses a barge to accommodate a seasonal floating restaurant at its Corning Preserve. Such a seasonal structure would float on the water and would be temporary in nature. It is anticipated that a floating structure would not interfere with the intertidal zone, nor impact the river bottom. In addition, the nature of the barge itself will allow visitors to experience actually boarding a vessel at the Watervliet shoreline, which is not something people are currently able to experience. The addition of seasonal boat slips, as part of the barge's dock network will further enhance local residents ability to access the waterfront along Watervliet's shoreline.

Allowing a barge to moor along the shore would provide for the development of a restaurant on the waterfront, which would be an amenity for City residents as well as a draw to attract non-residents to the City of Watervliet. Importantly, development of this type will allow for the use to be temporary, while also preserving the City's upland park area for water-dependent and water-enhanced recreational uses. If a water-dependent use is identified at some point in the future as being a viable alternative for the site, the lease permitting the barge to be moored at the site can be terminated and the new water-dependent use can be developed at the site.

The barge would have associated floating docks and boat slips to accommodate restaurant patrons. These boat slips might also be conducive to seasonal rental agreements for local boaters.

Due to the limited space available at Hudson Shores Park, the development of a boat launch to accommodate motorized vessels would require that most of the park be paved to allow for trailer parking. The City has decided this is a non-viable option. However, the City would like to see improved opportunities for recreational water activities, such as boating and fishing at Hudson Shores Park. The City would like to encourage such uses, as they would serve to increase utilization of Hudson Shores Park, but not prohibit the park's continued use for a variety of activities.

## Proposed Park Projects



*Improved signage is needed. This Hudson Mohawk Urban Cultural Park sign is partially obscured.*

### ***Hudson Shores Park Projects***



*Broadway, under the Congress Street Bridge, is unappealing to pedestrians.*

As a result of developing this program the City of Watervliet has identified a series of small-scale and some large-scale projects to develop the City owned Hudson Shores Park in the manner desired. Some improvements will require the cooperation of other agencies. For example, a number of improvements are proposed for the NYS Department of Transportation-owned Mohawk Hudson Bike Hike trailhead and improved signage is suggested for the RiverSpark trail. The locations of these proposed projects and actions are indicated on the [Proposed Land and Water Use Map](#) that follows. These are designed to address and implement many of the LWRP Policies outlined in Section III, as well as the specific land use recommendations contained in this section.

As a City-owned shoreline park, Hudson Shores Park is the primary riverfront resource available to the public in Watervliet. As this is the case, many of the proposed projections and actions identified to enhance the City's waterfront are related to the park. This section identifies a number of projects that fall under two major categories. The first are projects designed to improve park amenities and facilities. The intent behind the second group of projects is to improve access to the park.

The City would like to see Hudson Shores Park developed for waterfront recreational uses-- both water-dependent and water-enhanced uses-- that will appeal to a variety of users --younger people, families, seniors, as well as non-residents--and broaden the appeal of the park. The City would like to see the development of additional active recreational uses at the park, including a playground to serve area residents living north of the Arsenal. More passive recreation could be accommodated by the installation of additional benches oriented towards the water for passive viewing of the river. The City would like to see improved opportunities for recreational water activities, such as boating and fishing in the Hudson River. If deemed an appropriate use compatible with existing navigation in the area, seasonal boat slips along the park would allow for increased boating opportunities. The City would also like to see improved, safer pedestrian access to get to the park.

The City would like the Park to act as a catalyst for additional development in the area. The City would like to develop uses at the park that will better meet the recreational needs of City residents, while also drawing more non-residents to the City's

### *Improved Amenities and Facilities*

waterfront. In 2004, Hudson Shores Park was used for a farmers market for the first time. The City is encouraging the continuation and potential expansion of this activity at the park. In addition, the City would like to see more of such uses, including, possibly, an outdoor theater for shows, and a restaurant.

Through the use of a barge, the City proposes to develop a floating restaurant at Hudson Shores Park. Developed in this manner, the proposed restaurant would not involve placing fill in the Hudson River, and is anticipated to have a minimal impact on the river and its in-water habitats. This restaurant would cater to both passing boaters and area residents. By introducing a restaurant use to the park, this would serve to increase visitation to the park at varying times of day, making the park more attractive to local users that currently shy away from the park due to its perceived desolate nature.

The restaurant/barge's docking area will accommodate up to 15 boat slips. Most slips will be available to boating customers to access the restaurant. One will be designated for the use of the restaurant and one will be designated for the use of the City. A few slips may be rented seasonally to area boaters.

The proposed barge would be seasonally moored, from April to November. The structure would be 200 feet long by 42 feet wide, and would be connected to two access ramps (gangways) and three attached floating docks, on each waterside of the barge. Three finger piers would extend out on the north and south sides of the barge. The two ramps or gangways would consist of two (2) approximately 50-foot long by 4 feet wide segments and would extend from the existing bulkhead to the barge. Given the underwater topography of the shoreline, the length of the ramps is necessary to allow for the barge to be located along the shoreline without touching the bottom. The first segment would extend from the bulkhead to a midway pier, and the second would extend from the midwater pier to the barge. One additional gangway, approximately 30' by 4', would provide access to the boat docks from the restaurant on the north end.

Three wooden floating pier sections would be attached to the barge to accommodate a maximum of 15 boats. These piers will include identical 4' by 50' docks along the barge's north and south sides,

each one connected to three 4' by 30' finger piers, and a 4' by 200' dock along the east side of the barge for temporary boat mooring.

The barge would be anchored using two 2-foot by 40-foot spud piles. As the substrate accommodates the use of vertical steel pile drives, this is the method that will be used to support the pier. There will not be a need to use cement to secure the midway piers. Two vertical steel piles 24" in diameter and 30-feet long will be driven 15 feet into the bedrock substrate.

During the cold weather months the barge will be removed and stored off-site. The barge will be removed in November.

It should be noted that the City of Watervliet is fully sewered. The barge-restaurant, if developed, will be required to connect to the City's public infrastructure. As the Hudson River, between Battery Park in Manhattan and the City of Troy's dam in Rensselaer County, was designated a no-discharge zone in November 2003, any vessels traveling or moored within the area are prohibited from discharging any kind of boat sewage.

To anchor the barge along the shore, no dredging will be necessary. However, it will be necessary to pile-drive for installation of the piers. The City will require that a silt curtain be used during pile driving to protect against any turbidity that may be harmful to the wildlife and fish species that spawn and live in the Hudson River. The City will also require that such activities be timed appropriately to not cause undue harm to the wildlife and fish species that spawn and live in the Hudson River. For any activities along the shore, the City will require that all trenching/excavation conducted for city utility connections occur above the high water mark.

The shoreline along the City of Watervliet is rather shallow. This shallow water depth requires that the proposed barge restaurant be placed out approximately 100' from the shore's edge. While the additional distance results in additional coverage of water area with the barge's associated gangplanks, this distance is necessary to ensure that the barge does not hit the bottom of the river at lowtide. The only alternative would be to excavate along the shoreline to allow the nearshore area to accommodate the barge. This alternative was dismissed, as it requires dredging.

Aside from some potential shading that may temporarily occur from the proposed barge and docks, the operation of the restaurant and boat slips is anticipated to have little if any effect on the fish residing in the Hudson River, including the shortnose sturgeon. Appropriate scheduling as well as construction related mitigation measures will be required during all in-water activity.

- **Landscaping to Allow for Better Views:** While Hudson Shores Park has an attractive canopy of trees, the view of the Hudson River is somewhat impaired by the trees that line the shoreline, obstructing the view of the River from the bikepath. Improvements to the park should include landscaping to open up the views of the Hudson River. No trees that stabilize the shoreline will be removed.
- **Develop More Passive Recreation Amenities:** While the park currently houses a pavilion with picnic tables and some benches, many of these are clustered in select areas. The park would be more attractive and inviting if additional bench seating were spread out throughout the park, not just in the Pavilion, including some overlooking the river.
- **Develop Facilities for Active Recreation:** Constructing a playground in the Park would make it more child-oriented and attractive to the many families with children living nearby. There is no playground within the upland waterfront area, located north of the Watervliet Arsenal, although there are several to the south of the Arsenal.
- **Construct an Outdoor Theater:** Improve the open space under the Congress Street Bridge accessible via Hudson Shores Park for development of an outdoor theater or stage area. Such a facility can be used to accommodate organized shows and free concerts in the park.
- **Develop More Special Events and Year Round Activities:** Promote the use of Hudson Shores Park through using the site for a range of activities, such as community-sponsored holiday festival events (e.g. 4<sup>th</sup> of July festivities), summer events (e.g. farmers markets and outdoor concerts or shows), and wintertime recreation (e.g. cross-country skiing).



*This underused space under I-787 could be used for events.*

### *Park Access*



*Potential location for an access point to Hudson Shores Park.*

- **Provide for Additional Security at the Park:** Additional lighting should be provided at the park, as well as emergency callboxes to provide added security. It should be noted that as more people frequent the park, the perception of the park being a desolate place will be replaced with an image of a populated, well-used, visible space.
- **Address Noise Levels at the Park:** Due to the proximity of I-787, noise from automobile traffic is audible from all areas of the park. However, it is especially pronounced in several areas of the park. The City should work with the appropriate State agencies, including NYS Department of Transportation, on options to mitigate the noise.
- **Develop Additional Parking:** Introducing new uses to Hudson Shores Park will result in additional users to the park. While some of these users may be accessing the park via foot or boat, others will likely be arriving by automobile. To accommodate additional users, additional parking must be provided at the park. One location that could likely accommodate additional parking is the underpass area below the Congress Street Bridge.
- **Install Additional Pedestrian Amenities:** Due to the existing I-787 on and off ramps, access to Hudson Shores Park via 23<sup>rd</sup> Street is dangerous for pedestrians. Crosswalk lines should be painted at each of the four street corners that intersect at Broadway and 23<sup>rd</sup> Street. Right turns on red lights should be prohibited with appropriate signage installed on 23<sup>rd</sup> Street and on Broadway. In the future, it may also be advisable to install pedestrian signals and buttons at the busier corners.
- **Trail Entrance:** The RiverSpark trail that leads to the Park is poorly maintained at present, characterized by overgrowth and weeds. Pedestrians following the trail are more inclined to walk on 23<sup>rd</sup> Street beside cars exiting and entering I-787 than to walk on the Trail itself. The RiverSpark trail should be improved and maintained.
- **Install Signage:** Improvements should be made to the signage located at the park entrances (both the bikepath



*Broadway at 16<sup>th</sup> is a potential location for a kiosk.*



*Existing gateway to the City.*

and vehicle entrance). Wayfinding signage should be placed along 19<sup>th</sup> Street, Route 32, Broadway, and 23<sup>rd</sup> Street, directing people to the park.

- **Develop New Access to Hudson Shores Park:** Pedestrian access to Hudson Shores Park is severely restricted by I-787, which separates the park from the remainder of the City. Presently, access is limited to several street crossings along 23<sup>rd</sup> Street at the northern end of the City. Providing for additional access to Hudson Shores Park would improve access, making it safer and more convenient, and would likely result in more City residents walking over to the park. The City should work with NYS Department of Transportation to make necessary infrastructure improvements to create additional access to the Park. Several potential means of access include the following:
- **Overhead pedestrian bridge.** This would likely be the most costly option, however the City of Albany recently had an overhead bridge connection constructed to connect its downtown with the Corning Preserve.
- **A staircase from Congress Street.** This option would require engineering review to determine its feasibility. This proposal would also allow access to the Park from across the Hudson River.
- **An underground entrance from Broadway.** Similar to the Fourth Street entrance that provides access to the off-road segment of the Mohawk Hudson Bike Hike trail, there are several dead-end street locations along Broadway where this may be feasible. Safety and lighting are concerns that would need to be addressed in final design.
- **Extend the Bike Hike Trail to Connect with the Park:** Currently, the Mohawk Hudson Bike Hike Trail does not continue as an off-road segment along the Hudson River in the City of Watervliet. There is a bike trail in Hudson Shores Park, but it dead-ends at the southern end of the Park. Cyclists traveling through Watervliet must use an on-road connector to get from the Congress Street Bridge to the Fourth Street trail head, where the trail runs along the Hudson River south to Corning Preserve in Albany. The

### *Mohawk Hudson Bike Hike Trail Project*



*Hudson Shores Park entrance.*

City should pursue funding to extend the off-road segment of the Mohawk Hudson Bike Hike trail along the shoreline from Fourth Street to connect with the Hudson Shores Park trail at 15<sup>th</sup> Street. In addition to opening up access to Hudson Shores Park via the Fourth Street trailhead and allowing residents to access the Park via Broadway, it would also result in better utilization of the park, as trail cyclists could continue on to Hudson Shores Park. One proposal-identified previously included the development of a bulkhead trail, cutting into I-787's riverbank, while another suggestion included using a cantilevered walkway along the shore.

The Mohawk Hudson Bike Hike Trail, owned and under the jurisdiction of the State, is the City's second riverfront park area. The City recommends several projects be undertaken to improve the trailhead area, making it more attractive to a variety of users. It is also recommended that past ideas to connect the trail off-road to Hudson Shores Park be reconsidered and pursued.

- **Enhance the Amenities:** Improve the Fourth Street Mohawk Hudson Bike Hike Trailhead/parking area to better accommodate residents' use of the site for family fishing as well as other uses. Facilities should include a playground, picnic area, benches, and better lighting. The shoreline in the park should be landscaped so that visitors may enjoy unhindered views of the Hudson River.
- **Improve the Park Entrance:** Improve the entrance to the Fourth Street Trailhead through the use of better signage and lighting. Improve pedestrian access to the park by installing a pedestrian and traffic signal at the Broadway and Fourth Street intersection. Although the City-owned lot at Fourth Street and Broadway is intersected by the main trunk line of the Albany County Sewer District and is thus unbuildable, landscaping improvements can be undertaken to improve visual quality of the space and make the trailhead more attractive.
- **Extend the off-road segment of the Mohawk Hudson Bike Hike Trail along the shoreline:** See description of proposed project under Hudson Shore Park Projects.

# Proposed Projects to Improve Waterfront Accessibility

## *Pedestrian Access Improvements*

There are several types of measures identified to improve access to the City of Watervliet's shoreline. These include improvements to allow for better pedestrian accessibility; improvements to provide better vehicular access; and increased signage to help both pedestrians and motorists find their way within the City.

- **Add Missing Sidewalk Segments:** Improve pedestrian access in the study area, especially access to Hudson Shores Park, by installing sidewalks along the segments of Broadway that currently lack them.
- **Install Pedestrian Amenities:** Improve pedestrian access throughout the study area, with appropriately located crosswalks, pedestrian signals, and ADA ramps. There is a particular need for crosswalks and possibly pedestrian signals, at the intersection of Broadway and 23<sup>rd</sup> Street. There is also a need for a crosswalk on Broadway at the bus stop in front of Hudson Shores Plaza.
- **Design Standards:** Through the use of design standards, as sites within the study area are redeveloped, the City can avoid the development of excessive driveway and asphalt areas. Property owners should be prohibited from paving over sidewalks.
- **Intersection Improvements:** Modifications should be made at several intersections, such as the I-787 ramps at 23<sup>rd</sup> Street and at Broadway and 23<sup>rd</sup> Street. Such changes could improve motorists' ability to navigate the entry into Watervliet, allowing for a more pleasant arrival. Providing additional signage in the City's major gateway areas would also provide motorists with clear direction on accessing the City's recreational and cultural resources.
- **Conduct a Traffic Calming Study:** Instituting traffic calming techniques along the City's major corridors will make the roadways safer for pedestrians and also allow passing motorists to become more aware of the City's resources. Several areas in the waterfront area should be studied for potential introduction of traffic calming techniques. As part of this study, an inventory of all

## *Vehicular Access Improvements*



*Intersection at 19<sup>th</sup> Street and Second Avenue, a major gateway, could be improved.*

### **Signage Improvements**

existing traffic control devices, such as stop signs, speed limit signs, must be conducted to determine if they conform to the manual of Uniform Traffic Control Devices. Potential locations for raised landscaped medians, mid-block and intersection bulb outs, and gateway treatments should be identified. Create standards for the design of the various roadway amenities in the waterfront area, especially the area targeted for tourism-related uses. Special attention should be given to the Hudson Shores Park entrance, off 23<sup>rd</sup> Street and Broadway, in particular.

- **Conduct a Detailed Parking Study:** Typically a premium in urban areas, adequate parking is one essential element in attracting people. A comprehensive parking study should be completed to determine the availability/need for parking in the study area, especially in light of increasing commercial uses and potentially drawing in more visitors to the area.
- **Perform a Sidewalk Study:** The City should conduct an evaluation of the condition of the City's sidewalk system. Segments should be replaced where necessary in order to provide a continuous route for all pedestrians, including those with disabilities. The system should provide adequate sidewalk widths, surface types, curb ramps, and devices for the visually impaired. Pedestrian signals and buttons may be appropriate at heavily trafficked intersections.
- **Wayfinding signs** identifying the City's historic, cultural, and recreational resources should be located along the City's major roadways, including Broadway, Route 32 (Second and Third Avenues), 19<sup>th</sup> Street, and 23<sup>rd</sup> Street.
- **Develop Cultural Resource Signage:** Additional signage should be developed for the following three cultural resources:
  - 1) Schuyler Flatts, both at the entrance located off 1<sup>st</sup> Street and off-site in the City.
  - 2) Mohawk Hudson Bike Hike Trail and park, both at the site and off-site.



*Historic narratives could be placed at the City's parks.*

3) Hudson Shores Park, both at the park and elsewhere off-site.

- **Install an Information Kiosk:** There is a need for an unmanned, information kiosk to be placed at a prominent location along Broadway. Information can be posted about the City's various cultural and recreational resources, including a calendar of special events. One possible location is Broadway at 16<sup>th</sup> Street.

## Proposed Preservation Projects

### *Aesthetics*



*Attractive homes complemented by trees and landscaping.*

There are a number of projects that are designed to preserve the City of Watervliet in a variety of ways. Several of these efforts are targeted towards improving and enhancing the aesthetics and attractiveness of the waterfront area. Other projects are aimed at focusing efforts on better identifying and highlighting the City's many historic and cultural resources. Some focus exclusively on one major resource, the Watervliet Arsenal.

- **Building Rehabilitation:** The City can work with local property owners on building façade improvements, and rehabilitate deteriorated commercial and residential properties within the waterfront area. Improvements should be made to the buildings and structures in disrepair, with attention to appropriateness of architecture, design, and colors.
- **Plant Street Trees and Other Plantings:** Street trees and other fauna should be planted in appropriate locations throughout the City. In particular, the view from Broadway looking eastward is of I-787. This view could be much improved, made more interesting and colorful through the planting of flowering plants or crab apple trees. Also, I-787 presents a postcard of Watervliet to passing motorists. The west view of Broadway should also be improved. Other areas that could be enhanced include Route 32 (Second Avenue) and 16<sup>th</sup> Street, which could be beautified through boulevard treatments. Increased plantings and street trees can also improve air quality within the City.
- **Develop City Gateways:** Visually enhance the City's major gateways. Elements used in successful gateways include: signs, kiosks, street furniture, lighting, ornamental historic objects (such as bells or cannons) and landscaping. This includes 23<sup>rd</sup> Street at Broadway, Second Avenue at 19<sup>th</sup> Street, as well as Route 32 at the shared boundary with Colonie to the south and to the north.
- **Add Street Furniture and Lighting:** Street furniture, such as benches, and attractive period lighting would help make the waterfront area more attractive and inviting.
- **Develop a Noise Attenuation Plan:** The construction of I-787 severely eroded the quality of life in the City of



*Design guidelines would foster improved building facades.*

Watervliet. Not only did it cut the community off from its waterfront, but it has also subjected the City's residents and visitors to excessive noise as a result of constant automobile traffic. The City must work with appropriate State and federal agencies on implementing appropriate noise attenuation, such as sound barriers, fencing or other types of buffering, to mitigate the highway noise.

- **Develop Architectural Design Guidelines:** Guidelines can be used to coordinate building facades, setback, architectural themes, signage, landscaping, and streetscaping in the waterfront area. Suggested architectural guidelines includes the following:
  1. **Material:** In keeping with the urban setting: brick, stone, clapboard where appropriate. Metal, plastic, rough wood, or other inappropriate materials should be discouraged.
  2. **Colors:** In keeping with the current streetscape. Garish colors such as chartreuse, hot pink, magenta, etc. are not appropriate for a traditional City streetscape.
  3. **Scale & Setback:** In keeping with the current streetscape. In most cases, a two-storied building will be the appropriate height for in-fill. New development should be reviewed on a case-by-case basis. In general, buildings should not be more than two or three stories, with pedestrian-oriented details on the ground floor. Stark facades with no relationship to the sidewalk should not be allowed. Setbacks should follow the established building line.
  4. **Parking:** Either on street parking or parking behind buildings should be encouraged. Parking lots should not be allowed in front lots.
  5. **Landscaping:** Should be required for all development or redevelopment. Buildings that have no front yard setbacks should be required to have container plants and maintain street trees. Buildings with small front yards should be required to landscape and maintain them.

## *Historic and Cultural Resources*



*Some houses need rehabilitation.*



*Attractive home on Third Avenue.*

6. **Signage:** Signage on buildings should complement the building in style, size, and color. The City has an existing Sign Ordinance that should be strengthened to encourage a higher quality look in the City's business districts, especially in the waterfront area. The Sign Ordinance should limit signs in the waterfront area to those compatible with the historic look of the area.

The City is looking to encourage activities to commemorate and celebrate Watervliet's role in the history of the nation's development, including the industrial revolution. Several methods identified by which the City can look to promote its historic resources are listed below.

- **Historic Watervliet Walk:** Develop a walking history tour of the City, complete with a map of the City's historic resources. Encased descriptions and/or historical markers or plaques with pictures of yesteryear should be placed at historically significant locales throughout the City, possibly corresponding with the Mohawk Hudson Heritage Trail or within the City's many parks.
- **Historic Watervliet Walk Brochure:** Create a historic walk brochure promoting the City's historic and cultural resources to be distributed via a well-located information kiosk, at the Watervliet Arsenal Museum, and through the RiverSpark Heritage Area program.
- **Local Cultural Resources Museum:** Develop a local cultural resources museum in the City's newly-acquired court facility building. Promote development of a local museum and cultural center that showcases local artifacts, newspaper articles, and other resources that tell the story of Watervliet's history, including the development of the Erie Canal and the substantial role the City played in American bell-casting during the 19<sup>th</sup> century and the early half of the 20<sup>th</sup> century.
- **Promoting the City's Bell Casting History:** The City of Watervliet has a long history in bell casting. The RiverSpark Heritage Area identifies Greater Troy, New York as the "most important bell-making area in the history of the New World." It began in 1808, when the first bell

foundry was established in the Village of Gibbonsville (now Watervliet). This foundry manufactured church bells, tower clocks, and surveying instruments. Over time, the foundries of West Troy (Watervliet) and Troy cast roughly 100,000 bells, including the replacement of the Liberty Bell in Philadelphia. Of a survey of 555 American-made chimes, 382 chimes, or 69%, were cast by the Troy/West Troy manufacturers. In response to interest in the Meneely Bell Foundry, RiverSpark, in 2002, celebrated the 200<sup>th</sup> anniversary of the birth of Andrew Meneely with special exhibits, lectures, and a bus tour of local bells. While a number of these bells still exist in the region, including one inside the Community Center, there is no marker at the site of the former Meneely Foundry on Broadway to commemorate the site's significance. Although a plaque acknowledges the City's bell-making history in the Watervliet Community Center, there are few references to it elsewhere. The City should develop materials, such as historic narratives or documentaries, to develop this aspect of the City's history as one of its untapped resources.

- **Cultural Resources Committee:** The City should create a Cultural Resources Committee to cultivate a program to identify, develop, and promote the City's historic and cultural resources, through the creation of a Cultural Resources Museum and visitor center. This committee could work on implementing a number of the proposals to reconnect the City with its waterfront. Working with other local committees, such as the Economic Development Committee and the Planning Committee, the Cultural Resources Committee could develop marketing tools such as brochures describing the area and its attractions, events calendars, walking tour maps, and on developing gateways for the major intersections in the waterfront area, including:
  1. 19th Street and 2nd Avenue, located right at the end of the Congress Street Bridge.
  2. 23<sup>rd</sup> Street at Broadway (for travelers coming off I-787).
  3. at either end of Route 32 (Third Avenue south of the Arsenal and Second Avenue north of the Arsenal).

*Watervliet Arsenal*

- **Local Historic District Overlay:** The City identified the desire to create a Local Historic District Overlay district encompassing Broadway west to 2<sup>nd</sup> Avenue and from the Arsenal north to 15<sup>th</sup> Street. A Local Historic District can be used to regulate against potential impacts, such as physical or use modifications, or demolition of historic structures. A Local Historic District Committee can be charged with the responsibility of reviewing site plans required for all renovations and additions occurring within the Local Historic District Overlay. The Committee can begin by, working with other groups such as the RiverSpark Heritage Area and the Office of Parks, Recreation, and Historic Preservation, conducting a survey of historic sites within the proposed Local Historic District. In addition to documenting these resources for historic preservation, this committee can also develop guidelines and appropriate signage program to identify these resources. This committee can recommend buildings and sites for inclusion on the National and State Register of Historic Places.

The City would like to encourage use of the Watervliet Arsenal as a cultural resource that also promotes the City and highlights the City's historic role in the nation's defense and in ammunitions development.

- **Increased Promotion of the Arsenal Museum:** The City can work with the Watervliet Arsenal Museum to improve residents' and visitors' awareness of the Museum's accessibility. Improved signage with schedule and other information placed throughout the City would make the Arsenal Museum more accessible.
- **Enhance the Visual Appearance of the Arsenal:** Improved facilities maintenance of the Watervliet Arsenal would add to the City's aesthetic quality. To promote interest in the City and its historic role in the manufacturing of ammunitions, the City could encourage the Watervliet Arsenal to display a tank visible to travelers on I-787.
- **Special Events:** Establishing a relationship with the Arsenal Museum would be helpful for cross-promotion of special cultural events within the City.

## Proposed Economic Development Projects

### *New Business Development*



*Vacant former school building in Port Schuyler neighborhood.*



*John S. Tilley Ladder Buildings are underutilized.*

The City can promote redevelopment and reuse of the City's underutilized and vacant commercial sites through enhancing the areas and making them more attractive to businesses using some of the proposed activities identified in the sections above. In addition to this, the City of Watervliet, through its Economic Development Committee can continue to facilitate the development of new businesses within the City's waterfront area by working with developers to rehabilitate and occupy vacant structures and by working with existing businesses to expand their operations.

- **Adaptive Reuse:** Promote adaptive reuse of existing, underutilized buildings. Several currently underutilized structures with potential for redevelopment include:
  1. The vacant brick structure located on Broadway at Fourth Street. This building could be redeveloped to support a mixture of uses, such as recreational sports rentals of boats, bicycles, and cross-country skis, to accommodate park-goers. The structure could also house and information kiosk, or a restaurant or brewpub. As the building is located directly across from the Mohawk Hudson Bike Hike Trailhead, it is excellently located to draw in trail users.
  2. The former school building in Port Schuyler. This structure could be rehabilitated to accommodate a mix of uses, such as ground floor retail with for sale studio or loft units above.
  3. The under-used John S. Tilley Ladder building. This commercial complex currently houses some commercial businesses, but has space available to accommodate additional tenants.
- **Infill Business Development:** The City should work with existing and new business owners to facilitate the development of restaurants, outdoor cafes, antique shops, and other tourism-related, pedestrian-oriented retail shops in appropriate locations on Broadway, Second Avenue, and Third Avenue. One idea proposed called for the development of a restaurant row along Second Avenue north of the Arsenal.

### *Existing City Businesses*



*Strip develop should be avoided in areas where the City wants to maintain its streetscape.*

- **Develop Municipal Parking:** With creating additional uses in the City's waterfront, both recreational opportunities at Hudson Shores Park and the Mohawk Hudson Bike Hike Trail park and other retail, dining, and cultural uses in the City's waterfront upland, there will be an increased need for off-street parking. The City should work to develop municipal parking lots to accommodate visitors to the City. The City should look to acquire existing vacant lands and possibly structures that are structurally unsound.

The City can work with a number of businesses and organizations already in existence in the City to assist them in expanding their operations. These businesses include:

- **Rensselaer Polytechnic Institute:** The City should work with the RPI incubator to establish new businesses; appropriate tech/office uses that could be affordably housed in some of the City's presently underutilized buildings.
- **Watervliet Arsenal:** To encourage the continued economic vitality of the Watervliet Arsenal, the City can coordinate with the Arsenal Partnership to market available Arsenal space. Compositely, the City can assist commercial Arsenal tenants in finding additional overflow space nearby if necessary.
- **Potential Reuse of the Watervliet Arsenal:** Through the US Department of Defense Base Realignment and Closure (BRAC) program, many military bases across the nation are being phased out. Since the federal military has already retrenched its presence in the Watervliet Arsenal and non-military firms engaged in defense-related research and development, occupy much of the Arsenal; it is unlikely that BRAC will impact the Watervliet Arsenal. However, the City should cultivate an ongoing discourse with the Watervliet Arsenal and the Watervliet Arsenal Partnership on achieving a plan for redevelopment that does not negatively impact the City or its residents.

## Harbor Management Plan

In Title 19 of the New York Code of Rules and Regulations (NYCRR) Part 603, the Department of State provides for the development and approval of local governments to create and adopt harbor management plans. Harbor Management Plans are developed to address conflict, congestion and competition for space in the use of a community's surface waters and underwater land. It provides consideration of and guidance and regulation on the managing of boat traffic, general harbor use, optimum location and number of boat support structures, such as docks, piers, moorings, pumpout facilities, special anchorage areas, and identification of local and federal navigation channels. It also provides the opportunity to identify various alternatives for optimum use of the waterfront and adjacent water surface, while at the same time analyzing the probable environmental effects of these alternatives. Communities may adopt HMPs to regulate surface waters and underwater lands. A local municipality's jurisdiction for regulating water and underwater lands extends either out to their municipal boundaries or to a distance of 1,500 feet from shore, whichever is greater.

As the community predominantly consists of low and moderate-income households, consideration has been given to how implementation of the LWRP can result in positive economic, cultural and social changes for the local community's residents. Previous proposals related to developing more water-dependent activities along the City's shoreline, namely the 1997 proposal to fill in 3 acres of the shoreline for the construction of a marina, were dismissed, as they were not deemed to be responsible. This final decision came from the NYS Department of Conservation as the proposal, although directly related to facilitating water-dependent use of the site, would necessitate the placement of 30,000 cubic yards of fill into the Hudson River, an important fresh water fishery. The City now proposes increased amenities and facilities at its existing park to provide for area residents' increased enjoyment of the park, as well as potential visitors' enjoyment of the park. The City proposes the development of a restaurant on a barge, a water-enhanced use that is more available and accessible to the City's lower-income residents than would be the development of the prior proposed marina.

- The proposed barge restaurant, through its permitting with the City, would be required to adhere to strict

environmental standards, both during the construction phase and the operational phase.

- To the extent commensurate with the particular circumstance of the city, the following considerations shall be addressed:
  1. Conflict and competition for space among the uses and users of harbors, surface waters and underwater lands. At present, there is very little use of the water along the City of Watervliet's shoreline so there is no conflict or competition. Once housing a busy harbor connecting the Hudson River with the Erie Canal, the City today has only a linear park along its shoreline. The Federal Reserve channel in the Hudson extends out from the shoreline, ranging in distance from about 70 feet to about 450 feet and is 400 feet wide. Recreational fishing and boating are two activities the shoreline can, and is, used for, but even these two uses are limited. With the implementation of this program, it is the hope of the City to increase the public's enjoyment of the waterfront, through enhanced park resources, the floating restaurant, and ancillary boat slips. The barge is to be located approximately 100 feet from the shore and will extend out another 40 feet into the Hudson River. It does not encroach into the Federal Reserve Channel.
  2. Conflict and competition for space among the uses and users of upland coastal lands. On the waterfront upland, Hudson Shores Park, there is a need to balance a variety of uses. Currently, Hudson Shores Park houses a, a restroom facility, and a parking lot. The restroom facility is opened only when the pavilion, which is available for special events, is rented out. Historically used for a variety of special events, the park has poor access and signage, and lacks lighting and amenities. The City would like the Park to act as a catalyst for additional development in the area. The City would like to see Hudson Shores Park developed for waterfront recreational uses-- both water-dependent and water-enhanced uses-- that will appeal to a variety of users --younger people, families, seniors, as well as non-residents--and broaden the appeal of the park. The

City would like to see the development of additional active recreational uses at the park, including a playground to serve area residents living north of the Arsenal. More passive recreation could be accommodated by the installation of additional benches oriented towards the water for passive viewing of the river. In addition to improving how the City meets the recreational needs of City residents, the City would like to develop uses at Hudson Shores Park that will draw more non-residents to the City's waterfront. In 2004, Hudson Shores Park was used for farmers markets for the first time. The City is encouraging the continuation and potential expansion of this activity at the park. In addition, the City would like to see more of such uses, including, possibly, an outdoor theater for shows, and a floating restaurant. At 9 acres in size, approximately 1-1/2 acres are currently occupied by internal circulation roads, paths, parking, and structures. To facilitated increased usage at the Park, another parking area is planned. This parking area will cover another third of an acre. With this new parking area, a fifth of the park, slightly less than 2 acres, will be occupied. In addition, much of the park's shoreline is steeply graded and not developable. This leaves a very limited amount of space within the park to develop for recreational and water-enhanced uses. To meet this challenge, the City must evaluate all potential opportunities to increase the diversity of uses supported at Hudson Shores Park.

3. Regulation of the construction, size and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures, whether temporary or permanent. One element of this program, the proposed floating restaurant, necessitates the use of a stationary barge, pedestrian gangways and floating docks to accommodate small vessels. These facilities shall not exceed four feet in width and will be limited in length to what is necessary; given the need for the barge to be placed beyond the shallow edge of the shoreline, to ensure that the bottom of the barge does not hit the bottom of the river at lowtide.

4. Regional needs for any of the various uses or users likely to be attracted to the particular qualities of the area. Presenting an additional opportunity for waterside dining in the region will present area residents with a favorable option now limited in nature. As so much of the Capital Region's shorelines continue to be "working waterfronts" or are otherwise isolated due to elevated highways, opportunities for the non-boating general public to come into contact and enjoy the water are few and far between. The proposed barge restaurant in Hudson Shores Park will provide such an opportunity.

---

---

**Section V**  
**Techniques for Local**  
**Implementation of the**  
**Waterfront Program**

# How Existing Plans, Laws, and Regulations Implement the Program

## *Introduction*

The City of Watervliet once housed a thriving working waterfront. Prior to the construction of I-787, the City's Hudson River waterfront, being a principal connection to the Erie Canal, featured a number of maritime related commercial uses. For a long time, these elements contributed much to the economic strength and attractiveness of the community. Now, the City's shoreline waterfront is limited to public park uses, while the upland remains a mix of industrial, commercial, residential, open spaces and recreational uses. The City's once dynamic waterfront has declined since its heyday; with its upland waterfront area now containing a number of deteriorated and underutilized sites and structures.

The City recognizes that waterfront revitalization and appropriate redevelopment is one of the most effective means of rejuvenating or at least stabilizing industrial, residential and commercial districts within the waterfront area. To that end, the City is focusing its waterfront efforts on promoting for a mix of water-dependent and water-enhanced recreational uses, historic preservation and promotion, and tourism-related retail and dining opportunities. Promoting such opportunities to existing City residents as well as visitors, the City is looking to emulate the success other smaller harbor areas have met with promoting their communities as viable commercial and residential areas and visitor destinations.

This section describes the implementation of the City of Watervliet LWRP. It examines the extent to which the existing organizational structure of City and its land use controls can implement the policies and projects of the LWRP and proceeds to describe the means for the long-term management of Watervliet's coastal area. It specifies the authority of the City of Watervliet to implement the LWRP and the strategy that the City will follow to implement the LWRP's policies and projects.

The main method of implementing the City of Watervliet's LWRP is through local laws and regulations. The balance between waterfront revitalization and resource protection that is outlined in the LWRP policies and the ensuing proposed land uses can be achieved through the application of many of the existing laws and regulations of the City of Watervliet.

### *19<sup>th</sup> Street Corridor Plan*

In late 2003 the City of Watervliet completed *The 19<sup>th</sup> Street Corridor Strategic Plan*. The planning process for this project began in January 2003 with the creation of a Strategic Plan Citizens Advisory Committee. The Committee included a representative cross section of business owners, City officials, senior citizens, students, and homeowners. Throughout the process, the Committee held open meetings to promote public participation in the development of the plan. Opportunities for public participation included surveys, public workshops, and stakeholder interviews. During the planning process, it was determined that improvements were needed to foster a dynamic economic climate and improve the housing stock and infrastructure for existing and future residents and business owners. The Citizens Advisory Committee developed goals that build on the community's assets and capitalize on the many opportunities identified during the planning process.

- 1. Foster Economic Development on 19th Street and Second Avenue.*
- 2. Provide safe, quality housing to all residents in the Corridor.*
- 3. Develop 19th Street and Second Avenue as an attractive, vital mixed-use district.*
- 4. Improve and maintain the capacity and efficiency of the transportation infrastructure through access management and enhance mobility in the corridor.*
- 5. Enhance the existing parks and recreational facilities in the target area and create new venues for social/recreational activities.*
- 6. Consider revisions to the Zoning Regulations to create new commercial districts along 19th Street and Second Avenue.*
- 7. Create a 19th Street Corridor Management Program.*
- 8. Create a Marketing Program for the target area.*

While 19<sup>th</sup> Street runs perpendicular to the shoreline, the corridor connects the City to the Congress Street Bridge and is the City's gateway from the City of Troy. The segment of 19<sup>th</sup> Street that runs between Route 32 (Second Avenue) and Broadway falls

### *Zoning Ordinance Chapter 272*

within the delineation of the LWRP boundary. This is also the center of the City's historical Central Business District (CBD).

The City of Watervliet LWRP, as it included a comprehensive examination of existing land use and development issues in the CBD area, was a continuation of the planning effort first initiated with *The 19<sup>th</sup> Street Corridor Strategic Plan*. This Plan presented a springboard for several ideas conceptualized in the LWRP related to enhancing the City's commercial areas.

Given the extent that several of the goals of *The 19<sup>th</sup> Street Corridor Strategic Plan* reinforce the policies identified in this LWRP, this Plan is a tool to achieve the goals articulated in the LWRP.

The following zoning districts exist within the LWRP boundary:

- R-3 Residential District
- R-4 Residential District
- B-1 Local Business District
- B-2 Central Business District
- M-1 Manufacturing District
- WRD Waterfront Recreation District
- WOSD Waterfront Open Space
- WBD Waterfront Business District

The boundaries of these districts are illustrated on the [City of Watervliet Zoning Map](#) and the uses permitted within these districts are outlined in **Table A1** in **Appendix A**. The Schedule of Lot Area and Width, Building Coverage, Floor Area, Height and Yard Requirements, identified in **Table A2** in **Appendix A**, establishes minimum lot size and frontages, maximum lot coverage, minimum floor area, maximum building height, and minimum yard areas.

The City of Watervliet's Zoning Ordinance is a significant tool in the implementation of its LWRP. As was described in Section II,

the City of Watervliet, at the City's northern most part, consists of several Watervliet Housing Authority (WHA) public housing communities. This area is currently zoned R-4 Residential. A small area, occupied by Niagara Mohawk, is zoned M-1 Manufacturing.

The area just north of the Watervliet Arsenal, north to Fifteenth Street and lying between First Avenue and Second Avenue, is currently a residential neighborhood. This area is zoned R-4 with a small area west of Second Avenue zoned R-3.

The Port Schuyler neighborhood, located south of the Arsenal, is zoned R-4 and R-3. The LWRP calls for the continuance of this mixed use, residential neighborhood.

The City's Central Business District, centered at the intersection of Second Avenue and Nineteenth Street, is zoned B-2, Central Business District. There is a small area zoned B-1, Local Business District, along Third Avenue, south of the Watervliet Arsenal. The Watervliet Arsenal is zoned M-1, Manufacturing.

The City of Watervliet, as an older urban community, is characterized by a traditional development pattern. Unlike more recently evolving suburban communities, Watervliet has a distinctive streetscape area characterized by a variety of commercial and residential uses, multi-storied buildings located adjacent to one another and built out to the sidewalk.

Much of the zoning currently in effect in the City's LWRP area supports the continued mixed use, higher density development that the LWRP is looking to promote for its Waterfront. As it houses a traditional development pattern, it is appropriate that this area of the City continue to accommodate higher-density development. The B-2 Central Business District allows for buildings up to five stories in height, while neither the B-2 nor B-1 Local Business District require front or side yard areas. Maintaining the residential areas as Residential Districts (both R-3 and R-4) will protect those areas from the impacts of overly intensive commercial uses.

Preserving these existing zoning districts in specific areas supports LWRP Policy 1, "Foster a pattern of development that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development." In addition, it also

### *Amendments made to the Watervliet Zoning Ordinance*

supports several Standards, including Standard 1.1, “Focus redevelopment efforts to revitalize deteriorated and underutilized waterfront areas and reconnect the City with its shoreline,” and Standard 1.5, “Protect and improve stable residential areas.”

To facilitate the development of the City’s waterfront in a manner consistent with the vision identified throughout the LWRP planning process, several changes to the City’s zoning ordinance and other regulatory measures were made.

Two rezonings that involved existing business zoning districts included the following:

- **Local Business District:** The City’s Local Business District, located on the east side of Third Avenue, between 6th and 7th Streets was expanded to include the west side of Third Avenue. There are a number of commercial establishments located on the west side block and legalizing their zoning will allow them to expand or more easily make changes to accommodate business needs.
- **Central Business District:** The City’s Central Business District was expanded to include both sides of Second Avenue south to 15th Street and north to 21<sup>st</sup> Street. Having both sides of the street zoned for CBD, will allow for a more consistent development along Second Avenue.

One new business district the City developed to implement this LWRP includes the following:

- **Waterfront Business District:** Segments of Broadway were rezoned to a special Waterfront Business District commercial district. This district has specific regulations for waterfront recreation/tourism uses. Rezoning will allow the City to work with potential developers to target the desired types of development, such as restaurants, shops, and cafes, in the appropriate areas. The areas identified for this district include along Broadway, from the Watervliet Arsenal boundary at 10<sup>th</sup> Street to 15<sup>th</sup> Street and from the Congress Street Bridge at 19<sup>th</sup> Street two-thirds up the block towards 23<sup>rd</sup> Street.

Each of these rezoning actions are supportive of LWRP Policy 1, “Foster a pattern of development that enhances

community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development." In addition, it also supports several Standards, including Standard 1.1, *"Focus redevelopment efforts to revitalize deteriorated and underutilized waterfront areas and reconnect the City with its shoreline,"* and Standard 1.5, *"Protect and improve stable residential areas."*

The City is looking to revitalize its commercial areas and maintain and stabilize its residential areas. Historically, many use variances have been issued within the City. One possible explanation for this could be that the amount of land area allocated for specific commercial uses was insufficient. The City is looking to rectify this situation and better identify to the business community exactly what areas within the City are best suited to accommodate commercial development. By providing additional commercially zoned areas, the City will be better able to preserve its predominantly residential areas.

To implement the policies, goals, and objectives identified in this LWRP, the following new waterfront zoning districts have been adopted:

- **Waterfront Recreation District:** This zoning classification is designed to encourage public recreational development within Hudson Shores Park. A range of public water-related recreational uses is permitted, including recreational boating, fishing, docks, flea and farmers markets, outdoor amphitheatres, special events, and supportive ancillary uses, such as restroom facilities. Barge-based restaurants are also permitted as a Special Permit Use, with approval from the City of Watervliet Zoning Board of Appeals. The intent behind allowing and promoting such uses is that it will encourage greater public use of the riverfront while maintaining its open-space. This district's delineation will run coterminous with the Hudson Shores Park boundary.
- **Waterfront Open Space District:** This district encompasses the City's shoreline, outside of Hudson Shores Park. As much of this area is steep shoreline and thus, undevelopable, or is under the ownership of the State (Mohawk Hudson Bike Hike Trail head), the uses that the

area can potentially support is very limited. As a designated Waterfront Open Space District, uses are limited to open space, parkland, public trails or bike/hike trails, and recreational fishing. This district covers the segments of the City shoreline not located at Hudson Shores Park. This includes property owned by the Watervliet Arsenal and by the NYS Department of Transportation for the use of the Mohawk Hudson Bike Hike Trail head.

The City of Watervliet recognizes both the need to protect the park and its place in the City's public realm, and the importance of not privatizing public space. For this reason, the LWRP is supportive of allowing a seasonal barge restaurant that will float along the shore of Hudson Shores Park, but will not detract from existing parkland uses. Many Watervliet residents, especially many of the households living in the waterfront area, are moderate and low income. Providing casual waterside dining allows non-boaters to have an opportunity for enjoyment of the Hudson River. A new restaurant in the Park would likely attract existing City residents that currently eschew the park due to its perceived desolate nature. The nature of the barge itself will allow visitors to experience actually boarding a vessel at the Watervliet shoreline, which is currently not something people are able to experience.

Since the City owns Hudson Shores Park, it will ensure that any improvements in the park are consistent with all applicable LWRP policies. All development activity would have to provide for continued public access, make the most of its coastal location, and have minimal impacts on the waterfront. The creation of these three zoning districts would be supportive of the following LWRP policies:

- *Standard 1.2: Ensure that development or uses make beneficial use of their coastal location.*
- *Standard 1.3: Maintain and enhance natural areas, recreation, and open space lands.*
- *Standard 1.4: Minimize the adverse impacts of new development or redevelopment in the City's waterfront.*

These zoning districts will protect recreational fishing as allowable use along the shoreline, and recreational boating at Hudson Shores Park. As the City's efforts to actively encourage the development of additional uses at the park result in increased usage of the park,

### *Approval of Architectural Designs Near Park*

these changes will improve the viability of the park and its existing water-dependent recreational uses. Any proposed in-water structures, such as a barge restaurant, would have to be appropriately sited so that it does not interfere with navigation along the Federal Channel. The creation of these three zoning districts would be supportive of the following LWRP policies:

- *Policy 10: Protect water-dependent uses, promote siting of new water-development uses in suitable locations, and support efficient harbor operation.*
- *Standard 10.1: Protect existing water-dependent recreational uses.*
- *Standard 10.2: Promote the development of appropriately sited new water-dependent recreational uses along the City's public-owned shoreline and provide for their safe operation.*
- *Standard 10.4: Allow water-enhanced uses which complement or improve the viability of water-dependent uses.*

In accordance with Chapter 272-25, no permits shall be issued for any building or sign within 300 feet of and visible from any park, without special approval from the City Planning Board. This applies to both freestanding signs and signs painted onto buildings. The City Planning Board is to evaluate any proposed building or sign, based on general design and materials appropriateness. The intent is to protect against "unsightly, incongruous, or unsuitable structures or signs" that might negatively impact the value of land and buildings in the vicinity and surrounding community.

Hudson Shores Park, which constitutes much of the City's public shoreline, is a City-owned park. The Mohawk Hudson Bike Hike Trail head is also a park, owned by the State and maintained by Albany County.

This chapter of the Zoning Ordinance supports the implementation of LWRP Policy 3, "Enhance visual quality and protect outstanding scenic resources" in that it seeks to ensure that aesthetical consideration is given when developing structures in the vicinity and within the viewshed of Hudson Shores Park. It is also supportive of LWRP Standard 3.1, "Protect and improve visual quality within the City of Watervliet."

### *City of Watervliet Storm Water Management Program*

The development of any new structures, or the placement of any new temporary structures, such as a barge restaurant moored off Hudson Shores Park, would have to comply with the architectural review process established through this Chapter.

Section 175-39D of the City Charter requires the separation of stormwater and sanitary drainage flows. As was described previously, the City of Watervliet has been very active in addressing water quality issues. The City has been working in concert with adjacent communities on addressing stormwater issues. The City has been working -in conjunction with Albany, Troy, Cohoes, Green Island, and Rensselaer—with CDRPC and DEC in developing a \$4 million long-term control plan that, once implemented, should result in substantial improvements to the water quality of the Hudson River. Through a bond act grant, the City removed one Combined Sewer Outfall from its inventory.

The City has been working on developing and adopting Municipal Separate Storm Sewer System (MS4) Regulations from draft language provided by NYS DEC. In accordance with the City's MS4 permit, an ordinance will be developed to address management of construction activities, post construction stormwater management and illicit discharge detection and elimination. The City acknowledges that this ordinance will contribute to the implementation of the waterfront program.

The City's ongoing stormwater management efforts support a number of LWRP Policies and Standards, including the following:

- *Policy 5: Protect and improve water resources.*
- *Standard 5.1: Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards and targets.*
- *Standard 5.2: Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.*
- *Standard 5.3: Protect and enhance water quality of coastal waters.*

### *Flood Damage Prevention Ordinance*

The City has a Flood Damage Prevention regulation that, adopted in 1979, regulates construction within the flood hazard areas identified by the Federal Emergency Management Agency.

Projects within the flood hazard areas are reviewed to ensure that hazards from flooding are minimized through appropriate measures. These measures include construction techniques and materials, siting, protection and maintenance of drainage areas.

The regulation seeks to protect the natural environment and limit potential increases in erosion and flooding by controlling natural waterway alteration; controlling filling, grading, and dredging; and regulating the construction of flood barriers. Flood carrying capacity must be considered with any new development, and there is a limit to the total increase in water surface elevation as a result of cumulative effects. See Section II for additional information.

This Article, in that it looks to minimize the negative impacts resultant from flooding and erosion, supports several of the Policies and Standards identified in the City's LWRP. These include:

- *Policy 4: Minimize loss of life, structures, and natural resources from flooding and erosion.*
- *Standard 4.1: Minimize losses of human life and structures from flooding and erosion hazards.*

In that the Article also looks to prevent flooding losses through its control of potentially deleterious activities, such as those that involve interfering with natural waterflow processes, it is supportive of the following Standard:

- *Standard 4.2: Preserve and restore natural protective features by minimizing interference with natural coastal processes.*

The City of Watervliet owns and controls Hudson Shores Park, which constitutes much of the City's shoreline. As a publicly-owned space, the park is open to all residents to enjoy for a variety of activities. The City is seeking to continue this enjoyment and also provide for additional activities. While the City has investigated several options for enhancing waterfront recreation opportunities over the years, proposals that were found to be potentially detrimental to the shoreline and its natural processes were rejected. The City's plans put forth in this LWRP are supportive of preserving Hudson Shores Park as a public park, and of protecting it from any potential impacts.

- *Standard 4.3: Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.*

Lastly, one of the objectives of the Flood Damage Prevention Ordinance is “To minimize expenditure of public money for costly flood control projects.” As such, it is consistent and supportive of the following Standard:

- *Standard 4.5: Expend public funds for management or control of flooding or erosion hazards only in areas of the coast that will result in proportionate public benefit.*

### *Site Plan Review*

Through Site Plan Review, the building department reviews all site plans to ensure conformity with all building and zoning regulations. Through Site Plan Review, the City is able to ensure that all regulatory measures in place to further the LWRP Policies and Standards, as identified in Section V, are met, and are thus consistent with the LWRP.

### *Adoption of a Local Consistency Law*

A Local Consistency Review Law was adopted. The local law requires that actions undertaken directly or indirectly (permitted or funded) by the City must be done in a manner consistent with the provisions of the LWRP to the maximum extent practical. The procedures for review are outlined in the Local Consistency Review Law (See Appendix B).

## Other Private Activities Necessary to Implement the LWRP

Specific implementation activities beyond the local government level have been identified in the previous section for each particular project. The City of Watervliet will coordinate efforts and seek appropriate agency support for each of the proposed project activities.

There are some activities that may require a partnership between the City of Watervliet and private interests. These activities are described in the following paragraphs.

- **Lease Agreement for Barge Restaurant:** The development of a barge restaurant at Hudson Shores Park is a major element included in the LWRP that would have to be privately initiated. However, as property owner, the City would be in partnership with the private developer initiating the project. One implementation tool that would be used to ensure that waterfront activities are consistent with the City's LWRP Policies would be the lease agreement between the City and the restaurant barge owner-operator. This lease agreement will regulate the following to ensure that all germane LWRP Policies and Standards are met:
  1. Providing for seasonality of the structure [April 1 – October 31] (protecting ecological resources [Policy 6 and Standard 6.1]),
  2. Requiring water and sewer infrastructure connections (protecting ecological resources [Policy 6 and Standard 6.1], protecting water resources [Policy 5, Standard 5.1, and Standard 5.3]);
  3. Maintaining the restaurant-barge use as open to the public (ensuring public access to the water [Policy 9, Standard 9.1], reconnecting the City to its shoreline [Standard 1.1], establishing a water-enhanced use that makes beneficial use of its coastal location [Standard 1.2]);
  4. Allowing the upland of Hudson Shores Park to continue to provide for a variety of park uses and

supporting the broader use of those facilities (maintaining recreation and open space lands [Standard 1.3], protecting existing water dependent recreation uses [Standard 10.1], providing a water-enhanced use that improves the viability of water-dependent uses [Standard 10.4]);

5. Providing boat slips for transient boaters along the Hudson Shores Park (promoting appropriately sited water-dependent recreational uses [Standard 10.2]);
6. Prohibiting the placement of any lights or structures that may be hazardous to navigation (promoting efficient management of waters and underwater lands [Standard 10.5]); and
7. Prohibiting hazardous and toxic materials from the site (minimizing environmental degradation from hazardous wastes [Policy 8, Standard 8.2, and Standard 8.3]).

Due to the similarity in nature of the following two programs, the **Home Ownership Program** and **Façade Improvement/Housing Rehabilitation Program**, the extent to which they further the policies, goals and objectives of the LWRP are described jointly.

- **Home Ownership Program:** Owner-occupants have a direct monetary investment in their property and are legally able to make repairs and improvements to their properties. Tenants, on the other hand, are neither responsible nor inclined to make repairs to the interior or exterior of their housing units. Investment owners, especially “absentee landlords”, are often satisfied at receiving a modest return on their investment, and are less inclined to make improvements or even repairs. Unless there is a possibility of an influx of new, more affluent renters, the landlord may allow the property to deteriorate further. A housing program to encourage home ownership will convert some of the City’s rental properties to owner-occupied properties.
- **Façade Improvement and Housing Rehabilitation Program:** Many of the commercial or mixed-use buildings

located in the waterfront area are basically sound, but need structural rehabilitation to improve brickwork, windows, steps, etc. The City can institute a program to provide financial assistance available to building/business owners to improve these structural components of their buildings as well as their aesthetic appearance. The City can develop a 50/50 grant/loan façade improvement program and/or a micro-enterprise low-interest loan pool. Funds can be awarded or given as incentives to businesses that improve the aesthetic appearance of the buildings along Broadway, Second Avenue, and Third Avenue. In addition to façade improvements, monies can be used for rehabilitation activities such as upgrades to a building's heating, electrical or structural systems. Not only will this improve the appearance of the waterfront area, it will also improve the City's tax base and provide safe, quality housing for residents.

These two programs, in that they look to revitalize the City's existing development and streetscape, support a variety of proposed LWRP Policies and standards. In that they call for enhancing the community's character while efficiently using existing infrastructure and revitalizing deteriorated structures in the City's upland waterfront area in a non-injurious manner, they are supportive of Policy 1, Standard 1.1, and Standard 1.4. In that they look to protect and improve stable residential areas, they support Standard 1.5.

As blight threatens so many of the City's historic structures, especially those in the waterfront area, preserving them through rehabilitation activities would enhance visual quality within the area. These programs further Policy 3, Standard 3.1, and Standard 3.2. As so many of these structures were constructed prior to 1939, several of them, as identified in Section II, have the potential for historic significance. These programs further Policy 2 and Standard 2.1. Although the City of Watervliet will encourage new development through providing assistance to developers, conducting capital improvements to ensure necessary infrastructure is in place, and facilitating the allocation of funds for local rehabilitation, much of the upland redevelopment will be privately initiated.

## Management Structure Necessary for Implementation of the Program

Following LWRP adoption, management and implementation of the LWRP will be conducted through the Building Department. Applicants coming into any City department with proposals within or affecting the City's designated waterfront area will be referred to the Building Department. The Building Department staff members will then review the proposed activity. The Building Department will confer with the City's General Manager and appropriate local departments to ensure that the proposed activity conforms to the intent of the LWRP. Once a proposed activity has been reviewed, final decision-making authority rests with the Building Department.

Further, it will be the responsibility of the City through the General Managers Office and the Building Department to do the following:

1. Coordinate the implementation of the LWRP.
2. Advise City Council on waterfront related developments.
3. Hold public meetings, hearings, and events related to the LWRP.
4. Promote and coordinate official and citizen efforts needed to support the Program.
5. Prepare applications for grant funds and receive donations for the Program.

## Procedures to Ensure Local Compliance

LWRP compliance procedures, while distinct, are tied to the State Environmental Quality Review procedures. Under the direction of the Building Department, lead agency in LWRP consistency reviews, all City agencies contemplating a direct action or receiving an application for approval of an action by others shall follow review and certification procedures set forth in the City's LWRP Consistency Law. The law requires that City agencies refer actions to the Building Department to be evaluated for consistency with the LWRP policy standards and conditions identified in Section III. The Building Department, after conferring with the agency, then determines whether or not the proposed activity is consistent with the LWRP.

If it is determined that a proposed action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, the action will not be permitted unless it is found that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner that will not substantially hinder the achievement of the LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on the LWRP policy standards and conditions to the maximum extent practicable;
3. The action will advance one or more of the other LWRP standards and conditions: and
4. The action will result in an over-riding City, regional, or State-wide public benefit.

## Local Review of State and Federal Actions

A unique provision of the Federal Coastal Zone Management Act is that it gives states with an approved coastal program an additional measure of control over federal agencies' actions by requiring those actions be consistent with a state's management program. New York State's coastal legislation contains a similar provision that extends this control to local governments providing that the Secretary of State approves their LWRP. Under this provision, all federal, State, and local actions that would affect a locality's waterfront are required to be consistent with the policies contained in the LWRP and are subject to review by the local government.

All proposed actions by private persons, or public and private corporations which require government approval, and any actions proposed by local, County, State, and federal governments or the political subdivisions, thereof, that will or may affect, directly or indirectly, the LWRP, the policies therein, or the lands within its boundaries, will be subject to review for consistency and impact by the City of Watervliet through the Building Department.

Review of proposed State and federal actions within the City's waterfront area will be undertaken in accordance with the procedural guidelines established by the NYS Department of State.

---

---

**Section VI**  
**State and Federal Activities**  
**Likely to Affect**  
**Implementation**

## Government Activities

### *Introduction*

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

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions 24076and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

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

## State and Federal Activities Likely to Affect Implementation

---

---

Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

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

#### **STATE AGENCIES**

##### **OFFICE FOR THE AGING**

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

##### **DEPARTMENT OF AGRICULTURE AND MARKETS**

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

##### **ALBANY PORT DISTRICT COMMISSION (regional agency)**

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

##### **DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses

## State and Federal Activities Likely to Affect Implementation

---

---

- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

### **DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

### **COUNCIL ON THE ARTS**

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

### **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)

## State and Federal Activities Likely to Affect Implementation

---

---

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

## State and Federal Activities Likely to Affect Implementation

---

---

### **NEW YORK STATE BRIDGE AUTHORITY (regional agency)**

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

### **CAPITAL DISTRICT TRANSPORTATION AUTHORITY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

### **OFFICE OF CHILDREN AND FAMILY SERVICES**

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

### **DEPARTMENT OF CORRECTIONAL SERVICES**

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

### **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

### **EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **EDUCATION DEPARTMENT**

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

### **NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

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

### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs.
  - 4.01 Capital projects for limiting air pollution.
  - 4.02 Cleanup of toxic waste dumps.
  - 4.03 Flood control, beach erosion and other water resource projects.
  - 4.04 Operating aid to municipal wastewater treatment facilities.
  - 4.05 Resource recovery and solid waste management capital projects.
  - 4.06 Wastewater treatment facilities

## State and Federal Activities Likely to Affect Implementation

---

---

- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
  - Air Resources
  - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
  - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
  - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
  - 9.04 Permit for Burial of Radioactive Material
  - 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
  - 9.06 Permit for Restricted Burning
  - 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

### **Construction Management**

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

### **Fish and Wildlife**

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game

## State and Federal Activities Likely to Affect Implementation

---

---

- 9.17 Permit to Import, Transport and/or Export under Section 184.1 (11- 0511)
- 9.18 Permit to Raise and Sell Trout
- 9.19 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

### **Hazardous Substances**

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

### **Lands and Forest**

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

### **Marine Resources**

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

### **Mineral Resources**

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **Solid Wastes**

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

### **Water Resources**

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

## State and Federal Activities Likely to Affect Implementation

---

---

- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

### **ENVIRONMENTAL FACILITIES CORPORATION**

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

### **FACILITIES DEVELOPMENT CORPORATION**

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

### **OFFICE OF GENERAL SERVICES**

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

### **GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)**

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

### **DEPARTMENT OF HEALTH**

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects

## State and Federal Activities Likely to Affect Implementation

---

---

- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

### **HOUSING FINANCE AGENCY**

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

### **HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)**

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

### **JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

### **MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

### **OFFICE OF MENTAL HEALTH**

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

### **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

### **METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)**

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

### **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

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

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

### **POWER AUTHORITY OF THE STATE OF NEW YORK**

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

### **DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

### **STATE UNIVERSITY CONSTRUCTION FUND**

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

### **STATE UNIVERSITY OF NEW YORK**

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

### **THRUWAY AUTHORITY /CANAL CORPORATION/ CANAL RECREATIONWAY COMMISSION (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreation way Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
  - 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste
  - 3.03 Occupancy Permit

## State and Federal Activities Likely to Affect Implementation

---

---

- 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

### DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities

## State and Federal Activities Likely to Affect Implementation

---

---

- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program-- Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

### **URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

### **DIVISION OF YOUTH**

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

## State and Federal Activities Likely to Affect Implementation

---

---

### FEDERAL AGENCIES

#### DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

##### DEPARTMENT OF COMMERCE

##### National Marine Fisheries Services

1.00 Fisheries Management Plans

##### DEPARTMENT OF DEFENSE

##### Army Corps of Engineers

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

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

##### Army, Navy and Air Force

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

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

6.00 Establishment of impact, compatibility or restricted use zones.

##### DEPARTMENT OF ENERGY

1.00 Prohibition orders.

##### GENERAL SERVICES ADMINISTRATION

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

2.00 Disposition of Federal surplus lands and structures.

## State and Federal Activities Likely to Affect Implementation

---

---

### DEPARTMENT OF INTERIOR

#### Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

#### Mineral Management Service

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

#### National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

### DEPARTMENT OF TRANSPORTATION

#### Amtrak, Conrail

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

#### Coast Guard

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

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

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

#### Federal Aviation Administration

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

#### Federal Highway Administration

6.00 Highway construction.

#### St. Lawrence Seaway Development Corporation

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

**FEDERAL LICENSES AND PERMITS**

**DEPARTMENT OF DEFENSE**

**Army Corps of Engineers**

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

**DEPARTMENT OF ENERGY**

**Economic Regulatory Commission**

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

**Federal Energy Regulatory Commission**

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

## State and Federal Activities Likely to Affect Implementation

---

---

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

### **ENVIRONMENTAL PROTECTION AGENCY**

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

### **DEPARTMENT OF INTERIOR**

#### **Fish and Wildlife Services**

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

#### **Mineral Management Service**

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

### **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plans pursuant to

## State and Federal Activities Likely to Affect Implementation

---

---

Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

### **SURFACE TRANSPORTATION BOARD**

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

### **DEPARTMENT OF TRANSPORTATION**

#### **Coast Guard**

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

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

#### **Federal Aviation Administration**

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

#### **FEDERAL ASSISTANCE\***

#### **DEPARTMENT OF AGRICULTURE**

10.068 Rural Clean Water Program

10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans

10.410 Low to Moderate Income Housing Loans

10.411 Rural Housing Site Loans

10.413 Recreation Facility Loans

10.414 Resource Conservation and Development Loans

10.415 Rural Renting Housing Loans

10.416 Soil and Water Loans

10.418 Water and Waste Disposal Systems for Rural Communities

10.422 Business and Industrial Loans

10.424 Industrial Development Grants

10.426 Area Development Assistance Planning Grants

10.429 Above Moderate Income Housing Loans

10.430 Energy Impacted Area Development Assistance Program

10.901 Resource Conservation and Development

10.902 Soil and Water Conservation

10.904 Watershed Protection and Flood Prevention

## State and Federal Activities Likely to Affect Implementation

---

---

10.906 River Basin Surveys and Investigations

### **DEPARTMENT OF COMMERCE**

11.300 Economic Development - Grants and Loans for Public Works and Development Facilities

11.301 Economic Development - Business Development Assistance

11.302 Economic Development - Support for Planning Organizations

11.304 Economic Development - State and Local Economic Development Planning

11.305 Economic Development - State and Local Economic Development Planning

11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration

11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities

11.405 Anadromous and Great Lakes Fisheries Conservation

11.407 Commercial Fisheries Research and Development

11.417 Sea Grant Support

11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program

11.501 Development and Promotion of Ports and Inter-modal Transportation

11.509 Development and Promotion of Domestic Waterborne Transport Systems

### **COMMUNITY SERVICES ADMINISTRATION**

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

### **ENVIRONMENTAL PROTECTION AGENCY**

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency

## State and Federal Activities Likely to Affect Implementation

---

---

- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

### **GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

### **DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program

## State and Federal Activities Likely to Affect Implementation

---

---

- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

### **SMALL BUSINESS ADMINISTRATION**

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

### **DEPARTMENT OF TRANSPORTATION**

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

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

## **B. FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP**

### **1. State Actions and Programs**

#### **Office of General Services**

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

#### **Department of Environmental Conservation**

Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.

## State and Federal Activities Likely to Affect Implementation

---

---

Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.

Review of actions within National Register Districts pursuant to SEQR.

### **Office of Parks, Recreation and Historic Preservation**

Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.

Provision of funding for State and local activities from the Land and Water Conservation Fund.

Planning, development, implementation or the provision of funding for recreation services programs.

Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP – including the acquisition, development and improvement of parks and historic properties.

Provision of funding for State and local historic preservation activities.

Review of Type I actions within the National Historic Districts.  
Certification of properties within the National Register Districts.

Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

### **Department of State**

Provision of funding for the implementation of an approved LWRP.

Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

### **Hudson River Valley Greenway**

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

**Greenway Conservancy For The Hudson River Valley**

Assistance in the acquisition, disposition, lease or grant of easement related to lands which the Conservancy has an interest.

Assistance in trail development, Hudson River public access projects, and natural and cultural resources.

**2. Federal Actions and Programs**

**DEPARTMENT OF DEFENSE**

**Corps of Engineers**

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

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

**ENVIRONMENTAL PROTECTION AGENCY**

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

**Department of the Interior**

**National Park Service**

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

Review of federal actions within the National Register Districts pursuant to NEPA.

---

---

**Section VII**  
**Obtaining Local**  
**Commitment for the City**  
**of Watervliet LWRP**

# Obtaining Local Commitment for the City of Watervliet LWRP

## *Introduction*

The procedures and methods outlined here were used to obtain local support, consensus, and commitment to the City of Watervliet's Local Waterfront Revitalization Program (LWRP) among local organizations, public agencies, and the general public, and to ensure adequate and timely public participation in the preparation of the LWRP. Given the nature and impact of the program and the importance of a local consensus and commitment, every effort was made to ensure active participation in the LWRP preparation process. The process of preparing the LWRP presented a tremendous opportunity for the City to involve its residents in the task of preparing for the future; something many communities do without much input from their residents. The Watervliet Waterfront Advisory Committee provided the opportunity for City residents to become involved in a process of discussing and deciding upon the City's future opportunities, priorities, projects, and resources that are worth protecting.

## *City of Watervliet Waterfront Advisory Committee*

Although the City had attempted to develop an LWRP during the 1980s that never came to fruition, the City, reinvigorated by a successful corridor study completed in 2003, in early 2004, decided to reinitiate the LWRP process and focus once more on identifying both a vision for its waterfront and the implementation strategies necessary to achieve that vision.

The 2004 - 2005 planning effort built upon the process that began in the 1980s. An LWRP Waterfront Advisory Committee was created in spring 2004 to guide development of the LWRP and oversee the City's planning process. The LWRP Waterfront Advisory Committee included members of the Watervliet residential and business communities that were appointed by the City's Mayor.

The LWRP Waterfront Advisory Committee held regular meetings at the City's Community Center during the course of the planning process. Every effort was made by the Committee to gain input from the residents of the City. All meetings were open to the public and were announced prior to the meeting date.

## *NYS DOS Consultation*

The City of Watervliet worked closely with the NYS Department of State's Division of Coastal Resources during the development of the Watervliet LWRP. Following the first two public workshops, a meeting was held with NYS DOS on July 17, 2004. As the City now

had an idea of what community residents wanted to see happen with the development of the LWRP, the City met with NYSDOS providing a sample set of policies and goals and a description of the proposed activities that had been identified as desirable for the Watervliet waterfront. At this July 17 meeting, the City also provided NYSDOS with the revised boundary delineation and a list of the maps that would be developed in support of the LWRP.

A draft LWRP was submitted to NYSDOS in July 2004. Following an internal review period, the City met with NYSDOS on November 16, 2004 to discuss modifications that needed to be made to the LWRP. The City consulted with NYSDOS several times to ensure that the modifications, once made, fully addressed the concerns identified by NYSDOS. The revised LWRP was forwarded to NYSDOS during the week of January 24, 2005. Representatives from the City met with NYSDOS on February 8 and February 11, 2005 to go over technical revisions to the LWRP.

A final draft LWRP was submitted to NYSDOS in April 2005.

### *Public Participation*

The foundation of a good Plan is the incorporation of public input early and often throughout the Plan's development. In order to develop an action plan built on a foundation of common goals and objectives, obtaining feedback from the City's elected and appointed leaders, business owners, and residents is imperative. There were two approaches to community outreach during the City of Watervliet's planning process: public workshops and stakeholder interviews.

To support the process, several public visioning meetings were held during the spring and summer of 2004. Advertised via flyers at fraternal organizations, nonprofits, and public buildings including City Hall and the Community Center, and via the local Watervliet television channel WVLT, Channel 17, each of the meetings was designed to solicit input from the public on specific issues. The intent behind the first public meeting, held on June 17, was to identify the Watervliet waterfront area's strengths and weaknesses. The focus of the second public meeting, held on July 7, 2004, was to identify possible opportunities to improve the waterfront area. The final draft plan was presented to the public at a third public meeting, held on July 29.

### *Asset and Liability Workshop*

The first public workshop was held on June 17, 2004. This workshop was designed to solicit feedback from participants on the **assets and liabilities** associated with the City's waterfront area. Participants were also asked to discuss what they felt the coastal zone boundary should be. Following a presentation that illustrated several aspects of the City's existing demographic and economic profile, as well as the City's riverfront history, meeting attendees were asked to break into groups to identify the City's assets and liabilities. Participants were also asked to consider identified liabilities or problems as well as identified assets as opportunities for improvement. Everyone was then asked to rank these issues in importance.

Workshop participants identified the City's Hudson Shores Park as its number one resource in the waterfront. The City's commercial mix on its major access routes, including Second Avenue and Third Avenue, ranked second. The City's location, with its proximity to the interstate highway, the Hudson River, and the State capital, was regarded as another asset. The Watervliet Arsenal and the potential development opportunities it represented were identified as another asset. Finally, Watervliet's many historic resources (such as the Watervliet Arsenal, the Erie Canal sidecuts, its history as part of the underground railroad, etc.) were identified as another resource, albeit a potentially untapped one.

Interstate 787, which crosses through the City, dividing the shoreline from the remainder of the City, was identified as the City's major liability. Other aspects of the community they identified as negative included the fact that the City-owned park, Hudson Shores Park, was greatly underutilized as a community resource. Many indicated that the prevalence of absentee landlords who failed to maintain their properties was another problem. The Watervliet Arsenal, as it segments the City into two halves, no longer contributes as many jobs to the City as it once did, and is, as a federally owned property, off the tax rolls, was also identified as a potential liability. Finally, the lack of economic development in the waterfront area ranked as the fifth most significant liability.

### *Visioning Workshop*

The intent of the second public meeting, held on July 7, 2004, was to identify a **vision for the future** of the City's waterfront. A presentation identifying elements that contribute to a vibrant waterfront was given. The presentation also provided background information on the Coastal Zone program, sample goals, and

### *Presentation Meeting*

information on successful waterfront planning efforts in NYS. Following this, participants were asked to break into groups and discuss potential opportunities for improvement of the waterfront area. Participants were asked to identify on maps potential locations for infrastructure or design improvements or specific land use changes they felt would improve the character and attractiveness of the City's waterfront. These ideas for improved public access, a wider variety of recreational activities, and new opportunities for economic development are the basis for the policies and proposed land and water uses and projects identified in Sections 3 and 4 in this LWRP.

A final public meeting was held on Thursday, July 29, 2004. Community members were invited to this meeting, held at City Hall, to see a presentation on the draft LWRP. A powerpoint slideshow presentation was shown to identify the policies and goals, as they were applicable to the City of Watervliet. The presentation also included information about the many proposed activities, projects, and infrastructure improvements that were included in the LWRP to revitalize the City's waterfront and reconnect its neighborhoods and residents to the shoreline.

### *Stakeholder Interviews*

Some outreach was targeted, focusing on obtaining input from specific groups or individuals identified as stakeholders. A stakeholder is defined as any group or individual that has a stake in or may be impacted by recommendations developed through the planning process. In general, stakeholders represent government agencies, residential communities, business associations, and other local organizations, such as nonprofits or volunteer committees that perform a specific function, such as providing meals to the elderly or protecting wetlands. Utility providers or individuals with large property holdings may also be considered stakeholders. This outreach focused on asking specific questions of specific representatives. The stakeholders consulted as part of this planning effort included the following:

- NYS Office of Parks, Recreation, and Historic Preservation
- Capital District Transportation Committee
- RiverSpark/Gateway Urban Cultural Park
- Watervliet Arsenal Partnership
- Watervliet Arsenal Museum
- Hudson Valley Greenway
- Parker Brothers Funeral Home

### *Previous Planning Efforts*

- U.S. Army Corps of Engineers
- NYS Office of General Services

It should also be noted that this planning process comes on the heels of a number of other widely promoted planning efforts in the City and region.

### *Small Cities Community Development Block Grant Canal Corridor Initiative*

In early 1997, the City of Watervliet pursued funding from the Small Cities Community Development Block Grant Canal Corridor Initiative to enhance Hudson Shores Park, its riverfront park. Hudson Shores Park, surplus land acquired as a result of the construction of I-787, was, at that time, under the jurisdiction of NYS Department of Transportation, and under-utilized and lacked amenities. The proposal included development of a boat launch, a full-service marina with showers, pump-out and fueling facilities, docks, a restaurant, a pavilion and public picnic area, and a bike-hike trail. To accommodate these uses, the waterfront was to be bulkheaded, thus increasing the land area. Several hearings were held to solicit public input regarding the proposal. While the proposal enjoyed wide-spread support from local and state officials and agencies as well as from City residents, the perceived threat of environmental impacts on the river and fish resources hindered all but the pavilion, picnic area, and trail from being constructed.

### *Albany County Waterfront Strategy*

*The Albany County Waterfront Strategy*, completed in 1999, created a cooperative community vision for Albany County's waterfront. The plan was designed to further public and private investments. In addition to reviewing several previously completed plans, additional plan and project development data was obtained through meetings and dialogues with local municipal representatives, developers, and landowners. This plan resulted in the following five (5) goals.

1. To reconnect people to the waterfront.
2. To revitalize and maximize waterfront and water dependent uses.
3. To maintain, restore, and enhance the water quality and shoreline ecosystems of the Hudson River.
4. To establish the regional context of the waterfront while recognizing and supporting local municipal interests.

5. To support waterfront communities interested in reconnecting to their waterfront.

Specific projects proposed for the City of Watervliet included creating additional trail linkages to the self-contained bike trail in Hudson Shores Park. It was proposed that the Hudson Shores trail could be linked to the off-road segment of the Mohawk Hudson Bike Hike Trail, which currently terminates south of Hudson Shores at Fourth Street in Watervliet.

***The Mohawk Hudson  
Bike Hike Trail  
Crossroads  
Connections Study***

In July 2003, *The Mohawk Hudson Bike Hike Trail Crossroads Connections Study* was completed. Funded by grants from the Hudson River Valley Greenway, the purpose of the study was to identify off-road alternatives for continuing the Mohawk Hudson Bike Hike Trail between the City of Albany and the Village of Waterford and to examine the need for improved signage along the on-road portion of the Mohawk Hudson Bike Hike Trail in Albany County. Over a 7-month period, the Hudson River Valley Greenway, Albany County Department of Economic Development, Conservation and Planning, and the Capital District Transportation Committee conducted a public outreach process to solicit input from the municipalities, stakeholders, and residents along this section of the Hudson River. This process included three public meetings to discuss trail opportunities.

The Mohawk Hudson Study proposed development of an additional trail segment to be located in the City of Watervliet. These included a 7,500-foot shoreline connection between the trail end at Fourth Street and the self-contained trail in Hudson Shores Park that terminates at 15<sup>th</sup> Street. The trail would require cutting into the I-787 embankment, and sensitive trail design would be needed to protect against disturbance of the shoreline and any aquatic habitats located in the area.

***The 19<sup>th</sup> Street Corridor  
Strategic Plan***

Finally, most recently, in late 2003 the City of Watervliet completed *The 19<sup>th</sup> Street Corridor Strategic Plan*. The planning process for this project began in January 2003 with the creation of a Strategic Plan Citizens Advisory Committee. The Committee included a representative cross section of business owners, City officials, senior citizens, students, and homeowners. Throughout the process, the Committee held open meetings to promote public participation in the development of the plan. Opportunities for public participation included surveys, public workshops, and stakeholder interviews. During the planning process, it was determined that improvements were needed to foster a dynamic economic climate and improve the housing stock and infrastructure for existing and future residents and business owners. The Citizens Advisory Committee developed goals that build on the community's assets and capitalize on the many opportunities identified during the planning process.

1. Foster Economic Development on 19th Street and Second Avenue.

2. Provide safe, quality housing to all residents in the Corridor.
3. Develop 19th Street and Second Avenue as an attractive, vital mixed-use district.
4. Improve and maintain the capacity and efficiency of the transportation infrastructure through access management and enhance mobility in the corridor.
5. Enhance the existing parks and recreational facilities in the target area and create new venues for social/recreational activities.
6. Consider revisions to the Zoning Regulations to create new commercial districts along 19th Street and Second Avenue.
7. Create a 19th Street Corridor Management Program.
8. Create a Marketing Program for the target area.

While 19<sup>th</sup> Street runs perpendicular to the shoreline, the corridor connects the City to the Congress Street Bridge and is the City's gateway from the City of Troy. In addition, the City's historical Central Business District is centered at the intersection of 19<sup>th</sup> Street and Second Avenue. Second Avenue (Route 32), runs along the former Erie Canal corridor, and falls within the LWRP waterfront area.

---

---

# Bibliography

## Bibliography

Arsenal Partnership, website, [www.arsenalpartnership.com](http://www.arsenalpartnership.com)

Bain, Mark B. "Atlantic and Shortnose Sturgeons of the Hudson River: Common and Divergent Life History Attributes (abstract)." Cornell University website, [www.dnr.cornell.edu/hydro2/sturgeon/envbiof.htm](http://www.dnr.cornell.edu/hydro2/sturgeon/envbiof.htm)

Behan Planning Associates, Planning, and Conservation, *Albany County Waterfront Strategy*, 1999

Bray, Paul Marshall. "The Riverspark Story: Partnerships Making a Real Place into a Living Park." [www.braypapers.com/riverspark.html](http://www.braypapers.com/riverspark.html), June 9, 1995

Buckhurst Fish Hutton Katz Planners & Architects, *The Hudson Mohawk Urban Cultural Park Management Plan*, 1974.

Capital District Regional Planning Commission, *Waterfront Revitalization Program for the City of Watervliet*, Draft Report, March 1986

Capital District Regional Planning Commission, *Waterfront Revitalization Program for the City of Watervliet*, Interim Report, August 1985

Capital District Transportation Committee, *The Mohawk Hudson Bike Hike Trail Crossroads Connections Study*, 2003

Capital District Transportation Committee, traffic count data, [www.cdtmpo.org/tvr/data/mcd107.htm](http://www.cdtmpo.org/tvr/data/mcd107.htm)

City of Watervliet Municipal website, [www.Watervliet.com](http://www.Watervliet.com)

# Bibliography

City of Watervliet Municipal Zoning Ordinance, Chapter 272 of the City Code, adopted 1964, revised 2000

City of Watervliet Municipal Flood Damage Prevention Ordinance, Chapter 160 of the City Code, adopted 1987

City of Watervliet Annual Water Quality Report, 2002

City of Watervliet Stormwater Notice of Intent to NYS Department of Environmental Conservation, February 28, 2003

- City of Watervliet "Welcome to the City of Watervliet" handbook, prepared for the residents of the City of Watervliet, 2004
- Cornell Cooperative Extension, information on pumpout stations and marinas in the Hudson River, [www.cce.cornell.edu/seagrant](http://www.cce.cornell.edu/seagrant)
- ESRI Business Information Solutions, Inc., Socio-demographic and Business Reports, [www.esribis.com](http://www.esribis.com)
- Laberge Group, Inc., Nineteenth Street Corridor Strategic Plan, 2003.
- National Historic Landmarks Program (NHL) website, information on Schuyler Flatts Archeological Site.
- National Register of Historic Sites, information on the Watervliet Arsenal and the Watervliet Side Cut Locks, [www.nr.nps.gov](http://www.nr.nps.gov),
- New York State Department of Environmental Conservation, website, information on the Hudson River Estuary Program, [www.dec.state.ny.us/website/hudson/hrep.html](http://www.dec.state.ny.us/website/hudson/hrep.html)
- New York State Department of Environmental Conservation, "Pataki Hails Hudson River No-Discharge Zone," [www.dec.state.ny.us/website/environmentdec/2003b/nodischarge.html](http://www.dec.state.ny.us/website/environmentdec/2003b/nodischarge.html) November 2003

# Bibliography

- New York State Department of Transportation, traffic count data 2002 and 2003, <http://www.dot.state.ny.us/search?NS-search-page=results>
- New York State Department of State Division of Coastal Resources, Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities Guidebook, 2004
- New York State Department of State Division of Coastal Resources, Local Waterfront Revitalization Program website, [www.nyswaterfronts.com](http://www.nyswaterfronts.com)
- New York State Office of Parks, Recreation, and Historic Preservation, website, [www.oprhp.state.ny.us](http://www.oprhp.state.ny.us)
- New York State Office General Services, Bureau of Land Management, Real Estate Planning, and Development, Letter Patent Land Grants and Maps, provided by Allan L. Scott, April and May 2005
- New York State GIS Clearing House, website, [www.nysgis.state.ny.us](http://www.nysgis.state.ny.us)
- Preservation/Design Group and the Reimann-Beuchner-Crandall Partnership, *The Hudson-Mohawk Urban Cultural Park Heritage Trail Technical Report*, 1979
- United States Census Bureau, website American Fact Finder 2000 Census Data, website, [www.factfinder.census.gov](http://www.factfinder.census.gov).
- U.S. Department of the Army, New York District Corps of Engineers, Hudson River Reach Condition Surveys, Sheets 85 - 88; undated.
- United States Department of the Army, Watervliet Arsenal Museum description, [www.wva.army.mil/MUSEUM.HTM](http://www.wva.army.mil/MUSEUM.HTM) July 8, 2004
- Wechsler, Alan. "Incubator in Works for Arsenal." Albany Times Union, July 9, 2004.

---

---

**Appendix A  
Waterfront  
Zoning  
Law**

**THE COUNCIL OF THE CITY OF WATERVLIET**

**ORDINANCE NO. 1778**

**INTRODUCED BY COUNCILMAN ANDERSON**

.....

**AN ORDINANCE OF THE CITY OF WATERVLIET, NEW YORK  
PROVIDING THAT THE CODE OF ORDINANCES, CITY OF WATERVLIET  
BE AMENDED BY REVISING SECTION 272-4, SECTION 272-5, SECTION 272-6,  
AND ARTICLE IV OF SAID CODE.**

The Council of the City of Watervliet, in regular session convened, ordains as follows:

**SECTION I**

That section 272-4 of the Code of Ordinances of the City of Watervliet be amended by adding to said Section the following:

WRD           - Waterfront Recreation District  
WOSD         - Waterfront Open Space  
WBD           - Waterfront Business District

**SECTION II**

That section 272-5 of the Code of Ordinances of the City of Watervliet be amended by adding to said Section the following:

The aforesaid districts are hereby established by the designations, locations, and boundaries thereof set forth and indicated on the Zoning Map of the City of Watervliet, dated July 1, 1961, and revised January 1, 1999 and September 4, 2005 as part of the Local Waterfront Revitalization Program. Said map shall be known as the "Zoning Map of the City of Watervliet" and is hereby decreed to be a part of the chapter.

**SECTION III**

That Section 272-6 of the Code of Ordinances of the City of Watervliet be amended by adding to said Section the following:

D. B-1 District on 3<sup>rd</sup> Avenue between 6<sup>th</sup> and 7<sup>th</sup> Street shall include the west side of 3<sup>rd</sup> Avenue.

E. B-2 District shall include the west side of 2<sup>nd</sup> Avenue and to 3<sup>rd</sup> Avenue at 19<sup>th</sup> Street.

**DEPARTMENT OF STATE  
COASTAL PROGRAMS**

**DEC 21 2005**

**RECEIVED**

**SECTION IV**

That Article IV of the Code of Ordinances of the City of Watervliet be amended by adding to said Article the following:

**Section 272-35 WRD- Waterfront Recreation District**

This District applies to City of Watervliet owned lands located along the Hudson River shoreline that comprises the Hudson Shores Park.

The following regulations shall apply in all WRD Districts, subsequent to any and all other required permits and approvals:

A. Permitted uses shall be as follows:

- (1) Water-related recreational uses, including non-motorized boat launches, floating docks, and seasonally moored vessels; and
- (2) Other outdoor recreational uses, including flea markets and farmers markets, outdoor amphitheaters, special events venues, and bike hike trails.

B. Special Permit uses may include the following:

- (1) Seasonally operated restaurant establishments on barges provided such uses connect to the City's public sewer infrastructure and subject to site plan review.

**Section 272-36 WOSD- Waterfront Open Space District**

This District applies to the portion of the City of Watervliet's shoreline that does not consist of Hudson Shores Park. This segment of the shoreline is characterized primarily by steeply sloping shore lands.

The following regulations shall apply in all WOS Districts, subsequent to any and all other required permits and approvals:

A. Permitted uses shall be as follows:

- (1) Bird watching, recreational fishing, or for the development of a bike/hike trail.

**Section 272-37 WBD- Waterfront Business District**

These districts are comprised of the following areas: Broadway from the North Arsenal Wall to 15<sup>th</sup> Street; Broadway from 19<sup>th</sup> Street to 21<sup>st</sup> Street, and the East side of Broadway from 21<sup>st</sup> Street to 22<sup>nd</sup> Street.

The following regulations shall apply in all WB Districts, subsequent to any and all other required permits and approvals:

A. Permitted uses shall be as follows:

1. One family dwelling;
2. Stores, shops or markets where goods are sold or personal services are rendered, provided that:
  - (a) All goods or products fabricated or processed incidental to such use shall be sold at retail on the premises.
  - (b) Such fabricating or processing done on the premises shall be done by not more than three persons so employed at any one time.
  - (c) Such fabricating or processing shall be confined to the first floor and basement of the premises and that no supplies, materials or goods are stored outdoors.
3. Business and professional offices, banks and fiduciary institutions.
4. Restaurants, including those with outdoor café seating, but not (including a diner or roadside stand) a dining establishment where food is dispensed in the public right of way.
5. Hotels, Bed and Breakfasts.
6. Theaters, bowling alleys, skating rinks or other places of amusement or assembly approved by the Zoning Board.
7. Municipal and other governmental buildings and uses.
8. Signs conforming to the following sign design objectives.
  - (a) Signs for the purpose of identification and advertising. A total of no more than three signs shall be permitted for any one use, and the total area of these signs shall not exceed an area equivalent of 10% of the total area of the ground story façade. The ground story shall not exceed 15 feet in height for these calculations.
  - (b) All signs shall be of design compatible with the building to which they pertain. The use of easily identifiable corporate marks is encouraged, but such shall not be permitted to vie for attentions. No billboard type signs will be permitted.
  - (c) Lighting signs shall be generally uniform in intensity. Exact type shall be determined by a majority of the tenants. No flashing or animated signs shall be permitted.
  - (d) Signs not directly related to facilities within the zone are prohibited, except that the temporary display of signs in connection with special events or activities of a public or non-profit character shall be permitted.
- (e) No signs may be placed above the roofline of a building. No freestanding signs may be of height greater than the height of the building to which they pertain.

**SECTION V**

That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION VI**

This Ordinance shall take effect immediately.

Approved as to form this 20<sup>th</sup> day of October, 2005

  
\_\_\_\_\_  
Yorden C. Huban, Esq.  
Corporation Counsel

I hereby approve the foregoing Ordinance of the Council.

  
\_\_\_\_\_  
Robert D. Carlson  
Mayor

Introduced by : **COUNCILMAN ANDERSON**  
Moved by : **COUNCILMAN ANDERSON**  
Seconded by: **COUNCILMAN DIAMOND**

Adopted by the following vote:

Ayes --- **3**  
Nays --- **0**

October 20, 2005

<b>Table A1: City of Watervliet LWRP Area Permitted Zoning Uses</b>			
<b>District Name</b>	<b>Permitted Principle Uses</b>	<b>Permitted Accessory Uses</b>	<b>Special Permit Uses</b>
R-3 Residential	One-family and two-family dwellings; churches or similar places of worship, convents, or parish houses; Public libraries, museums; or schools, any institution of higher learning, including dormitory accommodations. Fire stations, other public buildings and essential neighborhood services; Public parks and playgrounds (not conducted for profit). Hospitals; Public utilities structures.	For public parks, field houses or other accessory buildings including concessions, are permitted; Bulletin boards or signs connected to permitted uses; Customary accessory uses/structures incidental to principal structure/use.	Cemeteries (Zoning Board of Appeals approval required).
R-4 Residential	Same as R-3 Districts; High-density multi-family and multi-family dwellings; Residential hotels; Boardinghouses, lodging houses, rooming houses and tourist houses; nursing homes, convalescent homes, homes for the aged or elderly or similar uses (with specifications); Not-for-profit clubs, lodges, social and recreational center buildings; Signs (meeting specifications).	Accessory uses associated with Residential hotels (e.g., newsstands and restaurants) provided exterior signs are limited.	Professional offices (limited to 8, meeting parking requirements, City Planning Board approval); Funeral parlors (ZBA approval).
B-1 Local Business	Any use permitted in the R-3 District; Stores, shops or markets where goods are sold or personal services are rendered; Goods made on-site may be sold on-site with specific limitations; Business and professional offices, banks and fiduciary institutions; Restaurants, not including a diner or roadside stand; gas stations; Signs (meeting specifications).		

**Table A1: City of Watervliet LWRP Area Permitted Zoning Uses (continued)**

District Name	Permitted Principle Uses	Permitted Accessory Uses	Special Permit Uses
B-2 Central Business	Any use permitted in the B-1 District, <b>except</b> single-family and two-family dwellings; Hotels; Theaters, dance halls, billiard rooms, bowling alleys, skating rinks or other places of amusement or assembly; Schools conducted for gain; Newspaper publishers; Funeral homes and mortuaries; New and used motor vehicle sales and service establishments; Laundry and dry-cleaning establishments; Municipal/other government buildings/uses; Signs (meeting specifications).		
M-1 Manufacture	Any use permitted in the B-2 District, <b>except</b> no dwellings.		Other lawful uses deemed by the ZBA to be non-injurious.
WRD Waterfront Recreational	Water-related recreational uses, including non-motorized boat launches, floating docks, and seasonally moored vessels; outdoor recreational uses, including flea markets and farmers markets, outdoor amphitheaters, special events venues, and bike/hike trails.		Seasonally operated restaurant establishments on barges provided such uses are connected to the City's public sewer infrastructure and are subject to site plan review.
WOSD Waterfront Open Space	Bird watching, recreational fishing, or the development of a bike/hike trail.		

<b>Table A1: City of Watervliet LWRP Area Permitted Zoning Uses (continued)</b>			
<b>District Name</b>	<b>Permitted Principle Uses</b>	<b>Permitted Accessory Uses</b>	<b>Special Permit Uses</b>
WBD Waterfront Business	One-family dwellings; stores, shops or markets where goods are sold or personal services are rendered; business and professional offices, banks and fiduciary institutions; restaurants, including those with outside seating, but not establishments where food is dispensed in the public right of way; hotels, bed and breakfasts; theaters, bowling alleys, skating rinks or other places of amusement or assembly approved by the Zoning Board; Municipal/other government buildings/uses; signs (meeting specifications).		

**Table A2: City of Watervliet Schedule of Lot Area and Width, Height, and Yard Requirements**

District Name	Minimum Lot Size		Maximum Occupied Lot %	Minimum Floor Area (S.F. per DU)	Maximum Building Height		Minimum Yard Areas		
	Area (S.F.)	Frontage (feet)			(stories)	(feet)	Front (feet)	Side (feet)	Rear (feet)
R-3	4,000	40	50	600	2 ½	35	10	3	20
R-4	20,000	100	30	575	9	90	30	30	40
B-1	2,000	20	80	--	2 ½	35	--	--	20
B-2	2,000	20	80	--	5	70	--	--	20
M-1	8,000	50	40	--	4	60	25	10	25

Notes: S.F. – square feet; DU – dwelling unit;

Source: City of Watervliet Zoning Ordinance, Chapter 272, Schedule of Lot Area and Width, Building Coverage, Floor Area, Height, and Yard Requirements

---

---

**Appendix B**  
**Watervliet**  
**Consistency**  
**Law**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
City of Watervliet  
~~Town~~  
~~Village~~

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 31 2005

Local Law No. 2 of the year 2005

MISCELLANEOUS  
& STATE RECORDS

A local law adding Chapter 273 of the City of Watervliet Code  
*(Insert Title)*  
to be entitled The Waterfront Consistency Review Law

Be it enacted by the Council of the  
*(Name of Legislative Body)*

~~County~~  
City of Watervliet as follows:  
~~Town~~  
~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

THE COUNCIL OF THE CITY OF WATERVLIET

LOCAL LAW NO. 2-2005

\*\*\*\*\*

A LOCAL LAW ADDING CHAPTER 273 OF THE CITY OF WATERVLIET CODE TO BE ENTITLED THE WATERFRONT CONSISTENCY REVIEW LAW.

GENERAL PROVISIONS

Section 1 **Title**

This local law will be known as the City of Watervliet Waterfront Consistency Review Law.

Section 2 **Authority and Purpose:**

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this local law is to provide a framework for agencies of the City of Watervliet to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the City of Watervliet that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living coastal resources; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
4. The substantive provisions of this local law shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 3 **Definitions:**

1. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations ( 6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:
  - (a) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
    - (i) are directly undertaken by an agency; or
    - (ii) involve funding by an agency; or
    - (iii) require one or more new or modified approvals from an agency or agencies;
  - (b) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions

**PAGE TWO**  
**LOCAL LAW NO. 2-2005**

- (c) adoption of agency rules, regulations and procedures, including local laws, codes, local laws, executive orders and resolutions that may affect the environment; and
  - (d) any combinations of the above.
2. "Agency" means any board, agency, department, office, other body, or any officer of the City of Watervliet
  3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within boundaries of the City of Watervliet as shown on the Coastal Area Map on file in the Office of the Secretary of State and as delineated in the City of Watervliet Local Waterfront Revitalization Program.
  4. "Coastal Assessment Form (CAF)" means the form contained in Appendix A used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
  5. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
  6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policymaking.
  7. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the City of Watervliet approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Watervliet

Section 4. **Review of Actions:**

1. With the **exception of maintenance actions of the City Parks Department and the issuance of sign permits by the Buildings Department**, which shall be exempt from the provisions of this local law, whenever a proposed action is located in the City's Waterfront Revitalization Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein.
2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Waterfront Revitalization Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist the consistency of the proposed action.

**PAGE THREE**  
**LOCAL LAW NO. 2-2005**

3. The agency shall refer a copy of the completed CAF to the **Building Inspector** within ten (10) days of its submission and prior to making its determination, shall consider the recommendation of the **Building Inspector** with reference to the consistency of the proposed action.
4. After referral from an agency, the **Building Inspector** shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein. The **Building Inspector** shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.
5. The **Building Inspector** shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the **Building Inspector** and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the **Building Inspector**, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for his or her opinion. The **Building Inspector** shall, along with his or her consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

In the event that the **Building Inspector's** recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the **Building Inspector's** recommendation.

6. The agency shall make the determination of consistency based on the CAF, the **Building Inspector's** recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within seven (7) days of the date of receipt of the **Building Inspector's** recommendation. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter.
7. Actions to be undertaken within the Waterfront Revitalization Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the City of Watervliet LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

**PAGE FOUR**  
**LOCAL LAW NO. 2-2005**

- Policy 1: Foster a pattern of development that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development.
- Policy 2: Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.
- Policy 3: Protect existing agricultural lands in the coastal area.
- Policy 4: Promote sustainable use of living marine resources in coastal waters.
- Policy 5: Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.
- Policy 6: Protect and improve water resources.
- Policy 7: Minimize loss of life, structures, and natural resources from flooding and erosion.
- Policy 8: Protect and improve air quality in the coastal area.
- Policy 9: Promote appropriate use and development of energy and mineral resources.
- Policy 10: Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances.
- Policy 11: Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the coastal area.
- Policy 12: Enhance visual quality and protect outstanding scenic resources.
- Policy 13: Preserve historic resources in the City of Watervliet.

8. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

- (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
- (b) the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
- (c) the action will advance one or more of the other LWRP policy standards and conditions; and
- (d) the action will result in an over-riding City, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

8. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

PAGE FIVE  
LOCAL LAW NO. 2-2005

Section 5. Enforcement:

The City of Watervliet Building Inspector shall be responsible for enforcing this Chapter. No work or activity on a project in the Coastal Area which is subject to review under this Chapter shall be commenced or undertaken until the local zoning enforcement officer has been presented with a written determination from an agency that the action is consistent with the City's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this Chapter or any conditions imposed there under, the local zoning enforcement officer shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

Section 6. Violations:

- (1) A person who violates any of the provisions of, or who fails to comply with any determination or condition imposed by, this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- (2) The City attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

Section 7. Severability:

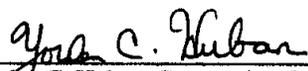
The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

Section 8. Effective Date:

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Section 9.

Approved as to form this 20<sup>th</sup> day of October 2005.

  
Yorden C. Huban, Corporation Counsel

Introduced by: COUNCILMAN ANDERSON  
Moved by: COUNCILMAN ANDERSON  
Seconded by: COUNCILMAN DIAMOND

Adopted by the following vote:

Ayes - - - 3  
Nays - - - 0

October 20, 2005

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2005 of the ~~(County)~~(City)(~~Town~~)(Village) of Watervliet was duly passed by the Council of the City of Watervliet on October 20 2005, in accordance with the applicable provisions of law.  
(Name of Legislative body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Yvonne C. Huban  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 27, 2005

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]  
Signature

Corporation Counsel  
Title

~~County~~  
City of Watervliet

~~Town~~  
~~Village~~

Date: October 27, 2005