

SECTION 3
LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

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

POLICY 1A RESTORE, REVITALIZE, AND REDEVELOP THE VILLAGE'S CENTRAL BUSINESS DISTRICT WITH EMPHASIS ON STABILIZING AND STRENGTHENING EXISTING BUSINESSES, FURTHERING A WATERFRONT IMAGE FOR THE VILLAGE AND PRESERVING ITS HISTORIC COMMUNITY CHARACTER.

POLICY 1B ENCOURAGE REDEVELOPMENT OF THE FORMER CHAIR FACTORY SITE, THE FORMER KEAHON SITE, THE FORMER ROCKLAND FUEL SITE AND THE FORMER PIPE MANUFACTURING SITE FOR WATER-DEPENDENT AND WATER-ENHANCED USES INCLUDING MARITIME COMMERCIAL AND TOURIST RELATED USES AND RESIDENTIAL USES THAT WILL RECONNECT THE CENTRAL BUSINESS DISTRICT WITH THE WATERFRONT.

Explanation of Policy

The Village of Haverstraw has a number of underutilized and deteriorated sites that can be redeveloped. Most of these sites are directly located adjacent to the Hudson River. The various waterfront area land uses should be integrated to provide recreational and public access opportunities, and preserve waterfront lands through the development of an open space trail system extending from Peck's Pond in West Haverstraw to Hook Mountain State Park and the Palisades Interstate Park system (see Inventory and Analysis) which would include a waterfront esplanade in the Village. The Village's top priorities are to revitalize the abandoned waterfront properties with water-dependent, water-enhanced and residential uses, increase public access to the Hudson River, provide recreational opportunities, and preserve or enhance water-dependent uses in any redevelopment of the riverfront.

The following sites have been identified by the Village as either underutilized, deteriorated, in need of rehabilitation, or any combination of all three:

- The former Warren Court property (underutilized and deteriorated); The former volunteer ambulance site (underutilized and deteriorated);

- The site of the former Empire Chair Factory (underutilized and deteriorated);
- The 1.5 acre Damiani property located directly north of Emeline Park (underutilized);
- The Village property south of Emeline Park occupied by Civile's Restaurant (underutilized and needs rehabilitation);
- The former Rockland Fuel site (underutilized and deteriorated);
- The Village DPW site (underutilized);
- The former concrete pipe manufacturing property located south of the Rockland Fuel site (underutilized and deteriorated);
- The vacant 7.2 acre Tilcon Industries site located east of the CSX railroad tracks and west of West Street/Short Clove Road; and
- The northern portion of the existing Tilcon Mining operations to be used as a buffer area between the existing mining operations and the redeveloped areas.

Development potential exists in these properties. Development is primarily limited by economic factors. Limiting development constraints for the development of water-related uses should be considered for any proposal in the waterfront area. Detailed consideration should be given to the establishment of a waterfront promenade with direct public access for any development proposal for these sites.

The Village's Waterfront Plan includes a range of land and water uses that address Haverstraw's goals, as outlined in Section IVA. The projects are described in items B1 – B25 in Section IV, and are assigned to sites in areas best able to accommodate these projects. Generating an expanded residential base to support village business and expand the tax base is essential. Accommodation of important cultural and recreation facilities (Children's Museum, Brick Museum, Emeline Park, Recreation Piers), is essential to achieving these goals. The Ferry (water-dependent) and parking are necessary to make the waterfront economically viable and to support the existing business community by creating links with downtown.

Current waterfront zoning regulations establish height and setback regulations for development proposals adjacent to the river and identify permitted and accessory waterfront uses. Any new waterfront zoning should make multiple dwelling a use permitted by right rather than a special permit use and incorporate setbacks and height limitations appropriate to the redevelopment parcels.

The Village of Haverstraw through its local waterfront revitalization program has the primary responsibility for implementing this policy, but can do so only if federal and State actions are consistent with the policy. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of this once dynamic waterfront area is one of the most effective means of encouraging economic growth in the Haverstraw area, without consuming valuable open space outside of these waterfront areas. The Village is focusing on waterfront redevelopment as one of the most effective means of rejuvenating and stabilizing the commercial and residential districts adjacent to the waterfront area. In Haverstraw, the main thoroughfare

leading to the waterfront goes directly through the downtown. This connection must be capitalized on.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the cost of providing basic services to such areas is frequently less than providing new services to areas not previously developed; and (3) The likelihood for successfully simplifying permit procedures and easing regulatory programs (Policy 6) will be increased if a suitable area and not the entire waterfront is the focus for this effort. Once this concentration of effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

The following guidelines will accordingly be used to ensure consistency whenever a federal or State action is proposed to take place in the Village of Haverstraw waterfront area regarded as suitable for development.

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

If a State or federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area.

If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

POLICY 2A DEVELOP A PUBLIC RECREATION PIER TO PROVIDE DIRECT ACCESS FOR WATER-DEPENDENT PUBLIC RECREATIONAL USES.

POLICY 2B ENCOURAGE A BALANCE BETWEEN MARINAS AND OTHER WATER-DEPENDENT USES ON THE RIVER.

POLICY 2C DEVELOP PERMANENT FERRY SERVICE AND ASSOCIATED FERRY PIER AND PARKING TO UTILIZE THE ALTERNATIVE TRANSPORTATION POTENTIAL OF THE HUDSON RIVER AND BRING NEW USERS INTO THE VILLAGE.

Explanation of Policy

There is a finite amount of waterfront property in the Village of Haverstraw. These properties had mostly been developed for specific uses in the past because of their location by the Hudson River. Today, due to the changes in varying economic factors, most of these historic uses are deteriorated, abandoned or underutilized (see Policy 1). However, demand is increasing for waterfront property and this results in increased pressures for development. Development pressures can result in either changes in land use or changes in densities, or both.

The Village of Haverstraw enjoys a unique location on Haverstraw Bay of the Hudson River because of its waterfront views, varied coastline and the opportunities related to water-dependent activities, which take place on the riverfront.

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

1. Uses that depend on the utilization of resources found in coastal waters (e.g., fishing, mining of sand and gravel, mariculture activities),
2. Recreational activities that depend on access to coastal waters (e.g., boating, swimming, fishing wildlife viewing),
3. Recreational facilities that depend on access to coastal waters. Examples of such water-dependent facilities include the following: beach and or yacht clubs; facilities needed to store and service boats; boat yards, marinas, boat construction yards; facilities for hauling, launching, dry storage and dry sailing of boats; facilities for building, repairing, and

maintaining boats and marine engines and other boating equipment; facilities for docking and mooring of boats, especially when found in conjunction with above.

4. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (i.e., facilities for the sale of fuel for boats, for the pumping out of marine holding tanks, for waste oil collection, parking lots, and dry storage of boats),
5. Commercial facilities for the construction of boats,
6. Uses involved in the sea/land transfer of goods (e.g., docks, loading areas, pipelines, short-term storage facilities),
7. Structures needed for navigational purposes (e.g., locks, dams, lighthouses),
8. Flood and erosion protection structures (e.g., breakwaters, bulkheads),
9. Scientific/educational activities which, by their nature, require access to coastal waters (e.g., certain meteorological and oceanographic activities), and
10. Waterfront promenades.

In addition to water-dependent uses, uses that are enhanced by a waterfront location should be encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Uses that would allow public access to the waterfront and enable development of the greenway path/riverfront promenade should be encouraged or facilitated.

The Village will facilitate the location, continued existence, and expansion of appropriate uses in its waterfront. Those uses that will contribute to local revitalization efforts, public and visual access, water transportation, and recreational development include the following:

1. Emeline Village Park: water-dependent and water-enhanced public recreational uses,
2. Bowline Point Park: water-enhanced public recreational uses,
3. The Rockland-Bergen Boat Club and the Haverstraw Elks Lodge: water-dependent recreational uses,
4. Bowline Pond: the Bowline Pond Trailway is a water-enhanced public recreational use. Bowline Pond offers potential for development of a marina or special anchorage (a water-dependent public recreational use),

5. The vacant Damiani property: this waterfront location near the foot of Main Street is conveniently accessible to the downtown. The site is ideal for permanent relocation of ferry operations (a water-dependent use) and a garage structure to service commuters. This use provides an important link between downtown (including parking) and water-dependent uses (ferry, recreation pier, promenade, etc.)

The following guidelines should be used in choosing sites where water-dependent and water-enhanced uses will be encouraged and facilitated:

1. In-place facilities and services -- Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply,
 - b. Access to public transportation, if a high number of person trips are to be generated.
2. Access to navigational channels -- If commercial ferries and/or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
3. Compatibility with adjacent uses and the protection of other coastal resources -- Water-dependent and water-enhanced uses should be located so that they enhance or, at least do not detract from, the surrounding community. Affirmative approaches should also be employed so that water-dependent and water-enhanced uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water-dependent and water-enhanced uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

Due to availability as well as site characteristics, development of water-dependent or water-enhanced uses could occur at any or all of the available waterfront sites in the Village of Haverstraw. Public concerns of future development and expansion of existing uses (Tilcon Industries and the marinas) include, but are not limited to, traffic, parking, winter boat storage, screening and buffering of new development, retention of natural vegetation and physical as well as visual access to the waterfront. Site plan review as prescribed in the Village's zoning law should be conducted in a thorough manner to identify any adverse impacts. Through the site plan under the environmental review process, recommendations should be made to alleviate or mitigate any adverse impacts while promoting physical and visual public access to the waterfront.

4. Preference to underutilized sites -- The promotion of water-dependent and water-enhanced uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.

In promoting water-dependent and water-enhanced uses the following kinds of actions should be considered:

1. Favored treatment to water-dependent uses areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water-dependent uses.
2. When waterfront areas are publicly owned, favored leasing arrangements should be given to water-dependent and water-enhanced uses that will provide for public access.
3. Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent and water-enhanced uses. This effort should begin for specific uses in a particular area.
5. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring for the development of water-dependent and water-enhanced uses.
6. Local, State and federal agencies should work together to determine the feasibility of continuing to operate a commuter ferry with associated parking and to determine the most appropriate permanent site for ferry operations.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

POLICY 4A PROMOTE THE TRADITIONAL USES OF HAVERSTRAW BAY INCLUDING COMMERCIAL MARINAS, RECREATIONAL BOATING AND ACCESSORY SERVICES, COMMERCIAL FISHING AND CRABBING, AND RECREATIONAL FISHING. (SEE POLICY 2, 9 AND 10).

POLICY 4B ESTABLISH BOWLINE POND AND PORTIONS OF HAVERSTRAW BAY AS A U.S. COAST GUARD DESIGNATED SPECIAL ANCHORAGE AREA.

POLICY 4C DEVELOP A PUBLIC RECREATION PIER AT A SUITABLE SITE TO ENHANCE THE MARITIME IDENTITY OF THE SITE AND TO PROVIDE DIRECT PUBLIC ACCESS TO HAVERSTRAW BAY FOR FISHING, SIGHT SEEING, AND BOATING. (SEE POLICY 19 AND 21).

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of local and State agencies shall center on promoting such desirable activities as recreational fishing, marinas, historic preservation, cultural pursuits, and other compatible activities that have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors that, in turn, can make significant contributions to the State's tourism industry. The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses that are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development, which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community, e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.

6. The action will not detract from views of the water and smaller harbor areas, particularly where the visual quality of the area is an important component of the area's appeal and identity.

At present, Haverstraw Bay is home to many recreational boaters. It is also an important recreational fishing area. Boating and related activities can contribute to the economy of Haverstraw.

The anticipated growth of the recreational tourism-based economy in Haverstraw is largely contingent upon implementation of Policy 2. Development and enhancement of the Village's maritime uses and activities can be accomplished if local land use controls are implemented to prevent the displacement of water-dependent uses by water-enhanced uses. The marine recreational industry should be protected and expanded; and water-dependent uses, particularly public, should be promoted.

Harbor management and maintenance is an important aspect of any policy encouraging the Village's traditional maritime uses. Planning for dredging, maintenance and expansion of public facilities, and regulations for the safe passage of vessels should be addressed through an intermunicipal harbor management plan among the communities adjoining Haverstraw Bay.

An act of Congress provides for the designation of special anchorage areas wherein vessels not more than 65 feet in length, when at anchorage, will not be required to carry or exhibit lights. Special anchorages are for recreational vessels and are under the jurisdiction of the Secretary of Transportation through the Commandant of the U.S. Coast Guard. Haverstraw Bay is a desirable location for a special anchorage since it is at the widest point in the Hudson River and there is no special anchorage in the immediate vicinity (between Nyack and West Point). Bowline Pond offers development potential as a marina or special anchorage area. One of the advantages of a special anchorage is the creation of vessel mooring at low cost compared to the construction of a marina.

Development of a public recreation pier is an important action that will provide direct access to the Hudson River for fishing and sight seeing. It will provide an important access point for tour boats and transient boats to visit Haverstraw, contributing to the economic strength and attractiveness of this waterfront community.

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

POLICY 5A ENCOURAGE COMPATIBLE WATERFRONT DEVELOPMENT NEAR THE EXISTING COMMERCIAL AREA WHERE PUBLIC SERVICES

AND FACILITIES ARE IN PLACE AND PARKING CAN BE ACCESSIBLE.

POLICY 5B PLAN COASTAL REDEVELOPMENT TO ENSURE THAT LOCAL ROADS DO NOT BECOME UNSAFE OR OVERBURDENED BY TRAFFIC AND TO ENSURE THAT THE WATERFRONT IS ACCESSIBLE TO PEDESTRIANS, ANGLERS, BOATERS AND CYCLISTS AND ALSO TO ENSURE THAT PARKING LOTS ARE APPROPRIATELY SCALED, SITED FOR MULTIPLE USE, NOT FLOODED AT HIGH TIDE AND NOT A DETRIMENT TO LOCAL NEIGHBORHOODS.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to existing areas of concentrated development where infrastructure and public services are adequate and where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

- Strengthen existing residential, industrial and commercial centers;
- Foster an orderly pattern of growth where outward expansion is occurring;
- Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- Preserve open space in sufficient amounts; and
- Where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large-scale development or an action that would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.

2. Other locations in the coastal area may also be suitable for development if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one mile radius of the proposed site are vacant;
 - c. The proposed site is served by, or is near to, public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
 - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
 - b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
 - c. Sewage disposal system can accommodate the wastes generated by the development;
 - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
 - e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
 - f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., quarries.

2. Development, which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, and campgrounds.
3. Development, which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development, which because of its isolated location and small-scale, has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities, which because of public safety considerations, should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.
8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

The property directly south of Emeline Park, owned by the Village and Scenic Hudson, is well suited for expansion of the existing park. Parking could be provided at the existing parking area. Expansion of the park would provide a direct connection to the Greenway Trail connecting Haverstraw with the bike trail that runs to West Point to the north and Hook Mountain State Park and Nyack to the south. Scenic overlooks should be created along the waterfront and linked with the proposed waterfront trail. Refer to Appendix D, the Emeline Park Improvements Plan.

The site of the former Empire Chair Factory, the former concrete pipe manufacturing site, the former Rockland Fuel site, and the Village DPW site should be developed for housing. Existing services and facilities (i.e., sewer lines and water) are already in place. Policy 4 recommends utilizing public services and facilities already in place. Zoning amendments making residential uses permitted uses on these sites are discussed in Section IV of this document. Residential development should be encouraged to draw new residents and visitors to the Village of Haverstraw and create a potential new customer base for Main Street. As part of any residential housing development, there is an opportunity to improve public access to the waterfront and create public amenities that would benefit the entire Village. In addition, the former Chair Factory site will be developed with a mix of uses – with residential use accompanied by maritime commercial and tourist-related uses.

A waterfront promenade and pier will provide accessibility to the water for recreational uses. Parking for the proposed ferry will be appropriately sized and sited to avoid negative impacts to the surrounding community.

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

Explanation of Policy

For specific types of development activities in areas suitable for such development, federal, State and local governments participating in the waterfront revitalization program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations objectives is not jeopardized. Efforts will also be made to ensure that each agency's procedures and programs are synchronized with the agencies' procedures at each level of government. Additionally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, programmatic and/or legislative changes will be recommended.

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

FISH AND WILDLIFE POLICIES

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

POLICY 7A THE HAVERSTRAW BAY HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.

Explanation of Policy

The Haverstraw Bay Significant Coastal Fish and Wildlife Habitat encompasses the entire river over an approximate six mile reach, and includes the Village. (Refer to Inventory and Analysis for further details.) All proposed projects will be subject to the habitat impairment test when permits are applied for to ensure that land uses and development will not adversely affect the viability of the habitat.

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

1. Essential to the survival of a large portion of a particular fish and wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare, endangered and threatened species;
3. Found at a very low frequency within a coastal region and/or are on a migratory path;
4. Support fish and wildlife populations having significant commercial and/or recreational and/or educational value; and
5. Difficult or impossible to replace.

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

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

In order to protect and preserve the Haverstraw Bay Significant Habitat, land and water uses, or development actions, shall not be undertaken if such actions would:

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

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

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

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

The range of parameters which should be considered in applying the habitat impairment test include:

Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

Haverstraw Bay Significant Habitat

Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River Estuary. (See Appendix B Habitat Narrative.).

Impact Assessment

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or temperatures in Haverstraw Bay would adversely affect the fish and wildlife resources of this area. Any physical modification of the habitat or adjacent wetlands through dredging, filling, or bulkheading would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and early developmental periods, which generally extend from April through August for most anadromous species using the area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations. Similarly, spills of oil or other hazardous substances, and leachate or contaminated groundwater constitute a potential threat to fish and wildlife in the Bay. Of particular concern in this major estuarine system are the potential effects of hydrologic disturbances, and effluent discharges. Existing areas of natural vegetation bordering Haverstraw Bay should be maintained to provide soil stabilization and buffer areas.

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

POLICY 8A CONTROL THE INTRODUCTION OF NEW INDUSTRIES OR TECHNOLOGY WHICH COULD INCREASE THE PRESENCE OF HAZARDOUS MATERIALS WITHIN THE HAVERSTRAW COASTAL AREA.

POLICY 8B ENCOURAGE EXISTING INDUSTRIAL PRODUCTION OR STORAGE FACILITIES TO UTILIZE THE MOST CURRENT TECHNOLOGIES AVAILABLE TO MINIMIZE THE POTENTIAL THREAT FROM HAZARDOUS WASTES OR POLLUTANTS TO THE SURROUNDING ENVIRONMENT.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901-(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed." A list of hazardous wastes has been adopted by NYS DEC (6 NYCRR Part 371).

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

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

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

POLICY 9A PROVIDE PUBLIC ACCESS TO VACANT WATERFRONT LANDS FOR RECREATIONAL SHORELINE FISHING, CRABBING AND BIRDWATCHING.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as photographing wildlife, bird watching and studying nature.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guidelines should be considered by State, federal and local agencies as they determine the consistency of their proposed action with the above policy:

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

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing must be done in accord with State law.

Shoreline fishing has become very popular even though access is limited. The primary obstacles to increased recreational fishing use of the riverfront are concerns over contaminants in the fish and access. The Village supports all efforts to clean the Hudson River, including the removal of PCBs. The Department of Environmental Conservation advises recreational fishermen as well as others to consume no more than one meal per week consisting of fish from New York State waters including the Hudson River.

Provisions for increased boating access, as indicated in the Development Policies 1-6 and Policy 21, will also serve to increase recreational fishing and wildlife viewing.

Crabbing, in addition to fishing, is also popular in the Haverstraw Bay area. The blue crab attracts many recreational crabbers. Most casting traps are set off of the shore at the former Empire Chair Factory, the former concrete pipe manufacturing property, and the former Damiani property. It is particularly desirable to promote recreational crabbing, since crabs are nearly free of PCB contamination. A study should be undertaken by a State or regional agency to propose ways to restore the blue crab population. Casting can continue from the proposed public recreation pier or along the waterfront esplanade once these properties are redeveloped with residential uses. Since the crab population is not totally free of PCB's, warnings on maximum consumption will be posted until the Department of Health (DOH) issues an "all clear." Specifically, the DOH special advisory states that no individual is to eat more than six Hudson River blue crabs per week. Individuals should avoid consuming crab cooking liquid due to cadmium and PCB contamination.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:

1. ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVING EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES;
2. INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND
3. MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER THAT ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200-mile offshore boundary of U.S. Waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations would include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

The following additional guidelines should be considered by State and federal agencies as they determine the consistency of their proposed action with the policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
3. Consideration should be made by State, federal, and local agencies whether an action will impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

Commercial fishing in the Haverstraw area, although not as popular today as it was 50-60 years ago, is making a comeback. Shad fishing, in particular, is very popular. Commercial shad fishing should be further developed by informing the public that these fish do not contain contaminants.

FLOODING AND EROSION HAZARDS POLICIES

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

Explanation of Policy

Local, State and federal laws regulate the siting of buildings in erosion hazard areas.

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion, and the protection provided by existing erosion protection structures as well as by natural protective features such as beaches, sandbars, shoals, near shore areas, bluffs and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in Section 505.3(u) of the regulations for ECL, Article 34. Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide; and no mobile home shall be sited in such area.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

The importance of flooding and erosion control regulations to Haverstraw cannot be overemphasized. Major flooding episodes occur primarily with easterly winds, unusually high tides and torrential rains. The Hudson River and Minisceongo Creek inundate roads, and destroy docks and boats.

The provisions of the National Flood Insurance Program apply within the Village's flood prone areas, as identified and mapped by the Federal Insurance Administration. The following standards for land use and development activity should be considered when reviewing proposed site plans in the flood prone areas:

Structure or Use in the Flood-Fringe Areas:

1. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water-related forces.
2. All construction materials and utility equipment used shall be resistant to flood damage.
3. Construction practices and methods shall be employed which minimize potential flood damage.
4. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. 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 year flood or, as an alternative, be floodproofed up to that same water level, including attendant utility and sanitary facilities.
7. All water supply and sewage disposal systems shall be designed to minimize or eliminate potential flood damage.
8. 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 one point.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Beaches, bluffs and other natural protective features help safeguard coastal lands and property from damage, as well as reduce danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or similar actions which fail to recognize their fragile nature and high protective values lead to diminishing or destruction of those values. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments that could impair their flood-reducing capacity.

Wetlands serve as buffer areas that protect the shoreline from erosion by waves and moderate storm surges. Wetlands act as natural water storage areas during floods and storms by retaining high waters and gradually releasing them after subsidence, thereby reducing damaging effects.

Laws preventing the filling in of wetlands shall be strictly enforced.

The beach at Emeline Park also acts as a buffer to control flooding and erosion. Appropriate measures shall be taken to protect the beach from erosion. Proposed construction of jetties and bulkheads shall address the potential impacts on the beach.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

POLICY 13A EXISTING BULKHEADS OR OTHER SHORELINE STABILIZATION ALONG THE HUDSON RIVER SHALL BE MAINTAINED IN GOOD CONDITION. NEW OR EXPANDED WATERFRONT DEVELOPMENT SHALL BE REQUIRED TO RESTORE AND MAINTAIN EROSION AND FLOOD CONTROL STRUCTURES ALONG THEIR RIVER FRONTAGE.

POLICY 13B THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, BOATHOUSES, BOAT HOISTS, PUBLIC ACCESS FACILITIES AND OTHER SHORELINE STRUCTURES WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT.

Explanation of Policy

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

Erosion protection structures are often needed to stabilize riverbanks and to help alleviate the accumulation and transport of silt. Proper bulkheading will protect the shoreline from erosion and wave damage, thus mitigating the worse effects of a severe storm. A well constructed breakwater or "dolphins" near the waterfront would extend the life-time of bulkheads and lessen the problems of storm erosion and channel maintenance. Since all bulkheads, seawalls, docks and piers have limited life-times, periodic maintenance and eventual replacement is to be expected.

A marine structure is any structure, which either directly or indirectly, interacts with estuarine waters. Marine structures include but are not limited to docks, catwalks, ramps, floats, bulkheads, retaining walls, wave baffles, piers, piles, jetties, groins, buoys, sewage treatment plants, sewage outfalls, stationary or semi-permanent barges, and artificially-created marshes. An example of a structure that directly interacts with marine or estuarine waters would be a dock or floating dock. An example of a structure that indirectly interacts with estuarine water would be a retaining wall above mean high water, which is in direct contact with estuarine water only during storm events. The purpose of this policy is to ensure that such structures fulfill their intended function without any adverse environmental effects on or adjacent to the structure site, within the design life of the structure.

Proper design, construction and maintenance of shoreline structures will also prolong their utility and benefits when resistance to wave and ice action is included as a design parameter. This policy will thus assist in slowing the rate of deterioration of shoreline structures and in avoiding disruption or losses of public access to the Hudson River by increasing the durability of such structures. Government agencies should consider the risk that wave and ice action impose on both public and private capital investment in shoreline structures, especially where water depth, current or other limiting site conditions require more costly design, construction and maintenance practices.

When erosion protection structures are proposed, the following will be provided:

Plans and a detailed explanation, to include nonstructural approaches and evaluation of alternative approaches.

Evidence that the structure is not likely to fail and become a danger or obstruction to navigation; or injure the navigable capacity of the River along the waterfront area.

Evidence that, to the extent practicable, structural approaches will give preference to the use of natural materials or other materials such as sheet steel, concrete, and demolition materials.

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

Explanation of Policy

Erosion and flooding are processes that occur naturally. However, human action can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of riverbanks and shorelands; and (3) placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

The Village of Haverstraw's participation in the National Flood Insurance Program establishes regulations pertaining to development in designated flood hazard areas. Proper drainage and land restoration practices should be followed to prevent erosion and weakening of shorelands. Structures placed in identified floodways should not increase the base flood level so as to cause damage to otherwise flood free areas.

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

POLICY 15A BEST AVAILABLE TECHNOLOGY MUST BE USED TO MINIMIZE THE DISPERSION OF SILT THAT MAY BE RELEASED. THE TOTAL VOLUME OF DREDGING IN ANY PERIOD MUST BE LIMITED TO THE CAPACITY OF THE INTERIM DREDGE SPOIL SITE.

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in near shore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits, which are needed to support building and other industries.

Best available technology must be used to minimize the dispersion of silt that may be released. Dredging or other mining of the river bottom would be carried out primarily for channel maintenance. However, when such dredging occurs near docks, bulkheads or unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on adjacent lands.

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

POLICY 16A PUBLIC FUNDS SHALL NOT BE USED FOR SHORELINE STRUCTURES SUBJECT TO SEVERE WAVE ACTION AND ICE MOVEMENT EXCEPT WHERE THE PUBLIC BENEFITS THAT WOULD ACCRUE TO THE VILLAGE IN TERMS OF IMPROVING PUBLIC ACCESS AND RECREATION, ENHANCING TOURISM OR SITING WATER-DEPENDENT USES OUTWEIGH THE LONG TERM COSTS OF SUCH STRUCTURES.

POLICY 16B PUBLIC FUNDS SHALL BE USED FOR WAVE AND ICE PROTECTIVE STRUCTURES ONLY WHERE DEEMED NECESSARY FOR PUBLIC SAFETY OR, IF PUBLIC BENEFITS OUTWEIGH LONG TERM COSTS, FOR THE PROTECTION OF SHORELINE STRUCTURES UPON WHICH EXISTING OR PROPOSED WATER-DEPENDENT USES MUST RELY.

Explanation of Policy

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

Wind driven wave action and ice movement represent destructive forces that cause considerable short and long-term damages to shoreline structures. Public investment in shoreline structures exposed to these forces is generally unwise unless sufficient capital is expended to ensure such structures have adequate strength and durability. Measures to diminish the severity of wave action or ice movement may be needed to protect life, limb or property.

However, public investment in measures to protect properties must, as in the construction of shoreline structures in more exposed areas, weigh the economic benefits accruing to Haverstraw and its waterfront area, in view of public costs.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:

- 1. THE SETBACK OF BUILDINGS AND STRUCTURES,**
- 2. THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING,**
- 3. THE RESHAPING OF BLUFFS, AND**
- 4. THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and natural protective features in the coastal area, as well as the considerable costs of protection against those hazards that generally entail structural measures.

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

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, (a) the use of minimum setbacks as provided for in Section 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and
2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, design and siting of all proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency of this policy would require the use of such measures, whenever possible.

The Waterfront Planned Development Zoning District (WPD) contains various requirements for setbacks and shorefront stabilization.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures, should be prepared to allow an assessment to be made.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO

THOSE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

Proposed major actions within the coastal area should only be undertaken if they do not significantly impair valuable coastal waters and resources, and thus frustrate the achievement of the goals and safeguards the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro electric power generation, and recreation.

Any proposed project will be reviewed under State Environmental Quality Review (SEQR) for, consistency with coastal plans and with all State and local policies enacted to protect the area's valuable coastal resources.

If the present Tilcon facility, or quarry were to become vacant at some time in the future for the greater health and general welfare of the Village and its waterfront, this facility will be replaced by a clean, quiet, water-dependent, non-polluting use.

PUBLIC ACCESS POLICIES

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

POLICY 19A ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN PUBLIC BOAT ACCESS BY SUPPORTING THE CONSTRUCTION OF A PUBLIC RECREATION PIER TOGETHER WITH THE PROPOSED FERRY PIER NORTH OF EMELINE PARK.

POLICY 19B ENCOURAGE THE DEVELOPMENT OF BOWLINE POND AS A MARINA OR DESIGNATED SPECIAL ANCHORAGE AREA.

- POLICY 19C ENCOURAGE DEVELOPMENT OF UNDERUTILIZED RIVERFRONT PROPERTIES WITH FUTURE IMPROVEMENTS FOR PUBLIC ACCESS TO THE RIVER AND WATER-RELATED RECREATION.**
- POLICY 19D ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN EMELINE PARK WITH FUTURE IMPROVEMENTS FOR PUBLIC ACCESS TO THE RIVER AND WATER-RELATED RECREATION.**
- POLICY 19E DEVELOP A PUBLIC RECREATION PIER FOR FISHING AND OTHER RECREATIONAL TYPES OF USES.**
- POLICY 19F DEVELOP A PUBLIC ESPLANADE PARK ALONG THE RIVERFRONT SHORELINE ALLOWING THE WATERFRONT IN HAVERSTRAW TO CONNECT TO A TRAILWAY TO STONY POINT STATE PARK TO THE NORTH AND HOOK MOUNTAIN STATE PARK TO THE SOUTH.**
- POLICY 19G EXPAND RECREATIONAL USES OF EMELINE PARK INCLUDING THE VILLAGE OWNED PARCEL IMMEDIATELY SOUTH OF EMELINE PARK.**

Explanation of Policy

This policy calls for achieving a balance among the level of access to a resource or facility, the capacity of the resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities that will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed-use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the public access planning process operated by the various State agencies.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or

providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systemic objectives.

The following is an explanation of the terms used in the above guidelines:

- a. Access -- the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities -- all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities -- lands or facilities held by State or local government in fee simple or less than fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are increases in the following: already existing special fares of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

- (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities, which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use.
 - b. The level of access to be provided shall not cause a degree of use, which would exceed the physical capability of the resource or facility.
3. The State will not undertake or fund any project that increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Existing public access to the Hudson River is limited to public parks and two local marinas.

Bowline Point Park offers waterfront access and recreational facilities to both residents and non-residents who must pay a fee to use the park.

The Bowline Pond Trailway allows the general public to come right up to the Hudson River's course.

Two Village park sites located along the waterfront offer scenic views of the Hudson River with limited water-related activities. Jefferson Street Park, which is located at the end of Jefferson Street, and Dutchtown Playground, which is located along Riverside Avenue, provide basketball courts, playground equipment and benches.

Emeline Park offers limited public access to the river. Proposed revitalization projects for Emeline Park and the Village owned site south of the park provide an important opportunity to expand park activities and improve public access to the waterfront. The beach at Emeline

Park could be rehabilitated for sunbathing and other public recreational uses including swimming, as water quality permits.

Additional access is provided at the private marinas but access is limited to the members of the public who moor their boats at these facilities. The Village does not have a public boat launch. Development of a public recreation pier would provide improved fishing opportunities. A small boat launch ramp is proposed at Emeline Park for canoes/kayaks.

Bowline Pond offers potential for development as a marina or designated special anchorage. Special Anchorages are areas wherein vessels not more than 65 feet in length, when at anchor, is not required to carry or exhibit lights. Special anchorages are for recreational vessels and are under the jurisdiction of the Secretary of Transportation through the Commandant of the U.S. Coast Guard. The advantage would be the creation of a vessel mooring at low cost compared to the construction of a marina.

The Haverstraw-Ossining Commuter Ferry, with docking facilities and related parking, provides an opportunity to draw new residents and visitors to the Village's waterfront.

Revitalization of vacant or abandoned waterfront parcels and development of a waterfront promenade would link Village parklands to the proposed waterfront trail around Bowline Pond and improve opportunities for public access to the waterfront.

The Hudson Valley Children's Museum, which is looking to relocate to secure adequate space for their expanding educational and agricultural programs, is considering a waterfront location. Relocation of the museum to a waterfront location would encourage cultural activities and attract visitors to the waterfront.

Reconfiguration of the existing parking lot on the site south of Emeline Park is underway to improve parking for restaurant and park patrons. Parking lots or a parking garage are proposed to improve parking for the downtown and waterfront areas.

The Village's overall plan includes comprehensive public access to the Hudson River. The plan includes Emeline Park and waterfront Esplanade, which will have a minimum width of 12 feet. The ferry pier will also be a recreation pier offering opportunities for fishing and passive enjoyment of the river from the viewpoint of the pier. A boat launch for kayaks and canoes is also planned.

The Village strongly believes that it is in the greater public interest to create adjacent activities that will complement and encourage further use of the park. A park that is busy 365 days a year will be a far more successful public space than a park that will require events to activate it during off season periods. The ferry pier, Children's Museum, Brick Museum, inn, restaurant and conference facility, and possibly floating docks and restaurant will serve to further activate Emeline Park as will the Esplanade connecting to the residential uses to the north and south.

Additionally, the synergy of all of these uses requires that they be clustered together to create critical mass and thus yield the greatest economic benefit for the adjacent Main Street business district.

A portion of Emeline Park restricted to the wooded slope coming down from Main Street will be incorporated into the Children's Museum site. The Children's Museum will be a significant public facility that will be built into the slope. The roof of the proposed museum, at grade with Main Street, will be a public plaza offering breathtaking overlook views of the Hudson River. This newly created public space will be a significant net gain over the existing unused slope. When built out, the project will create at least an acre of new waterfront parkland and unprecedented access.

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

POLICY 20A ENCOURAGE INCREASED ACCESS TO WATERFRONT SITES WITH LINKAGES TO THE ADJACENT SITES.

POLICY 20B PRESERVE PROPERTIES ADJACENT TO THE SHORELINE TO PROVIDE A WATERFRONT TRAIL AND INCREASE PUBLIC ACCESS TO THE RIVER.

POLICY 20C ENCOURAGE THE DEVELOPMENT OF A WATERFRONT PEDESTRIAN AND BIKING TRAIL TO CONNECT HAVERSTRAW WITH THE BIKE TRAIL THAT RUNS TO WEST POINT TO THE NORTH AND HOOK MOUNTAIN STATE PARK AND NYACK TO THE SOUTH.

POLICY 20D ESTABLISH AND MAINTAIN ACCESS TO THE VILLAGE'S WATERFRONT COASTAL AREA WITHOUT SIGNIFICANT RESTRICTIONS FROM RAILROAD OPERATIONS BLOCKING VILLAGE AT-GRADE CROSSINGS FOR EXTENDED PERIODS.

POLICY 20E ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN LINEAR PEDESTRIAN WATERFRONT ACCESS TO AND LINKAGES BETWEEN A GREENWAY PATH ALONG THE HUDSON RIVER.

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly owned lands of the coast at large could be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the Village waterfront or to a vantage point from which to view the shore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beach combing, fishing and hunting.

For those activities, there are several methods of providing access that will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and, the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent on-shore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

- a. (See definitions under first policy of "access," and "public lands or facilities").
- b. A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.

- c. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities that physically prevent the provision, except at great expense, of convenient public access to public coastal lands and/or waters.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities that physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
- 2. The existing level of public access within public coastal lands, or waters shall not be reduced or eliminated.

A reduction in the existing level of public access includes but is not limited to the following:

- a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- b. Access is reduced or blocked completely by any public developments.
- 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; and (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.
- 4. The State will not undertake or fund any project that increases access to a water-related resource or facility that is not open to all members of the public.
- 5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and, outside the defined Urban Area boundary but not served by public transportation.
- 6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- b. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

Presently, waterfront walking trails utilize the sidewalks of the Village. However, there are great opportunities to increase access by developing a trail system. (See Policy 19.) Signage should be created for the length of the trail. (See Inventory and Analysis.)

To insure the protection of the Hudson River shoreline and to encourage the development of a waterfront trail on waterfront parcels outside sites in the WPD Waterfront Planned Development district, suggested amendments to the zoning ordinance include provisions for a minimum setback of forty-five (45) feet from the mean high water line of the Hudson River where the river edge is vertical or is a bulkhead. The setback will be at least 45 feet from the top of sloped stabilization such as rip-rap. Where greater distances are required to assure accommodation of a trail or path at least 12 feet wide or to assure stable, shoreline these setbacks can be increased. The public promenade will be dedicated to the Village of Haverstraw to ensure that it remains open to the public in perpetuity.

A designated bike trail extends from Peck's Pond in West Haverstraw to Hook Mountain State Park and the Palisades Interstate Park system. Signs should be increased along the designated route. The trail should be designated a Greenway Trail.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED.

POLICY 21A ENCOURAGE THE IMPROVEMENT FOR RECREATIONAL USE OF EXISTING UNDEVELOPED LAND ALONG THE SHORELINE WITH USE INTENSITY DEPENDENT UPON LOCATION AND TYPE OF LAND.

POLICY 21B REDEVELOP THE VILLAGE OWNED SITE SOUTH OF EMELINE PARK TO EXPAND PARK ACTIVITIES AND CREATE A LINKED WATERFRONT TRAIL AND PUBLIC FISHING AREA.

POLICY 21C ENCOURAGE THE DEVELOPMENT OF A WATERFRONT TRAIL SYSTEM WITH PUBLIC PARKS INCLUDING A FISHING PIER. A SCENIC OVERLOOK AND A SHORELINE TRAIL WHICH WOULD

CONNECT HAVERSTRAW WITH THE BIKE TRAIL THAT RUNS TO WEST POINT TO THE NORTH AND HOOK MOUNTAIN STATE PARK AND NYACK TO THE SOUTH.

POLICY 21D ENCOURAGE THE REMOVAL OF DEBRIS AND THE RESTORATION OF THE TOWN BOWLINE PARK.

POLICY 21E ENCOURAGE THE DEVELOPMENT OF PUBLIC RECREATION FACILITIES CURRENTLY PROPOSED FOR VACANT, DETERIORATED OR UNDERUTILIZED SITES IN THE COASTAL AREA.

POLICY 21F PURSUE ADOPTION OF LOCAL LAW TO REGULATE USE OF PWC (PERSONAL WATER CRAFT) IN HAVERSTRAW BAY AND BOWLINE PARK.

Explanation of Policy

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

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

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The Department of State, working with the State Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted, and those sites shoreward of such developments that are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

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

Provision of adequate boating services to meet future demand is included among the types of water-dependent recreation to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of a new public boating facility is essential in meeting this demand, but such public action should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities. There is a need for a better locational pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Personal water conveyances such as jet ski use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impacts occur, mitigating measures will be implemented where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced.

This objective supports other, more specific policies and applies to both public and private activities. Opportunities to provide water-dependent public recreational uses such as a boat launch, shoreline trail or fishing pier will be encouraged as part of any development proposal. A fishing pier is proposed as part of the proposed ferry pier and a waterfront esplanade is proposed to connect to a trailway to the north and south of the Village.

The Village owned parcel south of Emeline Park provides an opportunity to increase park area for scenic overlooks, recreational fishing and other recreational activities. Revitalization of this property needs to be initiated by the Village. Funding could come from the Village's capital improvements program and outside grant funding.

By amending the Village's zoning regulations and working with the Greenway Conservancy, the Village has begun to develop a strategy for the planning of a waterfront trail with various destinations within the trail that provide for wildlife viewing, scenic overlooks, a fishing pier, and picnic areas. The trail will connect Haverstraw with the bike trail that runs to West Point to the north and Hook Mountain State Park and Nyack to the south. Locally, the trail will connect Pecks Pond in West Haverstraw to the north of Bowline Pond and continue south along the waterfront to a two mile riverfront esplanade with Emeline Park in its center. The approximately two-mile riverfront esplanade would begin at the former chair factory site and continue south to the former pipe manufacturing site. To continue south, trail users can use Village streets, which are marked with trail signage, to access Hook Mountain State Park and the Palisades Interstate Park system south of Tilcon Industries and the Dutchtown residential community. Funding for the trail could come from various federal, State, local and private sources.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN

LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A IN ORDER TO MAINTAIN THE FEASIBILITY OF A LINEAR WATERFRONT TRAIL IN HAVERSTRAW, NEW DEVELOPMENT TO BE LOCATED ON OR NEAR THE WATERFRONT SHOULD BE DESIGNED SO AS NOT TO IMPEDE FUTURE LINEAR WATERFRONT ACCESS.

Explanation of Policy

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

The types of development, which can generally provide water-related recreation as a multiple use include, but are not limited to:

- Parks
- Highways
- Utility transmission rights of way
- Sewage treatment facilities
- Mental health facilities*
- Hospitals*
- Schools, universities*
- Military facilities*
- Nature preserves*
- Town house development
- Multi-family development
- Commercial retail uses
- Restaurants

* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation (OPRHP), and if there is an approved local waterfront program, with the municipality in which the development will be located, to determine appropriate recreation uses. The agency proposing the action should provide OPRHP and the municipality with the opportunity to participate in planning the action.

Appropriate recreational uses that do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

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

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as possible. Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development.

To ensure the protection of the Hudson River shoreline and to encourage the development of a waterfront trail, the WPD Waterfront Planned Development District, suggested amendments to the zoning ordinance include provisions for a minimum setback of forty-five (45) feet from the Hudson River where the river edge is vertical or is a bulkhead. Setbacks will also be a minimum of forty-five (45) feet from the top of the slope where the river edge is sloped or rip-rap, and forty-five (45) feet from the mean high water line of any other watercourse or water body. Any trail or promenade will be located within this forty-five (45) feet.

HISTORIC AND SCENIC RESOURCES POLICIES

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

POLICY 23A **STABILIZE AND REVITALIZE THE HISTORIC RESIDENCES AND NEIGHBORHOODS ON FIRST STREET AND HUDSON AVENUE AS WELL AS OTHER SELECTED AREAS.**

POLICY 23B **PRESERVE AND PROTECT UNDERWATER HISTORIC, ARCHAEOLOGICAL, AND CULTURAL RESOURCES IN HAVERSTRAW BAY.**

Explanation of Policy

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

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology, or culture of the State, its communities, or the Nation comprise the following resources:

- (a) A resource that is in a Federal or State park established, among other reasons, to protect and preserve the resource.
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- (c) A resource on, or nominated to be on the State Nature and Historic Preserve Trust.
- (d) An archaeological resource which is on the State Department of Education's inventory of archaeological Sites.
- (e) A local landmark, park, or locally designated historic district which is identified in Section II, Inventory and Analysis, of this LWRP.
- (f) A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation, shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental, or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color, and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures, and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource

property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in above paragraph plus any other appurtenant fixture associated with a building, structure or earthwork.
3. All proposed actions within five-hundred (500) feet of the perimeter of the property boundary of the historic, architectural, cultural or archaeological resource and all actions within a historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed action. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

The following are additional guidelines for implementing this policy:

1. The Office of Parks, Recreation and Historic Preservation, which serves as the State Historic Preservation Office (SHPO), plays a central role in the preservation of historic resources. Section 106 of the National Historic Preservation Act of 1966, as amended, requires that any action subject to a federal permit or dependent on federal funding must be reviewed by the SHPO and the Advisory Council on Historic Preservation to determine if such action would impair any historic resource listed or eligible for listing on the National Register of Historic Places.
2. Given the possibility of archaeologically significant sites within Haverstraw's coastal area, public agencies shall contact with State Historic Preservation Office to determine appropriate protective measures to be incorporated into development decisions.

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

Buildings and structures that are possibly eligible to be placed on the National Register of Historic Places are listed in the Inventory and Analysis of this LWRP. The recognition of historic buildings will be supported and encouraged.

The Rockland County Historical Society and the Rockland County Historic Preservation Board will serve as resources to the Village.

POLICY 24 THE STATE COASTAL POLICY REGARDING THE PREVENTION OF IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW.

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

POLICY 25A PROTECT OR ENHANCE VIEWS FROM ROUTE 9W, AND ROADS AND STREETS ADJACENT TO THE WATERFRONT.

POLICY 25B SUPPORT THE SCENIC DESIGNATION OF THE HIGH TOR AREA INCLUDING THE RIDGELINE.

POLICY 25C PRESERVE AND RESTORE THE UNIQUE PICTURESQUE MARITIME IDENTITY OF THE COASTAL AREA.

Explanation of Policy

When considering a proposed action that would affect a scenic resource of local significance, agencies and the Village shall ensure that the action will be undertaken to protect, restore or enhance the overall scenic quality of the Haverstraw coastal area. Activities that could impair or further degrade scenic quality include:

1. The irreversible modification of geologic forms, the destruction or removal of vegetation, the modification, destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. The addition of structures that, because of siting or scale, will reduce the identified views or which, because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and design guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of the coastal area wherever possible. It should be recognized that each development situation is unique and that the guidelines will have to be applied accordingly. They include:

1. Siting structures and other development such as highways, power lines and signs back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and attractive natural features, and provide visual organization to a development;
3. Preventing, wherever possible, the blocking of Hudson River views from upland areas;
4. Opening up potential views with selective cutting and trimming along Allison and Warren Avenues and West Street, where feasible and upon consultation with experts, during highway maintenance and the construction of new buildings;
5. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
6. Preserving and restoring the appearance of historical buildings and neighborhoods (see Policy 23);
7. Encouraging distinguished architectural expressions throughout the Village, and preventing excessive dissimilarity, uniformity, inappropriateness, or poor quality of design in the exterior appearance of buildings. This would include:
 - a. Excessive dissimilarity in cubical content, gross floor area, scale, height or other significant design features such as materials or quality or architectural design.
 - b. Apparently identical front or side elevations; substantially identical size and arrangement of doors and windows; and other significant identical features such as material roof line height.
 - c. Inappropriateness in relation to the established character of other structures in area to an extent that would adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes.
8. Designing and constructing new buildings, structures or activities to be visually compatible with adjacent or nearby buildings, structures, or sites of special historic or architectural importance;

9. Giving special consideration to the design, form, material, texture, color, siting (location), and landscaping of such new buildings, structures, or activities so that they will be compatible with the special historic or architecturally important buildings or sites to which they are visually related;
10. Removing deteriorated and/or degraded elements;
11. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, integrate structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters; and ensuring trees over eight (8) inches in diameter, measured four (4) feet above the base of the trunk, are retained;
12. Requiring that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets, and choosing landscaping that is in character with that generally prevailing in the neighborhood;
13. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
14. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
15. Designing signage to be consistent, informative and attractive and not cause interference with the scenic quality of the area; Signs shall be stationary and made of permanent materials.
16. Encouraging property owners to consider selective tree planting and tree removal in a manner that restores or enhances view corridors;
17. Encouraging and promoting the use of resources including the County Arborist, Cornell Cooperative Extension, and other resources that may be available to provide guidance and assistance in the maintenance of trees and vegetation in a manner that restores or enhances view corridors;
18. Preserving the view of the Hudson River must be preserved from streets perpendicular to the River;
19. Limiting the height and length of buildings along the Hudson River so as to be non-intrusive to view corridors from upland areas and from the River;

Views from Route 9W, and other appropriate roads and streets leading to the water should be opened up and/or preserved. The High Tor area including the ridgeline should be considered for designation as a scenic resource of local significance. Views of the Hudson River are also spectacular from

Emeline Park, Jefferson Park, Bowline Point Park, and other properties along the Hudson River. Additional scenic roads and vistas have been identified in the Inventory and Analysis.

Main Street has a number of historically significant buildings of a low scale and a variety offering a small town architectural feeling.

The coastal area is picturesque in some areas, yet unsightly in others. The unique picturesque maritime identity should be preserved and restored. To enhance scenic views of the Hudson River, selective views should be created along the waterfront upon consultation with scenic experts. Some trees and brush may need to be removed to obtain line of sight to the river. To maintain or enhance the Village's scenic quality, siting and design guidelines must be developed with particular attention to building heights, renovated structures and additions, and dock and marina expansion. The Village Planning Board or Architectural Review Board should review site plans and make recommendations that preserve visual access to the waterfront.

In addition, the Rockland County Historical Society and the Rockland County Historic Preservation Board will serve as advisors to the Village.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LAND IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW BECAUSE THERE ARE NO AGRICULTURAL LANDS IN THE HAVERSTRAW COASTAL AREA.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. That

article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Resources and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Haverstraw, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and, use the State SEQR and Department of State regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

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

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

During a cold winter, ice in Haverstraw Bay can be very destructive to bulkheads, other erosion protective structures and existing docks. Since the sheltered water in the bay is calm, ice forms rapidly and accumulates around docks.

The construction of "dolphins" or other ice control structures would help to break up ice jams. If designed and sited properly, these structures would not damage significant fish and wildlife habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power. The Village will consult with the Department of State, Division of Coastal Resources and Waterfront Revitalization, the Army Corps of Engineers, and the affected State and federal agencies when designing and siting "dolphins" or similar structures.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

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

Such "end-of-pipe" discharges are monitored and regulated by the New York State Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Environmental Protection Agency. Local vigilance must be exercised to ensure that such State and federal regulations are adequately enforced. The Village will work cooperatively with State officials to this end and recommend more stringent standards when appropriate.

Testing of water quality should be undertaken relative to the discharge of effluent into the Hudson River from the Joint Regional Sewerage Treatment Plant.

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

Explanation of Policy

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

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting." Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

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

Explanation of Policy

The Village of the Haverstraw Coastal Area is served by a sanitary sewage treatment system. Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities and for which conventional facilities are too expensive.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary

and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

The steep slopes in Haverstraw do, at times, cause stormwater runoff problems. Where appropriate, new developments should be required to install retention basins so that stormwater will percolate into the soil and not increase runoff.

The Village should consider requiring the separation of its sanitary and stormwater collection systems with the following guidelines:

1. Stormwater runoff during and following any new construction shall be equal to or less than runoff prior to construction.
2. Stormwater shall be handled in such a way that it does not infiltrate and over-burden sewer lines and cause overflows into the Hudson River. Structural methods to control stormwater runoff and sewer overflows include the construction of stormwater retention basins and the replacement of deteriorated sewer mains. Non-structural methods include best management practices and watershed management planning on a regional basis. Best management practices include a policy that new development or construction should provide adequate stormwater retention facilities so that the peak rates of discharge are not increased beyond redevelopment or pre-construction levels. This is referred to as the "zero increase" policy.

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

POLICY 34A NEW MARINAS OR EXPANSION OF EXISTING MARINAS SHALL PROVIDE MARINE WASTE PUMP-OUT FACILITIES.

Explanation of Policy

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into Hudson River/Haverstraw Bay and Bowline Pond is regulated by federal and State laws. Priority will be given to the enforcement of this law in areas such as shellfish beds and significant habitats, beaches, shoreline parks, and public water supply intakes, which need protection from contamination by vessel wastes. In addition, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

The Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, as well as several locations on the Hudson River proposed for swimming, are particularly sensitive to waste discharges and should be protected.

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

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects 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 any anticipated adverse effects have been sufficiently reduced or eliminated to satisfy State dredging permit standards, as set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with LWRP Policies 7, 15, 24, 26 and 44.

Dredging in Haverstraw Bay, designed to preserve the viability of the existing marinas and to create access to the proposed recreation pier, and commuter ferry pier will require State Department of Environmental Conservation and/or Army Corps of Engineers permits, and Department of State consistency approvals, preceded by thorough plans defining maintenance areas to be dredged and the methods of removal, relocation, storage, transfer, disposal and funding. All dredging must be undertaken at times during the year when significant fish and wildlife habitats will be protected and wetlands will not be overloaded with silt. Any weakened or undermined stream banks and bulkheads must be repaired as an integral component of these projects.

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

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes, and generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed."

The list of Department of Environmental Conservation defined hazardous wastes is provided in 6 NYCRR Part 371.

The activities related to the shipment and storage of hazardous materials are regulated by federal and State laws, and it is highly desirable that this policy be thoroughly implemented. See also Policies 30 and 39.

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

Explanation of Policy

Best management practices used to reduce non-point sources of pollution and eroded soils include, but are not limited to, soil erosion control practices, surface drainage control techniques, organic gardening and pest management principles.

Stormwater runoff carries large quantities of silt, particularly in areas where slopes are unprotected by vegetation or terracing, where runoff bypasses storm drainage and where construction projects are improperly managed. The Village will exert direct control over runoff on its slopes and streets by requiring effective review for erosion control and surface drainage, both during construction periods and during project occupancy. The Village shall have the power to call in experts to aid in its review.

This review will include the following:

- Scheduling and staging of excavation activities;
- Configuration of the proposed final contours;
- Adequacy of storm drainage facilities;
- Adequacy of sewage disposal facilities;
- Retention of existing vegetation;

- The incorporation of proposed vegetation (turf, ground covers, shrubs, and trees);

Preservation of natural drainage systems to the extent practicable; (extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainage ways so that the final gradient and resultant discharge will not create additional erosion problems);

Adequacy of runoff collection system; (runoff from a site shall be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site); and

Reduction of the velocity of runoff water; (the length as well as the angle of graded slopes shall be minimized to reduce the erosive velocity of runoff water). The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.

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

Explanation of Policy

Surface and groundwater are the principle sources of drinking water in the State, and therefore must be protected. All of the Village's designated coastal area is within the municipal water district. The quantity and quality of these important groundwater supplies must be protected. The Village of Haverstraw takes the following measures to minimize any contamination to the groundwater: salt is stored covered in a salt storage shed on a paved site at the Village highway garage; impacts caused by removal of vegetation on slopes and runoff from parking lots and driveways are analyzed during site plan review. The relocation of the Village DPW yard will be to a site which is likely further from the waterfront than is the current site. All necessary mitigation relative to salt storage and oil dripping from vehicles will be implemented at the new site to minimize impacts to water quality.

Similar actions providing equal protection of the environment shall be undertaken by all agencies.

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

POLICY 39A ANY COUNTY-WIDE EFFORT TO IMPROVE SOLID WASTE HANDLING AND RESOURCE RECOVERY PROCEDURES, INCLUDING SUPPORT OF THE RECYCLING PROGRAMS CURRENTLY SPONSORED BY THE VILLAGE, WILL BE SUPPORTED.

POLICY 39B RAIL TRANSPORT OF SOLID WASTE THROUGH THE VILLAGE SHALL NOT ADVERSELY IMPACT ON EXISTING AND PROPOSED LAND AND WATER USES.

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes and generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as:

"waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed."

The disposal and treatment of solid wastes can lead to the contamination of water resources, the filling of wetlands, atmospheric loading, and the degradation of scenic resources. The Department of Environmental Conservation has identified the former Keahon site, located in the industrial area along West Street just north of the Rockland Fuel Company, to be addressed by this policy through the provisions of the Solid Waste Management Act:

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities.

Railroad uses for transport of solid waste through the Village shall not be operated or conducted in a manner that will unnecessarily contribute pollutants to the soil, air, ground water, and surface water; or, unnecessarily contribute noxious odors or fumes to the air or environment.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND

WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

POLICY 40A EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WITHIN THE VILLAGE OF HAVERSTRAW SHALL NOT ADVERSELY IMPACT ON EXISTING AND PROPOSED LAND AND WATER USES.

Explanation of Policy

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters". The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new steam electric generating plant or, to expand or alter operations at an existing facility.

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

Explanation of Policy

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

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan. Currently the Village of Haverstraw is in a non-attainment area for ozone.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control

programming efforts in the coastal regions and in supporting research on the multi-media nature of toxins and their economic and environmental effects on coastal resources.

The Southern Energy Power Station and Tilcon Industries are the largest heavy industries in Haverstraw which impact the Village's air quality. The Village is named as an intervener in the Southern Energy Article X Application proceedings for the construction of an additional 750 megawatt combined cycle generating unit in the Town of Haverstraw. The proposed Bowline Unit No. 3 facility would be built on the existing Bowline Point Power Plant site, adjacent to the existing Bowline Units 1 and 2, located at the northern boundary of the Village shoreline. As an intervener, the Village has obtained a grant to be used for air quality monitoring and is seeking additional funding for air quality testing relative to particulate matter and emissions.

Local land uses and planning standards must conform to national as well as State air quality standards. Locally, air quality will not be permitted to deteriorate because of any new development or expansion of existing facilities within the coastal area.

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

Explanation of Policy

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

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

Explanation of Policy

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

Acid rain caused by combustion of by-products emitted primarily from power plants, motor vehicles and heavy industry, is causing serious damage to the environment. Acid rain destroys fish and amphibian populations, stunts forest growth, and damages building exteriors. The Southern Energy Power Station produces a greater level of air pollutants which contribute to acid rain than other industrial operations on the Haverstraw waterfront. The Village will not permit levels of these air pollutants to increase because of any new development or expansion of existing facilities within the coastal area.

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

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; as well as formerly connected tidal wetlands.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. There are no State regulated wetlands in the Haverstraw coastal area.

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

- a. Habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains,
- b. Erosion, flood and storm control,
- c. Natural pollution treatment,
- d. Groundwater protection,
- e. Recreational opportunities,
- f. Educational and scientific opportunities, and
- g. Aesthetic open space in many otherwise densely developed areas.