

Local Waterfront Revitalization Program

Village of Nyack, New York

Original LWRP

Adopted:

Village of Nyack Board of Trustees, January 23, 1992

Approved:

NYS Secretary of State Gail S. Shaffer, April 16, 1992

Concurred:

U.S. Office of Ocean and Coastal Resource Management , June 22, 1992

Amended LWRP

Adopted:

Village of Nyack Board of Trustees, October 12, 2017 & December 10, 2020

Approved:

NYS Secretary of State Rossana Rosado, May 12, 2021

Concurred:

U.S. Office for Coastal Management, September 8, 2021

Village of Nyack
Local Waterfront Revitalization Program

February 2020

Prepared for
Village of Nyack, New York

Prepared by:
Waterfront Advisory Committee

With assistance from:

BFJ Planning
115 Fifth Avenue
New York, NY 10003

In association with:

PACO Group
Urbanomics

This LWRP was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.

This Local Waterfront Revitalization Program (LWRP) has been prepared and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations (19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Management, under the Coastal Zone Management Act of 1972, as amended. [Federal Grant No. NA-18-NOS-4190054]. The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Office of Planning, Development & Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, New York 12231-0001.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

September 8, 2021

Ms. Sarah Crowell
New York Coastal Management Program
New York State Department of State
99 Washington Ave., Suite 1010 Albany, NY 12231

Dear Ms. Crowell,

Thank you for the August 4, 2021 request for approval of changes to the New York Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H with the incorporation of the Local Waterfront Revitalization Program (LWRP) for the Village of Nyack into the New York Coastal Management Program (NY CMP).¹

NOAA's Office for Coastal Management approves the request subject to the qualifications below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.² The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.³ Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management did not receive any comments on this program change submission.

CHANGES APPROVED

See the attached Table of Approved Changes to the New York Coastal Management Program.

¹ This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)). The original decision due date of September 3, 2021, was extended to September 15, 2021.

² 15 CFR § 923.81(e)(5), as described at 84 FR 38133 (Aug. 6, 2019).

³ 15 CFR § 923.81(f), as described at 84 FR 38133 (Aug. 6, 2019).

QUALIFICATIONS

As with previous approval of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Village of Nyack LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Nelle D'Aversa at nelle.daversa@noaa.gov, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NY-2021-2.

Sincerely,



Joelle Gore,
Chief Stewardship Division

Attachment: Table of Approved Changes (NY-2021-2)

TABLE OF APPROVED CHANGES TO THE NEW YORK COASTAL MANAGEMENT PROGRAM (NY-2021-02)

Please reference the Office for Coastal Management September 8, 2021 decision letter for clarifications, exceptions, and qualifications pertaining to this approval.

| Legal citation | Title of policy, section, or other descriptor | Is the change new, revised, or deleted | Date effective in state | Enforceable policy | Enforceable mechanism citation |
|----------------|---|--|-------------------------|------------------------|--------------------------------|
| Not applicable | Village of Nyack, New York Local Waterfront Revitalization Program (LWRP) | Revised | 05/12/2021 | Yes (Section III only) | Executive Law, Article 42 |

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

May 12, 2021

Honorable Don Hammond
Mayor
Village of Nyack
9 North Broadway
Nyack, NY 10960

Dear Mayor Hammond:

I am pleased to inform you that I have approved the amendment to the Village of Nyack Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Everyone who participated in the preparation of the amendment to the LWRP is to be commended for developing such a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of valuable waterfront resources along the Hudson River. Congratulations on a job well done.

I am notifying all State agencies that I have approved the amendment to the Village of Nyack LWRP and advising them that agency activities must now be undertaken in a manner consistent, to the maximum extent practicable, with the LWRP.

The approved amendment to the Village of Nyack LWRP will be available on the website of the Department of State, at <https://dos.ny.gov/local-waterfront-revitalization-program>.

If you have any questions, please contact Barbara Kendall, the LWRP Processing Coordinator within the Office of Planning, Development & Community Infrastructure, at barbara.kendall@dos.ny.gov

Sincerely,



Rossana Rosado
Secretary of State

Enclosure: Approval Certificate



RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on December 10, 2020, at 7:30 pm.

The following resolution was duly offered and seconded, to wit:

Resolution No.2020-77

RESOLUTION OF THE NYACK VILLAGE BOARD TO ADOPT THE VILLAGE OF NYACK LOCAL WATERFRONT REVITALIZATION PROGRAM AND WATERFRONT CONSISTENCY REVIEW LAW.

WHEREAS, the Village Board of Nyack initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program and Waterfront Consistency Review Law were prepared and circulated by the Department of State to potentially affected State, Federal, and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Village of Nyack, as lead agency, filed a Negative Declaration-Notice of Determination of Non-Significance on September 28, 2017 for preparation of the Local Waterfront Revitalization Program and Waterfront Consistency Review Law, pursuant to Article 8 of the Environmental Conservation Law State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Nyack Local Waterfront Revitalization Program and Waterfront Consistency Review Law are hereby adopted, and that the Mayor is authorized to submit the LWRP to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Offered by Trustee Lightfoot-Cooper

Seconded by Trustee Lorenzini

Donald Hammond, voted yes

Louise Parker, voted yes

Donna Lightfoot-Cooper, voted yes

Elijah Reichlin-Melnick, voted yes

Marie Lorenzini, voted yes

Respectfully submitted,


Village Clerk

Village of Nyack
Local Waterfront Revitalization Program

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Acknowledgements

Village of Nyack Board of Trustees

Jen White, Mayor
Louise Parker, Deputy Mayor
Donna Lightfoot-Cooper
Marie Lorenzini
Elijah Reichlin-Melnick

LWRP Steering Committee

Jen White, Mayor
JC Brotherhood
Nancy Blaker Weber
Joe Carlin
Roger Cohen
Paul Curley
Doug Foster
Laura Greenberg
Donna Lightfoot-Cooper
Cliff Parker
Jim Willcox

Alternates: Louise Parker, Deputy Mayor; Elijah Reichlin-Melnick; Marie Lorenzini

Village of Nyack Staff

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Tina Lund, AICP, Principal

Village of Nyack
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Section I LWRP Boundary

A. Boundary Considerations

The New York State Coastal Area is defined to include all lands and features whose use may have a “direct and significant impact”¹ on coastal waters. The Village of Nyack Local Waterfront Revitalization Program (LWRP), previously adopted in 1992, identified four characteristics to describe lands and features whose use may have a direct and significant impact on coastal waters. These characteristics include:

1. The area includes uses which have direct contact with, depend on, or make use of coastal waters;
2. The area includes natural features which are affected by or influence the coastal waters;
3. The area has a functional, cultural, or historic relationship with the waterfront; and
4. The area has a direct aesthetic relationship with the waterfront in that it is clearly visible from or contains direct viewpoints of the coastal waters.

As shown on the Nyack Waterfront Revitalization Map (Figure I-1), the coastal area in the vicinity of Nyack generally follows the highest point of the ridge line above the Hudson River. The Coastal Area boundary is beyond the western extent of the Village and includes portions of the Towns of Orangetown and Clarkstown. Because the Coastal Area is inclusive of the entire Village, the approved 1992 LWRP defined a Waterfront Revitalization Boundary that is contiguous with the entire Village Boundary. The boundary will remain unchanged for this amendment. However, it is noted that the fourth characteristic listed above (visibility from or of the coastal waters) is the only one of the four criteria that applies to most of the land area of the Village. None of the other characteristics apply substantially west of Broadway, which runs atop the first steep slope from the Hudson River. Therefore, although this visual and aesthetic consideration is significant and warrants inclusion of the entire Village in the Waterfront Revitalization Boundary, the emphasis of this updated Nyack LWRP is on the immediate waterfront area that is impacted by all four of the characteristics listed above. Most of the policies and actions proposed will deal with the immediate waterfront area.

¹ New York Law: Executive Article 42: (910 – 923) Waterfront Revitalization of Coastal Areas and Inland Waterways.

B. Geographic Description of the Waterfront Revitalization Area

Beginning at the northwestern corner of the Village boundary, at a point west of State Route 9W (N. Highland Ave.) and northwest of Oak Hill cemetery, the boundary travels generally southeast for approximately 4,200 feet, staying north of Sixth Avenue until it reaches its eastern terminus at the Hudson River.

The eastern, waterside boundary travels south along the western shoreline of the Hudson River, following the eastern boundary of the Village of Nyack, to the southern boundary of the Village of Nyack before turning west northwest at the approximate location of Cedar Hill Avenue, which ends at Piermont Avenue, west of the shoreline.

The southern boundary continues along the centerline of Cedar Hill Avenue until it crosses over the New York State Thruway (Interstate 87 & 287), where it stays south of Dickinson Avenue and north of Nyack Middle School.

The western boundary of the Waterfront Revitalization Area follows the irregularly shaped portion of the Village west of exit 11 of the New York State Thruway. The boundary turns north at a right angle crossing Dickinson Avenue and Lawrence Street just east of Hall Avenue, then turns west at Upper Depew Avenue and follows the curve of Upper Depew Avenue for approximately 550 feet where it heads north again for approximately 275 feet where it turns west for approximately 450 feet and reaches Waldron Avenue. At Waldron Avenue, the boundary turns south again and follows the road for approximately 675 feet. The boundary turns west just south of Pine Street for approximately 750 feet, where it then turns north for approximately 225 feet, and then heads east for approximately 175 feet where it again turns north for approximately 925 feet. From this point, the boundary heads east again along Highway 59 until it reaches Mountainview Avenue.

The boundary heads north along Mountainview Avenue until it heads northeast along Gail Drive, and then continues north for approximately 1,000 feet. The boundary then travels east for approximately 650 feet, where it abruptly turns south for approximately 1,300 feet. At this point, the boundary heads east for 400 feet along Cemetery Lane until it travels northwest for approximately 2,100 feet where it reaches the northwestern corner of the boundary.

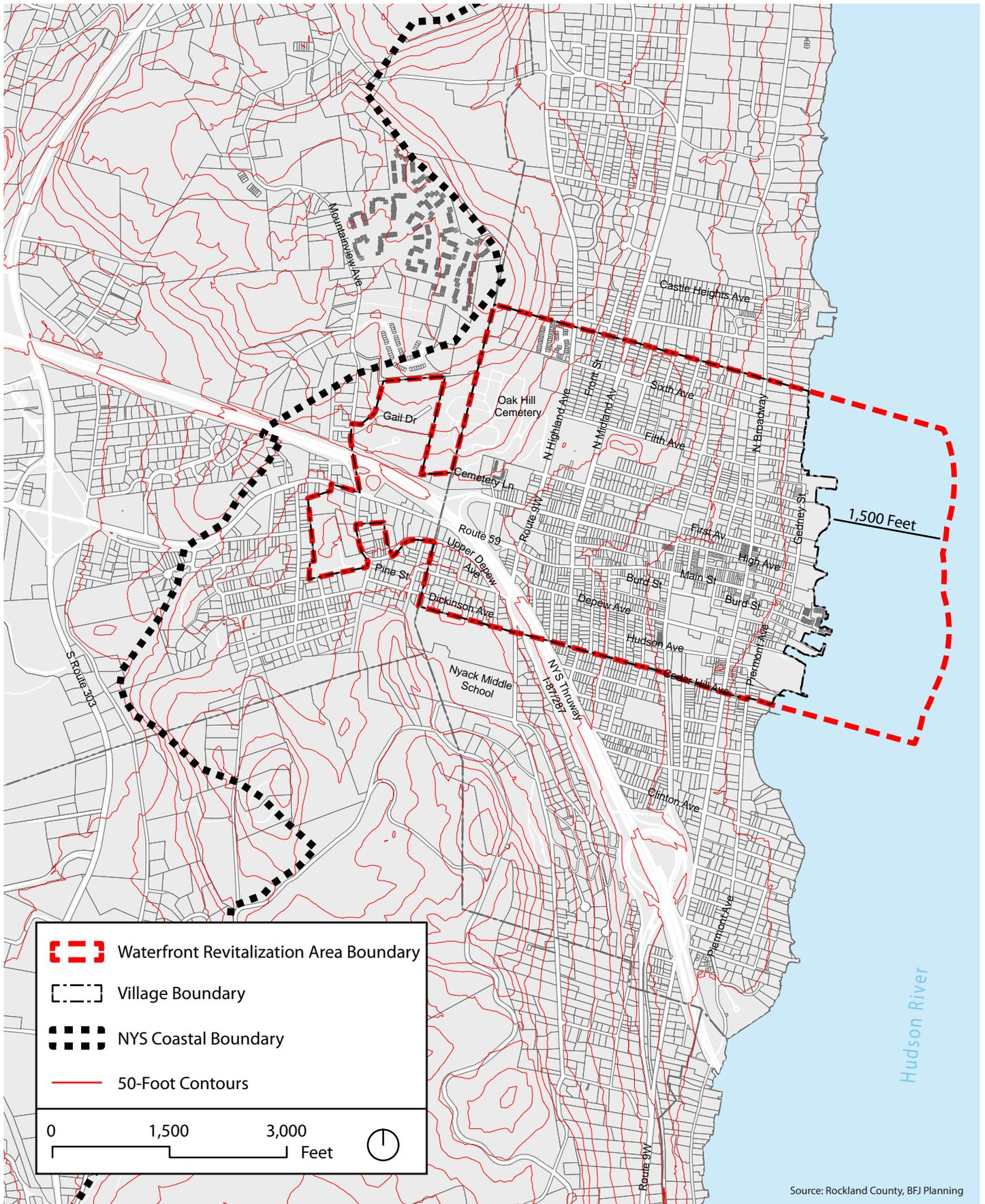
C. Geographic Description of the Harbor Management Area

The eastern boundary of the Village of Nyack is coterminous with the Hudson River Shoreline. The waterside area of the Village is in the jurisdiction of the Town of Orangetown. However, per New York State Executive Law Article 42, a Harbor Management Plan addresses “the problems of conflict, congestion and competition for space in the use of harbors, surface waters and underwater lands of the state within a city, town or village or abounding a city, town or village to a distance of fifteen hundred feet from shore.”² The Harbor Management Area for the Village of Nyack therefore extends from the Village boundary at the Hudson River Shoreline, maintaining the trajectory of the northern and southern land-side boundaries of the Village.

At the northern boundary of the Village, the Harbor Management Area extends 1,500 feet from the intersection of the Village boundary with the Hudson River shoreline. The Harbor Management Area then continues south at 1,500 feet from the shoreline until it reaches an extension of the southern boundary of the Village. The southern boundary continues an extension from Cedar Hill Avenue, which terminates at Piermont Avenue.

The Nyack Harbor Management Area includes a channel for recreational craft, mooring fields, and a designated Cable Area. The channel runs perpendicular to the shoreline generally east of the location of Tallman Avenue. There are mooring fields both north and south of the channel, with the northern mooring field extending toward the Village boundary offshore of the Hook Mountain Yacht Club. The southern mooring field is offshore of the Rivercrest Cooperative Residences, West Shore Towers, and the Nyack Boat Club. This mooring field is constrained to the south by the Cable Area, which crosses the Hudson River from Nyack towards Tarrytown in an east-south-easterly direction.

² New York Law: Executive Article 42: (910 – 923) Waterfront Revitalization of Coastal Areas and Inland Waterways.



Source: Rockland County, BfJ Planning

Figure I-1: LWRP Boundary

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Village of Nyack
Local Waterfront Revitalization Program

Section II Inventory and Analysis

Introduction

The Inventory and Analysis combines data, review and analysis of the Village of Nyack LWRP area presented in a narrative form with supporting maps, charts and photographs. This section is a collection of existing conditions in three broad categories to help understand what the waterfront has to offer and some of the challenges it faces:

- Land-Side: Uses, Public Access and Infrastructure.
- Harbor Management Area: Uses and Support Facilities.
- Natural Resources and Habitats.

Findings from this section were used as the basis for developing Local Waterfront Revitalization Policies, identifying future land and water uses and projects, and outlining implementation techniques and strategies.

Village Population

According to the 2013 5-year American Community Survey, Nyack has an estimated population of approximately 6,980 individuals and 3,334 households. The population has grown 6.4% since 2000, when it was 6,553, and 3.2% since 2010, when it was 6,765. The Village's population is stable, with modest projected growth at a rate of less than one percent per year based on a proportion of the growth rates of Rockland County over the period to 2040 (population projection data from Cornell Program on Applied Demographics). This would represent a growth of 768 individuals in Nyack, or 11% above the 2013 population.

Population density in the Village is approximately 9,064 persons per square mile (based on 2013 population of 6,980 and land area of 0.77 square miles) or 14.2 persons per acre. This is considerably denser than Rockland County, at 1,866 persons per square mile and 2.8 persons per acre. The Village also has 4,677 housing units per square mile which is much denser than Rockland County overall, which has 603 housing units per square mile. Figure II-1 shows the regional context of Nyack and Rockland County.

Age Distribution

The median age in Nyack is 38.5, which is slightly older than Rockland County (36.4) and slightly younger than Westchester County (40.2). Nyack has fewer children under 20 years old (22% of the population) than Rockland County (31%) and Westchester County (26%). The Village also has a larger amount of people in the workforce age groups of 25 to 64 (59%) than Rockland (49%) and Westchester (53%) counties.

Racial and Ethnic Composition

The relationship between 2013 population identifying as white (68%) and non-white (34%) in Nyack is relatively like Rockland County (73% and 29%, respectively) and Westchester County (69% and 34%). The variation in the non-white population in Nyack is different from these two counties, however, with a higher proportion in the Village identifying as Black/African American (27% of the total population) than in Rockland (13%) and Westchester (16%). Conversely, Nyack has a smaller Hispanic population of any race (10%) than does Rockland (16%) or Westchester (22%).

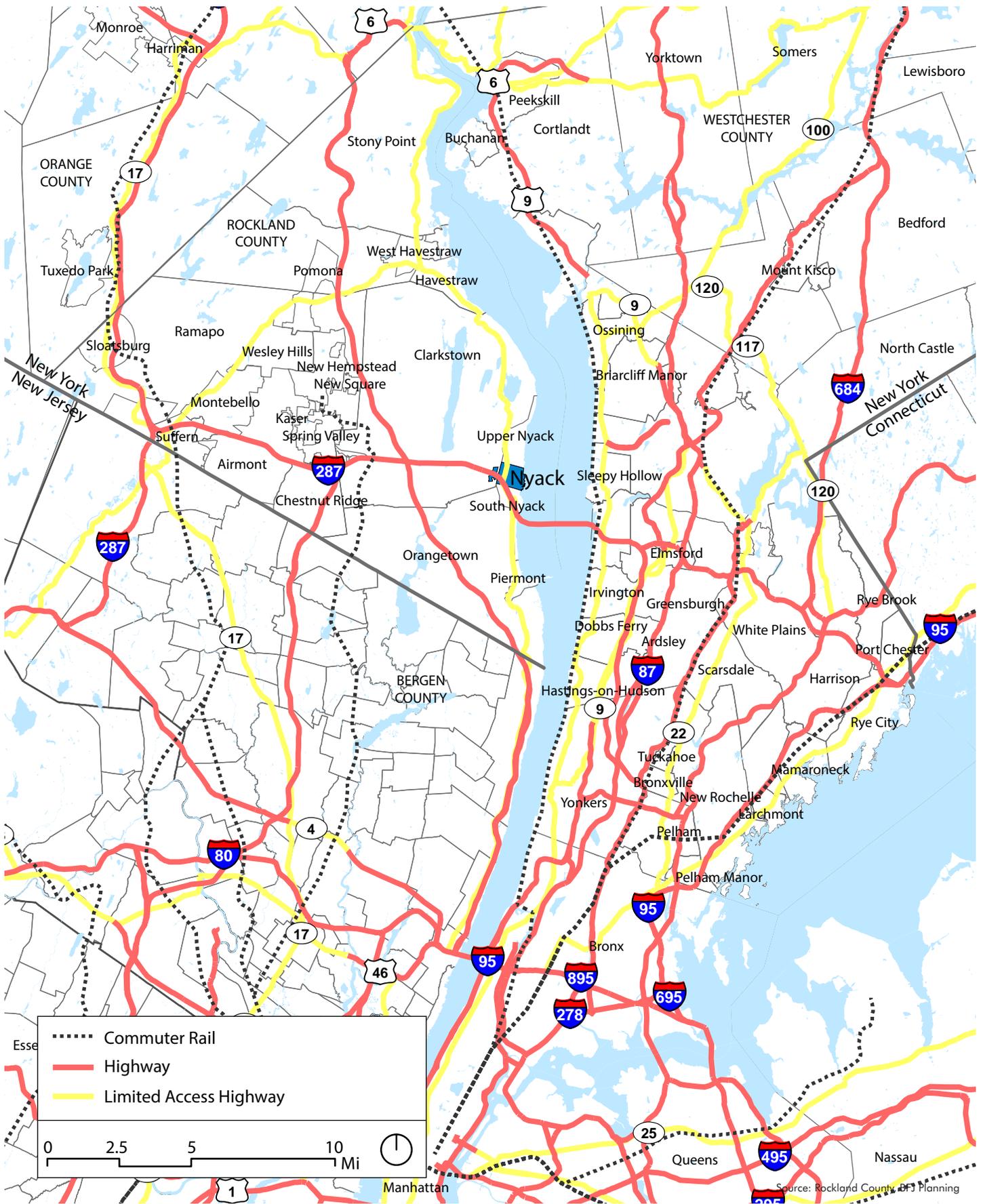


Figure II-1: Regional Map

Education

Some 47% of residents in Nyack 25 years of age or older hold at least a bachelor's degree, and an additional 28% have completed some college or hold an associate degree. In Rockland County overall, 40% of residents have a bachelor's degree and 23% have completed some college or hold an associate degree. In Westchester, the figures are 45% and 21%, respectively. Likewise, the Village's population with less than a high school education is slightly lower than Rockland and Westchester counties overall.

Socioeconomics

Median household income in Nyack is estimated at \$56,469 in 2013. In real terms, income has grown by 2.3% in the Village since 2000, but incomes have fallen by 24% when adjusted for inflation to 2013 dollars. This loss in real buying power is echoed in similar, though not as pronounced, inflation-adjusted decreases in Rockland County (-8%), Westchester County (-5%), and nationally (-7%).

Following regional trends, incidence of poverty in Nyack has increased significantly, from 6% of individuals in 2000 to an estimated 15% in 2010. While Rockland County had a higher incidence of poverty among individuals than the Village prior to and during the economic downturn (10% in 2000 and 11% in 2010), Nyack is now more closely aligned to the countywide incidence of 14%.

A. Land-Side: Uses, Public Access and Infrastructure

Existing Land Uses

Nyack is a compact, built-out community within the New York metropolitan area. Nyack's population density of 14.2 people per acre—compared to just 2.8 people per acre in Rockland County and 3.4 people per acre in Westchester County—is reflected in the overall land use patterns found in Nyack, which include single-, two- and three-family homes on small lots, multifamily residential buildings and relatively limited designated open space.

(a) Land Uses

Residential uses account for most of the Village's land area. Nyack has a variety of housing stock that ranges from single-family homes to apartment over stores to major apartment and townhome complexes. The largest community and institutional uses in the Village include Nyack Hospital, the Rockland BOCES facility at the former Nyack High School, and the St. Ann's Catholic Church and (now closed) school property. Smaller community uses include other houses of worship, fire station, the YMCA and the Nyack Library. There are no public schools in the Village. The traditional commercial and service core of Nyack is centered along Main Street, Broadway, Franklin Street and some adjacent streets. The commercial core spreads towards the New York State Thruway to encompass all upper Main Street, Route 59 and a portion of Highland Avenue (Route 9W). Very little land area in Nyack remains in industrial use. There are scattered light industrial uses along Burd Street, Jackson Avenue and High Avenue, as well as west of Exit 11. Many formerly industrial properties have been redeveloped for residential or mixed use.

Downtown Nyack is characterized by a traditional mix of uses, with apartments or offices typically found over stores or restaurants. This is especially true along Main Street between Broadway and Washington Street, and on Broadway south of First Avenue. The Village's main public park is Memorial Park,

Village of Nyack

Local Waterfront Revitalization Program

comprising approximately 11 acres along the Hudson River waterfront in the southeastern corner of Nyack. Key private open space or recreational uses include the Nyack Boat Club, the Hook Mountain Yacht Club and the 65-acre Oak Hill Cemetery.

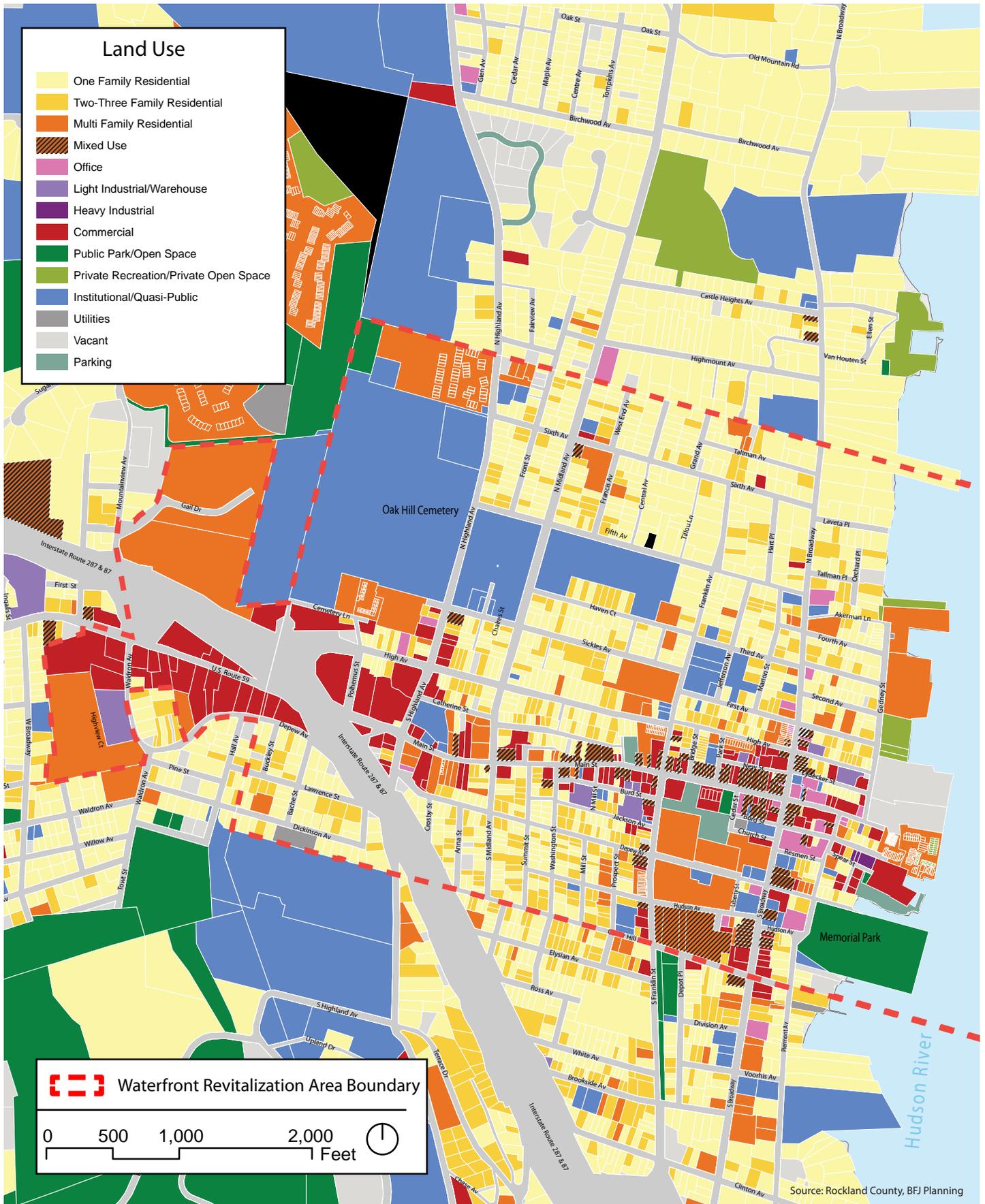


Figure II-2: Land Use Map

Existing Zoning

The Village of Nyack has 13 primary zoning classifications, including two single-family residential districts, a two-family residential district, three multifamily residential districts, three mixed-use districts covering the central business district and environs, a waterfront district, a manufacturing district and a hospital district.

Table II-1: Summary of Existing Zoning Districts

| | District | Floor Area Ratio/ Residential Density |
|---------------------------------|----------------------------------|--|
| Single- and Two-Family Housing | (SFR-1) Single-Family Residence | -- |
| | (SFR-2) Single-Family Residence | -- |
| | (TFR) Two-Family Residence | -- |
| Multifamily Housing | (MFR-1) Multi-Family Residential | 14 units/acre |
| | (MFR-2) Multi-Family Residential | 30 units/acre |
| | (MFR-3) Multi-Family Residential | 50 units/acre |
| Mixed-Use | (DMU-1) Downtown Mixed Use | 2.0 FAR, 50 units/acre |
| | (DMU-2) Downtown Mixed Use | 2.0 FAR, 50 units/acre |
| | (RMU) Residential Mixed Use | 0.75 FAR*, 18 units/acre |
| | (OMU) Office Mixed Use | 0.5 FAR |
| Commercial and Light Industrial | (CC) Corridor Commercial | 0.5 FAR ⁺ |
| | (M) Manufacturing | 1.0 FAR |
| Waterfront | (WF) Waterfront Development | 0.65 FAR, 24 units/acre |
| Hospital | (H) Hospital | 1.2 FAR |

*For a lot 15,000 square feet or greater in area, the maximum floor area ratio may be increased from 0.75 to 1.0 with a special permit from the Planning Board for mixed use.

+For a lot 40,000 square feet or greater in area, maximum floor area ratio shall be 0.6

(a) Residential Zones

The single-family residential zones allow for single-family homes on minimum lot sizes of 7,500 square feet or 5,000 square feet. The lower-density single-family district, the SFR-1, is found in the northeastern portion of the Village and is also mapped on Memorial Park and Oak Hill Cemetery. The SFR-1 zone has a minimum lot size of 7,500 square feet. The higher-density single-family zone, the SFR-2, is in a small area near Nyack Middle School, between the New York State Thruway and the border with South Nyack.

Nyack's two-family zone, the TFR district, which permits both single- and two-family homes (as well as the conversion of single-family residences to two-family) is found in large areas of the Village. It includes the BOCES properties on Midland Avenue opposite Nyack Hospital.

The three multifamily zones correspond to Nyack's complexes containing three or more units and differ mainly by minimum lot size and permitted building height, with minor differences in setbacks. The MFR-1 and MFR-2 zones have a minimum lot size of 20,000 square feet, with permitted building heights of 3 and 4 stories, respectively. The MFR-3 district is the highest intensity multifamily zone, with a minimum lot size of 40,000 square feet and a permitted building height of 8 stories. The Warren Hills and Nyack Plaza developments are located within the MFR-2 district while the Tallman Towers and Depew Manor complexes are located within the MFR-3 district. Most of the other multifamily developments are

located within the MFR-1 district except for the residential developments located along the riverfront, which are designated as the waterfront development (WF) district.

(b) Mixed Use Districts

The Downtown Mixed-Use Districts (DMU-1 and DMU-2) cover all downtown Nyack: Main Street between Gedney Street and Highland Avenue, and Broadway from First Avenue south to the South Nyack border. The DMU-1 was adopted based on recommendations in the 2007 Comprehensive Plan and is intended to support the Village's downtown core by concentrating retail, office and public uses, as well as residential units on upper floors. The DMU-2 was adopted based on recommendations in the 2016 Comprehensive Plan to support the same general use types, while also providing a buffer or transition area between the downtown core, transitional downtown areas, and lower-scale residential areas. Building height in the DMU-1 and DMU-2 is limited to three stories and 40 feet, however Bulk and Density Incentives are applicable in the DMU-1, allowing a height incentive of up to four stories and 48 feet.

Within the DMU-1 further restrictions prohibit ground-floor residential uses along street frontages to promote active use of ground floor storefronts in the core downtown area.

The Residential Mixed Use (RMU) zone is intended to preserve the character, scale and mix of uses in areas adjacent to the downtown core, providing for a transition between more intensive commercial areas and residential neighborhoods. This district is found in small pockets at the southeastern corner of the Village and along High and Highland Avenues near Exit 11. The RMU zone permits a wide range of residential and commercial uses, at a density roughly comparable to the MFR-1 but on smaller lots.

The Office Mixed Use (OMU) district is meant to provide for a mix of office and residential uses in a predominantly residential setting. Many of the buildings in this zone – which is mapped along portions of North Broadway and in a small area just west of Memorial Park – are former single-family homes that have been converted to professional offices.

(c) Commercial/Industrial Districts

The purpose of the Corridor Commercial (CC) district is to facilitate a wide range of commercial uses that benefit from automobile traffic; that require larger parcels of land; and that may involve heavy commercial uses such as storage, warehousing, hotels and large-scale retail. The zone is mapped along Main Street and Route 59 west of Highland Avenue, in Nyack's "Gateway" area. In addition to typical auto-oriented retail and office uses, the CC district also permits several light industrial uses, making it the Village's de facto light industrial zone. No residential uses are permitted in the CC district, except for retirement homes, nursing homes or assisted-living facilities by special permit.

The Waterfront Development (WF) district is intended to encourage an appropriate balance of uses in and near the Hudson River waterfront by facilitating water-dependent uses where public access will be provided, and to preserve the aesthetics and ambiance of the area. The zone permits medium- to high-density residential uses along with key commercial uses such as arts and crafts studios, banks, bed and breakfasts, outdoor commercial recreation, hotels and inns, offices, restaurants and retail stores. The WF zone also has special bulk requirements designed to preserve view corridors and to provide for

development incentives. In 2017, the Village approved the Tidewater residential project on a nearly 4-acre site on Gedney Street, at the foot of Lydecker Street and High Avenue. The development consists of 128 condominium units comprised of three buildings with an accessory café/restaurant and public park on the waterfront. Once the riverfront park is completed by the private developer, it will be deeded over to the Village for public use. The development's first building is scheduled to start construction in Spring 2020. In addition, the Nyack Marina and surrounding area suffered substantial damage from Hurricanes Irene and Sandy in 2012. With the assistance of a \$2.5 million FEMA grant, the Nyack Marina was completely renovated in 2016 with new seawalls, bulkheads, and walkways; new docks and 43 slips for seasonal renters; and new security fencing and lighting.

Nyack has one manufacturing district, the M zone, which is intended to promote industrial and highway-oriented commercial uses. The M district is mapped in only one location in the Village: the site of the TIME Nyack hotel, which opened in 2016.

The Hospital (H) district is mapped for the land bounded by Highland, Sickles, North Midland and 5th Avenues, which contains Montefiore Nyack Hospital. The only permitted uses in this zone are hospitals and related uses, including parking. The hospital's parking lot across Highland Avenue, between 5th and 6th Avenues, is not part of the H zone, but is mapped TFR.

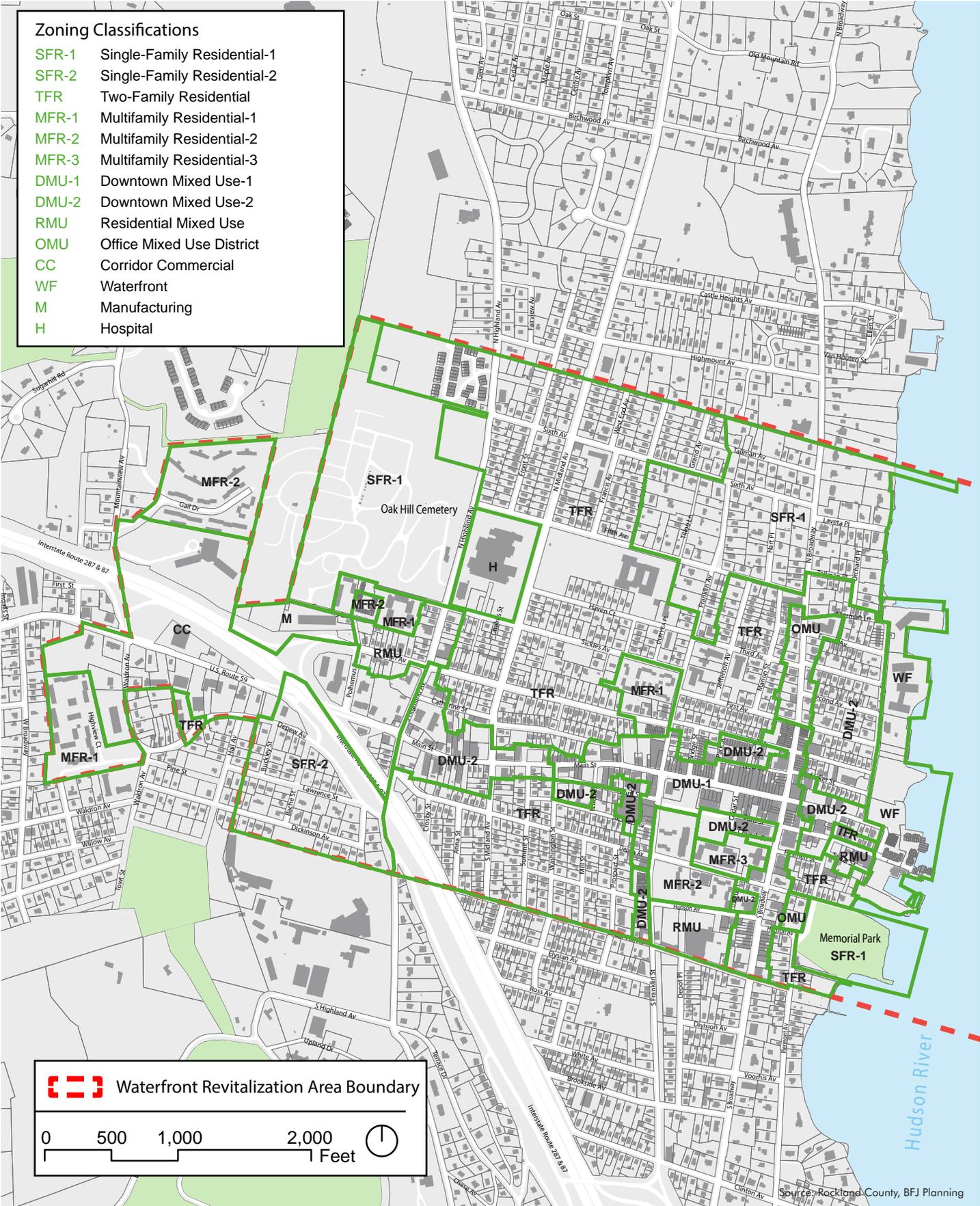


Figure II-3: Zoning Map

Water-Dependent and Water-Enhanced Uses

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. Water-dependent uses include marinas, boatyards, and yacht clubs (other uses such as beach clubs, may be considered support facilities associated with water-dependent uses). Water-dependent uses contribute significantly to the long-term economic vitality and public enjoyment of coastal areas. Water-dependent uses within the waterfront area in Nyack include the Nyack Marina, Nyack Boat Club, Hook Mountain Yacht Club, and Clermont Pier and docks.

A water-enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water’s edge. Water-enhanced uses are improved by the location on or near the waterfront or provide for an improved waterfront experience by contributing to street life, supporting the operations of water-dependent uses, and/or promoting economic activity. Water-enhanced uses increase the public’s enjoyment of the waterfront, and often include restaurants, dock side bars, hotels, and motels. Water-enhanced uses within the waterfront area in Nyack include Memorial Park, and the restaurant space at the Nyack Marina. The waterfront area also includes uses that, while not water-enhanced, derive benefit from their waterfront location, including residential uses such as West Shore Towers, Rivercrest Cooperative Apartments, and Clermont Condominiums.

Many of Nyack’s historic industrial water-dependent uses, such as boat construction, stone loading yards, fuel storage, ferries and commercial fisheries, have all but disappeared. The remaining water-dependent and water-enhanced uses are recreational and commercial.

(a) Recreational Uses

Recreational water-dependent and water-enhanced uses include Memorial Park, the Village of Nyack Marina, the Nyack Boat Club on Gedney Street, Hook Mountain Yacht Club, and the private docks at the Clermont Condominiums. A summary of the existing boating facilities is provided in Table II-2.

Table II-2: Boating Facilities and Services

| Name | Number of Slips | Number of Moorings | Max. Boat Size (ft) | Transient docking | Membership Status |
|--------------------------|-----------------|--------------------|---------------------|-------------------|-------------------|
| Village of Nyack Marina | 40 | N/A | ~ 28' | Y | Public |
| Nyack Boat Club | 15 | ~ 100 | | Y | Private |
| Hook Mountain Yacht Club | 4 | ~ 20 | | | Private |
| Clermont Condominiums | 34 | N/A | | | Private |
| Rivercrest Co-op | 12 | N/A | | | Private |

(b) Commercial Uses

Commercial water-dependent and water-enhanced uses include restaurants and event space located on the south side of Burd Street adjacent to the Hudson River. The Village-owned Nyack Marina has a restaurant building, formerly occupied by the River Club. The Village demolished the former River Club in summer 2019 and proposes to seek a tenant to rebuild and run a restaurant at the waterfront site. The Nyack Seaport and 2 Spear Street are an event space and restaurant housed in the same building on Burd Street at the corner of River Street.

Historically, Nyack has been a site that supported a small commercial fishing industry. Formerly, the "Burd Street Dock" provided unloading and transfer facilities for the spring shad catch, but it is no longer in operation. Commercial fishing is permitted by the NYS DEC in the Hudson River above the Governor Mario M. Cuomo Bridge with a permit,³ however facilities are limited in the lower Hudson. Many recreational and commercial fisheries were closed by New York State on the Hudson River for many years due to pollutants such as Polychlorinated biphenyls (PCBs). Following extensive cleanup of the Hudson River Superfund Site, under monitoring by the United States Environmental Protection Agency (US EPA), the Hudson River remains closed to commercial fishing of striped bass, American shad, and Atlantic sturgeon. River herring and blue crab can be fished, subject to regulations by NYS DEC.⁴

(c) Residential Uses

Although residential uses are not considered water-enhanced uses, they do derive benefit from their waterfront location. Residential uses in the waterfront area include single and multi-family housing located near the river and especially those located directly adjacent to the water's edge, including the Clermont Condominiums, West Shore Towers, and Rivercrest Cooperative Residences. Single-family homes on the west side of Gedney Street also benefit from proximity to the waterfront. North of Tallman Place, single-family parcels abut the waterfront, however the shoreline is very steep in this location, preventing waterfront access.

^{3, 4} <http://www.dec.ny.gov/animals/6945.html>



Figure II-4: Water-Dependent and Water-Enhanced Uses

Public and Private Recreational Facilities and Public Access

Much of the Nyack waterfront is privately owned, and therefore, public access to the Hudson River is somewhat limited. The northern segment of the waterfront—from Tallman Place north—is entirely single-family residential. The southern segment is also largely privately-owned, including the Hook Mountain Yacht Club, Rivercrest, West Shore, Nyack Boat Club, the Tidewater Gedney Street parcel, and Clermont Condominiums. The Gedney Street property is being developed for the Tidewater residential project which will include a public access walkway along the riverfront. South of the Clermont, the Nyack Marina and Memorial Park are both Village owned. At the southern boundary of the Village, there is a vacant parcel owned by New York State that is currently inaccessible from the public right of way. More information on public and private recreational facilities and access points is located below.

(a) Public Access and Recreation

Village of Nyack Marina

The Village Marina is located south of Burd Street, between Memorial Park and the Clermont Condominiums. The marina site is the location of the former sewage treatment plant. The 1992 LWRP listed the development of the plant into a water-dependent use as a significant issue for the waterfront. The Village Marina was damaged by Superstorm Sandy in 2012, reopened after renovations in 2016, and was dredged in the following winter (2016/2017). The Marina offers public boat launches and slips. Non-motorized craft can be launched via a floating dock, while larger boats are launched from trailers. The easternmost portion of the marina has a gravel path that allows visitors to sit or travel along the water.

Memorial Park

Memorial Park is the largest park in Nyack. It is located south of the Village Marina and offers public access to the Hudson River. The park meets the water first with riprap which transitions into a gravel area with picnic tables where visitors enjoy panoramic views of the River. The public can also enjoy views of the river while using the park's viewing platform, two grassed fields, basketball court, baseball diamond and skate park. Village residents and visitors stated during public meetings that access to the river at Memorial Park brings them joy and helps them relax. The Memorial Park Master Plan, developed in 2008 by Quennell Rothschild & Partners, includes a conceptual level design that features additional public access to the river by replacing the riverfront parking with space for people and the creation of riverfront seating by constructing stairs that would step down to the water edge. In 2018, the Village was awarded grant funding to construct the Memorial Park Inlet Bridge, providing a pedestrian connection from the Park to the Village Marina. All permitting for the inlet bridge has been provided and construction is substantially complete.

Clermont Pier

The Clermont Pier extends along the north side of the Clermont Condominiums and ends parallel to the edge of the Clermont marina. The pier is owned and operated by the Clermont Condominiums, but is open to the public daily through a closed, but unlocked, gate between 6 AM and 10 PM. A lower level on

the north side of the pier was damaged during Superstorm Sandy and has not been repaired. The pier features views of the Hudson River, Hook Mountain, and the boats moored in the Nyack Harbor.

(b) Private Clubs and Other Recreational Facilities

Private clubs provide access to the Hudson River for boaters at the Hook Mountain Yacht Club, the Nyack Boat Club, and docks at the Clermont Condominiums.

Hook Mountain Yacht Club

The Hook Mountain Yacht Club is a private boat club located immediately north of the Rivercrest Co-op. The club has offered recreation and river access to members since 1946. Recreational activities are limited to boating.

Nyack Boat Club

The Nyack Boat Club is located on Gedney Street south of the West Shore Towers and north of the Gedney Street-Main Street site. The Nyack Boat Club has been open since 1903 and offers its members access to the river through boating, dining, and a picnic grove and playground south of the clubhouse. The Nyack Boat Club hosts sailing events throughout the season, including regattas for various sized sailboats.

Clermont Condominium docks

The Clermont Condominium docks provide residents with motorized and non-motorized boating access to the Hudson River. The docks are accessed from the condominium development and are not open to the public.

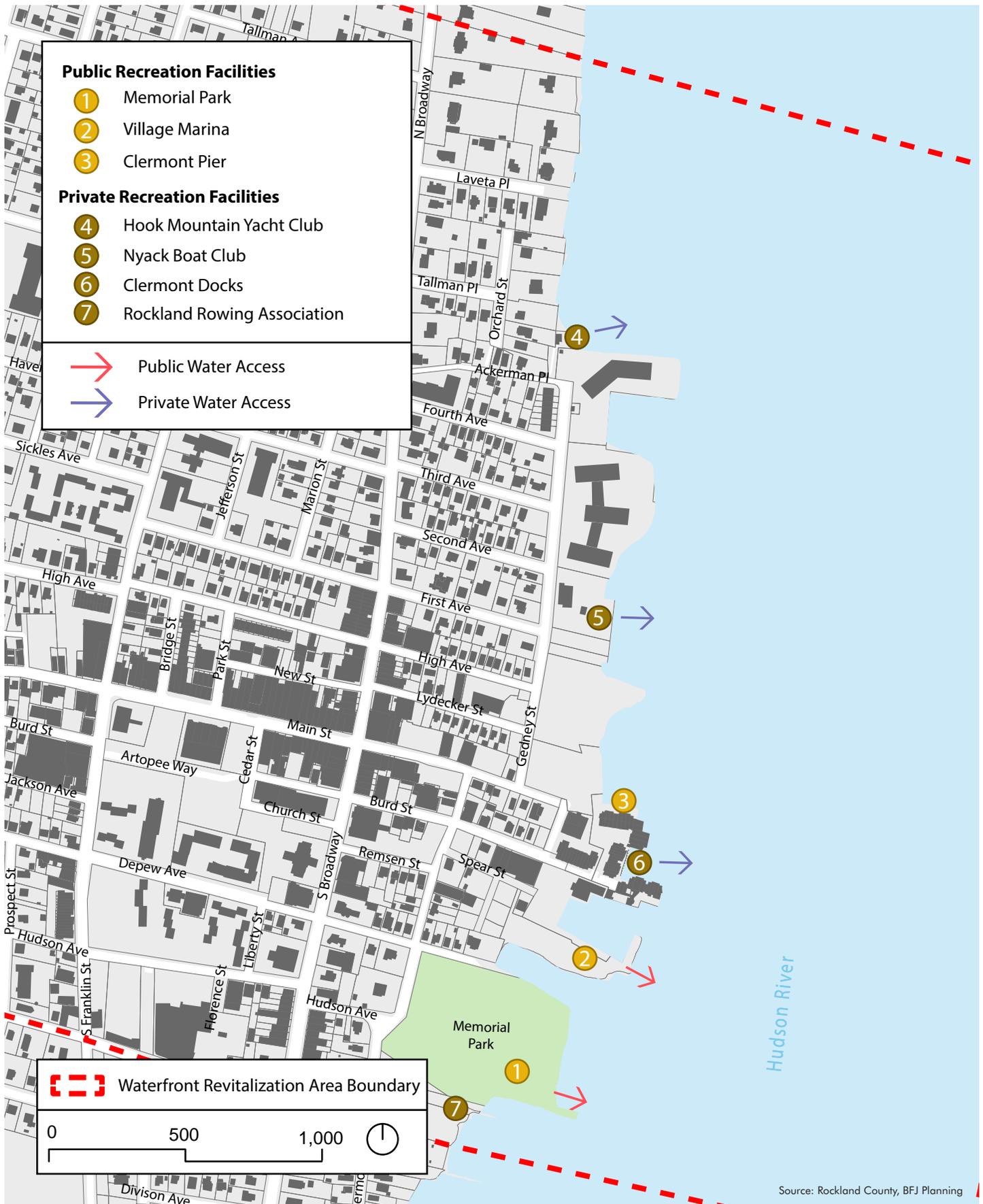


Figure II-5: Public Access and Recreation

Infrastructure

Infrastructure within the Nyack Waterfront Revitalization Area includes roadways, parking areas, stormwater outfalls, and sanitary waste pumping facilities.

Roadways

The Village is located between Exits 10 and 11 of the New York State Thruway *I-87/287*, the region's main east-west corridor connecting Rockland and Westchester Counties. U.S. Route 9W is a north-south U.S. highway that runs along the Hudson River, but in the LWRP Area, the route is located further inland and is named Highland Avenue. NY Route 59 is a four-lane east-west highway that runs parallel to *I-87/287* from Nyack to the New Jersey state border at Suffern. Other primary roadways in the Waterfront Revitalization Area are Main Street, which is one of the two primary commercial streets and the primary east-west corridor, and Broadway which is a narrow corridor with commercial, municipal, and nonprofit uses. The primary north-south roads along the waterfront are Gedney Street and Piermont Avenue, which provide access to the key public and private water-dependent and water-enhanced uses on the waterfront.

Parking

Public parking is provided at several locations in the Waterfront Revitalization Area. Metered on-street spaces are concentrated in the downtown and hospital areas. Village-owned parking lots are located at Catherine Street at the location of Main Street, on Main Street between Cedar Street and Franklin Street, at the intersection of Artopee Way and Cedar Street, and west of the municipal marina south of Spear Street. The total number of spaces provided by the Village of Nyack in municipal parking lots is approximately 320.

The Nyack Marina parking lot is a key resource that supports the ability for locals and visitors to access the waterfront. Currently the Marina and adjacent Spear Street lots provide approximately 221 surface parking spaces with 62 spaces reserved for Nyack Seaport valet parking (Nyack Marina/Former River Club RFP—Parking Analysis, 2016). Although this parking volume is generally adequate during most times, there are several factors that led the Village to consider options for expanding the amount of parking spaces in the Marina lot.

First, the Memorial Park Master Plan proposes reducing the number of parking spaces in Memorial Park to expand waterfront access. The master plan includes a pedestrian bridge connecting the Marina lot to Memorial Park, which would allow visitors to park in the Marina, placing additional demand on parking at the Marina. This may pose a problem during weekends, when Memorial Park and the Nyack Marina are both likely to attract many uses.

Second, the Village hopes that a new restaurant tenant at the Nyack Marina, will become an attraction that draws additional visitors to the Village. This would provide an economic development benefit to other businesses in the Village, but again would place additional parking demand in the area.

Third, the recently adopted Comprehensive Plan for the Village outlined several options for ferry service at the Nyack Marina. The most likely short-term option would be a recreational service that connects to New York City and other Hudson River waterfront Towns and Villages. While this option would not

create a substantial new demand for parking, there would be some ferry users who would travel to the Village, further increasing parking demand.

Stormwater Outfalls

The stormwater system within the Waterfront Revitalization Area consists of a disconnected network of inlets and pipes, the channelized Nyack Brook, and large swaths of unmanaged runoff areas that flow east to one of the 22 outfalls that discharge directly to the Hudson River. Nyack's Coastal Area is on a steep slope with a limited drainage system, and the natural system of stormwater management has effectively been eliminated, including a large pond that once existed at the location of the current West Gate Inn, and the enclosure of the Nyack Brook. The Nyack Brook Culvert is the backbone of the Village's stormwater system. It was created in the 19th century and modified in the early 20th century to alter the route of the existing Nyack Brook, and the burial and channelization of the Brook accommodated expanding real estate. The culvert serves as a drainage trunk line for more than half of the LWRP Area. Since the Brook was converted to a culvert, frequent accounts of flooding have been reported, increasing in magnitude over the decades. Because of the culvert's long and extensive history, as well as its location in some areas beneath private buildings, it is difficult to access and determine precisely where deficiencies may exist. However, the key issues are believed to be minimal culvert slope in the downtown and reduced flow area due to debris accumulation, combined with high runoff concentration from a steep watershed with increasing impervious surfaces.

Sanitary Waste Pumping Facilities

Sanitary sewage in the LWRP Area is collected and conveyed to two pump stations, one on Spear Street, west of the Nyack Marina, and the other north of the intersection of Ackerman Place and Gedney Street. Siphon lines convey wastewater to the Orangetown Sewer Treatment Plant, located along Route 303 north of the Palisades Interstate Parkway. After the water is treated to the New York State Department of Environmental Conservation (NYSDEC) treatment standards, the effluent is discharged via a series of pipes to the Hudson River. The discharge point to the river is in Piermont, at the end of the pier on Ferry Road.

Currently, both pump stations in Nyack overflow from time to time, discharging raw sewage into the Hudson River. Overflow occurs when the system has reached its capacity and can no longer pump water out at the same rate as it is coming in. Infiltration and Inflow (I&I) is one of the main causes for overflow discharge. This occurs when groundwater, as well as stormwater, infiltrates the sewer lines by means of leaky pipes, broken joints and cracked manholes, increasing the system's flow. In addition, illegal connections to the sewer system from sump pumps, rain gutters and other sources can cause the system to fail and discharge raw sewage to the Hudson River, violating the NYSDEC consent order for discharging water to State water bodies. As a result, the Orangetown treatment plant is treating a heavier load than is necessary, incurring additional costs for electricity and maintenance, which are then passed on to the sewer district's users via taxes and higher energy bills.

Infiltration and Inflow remediation to the Town's system has been incorporated over the past few years. A \$2.5 million commitment by Orangetown's Department of Environmental Management and Engineering (DEME) was made in 2014 to fix approximately 50,000 linear feet of pipe by Cured in Place Pipe (CIPP) Lining. About 10,000 linear feet of pipe was rehabilitated in 2014; 20,000 linear feet in 2015,

and an estimated 20,000 linear feet of pipe has been sleeve-lined in 2016. Sewer lining continues into 2019. Over 70% of the sewer pipes have been relined in the Village within the last three years, including Main Street. Capacity of the pump stations is not an issue; rather, the number of illegal hookups from sump pumps and roof downspouts into the sanitary sewer system is the primary issue. The Village and Town have identified illegal sewer hookups and have begun an enforcement effort to correct this deficiency.

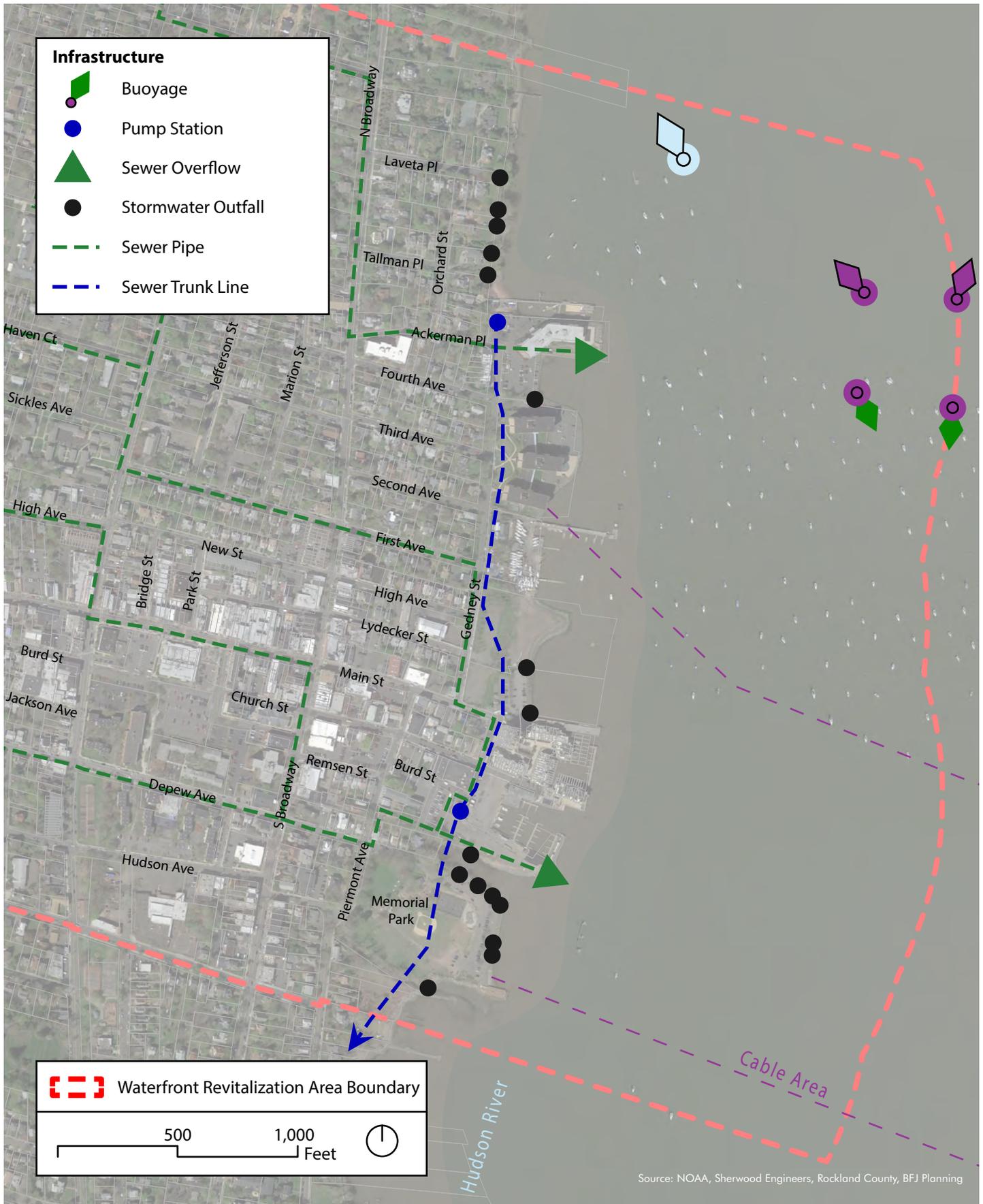


Figure II-6: Infrastructure

Historic Resources

(a) History in the LWRP Area

The Village of Nyack is rich in historical resources due to its strategic location along the Hudson River. The first agricultural settlement was established in the late 1600's by the Dowe Tallman family, whose northern farm boundary later became the alignment of the Clarkstown-Orangetown line in the Nyack area. The first public shipping dock was established in 1793 at the foot of what is now Burd Street, on a parcel sold from the southern portion of the Tallman farm. The remainder of the farm was sold to Abraham Lydecker in 1799, forming the nucleus of the Village of Nyack. By the 1830's much of this tract, roughly bounded by Depew, Midland and First Avenues was being subdivided into small lots. Nyack's population increased from the families in seven houses recorded in 1814 to over two thousand people in 1860. The Village was incorporated in 1872, dissolved in 1878 and reincorporated in 1883.

The Village's importance as a navigational center continued to rise during the nineteenth century, spurred by the stone quarrying industry along the river. Nyack's industrial growth and importance as a shipping point for the county came about after the completion of the Nyack-Suffern Turnpike by the middle of the century. This, in turn encouraged development of steamboat navigation. Ferry service to Tarrytown was instituted in 1834, and railroad service to Piermont followed in 1841. The railroad spur to Nyack was opened in 1870.

Quarrying led to the development of the boat building industry in the early nineteenth century. Shoe manufacturing grew to be the principal industry in the Village by the close of that century, spurred on by completion of the railroad. Rail transportation caused a shift of much of the Village's business and industrial activity away from the waterfront to Broadway and Franklin Street. Other industries developed, such as hat manufacturing, commercial greenhouses and the manufacturing of aniline and toluene derivatives for dyes and explosives. The Village's industrial decline began with the depression of 1893, which seriously crippled shoe manufacturing, and was punctuated by an explosion at the American Aniline plant in 1919. Residual industrial uses lingered on, such as gas and fuel storage along Gedney Street, until pipelines made the facilities unnecessary. The Village's economic base has become more retail and service-oriented, and land use along the waterfront has shifted to more recreational and residential uses. Much of the architectural character of Nyack is rooted in the late 1800's when industrial activity was at its peak.

(b) Historic Buildings

Four individual properties in Nyack are listed on the National Register of Historic Places, a program administered by the National Park Service. The listed properties include the Tappan Zee Playhouse (listed in 1983), the U.S. Post Office (listed in 1989), the Edward Hopper Birthplace and Boyhood Home (listed in 2000), and the John Green House (listed in 2017). The Tappan Zee Playhouse was demolished in 2004.

Locally, several Nyack buildings and structures have been noted for historic significance. The 1819 John Green House, believed to be one of the oldest surviving residential buildings in the Village, was donated in 2015 to a nonprofit historic preservation group and is undergoing an extensive restoration. The John Green Preservation Coalition is actively fundraising to complete the planned renovations to this historic

structure. The John Green House has also been listed on the State historic register and locally designated by the Village.

In the late 1990s, the Historical Society of Rockland County made a comprehensive survey of the county's historic sites and structures and identified more than 200 such resources in Nyack. While the survey is not used as the basis for regulations, it is a valuable reference tool and is used by Rockland County Planning Department staff in reviewing development applications.

Several local historic preservation groups have placed historic markers in the Village. Markers are present at the Key Bank building, Nyack Library, Oak Hill Cemetery, the Liberty Street School site on Depew Avenue, the Edward Hopper House, First Reformed Church, Couch Court, Memorial Park, Route 59 near Mountainview Avenue and two sites on Main Street believed to be part of the Underground Railroad.

Nyack's Zoning Code covers procedures for designating a historic site or district. The criteria for local designation are like National Register listing, with several additions. For designation of a historic district, the application must be signed by at least 33% of the property owners within the proposed district, if the designation is initiated by other than the Architectural Review Board (ARB). To date, there is one individual site designated as historic by the Village.

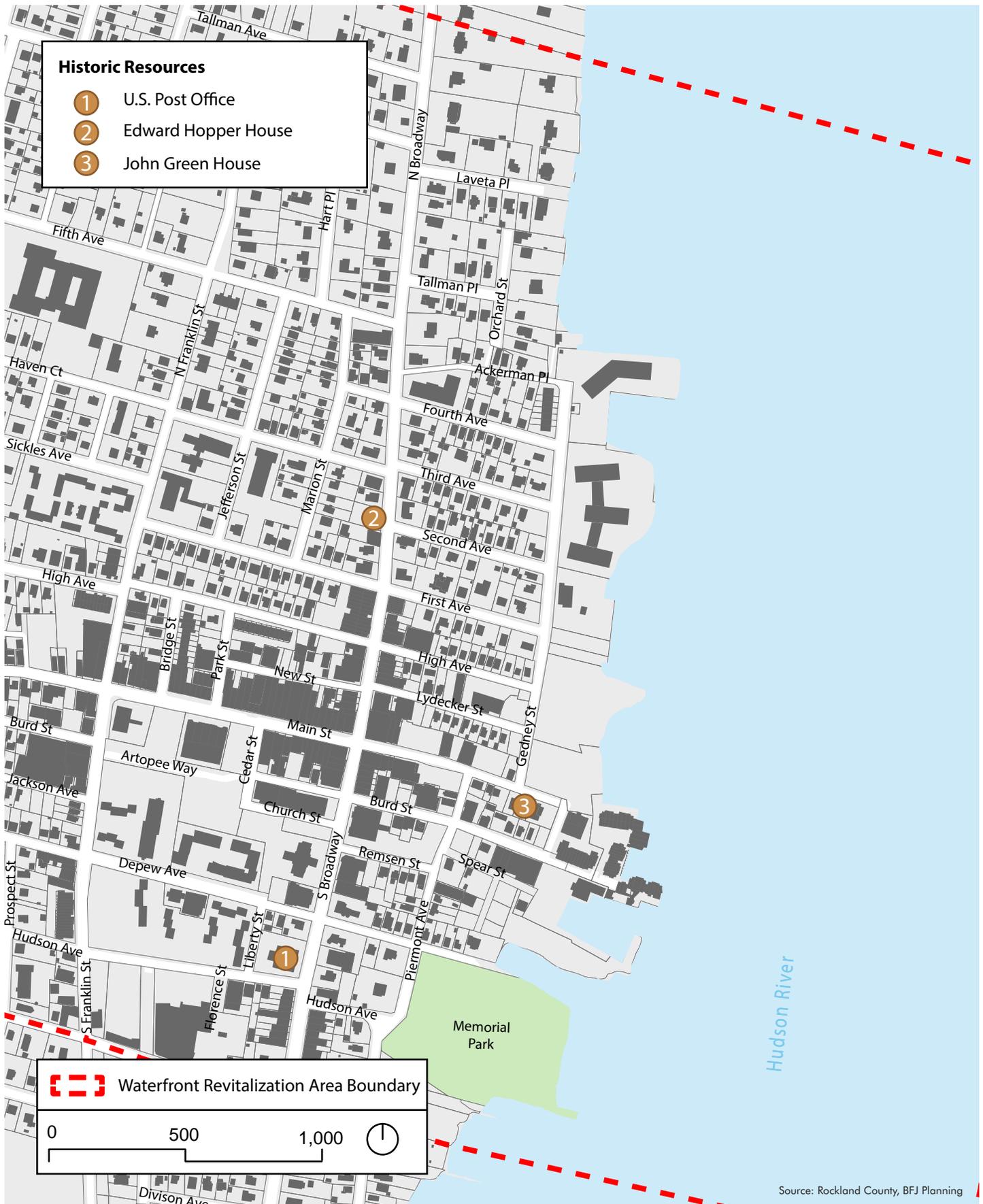


Figure II-7: Historic Resources

Underutilized, Vacant, or Deteriorated Sites

Much of the land in the Village is developed at a moderate to high density. There are few remaining parcels of vacant land and structures remaining in the waterfront area (Figure II-8). One such vacant parcel is the nearly 4-acre brownfield site located at the corner of Gedney Street and Main Street, however, this is the site of the proposed Tidewater Project. This proposed mixed-use development would remediate the brownfield and include multi-family residential, a restaurant space, a public river walk, and underground parking.

Another underutilized site in the Village is the John Green House located at 23 Main Street. The John Green house is a dilapidated historic structure that is in the process of being preserved and rehabilitated and protected by The John Green Preservation Coalition, a local non-profit. The preservation of this historic home would add another architectural attraction to Nyack, improving the waterfront experience for residents and visitors alike.

The New York State-owned wetland parcel at the southeastern border of the Village is underutilized but has limited potential as a public open space. It is currently inaccessible, separated from Memorial Park by a stream outfall and from Piermont Avenue by single-family homes. It could be improved as a habitat and wetland resource but is not a potential development site and can still be considered as public open space even if not accessible via land.

The Orangetown Pump Station in the Village Marina is a critical infrastructure facility, but its location is underutilized relative to its site in in the marina and proximity to the Hudson River. In Section IV, the relocation of this pump station is described as a potential project. However, this would require substantial coordination with the Town of Orangetown to seek funding and identify an alternate site. It is not expected that the pump station would be relocated in the short term.

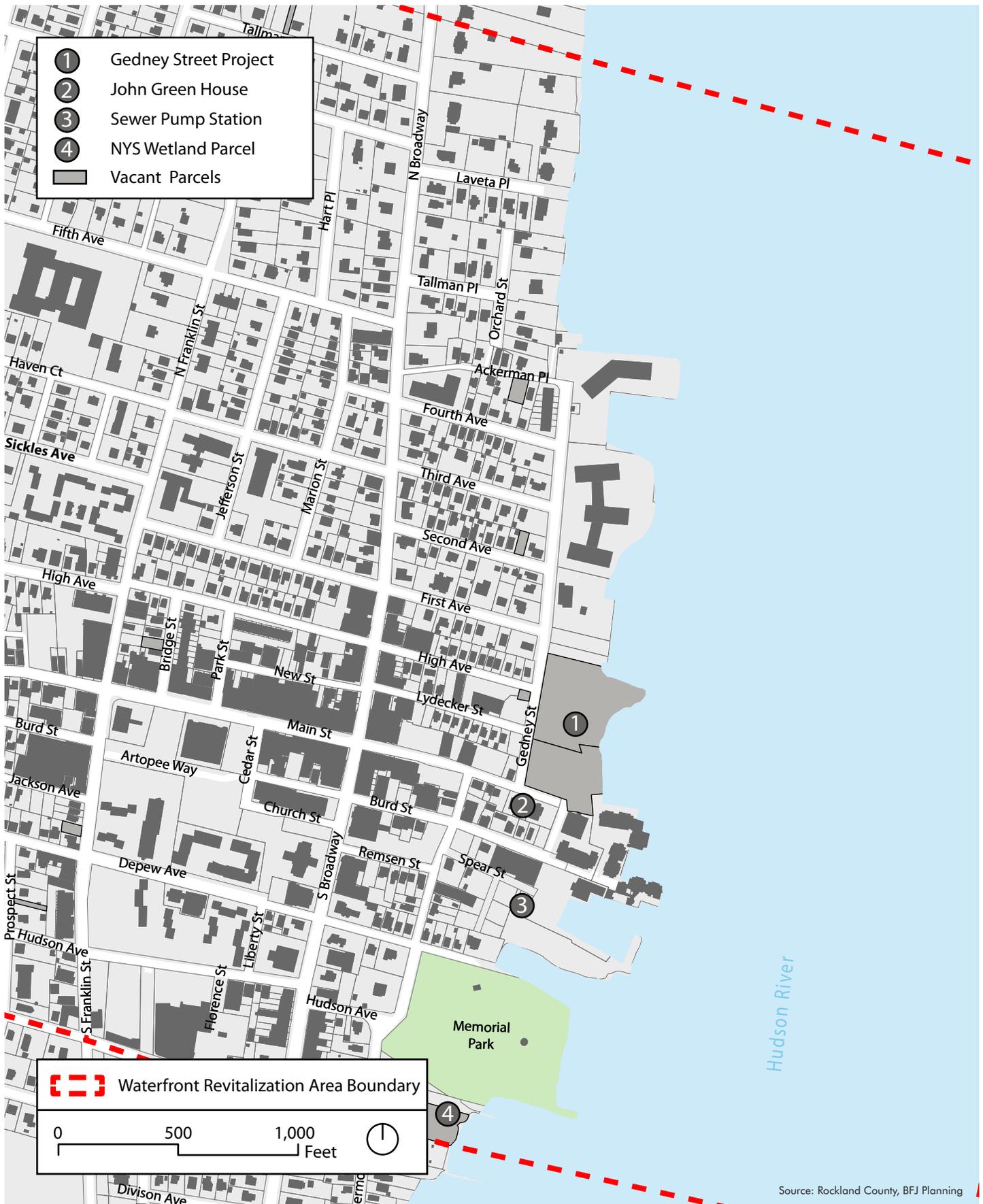


Figure II-8: Vacant and Underutilized Sites

Scenic Resources and Important Vistas

The Village is blessed with many fine scenic resources, both natural and manmade. Some of the finer scenic features of Nyack are best viewed from the water or the opposite shore. The northern segment of the Nyack waterfront is extensively wooded, giving privacy to single family residences. Roof-tops and steeples in the downtown area clear the treetops, and apartment buildings clearly dominate the midsection on the Village's shoreline. The Palisades Ridge forms a backdrop to the west.

A more important scenic feature is the view of the Hudson and the Westchester shoreline as seen from the Village. Due to the Village's sloping topography, view corridors are created along those streets whose alignments are straight and roughly perpendicular to the riverfront (Figure II-9). The most important view corridors lie along the streets east of Broadway which follows a hillcrest. Since the shoreline south of Tallman Place has been filled and extended, existing view corridors south of Tallman Place have been affected by large buildings such as the West Shore Towers, Rivercrest Apartments, and Clermont Condominiums. These view corridors are protected by Section 360 Attachment 5: View Protection Corridors of the Village Code.

Much of the scenic value in Nyack inland from the river comes from the well-maintained residences and estates, the diversity of architectural styles and attractive commercial uses in the Village's downtown, and the historic buildings located throughout the Village.

Areas within Nyack's waterfront boundary have been designated under Article 49 of the Environmental Conservation Law as part of the Tappan Zee Scenic District. Local governments, within the jurisdiction of the Scenic District are encouraged to prepare a management plan for the included lands and waters.

The Tappan Zee Scenic District begins at the New York-New Jersey state line and continues north along the west shore of the Hudson River to include the portion of Hook Mountain State Park south of Rockland Lake.

ZONING
360 Attachment 5

Village of Nyack

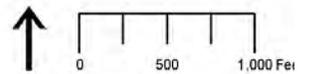
Rockland County, New York



Legend

Proposed view corridor

VIEW PROTECTION CORRIDORS



Phillips Preiss Shapiro Associates, Inc.
Base map source: Rockland County Department of P

360 Attachment 5:1

Source: Village of Nyack, BFJ Planning

Figure II-9: Scenic Resources

B. Harbor Management Area: Uses and Support Facilities

Recreational Boating and Other In-Water Recreational Uses

Nyack's Hudson River Waterfront is a valuable resource that the Village should continue to promote. Land-side resources can help to draw residents and visitors to the waterfront, but the ability to get on the water from the Village is a further degree of access. Currently, the Nyack Marina and boat launch provide public access to the waterfront, while the Nyack Boat Club, Hook Mountain Yacht Club, and Clermont docks provide private access.

Waterfront Access

(a) Public Waterfront Access

Village of Nyack Marina

The Village of Nyack Marina provides access to the Hudson River through the public boat slips, parking lot, and boat launch. The docks at the Marina were significantly damaged during Superstorm Sandy, but have recently been rebuilt using disaster recovery funds from the Federal Emergency Management Agency (FEMA). The Village received about \$1.7 million dollars in federal funds to replace and repair retaining walls, electrical systems, and the bulkhead barrier. The Village Marina provides 43 public boat slips for both residents and non-residents to dock their boat for the season. Transient slips are available for storage during the day and overnight. Boats can be launched into the river directly south of the docks, and cars and trailers can be parked adjacent to the launch.

Memorial Park

The only public park on the waterfront is the 11-acre Memorial Park on Piermont Avenue in the southern part of the Village. The park's facilities include a fishing pier, basketball court, a baseball field, a skate park, a splash pad and a children's play area. A pedestrian bridge which connects Memorial Park to the Village Marina was installed and opened in July 2020. Opportunities in the park exist for fishing, birdwatching, picnicking and other passive waterfront activities. Attempts to increase docking space and to create a fishing pier by use of sunken barges was never completed and these barges have become a safety navigation hazard. A proposed project to address navigation hazards is described in Section IV. The Memorial Park Master Plan, completed by landscape architects Quennell Rothschild and Partners, details a plan to improve direct pedestrian access to the waterfront by eliminating much of the existing parking along the Hudson River. Memorial Park is undergoing a series of enhancement projects to increase programming and utilization. After Superstorm Sandy, the Village repaired retaining walls for the Nyack Brook outlet along the southern edge of Memorial Park. This project has been completed and closed out by FEMA.

Clermont Pier

The Main Street Pier, which is part of the Clermont Condominiums, is publicly accessible via permanent easements. The pier sustained significant damage in Superstorm Sandy and has since been only partially repaired. In addition, access to the pier is gated, and the entry is next to the private Clermont parking lot, lessening the "public" nature of the pier.

(b) Private Waterfront Access

Hook Mountain Yacht Club

The Hook Mountain Yacht Club is located north of the Rivercrest co-op at the intersection of Ackerman Place and Gedney Street and is accessed via a gravel driveway immediately west of the intersection. The club provides space for approximately 20 boats in their mooring area and additional dry-storage spaces. The club accesses the river through one approximately 400-foot dock which is connected to the clubhouse.

Nyack Boat Club

The Nyack Boat Club, located at 59 Gedney Street, provides space for 150 boats in their mooring area, and over 100 dry-storage spaces for sailboats, dinghies, and other smaller watercraft. The club accesses the river through one 300-foot dock, and two smaller docks. The Nyack Boat Club facilities also include recreation space, meeting rooms, locker rooms, a kitchen, and a picnic area.

Clermont Condominium Docks

The Clermont Condominium docks are located at the foot of Main Street, south of the public pier. The docks provide space for approximately 34 boats, but do not have any dry storage space. Residents access their docked boats via a walkway. The Clermont Condominiums do not have a boat launch or moorings in the Hudson River.

Mooring Fields

Boats moored on the Hudson River within the LWRP boundary are generally split between the Nyack Boat Club and the Hook Mountain Yacht Club. The clubs provide tender service to the boats in their mooring fields and regulate them informally by negotiating mooring placement and upkeep with the members of the clubs. The Village of Nyack does not regulate moorings, so any boat could in theory moor in the Nyack harbor, but would have to find tender service. Figure II-11 shows the location of mooring fields off the Nyack waterfront.

Navigation

Nyack is located on the west bank of the Hudson River, approximately 1.25 miles north of the Governor Mario M. Cuomo Bridge. The Governor Mario M. Cuomo Bridge was constructed as a replacement of the Tappan Zee Bridge and was completed in 2018. The bridge construction did not directly impact navigation within the Nyack Waterfront Revitalization Area, however, in some cases it did impact boaters traveling from Nyack further south down the Hudson River (Figure II-10). Nyack is west of the main channel of the Hudson River, and cannot be accessed by very large draft boats.

Navigation within the Nyack Waterfront Revitalization Area is inhibited by hazards that are remnants of construction of the Tappan Zee Bridge which opened in 1955. Barges that were used in construction of the bridge were sunk off the edge of Memorial Park. One concrete barge is visible from Memorial Park, while other wooden barges have partially deteriorated and are not visible above the water line. These wooden barges are especially hazardous; portions of the wood have deteriorated, leaving metal parts of the barges exposed. Other navigation hazards are remnants of Nyack's industrial waterfront history.

These include a partially submerged piling field north of the Clermont Pier and intermittent other pilings south of the Nyack Marina and south of Memorial Park. These pilings are hazardous to all boaters, but especially endanger light-craft and non-motorized boaters on small vessels such as kayaks, canoes, and stand-up paddleboards. The Hudson River within the Nyack Waterfront Revitalization Area is within a Special Anchorage Area, as shown on navigation charts published by the National Oceanic and Atmospheric Administration (NOAA). This special anchorage area permits mooring and anchoring. The NOAA maps also show the location of navigation buoys in the harbor; these buoys designate a channel that extends west from the Rivercrest co-op, and the NOAA navigational chart shows it having a depth of 10 feet.

The Waterfront Revitalization Area also includes a special cable area that extends from the Nyack shoreline from the viewing platform in Memorial Park north to Nyack Boat Club (Figure II-12). The cable area is irregularly shaped near the Nyack Boat Club, so it only covers a portion of the club's mooring field. The NOAA chart directs boaters to use caution within the cable area. This cable area is marked by buoys. The NOAA navigation chart states:

“Not all submarine pipelines and submarine cables are required to be buried, and those that were originally buried may have become exposed. Mariners should use extreme caution when operating vessels in depth of water comparable to their draft in areas where cables may exist, and when anchoring, dragging, or trawling.”

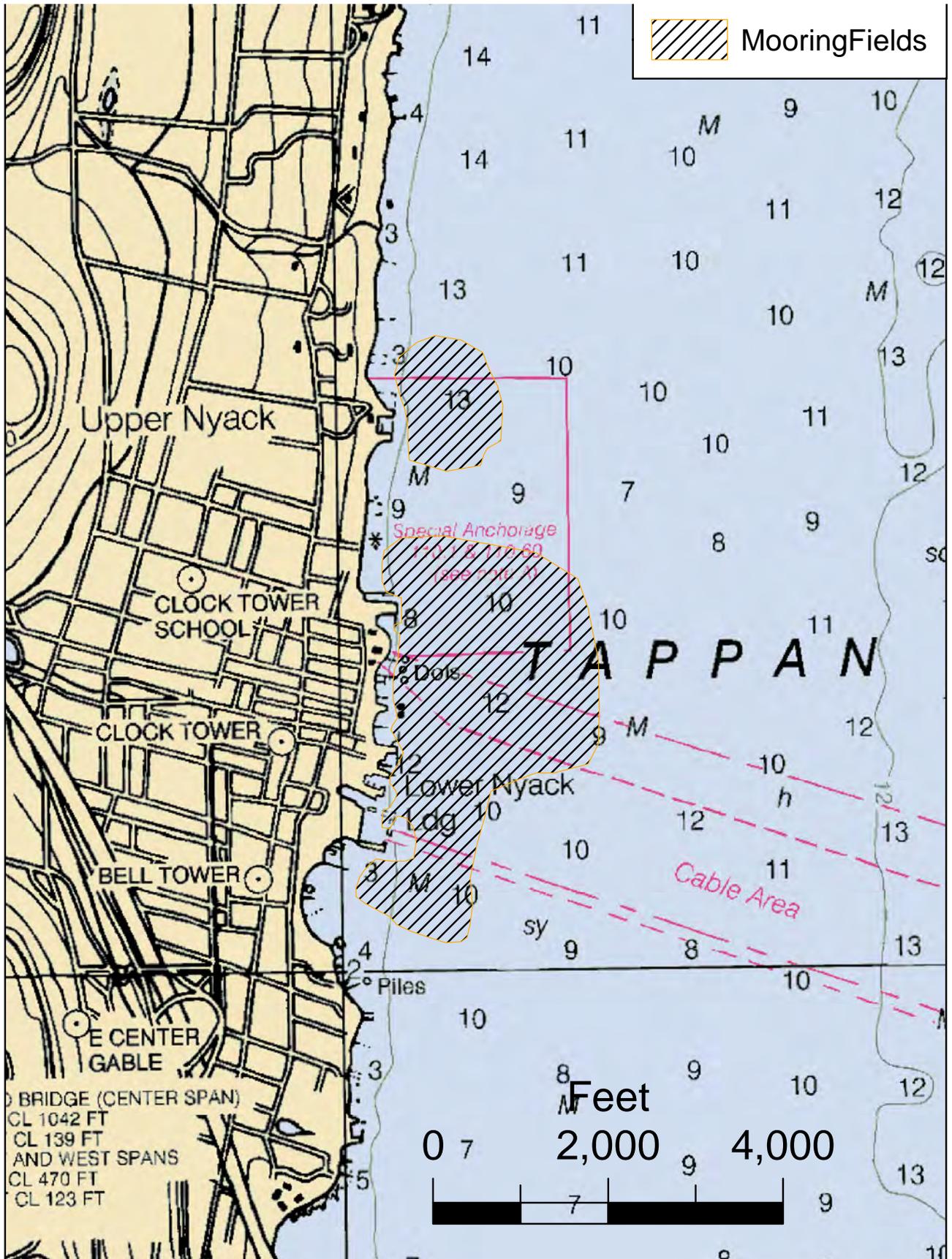
The potential for successful ferry service in Nyack is a function of proper terminal siting, identifying desired service routes, generating adequate ridership, and implementing service in a manner that is attractive to ferry riders as well as operators (Figure II-10). Navigation and river depth are a main concern for the siting of the proposed ferry service. The 2016 Comprehensive Plan Update describes the water-side requirements of a ferry terminal as having an adequate water-depth of at least ten feet, and consideration of adjacent recreational boating activities including mooring fields, which can be adversely impacted by ferry vessel wakes. Land-side requirements include availability of vehicle parking and a location within walking distance to the downtown area. In consideration of both water and land-side requirements, the proposed location of a ferry terminal is immediately adjacent to the Village Marina and boat ramp.

The required ferry terminal infrastructure would be scalable based on the size of operations. However, the typical waterfront infrastructure necessary to support operations consists of a floating barge to which the ferry moors, a gangway to connect the floating barge to land, and operational amenities such as a ticket kiosk, comfort station, and sign boards. As an example, for comparison, a Nyack ferry terminal would have similar waterfront infrastructure as the current Haverstraw facility.



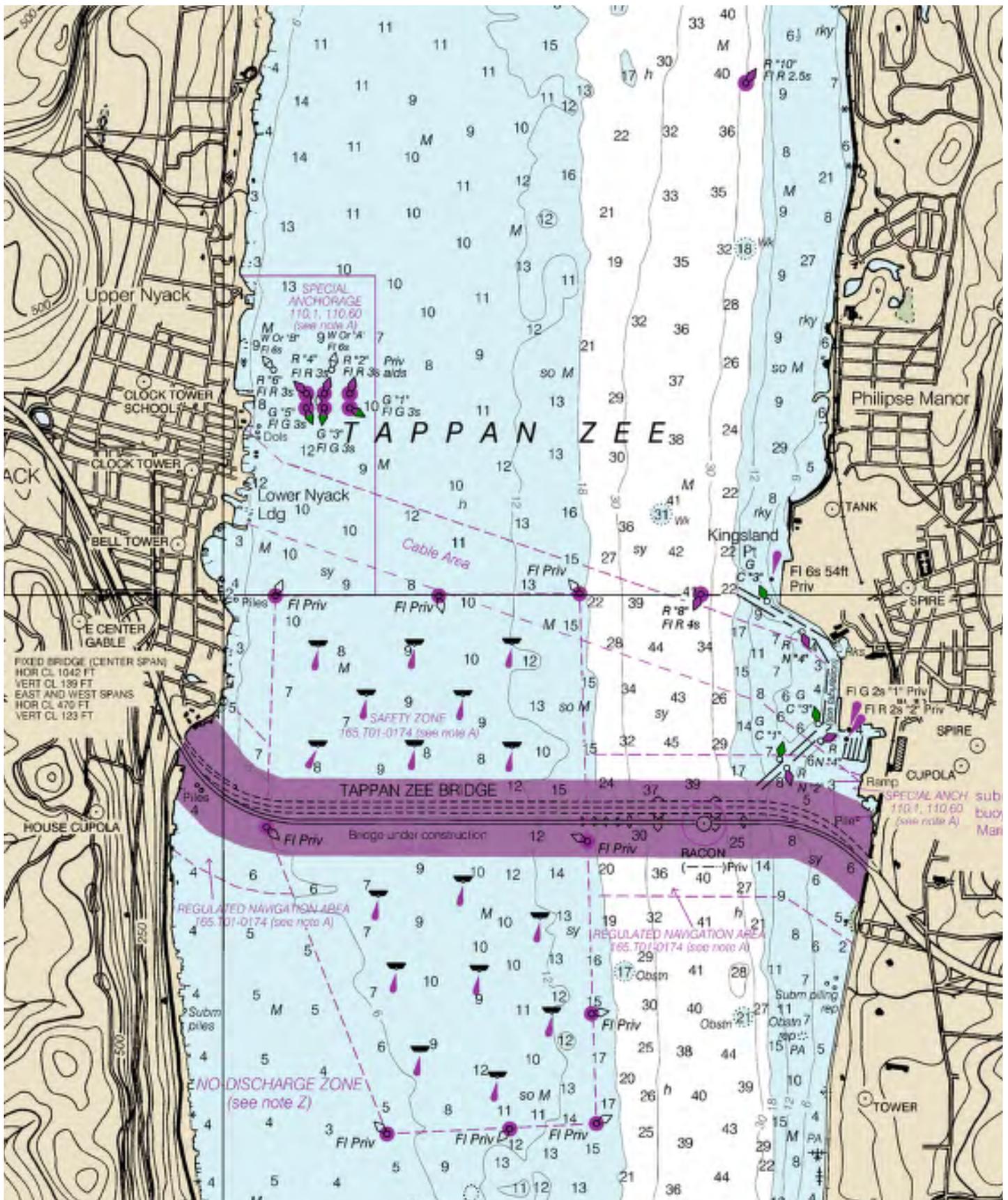
Source: Google Earth, BFJ Planning

Figure II-10: Navigation and Ferry Access



Source: Hudson River Estuary Program, NYSDEC

Figure II-11: Mooring Fields Map



Source: National Oceanic and Atmospheric Administration

Figure II-12: Cable Area

Public Trust Doctrine and Underwater Lands

(a) Overview of the Public Trust Doctrine

New York, upon attaining Statehood, succeeded the King of England in ownership of all lands within the State not already granted away, including all rights and title to the navigable waters and the soil under them (NYS Public Lands Law, section 4; *People v. Rector of Trinity Church*, 22 N.Y. 44, 1860; *Langdon v. Mayor of City of N.Y.*, 93 N.Y. 129, 1883) (Figure II-13). Broadly speaking, the State holds title to the vast stretches of foreshore and submerged lands along the Atlantic Ocean and Long Island Sound, and all underwater lands not otherwise conveyed away by patents or grants. The State holds title to these tidelands and submerged lands in its sovereign capacity in trust for the use and enjoyment of the public, under the public trust doctrine (*People v. Steeplechase Park Co.*, 218 N.Y. 459, 1916; *Appleby v. City of New York*, 271 U.S. 364, 1926; *Coxe v. State of New York*, 144 N.Y. 396, 1895). This legal doctrine emerged from the ancient concept that the King had the right of way to all navigable streams and waterways; the underlying theory being the protection of the public interest in fisheries and navigation.

The Public Trust Doctrine provides that underwater lands and foreshore lands (i.e., lands between the high and low tide lines or mean high and low water lines) be held by the State of New York in trust for the people, who have certain rights in these lands. When the foreshore is covered by the tides, the public may use the water covering the foreshore and underwater lands for boating, bathing, fishing, recreation and other lawful purposes. When the tide is out, the public may pass over the foreshore as a means of access to reach the water for these purposes, may travel along the foreshore, and may lounge and recline on foreshore lands, provided that such activity does not cause impairment of habitat areas.

State title to the public foreshore and submerged lands, and the power of disposition, is incident and part of its sovereignty which cannot be surrendered, alienated or delegated, except for some public purpose or some reasonable use for the public benefit, and without impairing public rights in the remaining lands and water. Inherent public trust lands are that they support diversified and important ecosystems without which many public rights, including fishing, swimming and the like, would be impossible to enjoy. The public interest demands the preservation and conservation of this vital natural resource against pollution, overuse, destruction and infringement by others, whether public or private.

It is in the public interest that State, Village and other governmental ownership of public trust lands be maintained and when possible recovered from private ownership. Where full public ownership no longer exists, the application of the Public Trust Doctrine requires that any remaining rights of the public to use such lands should be preserved and protected for present or future enjoyment.

Occupation of public trust lands by littoral and riparian owners for purposes of gaining access to navigable waters should be undertaken in a reasonable manner which does not unnecessarily interfere with the public's right of passage upon, and use of the waters overlying such lands, and other public trust purposes. Considerations of public safety, resource protection and the need for access at a given location may be utilized as factors in determining the level and types of access to be provided. Public use of publicly owned foreshore and underwater lands, and lands immediately adjacent to the shore

shall be discouraged only where such use would be inappropriate for reasons of public safety, military security, or the protection of coastal resources.

Physical access to trust lands is often hindered by natural features, development conditions, or land ownership patterns along the shoreline. In some areas, for example, the intertidal portions of trust lands have been eliminated, as has occurred where bulkheads extend into the littoral zone. In areas where intertidal lands remain, access to these lands by the general public may be blocked by the presence of private property along the waterfront. Importantly, the Public Trust Doctrine does not grant the public the right to pass over private property in order to gain access to the trust lands beyond. In some cases where public lands are present on the shorefront, perpendicular access to trust lands is limited by residency restrictions, such as are typically applied to municipally owned parklands. In other areas, lateral access along the public foreshore is obstructed by docks, groins, and similar structures.

Several guidelines have been established by New York State for use in determining if a given proposed action is consistent with the requirements of the Public Trust Doctrine. These guidelines are summarized below.

1. The action should not entail unnecessary obstruction or encroachment by a riparian or littoral land owner to the detriment of the public's right of access over and use of the foreshore and the waters above trust lands. If while reasonably exercising riparian or littoral rights, the public's right of access along the foreshore or other trust lands is obstructed, the property owner should afford a limited easement on the adjacent upland for the public to pass.
2. With the exception of projects undertaken in furtherance of the commerce of the State, riparian and littoral owners are not entitled to any use of public trust lands which is inconsistent with the public right to obtain access for navigation or which unreasonably interferes with other public rights under the Public Trust Doctrine. Furthermore, it is inappropriate for a riparian or littoral owner to occupy public trust lands for a private use that is not dependent on a waterfront location. Uses which do not fulfill this water-dependency criterion include, but are not limited to, residences, bars, and restaurants.
3. Agencies having regulatory and planning jurisdiction over public trust lands should assure that any grants, funding, permits, leases, licenses, or other approval actions involving private use of public trust lands contain conditions and restrictions necessary to protect public rights while enabling the limited purpose of the grant, lease, etc. to be realized. In addition, agencies should, as trustees of public trust lands, endeavor to enforce available statutory and common law remedies for redress of any violation of public trust rights and for the recovery of public access to these lands. Any action which unreasonably and unnecessarily limits or interferes with public trust rights such as commerce, navigation, fishing, and recreation, without having a significant overriding public benefit, shall be deemed inconsistent with the requirements of the Public Trust Doctrine.

4. Filling of the foreshore and other public trust lands may occur only in limited circumstances. These are:
 - To advance public access goals in a manner that does not significantly affect other objectives of this LWRP. Examples include fill necessary for the construction and maintenance of boat launches, public trail-ways and beaches and foreshore areas lost as a result of natural forces.
 - To restore wetlands and other habitat areas which have been destroyed by dredging, other human activities or by natural forces.
 - To construct, maintain and protect projects necessary for the public welfare and to promote the commerce of the State. Examples include filling necessary for the protection of public roadways.
5. Agencies in their actions should not approve any action or project, including a land transaction, until all conflicts are resolved to make the action consistent with the requirements of the Public Trust Doctrine.

(b) Underwater Land Ownership

As discussed above, the lands underwater in the Village of Nyack Waterfront Revitalization Area are primarily owned by the State of New York and held in the public trust. These State-owned bottom lands generally extend seaward of the mean high-water line, which can shift in position over time because of erosion and accretion. Other parcels of former State underwater lands have been conveyed into private ownership (via land grants) or have been authorized for certain private uses (through easements).

The impacts of Sea Level Rise (SLR) must be evaluated and considered in discussion of underwater land ownership. SLR will impact mean high-water levels which, in turn, will impact ownership. With sea level rise estimates exceeding 32" by the end of this century, the legal and physical ramifications for waterfront properties may be significant.

(c) Underwater Land Grants and Leases

The lands underwater in the Village of Nyack Waterfront Revitalization Area are managed by the New York State Office of General Services (OGS). No private party can rightfully encroach onto these lands without proper authorization from the State. Article 6, Section 75 of the Public Lands Law authorizes grants, leases, easements, and lesser interests, including permits, for the use of state-owned land underwater and the cession of jurisdiction thereof consistent with the public interest in the use of state-owned lands underwater for purposes of navigation, commerce, fishing, bathing, and recreation; environmental protection; and access to the navigable waters of the state; with due regard for the need of affected owners of private property to safeguard their property.

Pursuant to Article 6, Section 75 of the Public Lands Law, the OGS Bureau of Land Management oversees the conveyance of interests in State-owned underwater lands and/or former underwater lands (where the latter refers to an area of bottom land that has been artificially filled but for which title remains with the State) to allow the owners of shoreline, upland property the right to utilize and occupy these lands,

mostly for the purpose of accessing navigable waters. The Bureau primarily issues conveyances for the construction of docks and associated marine-related structures on these lands.

Since the early 1800s, several conveyances (primarily grants) have been issued by the State for underwater lands in the LWRP Area. Many of these grants, were issued for the express purpose of either commerce or beneficial enjoyment. Grants issued for commerce, which were generally issued in the early part of the 1800s, were given to shorefront businesses for specific, restricted activities. The specific conditions of the grant, which typically required filling and on-site improvements, were written into the Letter of Patent issued to the grantee and were subject to inspection by the State to ensure compliance with said conditions. If the conditions were not followed, the State had the right to bring action to declare the land grant void and recover ownership per Section 78 of the Public Lands Law. Section 78 states that:

*On or before the tenth day of January in each year the commissioner of general services shall examine the records of all grants of land under water for which patents shall have been issued containing conditions to be complied with within fixed period of time after the issue of such patents and make a list of all such grants containing such conditions of which the periods for performance have expired. It shall thereupon be the duty of the commissioner of general services to cause an investigation to be made without delay for the purpose of ascertaining whether or not compliance with the conditions contained in such grants shall have been had, and he shall report thereon to the attorney-general. It shall be the duty of the attorney-general to begin actions against all such patentees or their successors in interest or assigns for the annulment of all patents the conditions of which shall be found not to have been complied with within the period fixed in such grants for compliance.*⁵

Beneficial enjoyment grants were given to shorefront property owners without restriction, although around 1890, the State began to restrict these grants as well. In either case, the grantee was given full ownership rights to the bottom lands.

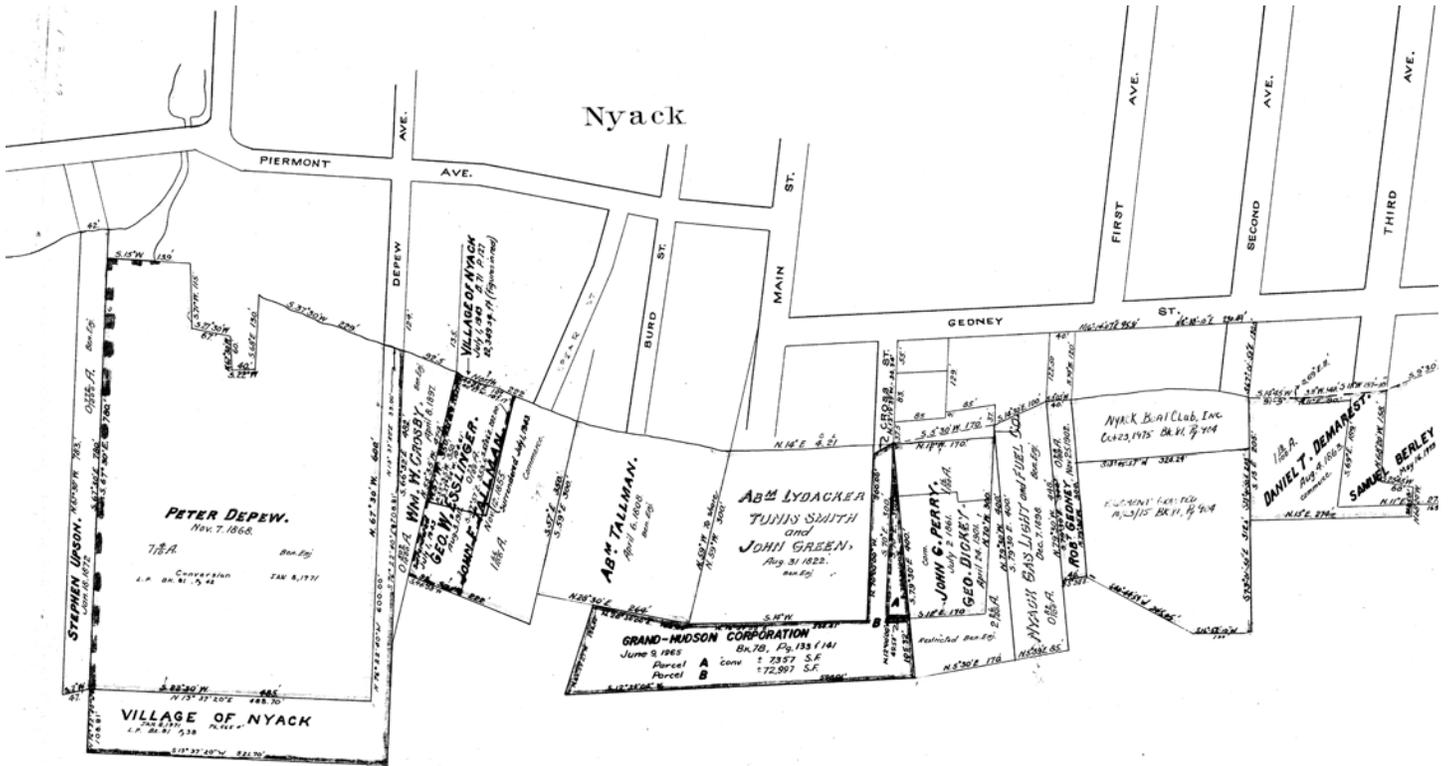
The State OGS records indicate that a total of 21 underwater land grants were issued by the State of New York in the Village of Nyack Waterfront Revitalization Area (See Figure II-13). The most recent underwater land grant was issued in 1975 to the Nyack Boat Club. Any conveyances issued after this date were unspecified on the State Underwater Land.

Currently, it is the State's practice to issue easements for underwater and former underwater lands. The issuance of an easement is a simple process that grants the right to use and occupy the lands but does not convey any ownership interest. The State retains full ownership in these lands. Easements are written for up to 40 years (typically for 10 to 20-year periods), for a specific purpose, and must be renewed. In situations where underwater lands have been extensively filled and developed for private

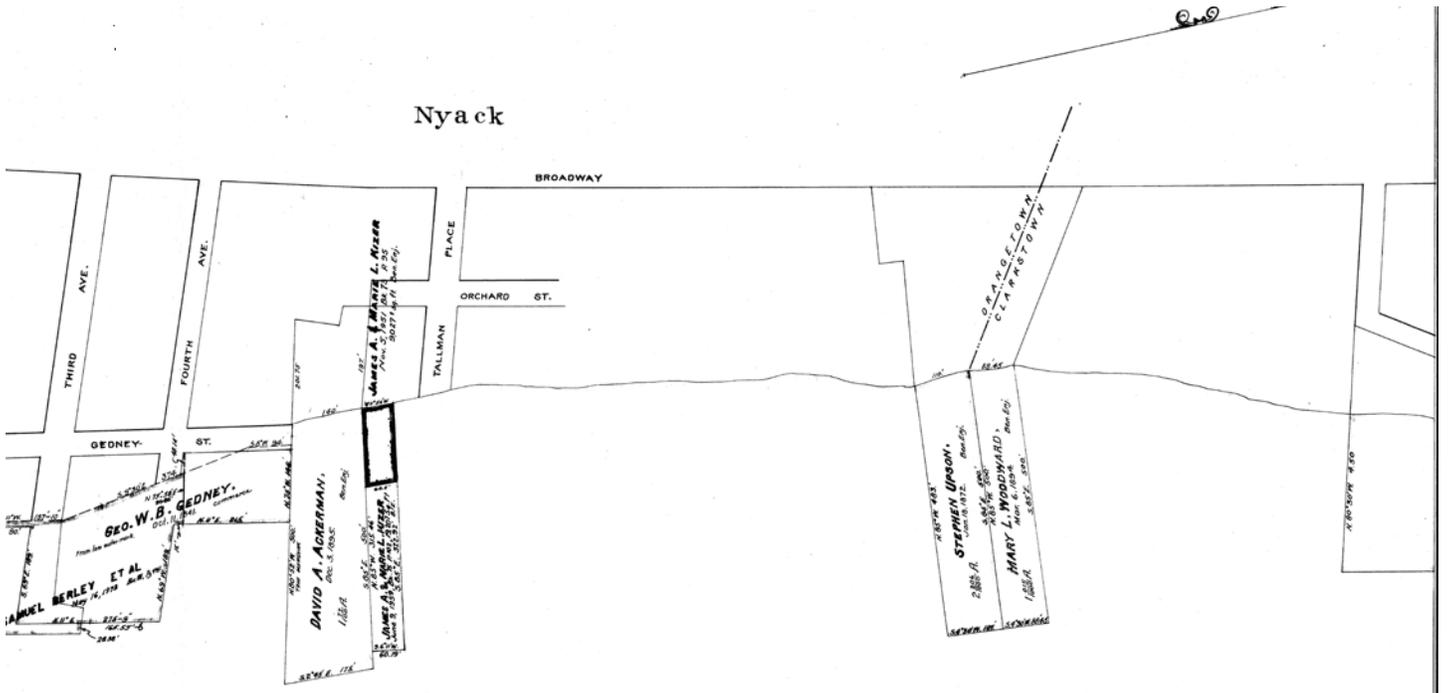
⁵ New York State Code, Public Lands Law, Section 78.

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use, thereby extinguishing the public interest, and/or where buildings have been constructed which create a hardship for the upland owner the State will generally issue a grant to clear title.



H U D S O N R I V E R



H U D S O N R I V E R

Source: Rockland County, BfJ Planning

Figure II-13: Underwater Lands

C. Natural Resources and Habitats

Tidal Wetlands

The National Wetlands Inventory maps the Village of Nyack waterfront as Estuarine/Deepwater wetlands and assigned Attribute code E1UBL6 (Figure II-14). The “E” indicates an ESTUARINE system consisting of deepwater tidal habitats and adjacent tidal wetlands that are usually semi-enclosed by land but have open, partly obstructed, or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity may be periodically increased above that of the open ocean by evaporation. The “1” indicates a SUBTIDAL system; the substrate in these habitats is continuously covered with tidal water (i.e., located below extreme low water). The “UB” is an indication of an UNCONSOLIDATED BOTTOM, with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%. The “L” indicates that tidal salt water continuously covers the substrate; while the “6” shows that the WATER CHEMISTRY is brackish/Oligohaline with salt levels averaging: 0.5-5 ppt.

Significant Natural Communities

The NYSDEC has mapped the Village’s waterfront as a Significant Natural Community indicating that the Nyack waterfront is in the vicinity of one or more animals and/or plants considered to be rare by the State of New York. This NYSDEC Natural Communities data layer includes areas within 1/2 mile of the significant natural communities (Figure II-15). When assessing potential project impacts to natural resources along the Village of Nyack waterfront, the nearby significant natural communities should be considered in the assessment. Natural communities themselves may be very small (such as vernal pools).



Figure II-14: National Wetlands Inventory - Estuarine and Marine Deepwater

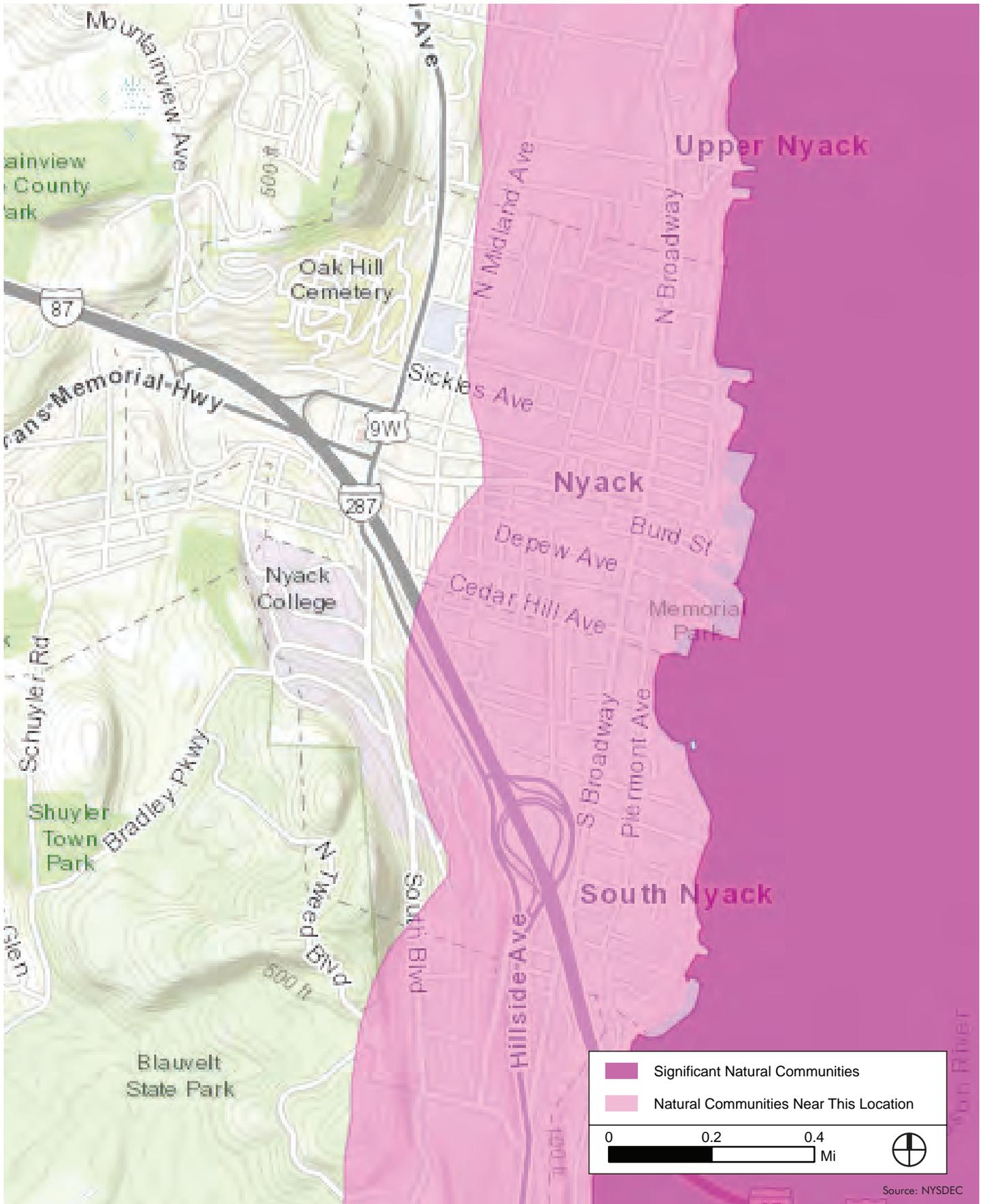


Figure II-15: Significant Natural Communities

Impacts of Climate Change and Sea Level Rise

(a) Existing Flood Hazard

Nyack’s sloping topography and lack of surface waters other than the Hudson River protects most of the village from storm-related flood hazards. The limited parts of the village that are designated as within the 100-year floodplain (estimated to have a 1% annual chance flood hazard) are immediately adjacent to the river. The areas include portions of the Hook Mountain Yacht Club, Rivercrest Apartments, West Shore Towers, Nyack Boat Club, Gedney Street/Main Street site, Clermont Condominiums, Nyack Marina, and Memorial Park. The waterfront parcel with the largest coverage of flood hazard area is the state-owned wetland parcel south of the Nyack Brook, which is almost completely within the hazard area. Other parts of the village are within an area of 0.2% Annual Chance Flood Hazard. These areas are generally a westerly extension of the 1% Annual Flood Hazard Areas located along the waterfront, except for an area southwest of I-87. This area contains Nyack Middle School, Nyack College, and the homes between I-87 and the wooded parkland (this area is outside of the LWRP boundary).

(b) Sea Level Rise Projections

In February 2017, New York State Department of Environmental Conservation adopted official sea-level rise projections. These projections are available for the New York City/Lower Hudson Region in five different levels for time intervals ranging from 2020 to 2100. The five projection levels represent an estimated range of potential sea level rise, and are classified as low, low-medium, medium, high-medium, and high. For the purposes of this LWRP, the year 2050 will be used to analyze Nyack’s vulnerability.

| Time Interval | Sea-Level Rise Projections for New York City/Lower Hudson Region - Inches | | | | |
|---------------|---|------------|--------|-------------|------|
| | Low | Low-Medium | Medium | High-Medium | High |
| 2020s | 2 | 4 | 6 | 8 | 10 |
| 2050s | 8 | 11 | 16 | 21 | 30 |
| 2080s | 13 | 18 | 29 | 39 | 58 |
| 2100 | 15 | 22 | 36 | 50 | 75 |

Source: New York State

Scenic Hudson, an environmental advocacy nonprofit, produced sea level rise projection maps for the Hudson River. When combined with the projections from New York State, these maps show the probable impacts that sea level rise will have on the Nyack waterfront (Figure II-16).

Nyack’s topography protects most of the village from an encroaching floodplain or inundation even under the highest projection of 30 inches by 2050. A low-medium projection (rounded to a 12-inch rise for the Scenic Hudson map) shows the 100-year floodplain creeping inland to cover most of the Rivercrest co-op property, and half of the West Shore Towers property. Further south, the 100-year floodplain would further cover the dry storage at the Nyack Boat Club, approximately one-third of the Gedney Street/Main Street site, half of the Clermont Apartments, most of the water-adjacent Nyack Marina (all of the waterfront restaurant, boat launch, and boat launch parking), and approximately half of Memorial Park. The NYS wetland parcel would become inundated by water due to its low-lying

topography, as would the easternmost part of the Nyack Marina, waterfront restaurant, and boat launch.

The mid-high projection of 21 inches (rounded to 24 inches for the Scenic Hudson map) shows the 100-year floodplain moving further inland. The floodplain would cover approximately 75% of the Rivercrest co-op property, half of the West Shore Towers property, and move slightly further inland at the Nyack Boat Club and Gedney Street/Main Street site. The two central Clermont Condominium buildings (the two western-most buildings are mostly unaffected, and the easternmost building is shown to be beyond the high tide line), the water-adjacent parts of Nyack Marina, and lower Memorial Park would be almost fully covered by the floodplain. The NYS Wetland parcel is shown completely inundated with water, and the Nyack Marina and Clermont Condominiums suffer further inundation. The boat launch of the Nyack Marina would be fully inundated, as would half of the parking leading to it, the two central Clermont Condominium buildings are slightly inundated around their edges, and the Rivercrest co-op has a slight inundation in the southeastern portion of its site.

The highest 30-inch rise projection shows a slight continuation of the floodplain moving inland. The Rivercrest co-op is slightly more inundated along the south-eastern portion of the property. The Clermont Condominiums are further inundated, with the three waterfront buildings most affected. The Nyack Marina and boat launch are almost 75 percent inundated, and the waterfront parking areas of Memorial Park are inundated as well.

According to the Scenic Hudson Sea Level Rise Mapper, the area at risk of coastal flooding in Nyack could increase by approximately one acre by the 2080s. However, due to the Village’s topography, these projections indicate that the number of households in Nyack impacted by sea level rise will remain relatively constant—the residential properties that are currently subject to flooding are projected to be the same properties impacted in the future (Table II-3). This is not an indication that sea level rise is an issue to be ignored in Nyack. Rather, it may be that flood events are more frequent or more extreme in the future. Therefore, vulnerable residential properties on the waterfront—including those that were impacted by recent events such as Superstorm Sandy—may need to seek adaptation strategies to protect their residents in the future. Further, public assets such as Memorial Park, the Nyack Marina, and Spear Street Pump Station could also be impacted by sea level rise projections. The Village and other public agencies propose to explore adaptation strategies to protect these public assets (See Section IV).

Table II-3: Village of Nyack--Increased Risk of Permanent Inundation and Coastal Flooding due to Sea Level Rise

| | | | |
|---|------------|----------------|------------|
| 1% Flood | | | |
| Currently at risk of coastal flooding | 9.07 acres | 113 households | 165 people |
| If sea level rises by 6" [2020s medium projection] | | | |
| At risk of permanent inundation | 2.16 acres | 20 households | 32 people |
| At risk of coastal flooding | 8.01 acres | 106 households | 151 people |

If sea level rises by 18" [2050s medium projection]

| | | | |
|---------------------------------------|------------|----------------|------------|
| At risk of permanent inundation | 3.15 acres | 27 households | 42 people |
| At risk of increased coastal flooding | 9.44 acres | 120 households | 169 people |

If sea level rises by 30" [2080s medium projection]

| | | | |
|---------------------------------------|------------|----------------|------------|
| At risk of permanent inundation | 4.68 acres | 44 households | 69 people |
| At risk of increased coastal flooding | 9.91 acres | 120 households | 169 people |

Source: Scenic Hudson Sea Level Rise Mapper

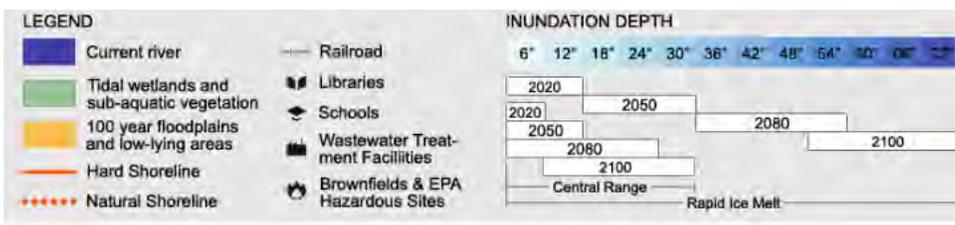
(c) Vulnerable Assets

Much of the village will not be affected by a change in the 100-year floodplain and coastal inundation. Using the highest projection of 30 inches by 2050, only one small part of Gedney Street and the Riverview co-op parking lot is within the floodplain; every other part of the village west of Gedney Street and Piermont Avenue are not affected by inundation or an expanded floodplain. Portions of the Village, including the waterfront and Downtown could, however, be affected by other severe weather events that are a result of climate change. Parts of the waterfront that were further from the 100-year floodplain could now be adjacent to it.

Although most of the village would have a high enough elevation to be protected from sea level rise, the waterfront residential towers are very vulnerable. Using the highest projections, the Riverfront co-op risks having a small portion of the parking area inundated, but most of the site would be within the 100-year floodplain. The West Shore Towers would be slightly inundated on its waterfront edge, whereas the Gedney Street/Main Street site would have small amounts of inundation on the waterfront edge but slightly more inland. Both sites would be approximately halfway into the floodplain. All lower Memorial Park (the area below the Veterans memorial, approximately 75% of the site) would be covered by the floodplain, and the waterfront portions would be inundated. The most vulnerable parcels on the waterfront are the Clermont Condominiums and the Nyack Marina. In the worst-case scenario for 2050, the Clermont Condominiums risk having half of their site inundated with water and the Nyack Marina boat ramp would be underwater, as would a small portion of the parking area and waterfront restaurant.

(d) Project adaptation

These waterfront assets will have to adapt to sea level rise to be protected from a growing floodplain and potential inundation in limited cases. The Village and private property owners who could be impacted should explore strategies that will promote resiliency for these structures. The waterfront can be protected through long and short-term strategies. Short-term resiliency could come from the existing design, or through improvements that would keep the rising water from backing up into sewers, storm water outfalls, and homes. Long-term resiliency could involve design changes at the shoreline to protect assets. The Village and private land owners should protect waterfront assets soon, while always being cognizant of the long-term changes that could come to Nyack and the Hudson River.



| | Region | New York City/Lower Hudson | | | | |
|---------------|--------|----------------------------|-----|------------|--------|-------------|
| | | Descriptor | Low | Low-Medium | Medium | High-Medium |
| Time Interval | 2020s | 2 | 4 | 6 | 8 | 10 |
| | 2050s | 8 | 11 | 16 | 21 | 30 |
| | 2080s | 13 | 18 | 29 | 39 | 58 |
| | 2100 | 15 | 22 | 36 | 50 | 75 |

Source: Scenic Hudson: Sea Level Rise (SLR) Mapper. Mapper combines data and analysis from NYS DEC, US EPA, US Census Bureau, Dr. Roger Flood (SUNY Stony Brook) and FEMA

Figure II-16: Sea Level Rise Projections

Geology

(a) Topography

The Nyack LWRP Area is located just northeast of the Palisades Ridge, which runs along the Hudson River linking High Tor and Hook Mountain State Parks, before turning and heading south to the southernmost tip of Rockland County at Palisades Interstate Park. Overall, elevations throughout the Village slope upward from the Hudson River shoreline to a high of about 550 feet at the northwestern portion of Nyack.

There are particularly steep areas near the waterfront within Memorial Park and east of Gedney Street from Main Street to Fourth Avenue, and the northern section of the waterfront is very steep right at the water's edge in the backyards of residential homes north of Ackerman Place. The east-west streets that meet Gedney Street are also quite steep, especially Ackerman Place. Near the downtown, there is a steep slope that falls from Catherine Street east of Midland Avenue, channeling the Nyack Brook parallel to Main Street. In the southwestern portion of the Village, there are significantly steep slopes west of I-87/I-287.

Some of the steepest roadways in the Village are the east-west streets in the northern section of Nyack fifth and Sixth Avenues from Hart Place to Central Avenue, and Tallman Avenue as it approaches Grand Avenue to the west. Farther west, there are several steep ridges within Oak Hill Cemetery that continue to the southwest within the Tappan Zee Manor and Warren Hills Apartments parcels.

(b) Bedrock

The Village is entirely underlain by rocks of the late Triassic age Newark Group, which here consists of the Palisade Diabase, and the Brunswick and Stockton Formations. The Stockton Formation is the oldest of the three and underlies a narrow strip along the riverfront. It consists of conglomerate, mudstone and arkose, a poorly sorted, feldspar-rich sandstone. This formation contains other minerals such as quartz, mica and kaolin. There are no known fossil outcrops on localities in this or the Brunswick Formation. Much of Nyack is underlain by the lower member of Brunswick formation, which is like the lithology of the Stockton Formation, and consists of mudstone, siltstone and arkose. No fossils have been found in the Village, but dinosaur tracks were discovered in this formation in Blauvelt. This formation dips gently (10 to 15 degrees) to the west.

West of Highland Avenue, the Palisades Diabase forms the bedrock. This igneous rock is the younger of the three formations in the Village. It is rich in plagioclase, feldspar, pyroxene, olivine and other ferromagnesian minerals including chlorite, which adds a greenish color to the rock. The Palisades Diabase exhibits columnar jointing. It forms the palisades Ridge, since diabase is much harder and less erodible than the adjacent formation. An inactive fault is believed to cross this formation in the vicinity of Thruway Interchange 11.

(c) Surficial

The topography in the study area prior to the Peistocene glaciation was like that of today — a terraced lowland adjacent to the preglacial Hudson River, bounded on the west by the Palisades Ridge. Glacial deposits within the Village are principally from the Late Wisconsinian or Woodfordian stage, towards

the end of the Pleistocene era. The Woodfordian ice sheet reached its maximum advance roughly 28,000 years ago. As the ice sheet slowly retreated, it deposited a layer of till throughout the study area. Much of this till is currently found between the ridge and the river. Till is a non-stratified mass of unsorted rock debris which exhibits poor sorting. The till present in Nyack consists of boulders, pebbles and gravel in a sand and silt matrix, and is very compact. In general, the till thickness increases from ridge to the river.

(d) Soils and Erosion

The soils of Nyack are described in detail in the Rockland County Soil Survey/U.S. Department of Agriculture, 1964 & 1985). There are three major types of soils within the Village. Two are derived from glacial till which was principally derived from underlying local bedrock. The other "soil" is composed of man-made fill and urbanized land, which obscures the identity of the underlying natural soils.

The most abundant soils in the Village are of the Whethersfield Series. These soils were formed from glacial till derived from the red sandstones, shales and conglomerates of the Brunswick formation. The Whetherfield soils are very deep, well drained and occur on uplands. Slopes are gentle to steep. High water tables (1.5 to 7.5 feet below surface) occur from February to April. Moderate to severe restriction on excavation, buildings and landscaping occur, with these soils, dependent upon slope. The Whetherfield Series occurs throughout most of the Village, except for the extreme northwest areas and in the vicinity of Exit 11 of the New York State Thruway and are generally coincident with the extent of the Brunswick and Stockton rock formations.

The other natural soil group in the Village is the Holyoke Series. This shallow, well to excessively drained soil was formed from acidic glacial till derived from the red conglomerates sandstones and shales plus basalt. It is characterized by thinness, steep slopes and ease of erodibility. It occurs in the Village coincident with the underlying Palisades disbase and has been developed upon only in the vicinity of Gail Drive.

Between Gail Drive, Mountainview Avenue, Depew Avenue, Polhemus Street and the cemetery is an area of urbanized land, where the natural soil has been extensively modified through construction and cut and fill, and any natural limitations have been reduced.

Hydrology

(a) Drainage

Much of the LWRP Area lies within the Hudson River drainage basin. Small areas of the Village near Pine Street and Depew Avenue are drained by tributaries of the Hackensack River. Because of the strong influence of the bedrock upon topography, most drainage in the Village flows either easterly to the Hudson, which flows to the south, or westerly to the Hackensack, which also flows to the south.

While there may be numerous minor drainage ways, culverts and ditches in the Village, the only stream of any significance is the Nyack Brook. The brook headwaters are in the diabase of the Palisades Ridge, in the vicinity of Exit 11 of the New York State Thruway. Nyack Brook drained a pond in the vicinity of High and Polhemus Streets before the Thruway was built. The brook then flows east-southeasterly,

paralleling Main Street, turning south at Franklin Street and then flowing east-southeasterly again at Railroad Avenue, emptying into the Hudson on the south side of Memorial Park. Much of the brook was channelized or put into underground culverts along its course, as the Village became more urbanized.

The Hudson River at Nyack has a mean elevation of near zero (sea level). Since the river is influenced by tides, its actual elevation fluctuates daily, with a nominal range of about 3.7 feet. During the winter, the tidal process affects ice flows which can form between the shoreline and the shipping channel which is about one mile off shore to the east. With fluctuating water levels, ice flows can exert shearing and uplifting pressures on docks, piles and other structures which can be damaged if not properly protected.

River discharge measurements are taken at the United States Geological Survey (USGS) gauging station at Green Island, near Troy. The long-term freshwater flow at this gauging station averages about 13,200 cubic feet per second (cfs). Long term flows in the river at Wappinger Creek in Dutchess County are estimated to be at 18,600 cfs.

The salt front (upstream limit of the Atlantic Ocean salt intrusion) is upstream of Nyack and is pushed south only during periods of high freshwater flow. The presence of the salt in the water, combined with the river's width in the Tappan Zee area results in active silt deposition, resulting in a muddy appearance of the water and poor underwater visibility.

(b) Flood protection

The Federal Emergency Management Agency has developed a flood insurance study and maps of the Village of Nyack that indicate flood events of a magnitude which are expected to be equaled or exceeded once during a 100 – or 500 – year period (Figure II-17). The maps also show base flood elevation lines which indicate anticipated water surface elevations during a 100-year flood. Local planning requires that developments must be either be built above the base flood elevations or contain flood protection devices to that height.

In Nyack, the 100-year flood boundary lies close to the shoreline of the Hudson River (Figure II-17). Notable locations of the 100-year flood boundary are the riverfront of the Clermont condominiums, the Village Marina and the eastern portion of the parking lot, and the eastern edge of Memorial Park. Further south along the mouth of Nyack Brook is an additional area of 100-year floodplain.

The 500-year boundary is generally a small area inland of the 100-year floodplain, however a much larger area is located south and west of Depew and South Highland Avenues. The largest area of the 500-year floodplain along the Hudson River is located at the Clermont Condominiums at the foot of Main Street, the parking lot at the Nyack Marina, and the eastern part of Memorial Park.

The vast majority of the LWRP Area is located outside of any flood zones. Base flood elevations on the Hudson River are approximately 8 feet throughout the study area.

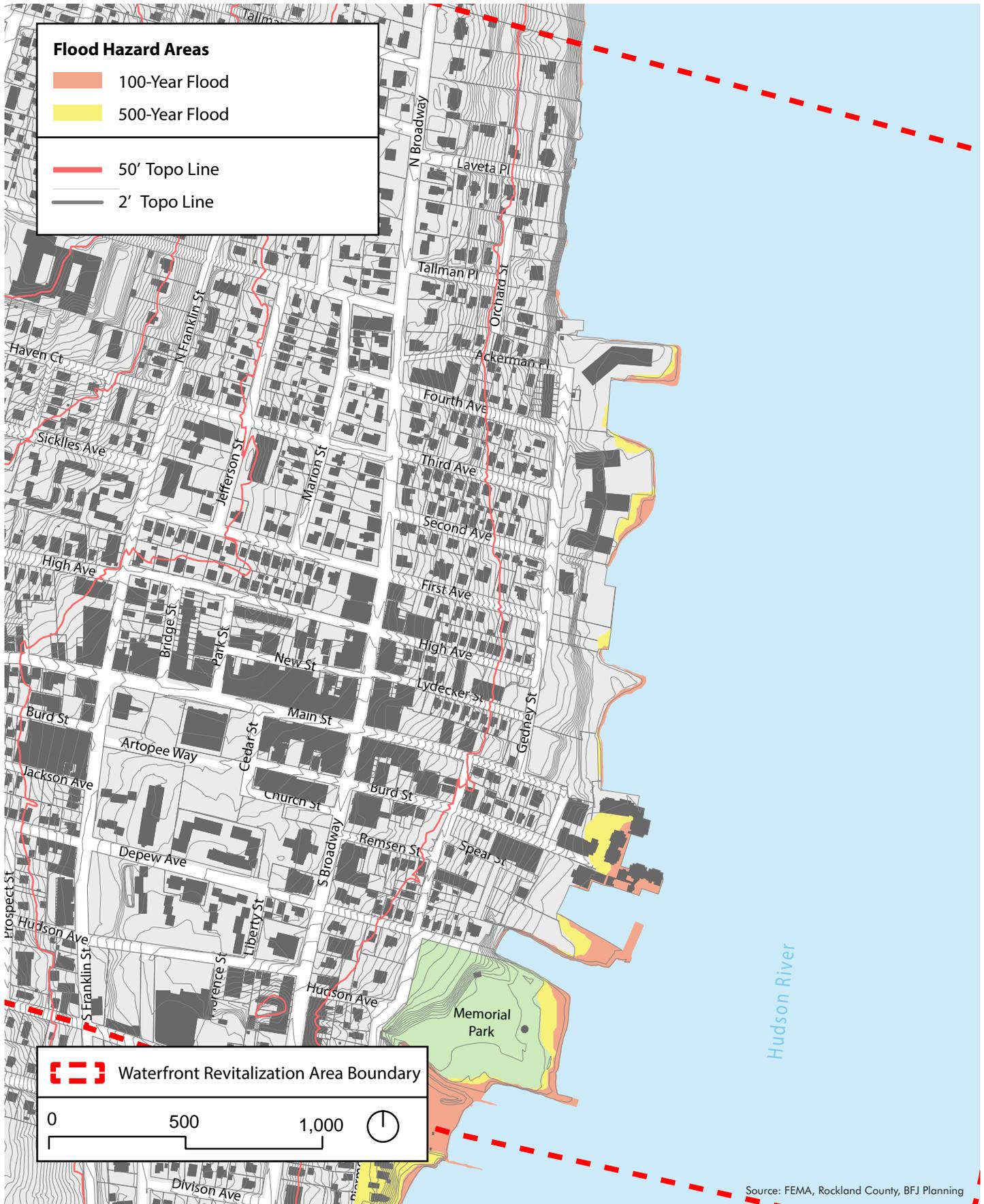


Figure II-17: Nyack Floodplains

(c) Water quality classifications and use standards

a. Water Quality Classification

The New York State Department of Environmental Conservation has classified the waters of the Hudson River in the vicinity of the Village of Nyack as SC-C. This classification was retrieved from the New York State Department of Environmental Conservation Environmental Resource Mapper on October 9, 2017.

The “SC” classification applies to saline surface waters, while the “C” classification applies to fresh surface waters. In both cases the classification is defined as waters with a best usage of fishing. These waters are suitable for fish, shellfish and wildlife propagation and survival. The water quality is suitable for primary and secondary contact recreation; however, other factors may limit the use for these purposes. (6 CRR-NY 701.12 and 6 CRR-NY 701.8) (Figure II-18).

b. Sample Collection

The NY Riverkeeper regularly collects samples from the waters at the Nyack Boat Ramp. Table II-1 in Appendix II lists the results of the samples collected June 16, 2008 through June 12, 2017.

River-water samples are generally collected from a water depth of about 30 cm (11.8 inches) below the surface of the river. The sample water is continuously pumped past an array of sensors that record temperature, salinity, and turbidity, as well as the oxygen and chlorophyll concentrations.

Enterococcus is an EPA-approved fecal contamination indicator. The indicated samples were collected by Riverkeeper, Lamont-Doherty Earth Observatory and CUNY Queens College staff, and processed on the Riverkeeper vessel, in accordance with the 2014 Quality Assurance Project Plan. Water Quality scoring is based on the 2012 Recreational Water Quality Criteria from the US Environmental Protection Agency (EPA) for safe swimming. Enterococcus levels of 0–60 per 100mL are classified as acceptable, while levels of 61+ per 100 mL warrant a Beach Advisory.

c. Causative Factors

Water Temperature

The activities and metabolic rates of many organisms in the river, from bacteria to fish, are closely connected to water temperature; making water temperature one of the most basic and important things measured during water sampling.

In general, water temperature in the river changes seasonally, warming through the summer and then cooling as winter approaches. However, surface water temperature can change on small scales in the river. For example, because deeper waters are generally cooler than surface waters, surface temperature can fall if deeper waters are mixed up to the surface. Furthermore, effluents from industrial facilities, power plants, and sewage treatment plants are often a different temperature than the rest of the river.

Salinity

Estuaries like the Hudson are where freshwaters originating upstate meet the salt waters of the Atlantic Ocean. Salinity indicates the relative contribution of fresh and salt water within a region of the estuary. Salinity generally increases towards the mouth of the estuary, although salinity at any location can change with the tide. Heavy rains will push freshwater further down the estuary, while dry weather will

allow salty water to penetrate further north. Many aquatic organisms have a preferred range of salinities where they can best survive. Salinity is measured in parts per thousand (ppt); ocean salinity is about 34 ppt and the freshwaters of the upper Hudson River are close to 0 ppt.

Turbidity

Turbidity is a measure of the number of fine particles suspended in the water. As turbidity rises, light penetration, a key factor for aquatic plants and algae, diminishes. Particles can be the sites of intense microbial activity and can play a role in the transport of contaminants. In addition, areas of heavy runoff and erosion often have high particle concentration. In general, turbidity in the Hudson River increases in the lower estuary, reaches a maximum around upper Manhattan, and then falls as one goes further south.

Oxygen

Oxygen concentrations in the water are closely connected to biological activities. When aquatic plants photosynthesize, they release oxygen into the water. Meanwhile, bacteria and other organisms use up oxygen in their metabolic activities. Higher animals, such as fish and shellfish, need well-oxygenated water to survive. The absolute amount of oxygen that can be dissolved in water is dependent on the temperature and salinity. Oxygen concentrations are recorded at different locations as the % concentration relative to full saturation. In aquatic systems in general, surface waters are typically in equilibrium with the atmosphere such that the oxygen concentration near the surface is close to fully saturated (100%). Because of intense microbial activity, oxygen concentrations in the surface waters of the Hudson are highly variable. In some areas, surface oxygen concentrations are too low to support fish or other higher animals (much less than 100%). In other locations, the surface waters are supersaturated (more than 100%) because of high photosynthesis from algal blooms.

Chlorophyll

Chlorophyll is the green pigment that plants use for photosynthesis. Just like plants on land, microscopic algae in the water also contain chlorophyll. Thus, the chlorophyll concentration is a measure of the number of microscopic algae present in the water. These algae are food for larger organisms and produce oxygen that many other organisms need to survive. Water with no suspended chlorophyll will read zero. Much of the open waters of the river read about 1- 2 units, and in areas with intense algal blooms the reading could exceed 20.

Pollutants

Sewage is one of the pollutants found in the Hudson River Estuary. Other pollutants include PCBs, radioactive contaminants such as tritium and strontium-90, nutrients such as nitrogen and phosphorus, heavy metals and a variety of toxins. Some of the toxins in the Hudson come from wastewater treatment plants, which also treat water from industrial facilities and factories in river communities. Other toxins come from bodies and homes, via wastewater. These are the byproducts of the medicines, beauty care products, household cleaners, disinfectants, insecticides and other products, many of which are not efficiently removed with current wastewater treatment technology and therefore end up in the river.

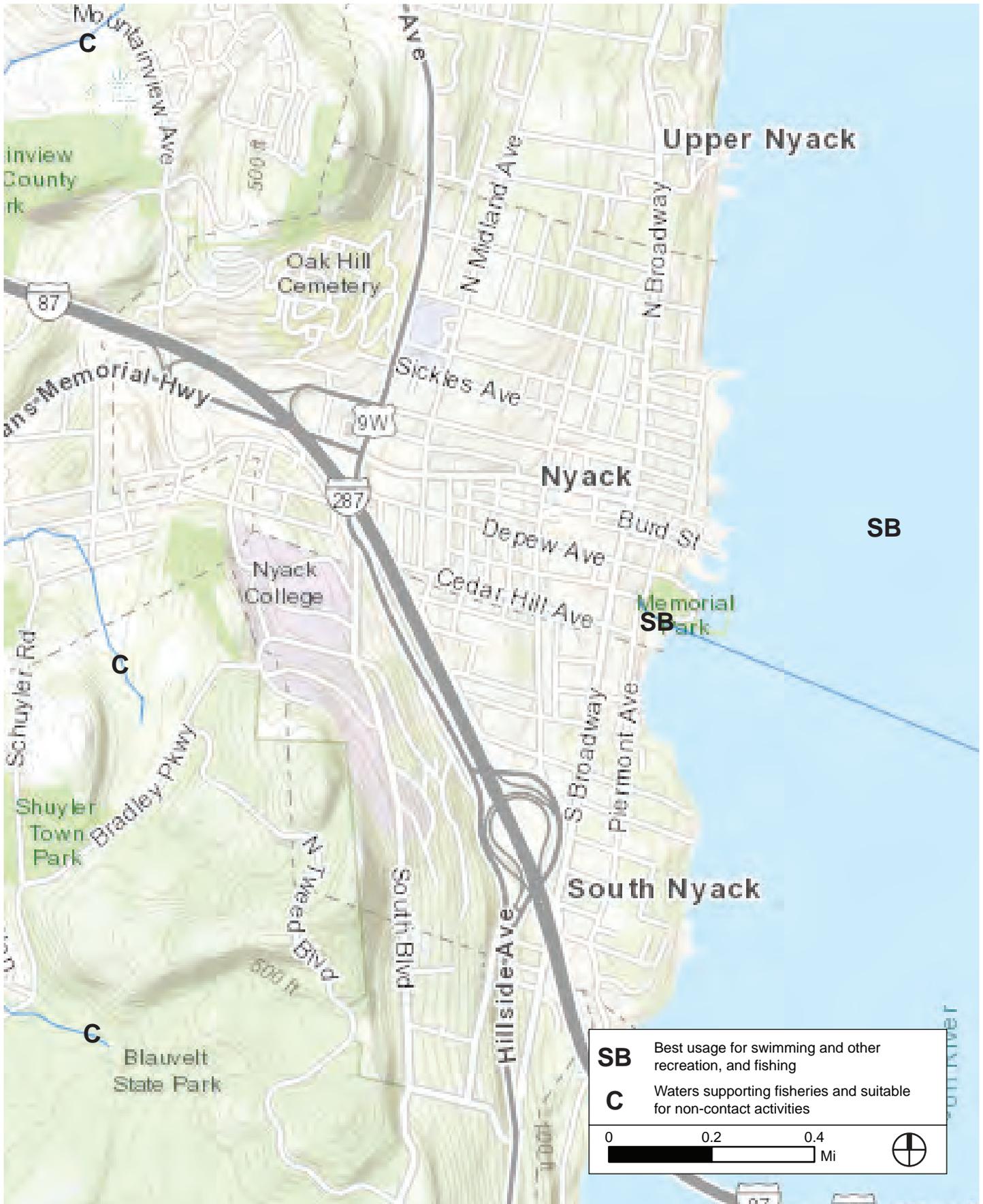


Figure II-18: Water Classification

(d) Sewage treatment

Until 1974, sewage in Nyack was treated at the Village sewage treatment plant at the current site of the Nyack Marina, south of Spear and Burd Streets, with the treated waters then released into the Hudson. The Town of Orangetown now pumps this sewage from this location through the Palisades Ridge at Piermont to the treatment facilities in Sparkill, as part of the Town's sewer district.

The Village system also collects sewage from Upper Nyack and South Nyack. The pumping station and transmission pipes are owned by Orangetown, as is the treatment plant on the Sparkill Creek near Orangeburg. The plant's capacity is 8.5 million gallons per day (mgd) and 2.2 mgd is pumped from Nyack, South Nyack, Upper Nyack and Grandview. Illegal storm sewer hook ups and other inflows to the Village's sanitary system have created pumping and overflow problems at the pumping station and treatment plant resulting in raw effluent discharge into the Hudson River and the Sparkill Creek, which flows into the Hudson in Piermont.

(e) Toxic waste

The New York State Department of Environmental Conservation has no knowledge of any active or inactive hazardous waste disposal sites within the Village of Nyack. However, three sites in the Town of Clarkstown are in proximity to the Village water supply intake on the Hackensack River. To the east and northeast of the intake, and situated between NY Routes 59, 303 and the New York State Thruway are privately owned Dexter landfill and the closed Nyack municipal landfill. Within several hundred feet south of the intake is the Orange and Rockland Utilities landfill.

Of concern are the Dexter and Orange and Rockland landfills because of their proximity to the intake. Incinerator residues have been found in the 11-acre Dexter landfill, and other illegally dumped waste are suspected to be present. The Orange and Rockland landfill is the disposal site of old electric transformers and many of these transformers contain the hazardous chemical polychlorinated biphenyls (PCBs). Leachate from this landfill could seriously affect the water quality of the Hackensack River, which is a major source of water for much of Rockland County and Bergen County, New Jersey, in addition to Nyack. Both the Dexter and Orange and Rockland landfills are currently inactive in terms of disposal of hazardous waste but are still actively used for non-hazardous waste disposal.

(f) Drinking water and groundwater

Groundwater is found in bedrock and glacial deposits within the Village. The groundwater flows downslope from high elevation sources towards the Hudson River. The bedrock formations and the till generally display low permeability and low porosity, although the till is the most variable in these characteristics. Springs are a likely occurrence along the exposed rock faces of the Palisades Ridge. Groundwater has not been developed for drinking in Nyack, although it has been in Upper Nyack.

Nyack obtains its drinking water from an intake on the Hackensack River in Clarkstown, south of DeForest Lake. The water is chlorinated, aerated and cleaned in the treatment plant at the intake location. The water is then pumped to a 2.5-million-gallon reservoir on Dickinson Avenue and a supplemental 100,000-gallon tank on the Nyack College campus in South Nyack, from which it is then fed into the Village's distribution system. Water usage in the Village ranges from 1.8 to 2 mgd

respectively. The treatment plant has a capacity of 6mgd. The Village's system is in fair shape overall, although some distribution pipes are over 100 years old or are of inadequate size.

Habitats and Wetlands

Significant Coastal Fish and Wildlife Habitats, as designated by NYSDEC, are created to evaluate the significance of coastal fish and wildlife habitat areas. This section will be based on a habitat map and narrative record of the basis for the significant coastal fish and wildlife habitat's designation.

Critical Environmental Areas (CEAs) are designated by NYSDEC based on exceptional or unique character with respect to either a benefit/threat to human health, a natural setting, agricultural, social, cultural, historic, archaeological, recreational or educational values or an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change. There are no CEAs in the Nyack Waterfront Revitalization Area or in proximity.

(a) Significant Coastal Fish and Wildlife Habitats

New York has designated Significant Coastal Fish and Wildlife Habitats in the Hudson River coastal zone, but none have been designated within the Nyack coastal area boundary. Although there are no designated Significant Coastal Fish and Wildlife Habitats within Nyack's waterfront revitalization area, the area does provide essential fish habitat. Historically, among the fish that swarm off this part of Rockland County and the lower Hudson have been sea sturgeon, stripers, yellow perch, white perch, shad, herring, largemouth bass, carp, tomcod, sunfish, needlefish, golden shiners and darkers. Shellfish and crustaceans such as blue claw crab can also be found off Nyack's waterfront. In addition, anadromous species pass the area during spawning migration and as pelagic larvae and/or weak swimming juveniles.

(b) Wetlands

Wetlands act as natural storage basins for floodwaters and aid in groundwater recharge. In addition, wetlands provide habitat for many types of wildlife and contribute to natural and scenic beauty. There are three levels of wetland protection: national, state and municipal. The U.S. Army Corps of Engineers is responsible for regulating national wetlands, and issues permits for regulated activities under Section 404 of the Clean Water Act, which regulates the disposal of dredged or fill material into waters of the United States. The Hudson River falls into this category. At a State level, wetlands over 12.4 acres in size are mapped and regulated by the NYSDEC; no such wetlands are found within the waterfront revitalization area boundary.

At a local level, in Section 360-4.4 of the zoning ordinance, the Village prohibits construction (including introduction of impervious surfaces, roads, utility and other infrastructure) within 50 feet of the upland boundary of a freshwater or tidal wetland. Wetland boundaries and the 50-foot setback are required to be identified on plats as "conservation areas," with notes provided on plats and deeds that prohibit accessory structures and uses in those areas.

Air Quality

The New York State DEC follows the federal Environmental Protection Agency (EPA) quality standards for ambient air. Areas where the ambient concentration of a pollutant is greater than the standard for each major category of pollutant (total suspended particulates, carbon monoxide, Sulphur dioxide, oxides of nitrogen, ozone and lead particles) are considered to be in non-attainment for that pollutant; and areas where ambient concentrations are less than standard are considered in attainment.

When considering the siting of a new facility or modification of an existing facility, the status of air quality at the facility and the magnitude of the projected annual emissions of criteria pollutants must be evaluated as part of the SEQRA environmental review process. The Village has been proactive in these efforts by focusing on climate smart strategies, green infrastructure and support for biking and pedestrian enhancements in the Village.

The Village has taken several steps since Superstorm Sandy to increase resilience and begin preparing for the impacts of climate change. The steps include forming the Green Infrastructure Roundtable, a periodic event held by the Green Infrastructure Committee to educate residents about stormwater management best practices. In 2014, the Village adopted a section of the zoning code on Sustainability to incorporate green infrastructure and building practices in the design, construction, and maintenance of buildings and sites (Section 360-4.14). The Nyack Comprehensive Plan, adopted in 2016, includes information about sea level rise and future impacts, using projections from Scenic Hudson.

In August 2018, the Village of Nyack in partnership with the Nyack School District and the river villages of South Nyack and Upper Nyack completed a Greater Nyack Pedestrian/Bicycling Master Plan. This effort was funded by a \$120,000 grant from the New York State Thruway Authority's New NY Bridge Community Fund. The Plan provides a road map for safety and mobility improvements for the Nyack river villages and the entire Nyack school district. A comprehensive package of recommendations has been created to encourage the community to bicycle and walk more for transportation, recreation, exercise, and overall quality of life. New bike paths have been developed along Franklin Avenue linking the Governor Mario M. Cuomo Bridge and the Nyack downtown and planning is underway to develop new bike paths throughout the communities. The communities have joined together to develop an ongoing implementation of the plan's recommendations using short-term demonstration and pilot projects. The communities have adopted complete streets policies and are working to adopt a lower 25 mph speed limit on local streets.

The Village of Nyack was awarded a Safe Routes to Schools project in 2019. The Project will construct a new sidewalk system including ADA-compliant ramps, curbing, crosswalk striping, LED flashing pedestrian signs and shade trees on streets in the densely population southwestern section of the Village. It will include a new pedestrian and biking route to the Nyack Middle School not served by school busing. The project will also provide connections for pedestrians and cyclists to the Village's two major east-west thoroughfares. The Project is being federally funded with a \$4.3 million grant from the Transportation Alternatives Program (TAP) provided via NYSDOT Region 8 with the Village of Nyack as sponsor. Village has provided an RFQ for design and engineering consultants for selection in early 2020.

At a special press event held in Memorial Park during Earth Week 2019, NYS DEC awarded Nyack a bronze certification in New York State's Climate Smart Communities program. The certification recognized Nyack as a model for its green initiatives, becoming the first community in Rockland County to achieve certification. NYSERDA also recognized the Village as a Clean Energy Community. The Village is committed to sustainable practices, lowering its greenhouse gas emissions through energy efficiency and alternative energy. The Village is sharing its experience and initiatives, including programs such as bulk energy purchasing with the adjacent riverfront communities. Nyack has integrated these practices into the way that it does business and in its planning processes.

Village of Nyack
Local Waterfront Revitalization Program

Section III Local Waterfront Revitalization Policies

Development Policies

Policy 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Explanation of Policy

This policy has implications in the southern portion of the Village of Nyack waterfront, south of First Avenue and is complemented by Policy 2, which explains the conditions under which priority will be given to water-dependent uses.

The southern portion of the Village's waterfront includes diverse land uses, and very few vacant or underutilized sites. This area is the traditional center of waterfront commercial and recreational activity. Since development of multifamily residential buildings on the water's edge, this area has transitioned from its historical use as a working waterfront to a recreational and residential area. The intent of this policy is to encourage revitalization while maintaining a balance between the various uses which compete for limited space near the water.

The two vacant sites on the southern portion of the waterfront are the Gedney Street/Main Street Site and the New York State-owned parcel south of Memorial Park. The Gedney Street/Main Street Site is a brownfield site that is currently undergoing environmental remediation, a process which is consistent with the objectives of this policy because remediation will allow for the possibility of future redevelopment. A resolution to approve the special permit application for this project was adopted by the Village Board of Trustees on September 28, 2017. Residential development on this site, in accordance with special permit provisions which require public waterfront access and compliance with design guidelines, is in accordance with the objectives of this policy because such development is necessary to facilitate creation of new water dependent and water enhanced uses. Future redevelopment on this site must comply with the Village's established View Corridor Protections and WF District zoning regulations, including provision of a public waterfront walkway (pursuant to a special permit).

The New York State-owned parcel is currently not accessible from the public right-of-way. However, there may be the potential for wetland and/or habitat restoration, described in greater detail in Section IV. This is one of the few remaining vacant parcels on the waterfront. However, it is not appropriate for development due to its lack of access and possible contamination. Based on the site's former use as a boatyard and unknown fill make it likely that the site is contaminated. However, the database entry does not list any specific contaminants of concern. If cleaned of environmental hazards and restored by New York State, the parcel would provide additional riparian and wetland habitat on the Nyack Waterfront. This habitat would be visible from the Memorial Park viewing pier and would increase birdwatching opportunities in the park as described in Section IV.

State and federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. 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 once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

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 costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments through waterfront revitalization programs have the primary responsibility for implementing this policy. Though local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment and establish and enforce redevelopment programs.

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for redevelopment, the following guidelines will be used:
 - a. Priority should be given to uses which are dependent on a location adjacent to the water, (see Policy 2)
 - b. The action should enhance existing and anticipated uses. For example, strategies that provide visual or physical connections between different waterfront assets and from other parts of the Village to the waterfront are favored;
 - c. The action should be compatible with or serve as a catalyst to private investment in the area;
 - d. The action should improve the deteriorated condition of a site and, at a minimum, must not contribute to further deterioration;
 - e. 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;

- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base;
 - g. The action should not impair adjacent and upland views of the water and, at a minimum, must not affect these views in an insensitive manner; and
 - h. The action should improve the potential for multiple uses of the site and the general area (see Policy 22).
2. 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 consider 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

Preserve and retain existing water dependent uses in the coastal area

Explanation of Policy

There are few available sites along the Nyack waterfront that have suitable access, topography, services and water depth to accommodate siting of future water-dependent uses and facilities. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify. The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non water dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses; furthermore, agencies will utilize appropriate existing programs to encourage water dependent activities.

Water dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

Those uses which are considered water-dependent within Nyack's waterfront revitalization area and subject to these policies include the following:

1. Memorial Park Fishing Pier;
2. Nyack Marina;
3. Clermont Docks;
4. Clermont Pier;
5. Nyack Boat Club;
6. Hook Mountain Yacht Club;

The following uses and facilities are considered as water dependent. Where such facilities are already located on the Nyack waterfront, their continued operation shall be accommodated:

1. Certain uses which utilize the resources of the coastal waters, such as fishing, both commercial and recreational (see Policy 10);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
4. Structures needed for navigational purposes (for example: dams, locks, lighthouses);
5. Aids to navigation (for example: beacons, buoys);
6. Flood and erosion protection structures (for example: breakwaters, bulkheads);
7. Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities, etc.);
8. Scientific/educational activities which, by their nature require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities); and
9. Support facilities which are necessary for the successful function of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities).
Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water enhanced use.

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

structures are uses or facilities which would likely be considered as "temporary" non-water dependent uses.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space: Competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made after considering the anticipated impact on the real estate market. The anticipated impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.
2. In-place Facilities and Services: Most water-dependent uses, if they are to function effectively, require certain basic public facilities and services. In determining the adequacy of development plans for water-dependent uses, consideration should be given to the following factors (see also Policy 1):
 - a. The availability and capacity of public sewers, public water lines and power supply;
 - b. The adequacy of vehicular access and any special access needs such as for boat trailers for marinas or boat launches; and
 - c. Access to public transportation, if a high number of person trips is to be generated.
3. Access to Navigational Channels: If commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to the navigation channel is assured.
4. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent 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 uses must also be sited to avoid adverse impacts on the significant coastal resources.
5. Preference to underutilized Sites and Expansion of Existing Water-Dependent Uses: The promotion of water dependent 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.

6. Providing for expansion: a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore consider long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed soon.

Much of the character and interest of the Nyack waterfront is contributed by those traditional maritime uses which remain. The Hudson River itself is the dramatic catalyst for recent renewed interest in waterfront development. However, the presence of public and private docking space, a public boat launch, waterfront restaurants, fishing pier, and both active and passive waterfront recreation make Nyack distinctive. The economic base of the entire community will benefit if these traditional uses are preserved and enhanced and the Village maintains its role as a center for waterfront recreation and entertainment, in addition to be a residential center.

In order to promote activities such as recreation and commercial fishing, marinas, tour boats, preservation of historic structures, etc. the following guidelines will be followed when considering development proposals for the waterfront:

1. Priority shall be given to water-dependent or water-enhanced uses which are compatible with the existing pattern of uses and will enhance rather than detract from existing uses.
2. An action shall not be out of keeping with existing development in terms of scale, intensity of use, architectural character, or potential as a source of noise, traffic jams, or other nuisance.
3. Actions shall not detract from views of the water or from views of the shore as seen from the water.
4. Priority shall be given to actions which enhance the economic base by furthering uses and enjoyment of recreational facilities. Such actions include:
 - a. Zoning to facilitate continued use of and necessary expansion of recreational facilities.
 - b. Dredging to permit continued use and enjoyment of the river for boating.
 - c. Elimination of pollution sources which detract from the waterfront environment.
 - d. Removal of obstacles to navigation such as abandoned vessels.

In promoting water dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water dependent use 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 areas suitable for water dependent uses are publicly owned, favored leasing arrangements should be given to water dependent uses.
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. State and local planning and economic development agencies should actively promote water dependent uses. In addition, a list of sites available for non-water dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and Federal agencies should work together to streamline permitting procedures that may be burdensome to water dependent uses. This effort should begin for specific uses in an area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

Policy 3

Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

Explanation of Policy

Policy 3 is not applicable. The Village of Nyack does not contain any of the State's existing major ports.

Policy 4

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Explanation of Policy

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 state agencies shall center on promoting such desirable activities as recreational fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Consideration will be given to the visual appeal and social benefits of smaller harbors which, 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 which 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 area, particularly where the visual quality of the area is an important component of the area's appeal and identity.
7. In applying the above guidelines, the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

Policy 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Explanation of Policy

The purpose of this policy is to direct new development, particularly large-scale development, in the coastal area to locations 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.

Specifically, the policy is intended to:

- 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 enough amounts and where desirable;
- Foster energy conservation by encouraging proximity between home, work and leisure activities.

The Village of Nyack is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in Section IV: Proposed Land and Water Uses and Proposed Projects.

For any action that would result in large-scale development or an action which 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. A location in the coastal area may 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 within one-mile radius of the proposed site are vacant (i.e., sites meeting lot area requirements under existing local zoning regulations);
 - c. 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 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 firefighting) 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., lumber industry, quarries.

2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
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 consideration 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 provisions of this policy are implemented primarily through the land use and development regulations of the Village of Nyack and the consistency requirements governing the actions of local, State, and Federal agencies. In areas where a significant need for infrastructure improvements has been identified, implementation of the policy may also involve establishing a schedule of capital improvements and devising strategies for carrying out major facility improvement projects.

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, and in areas suitable for such development, State agencies 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. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and

procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

Fish and Wildlife Policies

Policy 7

Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored to maintain their viability as habitats.

Policy 7A

Protect the physical characteristics of the Hudson River along Nyack that support the varied fish populations found there.

Explanation of Policies

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:

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include, but are not limited to the following:

1. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.
2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
3. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
5. Dredging or excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
6. Dredge spoil disposal: May include shoaling of littoral areas, or change circulation patterns.
7. Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increase scouring, sedimentation.
8. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

The range of physical, biological and chemical parameters which should be considered include but are not limited to the following:

1. 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, 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, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

In cooperation with the State's Coastal Management Program, the Department of Environmental Conservation has developed a rating system incorporating these five parameters (The Development and Evaluation of a System for Rating Fish and Wildlife Habitats in the Coastal Zone of New York State, Final Report, January 1981, 15 pp.).

To further aid Federal and State agencies in determining the consistency of a proposed action with this policy, a narrative will be prepared for each significant habitat which will: (1) identify the location of the habitat; (2) describe the community of organisms which utilize the habitat; (3) identify the biological, physical and chemical parameters which should be considered when assessing the potential impacts of a project on that habitat; (4) identify generic activities which would most likely create significant impacts on the habitat; and (5) provide the quantitative basis used to rate the habitat. Prior to formal designation of significant fish and wildlife habitats, copies of the individual habitat narratives plus copies of habitat maps and completed rating forms will be provided to Federal and State agencies and the public for the review and comment.

Although no significant habitats have been designated in the Nyack coastal area, this portion of the Hudson River is still an important fishing area. Among the fish that swarm off this part of Rockland County and the lower Hudson are sea sturgeon, stripers, yellow perch, white perch, shad, herring, largemouth bass, carp, tomcod, sunfish, needlefish, golden shiners and darkers. Shellfish and crustaceans such as blue claw crab can also be found off Nyack's waterfront.

In addition, anadromous species pass the area during spawning migration and as pelagic larvae and/or weak swimming juveniles.

Policy 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible illness, or incapacitating reversible illness; or (2) 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 (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bioaccumulation 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.

The Village is also supportive of ongoing efforts by State and Federal agencies such as NYS DEC and the US EPA and non-profit organizations such as Riverkeeper to continue decades-long progress in reducing pollutants in the Hudson River.

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.

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 wild life photography, bird watching and nature study.

The urbanized nature of the Nyack coastal area is such that there are few natural wildlife features. However, the river itself is an abundant resource for recreational fishing. Direct actions to improve on-shore fishing facilities, such as piers, to improve boat access by selectively removing obstacles to navigation, such as abandoned barges, while considering their ability to serve as habitat for fish and to support nature study through wetland restoration, will support this policy.

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 management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

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

1. Consideration should be made by federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization 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 a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

Like many Hudson River communities, the Village of Nyack historically supported a thriving commercial fishing industry that was decimated by substantial pollution of the river. Both commercial and recreational fishing on the Hudson River are heavily regulated by NYS DEC to prevent consumption of harmful pollutants. However, the Village is supportive of any attempt to promote the culture of fishing that is reflective of Nyack's history. To this end, recreational fishing sites should be protected and, where possible, expanded to strengthen this connection to Nyack's history.

Policy 10

Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

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 the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations 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 onshore 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 and Federal 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.

Flooding and Erosion Hazards Policies

Policy 11

Buildings and other structures will be sited in the coastal area to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

The Nyack waterfront lies within the 100-year flood plain. In addition, the 500-year flood boundary significantly increases the potential flood area, extending to lands adjacent to the mouth of Nyack Brook and to an area of the Village south and west of Depew and South Highland Avenues. Development in these areas must either be built above the base flood elevations or contain flood protection devices to that height.

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, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs, and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6 NYCRR Part 505.2(x). 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. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

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

Portions of the sites of the Gedney Street multi-story apartment buildings, the Clermont Condominiums, and several public and private commercial and recreational properties are located within the 100-year floodplain. Rockland County is responsible for preparing disaster preparedness plans. In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash, fuel storage tanks shall be sited landward of mean high tide.

According to the Scenic Hudson Sea Level Rise Mapper, there are targeted areas of concern due to sea level rise and increased flood risk.⁶ The Central Range of expected sea level rise is 30" by the year 2100. Under this scenario, none of the single-family residential homes on the northern waterfront are impacted. On the southern waterfront, small areas of inundation could occur in the parking areas of the Rivercrest and West Shore multi-family buildings. A limited area of the Gedney Street/Main Street vacant site would be impacted by inundation—any future development of this site should take future inundation risk into account when designing a public waterfront walkway. The Clermont Apartments may face significant risk due to this level of sea level rise. Portions of the Nyack Marina parking area may be subject to inundation, an issue which the Village should monitor in the coming years. The existing waterfront parking area of Memorial Park may also be subject to inundation—plans for redesign of Memorial Park should take this inundation risk into account to avoid any lost waterfront recreation assets due to sea level rise.

Policy 12

Activities or development in the coastal area will be undertaken to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Explanation of Policy

There are no beaches, dunes, barrier islands, bluffs, or other natural protective features on the Nyack waterfront. However, excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the shoreline's fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized.

⁶ <http://scenichudson.org/slr/mapper>

Policy 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

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.

Most of the Nyack waterfront is already developed and is protected by bulkheading. Maintenance of these erosion protection structures in place or landward will be allowed where it is appropriate to protect the existing uses. Further, some areas of the waterfront that are particularly vulnerable to flooding and sea level rise may need to be explored for reinforcement of bulkheads or construction of more protective seawalls.

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

Explanation of Policy

Nyack Brook is a tributary of the Hudson River. It begins near Exit 11 of the New York State Thruway and parallels Main Street before turning south at Franklin Street and emptying into the Hudson at the south side of Memorial Park. The brook is either channelized or flows through underground culverts. Periods of heavy local rainfall result in excessive sedimentation at its mouth which also affects neighboring boat docking facilities. The presence of silt in the Hudson and the broad expanse of the Tappan Zee also results in active silt deposition in the Hudson and along the shoreline.

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore 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. Although mining and excavation are not permitted by zoning in the Nyack Waterfront Revitalization Area, dredging to promote waterfront access and safe boating should be promoted in such a way as to mitigate impacts on natural coastal processes.

Policy 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of Policy

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.

Policy 17

Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Explanation of Policy

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

"Non-structural measures" shall include, but not be limited to: (1) within coastal erosion hazard areas identified under Section 0104 of Coastal Erosion Hazard Areas law (Environmental Conservation Law Article 34), 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 0108 of Environmental Conservation Law Article 34; 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 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 about the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if anyone, 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 enough protection, then consistency with the policy would require the use of such measures, whenever possible.

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.

Application of the Flood Damage Prevention Regulations, Best Management Practices and review of alternatives in accordance with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where non-structural measures are not feasible, structural solutions may be considered.

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 consider those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

Explanation of Policy

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

Public Access Policies

Policy 19

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

Explanation of Policy

This policy calls for achieving balance among of the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Other factors to be considered by the Village include the limited availability of waterfront land area for new public access points, and the Village's capacity for capital improvements and ongoing maintenance of new public facilities. 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 water related recreation resources and facilities which 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.

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 by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide 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 of 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 during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (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 substantial increases in the following: already existing special fares (not to include regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary 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. 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 which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
- 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.

The Village has two substantial public water-related recreation facilities, both of which encourage a variety of uses on the waterfront: Memorial Park and the Nyack Marina. Memorial Park provides opportunities for fishing, boating, passive waterfront activities, and active park activities. Access to this park is available by public streets from three directions, however Memorial Park is currently not directly connected to the Nyack Marina. A pedestrian walkway should be created to link Memorial Park to the Nyack Marina, which would also improve access to the Village center and adjacent waterfront lands. Existing access to Memorial Park shall not be impaired by:

- 1. Reduction in the service level of public transportation, unless related to systemwide objectives;

2. Imposing barriers such as utility right-of-way or arterial highways; or
3. Sale or lease of land which would impede existing access.

The Nyack Marina provides a public dock available for monthly rental, a public boat launch, parking that serves waterfront recreational uses and restaurants, and a proposed private restaurant vendor. The Village has also explored options to expand public access to the waterfront by providing ferry access from the municipal marina. This ferry could take the form of either a seasonal/recreational ferry and/or a commuter ferry connecting to the Metro-North station in Tarrytown.

A potential opportunity for expanding public waterfront access is available on the Gedney Street/Main Street vacant parcel. This site is in the WF zoning district, which includes a special permit provision that allows for development incentives in exchange for certain public benefits. Among those benefits its construction of a public waterfront walkway, which is required to include at least one water-dependent use, such as a kayak launch.

In addition to the potential to provide access points to the waterfront from the shore, the potential to maximize Nyack's waterfront for recreational activities such as boating, and swimming also requires that the remains of the Village's industrial past be addressed. The remains of barges, pilings and industrial piers create acute hazards to navigation for small boats, paddleboards, and kayaks. The Village, in coordination with the State, will seek outside funding to selectively remove navigational hazards that create a hazard to safety and welfare and limit the ability to revitalize and restore the waterfront in its entirety and develop new water dependent uses.

Policy 20

Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

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 should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which 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 onshore 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 regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

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 is 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 which 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 which 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) A reduction or elimination in the existing level of public access - includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
 - (2) 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; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. 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 directly fund any project which 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 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 which would exceed the physical capability of the coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

The shoreline at Nyack is either quite steep and narrow, at the north end of the Village, or has been filled and developed under water grants from the State, south of Tallman Place. Therefore, access to and use of the foreshore is largely dependent on use of adjacent public land (see Policy 19) or the acquisition through purchase, lease, donation or easement of access through private property. Such access is appropriate as part of mixed or multi-use development (See Policy 22).

It should be noted that, north of Tallman Place, virtually all the publicly owned foreshore is outside of the Village, the boundary of which is the water's edge.

Recreation Policies

Policy 21

Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

Explanation of Policy

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

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any coastal water-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 water-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 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 which 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 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 practicable.

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. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump out facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity; provided no adverse environmental impacts occur. Where adverse environmental impact will 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. Ground water contamination presents a threat to Fire Island National Seashore water resources.

This policy strongly encourages the retention of water-dependent and water-enhanced recreation uses. These commercial and public recreation uses provide access to the water for many people and contribute to the diverse character of the Nyack waterfront (see Policy 2). The preservation of existing facilities or the incorporation of similar water-dependent and water-enhanced recreation facilities in new development will be considered in the review of development proposals.

Policy 22

Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

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
- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities*
- hospitals*
- prisons*
- schools, universities*
- military facilities*
- nature preserves*
- large residential subdivisions (50 units)
- shopping centers
- office buildings

** The types of recreation use 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 acting relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and if there is an approved local waterfront program, with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide OPRHP and the municipality with the opportunity to participate in project planning.

Appropriate recreational uses which 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 a recognition that some risk is acceptable in the use of recreation facilities.

Uses which are appropriate in the Nyack coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, marinas and boat launches, and mixed-use developments.

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas) (see Policy 21).

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.

Explanation of Policy

Among the most valuable man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as 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 which 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:

1. A resource, which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource listed, nominated to be listed, or determined eligible to be listed on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State Nature and Historic Preserve Trust or State Natural Heritage Trust.
4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites or identified by the State Office of Parks, Recreation and Historic Preservation.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.
6. A resource that is a significant component of an Urban Cultural Park or State Heritage Area.

Within the waterfront area in Nyack, the John Green House has been noted for historic significance. Locally, several Nyack buildings and structures have been noted for historic significance. The 1819 John Green House, believed to be one of the oldest surviving residential buildings in the Village, was donated in 2015 to a nonprofit historic preservation group and is undergoing an extensive restoration. The John Green Preservation Coalition is actively fundraising to complete the planned renovations to this historic structure. The John Green House has been listed on the State and National historic registers and local landmark status has been applied for from the Village.

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 (1) above plus any other appurtenant fixtures associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or 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 actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

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. The policy shall not 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 listed on the National Register of Historic Places are listed in the Inventory Section. The recognition and preservation of historic buildings and places and archeological resources will be supported and encouraged.

The NYS Office of Parks, Recreation and Historic Preservation will be consulted regarding archeological sites when soil disturbances are proposed.

Policy 24

Prevent impairment of scenic resources of statewide significance.

Explanation of Policy

The Coastal Management Program will identify on the coastal area map scenic resources of statewide significance. The following general criteria will be combined to determine significance:

- Quality.** The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture and color) combine to create all high-quality landscapes. The water, landforms, and human-made components of scenic coastal landscapes exhibit variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Example; The Thousand Islands where the mix of water, land, vegetative and human-made components creates interesting variety, while the organization of these same components creates satisfying unity.
- Often, high quality landscapes contain striking contrasts between lines, forms, textures and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition.
- Finally, high quality landscapes are generally free of discordant features, such structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.
- Uniqueness.** The uniqueness of high-quality landscapes is determined by the frequency of occurrence of similar resources in a region of the State or beyond.
- Public Accessibility.** A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.
- Public Recognition.** Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the

resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve: 1) a review of the coastal area map to ascertain if it shows an identified scenic resources which could be affected by the proposed action, and 2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource. Impairment will include: (i) 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 (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

Guidelines 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 provide visual organization to a development;
3. incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. removing deteriorated and/or degrading elements;
5. maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

The Village of Nyack Waterfront Revitalization Area is not located within any of the Scenic Areas of Statewide Significance (SASS) that have been identified by the New York State Department of State. However, the Village has recognized the importance of scenic views to the Village's appeal, both for

residents and visitors. The same characteristics outlined above by the State Coastal Management Program for SASS's are also important to the Village of Nyack and are relevant both to views of the Hudson River from the land-side of the Village, as well as views of the Village from the River itself. To protect view corridors, the Village has established View Protection Corridors in Section 360 Attachment 5 of the Village Code.

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 overall scenic quality of the coastal area.

Policy 25A

Protect and enhance views from Route 9W, Tallman Place, Fourth Avenue, Second Avenue, First Avenue, Main Street, Hudson Avenue, and Memorial Park (See Inventory and Analysis).

Policy 25B

Preserve and restore the unique picturesque maritime identity of the waterfront area.

Explanation of Policies

When considering a proposed action which would not affect a scenic resource of Statewide significance, agencies shall ensure that the action will be undertaken to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under Policy 24, i.e., substantial modification of natural landforms, removal of significant vegetation, etc. However, the effects of these activities would not be considered as serious for the general coastal area as for significant scenic areas.

The siting and design guidelines listed under the previous policy should be considered for proposed actions in the general coastal area. More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to coastal waters is one such change which might be expected to enhance scenic quality.

When the New York State Thruway Authority announced plans to augment the Tappan Zee Bridge in the 1980s, adjacent communities formed the Tappan Zee Preservation Coalition. The Coalition worked with NYS DEC to designate the area along the Hudson River from the New Jersey Border north to Hook Mountain in Upper Nyack the Tappan Zee Scenic District. The scenic district designation affords honorary protection and impacts should be considered prior to issuance of NYS DEC permits.

Local governments within the jurisdiction of the Tappan Zee Scenic District are encouraged to prepare a plan for the management of the lands and waters within the Tappan Zee Scenic Area, consistent with

the values of the district, with the needs and desires of the residents of the area and with appropriate State and federal agencies. The plan should consist of a map showing the boundaries of the area, a program for the management of existing and future land and water uses, fully reflecting the application of management techniques available to the various levels of government and to private landowners and a program for coordinated implementation of the plan by assignment of responsibility to the appropriate governmental unit at the State, federal, county and local level.

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

1. The irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. The addition of structures or landscape elements which 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 this 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. Prevent, wherever possible, the blocking of Hudson River views from upland areas.
2. New highway and building construction along Route 9W should, where feasible, open potential views.
3. Preserve and restore the appearance of historical buildings and neighborhoods (see Policy 23).
4. Encourage distinguished architectural expressions throughout Nyack and prevent excessive dissimilarity, uniformity, inappropriateness, or poor quality of design in the exterior appearance of buildings. This would include:
 - a. Excessive dissimilarity in cubical contents, gross floor area, 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, windows, etc.; other significant identical features such as material, roof line, height, etc.
 - c. Inappropriateness in relation to the established character of other structures in the area to an extent that would adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes.
5. New buildings, structures or activities should be designed and constructed to be visually compatible with adjacent or nearby buildings, structures, or sites of special historic or architectural importance.

6. Special consideration should be given 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.
7. Remove deteriorated and/or degrading elements.
8. Require that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets and choose landscaping that is in character with that generally prevailing in the neighborhood.
9. Signage should be consistent, informative and attractive and should not interfere with the scenic quality of the area. Signs shall be stationary and made of permanent materials.

Nyack is distinctive in having a scenic public area at Memorial Park to view the Hudson River. Views of the River are also spectacular from Piermont Avenue, Burd Street, Main Street, Lydecker Street, High Avenue, First Avenue, Second Avenue, Fourth Avenue, Tallman Place, and sections of Route 9W. Additional scenic roads and vistas have been identified in the Inventory and Analysis Section.

Actions to maintain and improve visual access to the water or to mitigate the adverse impact of future development will be pursued. Of importance is the preservation of views to the water from the hillside which slopes up from the river and prevention of major intrusions into views of the Village as seen from the river, the Governor Mario M. Cuomo Bridge and the eastern shore. In this latter case, special care will be taken to prevent the siting of structures so as to extend above the ridge line, as seen from these vantage points, and to avoid the placement of structures in the hillside environment which are discordant because of height, scale, color or materials of construction.

While many factors can affect the visual impact of future development, height and location are two of the most obvious. If all zoning districts had the same height limit, the ultimate profile of development would follow that of the land itself and not impose abnormal visual barriers to uphill properties. However, while most of the zoning districts in the Village have height limits within five feet of each other, several exceed the standard 35-40 feet. The potential visual impact of these intrusions beyond the basic threshold is one visual concern. Another concern is obstruction of views to and from the river from streets and other public places.

To address these concerns, the following guidelines will be used to evaluate the visual impact of proposed development:

1. Prior to approval of any building within the waterfront boundary area, a visual impact assessment shall be submitted to the Planning Board in addition to all other data required for Site Development Plan Approval. Such assessment shall analyze the effect of the structure(s) on views from upland properties and from the river.

The assessment will also include a superimposed computer-generated photograph of the proposed development. A scaled model to depict design colors, materials, density and compatibility with the surrounding environment will also be required. With respect to the

submission of a superimposed computer-generated photograph and scale model, this is intended to apply to reasonably sized projects and certainly large-scale projects.

2. A view corridor to maintain an unobstructed view from public streets has been established just east of Broadway, at the crest of the hill sloping to the river. The corridor, measured both vertically and horizontally, is used as a standard for height and set-back requirements. The corridor becomes wider as it approaches the river, but higher above ground as elevations above the river decrease. View corridors are regulated by Section 360 Attachment 5 of the Nyack Code.

Agricultural Lands Policy

Policy 26

Conserve and protect agricultural lands in the state's coastal area.

Explanation of Policy

Policy 26 is not applicable. The Village of Nyack does not contain any agricultural lands in the 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

New York's overall annual energy demand has begun to flatten over time, in part due to the success of State and utility energy efficiency programs. However, peak load (the highest amount of energy consumption each year) has continued to increase at a more rapid pace.⁵⁵ Renewable power sources—hydro, solar, wind, and other carbon-free solutions—also continue to grow as a share of the total energy produced in the State.⁵⁶ Significant investments in the billions of dollars are needed to replace New York's aging electric transmission and distribution infrastructure just to meet currently projected energy demand.⁵⁷ To respond to these significant shifts in the State's energy infrastructure, State energy policies are being designed to maintain energy system reliability during peak load in ways that improve the grid's overall system efficiency, from both energy transmission and capital investment perspectives.⁵⁸

The New York State energy planning process provides a comprehensive framework for improving the State's energy system, addressing issues such as environmental impacts, resiliency, and affordability.⁵⁹ Key areas of focus for New York's energy planning and implementation policies

include integration of renewable energy generation; local energy generation that can foster both economic prosperity and environmental stewardship; seeking innovative energy solutions across the State's public facilities and operations; increasing energy efficiency; and decreasing greenhouse gas emissions.^{60,61} New York's energy policy is also central to how the State responds to the challenges presented by a changing climate. New York State's energy planning recognizes that extreme weather events demand more resilient energy infrastructure, and that climate change presents both challenges and opportunities to lead and innovate.⁶²

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in Article 6 of the New York State Energy Law. That Article requires the preparation of a State Energy Plan. With respect to transmission lines and the siting of major electric generating facilities, Articles 7 and 10 of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for providing additional electric capacity. 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 Areas and Inland Waterways Law. That law is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

The Department of State will present testimony for the record during relevant certification proceedings under Articles 7 and 10 of the Public Service Law when appropriate; and use the State SEQR and DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles 7 and 10 of the Public Service Law) that would affect the coastal area are consistent with coastal policies.

In consultation with the Village of Nyack, 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 State Law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront areas are made consistent with the coastal policies and purposes of this Local Waterfront Revitalization Program.

Policy 28

Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Explanation of Policy

The Inventory and Analysis discusses the problems with ice flows and the pressure it creates on docks.

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power, fish and wildlife and their habitats

⁵⁵⁻⁶² As referenced in NYS Coastal Management Program, 2017 (2015 NYS Energy Plan, Vol. 1)
https://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf

as will be 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.

Policy 29

The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

Explanation of Policy

Policy 29 is not applicable. The Village of Nyack does not have any offshore renewable energy resources.

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

State and federal laws adequately govern pollutant discharge into coastal waters. However, regular inspection and adequate monitoring of coastal waterways are necessary to ensure that all regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply existing monitoring and enforcement machinery and, where appropriate, to strengthen it.

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 the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs 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.

The classification of the Hudson River and other coastal tributaries, as set forth in Section II, is compatible with their present use and future objectives. Any action taken in the coastal area which would lead to reduction of such classification will be considered inconsistent with these coastal policies.

Policy 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller 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. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined systems with separate sanitary and stormwater collection systems) are not economically feasible. Additionally, the Village encourages the use of green infrastructure best practices to reduce the required capacity of hard infrastructure. Green infrastructure to mitigate stormwater runoff is a regional concern, as much of the runoff that causes flooding in Nyack originates upstream and out of Nyack's jurisdiction. 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 in such cases.

Siltation at the mouth of the Nyack Brook is a result of the accumulation of sediments entering the storm drainage system. Improved maintenance (clearing of catch basins) will address this problem as will standards applied to construction activities in the Village. See Policy 37. Also, see Section IV project to Implement the Nyack Brook Improvement Project. If implemented, this project is expected to reduce the risk of flooding in downtown Nyack due to heavy rains.

The Village sewer system collects sewage from Upper Nyack and South Nyack. The pumping station and transmission pipes are owned by Orangetown. Illegal storm sewer hook-ups and other inflows to the Village's sanitary system have created pumping and overflow problems at the pumping station and treatment plant, resulting in raw effluent discharge into the Hudson River and the Sparkill Creek, which flows into the Hudson River in Piermont. The illegal storm sewer hook-ups should be disconnected. The other sources of inflow should be identified and eliminated.

Policy 34

Discharge of waste materials into coastal waters from vessels subject to state jurisdiction into coastal waters will be limited to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Explanation of Policy

All untreated sanitary waste from vessels is prohibited from being discharged into the State's coastal waters. Where coastal resources or activities require greater protection than afforded by this requirement the State may designate vessel waste no discharge zones. Within these no discharge zones

the discharge of all vessel waste whether treated or not is prohibited. A determination from EPA that an adequate number of vessel waste pump out stations exists is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the coastal waters for which no discharge zones are necessary, and the number of vessel waste pump outs required to obtain the determination from EPA. The discharge of other wastes from vessels is limited by State law.

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State Law. Priority should be given to the enforcement of this Law in significant habitats and beaches which need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657) and shall be strictly enforced. Expansion or development of new marinas will be required to provide onshore pump out facilities unless it can be shown that such facilities are not feasible. Use of pump-out boats is encouraged.

Policy 35

Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Explanation of Policy

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, and other coastal management needs. Such 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 or filling activities, proper siting of the dredge spoil disposal site, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection and use of coastal resources (State Coastal Management policies 7, 15, 19, 20, 24, 26, and 44).

All such dredging operations would be under the jurisdiction of the U.S. Army Corps of Engineers and would require a dredging permit from that agency.

Dredging to restore proper depths adjacent to the existing marinas and dock space is important to maintain navigation. The Village completed dredging work at the Nyack Marina in 2017. This project was critical to the successful operation of the Marina, which also underwent repairs due to storm damage from Superstorm Sandy and Hurricane Irene. In the event that future dredging projects are required to maintain navigation channels, provide ferry access, or ensure continued operation of public and private docks, the Nyack Boat Club, Hook Mountain Yacht Club, mooring fields, or other water-dependent

resources, such activities should be supported, provided that they satisfy State and Federal permitting requirements.

Policy 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities, but also to residential and other users of petroleum products and radioactive and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See also Policy 39.

Policy 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices used to reduce these sources of pollution include, but are not limited to, soil erosion control practices, and surface drainage control techniques. See also explanations of Policy 14 and Policy 34.

The following standards applied to construction activity will reduce loss of soil and resulting siltation:

1. Natural ground contours should be followed as closely as possible.
2. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
3. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainage ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
4. Natural protective vegetation should remain undisturbed, if possible, and restored when necessary.
5. The amount of time that disturbed, ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
6. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
7. A ground cover should be applied enough to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

8. Runoff from a site should be collected and detained in sediment basins to trap; pollutants which would otherwise be transported from the site.
9. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetated cover. Other erosion control devices or structures should be used only when vegetation and grading are not enough to control erosion.
10. The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

Policy 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Explanation of Policy

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

Policy 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

Explanation of Policy

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include 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 are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: [1] cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or [2] 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 (NYCRR Part 366) has been adopted by DEC (6NYCRR Part 317) within 6 months after EPA formally adopts its list.

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

There are no solid waste storage, treatment, or disposal facilities within Nyack. Transport of construction debris and brownfield cleanup should be done in such a way as to protect environmental resources.

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.

Explanation of Policy

Several factors must be considered 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 water." 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 electric generating facility. This is not anticipated to apply to Nyack, however in the unlikely event that it becomes relevant, the applicable State agencies shall review the effects of thermal discharges.

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 about land and water use and any recommendations regarding 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.

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 toxics and their economic and environmental effects on coastal resources.

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

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be considered 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 in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

Wetlands Policy

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; and formerly connected tidal wetlands.

These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act (Water Resources Law, Environmental Conservation Law Article 15). The National Wetlands Inventory maps of Nyack prepared by the U.S. Fish and Wildlife service will also be used to confirm the existence of wetlands that should be preserved.

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

- 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;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in areas which may be otherwise densely developed.

Village of Nyack
Local Waterfront Revitalization Program

Section IV Proposed Land and Water Uses and Proposed Projects

Introduction

The Proposed Land and Water Uses and Proposed Projects were created through the consultation of various resources. Some projects were first mentioned in the 1992 LWRP, others came from the 2016 Comprehensive Plan Update and the 2008 Memorial Park Master Plan. Village Staff and members of the public provided input during public workshops, meetings, and through the LWRP Survey. The objective of this section is to demonstrate a consensus about the waterfront projects, in hopes that this consensus and these project descriptions will help the Village attain grant funding to implement them. This LWRP does not include any zoning changes; therefore, all proposed projects will reflect the current land uses and/or allowable zoning.

The resulting project priority matrix, shown on the following page, comes from a variety of sources. Feedback on the projects was collected during public workshops, and the public survey asked respondents to rank how important each project was to them. Village staff also provided institutional knowledge that helped shape these rankings.

Project Priority Matrix

| PROJECT PRIORITY | PROJECT TITLE | PROJECT TYPE | IMPLEMENTATION TIMEFRAME | EST. COSTS |
|------------------|--|---------------------------------------|--------------------------|------------|
| 1 | Nyack Brook Improvements | Infrastructure | Medium | \$5 m |
| 2 | Create a Public Waterfront Walkway with Streetscape and Wayfinding Improvements | Waterfront Connections | Short | \$1 m |
| 3 | Pedestrian Bridge Connecting Memorial Park to the Village Marina | Waterfront Connections | Short | \$600K |
| 4 | Increase Parking Capacity at the Village Marina | Marina Site, Memorial Park, Ferry | Short | \$565K |
| 5 | Clermont Pier Improvements | Waterfront Connections | Short/Medium | N/A |
| 6 | Improvements for Recreational Ferry Waterfront Improvements | Marina Site, Memorial Park, Ferry | Short/Medium | \$3 m |
| 7 | Improvements for Commuter Ferry Parking Terrace | Marina Site, Memorial Park, Ferry | Medium | \$3.5m |
| 8 | Remove Navigation Hazards Near Shore | Harbor Management | Long | \$100K |
| 9 | Trolley Service Pilot Project | Waterfront Connections | Medium/Long | \$275K |
| 10 | Rehabilitation of historic resources including the John Green House | Waterfront Connections | Medium | N/A |
| 11 | Explore Resiliency Strategies to Protect from Impacts of Sea Level Rise and Evaluate Potential to Relocate Spear Street Pump Station | Infrastructure | Short/Medium | \$75K |
| 12 | Commission Study Related to Siltation and Dredging in Nyack Marina and Mooring Field Management | Harbor Management | Medium | \$100K |
| 13 | Restore NYS Wetland Parcel | Marina Site, Memorial Park, and Ferry | Long | N/A |
| 14 | Extend the Memorial Park Pier | Marina Site, Memorial Park, and Ferry | Long | \$100K |



Figure IV-1: Proposed Land and Water Uses

Harbor Management Projects

Remove Navigation Hazards near the Nyack Shoreline

Description: A primary objective of the Nyack LWRP is to expand safe access to the water for small craft, including non-motorized craft such as kayaks, canoes, stand up paddleboards, etc. The presence of navigation hazards near the shoreline could present potential safety hazards that limit the ability of the Village to promote access to the Hudson River for non-motorized craft.

The sunken concrete barge in front of Memorial Park is a potential hazard to safety and navigation and detracts from the function and beauty of one of Nyack's finest waterfront assets. However, the concrete barge extends above the waterline and is visible to boaters. Other sunken barges have deteriorated beneath the low water line and, therefore, put boaters at great risk because they are not visible.

Degraded pilings north of the Clermont Pier present similar potential safety hazards. The Tidewater Project at Gedney Street/Main Street site is the potential location of a future water-dependent use but taking small craft through the piling field would be hazardous. The Clermont Pier also has a ramp with potential access to the water that is inaccessible due to damage from Superstorm Sandy but may be a future access point.

There may also be additional debris in shallow waters off the shoreline that are historical remnants of the Village's working waterfront. The NYSDEC Hudson River Estuary Program has conducted underwater surveys of the waters of the Hudson River Estuary, including those of the Village of Nyack Waterfront. These underwater surveys result in sidescan sonar results that can assist in the location of underwater navigation hazards. If there is additional debris, the Village could explore coordination with New York State and the Army Corps of Engineers to seek funding for removal of navigation hazards in a way that preserves habitat while prioritizing safety and well-being by improving access for small craft. The sunken barges may be considered habitat by State agencies, which would impact ability to obtain approvals from the State for removal.

Location: Nyack waterfront, generally from the Hook Mountain Yacht Club (Tallman Place) to Memorial Park.

Project Partners: Removal of structures from Nyack Harbor would include consultation with and permits/authorizations from the New York State DEC, NYS DOS, and US Army Corps of Engineers. Other partnerships would include the two active boat clubs in the LWRP Boundary Hook Mountain Yacht Club and Nyack Boat Club.

Site Ownership/Legal Jurisdiction: The Village of Nyack has jurisdiction over the waterfront from the shoreline to 1,500 feet into the Hudson River.

Public Support: Nyack has an active harbor and historic boating culture. Removing dangerous navigation hazards has been a concern of the Village for years and was listed as a project in the 1992 LWRP. Through public outreach, the LWRP steering committee has received overwhelming support for this project from the boating and non-boating community.

Beneficiaries: The beneficiaries of this project would be existing and future boaters, and all visitors to the Nyack waterfront. The Village hopes the removal of these dangerous hazards will improve safety and promote boating by small and non-motorized craft.

Timeframe for Implementation: Removing navigation hazards in the harbor area is a technically feasible project that will require permitting and approvals from regulatory agencies. Given these permitting requirements, this project could be completed in the long term. Village will explore funding availability from NYS DOS, Boating Infrastructure and Marine Debris grants from the Department of the Interior, FWS and NOAA.

Cost Estimate:

- Collection of Sidescan Data: \$15,000
- Acquisition of permits (State and Federal) required to remove navigation hazards: \$15,000
- Removal and disposal of navigation hazards: \$50,000



Study issues related to siltation and dredging in the Nyack Marina area and mooring field management

Description: In 2016, the Village of Nyack issued an RFP for sediment removal at the Nyack Marina. The Village selected a contractor and dredging work was completed in early 2017. This project was critical to the successful operation of the Marina, which also underwent repairs due to storm damage from Superstorm Sandy and Hurricane Irene. If future dredging projects are required to maintain navigation channels, provide ferry access, or ensure continued operation of public and private docks, such activities should be supported, if they satisfy State and Federal permitting requirements.

It is in the interest of the Village, both financially and ecologically, to identify management strategies to reduce siltation of the Marina and other docking areas on the waterfront. A strategy to reduce siltation would be developed in conjunction with a dredging program, which could potentially be less frequent with a siltation management program than without. Dredging and siltation prevention strategies could have an impact on boats moored in Nyack Harbor, and in order to make this a more comprehensive study, the Village would examine the possibility of regulating these mooring fields. The study would fully cover the interconnected considerations for the three issues, which would also share stakeholders for public outreach and agency consultation.

The Village of Nyack currently does not regulate the moorings located within its jurisdiction of the Hudson River. The moorings are in the vicinity of the Nyack Boat Club and Hook Mountain Yacht Club, and are generally within 2,000 feet from shore. Moorings can require guidelines or regulation due to a moored boat's effect on adjacent boats. If moored boats do not have adequate distance between them, wakes or other riverine wave actions could lead to a collision.

To complete this project, the Village would seek grant funding to study issues related to siltation and dredging in the Nyack Marina Area. Such a study is necessary to understand the infrastructure options available that could reduce siltation in the Marina and identify a schedule for future dredging.

Location: Nyack Marina and Nyack Harbor

Project Partners: The Village would partner with NYS DEC and the US Army Corps of Engineers in studying the siltation issues; Nyack Boat Club and Hook Mountain Yacht Club in studying mooring regulations.

Site Ownership/Legal Jurisdiction: The Village of Nyack has jurisdiction over the harbor; underwater rights are held by private parties and New York State.

Public Support: Boaters have supported this project in hopes that it will help the Village manage the marina area by reducing siltation that reduces drafts and limits access to the marina. The Nyack Marina is an asset to boaters and the community at large; its management and operation helps ensure a high quality of life in the Village.

Beneficiaries: A strategy to address natural and storm-induced siltation would benefit the Village by reducing the siltation of the Marina. Less frequent dredging would save the Village money and benefit the benthic habitat of the Village harbor. Dredging is very expensive, so any practices that would lessen

the frequency and/or severity of dredging would be of interest to the Village, and a study would examine the impacts of those practices. Mooring regulations would further create safe mooring conditions and could protect boaters from complaints from other parties.

Timeframe for Implementation: Siltation and dredging are important issues for the waterfront. The Village, however, recently dredged and opened its marina, and hopes that its active use will keep the marina operable. This study could occur in the medium term with the goal of laying out a long-term siltation management and dredging program. The 2016 estimate cost for dredging of the Nyack Marina was approximately \$600, 000. The cost of a siltation and dredging study is estimated at approximately \$100,000. Funding sources include several DEC programs such as the Hudson River Estuary Program, DOS and coastal resilience grants from NOAA.





Infrastructure Projects

Implement the Nyack Brook Improvement Project to alleviate stormwater flooding

Description: The Nyack Brook is an urbanized stream that travels west to east through the business district of the Village of Nyack to an outfall in the Hudson River. The Brook travels through a series of daylight sections and below-ground pipes or channels and serves as a stormwater drainage trunk line for more than half of the Village. Much of the Brook is carried in an undersized and deteriorated culvert, which overflows during major rain events (such as Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy). Over the years, the flooding has caused damage to municipal lots, streets, sidewalks, curbing, street lights, and buildings on Main Street and Broadway. This flooding is a result of debris collecting in the channel, inadequate capacity of the pipe system, right-angle turns, and potential degradation of aging infrastructure. Mitigating the flooding problems from the Nyack Brook culvert is a high priority for the Village of Nyack.

The Nyack Brook Improvement Project would install approximately 1,000 linear feet of 96-inch concrete pipe and multiple concrete transition structures to create an overflow drainage system to divert heavy flows through a secondary conduit underneath downtown, which would help to relieve stormwater capacity issues. To remedy the flooding on Main Street, the Village commissioned an assessment of the Nyack Brook hydraulics that resulted in the design of the bypass culvert, which would provide additional culvert capacity in the section with the least capacity and highest propensity for flooding. This project proposes the installation of a below-grade bypass structure, including a weir that allows high flows of water to be directed toward a new below-grade culvert that would run south beneath Mill Street, turn east at Burd Street and tie back into the existing culvert east of Franklin Street.

The Nyack Brook Improvement Project would entail a significant upfront cost but has the potential to substantially alleviate flooding issues in the downtown, which will aid existing property owners and businesses as well as generate new investment.

Location: Mill Street south of Main Street, Burd Street between Mill Street and S Franklin Street, Artopee Way between S Franklin St and Bridge St.

Site Ownership/Legal Jurisdiction: The project would be constructed completely in the public right of way, following streets that are owned by the Village of Nyack.

Public Support: The Nyack Brook Improvement Project has been a high priority of the Village for many years. This project was identified as a proposed project in the 1992 LWRP. To further its implementation, the Village commissioned engineering studies in 2005, sought grant funding in 2015 (which was not awarded), and included the project in the 2016 Comprehensive Plan Update. The Village applied in 2017 to the NYS DHSES and was approved as one of only 9 projects approved by New York State but was not funded by FEM due to budget constraints. Given the high project cost, the Village would need to receive outside grant funding in order to implement the project. This project would alleviate flooding impacts that affect many Village residents due their location in the heart of downtown Nyack, and village residents support this project as an upgrade to critical infrastructure. The Village has applied in December 2019 to the FEMA Hazard Mitigation Prevention Program to fund 75% of total amount of \$5 million.

Beneficiaries: The existing condition of the Nyack Brook culvert causes flooding in downtown Nyack, which impacts homes, businesses, municipal parking lots and Village streets. This project would help prevent those flooding impacts, which will aid all people who travel to downtown Nyack and nearby businesses and property owners. It would also benefit the Village by limiting flood damage to the public right of way when the Nyack Brook overflows. By preventing these flood hazards, this project will help generate investment into the area.

Timeframe for Implementation: The Village has commissioned preliminary designs for this project, but a full design process, including environmental review, would need to occur after the Village secures grant funds for this project. This is a high priority project that would require grant funding to complete.

Cost Estimate: The 2005 engineering study estimated that this project would cost approximately \$5 million. The Village has applied in December 2019 to the FEMA Hazard Mitigation Prevention Program to fund 75% of total amount.



Explore resilient infrastructure strategies to protect the Nyack Marina and waterfront development from the impacts of sea level rise and flooding

Description: Most of the Village will be protected from sea level rise due to the steep slopes that rise from the Hudson River waterfront to Broadway. New York State released official projections of sea-level rise for the Lower Hudson Valley region in February 2017. These projections list ranges of sea-level rise. The projections for 2050 range from 8 inches (low) to 30 inches (high). Even with the highest projection of 30 inches, much of the village would be unaffected. The descriptions of the sea-level rise projections below use the highest projection of 30 inches.

Memorial Park

The 100-year floodplain would move inland from its current area that covers the eastern third of the park. The projected floodplain would cover the entire lower park, approximately from the bathrooms around to where the Nyack Brook reaches Piermont Avenue. The open, grassy field directly east of Piermont Avenue would be out of the floodplain. The easternmost part of the park would be inundated by the Hudson River up to the waterfront parking. In addition, the northern half of the parking area would be partially inundated.

Nyack Marina

The 100-year floodplain currently covers the boat launch and boat trailer parking areas, along with the waterfront restaurant and parking directly west of the marina. The sea-level rise projections show a floodplain that covers most of the marina site east of the Spear Street Pump Station and inundates the boat launch area. The waterfront restaurant site would also be partially inundated.

Spear Street Pump Station

The current 100-year floodplain does not reach the Spear Street Pump Station. The projected floodplain would not reach the pump station but would be directly adjacent to its eastern wall. The Pump Station is a piece of critical infrastructure for the Town of Orangetown, and its position alongside the projected 100-year floodplain could lead to a higher chance that it would be affected by coastal storms. This study should include an investigation into the opportunities for moving the pump station from its current site at the Nyack Marina to another safer location.

Clermont Condominiums

The two easternmost buildings of the Clermont Condominiums are partially in the current floodplain. The projections show the northeastern building would be partially inundated by the Hudson River, and the rest of the building footprint would be covered by the 100-year floodplain. The southeastern building would be completely inundated by the River. The two westernmost buildings would mostly be out of the floodplain except for the southeastern corner of the southwestern condo building.

Tidewater at Gedney/Main Street Site, West Shore Towers, Rivercrest Co-op

The Rivercrest Co-op, West Shore Towers, and Tidewater project on the Gedney Street/Main Street Site are almost completely located within the 100-year floodplain. The three buildings to be constructed at the Tidewater project are set at an elevation above the 100-year flood elevation but the site would be inundated along the waterfront where the parcel juts out into the Hudson River. The West Shore Towers

would be slightly inundated along its waterfront edge. A small portion of the waterfront parking would be inundated in the Rivercrest Co-op.

Nyack Boat Club and Hook Mountain Yacht Club

The Nyack Boat Club would face only slightly more inundation than is currently shown on the maps, and the 100-year floodplain would move slightly more inland covering the entire waterfront and boat storage area. The Club's clubhouse, picnic area, and parking lot would not be in the floodplain. Hook Mountain Yacht Club would see slightly more inundation along the waterfront edge, with the biggest change being that the 100-year floodplain would move inland to cover the entire parking area. The parking area is not within the current 100-year floodplain.

Location: Nyack waterfront area east of Gedney Street and Piermont Avenue.

Site Ownership/Legal Jurisdiction: This project is an exploration or study of resiliency measures to mitigate the impacts of sea level rise, which affects public and privately held land on the waterfront. The village-owned parcels that would be affected are Memorial Park, the Village Marina, and the marina-adjacent waterfront restaurant. The privately-owned sites that would be most affected are the Clermont Condominiums, Tidewater project at Gedney Street/Main Street Site, Nyack Boat Club, West Shore Towers, Rivercrest Co-op, and the Hook Mountain Yacht Club. The Village would first be interested in studying how to protect the village-owned assets but supports and encourages the private property owners to protect their buildings as well.

Public Support: Public showed a consensus on the need to plan for sea level rise by exploring resiliency strategies. Many people at the LWRP public meetings remembered the effects that Superstorm Sandy had on the waterfront, and sea level rise could make those types of flood conditions a more frequent occurrence. There is also widespread public support in the Village for the relocation of the Spear Street Pump Station.

Beneficiaries: The first beneficiaries of a plan to explore resiliency strategies would be residences of the waterfront multifamily residences and anyone that uses the Village Marina and Memorial Park. Although the waterfront residences are privately owned and operated, it would be in the Village's interest to help preserve housing in the Village. The Village Marina and Memorial Park are the only two publicly owned waterfront parcels, and their protection would ensure Nyack residents can use these parcels in a future where the Hudson River has risen from its current level. If the pump station were to be relocated, its former space at the Nyack Marina could be used to improve the experience of the waterfront.

Timeframe for Implementation: A study of resiliency strategies could be completed in the short term. Cost of a study is estimated to be \$75,000 and eligible funding would include DEC climate resiliency programs. Implementation of recommendations from such a study could be completed in the medium to long-term with funding from DOS, DEC programs and federal programs from NOAA and FEMA pre-disaster programs.



Waterfront Connections

Create a public waterfront walkway with streetscape improvements and wayfinding to increase access to the river and connections to downtown

Description: The 2016 Comprehensive Plan identified the Nyack waterfront as one of the Village's more distinguishing characteristics, yet few streets that terminate at the waterfront offer a public place from which to interact or view the river. Public access to existing civic infrastructure, such as the Clermont Pier, is often not utilized to its full potential. Other parts of the waterfront, such as Memorial Park and the Nyack Marina, are dominated by parked cars, with pedestrian and recreational needs secondary. This project proposes making the waterfront a destination by creating a continuous waterfront walkway that links key arrival points on the waterfront, improves streetscapes both along the waterfront and connecting uphill to downtown, and provides wayfinding signage and lighting that link downtown to the waterfront.

Waterfront Walkway

Through surveys conducted during the planning process for the 2016 Comprehensive Plan, it was found that the Nyack community valued the waterfront and thought that there was an opportunity to create more civic space on the waterfront. The Comprehensive Plan proposes a waterfront walkway that begins at Memorial Park, crosses the Hudson River inlet to the Nyack Marina, enters a shared street on River and Burd Streets, then follows the waterfront again at the Tidewater Project at the Gedney Street/Main Street site and the Nyack Boat Club. The Tidewater Project includes a public walkway along the Hudson River as a part of the development. This riverfront walkway and amenities would energize the waterfront beyond its existing marine uses. This walkway would allow residents and visitors to enjoy the many attractions that the waterfront offers.





Conceptual rendering looking south along a new waterfront walkway next to the marina, with small-scale retail lining a parking terrace at right. Perkins Eastman Architects

Streetscape Improvements

Streetscape improvements through the downtown and waterfront areas would help create a sense of place that would further promote Nyack as a regional destination. Downtown Nyack is a historic center that offers a walkable, authentic commercial district that stands in contrast with strip development and indoor shopping malls like the Palisades Center, located west of Nyack along the New York State Thruway.

These streetscape improvements could take the form of additional and improved landscaping on streets and around parking lots that are dominated by pavement, as well as improved sidewalks in targeted locations and undergrounding power lines. The Village could also encourage the temporary use of parklets, temporary sidewalk extensions in commercial areas during special events. Temporary parklets installed in parking lanes would accommodate outdoor dining while preserving walking space on the street. Streetscape improvements could also feature public art and signage made by local artists which would reinforce the Village's arts and culture orientation.

Efforts should also be taken to reinforce visual connections from public streets to the waterfront. In some areas, there may be opportunities to selectively remove trees that block waterfront views. Selective removal should be based on a plan to identify trees that can be removed to promote waterfront views without compromising streetscape appearance.

Wayfinding

The Hudson River is a destination in Nyack for waterfront recreation as well as restaurants and residential developments. Downtown Nyack is a regional destination for shopping and dining, but the visual and physical linkages between the two districts are limited. Wayfinding improvements in the vicinity of the waterfront and downtown would create a stronger relationship between the two by directing residents and visitors to the Village's recreational, commercial, and historical attractions. Nyack's downtown and waterfront are key assets for the high quality of life that residents enjoy and for

the future economic development of the village and connecting the two should create a synergistic effect on life in the village. These improvements would help create a unique user experience that connects attractions through a series of activity loops.

Wayfinding improvements could be as simple as increased signage that directs visitors and residences to attractions and includes approximate distances and walking times. Wayfinding signage should be attractive and informative and could also be made by local artists or designers to further create a sense of place and link Nyack to its arts and culture identity. Another way to connect the village attractions could be through a path painted onto or implanted into the sidewalk like Boston's Freedom Trail. Potential sites that could be highlighted by a wayfinding network include:

- Edward Hopper House Art Center
- John Green House
- Memorial Park
- Nyack Marina
- Main Street
- Broadway
- Historical Society of the Nyacks
- Nyack Public Library

Location: The public waterfront walkway begins in Memorial Park to the south, crosses a pedestrian bridge to the Nyack Marina, and follows River Street and Main Street to the Gedney Street/Main Street site. Future development on this vacant site would be required to include a public waterfront walkway. Streetscape improvements on Hudson Avenue, Piermont Avenue, Gedney Street, First Avenue, Main Street, and Burd Street would link back to Broadway and Nyack's downtown area. Wayfinding and informational signage would be placed along the waterfront walkway and connecting streets to help orient visitors and promote historic resources and cultural attractions in Nyack.

Project Partners: The Village would partner with the Clermont Condominiums to ensure that the Clermont Pier is more accessible and continues to be open to the public. The developer of the Tidewater project at Gedney Street/Main Street site would also be a partner in creating the waterfront walkway at the Gedney Street Site's riverside frontage. Once the riverfront walkway and amenities are completed, the riverfront property would be deeded over to the Village for public access. The Village may also partner with the Nyack Boat Club to coordinate walkway improvements along Gedney Street, and with the owners and operators of cultural attractions and historic resources to help with their promotion and to create unique and welcoming wayfinding signs.

Site Ownership/Legal Jurisdiction: Much of the public waterfront walkway, streetscape improvements, and wayfinding signage is within the public right-of-way (ROW). The notable exceptions are the proposed connections with the Clermont Pier, and the riverfront walkway along the Tidewater site at Gedney Street/Main Street Site waterfront. Adding sidewalks on Gedney Street would require coordination with private property owners, including the Nyack Boat Club, West Shore Towers, and Rivercrest Coops. The WF zoning revisions adopted in 2016 would require these improvements in connection with any new or amended land use applications in these areas.

Public Support: The public waterfront walkway has been supported by the Village for over two decades and was included as a project in the 1992 LWRP. Public meetings for this LWRP confirmed that the walkway is enthusiastically supported by most residents to enjoy the best that Nyack has to offer: the Hudson River, historic and cultural attractions, and a walkable downtown.

Beneficiaries: All waterfront visitors would benefit from the public walkway. This walkway would encourage the exploration and enjoyment of Nyack’s waterfront by residents and tourists alike and would encourage all to visit Nyack’s cultural attractions and downtown establishments. As with all public lands, safety and security of visitors would need to be ensured so the walkway could be enjoyed to its full potential. The waterfront walkway, wayfinding, and streetscape upgrades will also help draw tourists from ferries, and local visitors to Memorial Park from the waterfront into the downtown core.

Timeframe for Implementation: Portions of this project could be implemented in the short term while others would take more time. Wayfinding design study would cost approximately \$50,000 and would be eligible for funding through the CFA process.

The Department of State through an EPF-LWRP grant has funded the public waterfront walkway for \$400,000 with a local match of \$400,000 plus additional funding of \$75,000 from State Aid to Municipalities (SAM) and an additional \$35,000 from the New NY Bridge Community Fund.



Albany Historical Wayfinding Signage
Paul Buckowski, Albany Times Union, Oct 13, 2015



Boston Freedom Trail
Wikimedia Commons, 2010

Implement the Memorial Park Master Plan and construct a pedestrian bridge to connect Memorial Park to Nyack Marina

Description: Memorial Park is Nyack’s premier open space resource and a key waterfront asset in the Village. The 11-acre park currently includes a baseball field, basketball court, skate park, children’s playground, and a butterfly garden. The park also accommodates seasonal events throughout the year.

Planning for improvements to Memorial Park date back to the 1992 Nyack LWRP. The Nyack Parks Conservancy has been working on detailed plans since 2008, when the Memorial Park Master Plan was completed. One of the fundamental goals of the master plan is to reduce parking within Memorial Park and utilize existing parking to the north in the Nyack Marina site. To help achieve this goal, a pedestrian bridge has been constructed that connects the Nyack Marina site to Memorial Park. The pedestrian bridge crosses the inlet that separates the two sites, providing access from the parking area to the park itself.

The Memorial Park Inlet Bridge’s design and construction has been funded through the New York State Thruway Authority’s New NY Bridge Community Fund for \$195,000 with an additional \$300,000 of bonding from the Village and SAM funding of another \$100,000. The inlet bridge has received all permitting from the DEC and Army Corps of Engineers (ACOE) as well as positive consistency review from DEC. A contract was executed between the Village and the New York State Thruway Authority in January 2017. The construction of the Memorial Inlet Bridge has been completed and was opened to the public in July 2020. It is an ADA compliant pedestrian footbridge over the water inlet separating Nyack’s Memorial Park from the Village’s public boat launches and Village Marina. Additional work to be completed includes lighting along the bridge and associated electrical work. This footbridge is a critical connector for the public waterfront walkway, linking Memorial Park with the Nyack Marina and allowing the Village to remove parking from Memorial Park.

In addition to the Memorial Inlet Bridge, the public waterfront walkway has received a \$400,000 grant in 2018 through the DOS EPF-LWRP program, additional funding of \$75,000 from SAM. The Village will provide a local match of \$400,000 plus additional SAM funding of \$75,000 and an additional \$35,000 from the New NY Bridge Community Fund. The construction of the walkway is anticipated to started in April 2020 spring 2022.

The public walkway will continue north to the Nyack Boat Club through a new waterfront park to be constructed by the private developer of the Tidewater residential project at the Gedney Street/Main Street site. Once completed by the Tidewater developer, this park and direct waterfront access will be deeded over to the Village for public use. The waterfront walkway with its related streetscaping and wayfinding improvements will link the Village's historic downtown to its waterfront and enhance waterfront access along the river. The waterfront walkway and Memorial Park Inlet Bridge opens public access to a valuable resource not only for the residents of the Nyack river communities but also an anticipated increase in visitors from the Governor Mario M. Cuomo Bridge shared use path.

Location: Memorial Park

Responsible Parties: The Village of Nyack owns the Village Marina and Memorial Park, the two parcels on either side of the proposed bridge. Construction of the bridge required obtaining an easement from the owner of the inlet. This easement was recorded by the Village on May 3, 2019.

Project Partners: The Village of Nyack has partnered with the upland property owner to create a use easement over the inlet.

Site Ownership/Legal Jurisdiction: The Village of Nyack owns the Village Marina and Memorial Park, the two parcels on either side of the proposed bridge. The rights to the inlet are privately owned and an easement has been acquired.

Public Support: This bridge is an integral part of the public waterfront walkway, which has been a very popular project in the village for many years. This project was proposed in the 1992 LWRP for the benefits of providing improved access between Memorial Park and the parcel that is now the Village Marina. The bridge is also a key link to the parking at the Village Marina. The Memorial Park Master Plan calls for the removal of most parking in the park and moves that parking capacity to the Village Marina. The pedestrian bridge would allow for direct and easier access from the parking lot to the redesigned park.

Beneficiaries: All users of the waterfront and the proposed public waterfront walkway would benefit greatly from this bridge. Without this bridge, a walkway between Memorial Park and the Village Marina would take a longer route along Piermont Avenue instead of the direct connection a pedestrian bridge would provide. This circuitous route would also be less accessible than the pedestrian bridge, as this route would include steep slopes from the waterfront to Memorial Park. These slopes would inhibit some users of the park.

Timeframe for Implementation: The Memorial Park Inlet Bridge's design and construction is short-term since it has been funded through the New York State Thruway Authority's New NY Bridge Community Fund for \$195,000 with an additional \$300,000 of bonding from the Village and SAM funding of another \$100,000. The inlet bridge has received all permitting from the DEC and Army Corps of Engineers (ACOE) as well as positive consistency review from DEC. A contract was executed between the Village and the New York State Thruway Authority in January 2017. The Memorial Inlet Bridge and associated amenities is under construction with substantial completion in summer 2020.



Improve Access to the Clermont Condominium Pier

Description: The Clermont Condominium Pier is a privately-owned pier that is open to the public daily from six in the morning until ten in the evening (6 A.M. to 10 P.M.). The Pier was created by the developer of the Clermont Condominiums as a public amenity (required by the Village). The public entrance to the pier is open and closed to coincide with the Village's park hours. The pier was extensively damaged in Superstorm Sandy and has not been fully repaired. In particular, the lower level on the north side of the pier needs work before it can be opened to the public. Village residents and visitors have expressed a desire to have the Clermont Pier more welcoming to residents, both as a waterfront terminus of Main Street and as a focal point on the proposed public waterfront walkway. At a minimum, this project could include improved gate management and signage to welcome members of the public. It could also include a safe canoe and kayak launch, and pier amenities such as benches, tables, and waste bins. This pier could be a key point not only on the public waterfront walkway, but also for the area around Gedney Street and Main Street. Village residents suggested the pier could feature seasonal attractions (ice cream stands, etc.) in addition to year-round retail in the commercial spaces adjacent to the pier. It should be noted that the adjacent riverfront shoreline at the Tidewater project will be improved with a public walkway and amenities by the developer of the Tidewater property and deeded over to the Village for public access. This development will be complementary to any pier improvements.

Project Partners: The Village would partner with the management and residents of the Clermont Condominiums to find a gate management system that would ensure the pier is accessible when the pier is open, and locked when the pier is closed.

Site Ownership/Legal Jurisdiction: The pier is owned and maintained by the Clermont Condominiums. The pier is open to the public from six in the morning until ten in the evening. The Village has an easement allowing public access onto the pier during hours that coincide with the operating hours of the Village's parks.

Public Support: There is widespread public support for a more open and inviting Clermont Pier. Village residents see the pier as a focal point of the public waterfront walkway and support the idea of the pier as an attraction for waterfront retail. Residents of the Clermont Condominiums also support better pier management, and at public meetings reinforced that the residents welcome the public onto the pier.

Beneficiaries: All waterfront residents and visitors could benefit from a more welcoming Clermont Pier. A fully restored pier with seating and other amenities would provide visitors and residents with a great location for relaxing and enjoying the company of their neighbors. This project would also enhance the public waterfront walkway.

Timeframe for Implementation: This is a high priority project that could begin to be implemented in the very near term. The Village and the Clermont Condominiums could begin discussions about managing the gate and public access while pier improvements are planned. Signage and a public information campaign reinforcing the public access to this pier could be achieved with minimal cost.



View of Clermont Condominiums from Clermont Pier, BFJ Planning

Trolley service pilot project

Description: A trolley service would further connect the Village Marina and Memorial Park to the downtown core. This trolley would be functionally like a bus or shuttle; however, the vehicle would be smaller, and would run along a much shorter route in order to keep headways to a minimum. The purpose of the trolley is to connect the waterfront to downtown and this trolley would do so by assisting residents and visitors who are hindered by the steep slopes that connect the two areas. The proposed trolley route could include stops at Memorial Park, the Village Marina, Broadway and Main Street, the Edward Hopper House Art Center, and the Artopee Way Municipal Parking Lot. In order to be successful, this trolley service would need to be quick, reliable, and safe. This should be achievable due to the short length of the conceptual route, which is approximately one mile long. This proposed service would be grant funded and could operate first as a temporary service. If the service is successful, the Village could seek funding for its extension.

Location: The trolley would follow a route that generally connects Memorial Park and the Village Marina to downtown Nyack.

Project Partners: The Village of Nyack would seek funding for this service from New York State.

Site Ownership/Legal Jurisdiction: The Village of Nyack would be responsible for the operation of this trolley service. The capital cost would be grant funded with Village responsible for maintenance and operating costs.

Public Support: This project was promoted by participants at the LWRP public workshops. Participants stated it would be a good way to link the Nyack's waterfront and downtown, especially for those who would not be able to walk or bicycle between the two.

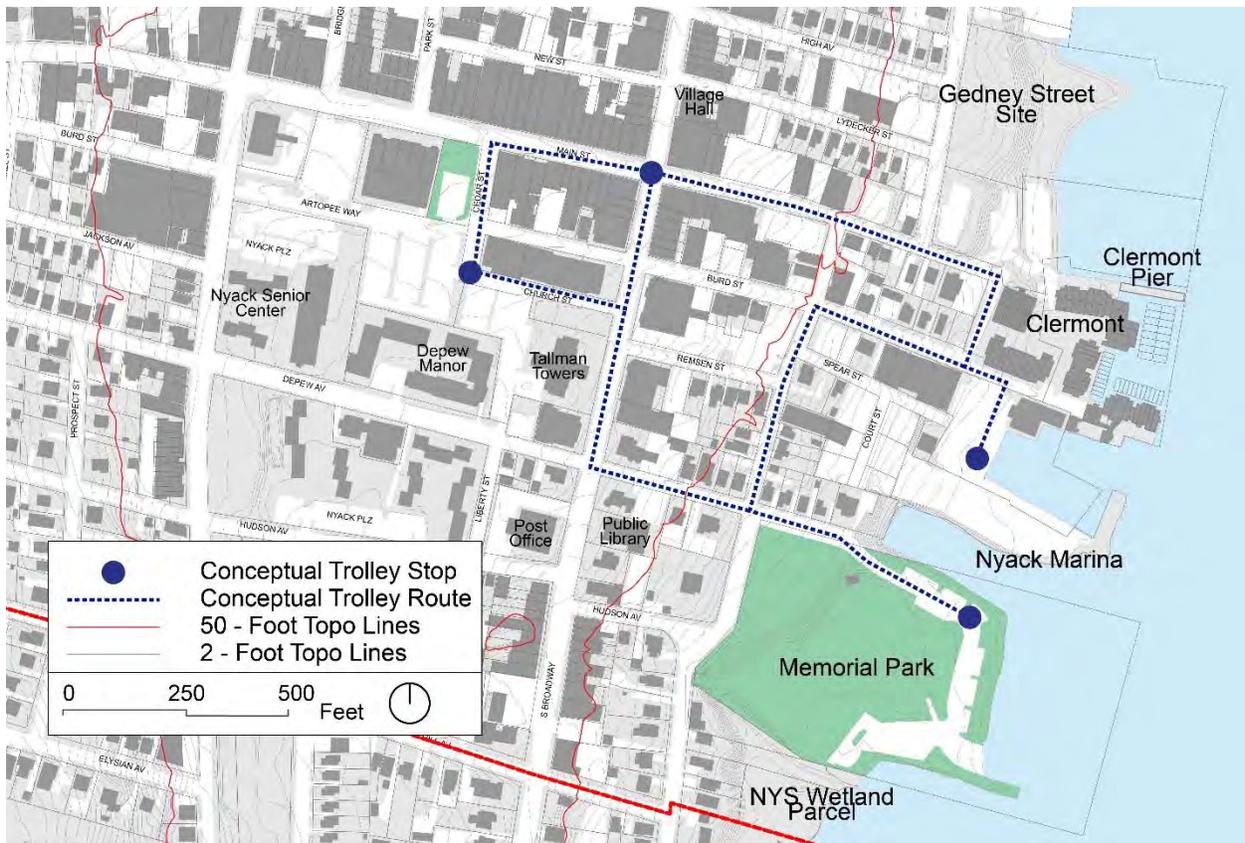
Beneficiaries: The trolley service would benefit all Village residents and visitors by expanding the area that is conveniently accessed from a visitor's parked vehicle, which could result in longer stays and more money spent in the village.

Timeframe for Implementation: A trolley service pilot project could be implemented relatively quickly, provided the funding is acquired. The pilot project would run for two years to allow sufficient time to evaluate the service. The Village has existing transit stops that provide the amenities required for the trolley and has other benches along Main Street that could be used as trolley amenities. The Village Marina and Memorial Park stops could be in places with existing benches, or benches would have to be added. Capital funding for a trolley is estimated at \$275,00 and funding opportunities would be explored through NYS DOT, NYS Arts Council as well as private foundations.

Village of Nyack
Local Waterfront Revitalization Program



Shuttle Example: Ridgefield-Katonah Shuttle
Ridgefield Press (August 20, 2012)



Conceptual Shuttle Route
BFJ Planning

Rehabilitation of historic resources, including the John Green House

Description: Nyack has many historic resources, including three buildings currently listed on the National Register of Historic Places. The John Green House is one of the NRHP listed structures and is located at 23 Main Street, along the proposed route of the public waterfront walkway. The Dutch sandstone home was constructed in 1819. It is one of the oldest remaining residential structures in Nyack but was condemned by the Village in 2010. The house was donated to the John Green Preservation Coalition in 2016 and the coalition is currently rehabilitating the home. The John Green House was listed on the State and National Registers of Historic Places in 2017, with plans to seek local historic designation once the façade work is complete. John Green was a Nyack businessman who helped grow Nyack into the village it is today through his advocacy for transportation improvements, including mapping the Nyack Channel in the Hudson River and the turnpike between Nyack and Suffern (modern-day Route 59).

Nyack would encourage the rehabilitation of all historic structures within the LWRP Boundary, but particularly those structures located along the public waterfront walkway. These historic structures would be attractions along the walkway for visitors and residents and could have informational plaques that describe their history and importance to the village.

Location: The John Green House is located south of the intersection of Main Street and Gedney Street. The address is 23 Main Street.

Site Ownership/Legal Jurisdiction: The house is currently owned by the John Green Preservation Coalition, a 501(c)(3) nonprofit.

Public Support: Participants at the LWRP workshops supported this project, including the rehabilitation of the John Green House and other historic structures within the LWRP boundary. The Village is home to many historic buildings, and historic preservation is a very popular endeavor.

Beneficiaries: All residents and visitors to the Village would benefit from the preservation of this historic home. The John Green House is approximately 200 years old, and its architecture and building materials provide an interesting glimpse into the past of Nyack and the Lower Hudson Valley. The John Green House is also located near the public waterfront walkway and would be another attraction for users of the walkway.

Timeframe for Implementation: This project requires fundraising and creation of a strategy for ongoing revenue by the John Green Preservation Coalition. The John Green House is currently being rehabilitated and is expected to be completed in the medium-term.



John Green House
BFJ Planning

Marina Site, Memorial Park, and Ferry

Increase parking capacity of the Nyack Marina parking area to support marina-area uses and to account for parking lost at Memorial Park

Description: The Nyack Marina site is expected to see increased parking demand soon due to several factors, including:

- Improved marina
- New and existing restaurants
- Memorial Park improvements
- Reduced parking at Memorial Park to create a waterfront walkway as proposed in the Memorial Park Master Plan
- Potential future ferry service

Increased parking within the marina could be achieved by short-term measures such as striping and improved configuration. The Village has applied for a DOS LWRP grant through the 2019 CFA. The project will be constructed within the 22,000 square foot marina parking lot. It will consist of installing drainage (where none now exists), re-milling and repaving, replacing existing wheel stops, reconfiguration of parking spaces, striping, ADA compliant spaces, installing light poles and fixtures and providing landscaping including landscaped islands that will function as bioretention for stormwater management.

Location: The Nyack Marina parking area.

Site Ownership/Legal Jurisdiction: The site is owned and managed by the Village of Nyack.

Public Support: There is widespread understanding and support for parking management strategies in and around the Village Marina. Nyack residents expect increased parking demand due to the opening of waterfront attractions and the redesign of Memorial Park according to its master plan. Neighboring residents expressed concern that the parking terrace should not obstruct river views—conceptual schemes for the parking terrace included in the Comprehensive Plan and in the LWRP have been designed to use the topography of the marina site to carve out a structure that does not obstruct views.

Beneficiaries: Restriping and redevelopment of the marina parking lot will benefit all users of the waterfront and Memorial Park, because it will give them a dependable and safe place to store their vehicles while they enjoy Nyack. Upland residents will benefit from more parking capacity because it will lessen the demand for parking on residential streets from people who are visiting the waterfront attractions. Removing parking from Memorial Park benefits park users by improving pedestrian safety and aesthetics in the park as well as adding permeable pavers to the planned shoreline walkway and increasing overall green space in the park. The redevelopment of the marina parking lot will enhance the entire marina area including repaving, reconfiguration of spaces that will increase parking capacity, new lighting, landscaping and stormwater management. It will tie in with the other waterfront projects at the marina such as the Memorial Inlet Bridge, the waterfront public walkway, wayfinding, potential new restaurant, new parking terrace – all of which will provide enhanced access to the river for Nyack’s residents and the increasing number of tourists being attracted to the Village.

Timeframe for Implementation: In July of 2019, the Village applied for a DOS LWRP grant through the CFA application process. The Village Engineer has completed preliminary design and cost estimates for the project. The total project will cost \$565,150 of which the Village is requesting \$423,750 from NYS DOS LWRP projects and will match with \$141,400 or 25% of the project cost. The project will require approximately 16 months to complete. The project is being conducted entirely on Village property. There is no permitting required for the project other than from the Nyack Building Department for electrical work. The project is ready to start upon notification of the grant award. The Village Engineer will complete final construction and bid documents and provide construction supervision and administration. The Village's DPW will perform some components of the construction including site preparation and landscaping. The Village Administrator will have overall responsibility for the project and provide contract management.



Provide waterfront improvements to support recreational ferry service

Description: Creating the waterfront infrastructure to support seasonal recreational service would complement Nyack’s existing position as a regional destination and could connect day-trippers or overnighters to the village. Recreational ferry service was preferred by some participants during the comprehensive planning process because it could be started quickly and with a relatively modest up-front investment, as it could utilize a temporary landing at the Village marina using an existing barge. This is a common arrangement in the Hudson River towns such as Haverstraw/Ossining and Beacon/Newburgh. The municipality owns the ferry landing infrastructure and allows a private operator to use the dock. The private ferry operator and Village would negotiate an agreement and lease terms in which the ferry service itself would be provided by a private operator and access to the Village-owned floating dock and gangway in the Nyack Marina and related waterfront infrastructure such as ticket kiosk, comfort station, and signage. Typically, the ferry operator would require an MTA subsidy if they were providing commuting service between Nyack and Tarrytown.

Ferry Terminal

The 2016 Nyack Comprehensive Plan recommended that the ferry terminal be located immediately adjacent to the Village Marina and boat ramp due to its adequate water depth, ability to accommodate parked vehicles, location within a walkable distance of the downtown area, and distance from existing moorings. The terminal would be scalable based on required operations, however based on ridership projections, the terminal would service 74-passenger or 149-passenger boats. The typical waterfront infrastructure necessary to support operations consists of a floating barge where the ferry moors, a gangway connecting the barge to land, and land-side amenities. DOS would conduct a consistency review of the construction and placement of docks, piers, and public facilities associated with the ferries as well as any breakwaters or shoreline treatments which might be proposed. The land-side amenities



Typical ferry landing infrastructure.
COWI Marine North America



Example of a 74-passenger ferry.
COWI Marine North America

would include a ticket kiosk, comfort station, and signage. The Nyack terminal would look like the terminal at Haverstraw, or one of the many New York City Ferry terminals in New York Harbor.

Parking Terrace

Parking impacts of a recreational ferry service would be limited, since many riders would be traveling from New York City or other Hudson River communities. However, some additional parking may be required at the Nyack Marina site to accommodate the critical mass of new and revitalized uses on the waterfront (including the Nyack Marina, restaurant, and Memorial Park). Further, the 2008 Memorial

Park Master Plan would remove most of the vehicle parking from the park which results in a loss of approximately 40 parking spaces. The need for additional parking on the waterfront could be accommodated by a modest parking terrace located behind the pump house at the Nyack Marina. This parking terrace could be built to service parking for the recreational or commuter ferry service and could be designed so that it could be constructed in stages. This would allow the terrace to grow with demand, instead of creating a facility larger than necessary.

The two-level parking terrace to support Marina-area uses including the recreational ferry would be graded into the existing topography to prevent visual impacts on upland views and views from the water. The topography would allow the top level of the terrace to be at the existing height of Court Street, and the lower level would be partially below the existing grade.

Location: The ferry terminal would be located at the Nyack Marina. The proposed parking terrace would be located on the Village Marina parcel, west of the Orangetown Sewer Pump Station and east of St. Johns Deliverance Tabernacle Church.

Responsible Parties: The Village of Nyack.

Project Partners: Private ferry operator.

Site Ownership/Legal Jurisdiction: The Village Marina is owned and managed by the Village of Nyack. The Village of Nyack owns the marina property and the adjacent underwater lands. These were acquired by the Village upon the acquisition of the former Peterson's boat yard on July 1, 1943. There would be an operating agreement negotiated between the Village and a private ferry operator for a ferry service and related improvements.

Public Support: Nyack residents and stakeholders expressed their support for a recreational ferry service during public meetings. People generally responded that they might use the ferry for trips around the Hudson Valley or to New York City, but expected that many ferry users would be tourists visiting the Village from New York City. The ferry to increase tourism is especially popular; residents hope tourists would visit for the day or spend the night in the Village and support its shops and restaurants.

Beneficiaries: This recreational ferry service would benefit Nyack residents by providing an opportunity to travel on the Hudson River to other river towns or to New York City. The Hudson River is a nationally important and scenic river that offers breathtaking views of natural features and historic towns. This ferry service would give residents who do not have access to a boat the joy of river travel. This service would also bring tourists to Nyack who would spend money in town and support the local stores, restaurants, cultural institutions, and lodging facilities.

Timeframe for Implementation: In order to build a floating ferry dock, the Village would need to secure grant funding. Ferry service could begin quickly after the dock is constructed, but because the Village does not currently have the funding for the dock, this is a medium-term project.

Cost Estimate:

- Ferry Infrastructure: \$3,000,000



149-Seat Ferry

Wikimedia Commons



Provide waterfront improvements to support commuter ferry service

Description: Creating the waterfront infrastructure to support Nyack-to-Tarrytown commuter service would connect commuters in Nyack to the Tarrytown Metro-North train station. This service would run during the week at peak commuting times in the morning and evening. The Nyack-to-Tarrytown commuter service would create a greater parking demand than the recreational service and would also require a subsidy from the Metropolitan Transit Authority (MTA). The ferry service itself would be provided by a private operator, with the Village providing waterfront infrastructure, including a floating dock and gangway, ticket kiosk, a comfort station, and signage.



Ferry Terminal

The ferry terminal for the commuter ferry service would be located and configured similarly to the recreational ferry option. The ferry terminal would be located at the Marina and boat ramp. The terminal would be scalable based on required operations, however based on ridership projections, the terminal would service 74-passenger or 149-passenger boats. The typical waterfront infrastructure necessary to support operations consists of a floating barge where the ferry moors, a gangway connecting the barge to land, and land-side amenities. The land-side amenities would include a ticket kiosk, comfort station, and signage. The Nyack terminal would look like the terminal at Haverstraw, or to one of the many New York City Ferry terminals in New York Harbor.

Parking Terrace

The parking terrace required to support a Nyack-to-Tarrytown commuter service would likely require additional parking spaces compared to the recreational service. However, the Village could construct a smaller two-level parking terrace, as described in the recreational ferry section, with the ability to add an additional level in the future. That would allow for recreational service to operate in the interim while the Village explores an expanded option. In the meantime, the Village should also explore parking management strategies that alleviate additional parking requirements, such as encouraging shared parking, ride share, and/or a trolley to downtown. If a larger, three-story parking structure is required, the bottom two levels would be partially carved into the hillside, but the top level would be at-grade.

The three levels would be at or below the base of the adjacent St. John's Deliverance Church. Nyack's topography is an asset in the construction of either parking terrace option, because it would allow the construction of the terraces without sacrificing the views of the river from public streets leading to the downtown area.

However, with the advance of ridesharing (Uber, Lyft, etc.) and driverless car technology, a three-level parking terrace may not be required at all. Driverless or rideshared vehicles would drop ferry passengers off at the terminal, then pick-up other riders or continue to a parking space away from the valuable real estate at the waterfront. These technological advances further support the idea of building a smaller terrace at first, then adding on if demand requires it.

Location: The proposed parking terrace would be located on the Village Marina parcel, in the current location of the Spear Street parking lot west of the Orangetown Sewer Pump Station and east of St. Johns Deliverance Tabernacle Church. The floating dock and gangway would be located off the easternmost portion of the Village Marina, and the ticket kiosk and comfort station would be located at the Village Marina.

Project Partners: MTA; Private ferry operator.

Site Ownership/Legal Jurisdiction: The Village Marina is owned and managed by the Village of Nyack. The underwater lands in front of the Nyack Marina are owned by the Village of Nyack. The Village acquired ownership of the underwater land on July 1, 1943 when they acquired the former Peterson's boatyard.

Public Support: Public Support for the commuter ferry service is strong, provided that the Village can acquire grant funding for the construction of the parking terrace and ferry docks, and that the MTA would subsidize the ferry service for Metro North commuters. The ferry would provide a faster trans-Hudson connection than other modes currently offered from Nyack to the Tarrytown Metro North station¹. Impacts from the ferry would be studied and mitigated if necessary.

Nyack residents support the idea of a parking terrace to provide the parking capacity needed to support a ferry service and new waterfront attractions and the loss of parking from the Memorial Park Master Plan. Some residents are concerned that the parking terrace would block views of the Hudson River from upland residences, but the topography of the area would allow the parking terrace to be built into the hillside and wouldn't impact river views. Concerns about commuter parking on residential streets can be mitigated through the promotion of a combination ticket that would include the cost of parking in the terrace, ferry fare, and Metro North fare.

Beneficiaries: All waterfront visitors would benefit from the parking capacity provided by the terrace, especially because this capacity would not come at the cost of river views. Upland residents would also benefit from the reduced demand for parking along residential streets near the waterfront. Visitors to

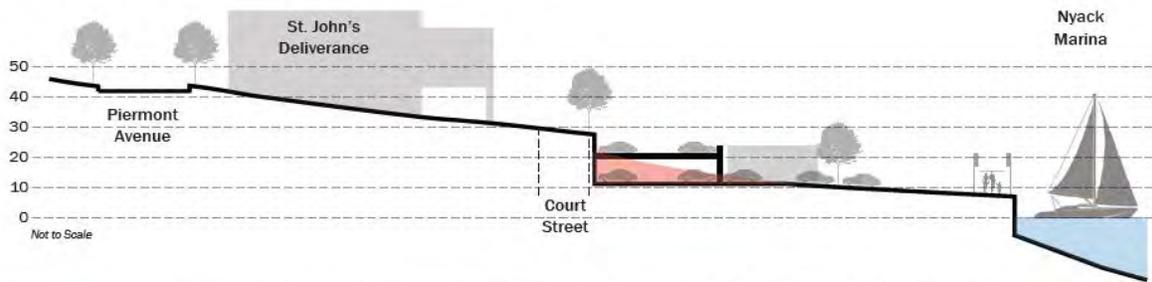
¹ The 2016 Columbia University Urban Planning Studio stated a ferry trip from Nyack to Tarrytown would take approximately ten minutes, and a bus from Nyack to Tarrytown takes approximately 30 minutes. The studio did not compare these modes to driving across the Tappan Zee Bridge due to parking constraints at the Tarrytown Metro North Station.

the waterfront would have more convenient parking options in a terrace compared to on-street parking where they would have to search for empty spaces. Commuters from Nyack to New York City (through the Tarrytown Metro North Station) would benefit from the location of the parking terrace adjacent to the ferry dock; parking near the ferry would make their commute quicker and easier.

Timeframe for Implementation: This parking terrace would adequately serve the Village’s needs for replacing parking at Memorial Park that would be lost by the master plan redesign and provide parking for commuter ferry users. Regardless of the frequency or demand for commuter ferry service, the parking terrace is the best option to address the parking demand. As such, this is a high priority project for the Village, especially as the waterfront gains attractions open in the next few years. Construction of a parking terrace would require that the Village acquire grant funding through the CFA process. The estimated cost would be approximately \$3.5 million and is, therefore, a medium-term project. The Village would charge parking fees and manage the parking garage through the Village’s Parking Authority.

Cost Estimate:

- Parking Terrace: \$3,500,000.



Extend the Memorial Park Pier to create a fishing pier in the Hudson River

Description: A fishing pier at Memorial Park would extend from the existing viewing platform. Such a dock offers additional water-dependent recreation opportunities that are in substantial demand. Fishing already takes place in a variety of unsanctioned locations. Although only 14% of the respondents to the 2016 Comprehensive Plan public survey presently use the waterfront for fishing, 70% favored provision of a fishing pier. Upon removal of the barges, a dock could be constructed which provides space for fishing, strolling and short-term docking.

Location: The existing viewing platform is located on the southeastern corner of Memorial Park. The fishing pier would extend eastward off the viewing platform into the Hudson River.

Project Partners: The Village would need to partner with the NYS DEC, NYS DOS, and the US Army Corps of Engineers during the design and construction phase of the project.

Site Ownership/Legal Jurisdiction: The current viewing platform is in Memorial Park, which is owned and operated by the Village of Nyack.

Public Support: Fishing on the Hudson River has a long history in the Village. Nyack was once home to a commercial fishing industry focused on the American Shad (*Alosa sapidissima*), an anadromous fish that would return from its life in the Atlantic Ocean to the Hudson River to spawn. A fishing pier that extends into the Hudson River would honor this heritage by promoting fishing as a recreational activity on Nyack's waterfront.

Beneficiaries: Waterfront visitors and local anglers would benefit from enhanced fishing opportunities from the Village.

Timeframe for Implementation: This is a long-term project due to regulatory constraints. During public outreach, waterfront stakeholders supported the idea of extending the Memorial Park Pier into the Hudson River, but not at the expense of other waterfront projects. The Village would also need to obtain grant funding for this project from DOS and/or SAM allocations. Costs are estimated to be \$100,000 including design, permitting, engineering and construction.



Partner with New York State to restore wetland on the state-owned parcel at the southern boundary of the Village

Description: New York State owns a wetland parcel on the Nyack waterfront located south of Memorial Park, across from the Nyack Brook outfall. This parcel is of interest to the Village as it is one of few remaining parcels that could be restored for passive recreation on the waterfront.

The New York State DEC lists the parcel on its Environmental Remediation Database as the Former Powell Boatyard (Site Code: B00039). The listing describes the site as the former location of a boatyard that engaged in boat repair and painting. Some of the parcel is created from fill of unknown origin. The combination of the site's former use and unknown fill make it likely that the site is contaminated, however the database entry does not list any specific contaminants of concern. If cleaned of environmental hazards and restored by New York State, the parcel would provide additional riparian and wetland habitat on the Nyack Waterfront. This habitat would be visible from the Memorial Park viewing pier and would increase birdwatching opportunities in the park. Even if cleaned, the site is not available for other uses due to its lack of access. Without an easement, the site is inaccessible from Piermont Avenue, and its riparian rights are owned by upland property owners.

Location: The state-owned wetland parcel is located along the southern border of the LWRP boundary, south of Memorial Park. The parcel is only accessible from the river.

Project Partners: The Village would collaborate with New York State to clean and rehabilitate the wetland. The Village would not take any ownership or maintenance responsibilities until the site has been rehabilitated and any legacy contaminants would no longer be of any concern. The Village would avoid liability for any environmental hazards located at this site but could partner with the Riverkeeper and other natural resources and wildlife conservation advocates to promote its cleaning and rehabilitation.

Site Ownership/Legal Jurisdiction: The parcel is owned by New York State Office of General Services.

Public Support: There is public support for the rehabilitation and cleaning of this wetland parcel, but under the condition that the Village avoid any responsibility for funding the cleaning or liability for its environmental hazards.

Beneficiaries: This project will have environmental benefits and benefit users of Memorial Park.

Timeframe for Implementation: The possible environmental hazards and state-ownership of this parcel make this a low priority and long-term project.

Cost Estimate: All costs would be covered or coordinated by New York State, and not the Village of Nyack.

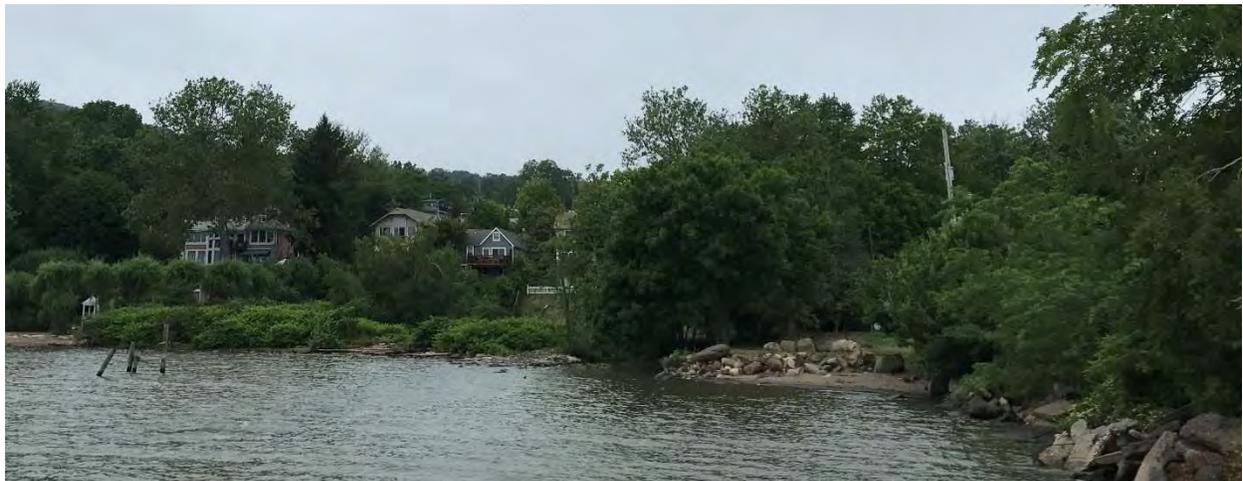
Village of Nyack
Local Waterfront Revitalization Program



Constitution Marsh
Jeffry Bary, flickr



NYS-owned wetland parcel in Nyack
BFJ Planning



NYS-owned wetland parcel, viewed from Memorial Park
BFJ Planning

Village of Nyack
Local Waterfront Revitalization Program

Section V Techniques for Local Implementation

Section V of the Nyack LWRP has been organized to provide an understanding of how the policies and the proposed uses and projects will be implemented by the Village. The section includes a summary of local legislative techniques and tools and other public and private actions necessary to implement the LWRP. A management structure, including the procedures for coordinating LWRP consistency review of federal and State actions, and financial resources are also discussed.

Part A describes existing local laws and regulations which will help to implement the LWRP. Part B sets forth specific implementing actions or projects. Part C describes the management structure proposed to coordinate the program.

A. Local Laws and Regulations Necessary to Implement the LWRP

The following existing laws and regulations are used by the Village to regulate or review land use and development activity in the coastal area:

1. Existing Laws and Regulations

a) *Building Construction – Chapter 140*

This chapter controls all matters related to construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all existing and proposed buildings and structures.

b) *Flood Damage Prevention – Chapter 205*

This chapter protects public health, safety, and general welfare by minimizing public and private losses due to flood conditions. It includes methods and provisions for regulating uses which are dangerous due to increases in erosion, in flood heights or velocities; requiring uses vulnerable to floods be protected at the time of initial construction; controlling the alteration of natural floodplain, stream channels and natural protective barriers; controlling filling, grading, dredging and other activities which may increase flood damage; and preventing and/or regulating the construction of flood barriers which will unnaturally divert floodwater or increase flood hazards.

c) *Storm Sewers – Chapter 294*

This chapter regulates non-stormwater discharges into the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and New York State law. It establishes methods for controlling the introduction of pollutants into the MS4, including prohibiting illicit connections, activities, and discharges into the MS4; establishes legal authority to carry out all inspection, surveillance, and monitoring procedures to ensure compliance, and promotes the public awareness of the hazards involved in the improper storage and/or discharge of pollutants.

d) *Stormwater Management – Chapter 295*

This chapter establishes minimum stormwater management requirements and controls to protect and safeguard general health, safety, and welfare of the public. It requires that land development activities conform with the requirements of the NYS DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities. It also minimizes increases in stormwater runoff from land

development to reduce flooding, increases in stream temperature, siltation, and stream bank erosion. These regulations help reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution through stormwater management practices.

e) Watercourses and Ponds – Chapter 338

This ordinance regulates and provides for the protection of streams and watercourses by prohibiting their obstruction by impeding the free passage of water or suffering the side walls of any watercourse. Land owners are also required to keep artificial reservoirs in proper repair and in safe and secure condition.

f) Waterfront Consistency Review – Chapter 342

This chapter is intended to implement the Village's LWRP and provides a framework for agencies of the Village to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications or direct agency actions located in the coastal area and to assure that such actions and direct actions are consistent with said policies and purposes.

g) Zoning – Chapter 360

This chapter regulates the use, height, bulk, and density of new and existing building stock, as well as, alterations to the natural environment. This chapter requires proposed land development to undergo a stormwater pollution prevention plan that provides an explanation of stormwater and erosion control measures which are reviewed against required specifications. The subdivision regulations within this chapter protect natural drainage and topography creating the least erosion potential, prohibit stormwater from being discharged directly into surface waters, and prohibit development within 100-feet of wetlands, and on slopes with a gradient greater than 25 percent.

Zoning regulations include a Waterfront Development District (WF) use classification that encourage uses along and near the Hudson River related to and appropriate for a waterfront area. The district encourages a balance of uses that facilitate water-dependent and water-enhanced uses where public access will be provided. It also aims to maximize physical public access, protect water quality, fish and wildlife, scenic views and natural vegetation, and enhance aesthetic resources to the greatest feasible extent. District specific standards include site development plan approval, special bulk requirements, development incentives by special permit, waterfront and access requirements, and design guidelines.

The Village of Nyack does not have a Harbor Management Law. The Harbor Management Plan is incorporated in this LWRP and included as a summary in the Appendix. During preparation of the LWRP, the Steering Committee, Village Staff, and Board of Trustees discussed the prospect of drafting a Harbor Management Law and the consensus is that it is not necessary at this time. Currently, there are no issues regarding conflict, competition, or congestion in Nyack's harbor area.

There are two adjacent mooring fields offshore, at the Nyack Boat Club and the Hook Mountain Yacht Club. During preparation of the LWRP, the prospect of establishing a local law to regulate these mooring fields was discussed. The mooring fields are currently regulated by the Nyack Boat Club and the Hook Mountain Yacht Club. There was consensus among members of the boating community, as well as the Steering Committee, Village Staff, and the Board of Trustees, that the current system is effective and that there is no need for a local law. Further, the Village does not have a Harbormaster and would not have the capacity to hire a staff person to enforce a local law.

If boating activity and/or patterns increase to the point that conflicts, competition, or congestion become an issue, the Village of Nyack Board of Trustees could explore the potential to draft a local Harbor Management Law.

B. Other Public and Private Actions Necessary to Implement the LWRP

1. Remove navigation hazards near the Nyack shoreline.

In order to encourage more boating by small and non-motorized craft, the Village would explore opportunities to remove sunken barges, damaged pilings, and other navigation hazards that are dangerous to human health and well-being. The Village would coordinate with any persons who hold underwater rights to parcels with navigation hazards, and with the New York State DEC and the US Army Corps of Engineers to discuss funding and implementation.

2. Study issues related to siltation and dredging in the Nyack Marina Area and regulation of mooring fields.

The Village is seeking to improve its harbor management, which would result in long-term cost savings and environmental benefits. To further this goal, the Village would seek funding to study harbor management, and on strategies or infrastructure that would reduce the need for dredging. This plan would ensure Nyack is well-prepared for the required maintenance of the Village Marina, and for the effects of sea level rise and climate change would have on siltation. The Village of Nyack would coordinate with boaters and representatives of the Nyack Boat Club and Hook Mountain Yacht Club to further explore the impacts of any mooring field regulations. The regulations could codify the existing safety standards that are used by the Nyack Boat Club and Hook Mountain Yacht Club. These clubs would be integral to the development of mooring standards because they offer tender service for the boats moored in the harbor, and the Village does not plan on offering it.

3. Implement the Nyack Brook improvement project to alleviate stormwater flooding.

The Village would seek funding to construct a drainage bypass culvert along the Nyack Brook. This project has been planned since at least the 1992 LWRP and is immensely important for stormwater service. The Nyack Brook currently does not have enough capacity, and the Village suffers from flooding in large rain events. Nyack previously commissioned a preliminary study, and will require a grant for a full design, environmental review, and construction for this project.

4. Explore resilient infrastructure strategies to protect the Nyack Marina and waterfront development from the impacts of sea level rise and flooding.

The majority of Nyack's residents and land area are protected from sea level rise due to the steep slopes that lead from the waterfront to Broadway. However, the two Village-owned waterfront parcels (Nyack Marina and Memorial Park) and the waterfront multifamily residences will be encroached upon and inundated by sea level rise. The Village could acquire funding to commission a study, or partner with lower Hudson Valley resiliency programs to create best practices for resilient processes and design. Nyack would coordinate with the Town of Orangetown and the New York State DEC to study the potential relocation of the Spear Street Pump Station. This relocation is unlikely to happen in the short term, but if the current facility should need replacing or require extensive upgrades, the Village should encourage a study of the pump station's relocation.

5. **Create a public waterfront walkway with streetscape improvements and wayfinding to increase access to the river and connections to downtown.**

The Village would acquire funding for the design and construction of a public waterfront walkway that leads from Memorial Park to the Village Marina and continues along to the Clermont Pier and the waterfront of the Gedney Street Site. The walkway would then continue along Gedney Street and connect back onto Broadway. This waterfront walkway would be constructed in coordination with private property owners, historical and cultural resource advocates, and local artists to provide a unique, attractive, and interesting walkway. This walkway would coincide with streetscape and wayfinding improvements that direct residents and visitors alike to the many attractions in Nyack.

6. **Construct a pedestrian bridge to connect Memorial Park to Nyack Marina**

Nyack has received funding to construct a pedestrian bridge over the inlet that would connect Memorial Park to the Village Marina. The bridge would improve the current access to Memorial Park and be imperative to its access once the park's master plan has been implemented.

7. **Improve Access to the Clermont Pier**

The Village of Nyack would coordinate with the residents and management of the Clermont Condominiums to provide a more welcoming environment to the publicly accessible Clermont Pier. This pier would be a main attraction of the public waterfront walkway and could feature seasonal and year-round retail. This welcoming environment would include a management strategy, signage, and information advertising the pier's accessibility during opening hours.

8. **Trolley Service Pilot Project**

A trolley service could help connect the Village Marina and Memorial Park to the downtown core. The Village should seek funding for a pilot project that would help link attractions, especially for people inhibited by the steep slopes that lead from the waterfront to Broadway. In order to be successful, this trolley service would need to be quick, reliable, and safe. A proposed trolley route could include stops at Memorial Park, the Village Marina, Broadway and Main Street, and the Artopee Way Municipal Parking Lot. This route is approximately one mile long. If the trolley service is successful, the Village could seek funding for its extension.

9. **Rehabilitate historic resources, including the John Green House**

To rehabilitate the John Green House and other historic resources, the Village should partner with historic preservation groups and nonprofits to promote their events and give other non-monetary support.

10. **Increase parking capacity of the Nyack Marina parking area to support marina-area uses accounting for parking lost due to the Memorial Park Master Plan.**

The 2008 Memorial Park Master Plan moves 40 parking spaces from the park to the Village Marina. In the coming years, the Village Marina parking would have to accommodate the existing demand for the park, and any increases in waterfront parking due to the new waterfront attractions including a restaurant and the restored Village Marina. At a minimum, the Village would have to reorganize the existing parking to provide the extra capacity but meeting this demand may not be possible without

constructing a parking terrace. To provide this extra capacity, the Village would seek funding to build a two-level parking terrace at the Village Marina.

11. Provide waterfront improvements to support a recreational ferry service.

In order to support a recreational ferry service, Nyack would need to acquire funding to construct a floating dock off the Marina, and a two-level parking terrace to meet the increased demand on the surface parking at the Village Marina. Other improvements needed to support a recreational service include a ticket kiosk and signage. The ferry service would be provided by a private ferry operator.

12. Provide waterfront improvements to support a commuter ferry service.

A commuter ferry service would utilize the same infrastructure as a recreational ferry; however, a commuter ferry would likely have parking demands that require a three-level parking terrace. A two-level terrace is generally required to support the new and proposed waterfront attractions; depending on future rideshare and driverless car technology improvements, it may be all that is necessary to support a commuter ferry. As with the recreational ferry, the Village would need to secure funding for the parking terrace and floating ferry dock.

13. Extend the Memorial Park Pier to create a fishing pier in the Hudson River.

Nyack would secure funding and coordinate with New York State DEC and the US Army Corps of Engineers to extend the existing viewing platform into the Hudson River to provide improved recreational fishing opportunities.

14. Restore wetland and create a raised walkway for passive use over state-owned wetland parcel at the southern boundary of the Village.

The Village would collaborate with New York State to clean and rehabilitate the wetland parcel that they own at the Village's southern border. Once cleaned, this wetland would provide an excellent opportunity for a raised boardwalk that would connect to the proposed public waterfront walkway. The Village would not take ownership of this parcel or any associated environmental liabilities until the site.

C. Management Structure to Implement the LWRP

At all levels of government, the LWRP can be used as a tool to help a municipality achieve the most beneficial development, use and protection of its waterfront. Any proposal, whether it be put forth locally or by a higher level of government, should be examined for conformance with the LWRP. A project not in conformance can be refused the necessary permits. If this is not successful in stopping a project that is inconsistent with the LWRP, recourse can be made to the courts. This LWRP document has been distributed widely to governmental agencies and to appointed and elected officials at all levels. It will act as a guide to all and will lead to the enhancement and protection of Nyack's waterfront area.

1. Local Management Structure

The Village's Management Structure described below is based on the Waterfront Consistency Review Law which the Village has adopted to ensure that local actions are consistent with LWRP policies. For the purposes of this law, an "action" means either a Type I or unlisted action as defined in the State Environmental Quality Review Act regulations (NYCRR 617.2).

a) Lead Official

The local official responsible for overall management and coordination of the Nyack LWRP is the Village Administrator or his/her designee. Staff of the Village Manager's Office may assist Village agencies, including the Waterfront Advisory Committee, in preparing written documentation required by the local Waterfront Consistency Law.

b) Lead Agency

The lead agency is the Village Board of Trustees.

c) Assignment of Specific Responsibilities (as specified in the Waterfront Consistency Law)

Village Board of Trustees

Since no single existing Village agency had responsibility for the wide range of issues and actions affecting the coastal area, the LWRP Steering Committee was formed to evaluate the problems and possibilities facing the coastal zone. Upon adoption of the LWRP, however, the Committee's task was completed. The continued responsibility to monitor and coordinate implementation of the Local Waterfront Revitalization Program has been assumed by the Village Board. This responsibility includes the following actions:

1. Establishing implementation priorities, work assignments, timetables, and budgetary requirements of the program.
2. Reviewing applications for coastal development permits, zoning changes, subdivisions and public works projects in the coastal area and advising the appropriate Village agency regarding the consistency of the proposed action with the LWRP.
3. Making application for funding from State, Federal, or other sources to finance projects under the LWRP.
4. Maintaining liaison with related Village bodies, including but not limited to the Planning and Zoning Boards, and with concerned non-governmental bodies, in order to further the implementation of the LWRP.
5. Evaluating in a timely fashion proposed actions of State agencies within the coastal zone in order to assure consistency of such actions with policies of the LWRP, advising State agencies of any conflicts, and participating in discussion to resolve such conflicts.
6. Reviewing proposed federal actions referred to it by the Department of State and advising the DOS as to its opinion concerning the consistency of the action with local coastal policies.
7. Developing and maintaining liaison with neighboring municipalities and with county agencies.
8. Performing other functions regarding the coastal zone as may be appropriate from time to time. Proposed federal and State actions in the coastal area will be reviewed in accordance with the guidelines established by the NYS Department of State.

Other Local Agencies

Whenever a proposed action is in the Village's coastal area, the agency that receives application for approval shall prepare a coastal assessment form (CAF) and shall decide whether the proposed action is consistent with the LWRP policy standards.

Waterfront Advisory Committee

Makes recommendations to agencies regarding the consistency of proposed actions.

Building Inspector

Enforces the Waterfront Consistency Law.

Village Attorney

The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce the LWRP.

2. Procedures to Assure that Local Actions Comply with the LWRP (see Chapter 342 of the Village Code)

Any agency, group or individual that proposes a “type 1” or “Unlisted” action as defined by the State Environmental Quality Review Act (SEQRA) will be required to complete a Coastal Assessment Form (CAF) in addition to an Environmental Assessment Form (EAF) and all other application documents as may be required by the Village Code. The Village Board will review the CAF considering the policies and sub-policies outlined in the LWRP and will provide a recommendation to the appropriate agency. Actions that are deemed to be consistent with the LWRP will be recommended to the responsible agency for approval, and those that are inconsistent will be so indicated and recommended for disapproval unless:

- a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- b. The action will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
- c. The action will result in an overriding public benefit.

The CAF will be distributed to all agencies and made part of or attached to regular applications for projects within the Village.

Once the LWRP is adopted, each agency of the Village, including the Village Board, will have a copy and will be instructed to refer all development, regulatory, review or investment actions to the Village Board for review and comment.

The Village Board will review any proposed actions for consistency with the LWRP and will respond within 30 days of receiving the request.

3. Procedures for Department of State and Village of Nyack Review of Federal Actions for Consistency with the LWRP

a) Federal Permits, Licenses and other regulatory approvals

- i. The DOS will acknowledge the receipt of an applicant’s consistency certification and application materials, and at the time forward a copy of the submitted documentation to the Village Board and will identify the Department’s assigned principal reviewer for the proposed activity.
- ii. Within 30 days of receiving such information, the Village Board will contact the assigned DOS reviewer to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- iii. When the DOS and the Village Board agree that additional information is necessary, the DOS will request the applicant to provide the information. A copy of this information will be provided to the Village Board upon receipt.

- iv. Within 30 days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the Village Board will notify DOS of the reasons why a proposed action may be consistent or inconsistent with Village coastal policies.
 - v. After that notification, the Village Board will submit its written comments on a proposed federal activity to the DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Village Board has no opinion on the consistency of the proposed federal activity with Village coastal policies.
 - vi. If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village Board on a proposed federal activity, DOS will contact the Village Board to discuss any differences of opinion prior to issuing its letter of “concurrence” or “objection” to the applicant.
 - vii. A copy of the DOS “concurrence” or “objection” letter to the applicant will be forwarded to the Village Board.
- b) *Direct Actions*
- i. After acknowledging receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the Village Board and other interested parties.
 - ii. This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
 - iii. The review period will be about 25 days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the Village Board has no opinion on the consistency of the proposed direct Federal agency action with Village coastal policies.
 - iv. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village Board, DOS will contact the Department to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency’s consistency determination on the proposed direct action.
 - v. A copy of the DOS “concurrence” or “objection” letter to the Federal agency will be forwarded to the Village Board.
- c) *Federal Financial Assistance to State and Local Governments*
- i. DOS will request information on a proposed financial assistance action from the applicant (State or City agency) for consistency review purposes. A copy of this letter will be forwarded to the Village Board and will serve as notification that the proposed federal financial assistance may be subject to review.
 - ii. If the applicant is a Village agency, the Village Board will contact the agency and request copies of any application documentation for consistency review purposes.

- iii. The Village Board will acknowledge receipt of the requested information and send a copy to the DOS.
 - iv. If the applicant is a State agency, the DOS will request the agency to provide a copy of the application documentation to the Village Board.
 - v. The DOS will acknowledge receipt of the requested information and provide a copy of this acknowledgement to the Village Board.
 - vi. The review period will conclude 30 days after the date on the Village Board's or the DOS's letter of acknowledgement. The review period may be extended for major federal financial assistance.
 - vii. The Village Board must submit its comments and recommendations on the proposed federal financial assistance to DOS within 20 days from the start of the review period. If comments and recommendations are not received within the 20-day period, DOS will presume that the Village Board has no opinion on the consistency of the proposed financial assistance action with local coastal policies.
 - viii. If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Village Board, the DOS will contact the Village Board to discuss any differences of opinion prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed financial assistance.
 - ix. A copy of the DOS "no objection" or "objection" letter to the applicant will be forwarded to the Village Board.
- d) *Guidelines for Notification and Review of State Agency Actions where LWRP Programs Are in Effect.*
- i. Purpose of the Guidelines
 1. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the DOS's regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved LWRPs. These guidelines are intended to assist State agencies in meeting the statutory consistency obligation.
 2. The Act also requires that State agencies provide timely notice to the local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
 3. The Secretary of State is required by the Act to confer with State agencies and local governments when notified by a local government that a proposed State agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.
 - ii. Definitions
 1. Action means:

- a. A Type 1 or Unlisted action as defined by SEQRA;
 - b. Occurring within the boundaries of an approved LWRP; and
 - c. Being taken pursuant to a State agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
2. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purpose of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - a. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 - b. That will minimize all adverse effects on the policies or purpose of the LWRP to the maximum extent practicable; and
 - c. That will result in an overriding regional or statewide public benefit.
 3. Local Waterfront Revitalization Program of LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- iii. Notification Procedure
1. When a State agency is considering an action as described in (ii) above, the State agency shall notify the affected local government.
 2. Notification of a proposed action by a State agency:
 - a. Shall fully describe the nature and location of the action;
 - b. Shall be accomplished by use of existing State agency notification procedures or through an alternative procedure agreed upon by the State agency and local government;
 - c. Should be provided to the local official identified in the LWRP of the local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.
 - d. If the proposed action will require the preparation of a Draft Environmental Impact Statement (DEIS), the filing of this draft document with the chief executive officer can serve as the State agency's notification to the local government.
- iv. Local Government Review Procedure

1. Upon receipt of notification from a State agency, the local government will be responsible for evaluating a proposed action's consistency with the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the State agency would promptly provide the local government with whatever additional information is available which will assist the local government in evaluating the proposed action.
2. If the local government cannot identify any conflicts between the proposed action and the applicable policies and purpose of its approved LWRP, it should inform the State agency in writing of its finding. Upon receipt of the local government's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19NYCRR Part 600.
3. If the local government does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purpose of the municipality's approved LWRP.
4. If the local government notifies the State agency in writing that the proposed action does conflict with the policies and/or purpose of its approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in (v) below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

Resolution of Conflicts

- v.
 1. The following procedure applies whenever a local government has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - a. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the State agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - b. If the discussion between the local government and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The

State agency can then proceed with its consideration of the proposed action in accordance with 19NYCRR Park 600.

- c. If the consultation between the local government and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the State agency. The party requested the assistance of the Secretary of State to resolve any or all the identified conflicts. This request must be received by the Secretary with 15 days following the discussion between the local government and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- d. Within 30 days following the receipt of a request of assistance, the Secretary of State or a DOS official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and local government.
- e. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
- f. The State agency shall not proceed with its consideration of, or decision on, the proposed action if the foregoing Resolution of Conflicts procedures apply.

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Village of Nyack
Local Waterfront Revitalization Program

Section VI State and Federal Actions and Programs Likely to Affect Implementation

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

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

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

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Implementation Grant
- 6.00 Agricultural Nonpoint Source Abatement and Control Program

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:

- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

- 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

OFFICE OF CHILDREN AND FAMILY SERVICES

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

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

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

- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

OFFICE OF EMERGENCY MANAGEMENT

- Hazard identification,
- Loss prevention, planning, training, operational response to emergencies,
- Technical support, and disaster recovery assistance.

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

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

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.
- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives for a variety of energy projects

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion, and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects

- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs

9.00 Permit and approval programs

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

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

Lands and Forest

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

Marine Resources

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

Mineral Resources

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

Solid Wastes

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

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems

- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

DEPARTMENT OF FINANCIAL SERVICES (DEPARTMENT OF BANKING)

- 1.00 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

- 2.00 Administration of Article 4 B, Public Buildings Law, regarding the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Shared Health Facility Registration Certificate

DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

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

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.0 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.0 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety, and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks

- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

POWER AUTHORITY OF THE STATE OF NEW YORK

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.

- 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)

- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

DIVISION OF YOUTH

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

B. Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State

Note: This LWRP's list of the federal agency activities is identical to the most recent version of the Table 3 list in the New York State Coastal Management Program as approved by the federal Office of Ocean and Coastal Resources Management on May 7, 2017. Please contact the New York State Department of State, Office of Planning and Development, at (518) 474-6000, for any updates to New York State Coastal Management Program Table 3 federal agency activities list that may have occurred post-approval of this LWRP.

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities requiring:

1. the submission of consistency determinations by federal agencies;
2. the submission of consistency certifications by entities other than federal agencies; and
3. the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

1. ACTIVITIES UNDERTAKEN DIRECTLY BY OR ON BEHALF OF FEDERAL AGENCIES

The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

Department of Commerce, National Marine Fisheries Service:

- Fisheries Management Plans

Department of Defense, Army Corps of Engineers:

- Proposed authorizations for dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with the potential to impact coastal lands and waters.
- Land acquisition for spoil disposal or other purposes.
- Selection of open water disposal sites.

Department of Defense, Air Force, Army and Navy:

- Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- Plans, procedures and facilities for handling or storage use zones.
- Establishment of impact, compatibility or restricted use zones.

Department of Energy:

- Prohibition orders.

General Services Administration:

- Acquisition, location and design of proposed federal government property or buildings, whether leased or owned by the federal government.

Department of Interior, Fish and Wildlife Service:

- Management of National Wildlife refuges and proposed acquisitions.

Department of Interior, National Park Service:

- National Park and Seashore management and proposed acquisitions.

Department of Interior, Bureau of Ocean Energy Management

- OCS lease sale activities including tract selection, lease sale stipulations, etc.

Department of Homeland Security, Coast Guard:

- Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

- Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Department of Transportation, Federal Aviation Administration:

- Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Department of Transportation, St. Lawrence Seaway Development Corporation:

- Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

Department of Transportation, Federal Highway Administration:

- Highway construction

2. FEDERAL LICENSES AND PERMITS AND OTHER FORMS OF APPROVAL OR AUTHORIZATION

The following activities, requiring permits, licenses, or other forms of authorization or approval from federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

Department of Defense, Army Corps of Engineers:

- Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).
- All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4 (f) of the River and Harbors Act of 1912 (33 U.S.C.).

Department of Energy, Federal Energy Regulatory Commission:

- Licenses for non-federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e) and 15 of the Federal Power Act (16 U.S.C. 796 (11), 797 (11) and 808).
- Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (15 U.S.C. 824 a (b)).
- Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c)).
- Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717 f (b)).

Department of Energy, Economic Regulatory Commission:

- Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- Exemptions from prohibition orders.

Environmental Protection Agency:

- NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Sections 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- Permits pursuant to the underground injection Control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300 h-c).
- Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

Department of Interior, Fish and Wildlife Services:

- Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).

Department of Interior, Bureau of Ocean Energy Management:

- Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

Surface Transportation Board:

- Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct slurry pipelines.

Nuclear Regulatory Commission:

- Licensing and certification of the siting, construction, and operation of nuclear power plants, pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

Department of Transportation:

- Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Department of Transportation, Federal Aviation Administration:

- Permits and licenses for construction, operation or alteration of airports.

3. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

Department of Agriculture

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants

- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate-Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

Department of Commerce

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Water-borne Transport Systems

Department of Housing and Urban Development

- 14. 112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14. 115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14. 117 Mortgage Insurance - Homes
- 14. 124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14. 125 Mortgage Insurance - Land Development and New Communities
- 14. 126 Mortgage Insurance - Manages ant Type Cooperative Projects
- 14. 127 Mortgage Insurance - Mobile Home Parks
- 14. 218 Community Development Block Grants/Entitlement Grants
- 14. 219 Community Development Block Grants/Small Cities Program

- 14. 221 Urban Development Action Grants
- 14. 223 Indian Community Development Block Grant Program

Department of the Interior

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-In-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology-Matching Funds to State Institutes

Department of Transportation

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.309 Railroad Rehabilitation and Improvement – Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

General Services Administration

- 39.002 Disposal of Federal Surplus Real Property

Community Services Administration

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

Small Business Administration

59.012 Small Business Loans

59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans

59.025 Air Pollution Control Loans

59.031 Small Business Pollution Control Financing Guarantee

Environmental Protection Agency

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control - State and Area-wide Water Quality Management Planning Agency

66.451 Solid and Hazardous Waste Management Program Support Grants

66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support

66.800 Comprehensive Environmental Response, Compensation and Liability (Superfund)

Note: Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its subsequent updates.

C. State and Federal Actions and Programs Necessary to Further the Village of Nyack's LWRP

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

1. STATE ACTIONS AND PROGRAMS

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Technical assistance, review, and approval of the following proposed projects:
 - o Remove Navigation Hazards near the Nyack Shoreline
 - o Study issues related to siltation and dredging in the Nyack Marina Area
 - o Implement the Nyack Brook Improvement Project to alleviate stormwater flooding.
 - o Explore resilient infrastructure strategies to protect the Nyack Marina and waterfront development from the impacts of sea level rise and flooding.
 - o Provide waterfront improvements to support recreational ferry service.
 - o Provide waterfront improvements to support commuter ferry service
 - o Extend the Memorial Park Pier to create a fishing pier in the Hudson River

- Encourage New York State to restore wetland on the state-owned parcel at the southern boundary of the Village.

ENVIRONMENTAL FACILITIES CORPORATION

- Funding assistance for the planning, design and construction of sewer extensions or other improvement projects within the Orangetown Sewer District.

DEPARTMENT OF STATE

- Funding and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of this Program.
- Funding assistance through the Environmental Protection Fund for Memorial Park improvement projects and the development of the waterfront trail.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

- Funding assistance for streetscape improvements.

OFFICE OF GENERAL SERVICES

- Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy such lands.

OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

- Funding assistance for the planning, design, and construction of the Memorial Park Master Plan.
- Funding assistance for preservation of the John Green House.

2. FEDERAL ACTIONS AND PROGRAMS

FEDERAL HIGHWAY ADMINISTRATION

- Funding and technical assistance for the design and construction of streetscape improvements.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Funding assistance for community projects through the Community Develop Block Grants program.

SMALL BUSINESS ADMINISTRATION

- Funding and technical assistance for local businesses along the waterfront to stimulate economic development.

Village of Nyack
Local Waterfront Revitalization Program

**Section VII Local Commitment and Consultation with Affected Federal, State,
Regional and Local Agencies**

A. Local Commitment

The Village of Nyack initiated its efforts to update its Local Waterfront Revitalization Program in March 2017, following the adoption of their Comprehensive Plan in October 2016. The LWRP Steering Committee was established to oversee and guide the preparation of the update. The Steering Committee was comprised of representatives from the Village government and local community, including residents and business owners. This committee met three times during the planning process.

To strengthen local commitment for the Village's planning efforts, two public workshops were held to provide Nyack residents and waterfront stakeholders an opportunity to comment on waterfront issues and projects proposed in the LWRP. The introductory meeting was held on May 2, 2017 and was attended by about 30 participants, many with knowledge of, or involvement with, the Village's existing LWRP and/or other zoning and land use issues in Nyack. The participants provided information that shaped the LWRP by providing experiential knowledge of the waterfront.

The second public workshop was held on June 20, 2017 and was attended by approximately 30 people. This meeting focused on the projects and policies proposed by the LWRP, and stakeholders again provided local knowledge that helped tailor projects to local needs. Additionally, a public hearing was held before the Village Board on September 28, 2017 as part of the SEQRA evaluation of the Draft LWRP.

In order to reach stakeholders who were not able to attend public workshops, the LWRP Steering Committee created a survey. This survey was administered to the public via SurveyMonkey, an online survey company. The survey was open from mid-June to mid-August, and was promoted to the public via email, social media, local news outlets, and the Village website. The survey received 432 responses and helped inform the LWRP Steering Committee's deliberations.

The Village of Nyack Trustees held a public hearing on the LWRP on September 28, 2017. This hearing allowed the general public an opportunity to hear a presentation of the complete LWRP program and gave the Village Trustees an opportunity to hear residents' general support or concern about the LWRP and projects.

B. Consultation

The Steering Committee forwarded draft sections of the LWRP to the Department of State for their review and comment. In addition, draft documents were distributed to involved and interested agencies to gather their comments on program findings and recommendations.

The draft LWRP was reviewed and approved by the Village of Nyack Trustees and forwarded to the New York State Department of State. The Department of State initiated a 60-day review period for the draft program pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the draft LWRP were distributed to all applicable Federal agencies, potentially affected State agencies, Rockland County, and adjacent municipalities. Comments received on the draft LWRP were reviewed by the Village and Department of State, and changes were made, as required, to reflect the substantive comments.

Village of Nyack
Local Waterfront Revitalization Program

Appendix I Local Waterfront Consistency Review Law and Coastal Assessment Form

Village of Nyack Chapter 342

Waterfront Consistency Review

[HISTORY: Adopted by the Board of Trustees of the Village of Nyack 3-29-1990 by L.L. No. 4-1990 (Ch. 58 of the 1972 Code); amended in its entirety 12-10-2020 by L.L. No. 6-2020. Amendments noted where applicable.]

§ 342-1 Title.

This chapter will be known as the "Village of Nyack Waterfront Consistency Review Law."

§ 342-2 Statutory authority; purpose; intent.

- A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this chapter is to provide a framework for agencies of the Village of Nyack to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area and to assure that such actions and direct actions are consistent with said policies and purposes.
- C. It is the intention of the Village of Nyack that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shorelines; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this chapter shall only apply while there is in existence a Village Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§ 342-3 Applicability.

All boards, departments, offices, other bodies or officers of the Village of Nyack must comply with this law, to the extent applicable, prior to carrying out, approving or funding any action except minor actions as defined in this chapter.

§ 342-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS

Actions include all of the following except minor actions:

- A. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure that:

- (1) Are directly undertaken by an agency;
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals from an agency or agencies.
- B. Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions.
- C. The adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.
- D. Any combinations of the above.

AGENCY

Any board, agency, department, office, other body or officer of the Village of Nyack.

WATERFRONT REVITALIZATION AREA

That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Nyack as shown on the coastal areas map on file in the office of the Secretary of State and as delineated in the Village of Nyack Local Waterfront Revitalization Program.

WATERFRONT ASSESSMENT FORM (WAF)

The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT

The action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.

ENVIRONMENT

This means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront revitalization area.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the Village of Nyack as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Nyack.

MINOR ACTIONS

These actions are based on the list of Type II actions, excluded or exempt actions, as defined in 6 NYCRR 617.5 and are hereby deemed consistent with the Local Waterfront Revitalization Program and not subject to review under this law:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures

designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;

- (3) retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;
- (4) re-paving of existing paved highways not involving the addition of new travel lanes;
- (5) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
- (6) installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles;
- (7) maintenance of existing landscaping or natural growth;
- (8) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- (9) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;"
- (10) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections;
- (11) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- (12) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- (13) installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on sites described in 6 NYCRR 617.5(c)(14) (SEQRA Handbook, 4th Edition);
- (14) installation of solar energy arrays on an existing structure, provided the structure is not: (i) listed on the National or State Register of Historic Places; (ii) located within a district listed in the National or State Register of Historic Places; (iii) been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places; or (iv) within a district that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation

- to be eligible for listing on the State Register of Historic Places;
- (15) granting of individual setback and lot line variances and adjustments;
 - (16) granting of an area variance for a single-family, two-family or three-family residence;
 - (17) reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit;
 - (18) minor temporary uses of land having negligible or no permanent impact on the environment;
 - (19) installation of traffic control devices on existing streets, roads and highways;
 - (20) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns; mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
 - (21) information collection, including basic data collection and research; water quality and pollution studies, traffic counts, engineering studies; surveys; subsurface investigations; and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
 - (22) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
 - (23) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
 - (24) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
 - (25) collective bargaining activities;
 - (26) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
 - (27) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
 - (28) purchase or sale of furnishings; equipment or supplies; including surplus government

property other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

- (29) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (30) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (31) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action;
- (32) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (33) adoption of a moratorium on land development or construction;
- (34) interpretation of an existing code, rule or regulation;
- (35) designation of local landmarks or their inclusion within historic districts;
- (36) an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that was previously acquired, or acquisition of a conservation easement;
- (37) sale and conveyance of real property by public auction pursuant to article 11 of the Real Property Tax Law;
- (38) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

§ 342-5 Management and Coordination of the LWRP

- A. The Village Administrator shall be responsible for overall management and coordination of the LWRP. In performing this task, the Village Administrator shall:
 - (1) Inform the Village Board of Trustees on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
 - (2) Make applications for funding from State, federal, or other sources to finance projects under the LWRP.

- (3) Coordinate and oversee liaison between Village agencies and departments, to further implementation of the LWRP.
- (4) Direct the Planning Department to coordinate with NYS Department of State (DOS) regarding consistency review for actions by State or federal agencies. Coordination shall include providing an informal opinion on the proposed action to DOS, at DOS's request, within 15 days of said request, regardless of any requirement for a local consistency decision.
- (5) Direct the Planning Department to produce for the Village Administrator's review an annual report on progress achieved and problems encountered in implementing the LWRP, and recommend actions in implementing the LWRP, and recommend actions necessary for further implementation to the Village Board of Trustees.
- (6) Village Administer shall perform other functions regarding the waterfront revitalization area and direct such actions or projects as are necessary, or as the Village Board of Trustees may deem appropriate, to implement the LWRP.

- B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the Planning Department shall schedule at least semi-annually a LWRP coordinating council, including but not limited to representatives of the Village Board of Trustees, Planning Board, Zoning Board of Appeals and such other departments, committees or individuals charged with LWRP implementation.

§ 342-6 Review procedures.

- A. Whenever a proposed action is located in the waterfront area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G herein.
- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant or, in the case of a direct action, the agency shall prepare a waterfront assessment form (WAF) to assist with the consistency review.
- C. The agency shall refer a copy of the completed WAF for all actions covering three acres or greater to the Village Board within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Village Board with reference to the consistency of the proposed action. [Amended 2-28-2013 by L.L. No. 2-2013]
- D. After referral from an agency, the Village Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection G herein. The Village Board shall receive from the agency all completed applications, WAF's and any other information deemed to be necessary to its consistency recommendation.
- E. Village Board recommendation.

- (1) The Village Board shall render its written recommendation to the agency within 45 days following referral of the WAF from the agency unless extended by mutual agreement of the Village Board and the applicant or, in the case of a direct action, the agency. The recommendation shall indicate whether, in the opinion of the Village Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate, in writing, the basis for its opinion.
 - (2) The Village Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.
 - (3) In the event that the Village Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Village Board's recommendation.
- F. The agency shall make the determination of consistency based on the WAF, the Village Board's recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within 30 days of the date for receipt of the Village Board's recommendation. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this law.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency determination of the Agency in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

- G. Policy standards and conditions. Actions to be undertaken shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Nyack LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake actions shall also consult with Section IV, Uses and Projects, of the LWRP in making their consistency determination. The action shall be consistent with the policies to:
- (1) Revitalize deteriorated and underutilized waterfront areas (Policy 1).
 - (2) Redevelop the sewage treatment plant property; continue to revitalize the central business district and surrounding areas, including Main Street, Burd Street, and Lydecker Street, between South Broadway and the Hudson River; revitalize the downtown waterfront area off Gedney Street by encouraging new water dependent uses and protecting such existing uses (Policies 1 and 1A).
 - (3) Retain and promote recreational water-dependent uses (Policy 2).
 - (4) Protect existing water-dependent uses on the Nyack waterfront and facilitate siting of new water-dependent uses on the waterfront (Policies 2, 21 and 22).
 - (5) Strengthen economic base of smaller harbor areas by encouraging traditional uses and activities

(Policy 4).

- (6) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
- (7) Protect significant and locally important fish and wildlife habitats resources from human disruption and chemical contamination (Policies 7 and 8).
- (8) Streamline development permit procedures (Policy 6).
- (9) Undertake activities or development in the upland portion of the Village and other areas to be developed so that there will be no increase in erosion or flooding at the site of such activities or at other locations (Policy 14).
- (10) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9 and 10).
- (11) Maintain the existing level of access to existing public water-related recreational facilities and improve access to Memorial Park, increase public access to the waterfront on the sewage plant property and maintain any streets and walkways which serve as links to Nyack's waterfront and link public water-related recreational facilities via a liner trail along the waterfront (Policies 9, 19 and 20).
- (12) Minimize flooding and erosion hazards through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 14, 16, 17 and 28).
- (13) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
- (14) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 21 and 22).
- (15) Protect, enhance and restore historic and archeological resources (Policy 23).
- (16) Protect, restore and enhance visual quality, including views from Route 9W, Tallman Place, Burd Street, Main Street, Lydecker Street, Fourth Avenue, Second Avenue, First Avenue, Gedney Street and Memorial Park (Policies 24, 25, 25A and 25B).
- (17) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29 and 40).
- (18) Prevent ice-management practices which could damage significant fish and wildlife and their habitats (Policy 28).
- (19) Protect surface and groundwaters from direct and indirect discharge of pollutants and from over use (Policies 30, 31, 32, 33, 34, 34A, 35, 36, 37, 38, 39 and 40).
- (20) Perform dredging and dredge spoil disposal in a manner protective of natural resources (Policies 15 and 35).

(21) Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policy 39).

(22) Protect air quality (Policies 41, 42 and 43).

(23) Preserve and protect freshwater wetlands (Policy 44).

§ 342-7 Enforcement.

The Village Building Inspector shall be responsible for enforcing this chapter. No work or activity on a project in the coastal area which is subject to review under this chapter shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standard and conditions imposed. In the event that an activity is not being performed in accordance with the chapter or any conditions thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

§ 342- 8 Penalties for offenses.

- A. A person who violates any of the provisions of or who fails to comply with any condition imposed by this chapter shall be guilty of a violation punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine not exceeding \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 342-9 When effective.

This chapter shall take effect immediately after the following have both occurred:

- A. Filing of the chapter in the office of the Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

Village of Nyack Waterfront Assessment Form

A. INSTRUCTIONS

1. Applicants, or, in the case of direct actions, Village agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the approved Village of Nyack Local Waterfront Revitalization Program (LWRP) Consistency Review Law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in the Village of Nyack Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the office of the Village Clerk. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront revitalization area (WRA) and its consistency with the policy standards.
3. If any question in Section C on this form is answered "yes", the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Describe nature and extent of action:

2. Type of Village agency action (check appropriate response):

- a. Directly undertaken (e.g. construction, planning activity, agency regulation, land transaction)

b. Financial assistance (e.g. grant, loan, subsidy)

c. Permit, approval, license, certification

d. Agency undertaking action:

3. If an application for the proposed action has been filed with a Village, the following information shall be provided:

a. Name of applicant

b. Mailing address:

c. Telephone number:
(____) _____

d. Property tax number:

e. Application number, if any:

4. Will the action be directly undertaken, require funding, or approval by a State or federal agency?

Yes _____ No _____

If yes, which State or federal agency? _____

5. Location of action (Street or Site Description and nearest intersection):

6. Size of site (acres): _____

7. Amount (acres) of site to be disturbed: _____
8. Present land use: _____
9. Present zoning classification: _____
10. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations): _____

11. Percentage of site that contains slopes of 15% or greater: _____
12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
 (a) Name _____
 (b) Size (in acres) _____
13. Is the property serviced by public water? Yes _____ No _____
14. Is the property serviced by public sewer? Yes _____ No _____

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

| | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the WRA (as identified in the LWRP)? | ___ | ___ |
| (a) Significant fish or wildlife habitats? | ___ | ___ |
| (b) Scenic resources of local or State-wide significance? | ___ | ___ |
| (c) Important agricultural lands? | ___ | ___ |
| (d) Natural protective features in a waterfront erosion hazard area | ___ | ___ |
| (e) Designated State or federal freshwater wetlands? | ___ | ___ |
| (f) Commercial or recreational use of fish and wildlife resources? | ___ | ___ |
| (g) Existing or potential public recreation opportunities? | ___ | ___ |
| (h) Structures, sites or districts of historic, archaeological or cultural significance to the Village State or nation? | ___ | ___ |

| | | |
|---|------------|-----------|
| (i) Land or water uses within a small harbor area? | ___ | ___ |
| (j) Stability of the shoreline? | ___ | ___ |
| (k) Surface or groundwater quality? | ___ | ___ |
| 2. Will the proposed action involve or result in any of the following: | <u>YES</u> | <u>NO</u> |
| (a) Physical alteration of land along the shoreline, underwater land or surface waters? | ___ | ___ |
| (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area? | ___ | ___ |
| (c) Expansion of existing public services or infrastructure in undeveloped or low-density areas of the waterfront area? | ___ | ___ |
| (d) Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law? | ___ | - ___ |
| (e) Mining, excavation, filling or dredging in surface waters? | ___ | ___ |
| (f) Reduction of existing or potential public access to, or along, the shoreline? | ___ | ___ |
| (g) Sale or change in use of publicly owned lands located on the shoreline or underwater? | ___ | ___ |
| (h) Development within a designated flood or erosion hazard area? | ___ | ___ |
| (i) Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion? | ___ | ___ |
| (j) Construction or reconstruction of erosion protective structures? | ___ | ___ |
| (k) Diminished or degraded surface or groundwater quantity and/or quality? | ___ | ___ |
| (l) Removal of ground cover from the site? | ___ | ___ |
| 3. PROJECT | <u>YES</u> | <u>NO</u> |
| (a) If the project is to be located adjacent to shore: | | |
| (1) Does the project require a waterfront location? | ___ | ___ |
| (2) Will water-related recreation be provided? | ___ | ___ |

- | | | |
|---|-----|-----|
| (3) Will public access to the foreshore be provided? | ___ | ___ |
| (4) Will it eliminate or replace a water-dependent use? | ___ | ___ |
| (5) Will it eliminate or replace a recreational or maritime use or resource? | ___ | ___ |
| (b) Is the project site presently used by the community or neighborhood as an open space or recreation area? | ___ | ___ |
| (c) Will the project protect, maintain and/or increase the level and types or public access to water- related recreation resources or facilities? | ___ | ___ |
| (d) Does the project presently offer or include scenic views or vistas that are known to be important to the community? | ___ | ___ |
| (e) Is the project site presently used for commercial or recreational fishing or fish processing? | ___ | ___ |
| (f) Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal? | ___ | ___ |
| (g) Is the project located in a flood prone area? | ___ | ___ |
| (h) Is the project located in an area of high erosion? | ___ | ___ |
| (i) Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project? | ___ | ___ |
| (j) Do essential public services or facilities presently exist at or near the site? | ___ | ___ |
| (k) Will the project involve surface or subsurface liquid waste disposal? | ___ | ___ |
| (l) Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? | ___ | ___ |
| (m) Will the project involve shipment or storage of petroleum products? | ___ | ___ |
| (n) Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into WRA waters? | ___ | ___ |
| (o) Will the project involve or change existing ice management practices? | ___ | ___ |
| (p) Will the project alter drainage flow, patterns or | | |

surface water runoff on or from the site? _____

(q) Will best management practices be utilized to control storm water runoff into WRA waters? _____

(r) Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates? _____

(s) Will the project involve any waste discharges into WRA waters? _____

D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES"

(Add any additional sheets necessary)

If you require assistance or further information in order to complete this form, please contact the Village Code Enforcement Office.

Please submit completed form, along with one copy of a site/sketch plan to:

Nyack Village Hall, 9 North Broadway, Nyack, NY 10960

Preparer's Name (Please print): _____

Affiliation: _____

Telephone Number: (_____) _____

Date: _____

**Village of Nyack
Local Waterfront Revitalization Program**

**Appendix II Guidelines for Notification and Review of State Agency Actions; and
Procedural Guidelines for Coordinating Consistency Review of Federal Agency Actions**

Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the affected local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The New York State Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. **Action** means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. **Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. **Local Waterfront Revitalization Program** or **LWRP** means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the City Mayor, or City Manager in cities where an appointed city manager is the administrative head of the city; the Village Mayor; or the Town Supervisor. The NYS DOS Local Government Handbook provides more information about who would be considered the chief executive officer under various municipal executive structures.¹
- E. **Local program coordinator** of a municipality with an approved LWRP could be a designated person or a Committee responsible for the preliminary review of proposed actions within the

¹Excerpts from the NYS DOS Local Government Handbook 6th Edition (2009) related to chief executive officers:

- I. Cities: "In general, city government falls into four broad categories:
 - council-manager, under which an appointed professional manager is the administrative head of the city, the council is the policymaking body and the mayor, if the position exists, is mainly a ceremonial figure. The manager usually has the power to appoint and remove department heads and to prepare the budget, but does not have veto power over council actions;
 - strong mayor-council, under which an elective mayor is the chief executive and administrative head of the city, and the council is the policy making body. The mayor usually has the power to appoint and remove agency heads, with or without council confirmation; to prepare the budget; and to exercise broad veto powers over council actions. This form sometimes includes a professional administrator appointed by the mayor and is then called the "mayor-administrator plan;"
 - weak mayor-council, under which the mayor is mainly a ceremonial figure. The council is not only The policy making body, it also provides a committee form of administrative leadership. It appoints and removes agency heads and prepares budgets. There is generally no mayoral veto power; and
 - commission, under which commissioners are elected by the voters to administer the individual departments of the city government and together form the policy making body. In some cases, one of the commissioners assumes the ceremonial duties of a mayor, on a rotating basis. This plan sometimes includes a professional manager or administrator." P. 53
- II. New York City: "The mayor serves as the chief executive officer of the city, and with the assistance of four deputy mayors, presides over many departments, offices, commissions and boards. The mayor may create, modify or abolish bureaus, divisions or positions within the city government. The mayor, who may be elected to serve a maximum of two four-year terms, is responsible for the budget and appoints and removes the heads of city agencies and other non-elected officials." P. 57
- III. Towns: "The supervisor is more of an administrator than an executive. The supervisor's duties under law are to: act as treasurer and have care and custody of monies belonging to the town; disburse monies; keep an accurate and complete account of all monies; make reports as required; pay fixed salaries and other claims; and lease, sell, and convey properties of the town, when so directed by the town board." and "By delegating a few more specific powers, the Suburban Town Law gives the supervisor a bit more authority. Although designated as "chief executive officer," however, the Suburban Town supervisor has no major new executive powers." P. 62
- IV. Villages: "The chief executive officer of most villages in New York State is the mayor." P. 70
waterfront area for consistency with an approved LWRP and consistency recommendations

for the final determination of consistency that will be made by the local government.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II. DEFINITIONS, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 - 1. Shall fully describe the nature and location of the action;
 - 2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government; and
 - 3. Should be provided to the local official identified in the LWRP of the affected local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Coastal/Waterfront Assessment Form with the municipal chief executive officer should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the municipal chief executive officer can serve as the state agency's notification to the affected local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the affected local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local program coordinator identified in the LWRP, the state agency should promptly provide the affected local government with whatever additional information is available which will assist the affected local government to evaluate the proposed action.
- B. If the affected local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the affected local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the affected local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. RESOLUTION OF CONFLICTS shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local program coordinator to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 2. If the discussion between the local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 3. If the consultation between the local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
 4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and local government.
 5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
 6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Actions

I. DIRECT FEDERAL AGENCY ACTIVITIES

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed federal activities to the program coordinator and other interested parties.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.
- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the local program coordinator.

II. ACTIVITIES REQUIRING FEDERAL LICENSES, PERMITS AND OTHER REGULATORY APPROVALS

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the local program coordinator and will identify the Department's principal reviewer for the proposed federal activity.
- B. Within thirty (30) days of receiving such information, the local program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the LWRP policies.
- C. When DOS and the local program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the local program coordinator upon receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the local program coordinator will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the LWRP policies.

- E. After the notification, the local program coordinator will submit the municipality's written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed federal activity, DOS will contact the local program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the local program coordinator.

III. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the local program coordinator. A copy of this letter will be forwarded to the local program coordinator and will serve as notification that the proposed federal financial assistance may be subject to review.
- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the local program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The local program coordinator must submit the municipality's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the local program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal financial assistance with the LWRP policies.
- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the local program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the local program coordinator.

Village of Nyack
Local Waterfront Revitalization Program

Appendix III Harbor Management Plan

Harbor Management Plan

Introduction

Article 42 of the New York State Executive Law, Section 922–Waterfront Revitalization of Coastal Areas and Inland Waterways–authorizes local governments to prepare a Harbor Management Plan (HMP) as part of their Local Waterfront Revitalization Program (LWRP). The HMP has been integrated into this LWRP. An HMP addresses conflict, congestion, and competition for space in the use of a community’s harbors, surface waters and underwater lands of the state within a city, town or village or abounding a city, town or village to a distance of fifteen hundred feet from shore.”⁸ An HMP is a required element for the approval of a LWRP. The Harbor Management Area for the Village of Nyack, therefore, extends from the Village boundary at the Hudson River Shoreline 1,500 feet, maintaining the trajectory of the northern and southern land-side boundaries of the Village.

The Nyack Harbor Management Area includes a channel for recreational craft, mooring fields, and a designated Cable Area. The channel runs perpendicular to the shoreline generally east of the location of Tallman Avenue. There are mooring fields both north and south of the channel, with the northern mooring field extending toward the Village boundary offshore of the Hook Mountain Yacht Club. The southern mooring field is offshore of the Rivercrest Cooperative Residences, West Shore Towers, and the Nyack Boat Club. This mooring field is constrained to the south by the Cable Area, which crosses the Hudson River from Nyack towards Tarrytown in an east-south-easterly direction.

Section I of this LWRP identifies the Harbor Management Area Boundary, *Section II–B* identifies the uses and support facilities for the Harbor Management Area and identification and analysis of issues of local and regional importance, *Section III* contains policies which provide guidance for both the LWRP area and the HMP area, *Section IV* identifies specific implementation for Harbor Management Projects, *Section V* recommends the implementation of laws and regulations, projects and management structure, *Section VI* identifies the authorities of New York State Agencies, and Appendix V contains a summary of the *Nyack Local Waterfront Revitalization Program Survey* which provided input to the prioritization of the proposed projects.

The contents of the Village of Nyack Harbor Management Plan as required by 19 NYCRR 603.3 are identified and listed in Table A-III-1 within the LWRP, at the end of this HMP.

(a) Village of Nyack Harbor Management Area Boundary

The geographic description of the Harbor Management Area is provided in *Section 1-C* and identified on Figure 1-1 which also depicts the LWRP boundaries.

The eastern boundary of the Village of Nyack is coterminous with the Hudson River Shoreline. The waterside area of the Village is in the jurisdiction of the Town of Orangetown. However, per New York State Executive Law Article 42, an HMP addresses “the problems of conflict, congestion and competition

⁸ New York Law: Executive Article 42: (910 – 923) Waterfront Revitalization of Coastal Areas and Inland Waterways.

for space in the use of harbors, surface waters and underwater lands of the state within a city, town or village or abounding a city, town or village to a distance of fifteen hundred feet from shore.”⁹ The Harbor Management Area for the Village of Nyack therefore extends from the Village boundary at the Hudson River Shoreline, maintaining the trajectory of the northern and southern land-side boundaries of the Village.

At the northern boundary of the Village, the Harbor Management Area extends 1,500 feet from the intersection of the Village boundary with the Hudson River shoreline. The Harbor Management Area then continues south at 1,500 feet from the shoreline until it reaches an extension of the southern boundary of the Village. The southern boundary continues an extension from Cedar Hill Avenue, which terminates at Piermont Avenue.

(b) Inventory and Analysis of Uses, Features and Conditions in the Harbor Management Area

A complete inventory and analysis covering both the upland and water areas within the Village of Nyack’s boundaries is in Section II of this LWRP. *Section II* (p. 23-28) provides information on Water-Dependent and Water-Enhanced Uses, Public and Private Recreational Facilities and Public Access. *Section II-B* which covers *Users and Support Facilities in the Harbor Management Area* (p. 40-51) is particularly relevant to the water areas and shorefront properties covered by this HMP. *Section II-C* provides information on *Natural Resources and Habitats* (p. 52-69).

(c) Identification and Discussion of Issues of Local Importance are also found in *Section II*.

Public Access and Recreation: p. 26-27 and Figure II-5

Sanitary Waste Pumping Facilities: p. 30 – 31 and Figure II-6

Scenic Resources and Important Vistas: p. 38 and Figure II-9

Climate Change and Sea Level Rise: p. 55-57 and Figure II-16 and Table II-3

Flood Protection: p. 55 and p. 61 and Figure II-17

Water Quality Classifications: p. 63-64 and Figure II-18

Tidal Wetlands and Significant Natural Communities: p. 52 and Figure II-14 and II-15

Policies 1, 2A, 4, 5 and 11

(d) Identification and Discussion of Issues of Regional Importance

An identification and analysis of issues of regional importance can specifically be found in *Section II and VII* as follows:

Section II Historical Resources: p. 33-34 and Figure II-7

Section II Navigation and Ferry Access: p. 41-42 and Figure II-10

Section VII B-Consultation: p. 195

(e) Discussion of opportunities, long and short-term goals and objectives

The LWRP goals and objectives of the Village of Nyack are set forth in the priority listing of the Projects in *Section IV*. These Projects are also informed by the Policies in *Section III*. Policies relating to public

⁹ New York Law: Executive Article 42: (910 – 923) Waterfront Revitalization of Coastal Areas and Inland Waterways.

access, recreation and the encouragement of water-dependent and water-enhanced uses are especially relevant to the HMP. Projects described in Section IV include: Harbor Management, Waterfront Connections and the Marina Site, Memorial Park and the Ferry. See Table A-III-1, at the end of this HMP, for reference to LWRP policies specific to the HMP.

(f) Identification of conditions which operate as constraints on utilization of underwater lands and navigable waters by the public.

Section II provides a discussion on constraints on the utilization of underwater lands and navigable waters. This discussion is found on the following pages in Section II:

Section II Underutilized, Vacant or Deteriorated Sites: p. 36 and Figure II-8

Section II Navigation: p. 41-42 and Figures II-10 (Navigation and Ferry Access), II-11 (Mooring Fields) and II-12 (Cable Area)

Section II Public Trust Doctrine and Underwater Lands: p. 46-50 and Figure II-13

(g) Discussion of Water Dependent Uses

A discussion of water dependent uses is located in *Section II (p. 23-24), Table II-2 and Figure II-4 - Harbor Management Area: Uses and Support Facilities (p. 40-42) and Figure II-10.*

(h) Identification and discussion of economic, cultural and social considerations

In *Section II*, there is a discussion of demographic and socio-economic characteristics including current and projected population, density, age distribution, racial and ethnic composition, education, income and retail buying power, incidence of poverty, and transportation.

(i) Specification of policies concerning present and future use and management of Waterfront Revitalization Area.

Section III provides a discussion of the LWRP policies including local explanations of the policies. Many of the policies are relevant to the HMP and the waterfront area. Specific policies relating to public access, recreation and the encouragement of water-dependent and water-enhanced uses are especially relevant to the HMP.

(j) Harbor Management Plan Implementation

The opportunities for the Village of Nyack are represented by the proposed projects described in *Section IV*. These Proposed Projects were created through the consultation of various resources. Some projects were first mentioned in the *1992 LWRP*, others came from the *2016 Comprehensive Plan Update* and the *2008 Memorial Park Master Plan*. Village Staff and members of the public provided input during public workshops and meetings. The resulting projects represent a consensus developed through a wide-ranging community dialog. The Village conducted a public survey which has been summarized in *Appendix V*. The survey has been used to assist in prioritizing proposed projects.

Section IV identifies capital projects with relative timing and costs necessary to implement the HMP as follows:

Harbor Management Projects: p. 122 – 126

Waterfront Connections: p.132-145

(k) Specification of existing and proposed techniques to implement the HMP can be found in subsection A and B in Section V.

Section V—A describes existing laws and regulations necessary to implement the LWRP. It should be noted that the Village’s Zoning Code includes a Waterfront Development District (WF) use classification that encourage uses along and near the Hudson River related to and appropriate for a waterfront area. The district encourages a balance of uses that facilitate water-dependent and water-enhanced uses where public access will be provided. It also aims to maximize physical public access, protect water quality, fish and wildlife, scenic views and natural vegetation, and enhance aesthetic resources to the greatest feasible extent. District specific standards include site development plan approval, special bulk requirements, development incentives by special permit, waterfront and access requirements, and design guidelines.

The Village of Nyack does not have a Harbor Management Law. The Harbor Management Plan is incorporated in this LWRP and included as a summary in the Appendix. During preparation of the LWRP, the Steering Committee, Village Staff, and Board of Trustees discussed the prospect of drafting a Harbor Management Law and the consensus is that it is not necessary at this time. Currently, there are no issues regarding conflict, competition, or congestion in Nyack’s harbor area.

There are two adjacent mooring fields offshore, at the Nyack Boat Club and the Hook Mountain Yacht Club. During preparation of the LWRP, the prospect of establishing a local law to regulate these mooring fields was discussed. The mooring fields are currently regulated by the Nyack Boat Club and the Hook Mountain Yacht Club. There was consensus among members of the boating community, as well as the Steering Committee, Village Staff, and the Board of Trustees, that the current system is effective and that there is no need for a local law. Further, the Village does not have a Harbormaster and would not have the capacity to hire a staff person to enforce a local law. If boating activity and/or patterns increase to the point that conflicts, competition, or congestion become an issue, the Village of Nyack Board of Trustees could explore the potential to draft a local Harbor Management Law.

In addition to the three existing private boat clubs and marinas, the Village of Nyack has a public marina for approximately 43 boats with a maximum length of 26’. There are several new improvements planned at the Marina. These include: a new waterfront restaurant, a public waterfront walkway extending through the Marina from a new pedestrian bridge from Memorial Park across the inlet. The walkway has been funded and will continue with public amenities and wayfinding signage west along the waterfront and terminating at the Nyack Boat Club. CFA funding has been requested for Marina parking lot improvements including surfacing, striping, lighting, landscaped islands, pump station redesign, stormwater management and engineering feasibility for increased parking to support additional marina-area uses and recreational ferry. The footbridge over the inlet has been funded by the New NY Bridge Community Fund and will allow the shifting of parking from Memorial Park. The future north end of the public walkway will be constructed by the developer of the Tidewaters waterfront project and transferred to the Village of Nyack. These planned improvements are designed to increase public access to the waterfront and increase the have been recommended in the *Waterfront Connections of Section IV*

of the LWRP. They also conform to the Village’s updated *Comprehensive Plan* and *the Memorial Park Master Plan*.

Section V—B lists fourteen other public and private actions necessary to implement the LWRP. These include initiatives to study harbor management and strategies and infrastructure to reduce need for dredging and protect marina and waterfront from impacts of sea level rise; projects to increase public access and provide connections to the downtown core; support of rehabilitation for an historical landmark in the waterfront area; improved recreational fishing with an extended pier and wetland restoration.

The HMP is designed to encourage the usability of the waterfront, support existing marinas and upgrade the Village’s public Marina, increase waterfront connectivity from other areas of the Village and generally encourage public access and tourism.

Other applicable regulations in the Coastal Management Zone are imposed by NYSDEC and the United States Army Corps of Engineers (USACE). The NYSDEC requires a Protection of Waters Permit for the disturbance of the bed or banks of the Hudson River, the construction or repair of docks, platforms or installation of moorings, and the excavation or placement of fill in the Hudson River. The USACE regulates the Hudson River under the Coastal Zone Management Act of 1972 requiring permits for certain activities. These include requiring the obtaining of a permit for activities including the construction or placement of structures and for the discharge of dredged or fill material into the Hudson River.

Table A-III-1: Contents of the Village of Nyack Harbor Management Plan

| 19 NYCCR 603.3 HMP Items Covered in LWRP | | Section & Page |
|---|---|--|
| (a) | Identification of the HMP boundary. | §I. pg.11 Figure I-1 |
| (b) | An inventory and analysis of existing uses, features and conditions in this area. | §II.A. pg. 16-17; 23-27, Table II-2; Figures II-2, 4 & 5 §II.B. pg. 40-50, Figures II-11, 12, & 13 §II.C. pg. 52-69, Table II-3, Figures II-14, 15, 16, 17 & 18 |
| (c) | Identification and discussion of issues of local importance. | §II.A. pg. 26-27 Figure II-5 §II.A. pg. 29-31 Figure II-6 §II.A. pg. 38 Figure II-9 §II.C. pg.55-57 Table II-3; Figure II-16 §II.C. pg.55 & 61 Figure II-17 §II.C. pg. 63-69 Figure II-18 §II.C. pg. 52 Figures II-14 & 15 Policy 1 pg. 71-73 Policy 2A pg. 73-77 Policy 4 pg. 77-78 Policy 5 pg. 78-80 Policy 11 pg. 86-87 |

Table A-III-1: Contents of the Village of Nyack Harbor Management Plan

| 19 NYCCR 603.3 HMP Items Covered in LWRP | | Section & Page |
|---|--|--|
| (d) | Identification and discussion of issues of regional importance | §II.A. pg. 33-34 Figure II-7 §II.B. pg. 41-42 Figure II-10 §VII.B. pg. 195 |
| (e) | Discussion of opportunities, long and short-term goals and objectives | §IV. pg. 119-120 §IV. pg. 122 –123 §IV. pg. 124-126 §IV. pg. 127 - 131 Policy 1 pg. 71-73 Policy 2A pg. 73-77 Policy 4 pg. 77-78 Policy 9 pg. 84-85 Policy 19 pg. 91-94 Policy 21 pg. 97-98 Policy 22 pg. 98-99 |
| (f) | Identification of conditions which operate as constraints on utilization of underwater lands and navigable waters by the public. | §II.A. pg. 36, Figure II-8 §II.B. pg. 41-42, Figures II-11 & 12 §II.B. pg. 46-50, Figure II-13 |
| (g) | Discussion of water dependent uses. | §II.A. pg. 23-28, Table II-2 and Figures II-4 & 15 §II.B. pg. 40-43 |
| (h) | Identification and discussion of economic, cultural and social considerations | §II.A. pg. 14-17, Figure II-1 |
| (i) | Specification of policies concerning present and future use and management of the waterfront revitalization area | §III. pg. 71-117 |
| (k) | Specification of existing and proposed techniques and authorities to implement the HMP. | §V. pg. 159-170 |
| (l) | To the extent commensurate with the circumstances of the city, town or village, an HMP shall address the following considerations: | |
| | (1) Conflict and competition for space among the uses and users of harbors, surface waters and underwater lands. | §V. pg. 159-161 |
| | (2) Regulation of the construction, size and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures, whether temporary or permanent. | §V. pg. 159-161 |
| | (3) Regional needs for any of the various uses or users likely to be attracted to the qualities of the area. | §II.A pg. 33-34, Figure II-7 §II.A pg. 38, Figure II-9 §II.B. pg. 40-42, Figures II-10 & 11 §IV. pg. 132-136, 137-139, 140-141, 142-143, 144-145, 146-147, 148-153 Policy 1 pg. 71-73 Policy 2A pg. 73-77 Policy 4 pg. 77-78 Policy 19 pg. 91-94 Policy 22 pg. 98-99 |
| | (4) Where applicable: | |

Table A-III-1: Contents of the Village of Nyack Harbor Management Plan

| 19 NYCCR 603.3 HMP Items Covered in LWRP | | Section & Page |
|---|--|--|
| (i) Commercial shipping | | N/A |
| (ii) Recreational boating | | §II.B pg. 23-24, 40-45, Figure II-4 |
| (iii) Commercial and recreational fishing and shell fishing | | §II.C pg. 67 Policy 7A pg. 81-83 Policy 9 pg. 84-85 Policy 10 pg. 85-86 |
| (iv) Aquaculture and mariculture | | N/A |
| (v) Waste management | | §II.A. pg. 30-31, Figure II-6 §II.C. 67 Policy 8 pg. 83-84 Policy 32 pg. 110 Policy 33 pg. 111 Policy 34 pg. 111-112 Policy 39 pg. 114-115 |
| (vi) Mineral extraction | | Policy 15 pg. 89 |
| (vii) Dredging | | §IV. pg. 122-123, 124-126 Policy 35 pg. 112-113 |
| (viii) Public access | | §II.A. pg. 26-27 and Figure II-5 Policies 19 & 20 pg. 91-97 §IV. pg. 132-136 §IV. pg. 140-153, 154-155 |
| (ix) Recreation | | §II.A. pg. 26-27, Table II-2, Figure II-5 §IV. pg. 132-136 §IV. pg. 137-139 §IV. pg. 146-153, 154-155 Appendix IV |
| (x) Habitats and other natural resource protection | | §II.C. pg. 52, Figures II-14 & 15 Policy 44 pg. 116-117 §IV. pg. 156-157 |
| (xi) Water quality | | §II.C. pg. 63-65 and Figure II-18 Policy 14 pg. 88 Appendix VI |
| (xii) Open space | | §II.A. pg. 16-17, 26 and 40, Figure II-2 §IV. pg. 156-157 |
| (xiii) Aesthetic values | | §II.A pg. 20-21, 33-34, 38 and Figures II-7 & 9 Policy 23 pg. 100-102 Policy 24 pg. 102-104 Policy 25B pg. 104-107 |
| (xiv) Water Dependent Uses | | §II.A pg. 23, Table II-2 and Figure II-4 §II.B. pg. 40-42 |

Table A-III-1: Contents of the Village of Nyack Harbor Management Plan

| 19 NYCCR 603.3 HMP Items Covered in LWRP | | Section & Page |
|---|--|--|
| | | Policy 2A, pg. 73-77 Policy 5 pg. 78-80 Policy 21 pg. 97-98 Policy 22 pg. 98-99 |
| | (xv) Common Law riparian or littoral rights | §II.B. pg. 46-50, Figure II-13 |
| | (xvi) Public interests, including interests under the Public Trust Doctrine | §II.B pg. 46-50, Figure II-13 |
| (m) | HMPs shall also consider other circumstances determined to be of significance by the Secretary of State, and HMPs may also consider those determined to be of significance by the city, town or village. | All sections, policies & projects cited above. |

Village of Nyack
Local Waterfront Revitalization Program

Appendix IV Memorial Park Master Plan

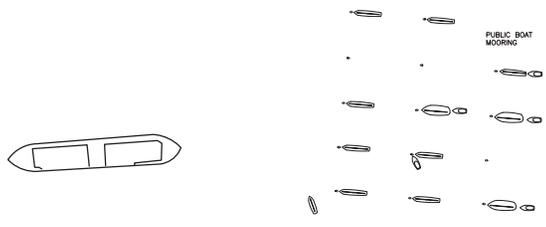
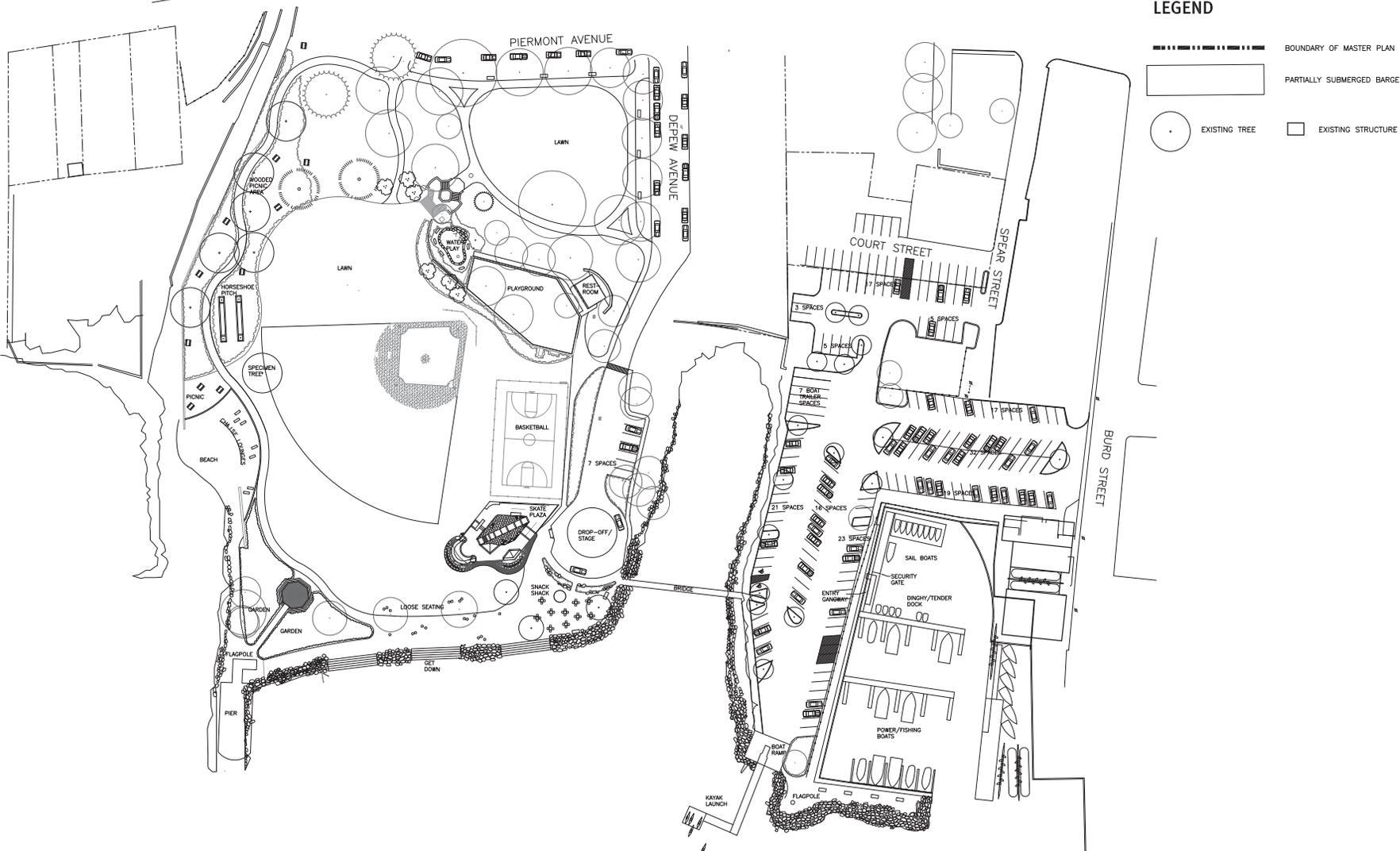
**NYACK
MEMORIAL PARK**

The Village of Nyack
9 North Broadway, Nyack, NY 10960
(845) 358-0229

Quennell Rothschild & Partners, LLP
Landscape Architects, Architects & Planners
118 West 23rd Street, New York, NY 10011
(212) 929-3330

LEGEND

-  BOUNDARY OF MASTER PLAN
-  PARTIALLY SUBMERGED BARGE
-  EXISTING TREE
-  EXISTING STRUCTURE



HUDSON RIVER

revisions

project:
Master Plan

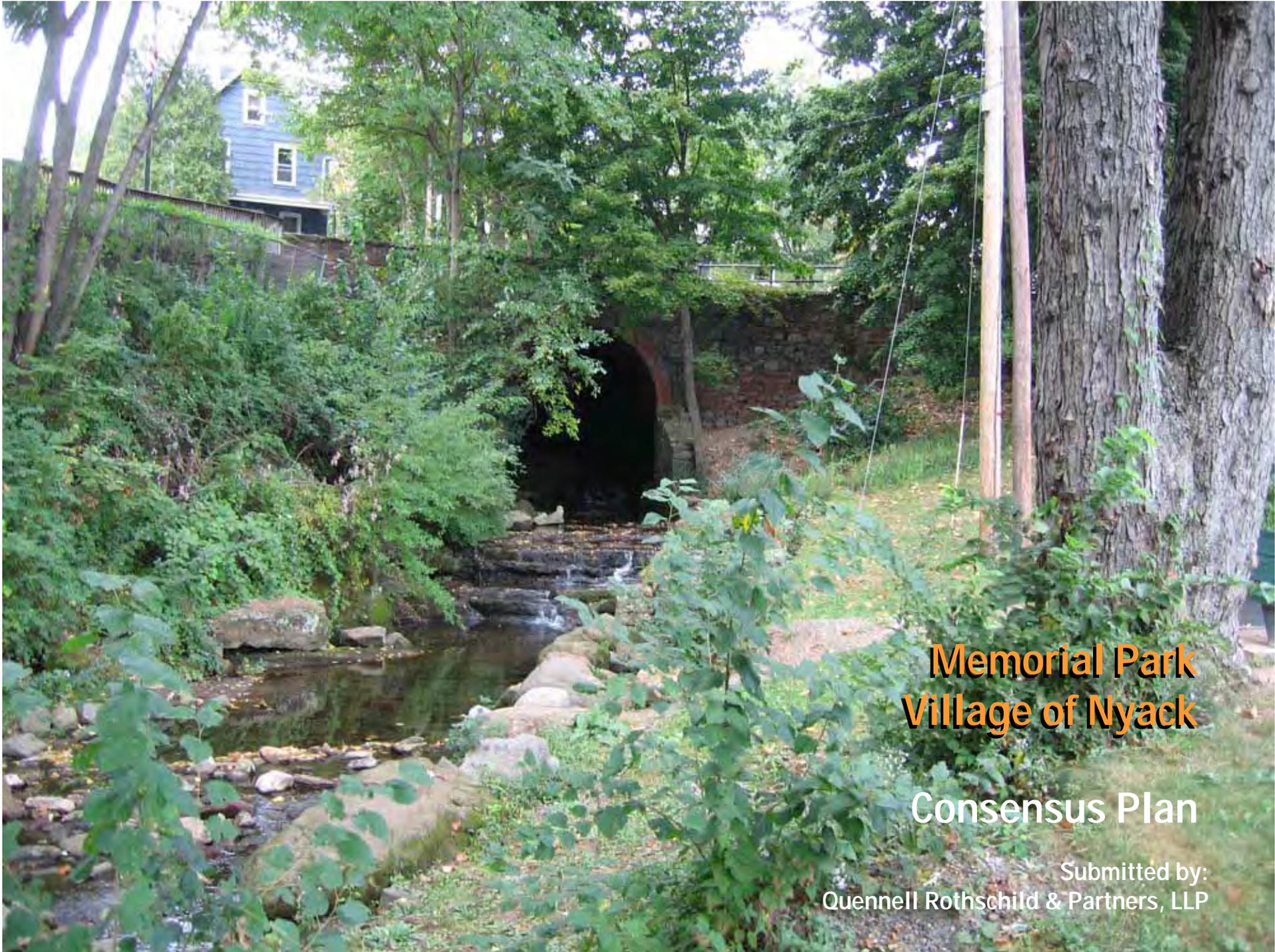
drawing title:
**As-built
Pier Plan 2015**

scale: 1" = 40'-0"

date: 10/21/15

drawing no.: **L-1**





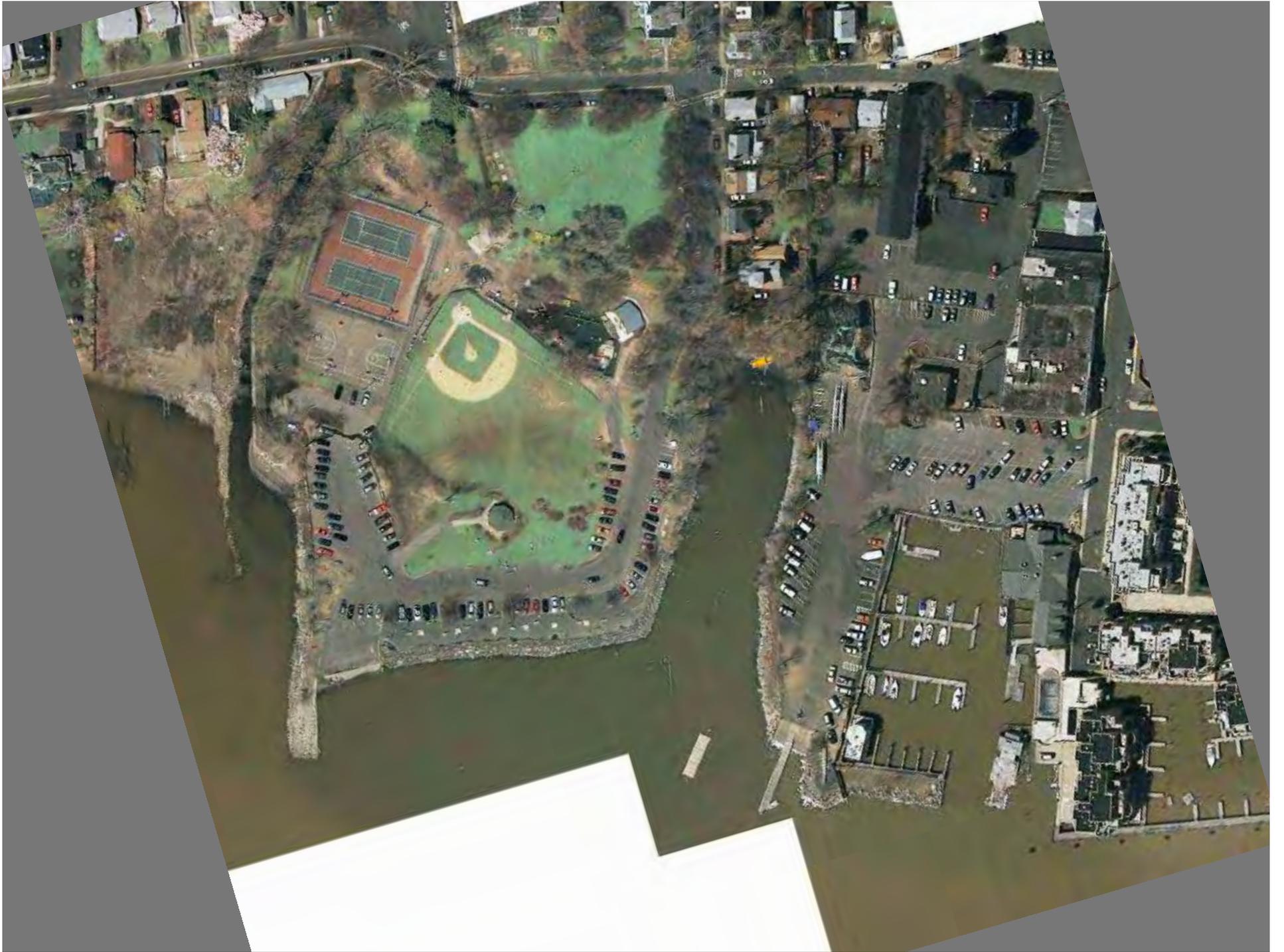
**Memorial Park
Village of Nyack**

Consensus Plan

Submitted by:
Quennell Rothschild & Partners, LLP

Quennell Rothschild & Partners, LLP

Analysis





View over Lower Depew Park



View from Marina



Creek



Existing Monument and Park Connection



Upper Memorial Park



Marina

















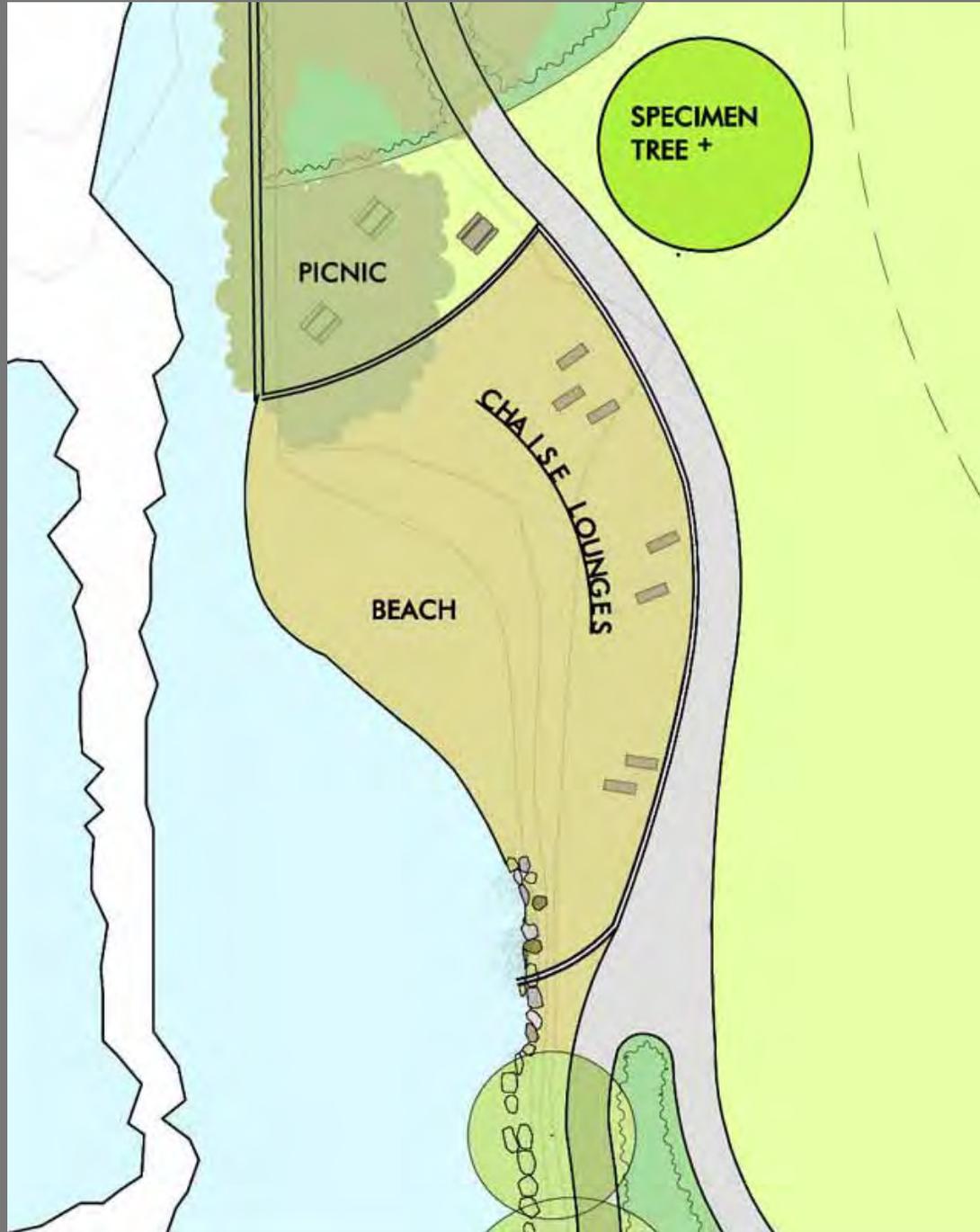






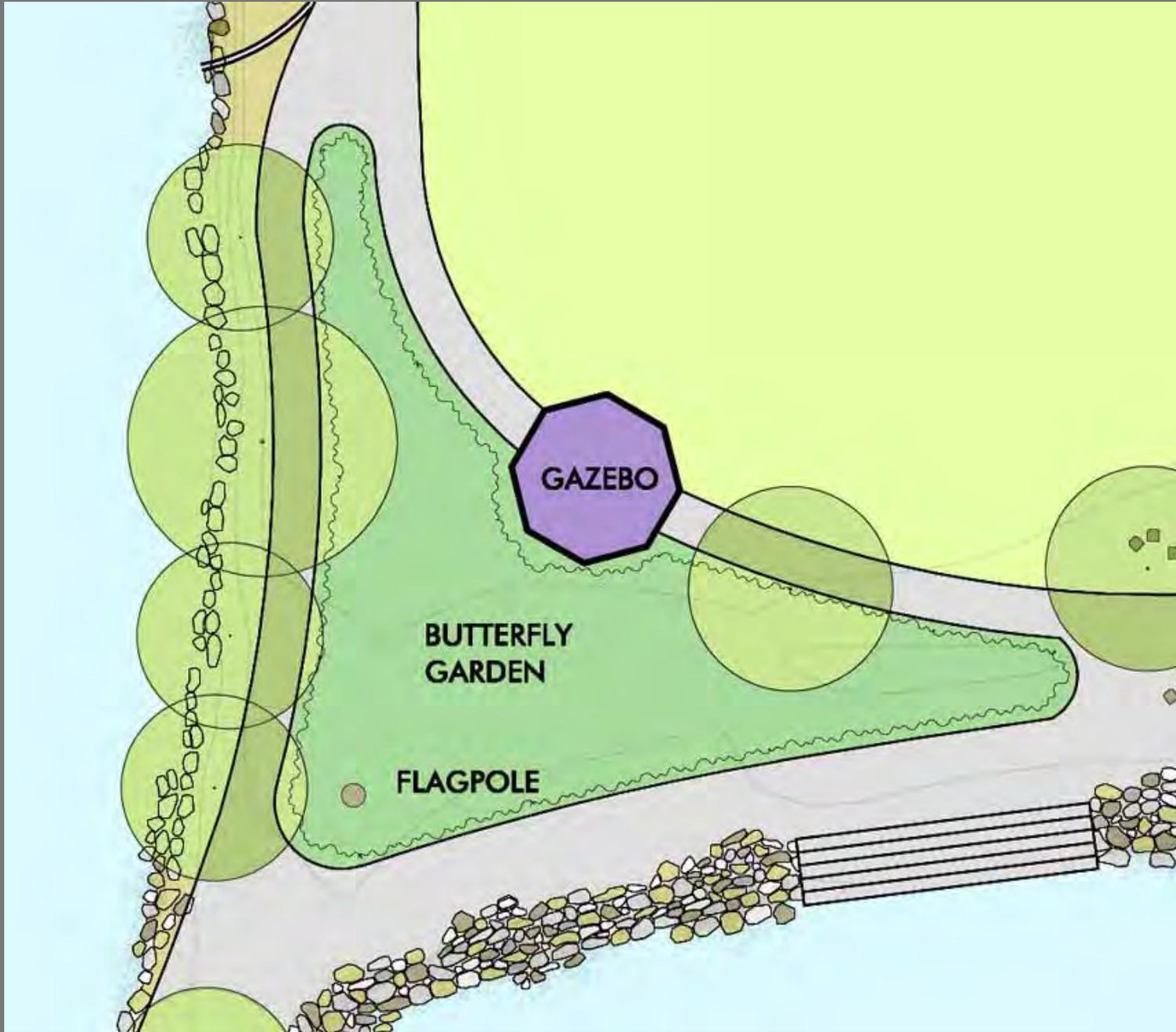










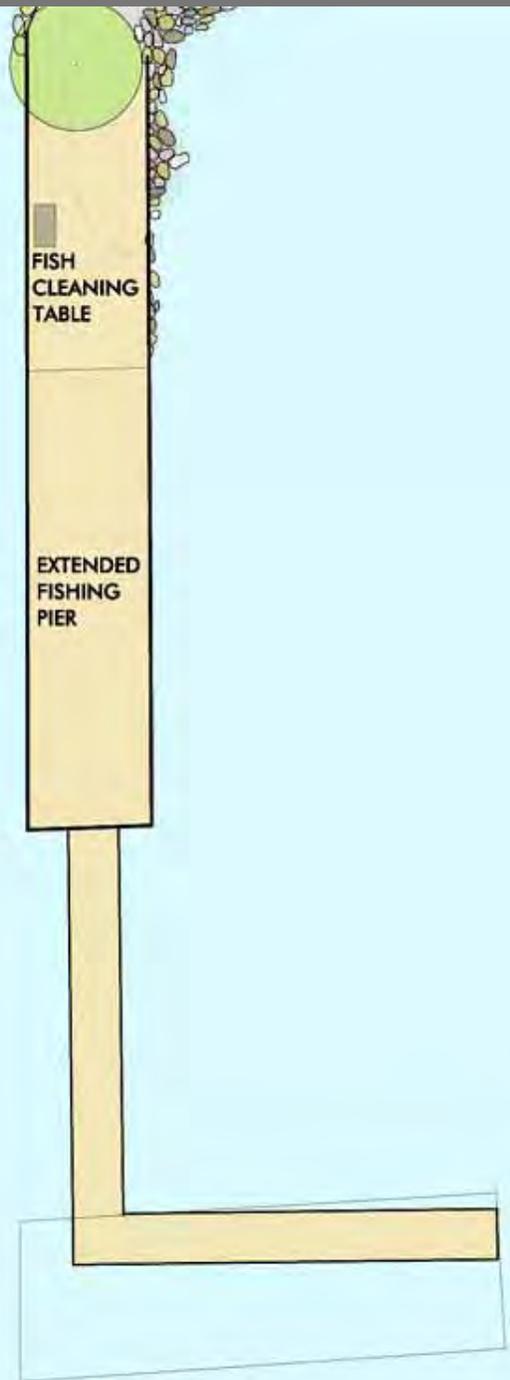


















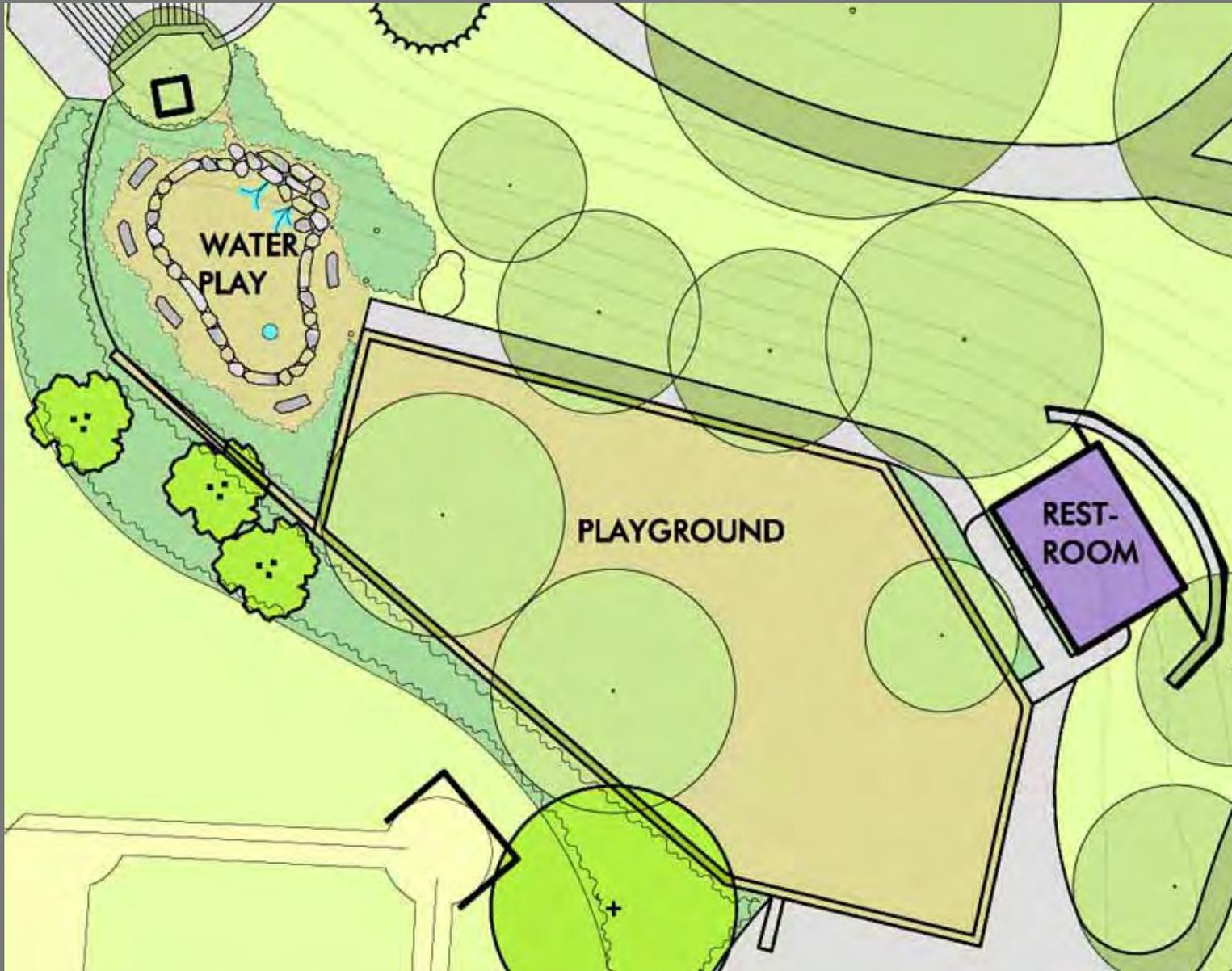


















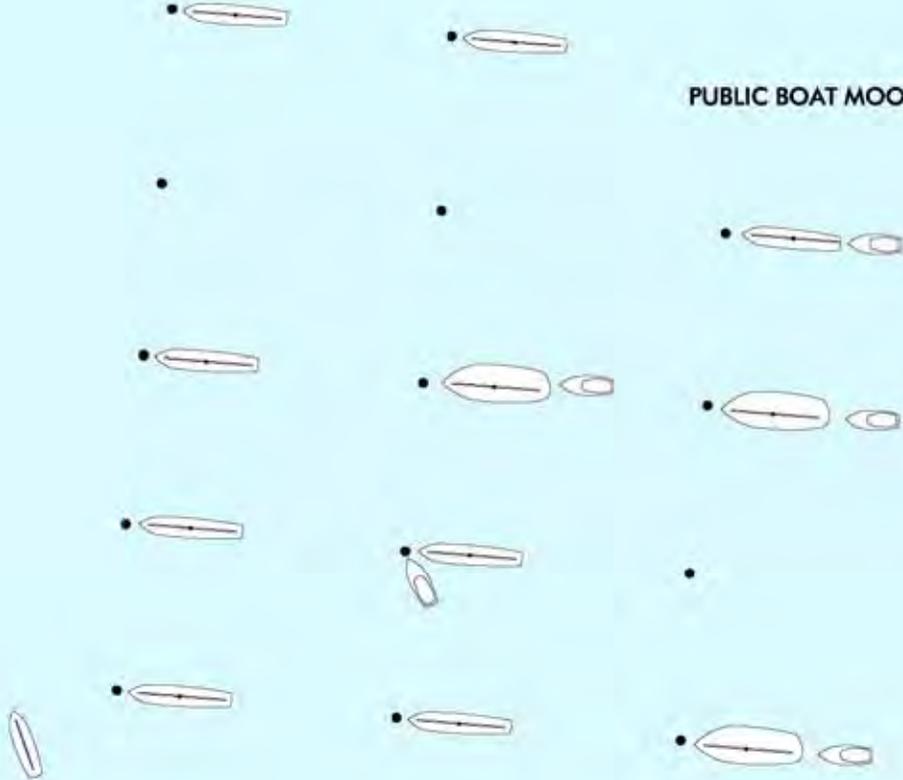






KINETIC
SCULPTURE

PUBLIC BOAT MOORING



HUDSON RIVER





End

Village of Nyack
Local Waterfront Revitalization Program

Appendix V Nyack Local Waterfront Revitalization Program Survey

Local Waterfront Improvement Plan Survey

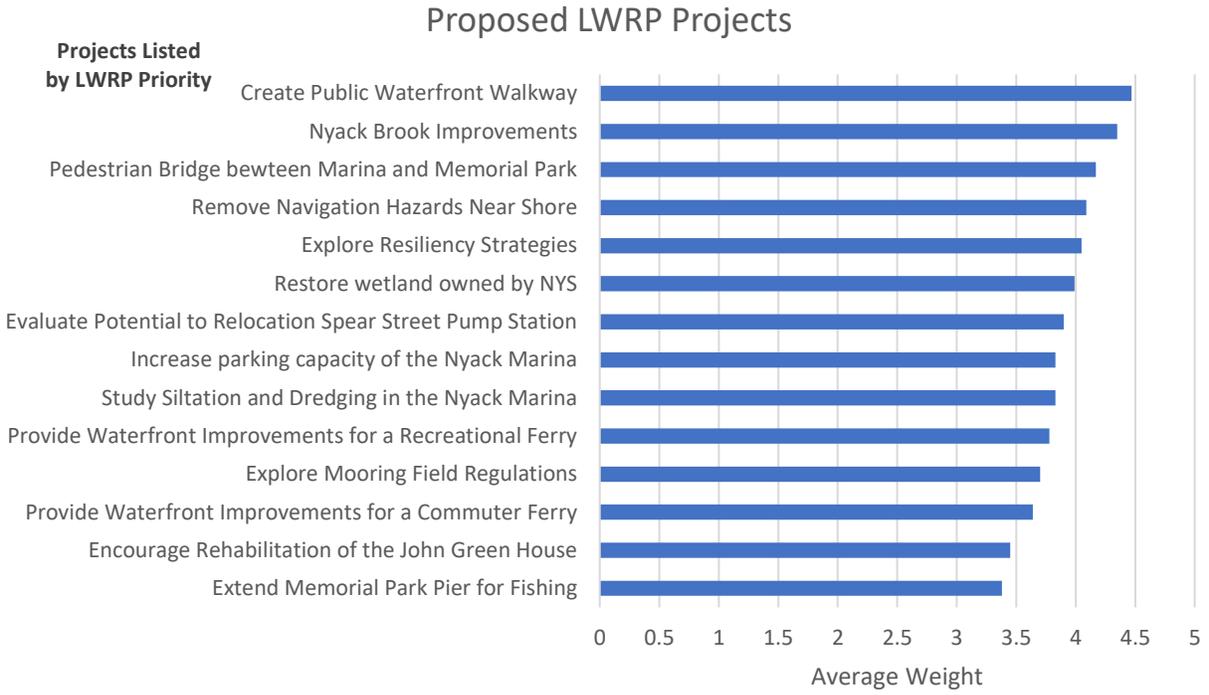
In order to reach stakeholders who were not able to attend public workshops, the LWRP Steering Committee created a survey that was administered to the public via SurveyMonkey, an online survey company. The survey was open from mid-June to mid-August and received 432 responses. It was promoted to the public via email, social media, local news outlets, and the Village website. The results of the survey, in addition to other public outreach and information obtained through the LWRP process, helped inform the LWRP steering committee' deliberations.

The survey was comprised of two general sections: open-ended and general questions, and a rating of proposed projects. The open-ended questions asked where in the respondent lived, which waterfront activities they participated in, which waterfront activities needed better facilities, and what improvements the respondent wanted for the waterfront. The respondent was then asked to rate waterfront goals. The responses to open ended and general questions followed a few themes. Respondents used the waterfront for passive recreation, active recreation, and boating, and requested that facilities be upgraded to support those activities. Respondents desired increased access to the waterfront, more open space at the waterfront, and more tables and benches for people to use.

In order to rate the proposed projects, respondents were directed to select a response on a scale from "Not at all important" to "Very important" for each LWRP project. The respondents were able to choose "N/A" or "Neutral". The ratings were given a numeric weight, with "Not at all important" receiving a 1, and "Very Important" receiving a 5. The resulting average weight of each project is shown on the next page. The top three rated projects were creating a public waterfront walkway, implementing Nyack Brook improvements, and constructing a pedestrian bridge that would connect the Village Marina to Memorial Park.

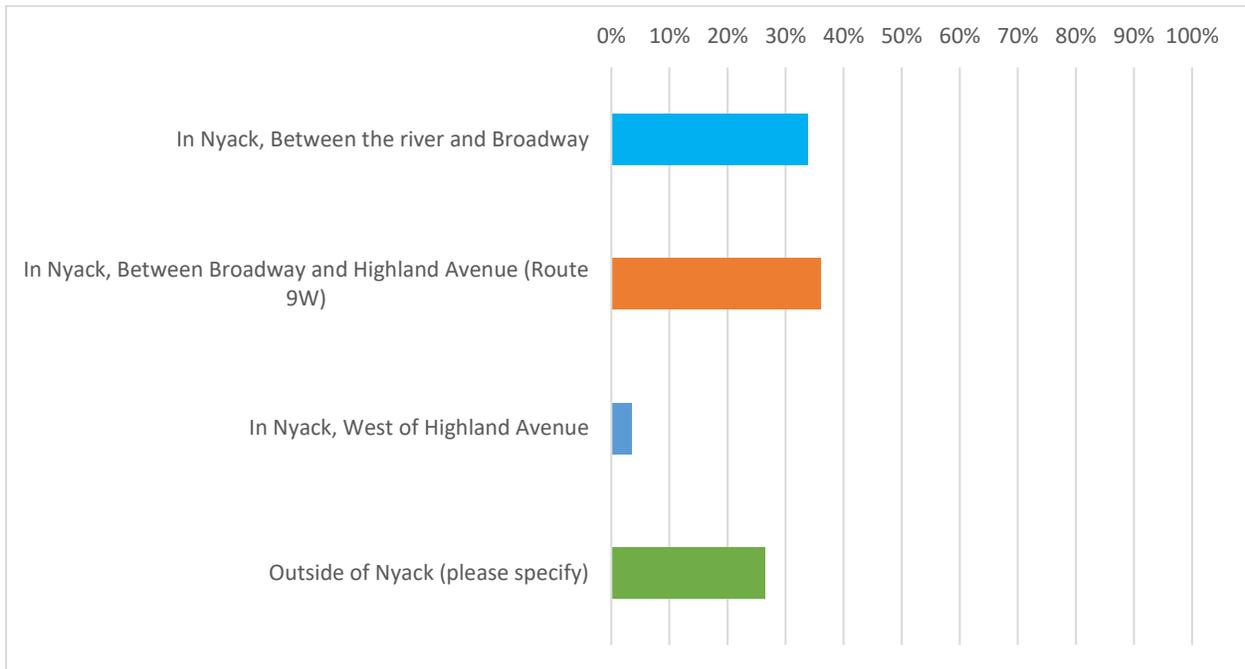
The LWRP survey responses are shown on the following pages. Answers to open-ended questions are not shown, and questions which may have answers that identify the survey respondent have been omitted.

Table A-I-1



Q1 Please select the location below that best describes where you live.

Answered: 429 Skipped: 3

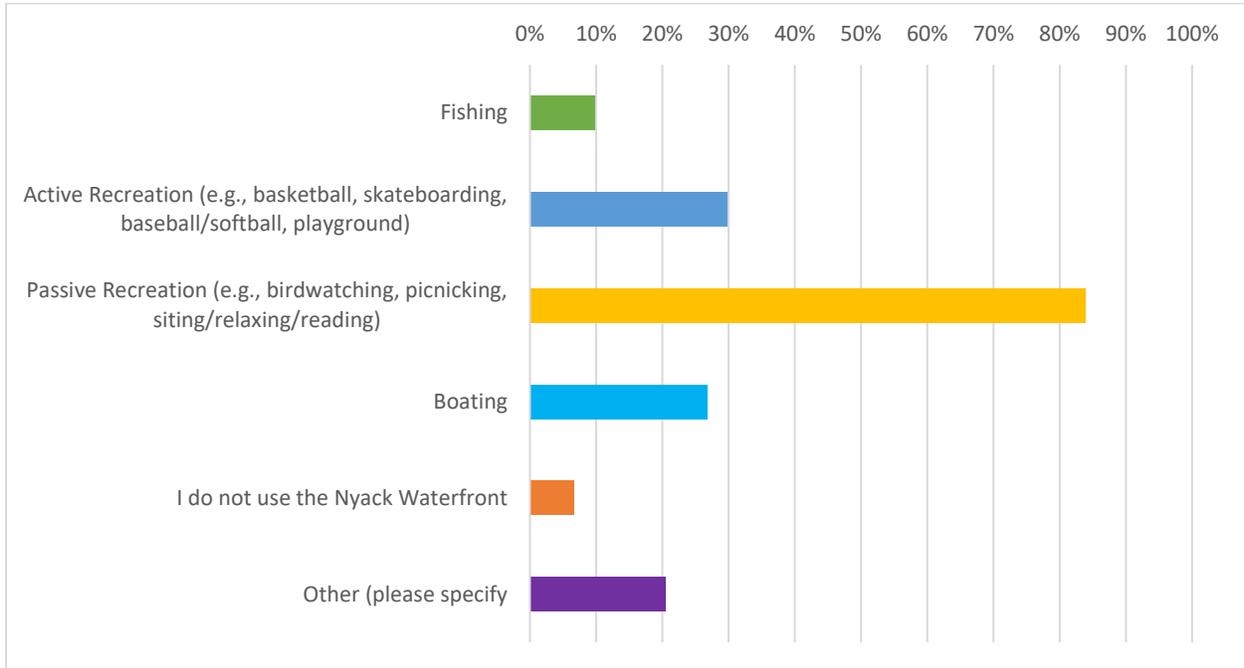


| ANSWER CHOICES | RESPONSES | |
|---|-----------|------------|
| In Nyack, Between the river and Broadway | 33.80% | 145 |
| In Nyack, Between Broadway and Highland Avenue (Route 9W) | 36.13% | 155 |
| In Nyack, West of Highland Avenue | 3.50% | 15 |
| Outside of Nyack (please specify) | 26.57% | 114 |
| TOTAL | | 429 |

Almost three quarters (73.43%) of survey respondents live in Nyack. One third live near the waterfront (between the Broadway and the Hudson River), but the largest share (36.13%) live in the upland area between Broadway and Route 9W.

Q2 Please select any and all activities in which you presently participate on the Nyack waterfront.

Answered: 429 Skipped: 3



| ANSWER CHOICES | RESPONSES | |
|--|-----------|------------|
| Fishing | 9.79% | 42 |
| Active Recreation (e.g., basketball, skateboarding, baseball/softball, playground) | 29.84% | 128 |
| Passive Recreation (e.g., birdwatching, picnicking, sitting/relaxing/reading) | 83.92% | 360 |
| Boating | 26.81% | 115 |
| I do not use the Nyack Waterfront | 6.76% | 29 |
| Other (please specify) | 20.51% | 88 |
| TOTAL | | 429 |

Respondents could select as many activities as they wished from the list and were also able to fill in other options. 360 of the 429 respondents (83.9%) indicated that they use the waterfront for passive recreation. This was followed by active recreation (e.g., basketball, skateboarding, baseball/softball, playground) with 29.8% and boating with 26.8%. Just under 10 percent of respondents indicated they use the waterfront for fishing, while 6.8% do not use the waterfront at all. 88 respondents indicated “other uses”, most common among these were walking and hiking (mentioned in 31 responses); biking (11 responses); and attending concerts (7 responses). Other respondents specified that they go kayaking, while others mentioned taking their dogs or children to the waterfront to play (2 each).

Q3 Why do you not use the Nyack Waterfront?

Answered: 152 Skipped: 280

152 respondents indicated that there are times they do not use the Nyack Waterfront. Reasons included: lack of ease of access (33 responses); others indicated that Memorial Park should be better landscaped/more appealing/better maintained (10 responses); while others do not feel safe (7 responses), including several who are intimidated by skaters in the skate park. Other responses included not living in Nyack and not partaking in any of the activities available on the waterfront. A sample of open-ended responses is copied below.

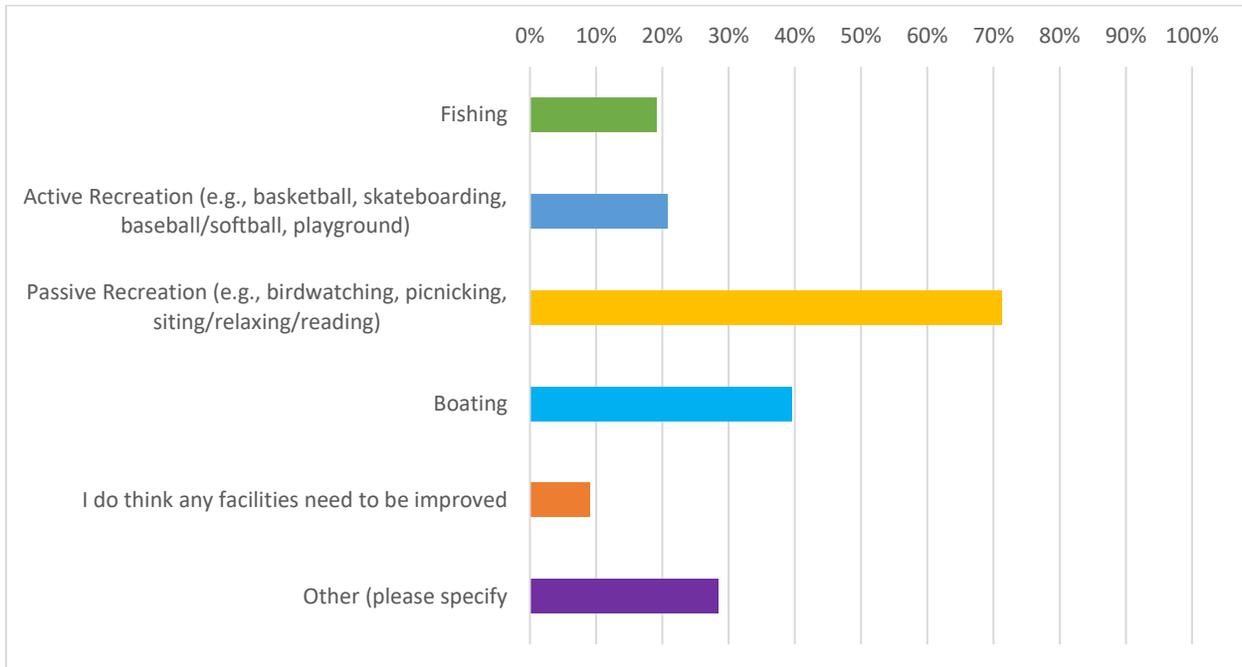
“I would argue that the Nyack Waterfront is not particularly accessible. Except for Nyack Beach, which requires a fee, and Memorial Park, which does not have any useful means to access the waterfront, use is limited. There are no water paths or clear water access points. No free/ accessible boat launch areas and limited places where you can wade, relax or enjoy. Nyack waterfront should be accessible to all.”

“There is a lack of parking and there should be more riverfront access with shops/boardwalk. There is also no security at night.”

“I would like to run there but there is not a continuous trail that makes it possible. There is not much there in terms of restaurants, bars, or shops to draw me or hold my attention for very long. Not landscaped in such a way that makes it a special place to choose to sit for very long though I do like sitting by the creek.”

Q4 For each of the activities below, please select all that need more or improved facilities.

Answered: 407 Skipped: 25



| ANSWER CHOICES | RESPONSES | |
|--|-----------|------------|
| Fishing | 19.16% | 78 |
| Active Recreation (e.g., basketball, skateboarding, baseball/softball, playground) | 20.88% | 85 |
| Passive Recreation (e.g., birdwatching, picnicking, sitting/relaxing/reading) | 71.25% | 290 |
| Boating | 39.56% | 161 |
| I do think any facilities need to be improved | 9.09% | 37 |
| Other (please specify) | 28.50% | 116 |
| TOTAL | | 429 |

Of the 407 responses to this question, the largest share (71.25%) stated the passive recreational facilities require improvements. Improvements are also needed for the boating/dock facilities according to 39.56%. Roughly one in every five respondents stated that active recreational and fishing facilities should be upgraded (20.88% and 19.16%, respectively). 116 respondents wrote in answers; among these, the most common included the need for walking trails, a waterfront restaurant, better parking, and greater safety/more patrols. Other ideas included ferry service to Manhattan, kiosks showing local flora/fauna (in particular, butterflies), and better connectivity to downtown

Q5 Please describe the type of improvements that should be made to the facilities that you selected in Question 4.

Answered: 272 Skipped: 160

In general, the 272 respondents who answered this question feel that the waterfront provides adequate opportunities for active recreation, but feel that passive recreation opportunities should be improved.

Just getting to the water front was an issue for many of the respondents:

- Parking needed improvement according to 77. However, these varied from those who would like to see all parking removed from the park to those who would like more parking spaces.
- Improved access is required according to 52. Most common among these was an indicated need for better/more public access points to the waterfront as well as boat/kayak launching points. However, several respondents encourage waterfront accessibility for those who are mobility impaired.
- Benches/seating: More and better maintained seating was requested by 45 individuals.
- Picnic areas were requested.

Active recreation:

- Boat facilities were mentioned some 43 times. A public marina or restaurant with slips for transient boats was suggested by some. Kayaks/canoes were specified 17 times with 9 of these suggesting rental opportunities.
- Fishing pier.
- Bike paths.
- Several respondents feel the skate park should be moved from its current location, while others congratulate the Village for it.

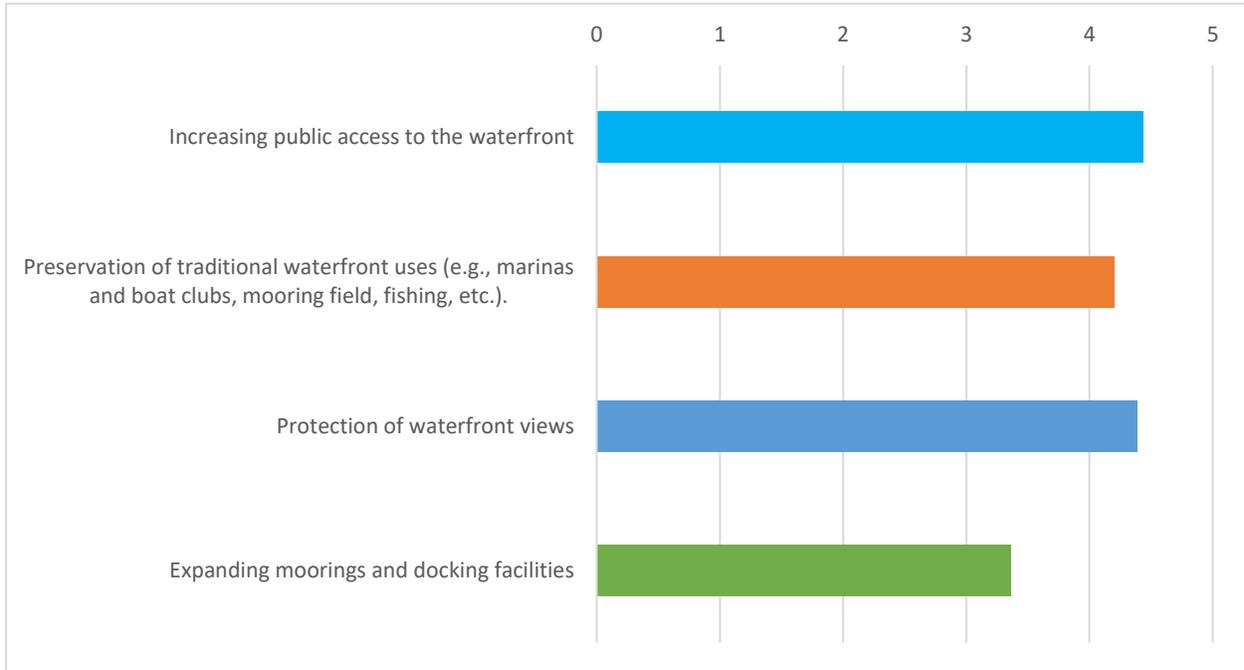
Other:

- Development of the waterfront in general was discussed in roughly a dozen responses. Interestingly, these were split between those who would see the waterfront maintained as a natural preserve and those who would like to see commercial/residential development if public access to the waterfront is assured.
- Ferry service to Manhattan

Questions 6-20 asked respondents to assess the importance of a series of possible plan strategies from not at all important to very important. Each of these rankings was then assigned a value of 1 for not at all important to 5 for very important. These values were applied and averaged in order to determine an overall rating of importance. It is notable in the questions regarding specific strategies that the share of “neutral” responses hovers around 20% for each of the technical evaluations/strategies indicating a share of respondents who do not feel they have enough information to make an assessment either for or against.

Q6 Following are a list of specific goals for waterfront planning. Please rate them by how important they are to the Village of Nyack on a scale of "Not at all important" to "Very important."

Answered: 430 Skipped: 2



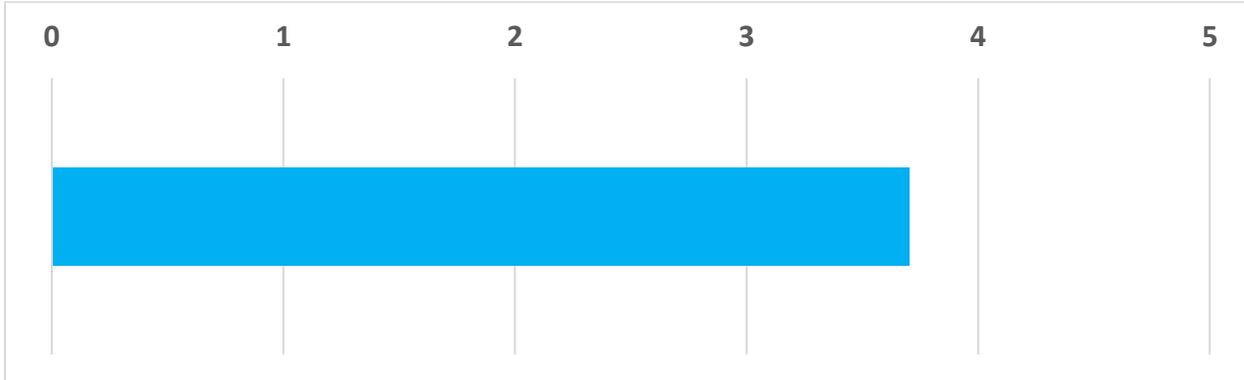
| v | NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|--|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| Increasing public access to the waterfront | 3.78% | 2.36% | 10.17% | 13.48% | 69.50% | 0.71% | 423 | 4.44 |
| Preservation of traditional waterfront uses (e.g., marinas and boat clubs, mooring field, fishing, etc.) | 2.58% | 4.23% | 14.32% | 27.93% | 50.94% | 0.00% | 426 | 4.20 |
| Protection of waterfront views | 3.04% | 4.68% | 7.96% | 18.50% | 64.64% | 1.17% | 427 | 4.39 |
| Expanding moorings and docking facilities | 7.49% | 11.35% | 36.47% | 24.88% | 18.60% | 1.21% | 414 | 3.36 |

Increasing public access to the waterfront is the most important priority according to the weighted average of responses, with 82.98% saying this is very important or important, at 69.5 percent and 13.48 percent, respectively. Protection of waterfront views is important or very important to a larger overall share (83.14%) of respondents, but fewer feel that protection of views is “very important” at 64.64 percent. Preservation of traditional uses is important or very important to a total of 78.87% of respondents in total. Whereas, expanding moorings and docking facilities is important or very important to less than half (43.48%) of respondents.

Q7 Explore management strategies and/or regulation of mooring fields.

Nyack’s waterfront is under the jurisdiction of the Village within 1,500 feet from the shore. Boat moorings are currently unregulated, but the village could regulate them to protect the safety and appearance of the harbor.

Answered: 383 Skipped: 49



| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 2.87% | 9.14% | 26.37% | 37.08% | 23.76% | 0.78% | | |
| 11 | 35 | 101 | 142 | 91 | 3 | 383 | 3.70 |

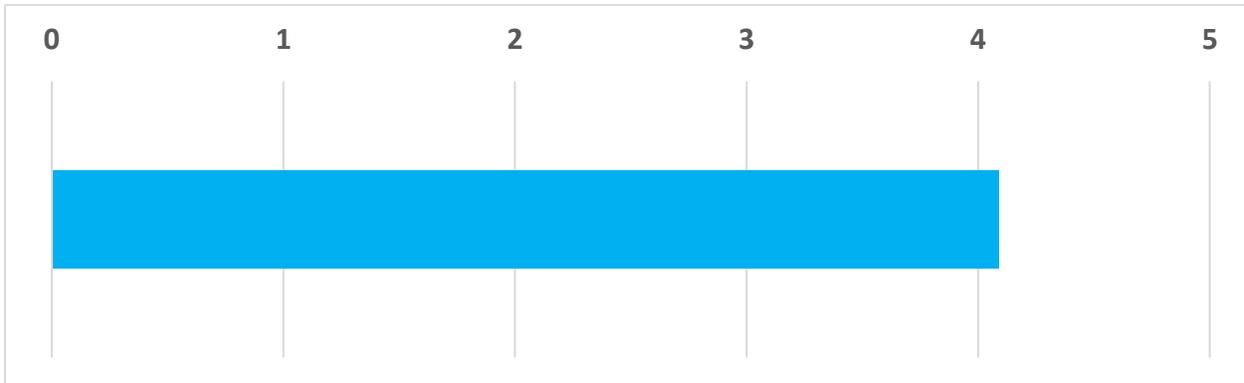
Regulating the mooring fields on the waterfront is important or very important to six in ten respondents at 37.08% and 23.76%, respectively. More than a quarter of respondents are neutral on the subject, whereas 12.01% feel it is not very or not at all important.

Q8 Remove navigation hazards near the Nyack shoreline.

Current hazards include the concrete barge, remnants of old pilings and piers, remnants of former oil facilities. This project would support goals of expanding boating access, especially for non-motorized craft such as kayaks and canoes, by removing safety hazards.

Answered: 386

Skipped: 46



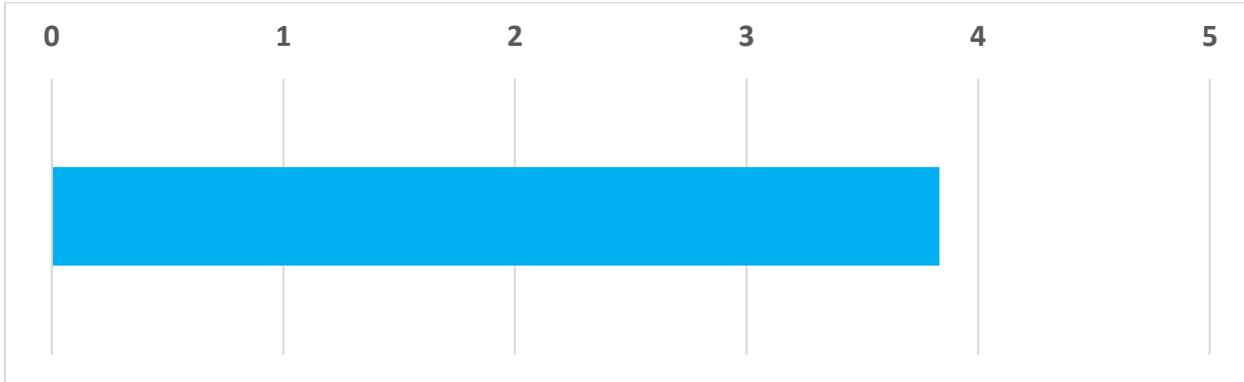
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 2.59% | 7.77% | 10.10% | 37.05% | 41.97% | 0.52% | | |
| 10 | 30 | 39 | 143 | 162 | 2 | 386 | 4.09 |

Removing navigation hazards along the Nyack shoreline was very important to 41.97% of respondents and important to another 37.05%. Only 10.1% of respondents were neutral on this subject, while an equivalent number did not feel that this was an important task. The resulting weighted average based on these answers is 4.09

Q9 Study issues related to siltation and dredging in the Nyack Marina area.

Siltation in the Nyack Marina has reduced depths and required dredging in 2016. The Village could seek grant funds to commission a study of a long-term management plan related to siltation and dredging.

Answered: 378 Skipped: 54

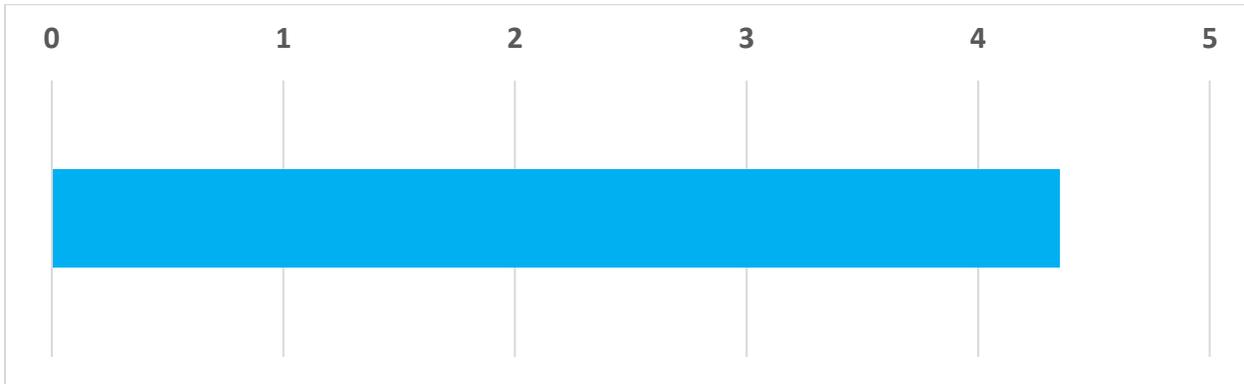


| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 1.85% | 6.08% | 23.81% | 42.86% | 24.34% | 1.06% | | |
| 7 | 23 | 90 | 162 | 92 | 4 | 378 | 3.83 |

Q10 Implement the Nyack Brook Improvement Project to alleviate stormwater flooding downtown.

To remedy the flooding situation on Main Street, a 680-foot bypass culvert would be constructed to provide additional capacity in the section with the highest propensity for flooding.

Answered: 385 Skipped: 47



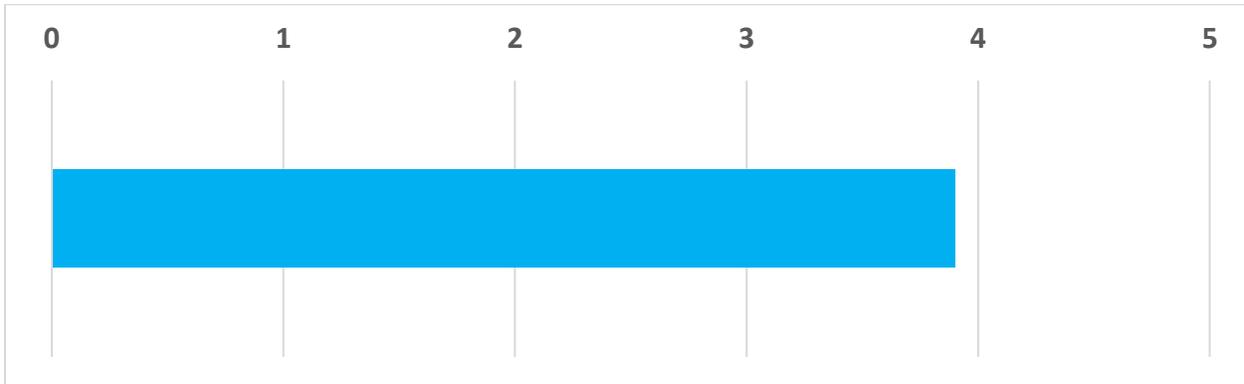
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 0.52% | 2.60% | 9.61% | 35.84% | 50.65% | 0.78% | | |
| 2 | 10 | 37 | 138 | 195 | 3 | 385 | 4.35 |

The Nyack Brook Improvement Project had a weighted importance of 4.35, with more than half of all respondents (50.65%) considering it a very important topic. An additional 35.84% feel it is important. Only 12.73% of respondents are neutral or feel the topic is unimportant. Compared to all the other strategies, this is second only to improved waterfront access in terms of weighted importance.

Q11 Evaluate potential to relocate the Spear Street pump station in order to allow a better use for the parcel.

The Spear Street pump station located at the Nyack Marina is owned and operated by the Town of Orangetown. The Village could evaluate potential relocation of the pump station to free up that parcel for uses that would add to the civic nature of the waterfront.

Answered: 382 Skipped: 50



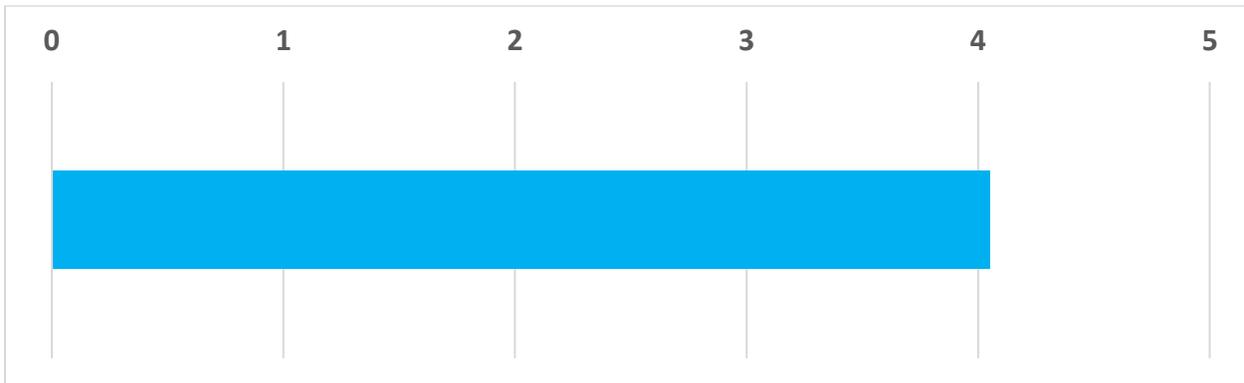
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 3.14% | 5.76% | 19.11% | 40.05% | 30.37% | 1.57% | | |
| 12 | 22 | 73 | 153 | 116 | 6 | 382 | 3.90 |

Evaluating the potential of relocating the Spear Street pump station was very important or important to 7 out of 10 respondents (30.37% and 40.05%, respectively). 19.11% were neutral on the subject, whereas 5.76% felt it was not very important and an additional 3.14% felt it was not important at all. The weighted average of overall import was 3.9.

Q12 Explore resilient infrastructure strategies to protect the Nyack Marina and waterfront residential development from the impacts of sea level rise and flooding.

Most of Nyack’s waterfront is at limited risk to the impacts of sea level due to the Village’s topography. However certain targeted areas may need to explore mitigation measures to protect from the impacts of climate change and flooding. This project recommends that the Village and private sites explore options to protect both public and private waterfront resources from sea level rise and flooding.

Answered: 378 Skipped: 54



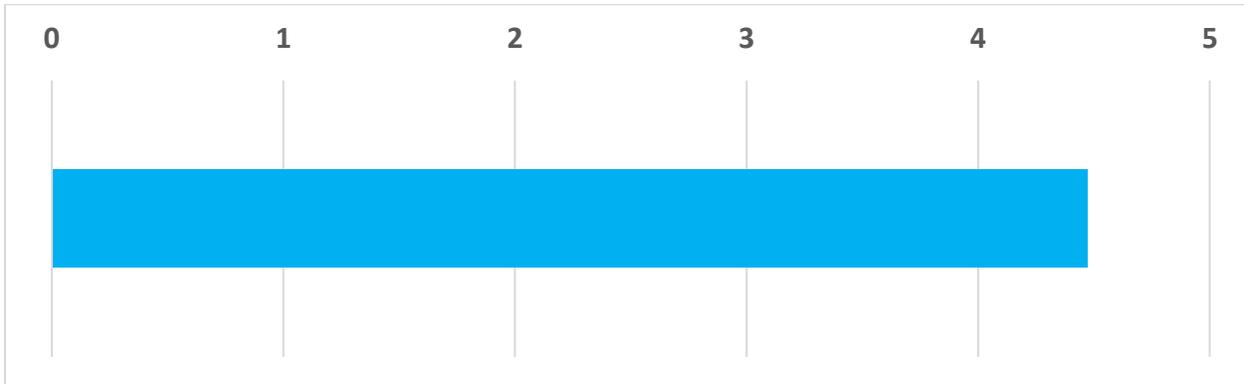
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 1.59% | 3.44% | 19.31% | 39.15% | 36.24% | 0.26% | | |
| 6 | 13 | 73 | 148 | 137 | 1 | 378 | 4.05 |

Resilient infrastructure had a weighted level of importance of 4.05, with 36.24 percent feeling it is very important and another 39.15% feeling it is important. Almost 1 in every 5 were neutral on the subject, but only 5% felt it was not important.

Q13 Create public waterfront walkway with streetscape improvements and wayfinding to increase access to the river and connections to downtown.

A waterfront walkway would travel from Memorial Park to the Nyack Boat Club to create an inviting open space along the Hudson River. Streetscape and wayfinding improvements would help link this new walkway to downtown attractions.

Answered: 386 Skipped: 46



| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 2.59% | 3.37% | 4.15% | 24.09% | 65.80% | 0.00% | | |
| 10 | 13 | 16 | 93 | 254 | 0 | 386 | 4.47 |

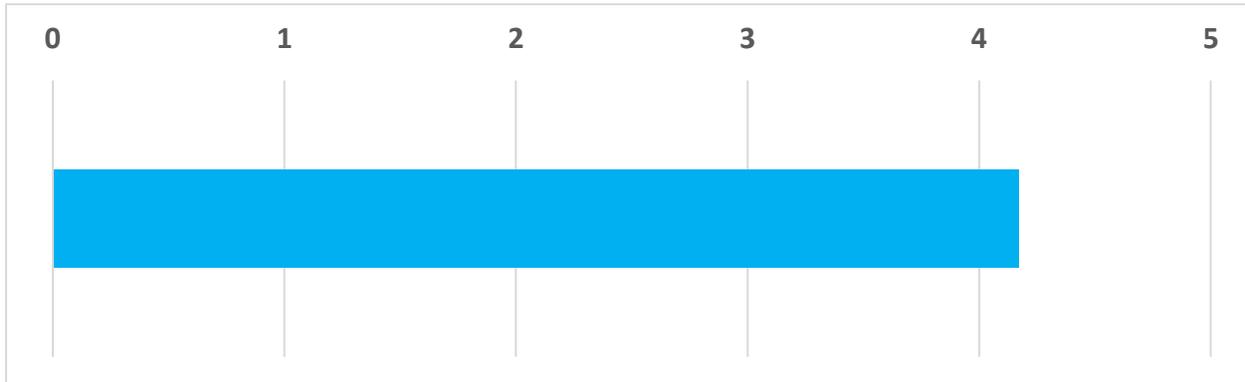
Reflecting the write-in responses in earlier questions, almost two thirds of respondents feel that improving access, connectivity and landscaping to/on the waterfront is very important, while another 24.09 percent feel that it is important. Only 4.15% are neutral on the topic, while 3.37% feel it is not very important and 2.59% feel it is not at all important. The weighted average is the highest of all questions at 4.47 percent.

Q14 Construct a pedestrian bridge to connect Memorial Park to Nyack Marina.

A pedestrian bridge would connect Memorial Park to the Nyack Marina, linking two of the village's waterfront attractions. This project is funded, and planning is in progress.

Answered: 384

Skipped: 48



| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 4.69% | 3.39% | 13.28% | 26.82% | 51.30% | 0.52% | | |
| 18 | 13 | 51 | 103 | 197 | 2 | 384 | 4.17 |

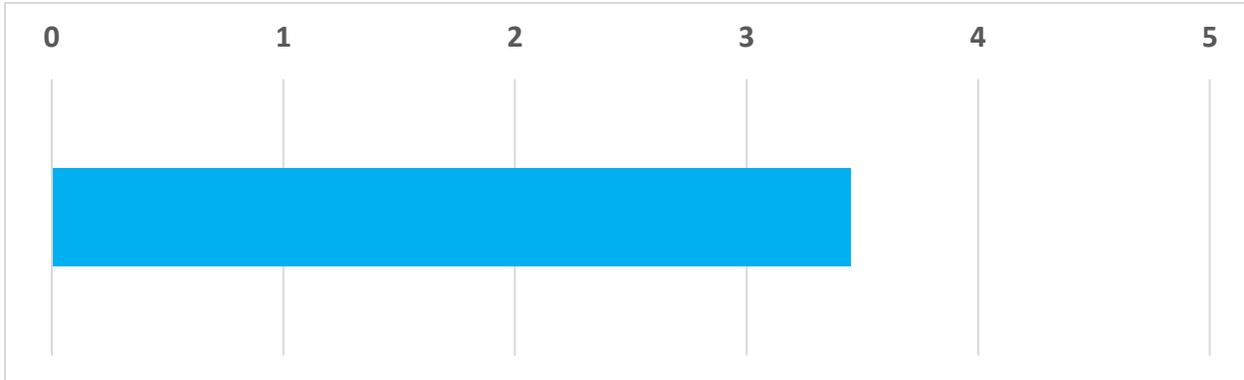
The construction of the pedestrian bridge between the Nyack Marina and Memorial Park is very important to more than half of respondents (51.3%), and important to another 26.82%. Only 13.28% are neutral on the topic and 3.37% and 4.69% think it is not very important or not at all important, respectively. The weighted average is 4.17.

Q15 Rehabilitation of the John Green House.

The John Green House is in the process of historic restoration by the John Green Preservation Coalition. This project encourages the Coalition to continue to seek grant funding and identify a future use of the building that could combine historical/educational activities with other uses that ensure long- term financial stability and preservation of historicresources.

Answered: 383

Skipped: 49



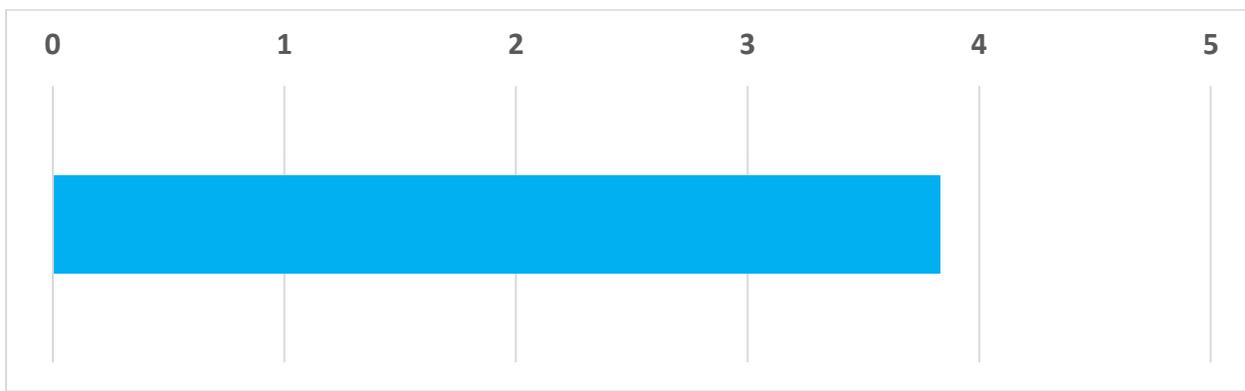
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 9.66% | 11.23% | 25.07% | 31.59% | 21.93% | 0.52% | | |
| 37 | 43 | 96 | 121 | 84 | 2 | 383 | 3.45 |

The rehabilitation of the John Green House has the second lowest weighted average of import among the strategies put forth at 3.45; however more than half of respondents DO feel the rehabilitation of the historic property is important or very important. A full 25% of respondents were neutral on the topic, while one in five did not think it is important.

Q16 Increase parking capacity of the Nyack Marina parking area to support marina-area uses account for parking lost due to the Memorial Park Master Plan.

Improved facilities and potential new uses at the marina site are likely to increase parking demand. In addition, the Memorial Park Master Plan reduces parking at the park and presumes that users would park at the Marina. Both factors are likely to lead to increased demand, which could be addressed through some combination of reconfiguration of surface parking, construction of a two-level parking terrace into the terrain, and parking management strategies such as shared parking and rideshare.

Answered: 383 Skipped: 49



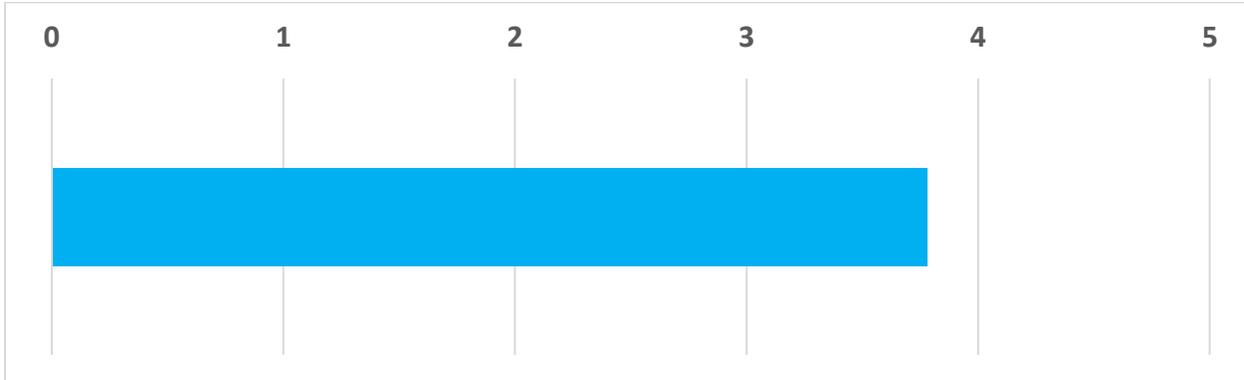
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 5.74% | 7.31% | 18.02% | 35.51% | 32.64% | 0.78% | | |
| 22 | 28 | 69 | 136 | 125 | 3 | 383 | 3.83 |

Increasing parking capacity at the Nyack Marina was important to 35.51% of respondents and very important to an additional 32.64%. 18.02% are neutral on the topic, while 7.31% do not feel it's important and another 5.74% do not feel it's important at all. The weighted average value of these rankings is 3.83.

Q17 Provide waterfront improvements to support recreational ferry service.

Seasonal and recreational ferry service would provideweekend service that connects Nyack to NYC and other Hudson River waterfront areas. Waterfront improvements would include a floating terminal, ticket kiosk, signage, and two-level parking terrace built into the hillside at the existing Nyack Marina parkinglot.

Answered: 381 Skipped: 51



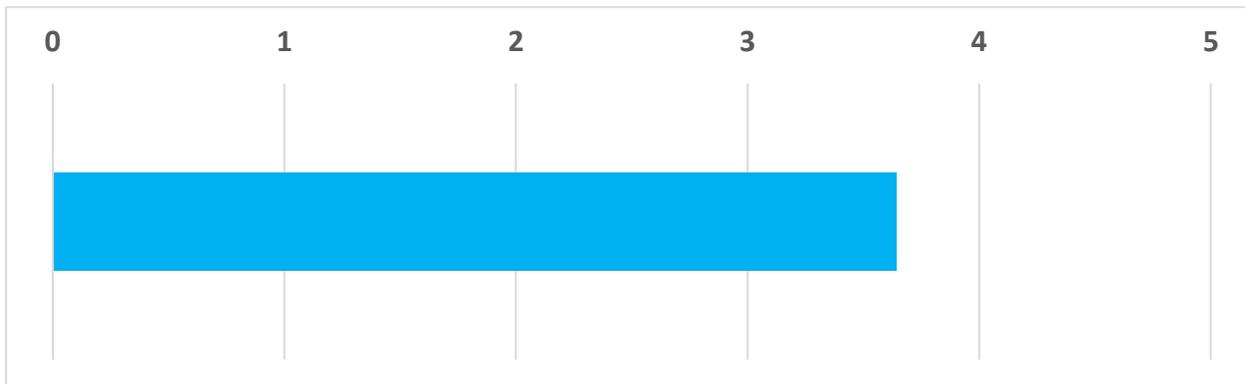
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 13.65% | 6.30% | 11.29% | 25.20% | 43.31% | 0.26% | | |
| 52 | 24 | 43 | 96 | 165 | 1 | 381 | 3.78 |

Almost three quarters of respondents can see the importance of waterfront improvements to support recreational ferry service, at 43.31% very important and 25.20% important. One in ten are neutral on the subject, 6.3% think it is not very important, and a full 13.65% think it is not important at all. The weighted average (brought down by the not at all important category) is 3.78.

Q18 Provide waterfront improvements to support commuter ferry service. Commuter ferry service would provide peak-hour service from Nyack to Tarrytown, creating an alternative way for commuters to get from Nyack and other parts of Rockland County to Metro-North.

Waterfront improvements would include a floating terminal, ticket kiosk, signage, and two-level parking terrace built into the hillside at the existing Nyack Marina parking lot. Commuter service would also require additional parking mitigation strategies to accommodate peak-hour travelers (e.g., shared parking, ride share, etc.).

Answered: 382 Skipped: 50



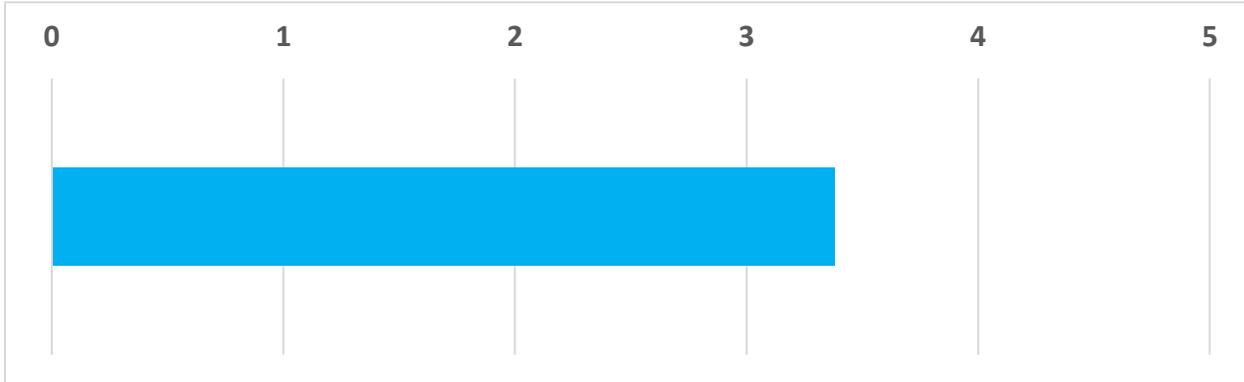
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 18.06% | 6.02% | 12.83% | 18.85% | 43.72% | 0.52% | | |
| 69 | 23 | 49 | 72 | 167 | 2 | 382 | 3.64 |

The weighted average indicating support for commuter ferry service from Nyack to Tarrytown is 3.64—less than the score for recreational service by 0.14. While an aggregate of 62.57% of respondents think commuter ferry service is very important or important, 12.83% are neutral, 6.02% think it is not very important, and a full 18.06% think it is not important at all. Based upon some write in comments, it may be assumed that some respondents feel that commuter ferry service should go all the way to NYC, not just to the Metro-North stop at Tarrytown.

Q19 Extend the Memorial Park Pier to create a fishing pier in the Hudson River.

This project would support Village goals of preserving a connection to the Village’s culture as a historical fishing community.

Answered: 383 Skipped: 49



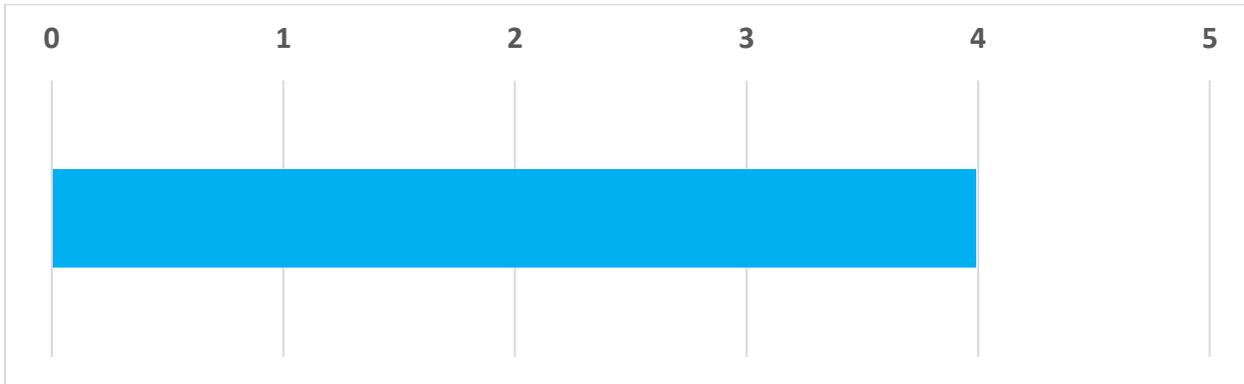
| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 8.88% | 10.97% | 31.07% | 31.85% | 17.23% | 0.00% | | |
| 34 | 42 | 119 | 122 | 66 | 0 | 383 | 3.38 |

Extending the Memorial Park Pier for fishing had the lowest weighted average of all strategies at 3.38. While important or very important to 49.08% of respondents, 3 in 10 were neutral on the topic and almost 2 in five feel it is not important.

Q20 Restore wetland and create a raised walkway for passive use over state-owned wetland parcel at the southern boundary of the Village.

New York State owns a wetland parcel south of Memorial Park across from the Nyack Brook outfall. The Village would rehabilitate the wetland and create a raised boardwalk over it to support quiet recreation through the observation of wetland plants and animals.

Answered: 382 Skipped: 50



| NOT AT ALL IMPORTANT | NOT VERY IMPORTANT | NEUTRAL | IMPORTANT | VERY IMPORTANT | N/A | TOTAL | WEIGHTED AVERAGE |
|----------------------|--------------------|---------|-----------|----------------|-------|-------|------------------|
| 4.45% | 4.45% | 16.49% | 36.91% | 37.70% | 0.00% | | |
| 17 | 17 | 63 | 141 | 144 | 0 | 382 | 3.99 |

Restoring the wetland and building a raised walkway on the parcel to the south of Memorial Park was very important to 37.7% of respondents and important to another 36.91%. 16.49% were neutral on the subject, while an equal number felt it was either not very or not at all important (4.45%, each). The weighted average was 3.99.

Q21 Do you have any other comments or suggestions you wish the Waterfront Advisory committee to consider?

Answered: 133 Skipped: 299

133 respondents added final comments at the end of the survey. The topics for comments ranged widely, so the most common were summarized along with samples of illustrative quotes.

The greatest number of comments (35) mentioned parking, many with the concern that offering additional services (ferry/recreational) will further strain the parking situation while others would like parking to be relocated away from the waterfront.

Ferry service was discussed in 31 comments, with 16 strongly for a ferry service, 7 strongly against, and the rest being qualified responses taking in the complexities of financing and parking.

- “The ferry is the single most important item on the agenda. The potential positive impacts for Nyack of a ferry to NYC are mind boggling....”
- “I would NOT like to see either a recreational OR a commuter ferry , as both would contribute to already high levels of pedestrian & traffic congestion in residential areas, as ferry riders traveled to and from the ferry, making the local neighborhoods unsafe, noisy and unpleasant....”
- “The ferry is a good idea...but parking is problematic and controversial. Consider putting a parking garage somewhere near 59 and 9W and the Thruway and provide regular commuter bus service right to the ferry where riders pay for their ferry trip before boarding the bus. That way the riverfront won't have to host a parking garage and this idea can withstand the too much traffic detractors!”

Nature and the natural environment came up in 7 responses, most of which expressed the desire to preserve the waterfront and the ecosystem.

- “Ensure balance of natural environment with active use...”
- “Just try to preserve and protect as much of the natural landscape as possible. It'd be cool to have new stuff by the water, but it's not worth it if it encroaches on natural land and ecosystems that may already be fractured and affected by human activity.”
- “Nyack is beautiful, unique, and natural...let's keep it a precious, sacred gem... but polish it up a little bit.”

Other thoughts ran the gamut from overall assessments of the work underway to recommendations from improvements to funding sources:

- “Excellent! So happy to see these many ideas in process. A beautiful, accessible waterfront will make out town really sing!! I am 100 percent behind this work.”
- “Increased lighting and public art to improve pedestrian safety and pleasure.”
- “...rehabilitating John Green House--what about contacting the DIY Network show Stone House Revival if there's funding for that?!”
- “Please let's try to commit to Building projects that fit into existing architecture and encourage maintaining the village's history.”
- “Visitor center (with bathrooms) and a "museum" depicting Nyack in years past.”

Q22 Join our email list! Answers to the survey will be kept anonymous, however if you would like to receive updates about future meetings, please enter your email address below.

Answered: 165 Skipped: 267

165 respondents requested that they receive updates on future meetings.

Village of Nyack
Local Waterfront Revitalization Program

Appendix VI Water Quality Table

TABLE II-1 Enterococcus Count (fecal indicator) and Rainfall

118 Samples taken [6-16-2008 through 06-12-2017]

| Sample Date | Enterococcus Count/100mL | Quality | Rain, day of (in) | Prior Day | 2 Days Prior | 3 Days Prior Rain | 4 Days Total Rain |
|-------------|--------------------------|----------------|-------------------|-----------|--------------|-------------------|-------------------|
| 06/12/2017 | 41 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/16/2017 | 31 | Acceptable | 0.0 | 0.0 | 0.1 | 1.7 | 1.8 |
| 04/04/2017 | 96 | Beach Advisory | 1.1 | 0.0 | 0.0 | 0.1 | 1.2 |
| 10/13/2016 | 20 | Acceptable | 0.1 | 0.0 | 0.0 | 0.0 | 0.1 |
| 09/14/2016 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/15/2016 | <10 | Acceptable | 0.0 | 0.1 | 0.1 | 0.2 | 0.4 |
| 07/13/2016 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 |
| 06/15/2016 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/20/2016 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 12/09/2015 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 12/07/2015 | 7701 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 11/16/2015 | 41 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/27/2015 | 41 | Acceptable | 0.0 | 0.0 | 0.1 | 0.0 | 0.1 |
| 10/12/2015 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| 09/22/2015 | 537 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 09/11/2015 | 20 | Acceptable | 0.3 | 1.3 | 0.0 | 0.0 | 1.6 |
| 08/18/2015 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/12/2015 | <10 | Acceptable | 0.0 | 1.0 | 0.0 | 0.0 | 1.0 |
| 07/08/2015 | 10 | Acceptable | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 |
| 06/11/2015 | <10 | Acceptable | 0.0 | 0.2 | 0.2 | 0.0 | 0.4 |
| 05/27/2015 | 341 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/12/2015 | 31 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/05/2015 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 04/06/2015 | 10 | Acceptable | 0.0 | 0.0 | 0.2 | 0.0 | 0.2 |
| 03/11/2015 | 52 | Acceptable | 0.0 | 0.2 | 0.0 | 0.1 | 0.3 |
| 01/05/2015 | 30 | Acceptable | 0.0 | 0.4 | 0.4 | 0.0 | 0.8 |
| 12/01/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 11/10/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/27/2014 | 30 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/13/2014 | 10 | Acceptable | 0.0 | 0.0 | 0.4 | 0.0 | 0.4 |
| 09/22/2014 | 148 | Beach Advisory | 0.0 | 0.2 | 0.0 | 0.0 | 0.2 |
| 09/08/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/26/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/12/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/15/2014 | 336 | Beach Advisory | 0.0 | 1.7 | 0.0 | 0.0 | 1.7 |
| 07/08/2014 | 63 | Beach Advisory | 0.2 | 0.0 | 0.0 | 0.0 | 0.2 |
| 06/24/2014 | 63 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

TABLE II-1 Enterococcus Count (fecal indicator) and Rainfall

118 Samples taken [6-16-2008 through 06-12-2017]

| Sample Date | Enterococcus Count/100mL | Quality | Rain, day of (in) | Prior Day | 2 Days Prior | 3 Days Prior | 4 Days Total |
|-------------|--------------------------|----------------|-------------------|-----------|--------------|--------------|--------------|
| | | | | Rain | Rain | Rain | Rain |
| 06/13/2014 | 488 | Beach Advisory | 1.4 | 0.0 | 0.1 | 0.0 | 1.5 |
| 05/27/2014 | 116 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| 05/13/2014 | <10 | Acceptable | 0.0 | 0.0 | 0.1 | 0.3 | 0.4 |
| 04/21/2014 | 31 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 03/31/2014 | 355 | Beach Advisory | 0.1 | 1.0 | 1.5 | 0.1 | 2.7 |
| 02/24/2014 | 63 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| 01/27/2014 | 86 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 12/02/2013 | 85 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 11/13/2013 | 20 | Acceptable | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 |
| 10/28/2013 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/17/2013 | 341 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 09/30/2013 | 52 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 09/19/2013 | 30 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/28/2013 | 98 | Beach Advisory | 0.0 | 0.1 | 0.2 | 0.0 | 0.3 |
| 08/15/2013 | 20 | Acceptable | 0.0 | 0.0 | 0.7 | 0.4 | 1.1 |
| 07/24/2013 | 169 | Beach Advisory | 0.0 | 2.1 | 0.3 | 0.0 | 2.4 |
| 07/18/2013 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 06/27/2013 | 132 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 06/20/2013 | <10 | Acceptable | 0.0 | 0.0 | 0.3 | 0.2 | 0.5 |
| 05/30/2013 | 10 | Acceptable | 0.0 | 0.0 | 0.4 | 0.0 | 0.4 |
| 04/22/2013 | 20 | Acceptable | 0.0 | 0.0 | 0.1 | 0.0 | 0.1 |
| 03/18/2013 | 75 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 02/25/2013 | 20 | Acceptable | 0.0 | 0.0 | 0.1 | 0.0 | 0.1 |
| 01/14/2013 | <10 | Acceptable | 0.1 | 0.0 | 0.0 | 0.4 | 0.5 |
| 12/10/2012 | 301 | Beach Advisory | 0.1 | 0.2 | 0.2 | 0.1 | 0.6 |
| 11/08/2012 | 364 | Beach Advisory | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 |
| 11/06/2012 | 41 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/11/2012 | 31 | Acceptable | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 |
| 09/11/2012 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 1.4 | 1.4 |
| 08/14/2012 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/17/2012 | <10 | Acceptable | 0.0 | 0.0 | 0.2 | 0.0 | 0.2 |
| 06/12/2012 | 98 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/16/2012 | <10 | Acceptable | 0.1 | 0.4 | 0.1 | 0.0 | 0.6 |
| 04/09/2012 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 03/05/2012 | 63 | Beach Advisory | 0.0 | 0.0 | 0.1 | 0.1 | 0.2 |
| 02/06/2012 | 216 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 01/03/2012 | 613 | Beach Advisory | 0.0 | 0.0 | 0.1 | 0.0 | 0.1 |
| 12/05/2011 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

TABLE II-1 Enterococcus Count (fecal indicator) and Rainfall

118 Samples taken [6-16-2008 through 06-12-2017]

| Sample Date | Enterococcus Count/100mL | Quality | Rain, day of (in) | Prior Day | 2 Days Prior | 3 Days Prior | 4 Days Total |
|-------------|--------------------------|----------------|-------------------|-----------|--------------|--------------|--------------|
| | | | | Rain | Rain | Rain | Rain |
| 11/07/2011 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/20/2011 | 121 | Beach Advisory | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 |
| 09/15/2011 | 41 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/17/2011 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 3.4 | 3.4 |
| 08/15/2011 | 228 | Beach Advisory | 0.0 | 3.4 | 0.0 | 0.0 | 3.4 |
| 07/18/2011 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 06/28/2011 | 10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 06/02/2011 | 30 | Acceptable | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 |
| 05/17/2011 | 663 | Beach Advisory | 1.2 | 0.0 | 0.8 | 0.0 | 2.0 |
| 05/02/2011 | 20 | Acceptable | 0.0 | 0.0 | 0.0 | 0.4 | 0.4 |
| 04/04/2011 | 31 | Acceptable | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 |
| 03/07/2011 | 767 | Beach Advisory | 0.2 | 2.1 | 0.0 | 0.0 | 2.3 |
| 02/07/2011 | 238 | Beach Advisory | 0.0 | 0.1 | 0.2 | 0.1 | 0.4 |
| 01/03/2011 | 218 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| 12/06/2010 | 122 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 11/08/2010 | 63 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 10/13/2010 | 73 | Beach Advisory | 0.0 | 0.1 | 0.2 | 0.0 | 0.3 |
| 09/12/2010 | 30 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/18/2010 | <10 | Acceptable | 0.0 | 0.0 | 0.2 | 0.3 | 0.5 |
| 08/10/2010 | 41 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/22/2010 | 10 | Acceptable | 0.0 | 0.1 | 0.0 | 1.4 | 1.5 |
| 06/28/2010 | 73 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 06/16/2010 | 30 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/22/2010 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 05/10/2010 | 75 | Beach Advisory | 0.0 | 0.0 | 0.1 | 0.0 | 0.1 |
| 04/06/2010 | 74 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 03/08/2010 | 20 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 01/26/2010 | 85 | Beach Advisory | 0.0 | 1.3 | 0.0 | 0.0 | 1.3 |
| 12/28/2009 | 384 | Beach Advisory | 0.0 | 0.3 | 1.1 | 0.1 | 1.5 |
| 11/23/2009 | 20 | Acceptable | 0.0 | 0.0 | 0.0 | 0.4 | 0.4 |
| 10/20/2009 | 31 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 09/15/2009 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 08/22/2009 | 383 | Beach Advisory | 0.6 | 0.6 | 0.0 | 0.0 | 1.2 |
| 08/21/2009 | 85 | Beach Advisory | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/29/2009 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 |
| 06/23/2009 | <10 | Acceptable | 0.0 | 0.0 | 0.6 | 0.1 | 0.7 |
| 06/06/2009 | <10 | Acceptable | 0.0 | 0.8 | 0.4 | 0.4 | 1.6 |
| 05/13/2009 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

TABLE II-1 Enterococcus Count (fecal indicator) and Rainfall

118 Samples taken [6-16-2008 through 06-12-2017]

| Sample Date | Enterococcus Count/100mL | Quality | Rain, day of (in) | Prior Day | 2 Days Prior | 3 Days Prior | 4 Days Total |
|-------------|--------------------------|----------------|-------------------|-----------|--------------|--------------|--------------|
| | | | | Rain | Rain | Rain | Rain |
| 09/07/2008 | 120 | Beach Advisory | 0.0 | 4.8 | 0.0 | 0.0 | 4.8 |
| 08/21/2008 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/20/2008 | <10 | Acceptable | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 07/15/2008 | 27 | Acceptable | 0.0 | 1.1 | 0.0 | 0.0 | 1.1 |
| 06/16/2008 | 214 | Beach Advisory | 0.0 | 0.0 | 1.7 | 0.0 | 1.7 |