Village of Nyack
Local Waterfront Revitalization Program

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

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this LWRP into the New York State Coastal Management Program as a Routine Program Implementation action has been obtained in accordance with the 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 LWRP was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of LWRPs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, Albany, New York 12231.

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

APR. 16 1992

Honorable Robert Capona
Mayor
Village of Nyack
12 North Broadway
Nyack, NY 10960

Dear Mayor Capona:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the Village of Nyack. The Village of Nyack is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

Again, I would like to commend the Village for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:gn

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Regular meeting of the Board of Trustees held at Nyack Village Hall, 12 North Broadway, Nyack, NY on Thursday January 23, 1992 at 7:30 P.M.
Hon. Robert Capone Presiding.

PRESENT:	Terry Hekker	Trustee	
	Isobel Hesse	Trustee	
	Kieran Quinn	Trustee	(at 7:43 p.m.)
	Keith A. Smith	Trustee	(at 7:31 p.m.)
	Robert Capone	Mayor	
ALSO PRESENT:	Linda Christopher	Village Attorney	
	Berta A. Campbell	Village Clerk	

OLD BUSINESS:

1. Manny Emanuel presented the Findings Statement on Adoption of Local Waterfront Revitalization Program. He stated that the final step in the SEQRA process is for the Board to issue a Findings Statement. Tr. Hesse made a motion to accept the Findings Statement as presented and thereby complete the SEQRA process. Tr. Hekker seconded and Mayor Capone asked for discussion. Since no one wished to speak a vote was taken and the motion was adopted unanimously.

   Mayor Capone announced that the January 1992 version of the LWRP represents the final compendium of the Program, of the contemplated zoning laws and of the Final Generic Environmental Impact Statement, which incorporates comments received throughout the SEQRA process. He then made a motion to adopt the LWRP as presented. Tr. Smith seconded and it was adopted unanimously.

(Tr. Quinn entered the meeting at 7:43 p.m.)

   Tr. Hesse commented that she was proud to have participated in the planning and adoption of the LWRP and feels that it will have a very positive effect on the Village.

   Tr. Hekker made a motion to adopt PLL#3 of 1992 and Tr. Hesse seconded. There being no one who wished discussion, a vote was taken and the motion was adopted unanimously.

   Tr. Smith made a motion to adopt PLL#4 of 1992 and Tr. Quinn seconded. Since no one wanted discussion, a vote was taken and the motion was passed unanimously.

   Mayor Capone congratulated Manny Emanuel. Linda Christopher and all those who were involved in this effort.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

JUN 22 1992

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Village of Nyack Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from five Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Village of Nyack after you publish notice of our approval.

Sincerely,

Trudy Coxe
Director

Village of Nyack

Village Board

Robert Capone, Mayor
Kieran Quinn
Terry Hekker
Isobel M. Hesse
Keith Smith
Daniel Jean-Gilles *
Emily Feiner *
Clinton M. Jackson, Jr.*

1988 WATERFRONT ADVISORY COMMITTEE

Robert Nelson
John Hekker
Robert Gabrielson
Calvin Powell
Joan Moffett
James Cymore
Gabriel Hausner, Director

*Former members of the Village Board who participated in the preparation of the LWRP.

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SECTION I

BOUNDARY

I. WATERFRONT REVITALIZATION AREA BOUNDARY

A. Boundary Considerations

The boundary of the coastal area is intended to include all lands and features whose use may have a "direct and significant impact" on coastal waters because the shoreland area has one or more of the following characteristics:

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 have an affect upon 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 is is clearly visible from or contains direct viewpoints of the coastal waters.

As delineated in the area of Nyack, see Map No.2, the coastal area generally follows the highest point of the ridge line above the Hudson. In fact, the present boundary is beyond the western limits of the Village and includes portions of the Towns of Orangetown and Clarkstown which do not have actual river frontage. The prime rationale for this delineation is the fourth criteria listed above. The entire hillside is a dominant visual element not only from the river and the eastern shore but, also, from the Tappan Zee Bridge which carries large volumes of traffic.

It must be noted that the visibility factor is the only one of the four criteria which applies to most of the Nyack coastal area. None of the other criteria apply west of Broadway which runs atop the first steep slope from the river. Therefore, although this aesthetic consideration is significant and warrants the present delineation, the emphasis found throughout this document is on the immediate coastal area. Most of the policies and actions proposed will deal with the former; only a few aesthetic factors apply to the latter.

In passing, it should be pointed out that the coastal boundary, as drawn on the coastal atlas maps, actually goes beyond the ridge line in some places as shown on Map No. 2.

B. Coastal Boundary

That portion of the coastal area within the Village of Nyack is described as follows:

1. Inland Boundary

Beginning at a point formed by the intersection of the western shoreline of the Hudson River and the northern boundary of the Town of Orangetown and Village of Nyack;

Thence, extending along the northern boundary of the Town of Orangetown and the Village of Nyack to the western boundary of the Village of Nyack;

Thence, southerly and then easterly along the western and southern boundaries of the Village of Nyack to the western shoreline of the Hudson River.

2. Waterside Boundary

Beginning at the intersection of the northern boundary of the Town of Clarkstown and Village of Nyack with the western shore of the Hudson River;

Thence, southerly 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.

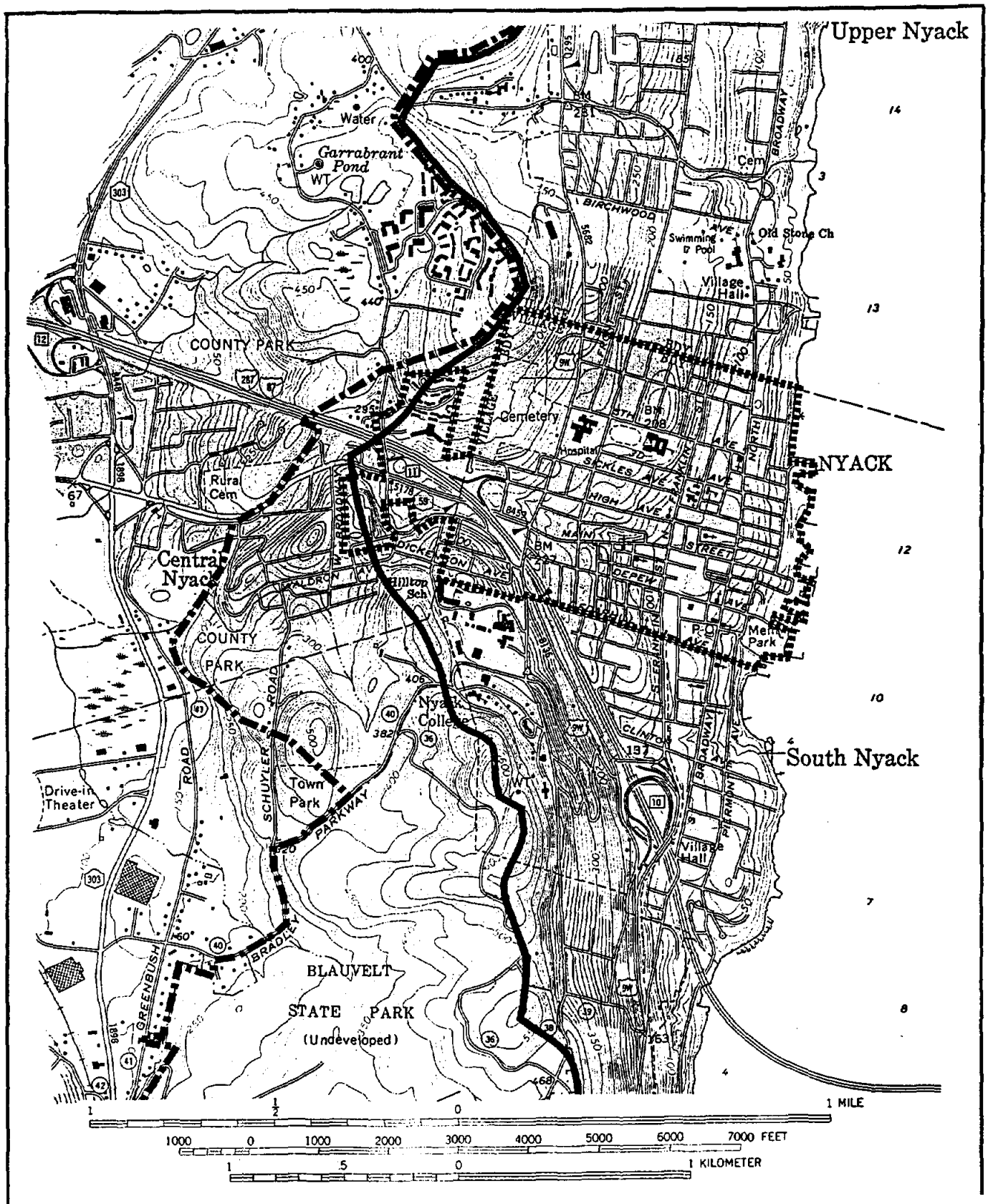
REGIONAL SETTING

1

Local Waterfront Revitalization Program

Shuster Associates

Planning Consultants



Existing Coastal Boundary

Village Boundary / **Waterfront Revitalization Area**

Drainage Divide

2

Local Waterfront Revitalization Program

Shuster Associates — Planning Consultants

SECTION II

INVENTORY AND ANALYSIS

II. INVENTORY AND ANALYSIS

A. Overview

The Village of Nyack has a three quarter mile long riverfront on the Hudson River rich in history and beauty. With most of the Village urbanized, man-made uses predominate but do not overwhelm the natural features. The coastal boundary encompasses the entire Village, including the extreme western extension, which is situated in the Town of Clarkstown.

The most intensive waterfront development is south of Tallman Place. The Hudson River shoreline has a range of development densities represented by diverse land uses such as multistory apartments, single family homes, and vacant lots. Much of the riverfront is privately held and thus its use by the general public is limited.

Section B below describes the various and man-made features of the coastal area and their implication for waterfront policy making. Section C highlights some major issues and opportunities which this Local Waterfront Revitalization Program will address.

B. Inventory and Analysis

Field surveys, previous studies, and published data were all used to assemble an inventory of existing conditions and features in the coastal area. Base maps at several different scales were prepared in order to map the data and photographs taken to record selected images. The results of this inventory and analysis process are presented below and illustrated on maps No. 3 through 6.

1. Existing Land and Water Use (See Maps No.3 and 4)

a. Land Use Patterns

The predominant land use in the Village is residential. Much of this is in the form of single family homes that are prevalent in the northern and south western areas of the Village.

Two family and smaller multi-family are scattered throughout the Village, and can be found nestled in amongst single family homes and businesses. Larger multi-family buildings are generally set apart from single family residential areas through buffer areas of streets, open spaces or commercial, light industrial or vacant lands. The large multi-family housing units provide for residents of all income groups. Larger single family residences and private

apartments, such as Riverview Apartments, West Shore Towers and Clermont Apartments, are located on or near the river.

Commercial and office uses are predominantly located along Main Street, and in the "downtown" area of the Village which is approximately bounded by Franklin Street, Cedar Hill and High Avenues, and the river. West of Highland Avenue commercial activities establish a suburban "highway strip" character, whereas east of Highland Avenue Main Street is a transition between the "strip" and "downtown". Much of the retail activity in the Village is from the numerous antique and used article shops, of which many are located on South Broadway, the motels adjacent to Interchange 11 of the New York State Thruway, and a growing number of restaurants which provide a wide array of cuisines.

Light industrial activity is limited to just a few sites in the southern half of the Village. There is no heavy industry in Nyack.

Public and quasi-public facilities are dispersed throughout the Village, and include several churches, three firehouses, the hospital on North Highland Avenue, the former High School, Memorial Park in the southeast corner of the Village, between Piermont Avenue and the river, and the reservoir on Dickenson Avenue.

b. Water-dependent Uses

Many of the historic water-dependent uses, such as boat construction, stone loading yards, fuel storage, ferries and commercial fisheries, have all but disappeared. The remaining water-dependent uses are almost solely recreational. The Memorial Park boat launch and fishing wall, the private boat yard near the park, Peterson's Marina at lower Burd Street (photo 14), the Nyack Boat Club on Gedney Street, Hook Mountain Yacht Club (photo 10), and the private docks at the Clermont apartments under construction constitute the recreational water-dependent uses. The sole commercial use is the loading and transfer of commercial fish catches at the "Burd Street dock". This seasonal operation is quite active during the Spring shad run and is the last vestige of a once thriving industry.

Other land uses adjacent to the river, particularly the restaurant on lower Burd Street (photo 13), and the River view and West Shore

Tower apartment buildings are enhanced by their waterfront locations, but do not require this proximity to the river.

There are approximately 90 docking spaces in the Village, all of them private, at Peterson's and Clermont apartments. In addition, some 400 boats are moored at the designated anchorage at the north end of the Village (see Map No. 2B).

c. Vacant and Underutilized Sites

Much of the land in the Village is developed at a moderate to high density. However, there are several parcels of vacant land and structures that are not used to the full extent that the existing infrastructure can support. One such vacant parcel lies along the riverfront on Gedney Street, at the foot of High Avenue and has over 400 feet of river frontage (photo 15). A second large parcel is owned by the Village--the former sewage treatment plant site at the foot of Spear Street. Construction of the pump station used to divert flow when the plant was closed has cut off access to the site and made it virtually landlocked.

Other vacant parcels of land are scattered throughout Nyack. The largest vacant lands are along the slopes of the Palisades on North Highland Avenue. Most of the vacant buildings are found within or near the existing commercial areas in the Village.

Physical limitations such as steep slopes, are a factor only for the vacant land along North Highland Avenue, and the shoreline north of Tallman Place. Development south of Tallman Place was facilitated by filling of the river under grants from New York State. Most of these grants were conveyed between 1808 and 1900; however, recent interest in the waterfront has lead to a number of grants in the past 10-15 years.

d. Recreation and Public Access

There are only two formal areas for recreation in Nyack. The only public park on the water is Memorial Park on Piermont Avenue in the southern part of the Village. Facilities include tennis and basketball courts, a baseball field, a childrens play area, and a boat launch. Opportunities exist for fishing, birdwatching, picnicking and other passive waterfront activities. Attempts to increase docking space and create a fishing pier by use of sunken barges was never completed and these barges have now become a

safety navigation hazard (photos 11 & 12). The park has experienced problems in terms of public safety during off-peak periods which require increased policing. Additional recreation space is provided by the school athletic fields on Fifth and Midland Avenues, away from the river.

Much of the riverfront property is held privately, and as a consequence, public access to the Hudson is limited to Memorial Park, and the new docks being constructed as part of the Nyack Waterfront Project (the Clermont Site). A second site with recreational potential is the site of the inactive Village sewage treatment plant. Although this site was not designed for public use, and has poor vehicular and pedestrian access, it is currently used as an unofficial public fishing pier.

Strong sentiment exists amongst Village residents for additional public access, based upon the response to the Waterfront Questionnaire. Residents indicated support for a riverfront walkway system and a fishing pier, in order to realize this goal.

2. Existing Zoning (See Map No. 10)

A community's zoning is its guide for future development. The Zoning Map (Map #9) illustrates the development pattern that the Village encourages. Most of the Village is already developed, although some vacant parcels and vacant buildings do exist. Low density residential districts, R-1, R-1A and R-1B are single family districts and cover the largest portion of the Village. The R-2 multi-family residential district contains most of the garden apartment type development in which a three-story height limit prevails.

The core of the Village's business and high density residential development are found in the R-4 Multi-family (eight story) residential district; the C-1, C-1A and C-2 Commercial districts; the R-M Residential Mixed Use and R-O Residence Office districts; the M Manufacturing and D-D Downtown Development districts. The area encompassed by this mixed urban development includes the entire length of Main Street and the downtown area from Franklin Street to Broadway.

Along the waterfront the C-3 Waterfront Development district promotes water-dependent uses and public access, allows water-enhanced uses with public access, and protects view corridors located in the Tappan Zee Scenic District under Article 49 of the Environmental Conservation Law. The C-3 Waterfront Development district also protects water quality and

natural resources through waterfront setbacks and other special provisions and provides development incentives to achieve these purposes.

3. Geology

a. Topography (See Map No.2)

Nyack lies within the Triassic Lowland section of the Piedmont physiographic province, which in general is characterized by low rolling topography, with isolated ridges and hills. The Palisades ridge is an example of this type of ridge, and most of the Village lies on its lower slopes along the Hudson River.

Elevations in the Village range from sea level at the Hudson to over 550 feet in its northwest corner, to 300 feet in the westmost border and to around 250 feet where the Thruway and Main Street cross the Palisades Ridge.

Slopes are particularly steep along the Palisades Ridge in the northwestern and southwestern corners of Nyack, and along the riverfront north of Tallman Place. Otherwise, the land slopes up sharply from the Hudson, forming a terrace between Broadway and Franklin Streets; slopes again to a terrace between Broadway and Franklin Street; slopes again to a terrace between Midland and Highland Avenue; and rises abruptly again at the base of the Palisades.

b. Bedrock (See Map No. 5)

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 the Brunswick formation, which is similar to 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 formations. 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 Pleistocene glaciation was similar to that of today--a terraced lowland adjacent to the pre-glacial 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 28,800 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 nonstratified 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. The till has a thickness ranging from 4' at Gale Drive to 60' at Boring Hole No. 1 of the Clermont project. In general, the till thickness increases from the ridge to the river.

4. 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 excavations, 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 diabase and has been developed upon only in the vicinity of Gale Drive.

Between Gale 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.

5. Significant Habitats and Wetlands

a. Significant Habitats

New York has designated significant habitats in the Hudson River coastal zone, but no significant habitats have been identified within the coastal area boundary.

b. Aquatic Resources

Although the Nyack waterfront has not been designated as a significant habitat, it 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, to name a few. 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. Of particular concern are American shad and stripped bass.

c. Wetlands

The Legislature has declared that it is the public policy of the State to preserve, protect and conserve freshwater wetlands and the benefits derived there from (Section 24-0103, Environmental Conservation Law). Accordingly, DEC is identifying and mapping all freshwater wetlands larger than 12.4 acres (final maps for Rockland County have not yet been filed). Protected streams are those streams which are navigable and/or classified by the Health Department as C (T) or above. Under Articles 15 and 24 of the Environmental Conservation Law, any development of protected wetlands requires a wetlands or stream protection permit from DEC. Based on their evaluation of the permit application, DEC may limit development, require mitigative measures or prevent development.

No wetland areas meeting State criteria have been identified within the coastal area boundary.

6. Hydrology and Water Quality

a. Drainage

Much of the coastal zone 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 drainageways, 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 has either been channelized or put into underground culverts along its course, as the Village has become more urbanized. (See Map No. 6)

The Hudson River at Nyack has a mean elevation 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 there 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 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. 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 either be built above the base flood elevations or contain flood protection devices to that height.

The 100 year flood boundary is shown on Map No. 6. In Nyack, the 100 year flood boundary lies close to the shoreline of the Hudson River.

The 500 year boundary is significantly different in that it covers two additional areas: the lands adjacent to the mouth of Nyack Brook, and an area of the Village south and west of Depew and South Highland Avenues.

Within the 100--year floodplain boundary are portions of the sites of the Gedney Street multi-story apartment buildings, parts of the Clermont project currently under construction, and portions of the restaurant and several public and private recreational properties. No Village streets are within the 100-year flood zone, although the vacant sewage treatment plant is partially within it.

Base flood elevations on the Hudson River are approximately 8 feet throughout the study area. Studies for the waterfront (Clermont) project specifically identify the flood elevations for a 10 year flood at 6.1 feet, a 50 year flood at 7.1 feet, a 100 year flood at 7.7 feet and a 500 year flood at 8.9 feet.

c. Surface Waters

Surface waters in and near Nyack are monitored by the State Department of Environmental Conservation (DEC). DEC monitors the Hudson River for conventional pollutants at Bear Mountain State Park in Stony Point, and for toxic pollutants at the Dutchess County Water Intake at Poughkeepsie. Parameters for conventional pollutants such as coliform, fecal coliform, ph and dissolved oxygen are tested once every four weeks throughout the year except during January and February. Monitoring for toxic compounds such as heavy metals, volatile halogenics and organics is done twice during the spring, summer and fall seasons.

The quality of the Hudson River water has dramatically improved over the past several years due to significant improvements at upstream sewage treatment plants. The Hudson at Nyack is currently rated as Class SB, i.e., brackish water suitable for primary and secondary contact recreation, such as swimming and boating, along with other activities except for the taking of shellfish for market purposes. Secondary effluent from sewage treatment facilities is discharged at three Rockland County locations near Nyack. This occurs at Stony Point, Haverstraw, and Piermont. The Piermont outfall carries treated wastewater from both the Orangetown and Rockland County district facilities in Sparkill. Industrial waste water discharge sources near Nyack are Kay-Fries, Orange and Rockland Utilities, Tilcon Quarries and U.S. Gypsum in Haverstraw, and two facilities of Materials Research Corporation in Orangetown.

Nyack Brook is rated at two different sections: its mouth at the Hudson River at Memorial Park,which is tidal, and the freshwater section upstream. The upstream section is considered a class D

water, unsuitable for fishing or direct contact. The tidal section of Nyack Brook is rated as Class I. Class I waters are brackish waters that are transitional between the SB and SC classes and are considered suitable for fish propagation, but not direct contact. Since the brook has been channelized, periods of heavy local rain fall result in excessive sedimentation at its mouth, which can affect neighboring boat docking facilities.

d. Sewage

Up to the year 1974, sewage in Nyack was treated at the Village plant on the river behind 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

NYS DEC 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 the 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 particular 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 wastes 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 (PCB's). 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. Water depths range from 4 feet near Cedar Hill Avenue, based upon test drilling. 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. The New York Telephone Company drilled a 217 foot deep well to meet the cooling needs for its Church Street building.

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 Dickenson 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 17 year old treatment plant has a capacity of 6 mgd. The Village's system is in fair shape overall, although some distribution pipes are over 100 years old or are of inadequate size.

There have been no major problems other than a leak on the Highland Avenue main within recent years.

7. Air Quality

The New York State Department of Environmental Conservation (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 ioxide, oxides of nitrogen, ozone and lead particles) are considered to be in non-attainment for that pollutant; and areas where ambiant concentrations are less than standard are considered in attainment.

The Village of Nyack is currently classified as an attainment area for criteria pollutants except for ozone. The DEC is currently engaged in a program to bring the Nyack area into compliance for ozone pollution. Failure to do so could result in EPA mandated sanctions ranging from withholding of federal education aid, and highway and pollution control funding to a moratorium on construction.

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.

8. Cultural and Archaeological Resources

a. Cultural

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 that 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 tolune 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 the explosion at aniline plant in 1909. 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.

Several buildings and landmarks in the Village reflect its gradual development from a farmstead to a thriving community. The following is a list of these sites, which are shown on Maps 6 and 6A:

1. Pretty Penny (Helen Hayes House), c. 1804.

2. 33 Sixth Avenue--Gothic Revival residence, b. 1875.

3. 34 Hart Place--Former boys' school, c. 1860.

4. 201 North Broadway--excellent example of Victorian design, particularly in regard to trim details.

5. 44 Fifth Avenue--Gothic Revival residence, c. 1880.

6. Baptist Church--Romanesque details.

7. St. Ann's Church--English Gothic design, b. 1895.

8. Grace Episcopal Church, b. 1868-78.

9. Nyack - Suffern Turnpike (Main Street & NY Route 59).

10. 140 Main Street--Ernst Store, b. 1880.

11. Old Village Hall built during 1880's.

12. Onderdonk Block (112-126 Main Street) Second Empire style with mansard roof, b. 1871.

13. 80 - 92 Main Street--small town blend of architectural styles.

14. Old shoe factory area.

15. Site of railroad station and turntable.

16. Site of Gedney Dock.

17. Hopper House, b. 1858.

18. Village Hall--former Orange and Rockland Utilities Office, b. 1922.

19. 7 North Broadway--typical mid-1800's single story frame building.

20. Mazeppa Engine Company Firehouse.

21. Site of Lydecker House, c. 1800.

22. Site of Peter Smith House

23. Old Brick Store--first commercial building, b. 1839.

24. Old Stone House (Tunis Smith I residence), c. 1810.

25. Site of Smith Dock, c. 1811.

26. Hotel Everett Site--Greek Revival Columns, c. 1880.

27. Moeller Block (5 - 13 South Broadway)

28. St. George Hotel Buildings, b. 1859; hotel established in 1885

29. Dutch Reformed Church dedicated in 1836, rebuilt with clock tower in 1850.

30. Nyack National Bank Building-Renaissance Revival style, b. 1907.

31. 52 Burd Street--Smith Brothers' Town House, b. 1820.

32. 49 Burd Street--former saddlery serving Hotel St. George.

33. Site of first public dock, c. 1793.

34. Tappan Zee Playhouse, b.1903.

35. Presbyterian Church--Greek Revival style, b. 1839.

36. 43 South Broadway--detailed woodwork over arches.

37. Couch Court built in late 1800's.

38. Nyack Public Library--only Carnegie Library in Rockland County, b. 1903.

39. DePew Place (58 - 78 South Broadway)--late Victorian commercial block, b. 1883.

Only one of the sites listed above, the Tappan Zee Playhouse, is currently on the National Register of Historic Places. It was originally opened as a vaudeville and motion picture house. The Mazeppa Firehouse (photo 16) has been found by the New York State Historic Preservation Officer (SHPO) to be eligible for listing on the National Register of Historic Places. It is reputed to be the home of the second oldest fire company in the State. The Hopper House, the former residence of painter Edward Hopper, which is currently used a community cultural center, has been recommended for nomination to the National Register.

The balance of structures listed above are considered to be locally important historic structures. Many of these buildings were built in the latter half of the nineteenth century, resulting from the growing economic prosperity of the Village and reflecting the many architectural styles of

the times. Several structures and sites date from earlier times. The lower portion of Main Street and a dock at its foot were constructed by a partnership of Tunis Smith and Abraham Lydecker. Smith is also believed to have built the house on Main Street opposite Gedney Street, and his brother Peter built a house on the southeast corner of Broadway and Main Street where the insurance office building currently stands.

b. Archaeological Resources

The area along the Hudson in which Nyack is located was a gathering and fishing ground used by the Tappan and Hackensack tribes prior to settlement by the Dutch. Both tribes came to the river during the spring from their encampments further inland for clamming and shad fishing. Relics have been found along the riverbank, including remnants of clamshell piles. It appears that there could be archaeologic resources within the Village from pre-Dutch cultures. Inspection of maps from the New York State Office of Parks, Recreation and Historic Preservation reveals that the Nyack area contains sites listed in the archaeologic files of the New York State Museum. An archeological survey should be completed before any development is approved in the area.

9. Transportation

Transportation in the Village is principally by automobile, with significant pedestrian movement in the downtown area and the adjacent waterfront. Three major roads traverse the Village: the New York State Thruway (Interstate 87 and 287) with access directly to the Village via Exit 11; NY Route 59 (Main Street West of Highland Avenue); and North and South Highland Avenue (NY Route 9W). The Thruway and Route 59 are considered principal arterials which serve long distance and inter-county regional traffic respectively. Highland Avenue is a minor arterial that serves local and regional traffic for the Nyacks and eastern Rockland County. All four of the roads are under the jurisdiction of the State Department of Transportation or the Thruway Authority. Main Street east of Highland Avenue is the principal east-west municipal street in Nyack, and Franklin Street,Midland Avenue and Broadway are the principal north-south municipal streets. There are no county maintained roads in Nyack. The road system in the Village generally reflects topography, with streets laid out either parallel to the river and the Palisades Ridge or perpendicular to these features, providing easy access to all parts of the

Village. Access to the riverfront is best from Gedney Street, and lower Main and Burd Streets and lower Depew Avenue.

Main Street once connected with the ferry service to Tarrytown. Although car ferry service stopped in 1941 due to the completion of the George Washington Bridge, passenger service continued until the opening of the Tappan Zee Bridge in 1955. Passenger train service on the spur from Piermont of the Erie (now Conrail) Northern branch was discontinued in 1965, and the tracks north of Piermont were subsequently removed.

The county operated Transport of Rockland bus system provides daily service between Nyack, Spring Valley and Suffern, plus weekday service to Haverstraw and White Plains. The county bus system interconnects at the George Washington Bridge with private commuter bus service to the Port Authority terminal and trains to New York City and upstate locations. Taxi service is also available in the Village.

Water transportation on the Nyack waterfront is principally by private recreational craft.

In recent years, the capacity of the Tappan Zee Bridge has not been sufficient to accommodate commuter and holiday traffic demands. As a result, severe congestion develops during these periods and generates additional traffic in the Village from motorists seeking alternate routes to the bridge. As this condition worsens, further impact can be expected. Solutions being discussed include mass transit on the bridge (monorail) and construction of a second bridge. Any solution must be reviewed to determine possible impacts on the Village.

10. Scenic Resources

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. Much 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(see photo 9). The Palisades Ridge forms a back-drop 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. The

most important view corridors lie along the streets east of Broadway which follows a hill crest. 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 and Rivercrest Apartments (see photos 1,2,3,4,5,6,7 and 8).

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.

C. SIGNIFICANT ISSUES IN THE COASTAL AREA

Following is a brief discussion of several issues which, based on discussion and reconnaissance to date, appear to be of greatest significance in the Nyack coastal area. The general policies developed to deal with these issues are reflected in the explanation and interpretation of the applicable detailed State policies (see Section III following).

ISSUE #1: Use of Remaining Vacant Waterfront Land

There are only two major vacant parcels of land in the Village with direct river frontage. One is privately owned. The other is the former Village sewage treatment plant site. The Village site offers an opportunity to improve public access to the river and to provide water-dependent development, in combination with other lands to the west on either side of Court Street.

ISSUE #2: Preserving Water-Dependent Uses

The three existing marinas, the boat club and the commercial fishing facilities are important elements in the coastal area. They

are part of the Village's maritime heritage and provide recreation facilities and access to the river for people who do not own waterfront property. As land values have increased, in some areas, these type of uses have been replaced by more intensive residential uses. The importance of the water-dependent uses and measures to preserve them, will be encouraged.

ISSUE #3: Improving Waterfront Facilities

A variety of facilities and actions may be appropriate to enhance use and function of the waterfront. These include:

a. Removal of the abandoned barges at the Village Park;

b. Dredging;

c. Additional moorings, and transient docking space;

d. Construction of a fishing pier;

e. Opportunities to increase physical and/or visual access to the water;

f. Creating a visual linkage from Main Street and South Broadway to the public pier and plaza on the waterfront; and

g. Redesigning Memorial Park to provide better pedestrian access and to minimize motor vehicle impacts to the park.

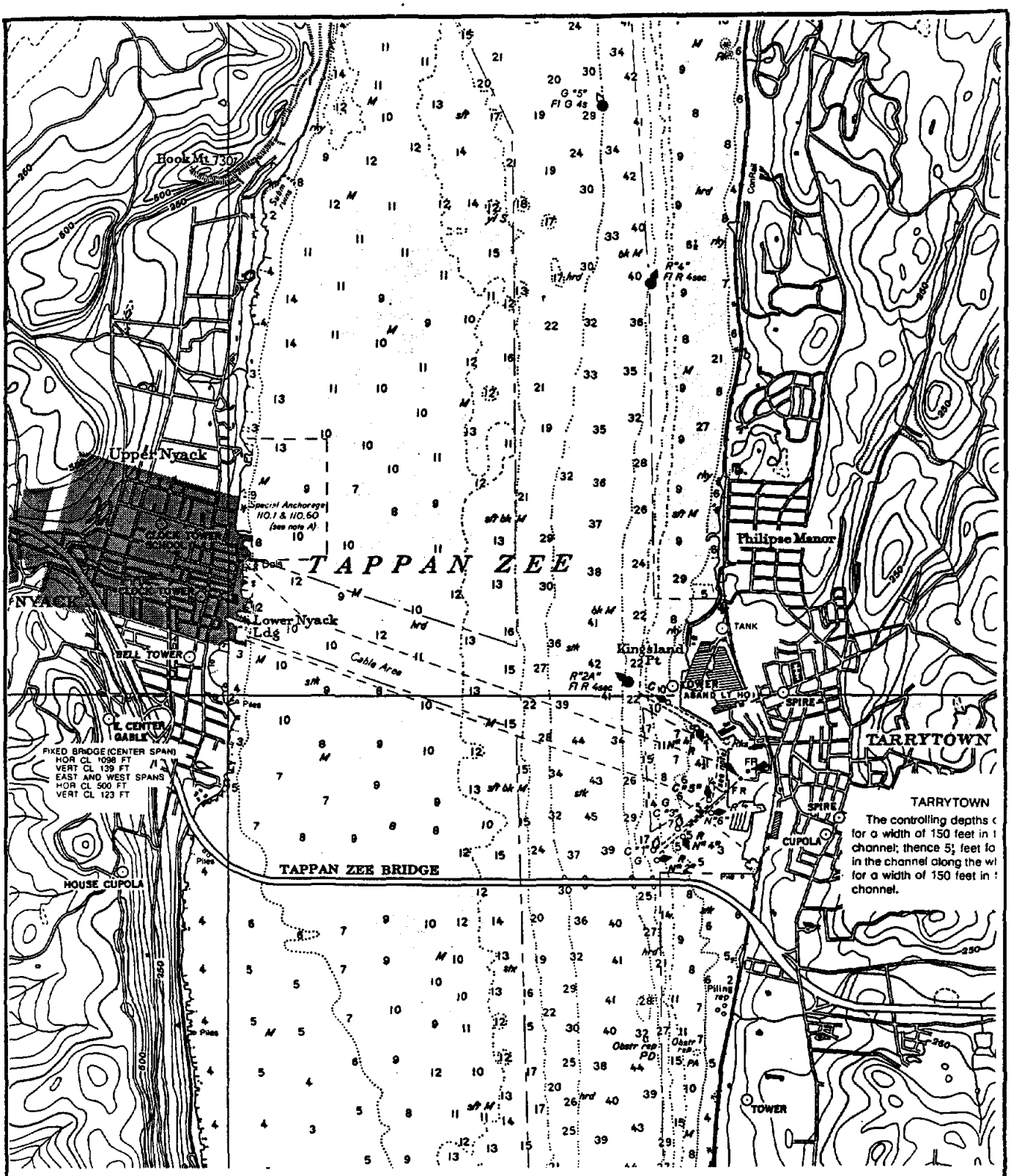
ISSUE #4: Regulating Boathouses and Moorings

At present, the Village has few regulations or the enabling legislation to control the expansion or construction of boathouses and moorings.

The Village should contact their State Legislators and ask to be placed on a "Bill" which would amend the Navigation Law in relation to restricting and regulating the construction of boathouses and moorings.

A local docks and moorings law should be written. The ownership and rights of underwater lands and the Village boundary into the Hudson River should be depicted on a map.

A questionnaire was distributed to registered Village voters to determine public opinion on these issues. The results are discussed in Exhibit II-A.



2b

NAVIGATIONAL CHART (TAPPAN ZEE AREA)

Local Waterfront Revitalization Program

Shuster Associates

Planning Consultants

Legend

FOREST
- Forest Land — F
- Forest Brushland — FB

RESIDENTIAL
- Urban — RU
- Hamlet — RR
- Rural — RS
- Shoreline Development — RK

COMMERCIAL
- General Commercial — CG
- Resorts — CR

PUBLIC & SEMI-PUBLIC INSTITUTIONS & FACILITIES
- Educational — PE
- Medical & Health — PH
- Other — PX

INDUSTRIAL
- Light — IL
- Heavy — IH
- Oil & Gas Storage — IS

RECREATION *
- Beaches & Pools — OS
- Camping Areas — OC
- Marinas & Boat Launching Sites — OB
- Other Recreational Uses — OX

TRANSPORTATION
- Airports & Related Facilities — TA
- Railway Facilities — TR
- Water Transport Facilities — TW
- Other Transportation Facilities — TX

UTILITIES & COMMUNICATIONS
- Electric Generation & Transmission — UE
- Gas & Oil Transmission — UG
- Water Treatment & Transmission — UW
- Sewage Treatment — US
- Solid Waste — UR
- Other Facilities — UX

VACANT

Scale

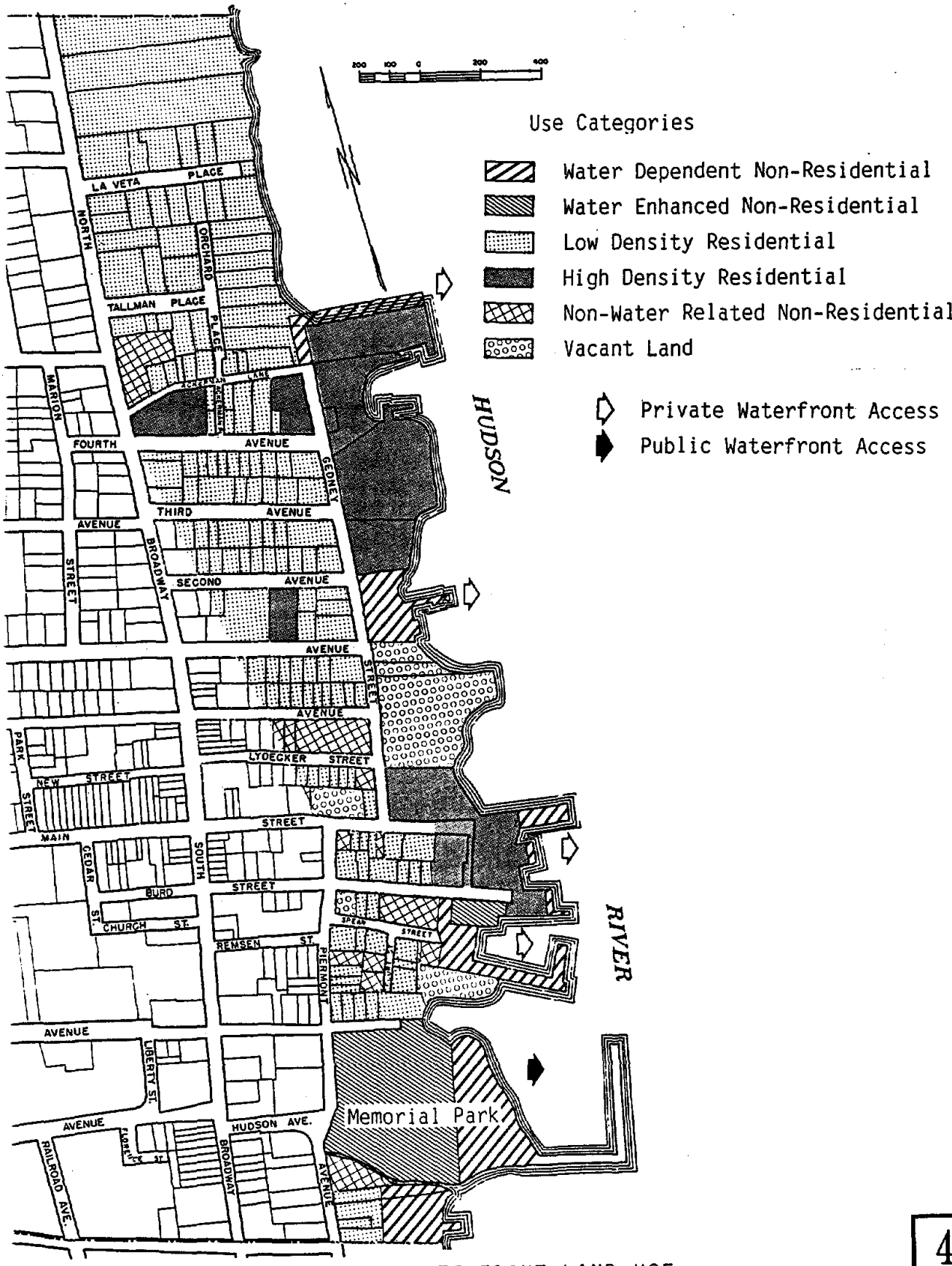
1,000 0 1,000 2,000 FEET

Existing Land & Water Uses

3

Local Waterfront Revitalization Program

Shuster Associates — Planning Consultants



WATERFRONT LAND USE

4

Local Waterfront Revitalization Program

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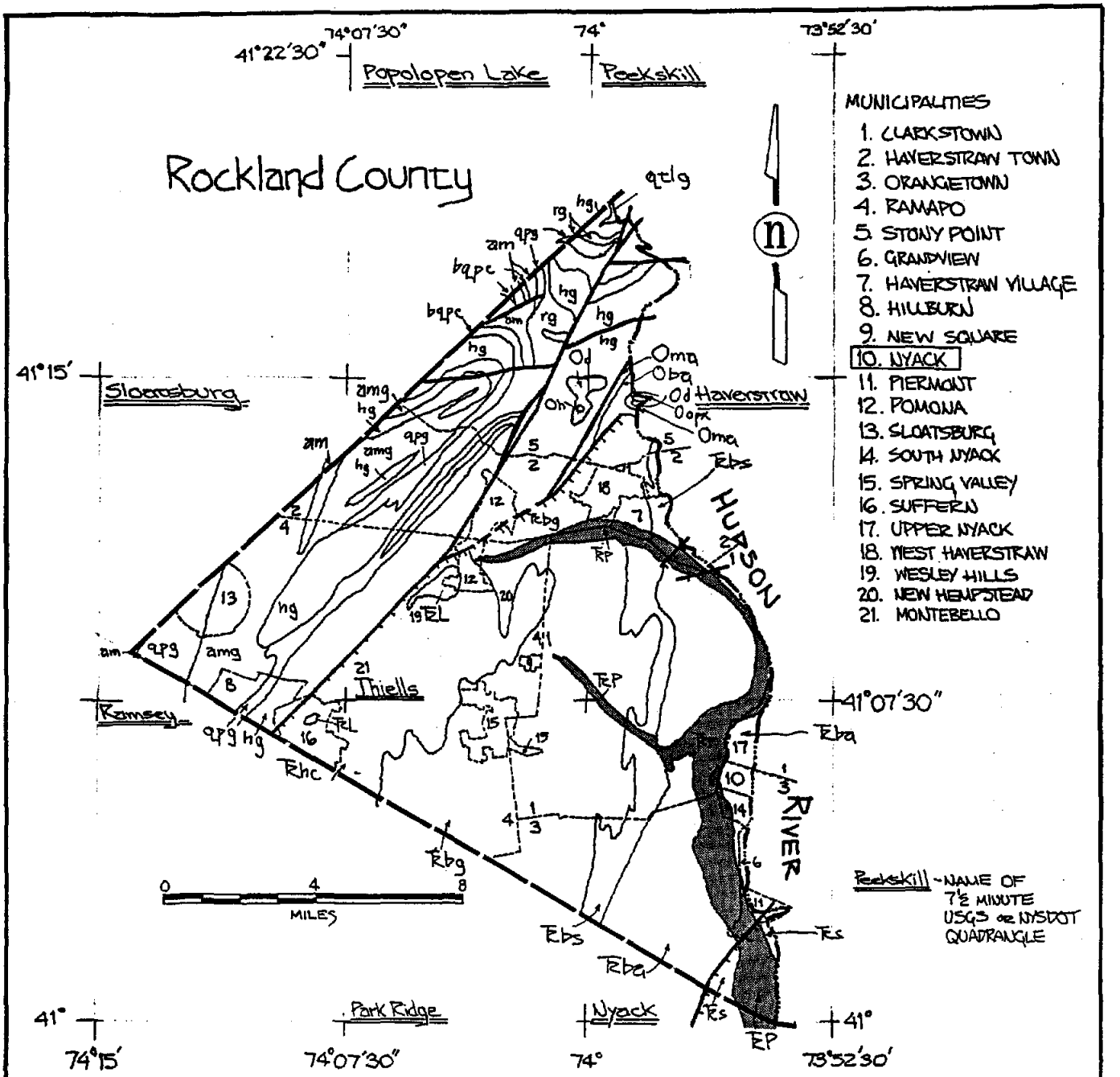

GEOLOGIC FORMATIONS

- Trhc HAMMER CREEK FM.: Conglomerate
- Trb BRUNSWICK FM.: Trbg-Sandstone and Conglomerate; Trbs-Sandstone, siltsone and mudstone; Trba-Mudstone, siltsone and arkose
- Trs STOCKTON FM.: Arkose, conglomerate and mudstone
- TrL *LADENTOWN FM.: Diabase and basaltic lava*
- TrP PALISADES DIABASE
- Od CORTLANDT DIORITE w/ hornblende and/or biotite
- Oh CORTLANDT HORNBLENDITE
- Oopx CORTLANDT OLIVINE-PYROXENITE: in part with poikilitic hornblende and local peridotite
- Omn MANHATTAN FM.: Sillimanite- garnet- muscovite- biotite- quartz-plagioclase schists- calcite marble and calcsilicate rock at base
- Oba BALMVILLE LIMESTONE
- bqps BIOTITE-QUARTZ-PLAGIOCLASE GNEISS w/ subordinate biotite-granitic gneiss, amphibole and calcsilicate rock
- qtlg GARNET BEARING GNEISS and interlayered quartzite
- rg RUSTY & GRAY BIOTIE-QUARTZ-FELDSPAR GNEISSES w/ variable amounts of garnet, sillimanite cordierite and graphite
- am AMPHIBOLITE, pyroxenic amphibolite, hornblende gneiss commonly biotitic, and garnetiferous
- hg HORNBLENDE GRANITE and granitic gneiss
- qps QUARTZ PLAGIOCLASE GNEISS with hornblende, biotite and pyroxenes
- amg INTERLAYERED AMPHIBOLITE and hornblende granitic gneiss

Normal fault; hachures on downthrown side

Fault; type not determined

Source: New York State Geologic Survey Map Number 15, 1971
New York State Dept. of Transportation State Map 1:250,000, southern sheet.

REGIONAL BEDROCK GEOLOGY

5

Local Waterfront Revitalization Program

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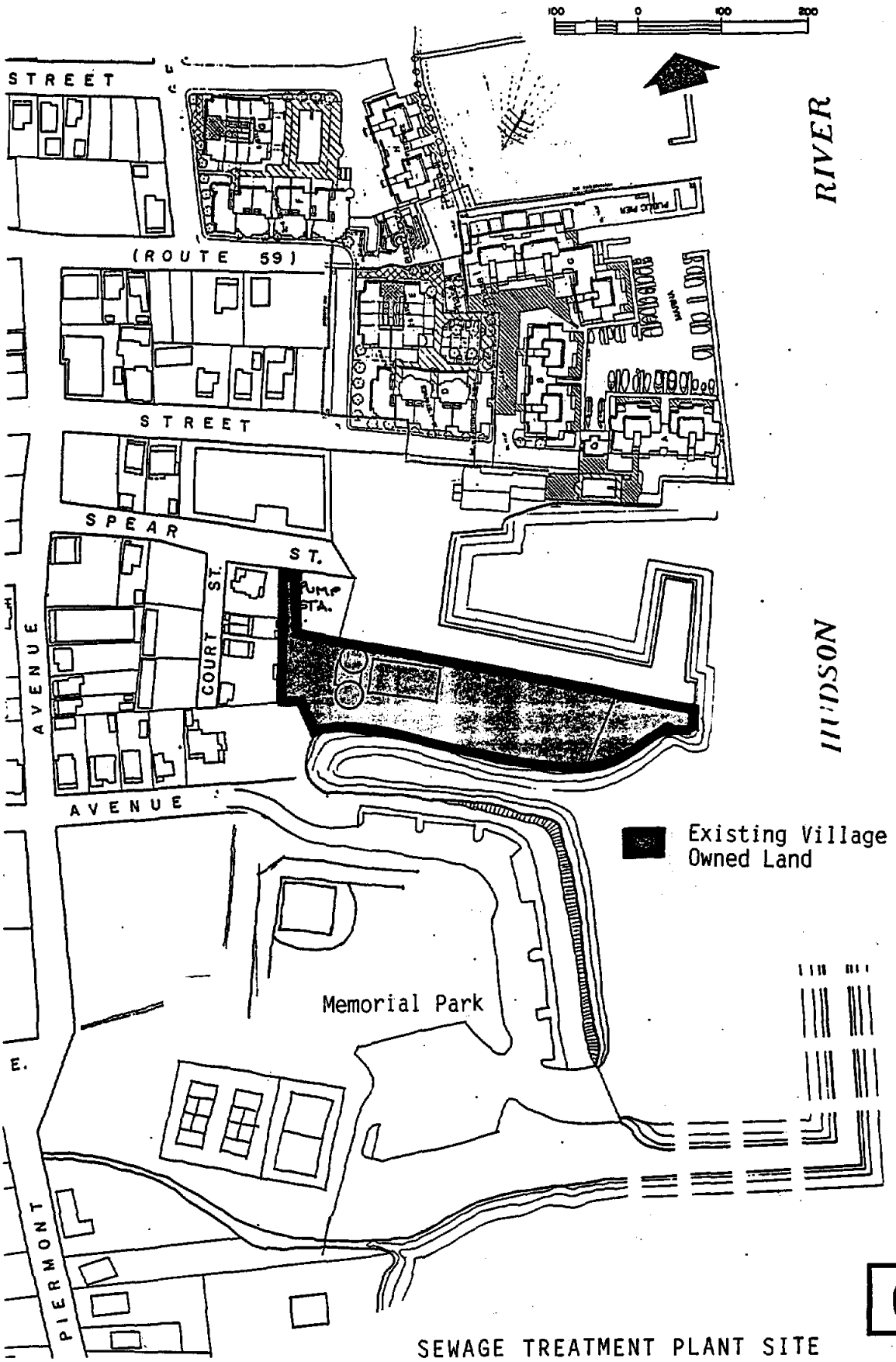

6

Local Waterfront Revitalization Program

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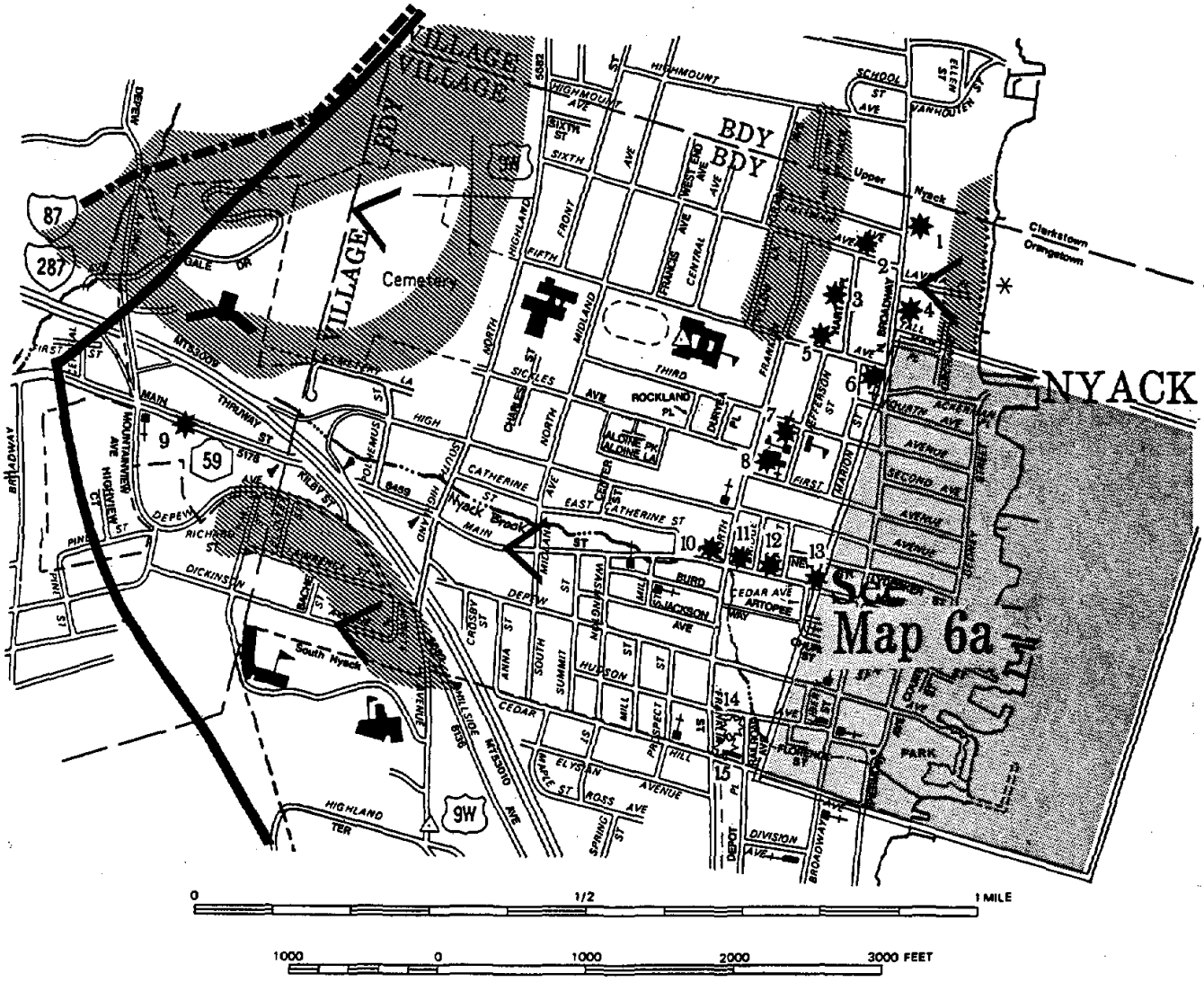
Planning Consultants



Steep Slopes

Filled Land

Brook

Limit of 100-year Floodplain

River and Waterfront Views

Coastal Zone Boundary

Drainage Divide

Historic and Archaeologic Sites
(Numbers Correspond to Text)

Existing Structures

Non-Existent Structures

Sources: Budke and Christie (1928) and Friends of the Nyacks (1985)

NATURAL AND CULTURAL RESOURCES

7

Local Waterfront Revitalization Program

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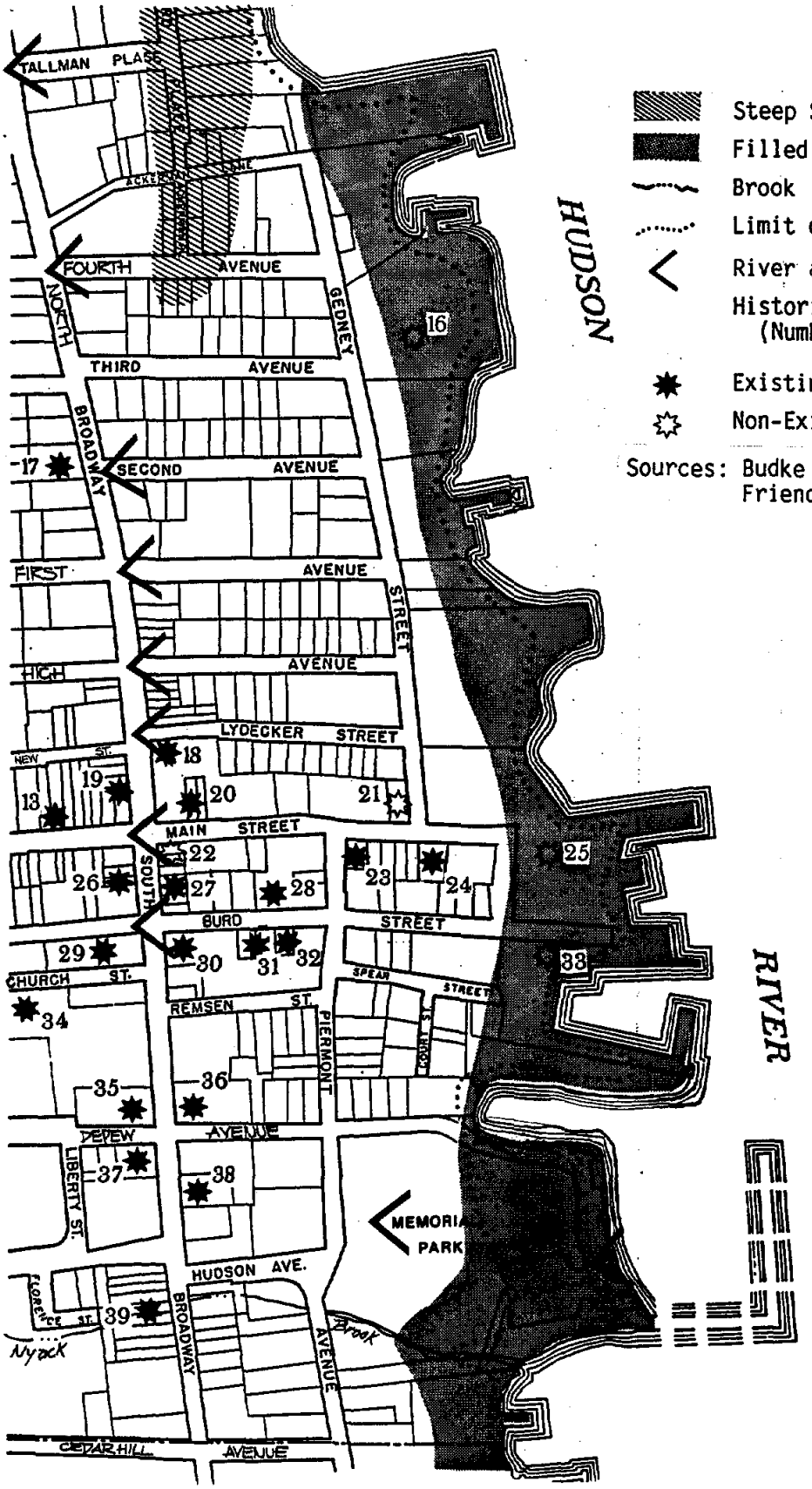

Steep Slopes
Filled Land
Brook
Limit of 100-year Floodplain
River and Waterfront Views
Historic and Archaeologic Sites (Numbers Correspond to Text)
Existing Structures
Non-Existent Structures

Sources: Budke and Christie (1928) and Friends of the Nyacks (1985)

200 100 0 200 400

NATURAL AND CULTURAL RESOURCES

7a

Local Waterfront Revitalization Program

Shuster Associates

Planning Consultants

EXHIBIT II-A

Analysis of Questionnaire Returns

SHUSTER ASSOCIATES
RD 1, Box 259 Stone Ridge, New York 12484
(914) 687-0758

PLANNING AND ZONING SERVICES

EXHIBIT II - A

October 7, 1986

TO: WATERFRONT ADVISORY COMMITTEE
VILLAGE OF NYACK

SUBJECT: ANALYSIS OF QUESTIONNAIRE RETURNS

Some 135 Waterfront Questionnaires have been returned. This represents a response of about 15% of those distributed.

Attached is a copy of the questionnaire with the total responses to each question indicated. In most cases, the totals do not add up to 135 because not all respondents answered all questions.

Set forth below is a summary of the highlights of the responses.

Question #1

* About 30% of the respondents lived between the River and Broadway; half between Broadway and Highland Avenue; and somewhat surprisingly 17% west of Highland Avenue.

Question #2

* 94% of the respondents indicated that they enjoyed the view of the water, twice that for any other waterfront activity.

* 40% picnicked on the waterfront, 23% were boaters and 14% partica-pated in fishing.

Question #3

* Between 30-40% of the respondents thought that facilities for fishing, picnicking, boating and viewing should be improved.

* 20% volunteered that the waterfront should be made safer and cleaner.

Question #4

* Between 63-74% thought that increasing public access, preserving traditional waterfront uses and protecting waterfront views was very important while 36% didn't think it important at all.

* Only 21% thought that expanding mooring and docking facilities was very important.

* On the basis of assigning 2 points for very important, 1 for important and 0 for not important, the issues scored as follows:

Protection of waterfront views	-	218
Preservation of traditional waterfront uses	-	213
Additional public access to the waterfront	-	209
Expanded moorings and docking facilities	-	102

Question #5

* The most favored uses for the sewer plant site were fishing pier (95) and a marina (79).

* The most disapproved uses were apartments and condominiums (102) and waterfront commercial development (96).

Question #6

* More than 50% of the respondents favored each of the five suggested waterfront projects. The most strongly approved projects were continuation of walkways (128) and removal of the barges (117).

* The least favored project was expansion of the boat launch and only less than 20% of the respondents (25) disapproved of it.

Question #7

* 55 respondents favored continued use of PRD bonuses to provide waterfront amenities while 71 were not in favor of this approach.

Additional Comments

Many people added comments to the questionnaire which provide futher background as to their sentiments.

Over 40% of the 135 people surveyed are unhappy with the development at the end of Main Street, and fear further density will take away the views of the river they do have. Also, with density comes traffic congestion; the concern is whether there is planning in the process to alleviate this future problem. There is also a feeling by some residents that the area already has traffic problems.

Past experiences with developers has made residents wary of them, as they feel the developers do not live up to their agreements.

High priorities for residents of Nyack are to preserve the view, have easy access to the waterfront (for residents), and recreational facilities that are safe and well maintained for young and old alike, some examples are:

> Parks, viewing areas; benches; pathways for walking, jogging, bicycling along the water's edge; playgrounds; picnic areas; and swimming sites.

Added comments:

> Better parking; ferry service across the Hudson River; affordable housing for young adults/senior citizens; Fire Department to use river for pumping drills; and combine forces with the YMCA to expand recreational facilities.

NYACK Waterfront Questionnaire

Return To: Mr. Gabe Hausner
Village of Nyack
12 North Broadway
Nyack, NY 10960

The Village of Nyack is preparing a program for the use and protection of the Hudson River Waterfront and its natural and man-made resources. The Waterfront Advisory Committee, made up of Village residents, is seeking the opinions of local residents concerning a variety of issues. Please take a few minutes to complete as many of the following questions as you can so that we may have the benefit of your thoughts on this important project. A public meeting to discuss the waterfront will be held in the fall of 1986.

1. Check the box which indicates where you live.

   a. Between the River and Broadway 42

   b. Between Broadway and Highland Avenue (Route 9W) 69

   c. West of Highland Avenue 23

2. Please check those boxes next to any recreational activity in which you presently participate on the Nyack waterfront.

   a. Fishing 19
   b. Picnicking 55
   c. Boating 31
   d. Viewing 127
   e. Other - 57

3. a. Of the activities listed above, which do you think need more or improved facilities? Fishing (41); Picnicking (50); Boating (41); Viewing (55); and other (26) safer & cleaner

   b. What other activities might be provided? Picnic tables, grills; roller/ice skating; Park; swimming; paths—jogging, walking, bicycling; park; pier; museum; enclosed picnic/viewing area; playground; gazebo/pavillion—weekly concerts—; boardwalk, boat rentals; bocci ball and horseshoe

4. The following issues of concern in the coastal area have been discussed by the Waterfront Committee. Please designate each with a number: 1 = very important; 2 = important; 3 = not important.

1. 88	2. 33	3. 10	Increasing public access to the waterfront.
1. 85	2. 43	3. 6	Preservation of traditional waterfront uses (e.g., marinas, boat yards, fishing, etc.).
1. 100	2. 18	3. 5	Protection of waterfront views.
1. 29	2. 44	3. 49	Expanding moorings and docking facilities.

- See Other Side -

5. There is one Village owned parcel of land on the waterfront, the former sewage plant. This land could be used for public purposes or sold for private development. Please indicate whether you favor, disapprove or have no opinion of each of the following possible options.

	Favor	Disapprove	No Opinion
PRIVATE			
a. Waterfront Commercial Development	18	96	9
b. Apartments or condominiums	12	102	5
c. Other Small shops, restaurants, park, non-commercial businesses.	12	30	3
PUBLIC			
d. Fishing pier	95	16	8
e. Marina	79	26	13
f. Other _____	50	2	5

6. A number of specific projects have been proposed for the waterfront. Please indicate whether you favor, disapprove or have no opinion of each.

	Favor	Disapprove	No Opinion
a. Continue development of waterfront walkways.	128	3	3
b. Provide docking space at Memorial Park.	80	21	24
c. Remove abandoned barges in the river.	117	8	13
d. Expand the Village boat launch at Memorial Park	72	25	25
e. Acquire additional waterfront property which becomes available.	102	12	14

7. The PRD zoning district, adopted recently, allows as much as 60% greater development density if the developer provides amenities such as public access to the water, uses open to the public (such as restaurants), and provision of river views. Do you favor this approach to providing waterfront amenities?

Yes 55

No 71

8. Do you have any other comments or suggestions you wish the waterfront Avisory Committee to consider? _____

Thank you for your time and consideration in responding to these questions.

You may list your name and address if you wish.

_____

_____

_____

_____

EXHIBIT II-B

Photographs

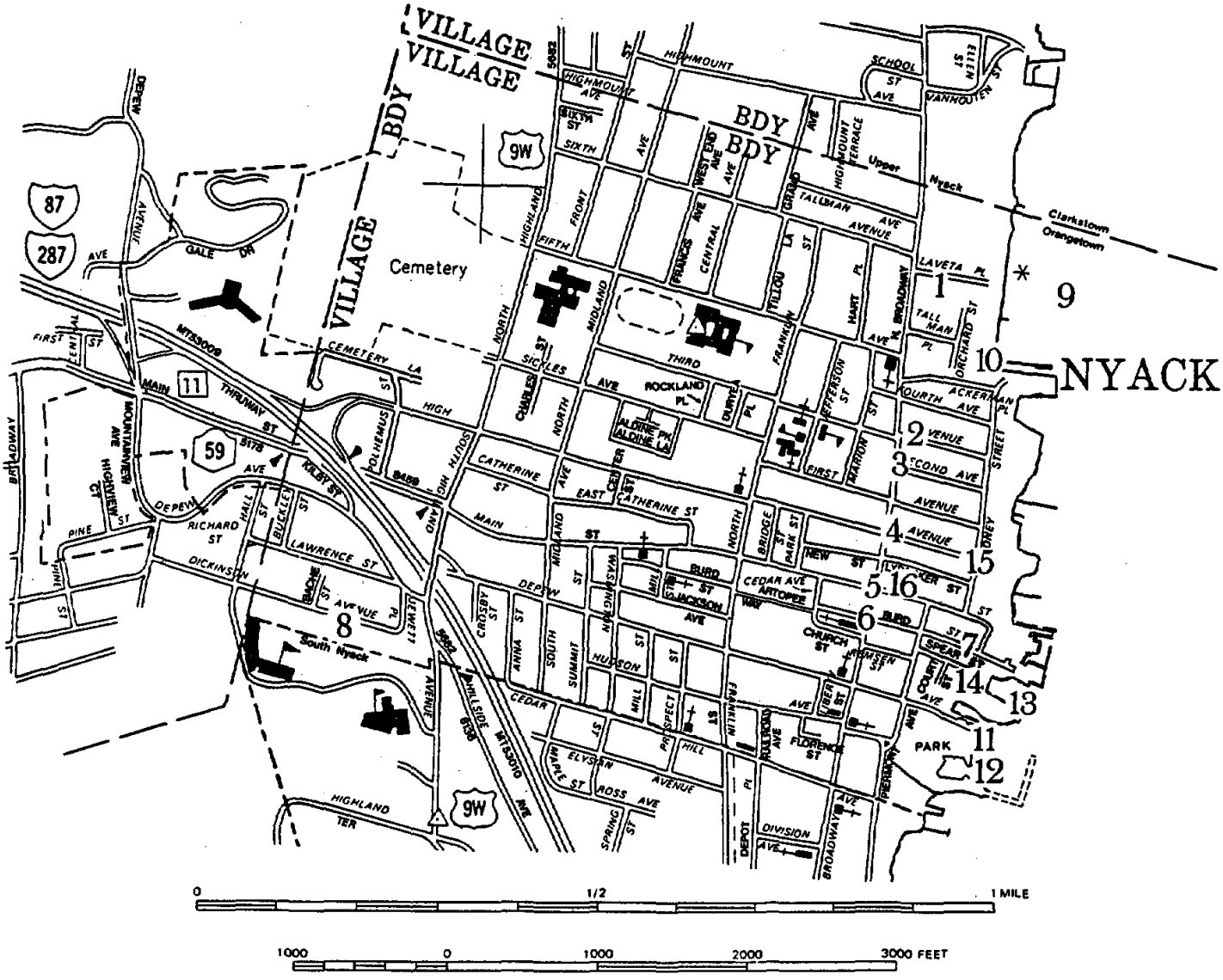

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PHOTO LOCATION

Local Waterfront Revitalization Program

Shuster Associates

Planning Consultants

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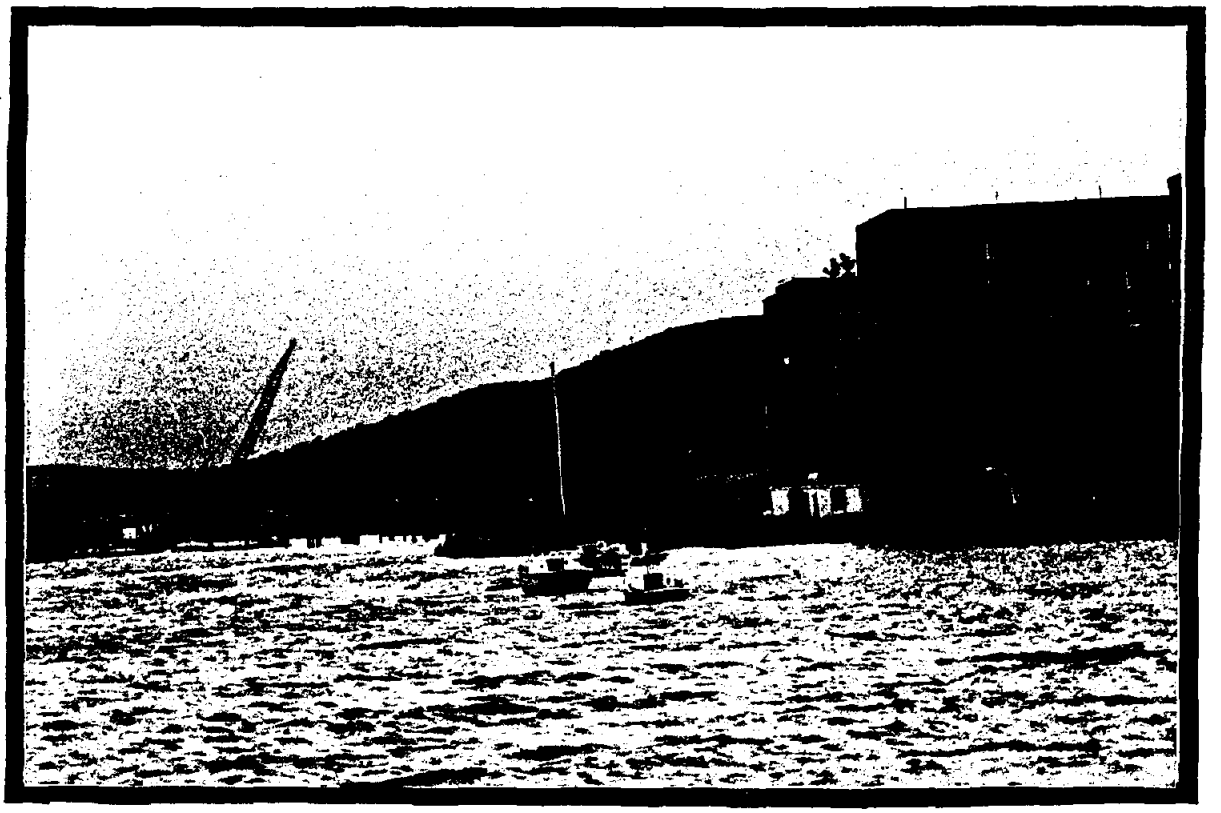

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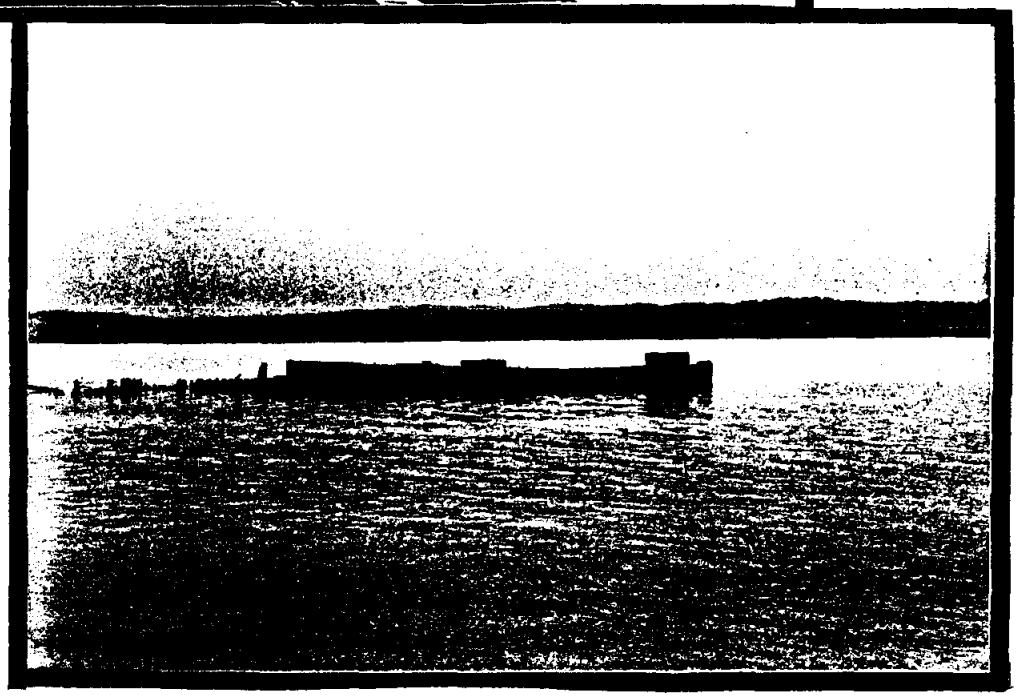

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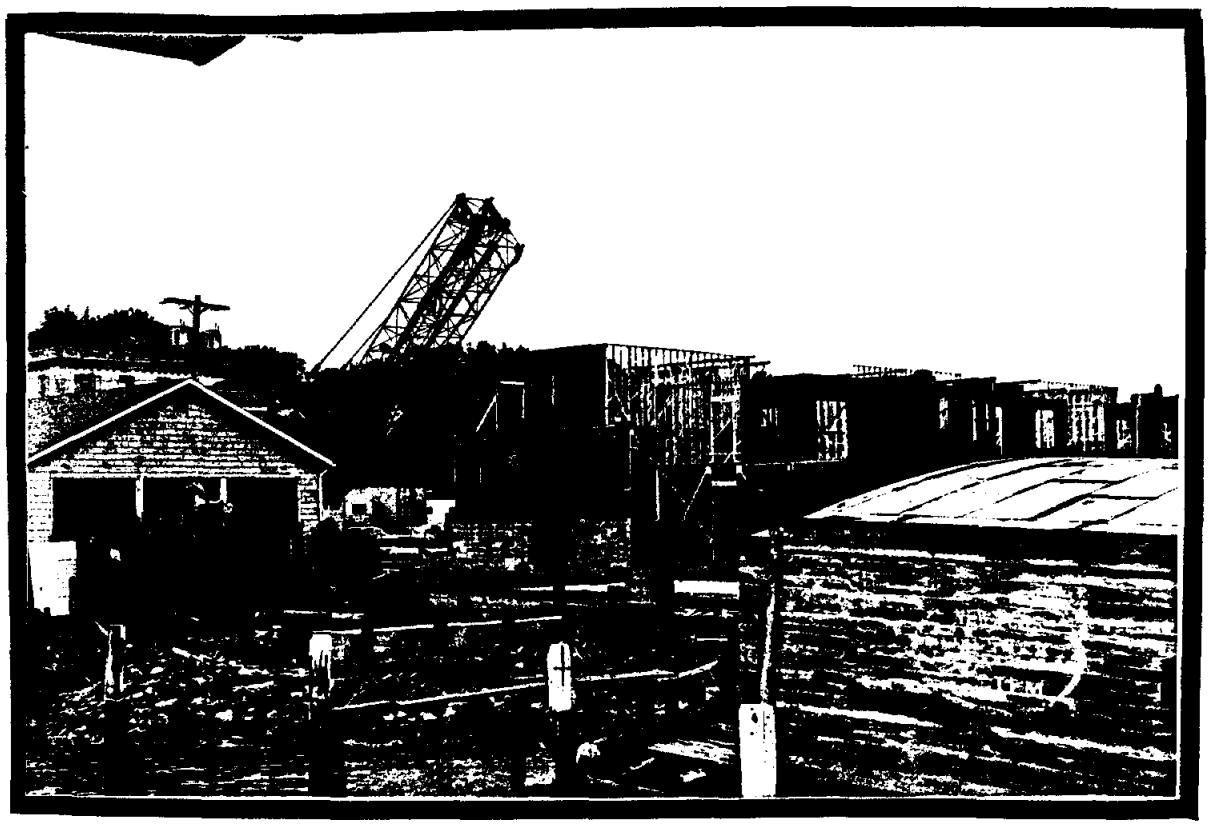

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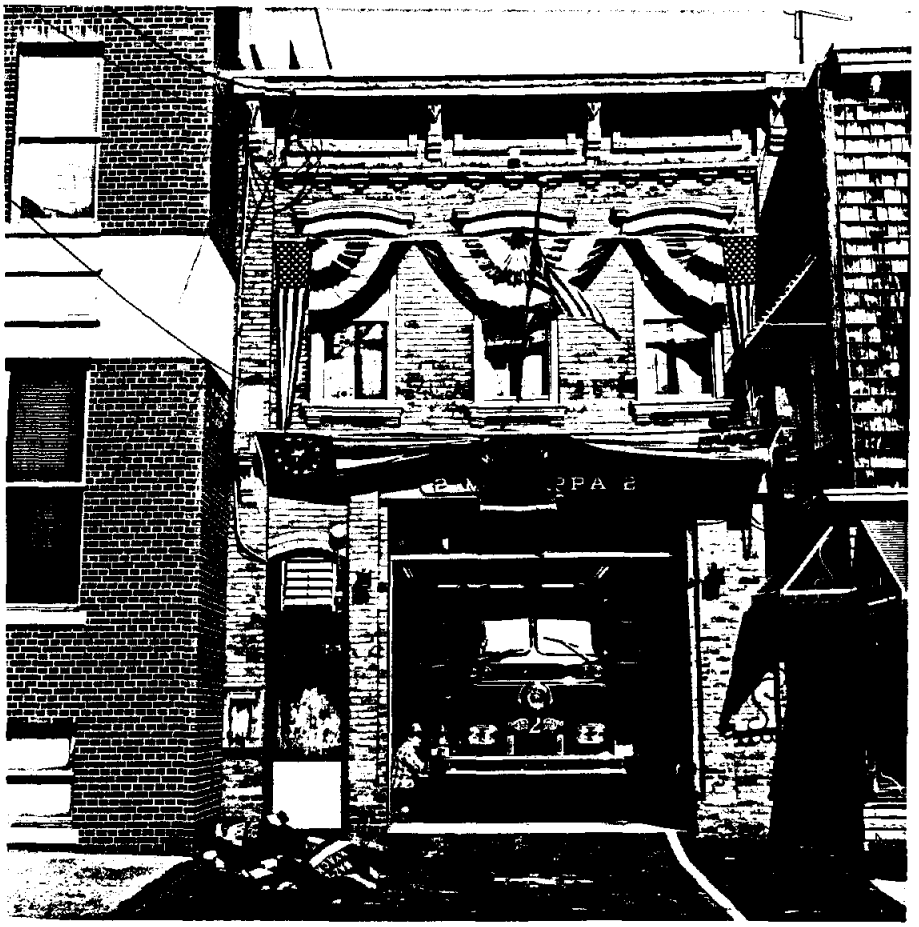

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III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Local Waterfront Revitalization Program in the Village of Nyack. Also included are additional local policies and an explanation of how both State and local policies relate to the local coastal area.

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 applies to portions of the Village waterfront south of Second Avenue and is complimented 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, as well as several vacant or underutilized sites. This area is the traditional center of waterfront commercial and recreational activity. In recent years intensive residential development has begun to locate along the water's edge as well. 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 following criteria will be used to determine the appropriateness of proposed uses and activities:

1. Priority should be given to uses which are totally or in part dependent on a location adjacent to the water; (see Policy 2)

2. The action should enhance existing and anticipated uses;

3. The action should be compatible with or serve as a catalyst to private investment in the area;

4. The action should improve the deteriorated condition of a site and, at a minimum, must not contribute to further deterioration;

5. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density and intensity of use;

6. The action should have the potential to improve the existing economic base of the community by providing services or resources for which there is a need;

7. The action should not impair upland views of the water or detract from the views as seen from the water (see Policy 25); and

8. The action should improve the potential for multiple uses of the site and the general area (see Policy 22).

POLICY 1A **THE VILLAGE OWNED SEWAGE TREATMENT PLANT SITE SHALL BE DEVELOPED FOR A COMBINATION OF WATER RELATED USES PROVIDING MAXIMUM OPPORTUNITIES FOR RECREATIONAL USE OF AND PUBLIC ACCESS TO WATERFRONT RESOURCES.**

Explanation of Policy

The site of the Village's former sewage treatment plant--on the river's edge between Memorial Park and the marina--is vacant and virtually without legal access. With proper access, it is appropriate for a variety of public and or private water related uses. It is the intent of this policy that development of this site give priority to water-dependent commercial uses (marinas, boat sales, sale of marine products) and facilities for passive public use and access (fishing walking, viewing). Such development may be achieved by leasing out part or all of the site under contractual agreement.

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 water-dependent uses.

Furthermore, market pressures for residential development with views of and access to the waterfront may lead to replacement of existing water-dependent uses by more intensive development. The intent of this policy is to ensure that water-dependent uses be given preference and, where possible, assistance in securing waterfront sites and that every effort be made to retain such existing uses. Those uses which are considered water-dependent and subject to these policies include the following:

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. Aids to navigation;

4. Flood and erosion protection structures (for example: breakwaters, bulkheads);

5. Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities, etc.);

6. Scientific/educational activities which, by their nature require access to coastal waters (for example: certain meteorological, ecological and oceanographic activities); and

7. Support facilities which are necessary for the successful function of permitted water dependent uses.

In addition, uses which are enhanced by, though not dependent on, a waterfront location are permitted by special permit to locate along the shoreline if public access is provided and all other waterfront development guidelines contained in the C3 Waterfront Development District of the Zoning Law are complied with. A water-enhanced use is a use that has no critical dependence on obtaining a waterfront location, but profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront.

Development of water-dependent uses should satisfy certain criteria, based on the type of use being considered. The following guidelines should be considered when reviewing plans for such sites:

1. Special Suitability: Sites which are particularly suited to a particular type of use should be used for such purposes if possible. For instance, few sites have the appropriate land and water characteristics for marinas or boat launches.

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 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: Commercial shipping, fishing, and recreational boating sites should establish docking 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. Water dependent uses must also be sited so as to avoid adverse impacts on scenic areas and views. Such determinations, however, must be balanced against the possible alternatives, if any, for such uses to locate and their benefit to the entire community.

5. Underutilized Sites and Expansion of Existing Uses: Sites which are underutilized and/or which will permit expansion of existing water-dependent uses should be designed to accommodate such uses, if at all possible.

Much of the character and interest of the Nyack waterfront is contributed by those traditional maritime uses which still remain. The Hudson River itself is the dramatic catalyst for recent renewed interest in waterfront development. However, the presence of docking space, a boat launch, boat repair facilities, waterfront restaurants and one of the few remaining commercial fishing piers make Nyack unique. 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 commercial waterfront recreation and entertainment, in addition to being 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 commercial 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.

POLICY 3 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

POLICY 4 **THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBOR AREAS IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

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

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;

-- where desirable, foster energy conservation by encouraging proximity between home, work and leisure activities.

-- Development projects which are essential to the construction and/or operation of the above uses and 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 the proposed uses and proposed projects for the waterfront area (See Section IV-I).

For any action that would result in large scale development or an action which would facilitate or serve future development, 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. 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. The proposed site is served by or is near to public or private sewer and water lines;

    d. Public transportation service is available within one mile of the proposed site; and

    e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

2. 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 fire fighting) can be met by the existing water supply system;

    c. Sewage disposal system can accommodate the wastes generated by the development;

d. Energy needs of the proposed land development can be accommodated by existing utility systems;

e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and

f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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 our major facility improvement projects.

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

Explanation of Policy

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, AS IDENTIFIED, ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

Explanation of Policy

The State Coastal Policy is not applicable as no Significant Coastal Fish and Wildlife Habitats have been designated within the Village. A local policy is, however, identified below.

POLICY 7A **PROTECT THE PHYSICAL CHARACTERISTICS OF THE HUDSON RIVER ALONG NYACK THAT SUPPORT THE VARIED FISH POPULATIONS FOUND THERE.**

Explanation Policy

Although no significant habitats have been designated on the coastal area map 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, to name a few. 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. Of particular concern are Amercian shad and striped bass.

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.**

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. A list of hazardous wastes has been adopted by DEC (6NYCRR Part 371).

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

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, and to improve boat access by removing obstacles to navigation, such as abandoned barges, will support this policy.

POLICY 10 **FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (i) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (ii) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (iii) MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

Explanation of Policy

Commercial fishing facilities are limited in the lower Hudson. One of the few is "Burd Street Dock" in Nyack, which provides unloading and transfer facilities for the spring shad catch taken in the broad Tappan Zee. The facility operates in an informal manner on Village-owned land with the cooperation of the adjacent marina.

Such facilities are an important part of the traditional maritime economy of the Hudson River but, particularly in the lower reaches of the Valley, have been increasingly depleted by a combination of declining resources (as various species are prohibited from commercial catches due to contamination) and competition for sites by residential uses. While no realistic opportunities for new or expanded commercial fishing facilities exist, it is an important policy of this program that the present facilities are preserved.

To be consistent with and to implement this policy, any future use of the Village-owned sewage treatment plant site shall encourage facilities for unloading and transfer of fish from commercial catches. Since such use is seasonal in nature, joint use or use for other purposes out of season is appropriate to ensure maximum opportunity for waterfront activities.

FLOODING AND EROSION POLICIES

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

Explanation of Policy

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.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning. Within the 100-year floodplain boundary are located portions of the sites of the Gedney Street multi-story apartment buildings, the Clermont project, and several public and private commercial and recreational properties. 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.

POLICY 12 **THE STATE COASTAL POLICY REGARDING MINIMIZING DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

POLICY 13 **THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY 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 should be allowed to protect the existing uses.

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 his actions, man 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; and 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 in 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 salt 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.

Offshore mining for sand and gravel deposits is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

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 fate 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 **USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE (i) THE SETBACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE BASE FLOOD LEVEL.**

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. 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 any one, or a combination of, non-structural measures could afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Application of the Flood Damage Prevention Regulations, Best Management Practices and review of alternatives in accord 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 will be required.

GENERAL POLICY

POLICY 18 **TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCES AREAS.**

Explanation of Policy

Proposed major actions may not be undertaken in the coastal area if they will 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 take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources,water levels and flows, shoreline damage and recreation. Review under the SEQR process will allow a weighing of the cost and benefits of such actions.

PUBLIC ACCESS POLICIES

POLICY 19 **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES.**

Explanation of Policy

In general, implementation of this policy requires careful balancing of several factors: the demand for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and, the protection of natural and historic resources.

The Village has one substantial public water-related recreation facility -- Memorial Park -- which provides opportunities for fishing, boating and passive waterfront activities. This facility is of sufficient size and appropriate location to accommodate most demands for active water-related recreation generated within the Village that can be met by a public facility. Access to this park is available by public streets from three directions. Walkways should be created which would link Memorial Park with the Village center and the 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.

Should other public sites become available for water-related recreation, access must be analyzed according to the following factors:

1. The level of access to be provided is in accord with estimated public use;

2. The level of access to be provided does not cause a degree of use which would exceed the physical capability of the resource or the facility; and

3. The level of use and nature of the access does not adversely affect adjacent land uses or the natural environment or unduly tax the facilities or services of the Village.

Such considerations will be important to the future use of the Village-owned former sewer plant site -- the only other publicly owned waterfront property in the Village -- which is now virtually landlocked (see Policy 1A). In addition, the program for public and private use of this site will require that public access be maintained and recreation facilities be provided.

With respect to this policy, 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.

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

Explanation of Policy

In addition to active recreation facilities, the publicly-owned foreshore of the coast can provide, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Access to such land could provide for walking along the waterfront or to a vantage point from which to view the water or to photograph nature.

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) and is required as defined in Local Law No. 17 of 1991

Long-term lease of public land, such as the former sewage treatment plant site, is only appropriate if public access is guaranteed. The procedures for lease will specify the size, design and purpose of such access and establish the responsibility of the lessee to maintain access.

Public use of 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 or the protection of fragile coastal resources. It should be noted that, north of Tallman Place, virtually all of 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, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

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 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 non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis. This policy shall apply to both public and private uses.

Existing facilities at Memorial Park will be retained and enhanced as funds become available. A major improvement will be the removal of abandoned barges, which present a safety hazard, creating waterfront trails and walkways, and improved docking and mooring facilities.

This policy strongly encourages the retention or replacement of existing private marinas, boat clubs and marine service facilities. These commercial 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 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, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

Explanation of Policy

Certain waterfront developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located along 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.

Uses which are appropriate in the Nyack coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, sewage and water treatment facilities, and mixed use projects.

Whenever a proposed development is compatible would be consistent with coastal 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 (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, ARCHAEOLOGY 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.

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.

Guidelines

1. 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:

   a. 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.)

   b. 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 (a) above plus any other appurtenant fixtures associated with a building structure or earthwork.

   c. 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.

SCENIC QUALITY POLICIES

POLICY 24 **PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE 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.**

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 man-made componenets 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 man-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 qualtiy 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 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.

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

POLICY 25A **PROTECT AND ENHANCE VIEWS FROM ROUTE 9W, TALLMAN PLACE, FOURTH AVENUE, SECOND AVENUE, FIRST AVENUE AND MEMORIAL PARK. (SEE INVENTORY AND ANALYSIS).**

POLICY 25B **SUPPORT THE CREATION OF A MANAGEMENT PLAN FOR THE TAPPAN ZEE SCENIC DISTRICT.**

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

Explanation of Policy

Recently, areas within Nyack's waterfront boundary have been designated as part of a scenic district pursuant to the authority of Article 49 of the Environmental Conservation Law. The aforesaid district has been designated as the TAPPAN ZEE SCENIC DISTRICT. The Tappan Zee Scenic District encompasses all those lands and waters described as follows:

Beginning at the southeast corner at the center line of the Hudson River at the New Jersey state line proceeding west, along the state line, to a point on the east right-of-way line of the Palisades Interstate Parkway. Then north, along this right-of-way line, to a point 1,000 feet west of U.S. Route 9w and Tweed Boulevard. Then north, following this offset, to a point 1,000 feet west of the intersection of Tweed Boulevard and South Boulevard. Then north following this offset, to a point 1,000 feet west of the intersection of U.S. Route 9W and South Boulevard. Then north following this offset, to a point 1,000 feet south of Christian Herald Road. Then west, following this offset to Mountain View Avenue.

Then north along Mountain View Avenue and crossing Christian Herald Road to a 1,000 foot offset and returning east to a point 1,000 feet west of U.S. Route 9W. Then north, following this offset to a point 1,000 feet opposite the southwest corner of Hook Mountain State Park. Then east, to the southwest corner of Hook Mountain State Park. Then north, following the state park boundary, to a point 200 feet west of Rockland Lake Landing Road. (County Route 92). Then north, crossing Rockland Landing Road, to a point 200 feet east of this road. Then north, following this offset to a point 500 feet west of the shoreline of the Hudson River. Then south, following this center line to the start.

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 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. Site 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. Cluster or orient structures to retain views, to save open space and attractive natural features, and to provide visual organization to a development.

3. Prevent, wherever possible, the blocking of Hudson River Views from upland areas.

4. New highway and building construction along Route 9W should, where feasible, open up potential views.

5. Incorporate sound, existing structures (especially historic buildings) into the overall development scheme.

6. Preserve and restore the appearance of historical buildings and neighborhoods (see Policy 23).

7. 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.

8. 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. This statement should not be interpreted to mean that new buildings should be designed or look like the hugh-rise residential structures that were constructed under the PRD guidelines.

9. 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.

10. Remove deteriorated and/or degrading elements.

11. Maintain or add vegetation to provide interest, encourage the presence of wildlife, integrate structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters. To the maximum extent possible, insure that trees over 3 inches in diameter, measured 3 feet above the base of the trunk, are retained.

12. 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.

13. Use appropriate materials, in addition to vegetation, to screen unattractive elements.

14. Maintain or restore the original land form, except when changes screen unattractive elements and/or add appropriate interest.

15. 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 unique 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 particular 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 Tappan Zee 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 effect 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:

a. 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.

b. A view corridor to maintain an unobstructed view from public streets will be established just east of Broadway, at the crest of the hill sloping to the river. The corridor, measured both vertically and horizontally, will be used as a standard for height and set-back requirements. The corridor will become wider as it approaches the river, but higher above ground as elevations above the river decrease.

POLICY 26 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Articles VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies, or, if in existence, an energy siting board. The policies derived from these proceedings 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 Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of 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 DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

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 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 utyilized if the proposed action is to be implemented.

POLICY 29 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF AND IN LAKE ERIE IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

WATER AND AIR RESOURCES POLICIES

POLICY 30 **MUNICIPAL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL 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, constant 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 PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS. HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment.

The classification of the Hudson 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 **THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE VILLAGE OF NYACK.**

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. 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.

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 WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

Explanation of Policy

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 NYCCRR, 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.

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

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

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. Equally important is the removal of the abandoned barges in front of Memorial Park which present a hazard to navigation. The effect on littoral drift and wave action must be evaluated prior to removal and construction of any new facilities.

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 NONPOINT DISCHARGE OF EXCESS NUTRIENTS, ORGANIC 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 at all 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 sufficient 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 sufficient 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.

Nyack obtains its drinking water from an intake on the Hackensack River in the Town of Clarkstown, south of DeForest Lake. Three hazardous waste disposal sites are located in Clarkstown in proximity to the Village water supply intake. To the east and northeast of the intake, and situated between NY Routes 59 and 303 and the Thruway are the 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. Incinerator residues have been found in the 11 acre Dexter landfill, and other illegally dumped wastes are suspected to be present. The Orange and Rockland landfill is the disposal site of old electric transformers, many of which contain polychlorinated biphenyl (PCBs). Leachate from this landfill could seriously affect the water quality of the Hackensack River, which is a major source of water for Nyack. Measures must be taken to ensure that leachate from these landfills does not reach the Hackensack River.

POLICY 39 **THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER AS 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 wastes management facilities are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges 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 [527-0901.3] as "a waste or combination of wastes which because of its, quantity, concentration, or physical, chemical or infectious characteristics may (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6NYCRR Part 317). 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.

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**

Explanation of Policy

A number of 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.

POLICY 41 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA MILL 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.

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

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

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist 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.

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. 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 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 many otherwise densely developed.

SECTION IV

PROPOSED LAND AND WATER USES
PROPOSED PROJECTS

IV. PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. Proposed Land and Water Uses

The Land and Water Use Plan for the coastal area is consistent with the policies established in Section III. It also reflects the existing well established land use pattern and zoning district designations which were established in the major zoning update completed in 1985. The Plan, illustrated on Map No. 7, indicates five general land categories, which represent groupings of related zoning districts, and, except for the Waterfront Area, does not suggest any change in the land use pattern established by the current Zoning Law.

Each land use category is briefly described below. Specific projects recommended to implement plan objectives are described in part B of this section and proposed legislative action is discussed in Section V, Techniques for Implementing the Program.

1. Low Density Residential

This category includes the R-1, R-1A and R-1B one-family zoning districts which cover the largest portion of the Village of one category.

2. Moderate Density Residential

This category consists of the R-2 Multi-family residential district in which most of the post-war garden apartment type development has taken place. A three-story height limit prevails.

3. Mixed Urban Development

The core of the Village's business and high density residential development is incorporated into this one broad category which includes the R-4 Multi-family (eight story) residential district, the C-1, C-1A and C-2 Commercial districts, the R-M Mixed Use and R-O Residence-Office districts, the M Manufacturing district and the Downtown Development district. The area encompassed by this category includes the entire length of Main Street and the downtown area from Franklin Street to Broadway.

4. Institutional

This category, located in the northwestern area of the Village, includes the school, hospital, and cemetery properties.

5. Waterfront

This category applies to the area between Gedney Street/Piermont Avenue and the River--the area is which uses most directly affect and are affected by the coastal waters. Because of the significance of this area, it has been subject to closer scrutiny. A series of sub-categories have been defined which are described below and illustrated on Map No. 8.

a. High Density Residential

This area at the northern end of the waterfront area includes the two major high rise apartment complexes on the river. Multiple residences 6 stories in height are located here. Private boat and yacht clubs, such as the existing Hook Mountain Yacht Club are special permit uses. This area is included in the C-3 Waterfront Development District.

b. Mixed Waterside Development

The area from Second Avenue south to Memorial Park is included in this category. Most of the vacant and underutilized land in the waterfront area is included, as well as the mixed use, high density Clermont project. This area is designated as the location of moderate density mixed uses with a waterfront orientation and is governed by the C-3 District which promotes water-dependent uses and allows water-enhanced uses with public access.

Development of the sewage treatment plant site, whether by the Village or upon lease to a private party, or a combination thereof, shall require that public access to the water be provided and facilities for commercial fishing be made available in conjunction with other permitted uses (see Section V.B.).

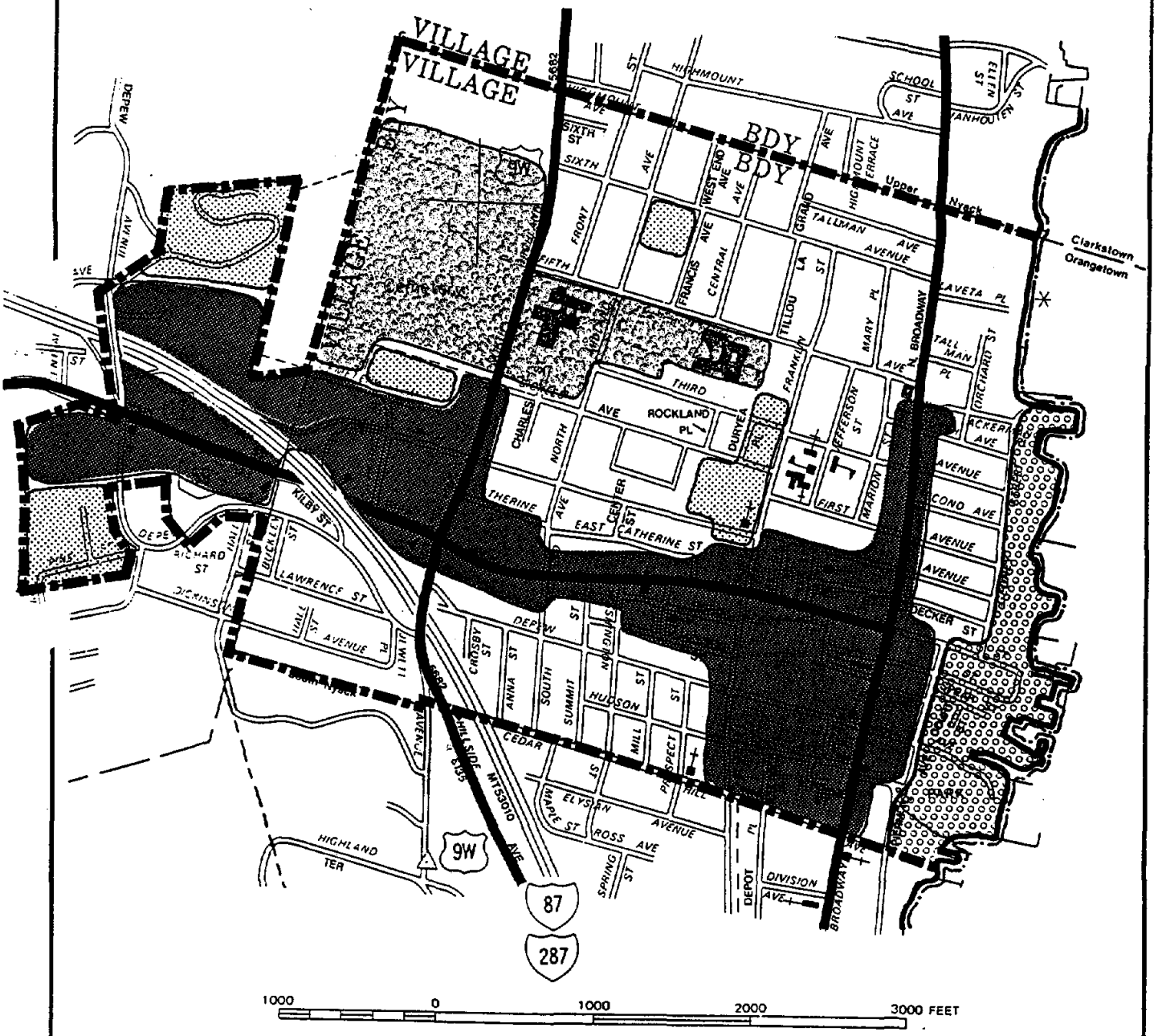
c. Park

Memorial Park is the only such area designated. It is an important asset to the community which would be improved (see Section B below) and maintained to provide waterfront access and recreational opportunities to all residents of the Village.

d. Low Density Residential

The small area south of Memorial Park will remain residential in character; however, it does include an existing boatyard which is

presently limited in its use by inadequate water depth. This area of the Village will be considered in greater detail when the Memorial Park Master Plan is developed (See Section IV.B.1).



Low Density Residential

Moderate Density Residential

Mixed Urban Development

Institutional

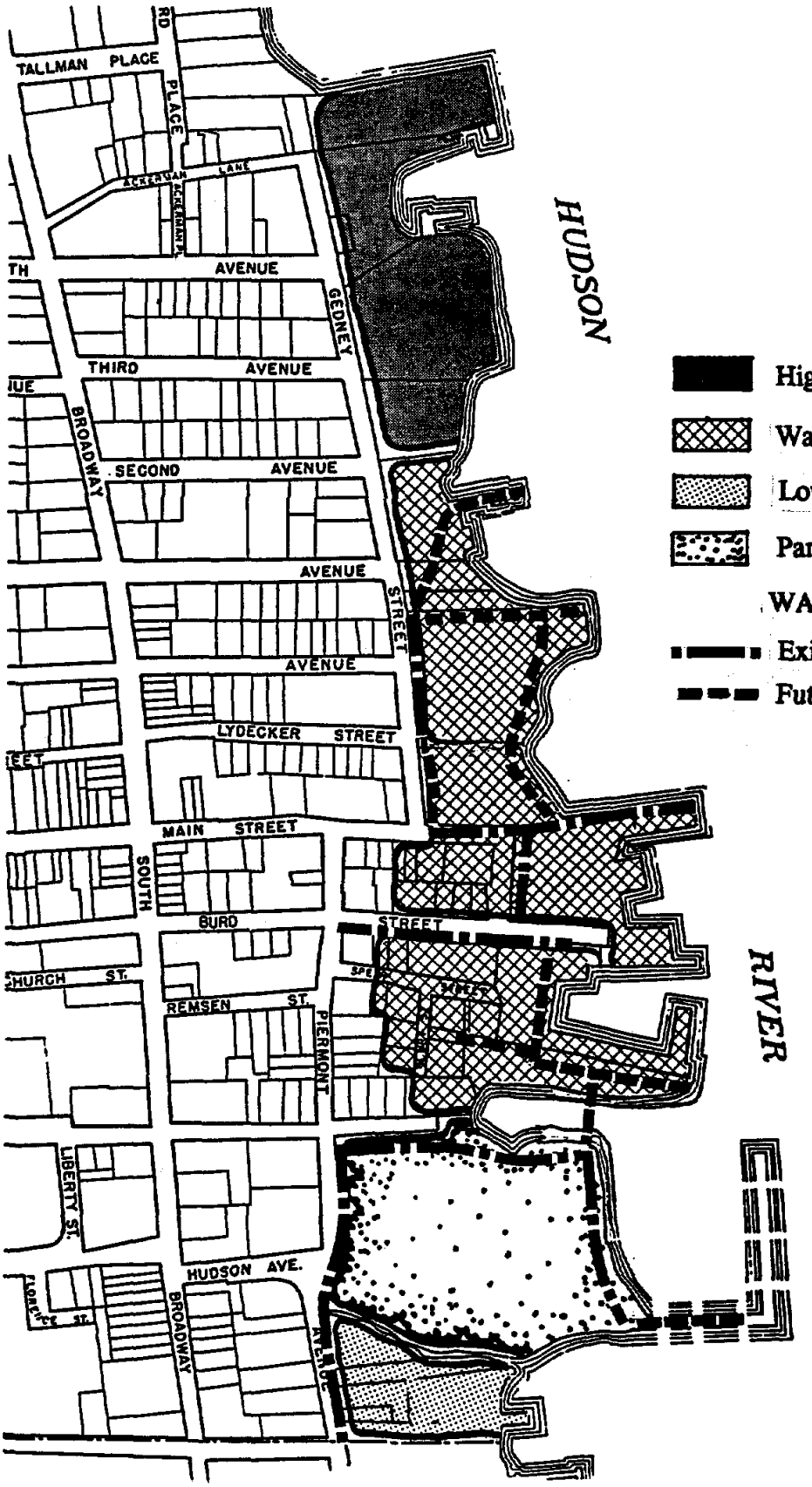
Waterfront Area (See Map No. 8)

8

GENERAL LAND AND WATER USE PLAN

Local Waterfront Revitalization Program

Shuster Associates — Planning Consultants



High Density Residential

Waterside Development

Low Density Residential

Park

WALKWAY SYSTEM

Existing

Future [Schematic; detail to be implemented on a site by site basis.]

200 100 0 200 400

WATERFRONT AREA PLAN

9

Local Waterfront Revitalization Program

Shuster Associates, Emanuel Associates Planning Consultants

B. Proposed Public and Private Projects

The following projects have been identified as supporting the policies and objectives of this LWRP, although they cover a wide range of feasibility and priority. Other, non-physical actions which are also part of the program to implement the LWRP are discussed in Section V.

1. Memorial Park Master Plan

In order to coordinate development plans for various components of Memorial Park development, a master plan must be prepared to identify specifications necessary, design elements, priorities, cost estimates, staging and possible funding sources. Such a plan will establish a long range program for Village action, including some of the elements listed below. The plan should also evaluate the feasibility of introducing swimming facilities in the river and weigh the merits of permanent marina slips versus launching facilities. The plan should be designed to provide greater pedestrian access and to limit encroachment of the waterfront by automobiles. In June of 1991, the Village received a Model Town's Grant from the Open Space Institute to prepare a concept plan for Memorial Park, as well as other waterfront areas.

2. Barge Removal

The sunken barges in front of Memorial Park are a potential hazard to safety and navigation. They detract from the function and beauty of one of Nyack's finest waterfront assets. Interestingly, although only 23% of the respondents to the Waterfront Questionnaire were boaters, 87% favored removal of the barges. This task requires the use of large, specialized equipment at a substantial cost.

3. Fishing Dock

The sunken barges are no longer safe for use as docks for fishing and walking. Such a dock offers additional 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 questionnaire presently use the waterfront for fishing, 70% favored provision of a fishing pier. Upon removal of the barges, a dock should be constructed which provides space for fishing, strolling and short term docking. Construction with stone filled gabions topped by a catwalk is an appropriate method of construction supplemented by wave screens to protect the boat launch and shore facilities.

4. Riverfront Walks

The principle of a riverfront walk has been set forth in the Village's C-3 zoning district, and the physical reality has begun in the construction at Clermont and the Village's Memorial Park. An overhelming 95% of the Questionnaire respondents favored such action. A continuous walkway would provide a unique recreational facility. Much of the walkway can be provided as part of private development through use of special permit use approval and site plan review.

5. Maintenance Dredging

An accumulation of silt in the broad shallow western portion of Tappan Zee Bay has reduced depths in some locations to a point where navigation is hampered, particularly at low tide. This is true at Peterson's Marina and at the mouth of Nyack Brook. Dredging to remove this material is required in conjunction with measures to assure that natural movement is not impeded and that siltation from upland areas is curtailed.

6. Parking Expansion

Increased access to and popularity of the waterfront places additional burdens on parking facilities both at Memorial Park and the recently built waterfront commercial facilities. Development standards will be strictly enforced so that parking requirements will be met. However, some public action is required at Memorial Park to accommodate demand at peak periods. Overflow parking should be designed in a manner that permits other use, since the peak demands occur on only a small number of occasions during the year. As an alternative, parking should be provided off-site, away from the waterfront, and some sort of shuttle system provided to meet peak demand on major cultural occasions.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section describes the local techniques -- legal, administrative, managerial and financial -- required to carry out the LWRP.

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. Part D indicates the financial resources needed and, where possible, available to carry out specific proposed actions. Part E is a chart summarizing proposed actions and the policies from Section III to which they relate.

A. Local Laws and Regulations

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. Zoning Law (see Map No. 10)

The zoning law includes a number of provisions relevant to this program. The zoning laws and regulations establish land use and density controls in designated districts.

a. Historic District

The Law establishes a Historic District and Landmark Preservation Commission with powers to designate landmark structures and districts and authorizes the Planning Board to review applications for building permits for such structures to assure that the historic importance will not be adversely affected.

The land use controls are essential tools for implementation of the Development Policies (1, 1A, 2, 2A, and 4) and Historic and Scenic Resource Policies (23 and 25).

b. Residential Districts

The R1, R1-A and R1-B zoning districts cover the largest portion of the Village, generally for single family and two-family dwellings and other public compatible uses, including institutional uses and places of worship.

Multiple residence districts are the R-2, R-3 and R-4 districts which provide for a range of housing types and densities

commensurate with the scale and character of various neighborhoods in Nyack.

c. Commercial Districts

The Commercial Districts provide for a range of commerical uses, including intensive downtown retail, office and service uses and supportive uses such as apartments, governmental, religious and educations uses in the C-1 Central Commercial district; commercial uses that depend on motorists and use large parcels of land in the C-2 General Commerical district; and in the C-3 Waterfront Development district, water-dependent uses and water enhanced uses where public access is provided.

d. Waterfront Development

The purposes of the C-3 Waterfront Development District are 1) to maximize utilization of waterfront land by water oriented uses which require a waterfront location; to maximize public access from the land and along the Hudson River shoreland; regulate water enhanced uses and protect water quality, fish and wildlife, scenic views and natural vegetation; and enhance aesthetic resources to the greatest extent feasible. Permitted uses include:

(a) Facilities for hauling, launching, mooring, dry storage, and drysailing of boats; boat storage shall not exceed 25 feet in height.

(b) Public and private recreation facilities requiring a waterfront location, such as boat launches, fishing piers, and docking and swimming facilities.

(c) Maritime centers and similar facilities which utilize the waterfront for recreational, educational, cultural, or scientific uses.

(d) Waterfront trails, parks, and scenic overlooks.

(e) Retail sale of materials, supplies, parts, tools, and other equipment used in connection with boats.

(f) Retail sale of bait, supplies, equipment, materials and parts used in connection with fishing.

(g) Facilities for the sale and/or rental of boats, new and/or used.

(h) Municipal fishing piers, including facilities for docking and transfers of catch from boat to ground transport.

(i) Municipal docking facilities for tour boats, services and similar passenger vessels.

Uses permitted by special permit, include:

(a) Retail sales and personal service establishments.

(b) Arts and crafts shops where goods are manufactured or assembled on the premises.

(c) Restaurants and drinking establishments, but excluding drive-in type restaurants and fast-food establishments, provided that the distance requirements for drinking establishments of §59-10B (1) (c) are met.

(d) Business, professional and governmental offices and research laboratories.

(e) Commercial parking lots.

(f) Museums and art galleries.

(g) Boat sales, service and storage facilities.

(h) Marinas, including related uses such as boat storage, clubhouses, locker rooms, equipment sales, eating and drinking facilities and boat service facilities.

(i) Theaters and cinemas, but excluding the drive-in type.

(j) Hotels and motels.

(k) Membership clubs, including boat clubs.

(l) Public utility structures and rights-of-way.

In addition, permanent public access must be provided from the adjacent public street to and along the Hudson River for the uses listed in "a"

through "g" which are non-water-dependent and are permitted by special permit. Such access, in the form of a permanent easement shall extend along the normal high water line of the Hudson River for at least seventy-five percent (75%) of the width of the property and shall be part of a continuous connection between the north and south boundaries of the property. Porous pavement material, such as cobblestone, brick, etc. suitable for pedestrian use, at least six feet wide, shall be provided for the entire length of the easement; suitable landscaping shall also be provided. The access easement shall provide for permanently unobstructed views or vistas of the Hudson River along its entire length. Provision satisfactory to the Village Board shall be made by the property owner for maintenance of the public access.

Site plan approval in the C-3 district must be subject to the following additional considerations:

1) The quality and extent of views from the adjacent public streets through the property to the Hudson River.

2) The design and relationship of development to the waterfront as viewed from the Hudson River.

3) The design and function of any easement or other access provided to the water's edge, including new bulkheading.

4) The eligibility of proposed development to utilize any of the development incentives set forth in Paragraph "F" below.

The following special bulk requirements apply to all construction within the Waterfront Development C-3 District:

1) Building Height: No buildings or structures shall be erected to a height in excess of 35 feet, except as provided in F (1) below.

2) Building Width: The total cumulative width of buildings, structures, fences or walls more than 30 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line parallel to the adjacent street measured at the front yard. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the parcel provides more than one view corridor as required in sub-paragraph (4) below.

3) Riverfront Setback: No building or structure shall be erected within 50 feet of the normal high water line of the Hudson River unless its design requires a location closer to such water line, as determined by the Planning Board. Said 50 feet shall be the average distance derived by measuring the riverfront setbacks from any building or structure to the normal high water line of the Hudson River, except that no part of any building or structure shall be closer than 15 feet to the normal high water line.

4) View Corridor: A view corridor to the Hudson River shall be maintained at the intersection where each street intersects Gedney Street or Piermont Avenue and at the northerly end of Gedney Street. Such view corridor shall have an unobstructed width of at least 50 feet at the street line and 100 feet at a distance 300 feet from such street line, measured perpendicular to the center line, extended, of such intersecting street. Such view corridor shall be unobstructed as to height.

In order to encourage development which promotes the purposes for which the Waterfront Development District has been established, and to achieve the benefit of preserving the viewshed to and along the Hudson River, the following exceptions to the bulk requirements may be permitted by the Village Board. Only one such exception may be granted for each property for each of the following categories:

1) Building height may be increased to no more than 45 feet under the conditions as follows: Maximum height may be increased by five feet for each five percent reduction of maximum permitted width, up to a maximum of 45 feet (e.g. if width is 45 percent, maximum permitted height is 35 feet; if width is 40 percent, maximum permitted height is 40 feet). In the case of a building 40 to 45 feet in height, the exceptions to height limitations set forth in Section 59-22.lb., of the zoning law, as amended, shall not apply.

2) Building Width may be increased to a maximum of 60 percent of the width of a parcel if the parcel provides more than one view corridor as required in Section E (4).

3) Floor area ratio may be increased to no more than 0.90, excluding any parking structures, under the conditions as follow: The provision of special waterfront improvements open to the public such as, but not limited to, park or plaza facilities, boat launching

facilities, or off-street parking in addition to the parking required for the use intended for the site.

To determine the maximum number of residential dwelling units that can be allowed on a parcel of land within the C-3 District, and for all other uses, the lot area of the site shall be determined by subtracting from the gross acreage of the site the following:

1) Land below the normal high water line of the Hudson River prior to any filling; and

2) Land shown to be in the floodway or coastal high hazard area (A and B-zone) of the Federal Emergency Management Agency's flood boundary and floodway map or flood insurance rate map, prior to any filling.

The following amounts of off-street parking spaces are required:

Marinas and boat clubs	1 for each 3 boat slips or moorings other than those assigned to a residential unit on the subject site.
Business, professional and governmental offices	1 for each 300 square feet of gross floor area.
Cultural, educational or scientific uses which utilize the waterfront	1 for each 300 square feet of gross floor area.
Public and private recreational facilities which utilize the waterfront.	1 for each 4 persons, based on site capacity.
Public utility structures and rights-of-way	At least 5 spaces.
Boat sales, parts, equipment, service storage facilities	1 for each 3 boats, based on site capacity.
Municipal fishing piers, including facilities for docking and transfer of catch from boat to ground transport	At least 10 Spaces, or 1 for each 5 boats based on site capacity.

Docking facilities for tour boats, services and similar passenger vessels	At least 10 spaces.
Permanent structures for the sale of ice, food and beverages for off premises consumption	1 for each 300 square feet gross floor area.
Hotel and Motels	1 space per unit, guest room or suite plus 1 for every 25 units, guest rooms and suites or portions thereof.
Restaurants	1 space per 3 seats
Bed and Breakfast establishments	1 space per bedroom
Multiple dwellings	1.5 spaces per unit.
Specialty shop and other commercial establishments	1 space per 200 feet of gross floor area

2. Subdivision Regulations

These regulations enable the Planning Board to (1) establish standards for the division of land into building lots and the design and construction of improvements and (2) require approval of plans and specifications prior to subdivision. However, few opportunities for new subdivision activity exist.

Application: These regulations can assure orderly development and particularly achieve the Flooding and Erosion Policies (14 and 17), and Water and Air Resources Policies (33 and 37).

3. Flood Damage Prevention Regulations

These regulations set standards for the type and location of construction in flood hazard areas designated by the Federal Emergency Management Agency. By enacting such legislation, the community enables property owners to be eligible for flood insurance and is entitled to federal aid in the event of a flood related disaster.

Application: These regulations are used to achieve Flooding and Erosion Policies 14 and 17.

4. **Environmental Qualtiy Review**

State law requires local governments to administer compliance with the State Environmental Quality Review Act.

Application: Adherence to SEQR procedures allow the "lead" agency to identify possible adverse impacts of proposed actions on any aspect of the physical environment at the earliest possible state and to recommend or require appropriate mitigation measures.

5. **Local Consistency Law**

A local law was adopted by the Village to ensure that all local boards, agencies, commissions and departments act consistently with the policies established in the LWRP. It establishes the administrative framework for implementing the LWRP and the specific regulations to ensure that coastal policies are implemented.

That management structure is described in Section V.C.

6. **Other Provisions**

The Village adopted several amendments to the Village Zoning Law during preparation of the LWRP. One local law accomplished the following;

1) Removed reference to the "Planned Riverfront Development (PRD)" District and deleted the district in its entirety from the Zoning Law;

2) Modified the title of the "Waterfront Commercial (C-3)" District to read "Waterfront Development" District and added to its purposes the promotion of water-dependent uses and public access; regulation of water-enhanced uses; protection of water quality, scenic resources, fish and wildlife and natural vegetation; and enhancement of aesthetic resources; and

3) Amended the C-3 District with respect to uses permitted, maximum building height and minimum riverfront setback requirements, view corridors, development incentives, and other requirements to accomplish the above purposes.

A second local law made the following changes:

1) Amended the floor area ratio, building coverage and other bulk requirements of the existing C-1 and R-M Districts to reduce the potential density of development;

2) Created a new C-1A District, similar to the C-1 District in uses allowed, but providing for a lower floor area ratio, building coverage and building height; and

3) Substituted an amended definition of "height," amending the manner in which height measurements are determined and establishing certain exceptions to the height limitations.

The regulations for the R-1 District were amended to permit marinas and related support facilities. The only location where this provision applies is between Memorial Park and the southerly Village boundary.

These amendments support, in whole or in part, Development Policies (1 and 2), Public Access Policies (19 and 20), Recreation Policies (21 and 22) and Historic and Scenic Resources Policy 25).

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

Disposition and Development of Former Sewage Plant Site

The only publicly-owned site on the waterfront, other than Memorial Park, is the former sewage treatment plant site at the foot of Spear Street, adjacent to Peterson's Marina. Despite its key location, use and development of this site, for either public or private purposes, is severely hampered by its virtual lack of legal access. (See Map 10.) To remedy this situation, in part, and to expand the potential development site, the Village has moved to acquire four generally contiguous parcels on either side of Court Street, which lies west of the sewage plant site.

A review was undertaken of all possible means of establishing access to the site as well as appropriate uses for it (see Exhibit V-B). Access options ranged from sale to an adjacent owner, to acquisition or exchange of land to create a small right-of-way, to acquisition of land to create a larger parcel. A variety of potential public and private water related uses were identified as being suitable. In addition, the potential financial and administrative implications of each option were considered.

Based on the analysis, a procedure is recommended that would result in both public and private use of the parcel, under guidelines established by the Village, at no cost to the Village. The procedure would establish a competition for the site by advertising it for long term lease subject to a set of development controls requiring water related uses, public access provisions and design criteria. Proposals will be considered on the basis of the uses proposed, the quality of design, the public facilities included and the price offered. Proposals would indicate how access to the site is to be provided and what, if any assistance from the Village is required. More specific details of this proposed procedure follow.

1. Disposition Procedure

The site would be advertised for long term lease and bids from any interested party would be accepted. Proposals must comply with the provisions for uses and development set forth in 2. below and would be accepted on the basis set forth in 3. below. It is recommended that the annual proceeds from the lease be used to finance permanent improvements at Memorial Park.

2. Development Regulations

a. Permitted uses

The uses to be permitted would be consistent with the uses to be allowed in the proposed revised C-3 Waterfront Development district (see Local Law 17, 1991).

b. Provision of Public Access and Facilities

As part of any site plan, the following features shall be provided:

(1) Continuous pedestrian access from a public right-of-way to the water's edge and across the entire north-south dimension of the site.

(2) An area at least 50 feet long, at the water's edge and 10 feet wide, accessible via the pedestrian access described in (1) above.

(3) Provision of an area or areas appropriate for recreational fishing, for transfer and distribution of commercial fishing catch and for short term public docking.

c. Other Regulations

(1) The development plan must comply with all relevant provisions of the Village Zoning Law.

(2) The transaction will be nullified if agreed upon timetables and other performance criteria are not met.

3. Selection Procedure

All proposals would be received and reviewed by the Village Board, with advice from the Planning Board. The decision as to which proposal is to be accepted will be based on a combination of the following factors leading to an over-all evaluation as to which proposal best serves the Village's needs and objectives for waterfront development:

a. The nature and appropriateness of the proposed uses;

b. The quality of design of buildings and site layout;

c. The method and quality of public access provided;

d. The means by which access to the site will be provided;

e. The nature and extent of related development on adjacent parcels which are incorporated into the development plan;

f. The timetable proposed; and

g. The lease price offered for the site.

C. Management Structure to Implement the Program

Since no single existing Village agency had responsibility for the wide range of issues and actions affecting the coastal area, the Village Waterfront Advisory 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 as set forth in Exhibits V-C. 1 and 2

D. Financial Resources to Implement the LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal and administrative actions and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Village.

Section VI indicates various State and Federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited and competition for available funds is intense. Set forth below is the estimated cost of each proposed physical project where available, and possible sources of funds to implement them. Estimated costs are in 1988 dollars.

1. Removal of Abandoned Barges

   a. Estimated Cost: $500,000

   b. Possible Funding Sources

      - New York State DEC
      - New York State DOS
      - Hudson River Foundation (Exxon Fund)
      - Corps of Engineers

2. Fishing Dock

   a. Estimated Cost: $100,000

   b. Possible Funding Sources

      - Private developers as part of large scale development
      - New York DEC
      - New York DOS

3. Riverfront Walks

   a. Estimated Cost: (Part of site development costs)

   b. Possible Funding Sources

      - Private Developers

4. Maintenance Dredging

   a. Estimated Cost: Undetermined

   b. Possible Funding Sources

      - US Corps of Engineers

5. Memorial Park Master Plan

   a. Estimated Cost: $50,000

   b. Possible Funding Sources

      - New York State DOS

- New York State OPRHP

- Open Space Institute
  (Model Town's Grant)*

E. Summary Chart of Actions and Policies

The following chart indicates the various implementing actions described in Sections IV and V; the Policy(s) in Section III to which they are related; the local, State, and federal agencies responsible; and the suggested priority of each:

* In June of 1981, the Village received such a grant to prepare a concept plan for Memorial Park

ACTIONS AND POLICIES: SUMMARY

LOCAL WATERFRONT REVITALIZATION PROGRAM - VILLAGE OF NYACK

ACTION (see text for description)	Related Policies	Responsible Agency (s)*	Priority**
1. <u>Physical Projects</u>			
a. Barge Removal	1,2,9,14,35	VB, CE	1,2
b. Fishing Dock	4,9,10,21	VB, RC	2
c. Riverfront Walks	19, 21,22	P, VB	2,3
d. Maintenance Dredging	2,2A,4,33,37	VB, CE	2
e. Memorial Park Master Plan	19,20,21,22	VB, RC	2
2. <u>Legislation and Other Actions</u>			
a. Local Consistency Law	All	VB	Adopted
b. Zoning Amendments	1,1A,2,4,19, 21,22,25	VB	Adopted
c. Disposition of Sewage Plant Site	1,1A,2,4,10, 19,22	VB	1

<u>Responsible Agency</u>

VB-Village Board
DEC=NYS Department of Environmental Conservation
DOT=NYS Department of Transportation
CE=US Corps of Engineers
P=Private Property Owners
RC=Recreation Commission

<u>Priority</u>

1=high priority
2=medium priority
3=long range

Priorities reflect discussion at Waterfront Advisory Committee meetings, responses to the questionnaire, and project feasibility.

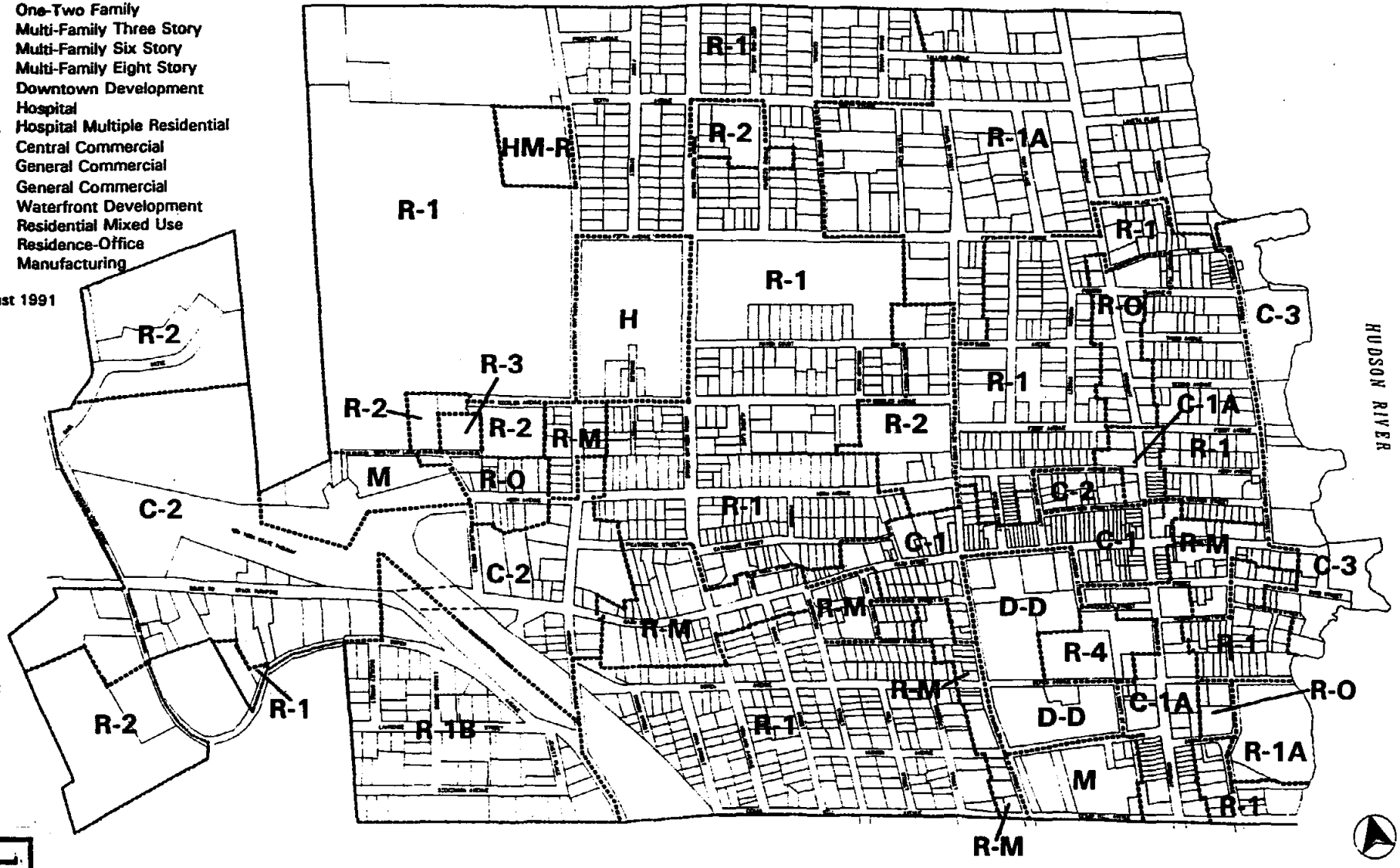
VILLAGE OF NYACK

Base Map: Raymond, Parish, Pine and Weiner, Inc. 9/12/85

ZONING MAP

R-1A	One Family
R-1B	One Family
R-1	One-Two Family
R-2	Multi-Family Three Story
R-3	Multi-Family Six Story
R-4	Multi-Family Eight Story
D-D	Downtown Development
H	Hospital
HM-R	Hospital Multiple Residential
C-1	Central Commercial
C-1A	General Commercial
C-2	General Commercial
C-3	Waterfront Development
R-M	Residential Mixed Use
R-O	Residence-Office
M	Manufacturing

August 1991



ZONING

10

Source: Towns of Orangetown and Clarkstown Tax Maps

0 200 400 IN FEET

Map Prepared by:
Manuel S. Emanuel Associates, Inc.
Community Planning and Development Consultants
February, 1990

APPENDIX V-A

PROCEDURAL GUIDELINES
FOR
COORDINATING CONSISTENCY REVIEW
OF
FEDERAL AND STATE AGENCY ACTIONS

Appendix A.1

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

1. 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 direct action to the program coordinator (of an approved LWRP) and other interested parties.

2. 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 action.

3. 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 direct federal agency action with local coastal policies.

4. 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 direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. 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 program coordinator and will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the 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 action with local coastal policies.

3. When DOS and the 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 program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action 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 action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.

7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action 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 program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.

3. 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 financial assistance actions.

4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the 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 financial assistance action with local coastal policies.

5. 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 program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

Appendix A.2

NEW YORK STATE DEPARTMENT OF STATE COASTAL MANAGEMENT PROGRAM

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 (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 situs 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 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.

III. NOTIFICATION PROCEDURE

A. When a state agency is considering an action as described in II above, 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 either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;

3. Should be provided to the local official identified in the LWRP of the situs 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.)

C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

B. If the situs 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 situs 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 situs 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 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.

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 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.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs 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 situs 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 of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs 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 situs 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.

APPENDIX V-B

DEVELOPMENT OPTIONS

VILLAGE-OWNED WATERFRONT PROPERTY

SHUSTER ASSOCIATES
RD 1, Box 259 Stone Ridge, New York 12484
(914) 687-0758

PLANNING AND ZONING SERVICES

August 19, 1986

TO: WATERFRONT ADVISORY COMMITTEE, VILLAGE OF NYACK

FROM: DAN SHUSTER

RE: DEVELOPMENT OPTIONS
VILLAGE-OWNED WATERFRONT PROPERTY

As discussed at past meetings, the only Village owned land on the River--other than Memorial Park--is the former sewage treatment plant site at the foot of Spear Street. Despite the ever increasing potential value of this site, for both public and private use, this potential is severely hampered by the lack of legal access. The purpose of this report is to:

1. Analyze possible options for establishing access to the site and/or selling it.

2. Examine possible uses of the site in relation to the Village's goals and objectives for the waterfront.

These two factors are integrally related. In order to demonstrate the various options, a matrix has been prepared illustrating how various possible uses relate to the access and/or disposition possibilities for the site. Sketch plans will be prepared illustrating several of the development options. From this process, a preferred alternative can be selected and included in the LWRP.

A. ACCESS/DISPOSITION OPTIONS

The Village could pursue any of the seven following options to gain access to or dispose of the site.

1. Sell to Adjacent Owner (See Map 1)

At present, the only property owner who would appear to have use for the property is the owner of the adjacent marina. The property would provide opportunity for expansion of both land and water facilities. It would also create a site large enough to be eligible for development under the PRD privisions of the Zoning Law, as well as for other waterfront commercial uses in the C-3 District.

2. Purchase Access from Marina (See Map No. 2)

The smallest possible parcel which can provide access to the site from the north is at the end of Spear Street. Purchase of a 30 foot wide strip--outright or an easement--would be sufficent for cars and pedestrians.

3. Swap Land for Access (See Map No. 3)

The same parcel of land as described in 2. above could be exchanged for a portion of Village land of equal size.

4. Purchase Access from Court Street (See Map No. 4)

Purchase of one parcel of land on Court Street would also provide access. However, Court Street is a narrow street which is somewhat difficult to locate.

5. Assemble Large Site (See Map No. 5)

A large site adjecent to the Village land might be assembled by acquiring some vacant land, several garages and four properties on Court Street. This option would be the most complex and expensive of those suggested. It would, however, create a site in Village ownership that would be large enough to provide not only public access, but also substantial private development, as permitted in the PRD District. The Village could dispose of all or a portion of the site, for development in accord with established standards and objectives, via competitive bid on the basis of purchase price and/or the quality of the plan proposed. Such a project would have to be undertaken under the powers granted under Article XV of General Municipal Law.

6. Purchase Access From Memorial Park (See Map No. 6)

From the foot of De Pew Avenue, at the entrance to the lower level of Memorial Park, a strip of land along the edge of the narrow inlet at that point would provide a connection to the sewer plant site. This connection would not require acquistion of the house at the end of De Pew Avenue.

7. Bridge from Memorial Park (See Map No. 7)

A bridge across the narrow inlet separating Memorial Park and the sewerplant site could provide pedestrian and/or vehicular access. The rights across the inlet would have to be acquired from the upland owner. The possibility of filling in the inlet should also be investigated in terms of its environmental benefits, if any, and the cost involved.

B. USE OPTIONS

Depending on the nature of the access provided and the size of any additional land assembled, a variety of land uses--both public and/or private--are possible on the sewer plant site.

1. Public Uses

a. Public Pier: The site is suitable for permanant design and use as a public pier--its present unofficial use. Space for recreational and commercial fishing could be provided as well as walk ways, benches and limited parking space.

b. Extension of Memorial Park: If connected to Memorial Park by bridge or land, the site could be developed as an extension of the park with compatible, water reated facilties.

2. Private Uses

If the site were to be disposed of for private use, specific restrictions beyond those included in the Zoning Law could be imposed. These requirements could be used to specifically achieve the relevant policies of the LWRP concerning maintenance of public access, preservation of views, design features, etc.

a. Extend Marina: The site is appropriate for expansion of the existing marina, particular land support facilities such as parking, sale of marine products, boat storage and repair, etc.

b. Planned Residential Development (PRD): With additional land, the site could support the type of development contemplated under the PRD District, since its characteristics would be quite similar to that of the Clermont site now under construction.

c. Waterfront Commercial: The site is appropriate for many of the uses permitted in the C-3 District, although priority should be given to water dependent and enhanced uses.

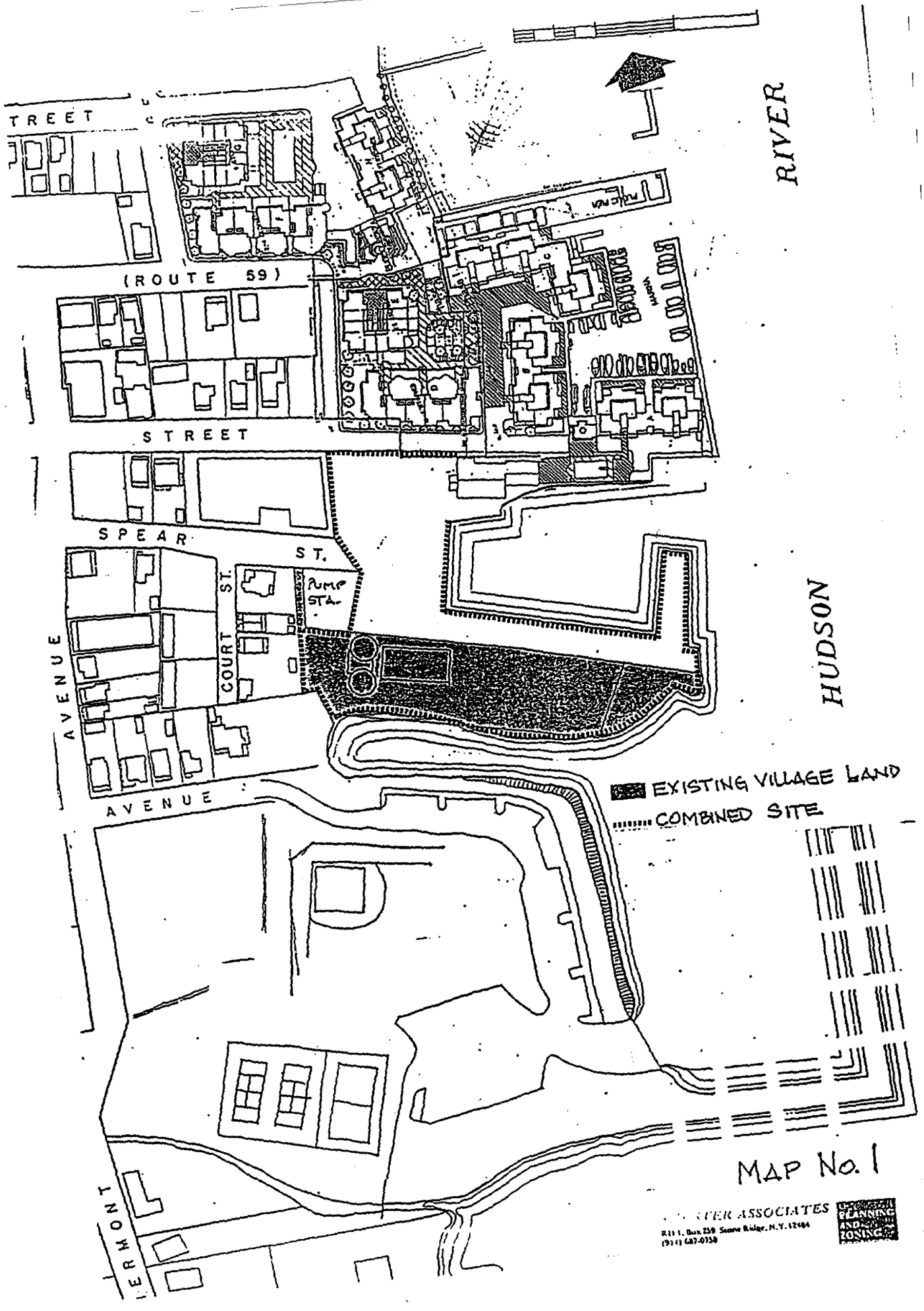
C. USE/ACCESS MATRIX

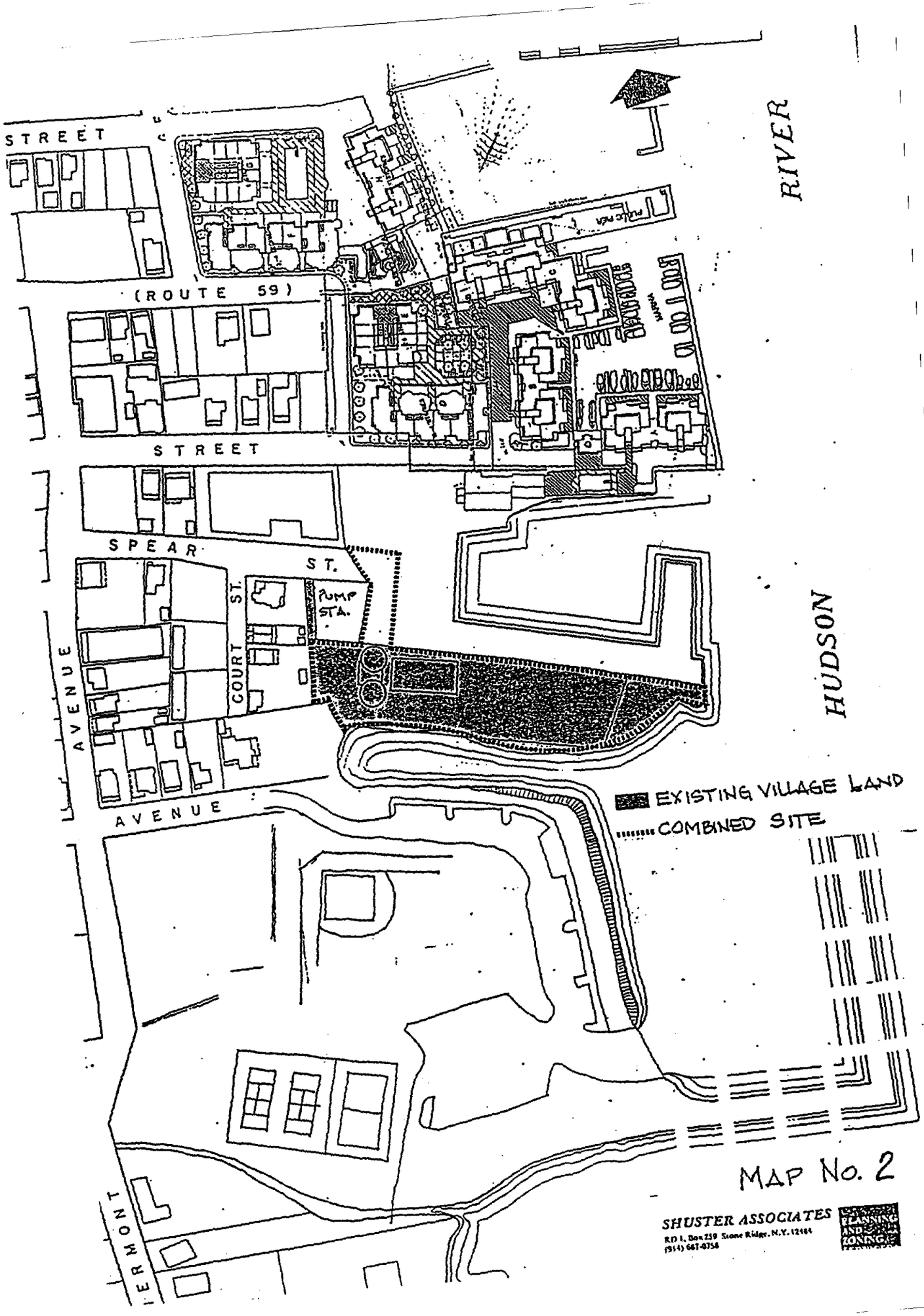
The matrix below indicates the various possible uses of the treatment plant site across the top and the possible methods of gaining access to and/or disposing of the site along the left side. The symbol indicates each instance where the site uses and access options are compatible.

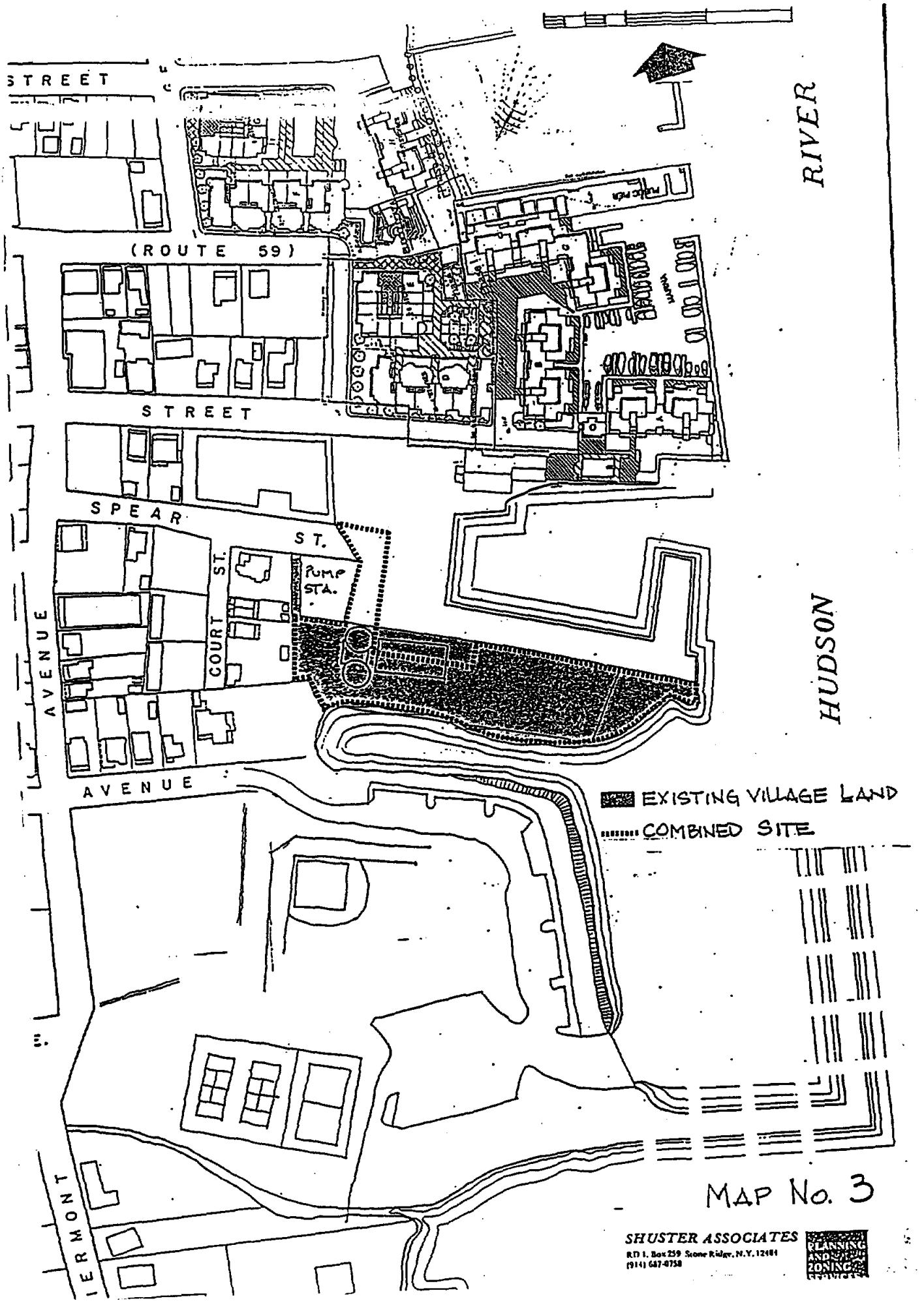
	POSSIBLE USES				
ACCESS/DISPOSITION	EXTEND MARINA	PRD	WATERFRONT COMM.	PUBLIC PIER	ADD TO MEMORIAL PARK
Sell to adjacent marina	●	●	●		
Buy access from marina			●	●	
Exchange for access with marina				●	
Buy access from Court Street			●	●	
Assemble larger site	●	●	●	●	
Buy access from Memorial Park				●	●
Bridge from Memorial Park				●	●

D. POLICY DECISION

The intent of the preceding discussion is to identify all the possible options available for the sewer plant site to provide a basis for arriving at a decision. Once such decision is made it will be reflected in the LWRP polices and the steps to accomplish it will be analyzed in detail.


TREET
(ROUTE 59)
STREET
SPEAR
ST.
PUMP STA.
COURT ST.
AVENUE
AVENUE
VERMONT
RIVER
HUDSON
EXISTING VILLAGE LAND
COMBINED SITE
MAP No. 1
ASSOCIATES
PLANNING AND ZONING


STREET
(ROUTE 59)
STREET
SPEAR ST.
COURT ST.
AVENUE
AVENUE
PUMP STA.
VERMONT
HUDSON RIVER
EXISTING VILLAGE LAND
COMBINED SITE
MAP No. 2
SHUSTER ASSOCIATES
RD 1, Box 239 Stone Ridge, N.Y. 12484
(914) 687-0756
PLANNING AND ZONING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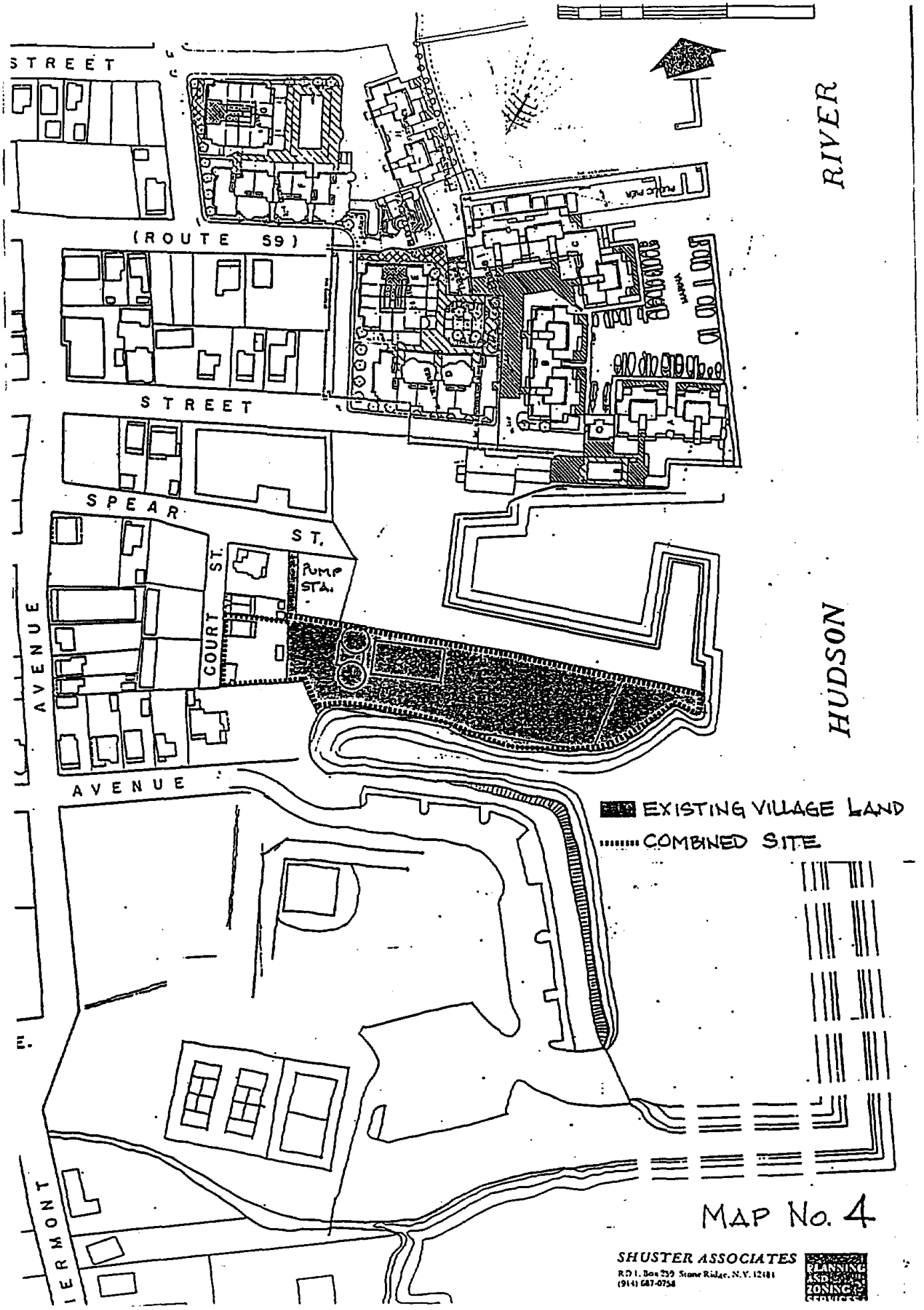
VERMONT
RIVER
HUDSON
EXISTING VILLAGE LAND
COMBINED SITE
MAP No. 3
SHUSTER ASSOCIATES
RD 1, Box 259 Stone Ridge, N.Y. 12484
(914) 687-0758
PLANNING AND ZONING


STREET
(ROUTE 9)
STREET
SPEAR
ST.
COURT ST.
PUMP STA.
AVENUE
AVENUE
HUDSON
RIVER
EXISTING VILLAGE LAND
COMBINED SITE
MAP No. 4
SHUSTER ASSOCIATES
R.D.1, Box 239 Stone Ridge, N.Y. 12484
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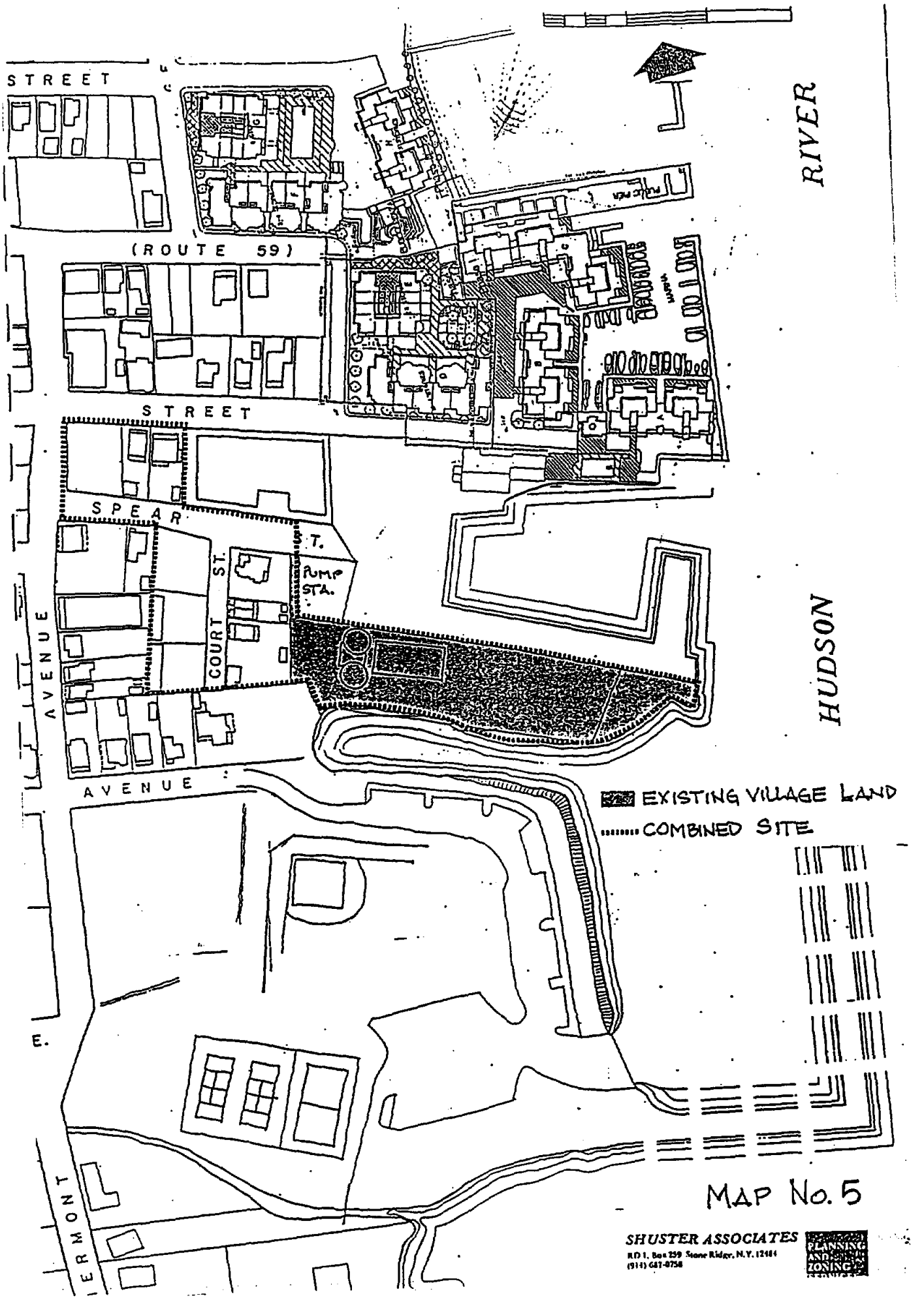
PLANNING AND ZONING


STREET
(ROUTE 59)
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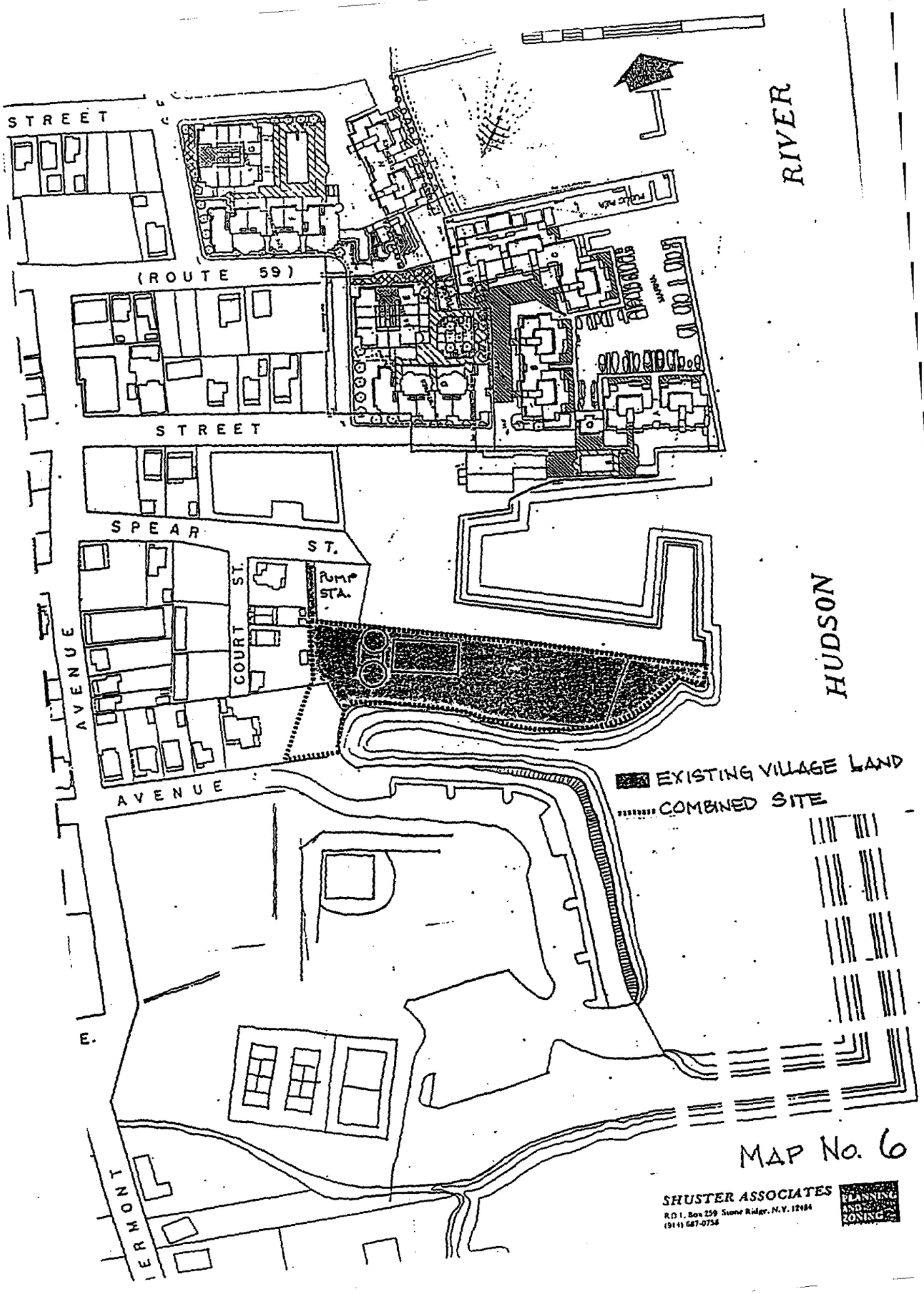
IERMONT
RIVER
HUDSON
EXISTING VILLAGE LAND
COMBINED SITE
MAP No. 5
SHUSTER ASSOCIATES
PLANNING AND ZONING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EXISTING VILLAGE LAND
COMBINED SITE
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SHUSTER ASSOCIATES
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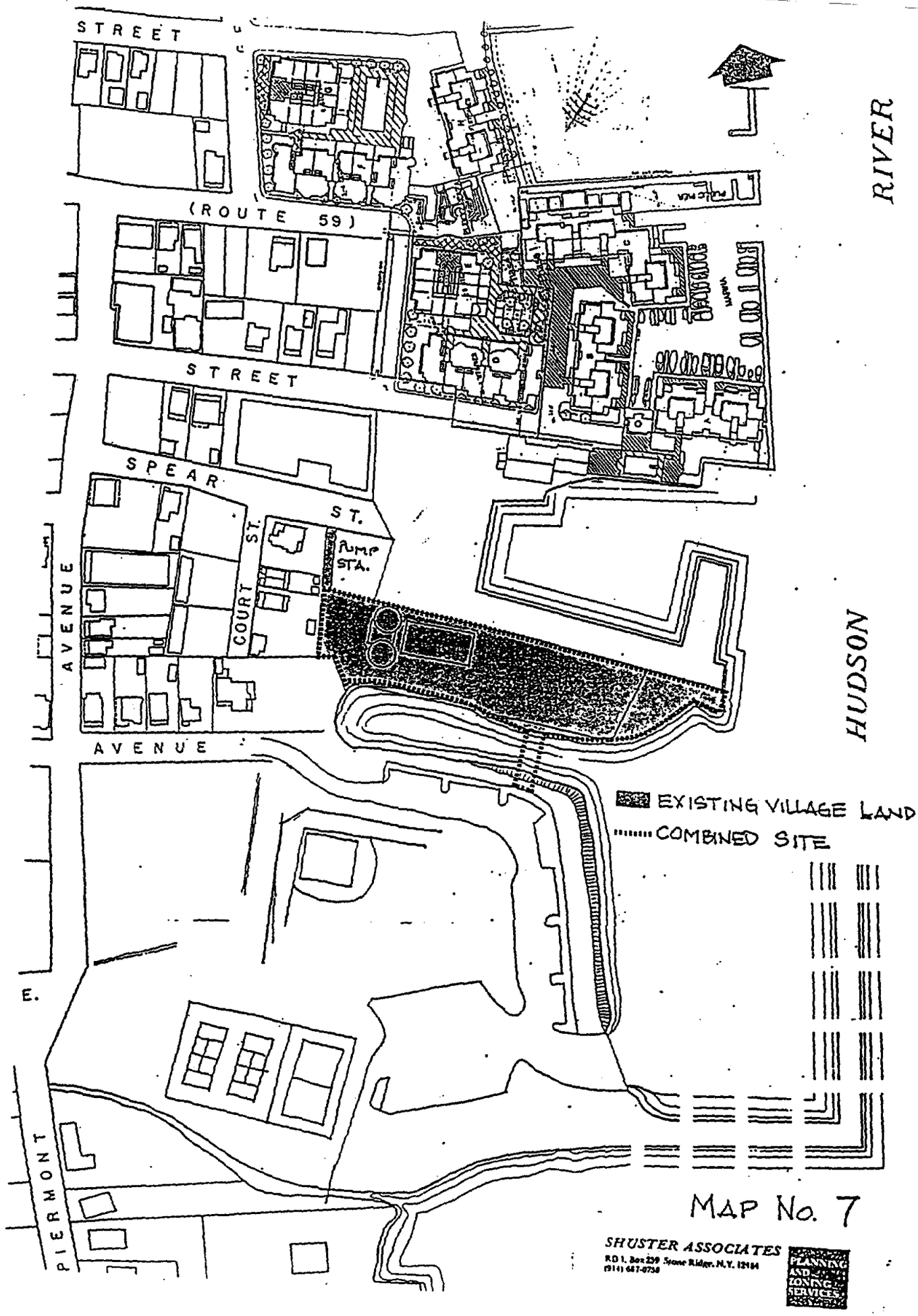

MAP No. 7

SHUSTER ASSOCIATES
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PLANNING AND ZONING SERVICES

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.

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not 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 discuss State and Federal assistance needed to implement the LWRP.

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

1. STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program
2.00 Rural Development Program
3.00 Farm Worker Services Programs.
4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

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.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

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

NEW YORK STATE BRIDGE AUTHORITY

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.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

DEPARTMENT OF ECONOMIC DEVELOPMENT

1.00 Preparation or revision of statewide or specific plans to address State economic development needs.

2.00 Allocation of the state tax-free bonding reserve.

EDUCATION DEPARTMENT

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

2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.

2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

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

4.00 Financial assistance/grant programs:

- 4.01 Capital projects for limiting air pollution
- 4.02 Cleanup of toxic waste dumps
- 4.03 Flood control, beach erosion and other water resource projects
- 4.04 Operating aid to municipal wastewater treatment facilities
- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

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

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

<u>Air Resources</u>

- 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 or Deposit Material in a Waterway
9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Distrubances
9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

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

Lands and Forest

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

Marine Resources

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

Mineral Resources

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
9.55 State Pollutant Discharge Elimination System (SPDES) Permit
9.56 Approval -Drainage Improvement District
9.57 Approval - Water (Diversions for) Power
9.58 Approval of Well System and Permit to Operate
9.59 Permit - Article 15, (Protection of Water) - Dam
9.60 Permit - Article 15, Title 15 (Water Supply)
9.61 River Improvement District Approvals
9.62 River Regulatory District Approvals
9.63 Well Drilling Certificate of Registration
9.64 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land 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, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

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 Permit to Operate a Children's Overnight or Day Camp
- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program
- 2.06 Rural Preservation Companies Program
- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

2.00 Affordable Housing Corporation

INTERSTATE SANITATION COMMISSION (regional agency)

1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)
2.02 Operating Certificate (Family Care Homes)
2.03 Operating Certificate (Inpatient Facility)
2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

2.01 Establishment and Construction Prior Approval
2.02 Operating Certificate Community Residence
2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

2.00 Increases in special fares for transportation services to public water-related recreation resources.

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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

1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

7.00 Permit and approval programs:

- 7.01 Floating Objects Permit
- 7.02 Marine Regatta Permit
- 7.03 Navigation Aide Permit
- 7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL 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 STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.

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

DEPARTMENT OF TRANSPORTATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways
(b) Bridges on the State highways system
(c) Highway and parkway maintenance facilities
(d) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by Conrail

3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

4.01 Approval of applications for airport improvements (construction projects)

4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)

4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities

4.05 Certificate of Convenience and Necessity to Operate a Railroad

4.06 Highway Work Permits

4.07 License to Operate Major Petroleum Facilities

4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)

4.09 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.

2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:

(a) Tax-Exempt Financing Program
(b) Lease Collateral Program
(c) Lease Financial Program
(d) Targeted Investment Program
(e) Industrial Buildings Recycling Program

3.00 Administration of special projects.
4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National WIldlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

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

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).

4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).

6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).

4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

1.00 Licensing and certification of the siting, construction and operation of nuclear power plans 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

Coast Guard

1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.

2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068 Rural Clean Water Program
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.422 Business and Industrial Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
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 Intermodel Transportation
11.509 Development and Promotion of Domestic Waterborne 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 - Management Type Cooperative Projects
14.127 Mortgage Insurance - Mobile Home Parks
14.218 Community Development Block Grants/Entitlement Grants
14.219 Community Development Block Grants/Small Cities Program
14.221 Urban Development Action Grants
14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

15.400 Outdoor Recreation - Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
15.411 Historic Preservation Grants-in-Aid
15.417 Urban Park and Recreation Recovery Program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife Restoration
15.613 Marine Mammal Grant Program

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
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 Areawide 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 Comprehensive Environmental Response, Compensation and Liability (Super Fund)

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. State Actions and Programs Necessary to Further the LWRP

a. Office of General Services

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

b. Department of Environmental Conservation

(1) Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment: If issued in conformance with LWRP policies will help preserve the quality of the Hudson River.

(2) Stream Bed Disturbance Permit: For maintenance dredging at Memorial Park and private marinas.

c. Office of Parks, Recreation and Historic Preservation

(1) Land and Water Conservation Funds: Can be used to develop or improve facilities at Memorial Park.

(2) Nomination to State and Federal Register of Historic Places: Can designate appropriate structures and districts making them eligible for funding and tax incentives.

(3) Historic Preservation Funds: Can be used for restoration of significant structures.

d. Department of State

(1) Funds for LWRP Implementation: Can be used for pre-construction activities such as the Memorial Park Master Plan plus detailed design of the several park projects.

e. New York State Council on the Arts

(1) Architectural and Environmental Arts Program: Can be used to fund historic and revitalization studies.

(2) Construction and Rehabilitation: Can be used to fund improvement program in the historic district.

f. Office of General Services

(1) Under Article 6 of the Public Land Law, convey grants, leases or easements of submerged lands to upland owners; under Section 75(11) of the Public Lands Law, retains records of lands previously granted in which the State of New York retains title or interest.

g. NYS Urban Development Corporation and its Subsidiaries

(1) Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.

(2) Planning, development, financing, construction, major renovation or expansion of residential, commercial, industrial and civic facilities and the provision of technical assistance or funding for such activities, including, but not limited to, actions under its discretionary economic development programs.

(3) Administration of special projects.

(4) Administration of State-funded capital grant programs.

2. Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

(1) Channel Improvements, etc: Funding and/or approval to repair deteriorated bulkheads along the river and to remove abandoned barges in the river are necessary to maintain navigation and improve shoreline facilities.

b. Department of Interior

(1) Outdoor Recreation--Acquisition, Development and Planning: Such assistance could be used to aid in the preparation of a master plan for Memorial Park and for development of improvements in accord with the plan.

(2) Historic Preservation Grants-in-Aid: Could be used to restore historic properties in the Village.

c. Department of Housing and Urban Development

(1) CDBG Small Cities Program: Assistance in various activities to revitalize the Village.

SECTION VII

CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

A. Local Consultation

Consultation has consisted of maintaining liaison with Village agencies whose actions or functions may be affected by the LWRP. Several public informational meetings were held, as well as joint meetings with the Village Board, Planning Board, and Zoning Board of Appeals.

B. Regional Consultation

Rockland County Planning Department. A meeting was held with the Commissioner of the Planning Department early in the program to discuss the nature of the LWRP and to offer the opportunity to comment on County concerns which the program might address. In addition, the proposed local laws to implement the zoning recommendations of the LWRP were referred to the Commissioner as required under the General Municipal Law.

C. State Agency Consultation:

1. Department of Environmental Conservation: Contacts were made to gather data concerning flood hazard management, wetland designations and fish and wildlife resources.

2. Department of State: Consultation with the Department of State has taken place throughout the preparation of the LWRP, including the preparation of revisions to the LWRP. In addition to matters directly dealing with preparation of this program, discussion has concerned methods of implementation and legal and programmatic concerns.

3. Review of Draft LWRP by State, Federal and Local Agencies

The Draft LWRP (with DEIS) was reviewed and accepted by the Village Board of Trustees and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the NYS Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and federal agencies, Rockland County, adjacent waterfront municipalities, and other interested organizations. Comments were reviewed by the Village and DOS, and changes made to the LWRP. These are detailed in the Final Environmental Impact Statement on the LWRP.

SECTION VIII

LOCAL COMMITMENT

VIII. LOCAL COMMITMENT

The program to achieve local commitment is described below:

A. Waterfront Advisory Committee

Following approval of the LWRP planning grant, a Village Waterfront Advisory Committee was appointed. The Committee included a member of the Village Planning Board, the Deputy Director of the County Planning Department, several people with waterfront businesses and a commercial fisherman.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period the Committee met at least once a month. The entire Committee endorsed the program developed herein and recommended it to the Village Board.

B. Public Meetings

The general public was informed of the planning process through periodic releases and through participation in two public information meetings. The first meeting was held at the start of the program to determine public concerns, to explain the purpose of the program and its potential benefits and to set forth the schedule and procedures to be followed. The second meeting was held at a point when the policies had been established and a program determined, but when modifications were still possible based on public response. A final public hearing was held prior to approval by the Village Board, to consider the LWRP and the proposed local laws to implement the LWRP.

C. Briefings

The Mayor and several Village Board members followed the activities of the Waterfront Committee and the preparation of the LWRP throughout the planning period and attended committee meetings.

D. Questionnaire

A questionnaire was distributed to residents throughout the Village to determine their opinion on a variety of issues. The results from 135 responses are discussed in Exhibit II-A.