
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.

19th Street Corridor Plan

In late 2003 the City of Watervliet completed *The 19th 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 19th 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 19th Street that runs between Route 32 (Second Avenue) and Broadway falls

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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 19th 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 19th 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 21st 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 10th Street to 15th Street and from the Congress Street Bridge at 19th Street two-thirds up the block towards 23rd 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 amphitheaters, 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.