

DRAFT LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

NEWBURGH, NEW YORK



**DRAFT LOCAL WATERFRONT REVITALIZATION PROGRAM
(LWRP)**

Prepared for

City of Newburgh, New York

and

Newburgh Waterfront Advisory Committee

Prepared by:

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In association with

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INTRODUCTION

The City of Newburgh is one of the most historic communities in the State of New York. From the first settlement in 1709 to the present day, much of the City's history must be told with respect to its location on the Hudson River, one of the great waterways of the United States.

The Hudson River and waterfront were vital to the historical development of the City and enabled Newburgh to grow in the 1800s into one of the major centers of maritime commerce, industry and transportation in the state. Despite a period of decline toward the end of the 20th century, the City's waterfront is, in effect, being reborn at the beginning of the 21st century, and Newburgh is again pursuing the river-related opportunities for community growth and development that were such a significant part of its maritime history. The eastern edge of Downtown Newburgh – the City's central business district – overlooks and adjoins the waterfront, making the waterfront a major focal point and opportunity area in the mid-Hudson region for public access to the river.

In the year 2008, the water and waterfront resources of the Hudson River and its Quassaick Creek tributary at Newburgh continue to provide irreplaceable environmental, cultural and economic values. The City's water and waterfront areas are used for a variety of recreational and commercial purposes, and Newburgh is a vital center of recreational boating in the region. Visiting and resident boaters, excursion boats, passenger ferries, rowers, kayakers, commercial tugs and barges and other vessels and operators all share the Hudson River's navigable waterway at Newburgh. The non-boating public also enjoys the river at waterfront areas that provide opportunities for walking, picnicking, fishing, special waterfront events, scientific study and enjoyment of the majestic views of the river and the Hudson Highlands that sweep across the state just south of Newburgh. In addition, the natural environment of the Hudson River estuary provides vital ecological functions and values that contribute significantly to the City's character and quality of life.

Today, perhaps more than ever, public attention is being directed toward the opportunities for community enhancement and beneficial development presented by the Hudson River at Newburgh. A number of City planning and development initiatives are focused on the river and waterfront, including projects to increase public use and enjoyment of the river, protect and enhance environmental quality and encourage beneficial redevelopment of properties near the river. Currently, redevelopment is being planned for several prominent properties on and near the waterfront; that redevelopment may be expected to have a significant effect on the character of the city and its waterfront for years to come.

Moving forward in the 21st century, the Hudson River will continue to be the City's "river of opportunity," exerting a fundamental influence on the City's culture, economic development and quality of life. There will be a continuing need for long-range planning and active involvement by the City to ensure the most beneficial future use of its water and waterfront resources as well as conservation of their vital natural functions and ecological values.

The City of Newburgh Local Waterfront and Revitalization Program (LWRP) and Harbor Management Plan (HMP) together comprise a single document. However, within the combined document, the LWRP and HMP are addressed separately for clarity and differentiation of the policies contained in each. For Sections I through IV, the LWRP is addressed first, followed by the HMP. The existing conditions, policies, goals and objectives contained within these separate sub-sections are cross-referenced. Because implementation of the LWRP and HMP will be accomplished through similar mechanisms, Sections V through VIII, which deal primarily with implementation, address both of these plans.

The revised 2008 LWRP consists of the following Sections:

- I. Local Waterfront Revitalization Program and Harbor Management Plan Boundaries
 - A. Local Waterfront Revitalization Program Boundary
 - B. Harbor Management Plan Boundary
- II. Local Waterfront Revitalization Program Inventory and Analysis and Harbor Management Issues and Planning Considerations
 - A. LWRP Inventory and Analysis
 - B. Harbor Management Plan Inventory and Analysis
- III. Local Waterfront Revitalization Program Policies and Harbor Management Plan Goals, Policies and Objectives
 - A. LWRP Local Policies and Applicable State Policies
 - B. Newburgh's Harbor Management Goals, Objectives and Policies
- IV. Proposed Land and Water Uses and Proposed Projects
 - A. Local Waterfront Revitalization Program
 - B. Harbor Management Plan
- V. Local Laws and Regulations Necessary to Implement the Program
 - A. Laws and Regulations
- VI. State and Federal Actions and Programs Likely to Affect Implementation
 - A. State and Federal Actions and Programs Which Should Be Undertaken in a Manner Consistent with the LWRP
 - B. State and Federal Actions Necessary to Further the LWRP
- VII. Consultations with Other Affected Federal, State, Regional and Local Agencies
 - A. Local Consultation
 - B. Regional Consultation
 - C. State Consultation
 - D. Federal Consultation
- VIII. Obtaining Local Commitment

A. LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

Recognizing the need to continue to strengthen the City's role for managing its water and waterfront resources, the City prepared a Local Waterfront Revitalization Program (LWRP) in 1992 and the City Council adopted that same year the City's Waterfront Consistency Review Law (Chapter 296 of the City's Code of Ordinances) to implement the LWRP. The LWRP was adopted by the City and approved by the State of New York in accordance with authority provided by Article 42 of the New York Executive Law. The LWRP contained the City's policies and recommendations, consistent with the coastal management policies of the state, to promote beneficial waterfront development enhanced by or dependent on the City's waterfront resources and in balance with protection of the its natural coastal resources.

In accordance with Article 42 of the New York Executive Law, the City's LWRP, upon its approval and adoption, became an element of the New York State Coastal Management Program. As a result, State and federal actions affecting the City's Waterfront Area must be consistent with the LWRP's policies and other provisions. This consistency requirement is a significant tool that the City uses to ensure that state and federal actions conform to Newburgh's needs, interests and conditions.

The Waterfront Consistency Law also established the Newburgh Waterfront Advisory Committee (WAC) responsible for reviewing proposed actions affecting the Waterfront Area, considering the consistency of such actions with the LWRP and making recommendations regarding that consistency to the agencies responsible for approving or implementing the proposed actions.

Article 42 of the Executive Law was amended in 1992 to authorize municipalities to prepare and adopt, as integral components of their LWRPs, comprehensive harbor management plans to address "problems of conflict, congestion and competition for space" pertaining to the use of harbors, surface waters, and underwater lands to a distance of 1,500 feet from the shore. Such harbor management plans thereby extend a municipality's traditional planning and zoning authority out and over its navigable waters. One major new component of this revised 2008 LWRP is the inclusion of a Harbor Management Plan, as stated below.

In 1999, because of redevelopment initiatives, the City of Newburgh determined it was timely to revise and update its locally adopted LWRP. This update was prepared by staff from several City departments and reflected current land uses, economic, natural, infrastructure, and community service policies as they relate to the community's local waterfront revitalization area. The revised LWRP was adopted by the City Council and approved by the State of New York in 2001.

In 2007, again because of redevelopment initiatives in the waterfront area – including the public-private Newburgh Waterfront Redevelopment Project – the City determined it was appropriate to update its LWRP as well as prepare an HMP. This update has been prepared by the City's planning consultant, BFJ Planning and Geoff Steadman, HMP Consultant, with assistance from City staff and the WAC. This amendment to the existing LWRP updates the existing conditions within the LWRP area to reflect changes experienced in the area since 2001, with the following objectives:

- Preserving open space and increasing public access to the waterfront
- Linking of the waterfront to the historic district, Washington's Headquarters and the Broadway commercial area
- Addressing parking issues on the waterfront by planning for and integrating inter-modal and multi-modal transportation links to the waterfront
- Identifying contaminated sites in and adjacent to the LWRP area and planning for contaminant remediation
- Preparation of a Harbor Management Plan, as set forth in 19 NYCRR Part 603 and further described in guidelines prepared by the Department of State

The City-appointed WAC met regularly throughout 2007 and into 2008 to prepare the amendments to the 2001 LWRP. The Committee met with the Robert Mckenna, Director of Planning and Development and with members of his staff, as well as with the City's LWRP and HMP consultants, BFJ Planning and Geoff Steadman on numerous occasions to discuss the direction of the LWRP and HMP; all of these meetings were open to the public. The City also hosted a public workshop to present the preliminary sections of the amended LWRP.

Following approval and adoption of this revised LWRP, the LWRP and the fully integrated HMP will be applied by the City to address issues regarding waterfront land-use and development. In this regard, the LWRP will be implemented in coordination with the City's Sustainable Master Plan and zoning regulations whose influence is directed primarily landward, above the mean high water (MHW) line on the City's waterfront.

B. NEWBURGH HARBOR MANAGEMENT PLAN (HMP)

These LWRP amendments include preparation of the City's Harbor Management Plan (HMP) as a fully incorporated element of the LWRP. To prepare the HMP, the City established the jurisdictional area within which the provisions of the HMP are to be applied and enforced. The Newburgh Harbor Management Area (NHMA), a sub-area of the City's Waterfront Area, includes all of the navigable waters, intertidal areas and underwater lands of the Hudson River and Quassaick Creek within the territorial limits of the City and waterward of the MHW line. The NHMA is bounded by the boundary lines of the neighboring municipalities of the Town of Newburgh on the north and the Town of New Windsor on the south; by the centerline of the Hudson River which marks the boundary line of the City of Beacon on the east; and by the MHW line on the west.

Preparation of the HMP also involved a review of existing conditions in and adjoining the NHMA; an assessment of the laws, programs, and authorities pertaining to the NHMA; and the identification of existing and potential issues to be addressed in the HMP. The HMP consists of harbor management goals, objectives and policies included in Section III of the LWRP, as well as the statement of harbor management projects, opportunities and recommendations included in Section IV.

The harbor management goals and objectives represent the City's long-range "Harbor Vision" for the future use and conservation of the NHMA. The vision is based on the City's goals for enhanced use of the NHMA for water-dependent activities, reconnection of the

Downtown with the Hudson River, protection of coastal resources and environmental quality and other goals for safe and beneficial public use and community enhancement associated with the NHMA and waterfront. The vision is also based on the concept of environmental stewardship, whereby all residents, officials, agencies and organizations with an interest or authority pertaining to the NHMA would consider themselves as stewards responsible for care of the NHMA. That care would be for the purpose of ensuring that the environmental, cultural and economic values of the NHMA are sustained for the benefit of future generations of the City's residents.

The Harbor Vision provides a foundation for the harbor management policies which in turn establish a guiding framework for decisions and recommendations by the WAC and other City agencies and officials with programs or authorities that directly or indirectly affect the NHMA. The harbor management policies are consistent with all other policies of the LWRP and with the coastal management policies of the State of New York and as such they must guide state and federal agencies' decisions affecting the NHMA as well.

The HMP, as an element of the LWRP, is implemented through the same procedure established for implementation of the LWRP. That procedure is specified in the Waterfront Consistency Review Chapter (Chapter 296) of the City Code of Ordinances. As elements of the LWRP, the HMP's policies and other provisions have all of the legal weight and standing of all other policies and provisions of the LWRP and are implemented in the same manner.

In this regard, HMP implementation is achieved primarily through the actions of City agencies and officials in the course of implementing their powers and duties set forth in the City Charter and Code of Ordinances and through the actions of relevant State and federal agencies. The general public, waterfront property owners, and private organizations can also contribute to HMP implementation.

The benefits the city realizes from the HMP are described in Article 42, Section 916, of the New York State Executive Law and are the same benefits obtained from the LWRP. The HMP, as an element of the LWRP, is part of the New York State Coastal Management Program and, as a result, State and federal actions including regulatory and funding actions affecting the NHMA must be consistent with the HMP. The HMP enables the City to strengthen and pursue its own vision for the future of its waterfront and coastal waters on the Hudson River and Quassaick Creek, in partnership with state and federal authorities and interests.

SECTION I
LOCAL WATERFRONT REVITALIZATION PROGRAM
AND
HARBOR MANAGEMENT PLAN BOUNDARIES

