

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

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

The revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these urban waterfront areas. Since virtually all major cities within the State developed along various waterways, their waterfronts are often the oldest and, unfortunately, most deteriorated portions of these communities.

As described in the Inventory and Analysis Section, much of the waterfront area is characterized by either deteriorated structures or underutilized open space lands adjacent to the Mohawk.

The City's revitalization of its waterfront will focus on the following:

1. Rehabilitation of residential units and neighborhood commerce in the East End and West End neighborhoods.
2. Re-use, rehabilitation, and selected demolition of vacant and underutilized industrial structures throughout the waterfront area.
3. Redevelopment of the immediate shoreline area, to include a focus on recreational boating and public access opportunities. In this regard, boat docking facilities and related services are encouraged, as well as the development of parks and shoreline trails.
4. The provision of better access to the shoreline within the Downtown.
5. The preservation and enhancement of the historic character of the Port Jackson neighborhood.

Proposed long-term land uses, as well as specific projects, are fully described in Section IV.

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

It can be reasonably expected that the demand for waterfront space will intensify in the long-term. The traditional method of land allocation, the real estate market, with or without local land use controls, offers little assurance that uses which require a waterfront site will, in fact, have access to such locations. To ensure that such water-dependent uses can be accommodated, City and State agencies will avoid undertaking, funding, or approving the siting of non-water-

dependent uses along the waterfront which would pre-empt the foreseeable development of water-dependent uses.

Within Amsterdam, the principal water-dependent uses to be encouraged are recreational boating facilities, such as docks and marinas. In addition, complimentary uses, such as boat repair, supply, and lodging activities are also encouraged. Presently, little, if any, demand exists for the siting of water-dependent industry.

With regard to the siting of boating facilities, marinas should be located along the South Side, to the east or west of the Port Jackson neighborhood where access to the shoreline is not impeded by highway arterials or railroads. Boating facilities along the northern Mohawk shoreline should be limited to docks for transient boaters or boat launch ramps, provided adequate railroad crossing signals are provided for vehicular and pedestrian traffic.

Water-enhanced recreational facilities, such as parks and trails are acceptable uses for virtually any portion of the waterfront, although direct shoreline access within the Port Jackson neighborhood is precluded due to existing development.

POLICY 3 STRENGTHEN SMALL HARBORS BY MAINTAINING THE MIX OF TRADITIONAL USES, ASSURING SAFE NAVIGATION AND RESOLVING USE CONFLICTS AND COMPETITION THROUGH HARBOR AND WATER SURFACE USE MANAGEMENT.

The Barge Canal and other waterways throughout the State have experienced a significant growth in recreational boating in recent years. The increase in boat traffic has resulted in a corresponding demand for marinas, docks, storage areas, service shops, and launch facilities. Although communities have been preparing comprehensive land use plans for years, equivalent attention has not been given to the water surface and harbor areas. As a result, problems have arisen related to boating congestion, public safety, dredging and dredge spoil disposal, public access to the waterfront, water quality, and competition of land uses along the waterfront.

It is anticipated that recreational boating facilities, such as a marina, will be sited along the Mohawk shoreline, probably within the South Side. In order to assure that such facilities will be constructed and sited in a manner which does not degrade natural resources or adversely impact boat traffic, the following guidelines shall apply:

1. Marinas shall be located in areas where minimal maintenance dredging will be required (not more than once every five years).
2. Marinas shall not be located in areas which they would harm aquatic life or would degrade identified wetlands.

3. Adequate sewage pump-out facilities shall be provided. The number and type of such facilities shall be determined by the size of the marina and the type of boats served by it.
4. Adequate restroom facilities shall be provided to discourage overboard discharge of sewage from boats and to protect water quality.
5. Ample signage shall be provided to identify the location of restrooms and pump-out facilities. Signs must also fully explain the procedures and rules governing the use of the pump-out facilities. Pump-out facilities shall be available to all boaters, regardless of whether they are patrons of the marina.
6. Dedicated parking spaces shall be provided at a minimum rate of 0.6 spaces per slip plus additional spaces for employees and for separate retail activities on the premises.
7. Fuel spill prevention emergency response plans shall be prepared and the provision of automatic fuel cut-offs for hoses is mandatory.
8. Stormwater runoff from parking lots, maintenance, fueling, and wash-down areas must be treated in a manner that prevents oils, grease, and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
9. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste.
10. The underwater portions of piers and docks, including piles, shall not be constructed using creosote treated lumber.

**POLICY 4 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS
WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO
SUCH DEVELOPMENT ARE ADEQUATE.**

In order to foster orderly patterns of growth, development should be located in areas with adequate infrastructure, or support services. A major expansion of public water supply, sewage disposal, and road systems is costly and would place a considerable financial burden on the City. Fortunately, the City's waterfront area is urbanized and served by, or accessible to, all of the necessary support systems. In addition, the level of waterfront development set forth in Section IV is not of the magnitude which would strain existing services.

POLICY 5 SIGNIFICANT FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED TO MAINTAIN THEIR VIABILITY AS HABITATS.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. In order to protect and preserve a habitat, activities and development which would destroy or significantly impair the viability of a habitat will not be undertaken. Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Significant impairment is defined as a reduction in vital resources (e.g. food, shelter, living space) or change in environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism.

As described in Section II.K. of the Inventory and Analysis, the Mohawk River supports abundant and diverse warmwater fish populations. Within the lower Mohawk River is one of the largest fisheries for smallmouth bass within the State. Other abundant or common fish found in the Amsterdam vicinity include: walleye; bullheads; rock bass; yellow perch; blueback herring; carp; and suckers.

Within the City, recreational fishing is popular, either from the shoreline or from small boats.

Activities should not be undertaken which adversely impact fish populations. Such activities include, but are not limited to, the following:

- Those which increase sedimentation or erosion.
- The point and non-point discharge of toxic substances.
- The disturbance of wetlands, which serve as important nursery and feeding areas for fish and wildlife.

POLICY 6 IN ORDER TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION, DEVELOPMENT WILL BE SITED AWAY FROM HAZARD AREAS WHEREVER PRACTICAL, AND NATURAL FLOODING AND EROSION PROTECTIVE FEATURES WILL NOT BE DEGRADED.

Although erosion is not a problem within Amsterdam, floodways and flood hazard areas have been designated along the shoreline. In order to minimize property damage resulting from flooding, development will be discouraged from locating within such areas or appropriately flood-proofed.

Within floodways, as identified by the Federal Emergency Management Agency (FEMA), only open space uses will be allowed.

Within flood hazard areas, development will be undertaken in accordance with the following guidelines:

- a. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water related forces.
- b. All construction materials and utility equipment used shall be resistant to flood damage.
- c. Construction practices and methods shall be employed which minimize potential flood damage.
- d. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- e. Adequate drainage shall be provided to reduce exposure to flood hazards.
- f. All water supply and sewage disposal systems shall be designed to minimize or eliminate flood water infiltration or discharges into the flood waters.
- g. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood.
- h. All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood or, as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.
- i. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any point.

POLICY 7

EROSION PROTECTION STRUCTURES SHALL BE CONSTRUCTED ONLY IF THEY ARE NECESSARY TO PROTECT HUMAN LIFE, EXISTING DEVELOPMENT, OR NEW WATER-DEPENDENT DEVELOPMENT AND WILL RESULT IN NO MEASURABLE INCREASE IN EROSION OR FLOODING AT

OTHER LOCATIONS. NON-STRUCTURAL MEASURES SHALL BE USED WHENEVER POSSIBLE. PUBLIC FUNDS SHALL ONLY BE USED WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM COSTS.

Shoreline erosion is not presently a significant problem within Amsterdam's waterfront area. Increased boating along the Mohawk River/Barge Canal may result in localized erosion from waves generated by boat wake. Generally, two methods can be used to alleviate erosion: the construction of bulkheads and the installation of revetments, or riprap. Bulkheads would be used, for the most, along stretches where development abuts the shoreline, while riprap would be used along open space or undeveloped portions of the shoreline.

POLICY 8 MAXIMIZE PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES TO THE SHORELINE AND TO WATERWAYS.

The provision of additional public access and recreational opportunities to the Mohawk River and its shoreline represents the focus of the City's waterfront revitalization effort. Additional access will be provided, as follows:

1. The existing boat launch ramp within the East End is in need of improvement. Its repair should result in increased use.
2. An additional boat launch ramp is to be constructed adjacent to Lock No. 11 in the West End. Construction of this facility will necessitate the installation of appropriate railroad crossing improvements, as well as access road, parking, and lighting improvements.
3. A municipal waterfront park is to be constructed within the Downtown in the shoreline area below the Route 30 bridge. In addition to typical recreational uses, such as picnic areas, docks for transient boaters may also be provided. A shoreline trail extending to the east and/or west of this park will also be pursued. The development of any public uses along the northern Mohawk shoreline, especially in the Downtown area, must overcome the Conrail railroad and highway arterials as barriers to waterfront access.

POLICY 9 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AND SITES THAT ARE OF SIGNIFICANCE TO THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

Among the most valuable community resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these resources must include concern not only with specific sites, but with areas of significance and the area around specific sites.

The provisions of this policy apply to the Port Jackson neighborhood, the Downtown, Guy Park Manor, and the numerous zones of archeological sensitivity located throughout the waterfront. (See chapter G. "Historic Resources" of the Inventory and Analysis for a detailed description of historic resources.)

The rehabilitation of structures within these areas shall be undertaken in a manner which preserves historic elements and character. New construction shall be generally compatible in terms of design and materials with the historic character of the area to the maximum extent practicable. In addition, the rehabilitation and adaptive re-use of vacant industrial structures represents a key component in the revitalization of the waterfront.

With respect to activities which involve excavation of land within zones of archeological sensitivity, public agencies will contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archeological resources.

POLICY 10 PROTECT AND IMPROVE THE VISUAL QUALITY OF THE WATERFRONT.

Amsterdam's waterfront is characterized by urban development, transportation arteries, and undeveloped open space shoreline tracts. The most important visual concern is the view of the City from the Mohawk River. Elements impacting these views include deteriorated structures and unkempt parcels.

When considering a proposed action, care shall be given to protecting and enhancing the overall scenic quality of the waterfront. Any commercial or industrial use to be located along the shoreline, for example, shall be provided with a fence, screening, and/or landscaping sufficient to mitigate any negative visual impacts. In addition, junk yards, outdoor storage lots, and parking lots which front on public right-of-ways or residential districts shall be screened in an appropriate manner.

POLICY 11 THE STATE WATERFRONT REVITALIZATION POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE CITY OF AMSTERDAM.

POLICY 12 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF EFFLUENT AND POLLUTANTS, INCLUDING, BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO WATER BODIES WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

While industrial and commercial effluent discharges do not present problems at this time, problems have occurred with discharges at the City's sewage treatment plant. In this regard, discharges of sludge into the Mohawk River have occurred, necessitating corrective actions. The City is addressing this problem through various improvements to the plant, and is also considering use of a sludge composting facility as a long term solution.

POLICY 13 POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING WATER BODY CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Pursuant to the federal Clean Water Act, the State has classified waterways in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment.

Water quality ratings of "C" have been established by the New York State Department of Environmental Conservation for those portions of the following streams which flow through the City's waterfront area: Mohawk River; North Chuctanunda Creek; South Chuctanunda Creek; Dove Creek; Degraff Creek; and un-named Mohawk Tributaries 66, 67, 68, and 72. A "C" rating indicates that the stream is suitable for fishing and fish propagation.

The present water quality classifications for these streams are consistent with the proposed land and water uses described in this Local Waterfront Revitalization Program. Conversely, the uses proposed for the waterfront area are consistent with the provisions of the water quality ratings.

POLICY 14 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF, COMBINED SEWER OVERFLOWS, AND THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS, AND ERODED SOILS INTO STATE WATERWAYS.

Non-point source pollution is pollution which enters waterways from diffuse sources. It is caused by rainfall or snowmelt which carries pollutants into waterways from a number of ground sources, such as streets, parking lots, and agricultural fields. Best management practices to be utilized to minimize non-point source pollution include the following:

1. Retain as much of the natural vegetation as possible and avoid mass clearing of sites to be developed.
2. Utilize grading methods which impede vertical runoff and provide maximum runoff infiltration capacity.
3. Locate large graded areas on the most level portion of the site and avoid the development of steep vegetated slopes.
4. Conduct grading and clearance activities outside of floodplains.
5. Utilize porous pavements in the construction of parking areas.
6. Protect inlets to storm sewers by suitable filtering devices during construction.
7. Runoff from parking lots, fueling areas, and large building sites should be collected and detained in sediment basins, oil and grease filtering catch basins, or retention areas to trap pollutants which would otherwise be transported from the site.

In addition to the above-cited practices, the City will evaluate the effectiveness of its storm sewer system and make improvements, where possible, aimed at collecting and detaining sediments in filtering catch basins, retention areas, etc.

POLICY 15 THE STATE WATERFRONT REVITALIZATION POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE CITY OF AMSTERDAM.

POLICY 16 DISCHARGE OF WASTE MATERIALS INTO STATE WATERS FROM VESSELS SUBJECT TO STATE JURISDICTION WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS, AND WATER SUPPLIES.

The discharge of sewage, garbage, and other wastes from boats can adversely effect water quality and is regulated by State law. In order to minimize such discharges, marinas shall be required to provide sewage pump-out facilities. Such facilities shall be available to all boaters, regardless of whether they are patrons of the marina. In addition, marinas shall also provide rest rooms to further discourage the overboard discharge of sewage from boats.

POLICY 17 EXCAVATION, DREDGING, AND DREDGE SPOIL DISPOSAL WILL BE UNDERTAKEN IN A MANNER WHICH PROTECTS FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LAND, AND WETLANDS, AND DOES NOT CAUSE AN INCREASE IN THE EROSION OF SUCH LAND.

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

New York State undertakes periodic dredging to maintain the navigation channel of the Mohawk River/Erie Canal. This type of dredging is relatively infrequent within Amsterdam, occurring no more than every five years or so.

The future siting of marina facilities within the City may also necessitate dredging. In this regard, such facilities shall be located in areas where minimal maintenance dredging will be necessary. In addition, dredging which would impact identified wetlands should be avoided so as not to degrade these sensitive environmental resources.

POLICY 18 PRESERVE AND PROTECT WETLANDS AND THE BENEFITS DERIVED FROM THESE RESOURCES.

Wetlands provide numerous benefits, including, but not limited to, the following: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space. As such, their protection is critical and regulated through the State's Freshwater Wetlands Act and Protection of Waters Act. This policy is applicable to the four (4) wetlands identified by the New York State Department of Environmental

Conservation, located within and adjacent to the Mohawk River channel and more fully described in Section II. J. of the Inventory and Analysis. Actions proposed within 100 ft. of such wetlands shall first be reviewed to examine potential impacts and designed in a manner which avoids their degradation.