

SECTION II
LOCAL WATERFRONT REVITALIZATION PROGRAM INVENTORY AND ANALYSIS
AND
HARBOR MANAGEMENT ISSUES AND PLANNING CONSIDERATIONS

SECTION II LOCAL WATERFRONT REVITALIZATION PROGRAM INVENTORY AND ANALYSIS AND HARBOR MANAGEMENT ISSUES AND PLANNING CONSIDERATIONS

A. LWRP INVENTORY AND ANALYSIS

1. INTRODUCTION

The City of Newburgh is located approximately 60 miles north of New York City and 85 miles south of Albany, on the western side of the Hudson River in Orange County. The City, a small, densely settled community in a 3.9-square-mile area, is bounded by the Town of Newburgh on the north and west, the Hudson River on the east and the Town of New Windsor on the south. On the east, Newburgh's corporate limits extend to the centerline of the Hudson River where they meet the west limits of the City of Beacon and Dutchess County. Quassaick Creek, a tributary of the Hudson River, forms part of the city's southern boundary. The City is in the coastal area of New York State as defined by the state Legislature.

The City of Newburgh averages 265 feet above mean sea level (msl). The City is situated south and east of the Catskill Mountains, west of the Hudson River and Mt. Beacon (1,540 feet msl) and north of Storm King and Bear Mountains. Figure 3 shows the local context for the City, situated immediately to the south of Interstate 84 and approximately one mile to the east of the NYS Thruway.

With 28,548 residents in 2005 occupying just 3.9 square miles in area, Newburgh is considered a densely populated community. Downtown Newburgh – the City's central business district – sits on a plateau overlooking and adjoining the Hudson River waterfront. The waterfront's proximity to the Downtown makes it a major focal point and opportunity area in the mid-Hudson region for public access to the river, including physical access for boating and other water activities, and visual access to enjoy the scenic quality of the river and Hudson Highlands. In this regard, views of the river from Downtown's Broadway have long created a lasting impression on residents and visitors. In addition, the City's image is shaped by spectacular views of the river and Highlands (part of the Appalachian mountain system) that sweep across the state just south of the City.

Figure 3 – Context Map

Newburgh has a significant maritime heritage. 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. In 1609, Henry Hudson was the first European to sail up the river as far north as the present location of Newburgh. His ship, the *Half Moon*, anchored in the area known as Newburgh Bay, and a journal entry from his voyage notes that the elevated site beside the river now occupied by the city appeared to be "a pleasant place to build a town." That town was established when the first European settlers arrived 100 years later.

As the community developed in the 1700s, wharves were soon built to take advantage of the deep water close to shore, mills were constructed to provide wood for boats and homes, and by 1743 daily ferry service was established across the river to link Newburgh with Beacon – the first such service across the river north of Peekskill.

Due to its strategic location on the river, Newburgh had a prominent role during the Revolutionary War. George Washington made his headquarters in Newburgh during the last years of war. His headquarters building, a short distance from the City's waterfront, was acquired by the state in 1850 and is now a state historic site, and the first building in the United States acquired by any state for the purpose of historic preservation.

In the 1800s, Newburgh's economic growth was tied to transpiration opportunities; by 1840 the City was a major hub of commerce in the mid-Hudson region. Sailing vessels from Newburgh traded internationally, and the City was an important stop on the steamboat route between Albany and New York. In the era of the steamboat, Newburgh's deep-water port linked the surrounding farmlands to New York City. Shipping captains and the owners of wharves and warehouses prospered during this period and built impressive homes.

Extension of the railroad north along the Hudson River to Newburgh and the rail connection between Newburgh and New England that was provided by ferry service across the river brought significant industry to the City. The City was incorporated in 1865, and by the end of the 19th century was a thriving center of industry, with more than 100 manufacturing plants including a number of ship-building facilities. World War I further expanded the shipyards along with the rest of the City's industrial base.

In addition, the City became a center of recreational activity and a number of river-related sports and leisure activities became prominent, including yachting, skating, ice boating, rowing and river excursions. The Hudson River was part of a far-reaching transportation network that served not only to develop the City's industry, but also to move people to places of recreation, including casinos, picnic groves, amusement parks and the inclined railway to the top of Mount Beacon across the river.

By the end of World War II, Newburgh's population had expanded dramatically to over 30,000, but changes in the regional transportation system were about to lead to a significant period of economic decline for the City. As the interstate highway system was built outside the City limits, in effect bypassing Newburgh, and as the dependence on

railroad and river transportation diminished, so too did the City's economic prosperity. When the Newburgh-Beacon Bridge was completed in 1963, ferry service across the river ceased to operate. Closure of the U.S. Air Force base at nearby Stewart Field in the 1970s continued the decline and resulted in the loss of many local businesses as well as population.

As a result of these changes, by the latter part of the 20th century the Hudson River was no longer seen as the gateway to the City, and Newburgh's Hudson River waterfront suffered accordingly. City leaders recognized, however, that throughout all of the changes that had taken place and that continued to impact the City, there was one major and constant influence that had affected Newburgh's growth and development since the first settlement. That influence is associated with the City's coastal location on the Hudson River, a setting that has provided Newburgh and its citizens with vital economic, environmental and cultural opportunities and benefits throughout the City's history.

In 1981 the Legislature passed the State's Waterfront Revitalization and Coastal Resources Act (Article 42 of the New York Executive Law) which established State policies for conservation of natural coastal resources and beneficial use of those resources and authorized development of the New York Coastal Management Program. The act enabled coastal area municipalities to prepare Local Waterfront Revitalization Programs based on local needs and objectives for promoting beneficial waterfront development and protecting environmental resources. Using that authority, the City prepared its LWRP in 1992 to begin the rebirth of the city's waterfront. Other initiatives, including changes to the zoning regulations and Master Plan, were also applied to advance the City's goals for beneficial use and development of its water and waterfront resources.

The success of the City's efforts is reflected in an active waterfront used for a variety of recreational and commercial purposes. Newburgh is now a vital regional center of recreational boating. 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 locations providing opportunities for walking, picnicking, fishing, special events, educational activities and scenic views of the river and Highlands.

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 remain 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 encouraged by the City is being planned for several prominent properties on and near the waterfront; that redevelopment is 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 Newburgh's "river of opportunity," exerting a fundamental influence on the City's culture, economic development and quality of life. There will be an ongoing need for long-range planning and active City involvement to ensure the most beneficial future use of its water and waterfront resources, and conservation of their natural functions and ecological values.

Newburgh's location in the state is also defined with reference to the regional transportation infrastructure. Just north of the City is Interstate 84 and the Newburgh-Beacon Bridge that carries I-84 over the Hudson River; one mile to the west is the New York State Thruway; and five miles to the west is Stewart International Airport. Planned as a fourth New York City airport, Stewart International currently handles more than 300,000 passengers annually, with a future capacity to accommodate 1.5 million travelers per year. The Port Authority of New York and New Jersey announced in January 2007 the purchase of the operating lease at the airport, making it responsible for the future expansion of services and passenger use. The City of Newburgh strongly supports the expansion of Stewart International and encourages possible future transit connections among the airport, the Broadway corridor, downtown Newburgh, the LWRP area and the Newburgh-Beacon ferry. The West Shore rail line carries freight through the city and generally follows the shoreline. The Metro-North rail line carrying passengers to and from New York City follows the east shore of the river. A train station in Beacon, directly across the river from the City, offers connection to the City via passenger ferry service. The Newburgh-Beacon ferry service is operated by NY Waterway and Metro-North Railroad, providing service in morning and evening commuting periods to meet Metro-North trains in Beacon operating to and from New York City. The ferry dock in Newburgh is located toward the south end of the City's waterfront, at Washington and Front Streets.

The Hudson River itself is a significant transportation route that defines the City's location and predates all of the other existing and nearby modes of transportation. In fact, the most significant aspect of the City's geographic setting has always been, and remains, its location on the river.

Newburgh's role in the Hudson Valley region has changed in recent years. Like most older urban centers, it is no longer the regional retail or industrial center. Rather, the City is moving away from this role and stabilizing its existing industrial and commercial base to support a jobs/housing balance for its own residents and adjoining communities. Newburgh continues to play an important role in the overall County economy as a multimodal transportation hub and as a specialized business, medical and industrial activity location.

In 1996, the Regional Plan Association (RPA) published [A Region at Risk, The Third Regional Plan for the New York-New Jersey-Connecticut Metropolitan Area](#), a plan for guiding growth, redevelopment and infrastructure investments in the NYC metro area. This metropolitan region encompasses the City of Newburgh. The RPA plan, in commenting on the role of urban centers in the region, states the following:

“Because so much contemporary activity – work, shopping, recreation, and living – no longer must take place in centers, successful centers will have to further emphasize the positive characteristics that continue to distinguish them from suburban and exurban locations. Extraordinary cultural resources have long been among the greatest strengths of centers in this region.”

As an urban community, Newburgh is a cultural center for Orange County and the Hudson Valley region. It plays a significant role in American and architectural history; retains an existing base of historic buildings (85% of all residential structures were built before 1940); is the location for two prominent educational institutions of higher learning; and maintains a riverfront location. Taken together, these features create a unique combination upon which to develop a strong base for urban revitalization and tourism. Newburgh is developing into an interesting, vibrant and ethnically diverse mixed-use residential community that offers a range of housing types.

In 1990, the population in Newburgh was 26,454 persons, an increase of 3,016 persons (or 13%) from the 1980 population. By 2000, this figure had risen to 28,259 persons (or by 6.8%), with population increases continuing through 2005, when the figure reached 28,548 persons. In 2000, approximately 42 percent of the City’s population was white, 33 percent was African-American and about 18 percent was classified as some other race. The Hispanic population, which can be of any race, represented approximately 36 percent of the total population.

The City had a total of 10,476 housing units in 2000, about 87 percent of which were occupied, with the remainder vacant. The majority of units (69.3%) were occupied by renters, rather than owners. For both renting households and owner households, approximately two-thirds of households were families. The vast majority of owner-occupied units (93%) were valued at less than \$150,000, while most renter-occupied households (94%) paid less than \$1,000 in monthly rent. Nonetheless, nearly half (46%) of renters paid 30 percent or more of their household income toward rent.

Newburgh’s median household income in 1999 was \$30,332, and about 26 percent of individuals and 23 percent of families were below the poverty level. Nearly 38 percent of the City’s residents had less than a high school education in 2000, while approximately 32 percent had a high school diploma or equivalent, and about 30 percent had attended some college or had an advanced degree.

Although the City of Newburgh had experienced physical and economic decline in past years, there has been an increased interest in new development, especially in the waterfront area. New multi-family housing developments such as Ferry Crossing, Hudson Point, Liberty Square and Montgomery Views (a developed subdivision consisting of 12 single-family homes) are representative of the development activities taking place in the City and within the LWRP area.

In 2006, Leyland Alliance was selected by the City as developers for a number of former urban renewal sites located within the LWRP area. Preliminary planning proposals for these sites provide for the construction of approximately 1,200 residential units of various types, about 140,000 square feet of retail space, a hotel/conference center, approximately 100,000 square feet of office use, public parking facilities and related open space (approximately 4.5 acres) and pedestrian walkways to provide access to the waterfront (see Figures 31 through 36). In addition, Orange County Community College is planning an expansion of at least 80,000 square feet of new building at its campus currently located in a portion of the Key Bank Building at Broadway and Colden Street. It is important to note that these projects are in the initial planning stages and the development programs are subject to change.

As new development continues to take place in Newburgh, the city will improve both its physical appearance and its economic base. These in turn will aid in the revival of the entire City, and the waterfront.

2. EXISTING CONDITIONS

a. Existing Land Use and Development Patterns

The land portion of the Local Waterfront Revitalization Program (LWRP) area in the City of Newburgh comprises a total of approximately 537 acres. The LWRP area can be divided into three general land use areas: the southern land use area, overlooking Quassaick Creek and including the area surrounding Muchattoes Lake (Area A - Southern/Quassaick Creek Area), the inland area west of the CSX rail line and/or Rev. Dr. Martin Luther King, Jr. Boulevard (Area B – Inland Area); and the waterfront land area east of the railroad line along the Hudson River (Area C - Waterfront Area). An understanding of the existing land use patterns within the LWRP area is critical because this will inform the potential future use and development of the waterfront area.

The LWRP area is characterized by large areas of residential usage, industrial usage and open space, interspersed with public and semi-public uses, and a limited amount of commercial and public recreational space. There is a substantial amount of vacant, underutilized and deteriorating parcels throughout the area, much of which is the product of urban renewal.

For purposes of clarity, existing land use patterns are discussed by the three general land use areas. The land use areas are illustrated on Figure 4. The following provides a generalized description of existing conditions for each.

Figure 4 Land Use Sectors

i) **Area A - Southern/Quassaick Creek Area**

Area A, Southern Quassaick Creek Area, generally includes the area north of the Quassaick Creek, south of Dickson Place and Overlook Place, surrounding Muchattoes Lake and west of Rev. Dr. Martin Luther King Jr. Boulevard (formerly Water Street).

Beginning in the western portion of this area at Walsh's Road and proceeding eastward to Mill Street parallel to Quassaick Creek, the land usage is mixed industrial and commercial. Continuing east past Mill Street is a block of mixed residential and commercial usage, a light industrial use and a site with a combination Jr. High School and playing field usage. These uses extend to Monument Street, where a concentration of one- and two-family residences in good to fair condition occurs. The entire area bounded by Bay View Terrace on the south and east, Overlook Place on the north and Monument Street on the west is currently in residential usage. As apparent by the street names in this area, the residences sit atop a ridge surrounded by steep slopes, and thus possess scenic views of the Hudson River and the surrounding Highlands. For the most part, however, the residential area is not visible from Rev. Dr. Martin Luther King, Jr. Boulevard on account of the steep slopes and dense vegetation surrounding it. CSX's Newburgh branch traverses this area.

The area surrounding Muchattoes Lake consists of a combination of residential and office/retail uses. Lake Street Apartments, a large, privately owned rental multifamily complex (approximately 375 units) built in the early 1970s, is located to the southwest of the lake. Lake Street Plaza is to the immediate east of Lake Muchattoes, and consists of a mix of retail and commercial office uses. This shopping center contains a number of vacant storefronts and is in need of redevelopment. Lake Muchattoes is a manmade lake that was created by damming a portion of Quassaick Creek for mill use (Dickson Mill); the lake was previously known as Dickson's Pond. Following this use, the lake was ice manufacturing by the Muchattoes Lake Ice Company, founded in 1886. The lake is not part of the City's reservoir system.

ii) **Area B - Inland Area**

Area B, Inland Area, generally includes the land area west of Rev. Dr. Martin Luther King, Jr. Boulevard, east of Liberty Street, Gidney Street, and Powell Avenue, north of Overlook Place, and south of the Town of Newburgh.

Beginning at Overlook Place in the southern portion of the inland area and heading north toward Lafayette Street, there is an area of mixed residential, commercial and industrial uses with numerous vacant parcels scattered throughout. The majority of the residential uses, and almost all of the commercial uses, are located along Liberty Street, while the area between Johnes Street and Rev. Dr. Martin Luther King, Jr. Boulevard comprises mainly industrial and vacant parcels. Many of the industrial buildings are either vacant or underutilized. Because most of the structures are of brick construction and in fair to good condition, there is a potential in this area for rehabilitation and adaptive reuse. The partially completed residential renovation of the former foundry on Lafayette Street, known as Foundry at Washington Park, is an example of one type of adaptive reuse.

North of Lafayette Street is Washington's Headquarters, a National Historic Landmark property and museum. The site is bounded by Lafayette Street on the South, Colden Street on the east, Liberty Street on the west and Washington Street on the north.

To the north of Washington's Headquarters is an area of mixed commercial, residential, municipal uses and vacant parcels. The Newburgh Public Safety Building housing the police and fire departments and City Hall is located on the west side of Grand Street at Broadway. Commercial uses are concentrated around Broadway and Liberty Street, while the existing residential uses are located closer to Washington Street between Liberty and Grand. Twenty townhouse residential units are located east of the Public Safety Building, fronting Colden Street. Across Colden Street heading toward Rev. Dr. Martin Luther King, Jr. Boulevard is an area of vacant urban renewal land, representing one of the sites to be developed by Leyland Alliance. In addition, the Heritage Corridor Development Initiative, which was launched in 2006 to implement the recommendations of the Liberty/Grand Street Visioning Study, has recommended that Liberty Street in its entirety should be returned to a minimal level of functional drive ability through up to a three-year plan with available funding. The Initiative identified several funding sources including federal SAFETEA-LU funds, Transportation Improvement Program (TIP) funding administered by NYS DOT, Transportation Enhancement Program (TEP) partial funding and Community Development Block Grant funding. The Initiative has provided a number of recommendations for improving the corridor's streetscape conditions, pedestrian experience, traffic flow and functional drivability.

Broadway Park, also known as Downing-Vaux Park for its prominent landscape architects, is located at the east end of Broadway, providing a major visual link to the waterfront. A Historic/Cultural Landscape report is under preparation as a first step to restoring and reconfiguring the park as

a unique public setting. Proceeding north past Broadway is a mixed-use area of commercial, residential and semi-public uses. Along Broadway around Liberty and Grand Streets, the land usage is commercial, followed by a church west of Grand Street. Multi-family residential uses are located between the church and First Street. The Key Bank and Maple Office buildings encompass approximately 5 acres and extend from the Broadway north to First Street. Orange County Community College is planning an expansion of at least 80,000 square feet of new building space at its campus currently located in a portion of the Key Bank building.

The land area between First Street and Broad Street is, for the most part, residential with public and semi-public uses and isolated vacant parcels. Historic renovation and restoration activities have been completed on a number of structures in the area. The area between First and Broad Streets includes a number of scattered sites undergoing renovation and public improvements with the use of community development funds.

Between Montgomery Street, Rev. Dr. Martin Luther King, Jr. Boulevard and South Street is low-rise multi-family public housing in need of rehabilitation. To the north of South Street at Rev. Dr. Martin Luther King, Jr. Boulevard is a high-rise apartment building that has recently been rehabilitated.

Mount Saint Mary's College is to the west in the Historic District, bounded by Gidney Street on the south, Liberty Street on the east, Powell Avenue on the west and a multifamily apartment complex on the north. To the east of Liberty Street and north of Broad Street is a one- and two-family residential area. The neighborhood is generally in good condition. North of Broad Street along Rev. Dr. Martin Luther King, Jr. Boulevard is Ferry Crossing, a condominium development with excellent views of the Hudson River.

iii) Area C - Waterfront Area

Area C, Waterfront Area, generally includes the land and water area east of Rev. Dr. Martin Luther King, Jr. Boulevard, west of the Orange and Dutchess County line, north of the Quassaick Creek, and south of the Town of Newburgh. It is important to note that the LWRP definition of Waterfront Area differs from the definition contained in §C16.03. of the Newburgh City Charter. Section C16.03 defines waterfront as those "lands under water, wharves, piers, docks, parks and playgrounds."

Beginning at the southernmost portion of the waterfront area which is the city's boundary with the Town of New Windsor, there is an underutilized marine industrial use, the Steel Style Shipyard. North of Steel Style, spanning both sides of Renwick Street, is the City of Newburgh Wastewater

Treatment Plant, an unused City incinerator and Ward Brothers Memorial Rowing Park. The CSX tracks run north-south and parallel the waterfront, creating a barrier between the central business district and the waterfront. East-west streets tunnel under the track, but pedestrian access is less than adequate in some areas of the waterfront. The railroad right-of-way, trestle and rail bed need upgrading and maintenance.

North of the City property, is a former salvage/scrap metal yard (Consolidated Iron site) closed by a New York State Department of Environmental Conservation consent order, which extends northward to Washington Street. The scrap metal yard operated from the mid-1950s to 1999, and included a smelter used to melt aluminum transmissions and other materials, which generated a lead-contaminated ash/slag byproduct. According to the U.S. Environmental Protection Agency's tests, surface and subsurface soils at the seven-acre site contain volatile organic compounds, semi-volatile organic compounds, pesticides, PCBs and metals. PCBs and metals have also been detected in the Hudson River adjacent to the site. The Consolidated Iron site is undergoing cleanup by the EPA and the NYSDEC, with coordination from the New York State Department of Health.

On the north side of Washington Street is a public boat launch area which was recently reconstructed, followed by a large restaurant, Gull Harbor Marina and a boat sales and storage facility.

Between First and Second Streets, there is an area with a number of commercial and industrial buildings two to five stories in height and mostly of masonry construction, a rehabilitated residential building and some vacant land. To the north of this area is the Newburgh Landing and waterfront park. Urban renewal parcels north and south of Newburgh Landing have been redeveloped for commercial use, including several restaurants and office/retail space. These developments include marinas to the north and south of Newburgh Landing. A river walkway has been built. The landing and bathroom facilities at Newburgh Landing were renovated under a State grant awarded in 2000. Future renovations in this area will include repair of the landing bulkhead, continued improvements to the public park and maintenance to the City-owned easements over the street right-of-ways out to the river to provide public access to the waterfront. A public fishing pier at the eastern limit of First Street is also proposed.

Between South and Clinton Streets the waterfront area is vacant and underutilized. Most of the land has been graded and covered with gravel. Only small outcroppings of vegetation and occasional weed growth exist at the water's edge. One of the underutilized parcels is occupied by a marine parts retailer. At the base of the Clinton Street right-of-way is the Regal

Bag Company, an underutilized industrial/warehousing facility. Adaptive reuse of the structures is proposed.

Between Nicoll Street and Park Place is the Newburgh Yacht Club, a restaurant and a small marine supply store. Just north of the Yacht Club, heading toward the Newburgh-Beacon Bridge, is an area annexed from the Town of Newburgh. This parcel is the northernmost property in the waterfront area and is the site of a luxury condominium development, Pier Loun, and an industrial warehouse complex.

Figures 6 through 8 present photographs of significant areas, buildings and vistas within the waterfront area. Figure 5 indicates the location and vantage point of each of the photos contained in Figure 6 through 8, Figure 6 shows photos of significant features within the waterfront area between Park Place and South Street, Figure 7 shows photos of significant features between South Street and Broadway and Figure 8 shows photos of significant features for areas south of Broadway.

3. WATER-DEPENDENT AND WATER-ENHANCED USES

According to the Department of State, water-dependent uses refer to activities which can only be conducted on, in, over or adjacent to a water body because they require direct access to that water body and involve, as an integral part of the activity, the use of the water. Water-dependent uses within the waterfront area include: the City of Newburgh wastewater treatment plant; the Washington Street boat launch; the Newburgh-Beacon Ferry dock facilities; the Front Street Marina; Newburgh Landing dock and waterfront park; Gull Harbor marina; and the Newburgh Yacht Club. Boat slips are available and accessory to the Pier Loun residential development. Land was made available in 2005 to the Newburgh Rowing Club for the construction of a boat house and launch site at the Ward Brothers Memorial Park.

A water-enhanced use is defined by the Department of State as a use that has no critical dependence on the waterfront, but the profitability of the use and/or the enjoyment level of the users are increased significantly because the use is adjacent to or has visual access to the waterfront. Based on this definition, there are a number of water-enhanced uses within the waterfront area, including the areas around Quassaick Creek and Muchattoes Lake. Because of Newburgh's topography, many of the residences in both the southernmost portion and the northernmost portion of the LWRP area have excellent views of the Hudson River and the surrounding Hudson Highlands. Land uses at the base of Broadway also have river views. The various waterfront restaurants and the waterfront parks are also uses enhanced by their waterfront location.

Figure 5 – Site Photos Location Map

Figure 6 – Site Photos: Park Place (South Street)

Figure 7: Site Photos: South Street (Broadway)

Figure 8: Site Photos: Areas South of Broadway

4. UNDERUTILIZED, ABANDONED OR DETERIORATED SITES

a. Area A - Southern/Quassaick Creek Area

Underutilized former industrial land is located at the base of the "Heights" area adjoining Quassaick Creek. This area includes the former Provan Ford Site, a DEC listed Brownfield site. In addition, the steep slopes rising up to the Heights neighborhood are vacant. The City intends for these slopes and the parcels along the Quassaick Creek to remain as open space, and where possible, to create a nature preserve and public hiking trail between the creek and the top of the bluff bounded by Bay View Terrace, preserving as much as possible the forest habitats, trail opportunities and creek shoreline now used heavily by fish and birds. Easements and rights-of-way are being pursued to create this trail. Fishing and wildlife viewing are water-dependent uses that currently take place in this area. Scattered vacant and underutilized heavy commercial and industrial buildings are found in the vicinity of South Robinson Avenue, Mill Street and Commercial Place.

b. Area B - Inland Area

Beginning in the southern portion of the inland area at Overlook Place there are a number of vacant and underutilized parcels and abandoned, deteriorating and underutilized residential and industrial buildings. Although these structures are in deteriorating condition, there is the potential for restoration and reuse. The area's close proximity to the historic Washington's Headquarters makes revitalization activities extremely important.

Along Colden Street and Rev. Dr. Martin Luther King, Jr. Boulevard between Washington Street, Broadway and Second Street, there is a large area of vacant urban renewal land generally bounded by Broadway, Grand Street, South Street and Rev. Dr. Martin Luther King, Jr. Boulevard. This is the site of the Leyland Alliance redevelopment proposal discussed above. The Key Bank (Orange County Community College) and Maple Office buildings and a private 20-unit townhouse project are west of Colden Street at Broadway. The townhouse development, located adjacent to the public safety complex on Broadway, is deteriorating.

Between South Street and Nicoll Street there is a large amount of vacant land along Rev. Dr. Martin Luther King, Jr. Boulevard. The New York State Department of Transportation has reconstructed the boulevard and has made improvements to the Newburgh-Beacon Bridge; the completion of these projects makes the area along Rev. Dr. Martin Luther King, Jr. Boulevard more accessible. On-street parking on Rev. Dr. Martin Luther King, Jr. Boulevard has been provided, as well as additional traffic control, in order to make this area viable for redevelopment for commercial or other uses.

Throughout the inland area, there are a number of isolated vacant parcels that would be suitable for infill development in conjunction with the existing commercial and neighborhood redevelopment and revitalization activities.

c. Area C - Waterfront Area

Several parcels along the water's edge in Newburgh are vacant, underutilized, deteriorating or abandoned. Steel Style Shipyard, the City Incinerator site, the former salvage yards (Consolidated Iron site) and the Regal Bag property all represent underutilized uses of land. The former Newburgh Train Station is also vacant. All of these areas have the potential for more intensive water-enhanced and/or water dependent uses. Figure 9 illustrates the major vacant parcels within the entire LWRP area.

5. PUBLIC ACCESS AND RECREATIONAL FACILITIES

The Washington Street Boat Launch area, Newburgh Landing Park and the recently created Ward Brother Memorial Rowing Park provide direct public access to the river.

Newburgh Landing Park includes recently constructed restrooms, and plans call for additional facilities to be located around the dock area as well as for improvements to the landscape design of the park. The City retained ownership of a 20-foot strip of riverfront property extending from Carpenter Street to South Street and adjoining new commercial development now under construction. Construction of the public walkway was completed in 2001. The 12-foot walkway was designed with period lighting, street trees, benches and waste receptacles. The walkway through the Landing and the adjacent urban renewal parcels greatly enhances access to the Hudson River shoreline. A new public parking area on the west side of Front Street provides convenient access to these amenities. In addition, a proposed public fishing pier at the eastern limit of First Street is awaiting Corps of Engineers approval before construction can begin.

The City Council dedicated 100 feet of land at the south end of the wastewater treatment plant parcel for a park for public access to the Hudson River, designated as Ward Brothers Memorial Rowing Park, and entered into an agreement with the Newburgh Rowing Club to improve the property. The new boat house was constructed in 2005.

The Newburgh Yacht Club, another recreational facility, is not easily accessible. Public access by way of Park Place requires traveling a narrow roadway and entering through a single-lane railroad underpass. Inaccessibility limits this area's availability; however a restaurant attached to the club is open to the public.

Figure 9: Vacant sites

Lastly, there is limited direct public access to the Quassaick Creek area of the waterfront. The City is supporting the development of a Quassaick Creek Estuary Preserve and Trail, which would establish a nature preserve for fishing and wildlife viewing, and a Greenway Trail to link land currently owned by Orange County in the Town of New Windsor (the former Diamond Candle property) with lands owned by the City and ultimately, if possible, River Road on the east and Robinson Avenue to the west, then eventually farther west. The existing sewer right-of-way and the railroad right-of-way between Quassaick Creek and Bayview Terrace offer opportunities for multiple uses such as hiking trails. Plans are underway to finish restoring the historic twin-arch bridge spanning the creek at the candle factory parcel to create a link in the Greenway Trail connecting the Newburgh portion of the Estuary Preserve Trail with the New Windsor side of the creek. Initially, City-owned parcels (also former Diamond Candle property) will be included in the Estuary Preserve and Trail, with other lands in this area to be added where possible.

6. ZONING

There are two existing zoning districts along the shoreline of the Hudson River and Quassaick Creek: the Waterfront 1 (W1) and the Waterfront 2 (W2) districts. These districts are illustrated on Figure 10. The zoning districts permit and encourage a range of water-dependent and water-enhanced uses along the Hudson River. The regulations governing uses in the two waterfront districts are described in Section IV of the LWRP.

In addition, a View Preservation District overlay coinciding with the LWRP boundary regulates activities that may impact important vistas within the LWRP area. See Figure 14 for a map of this district.

Zoning, design guidelines and view preservation zones are expected to be amended as a result of future planning activities within Newburgh, including the City's proposed Sustainable Master Plan and the Leyland Alliance redevelopment proposal (Newburgh Waterfront Redevelopment Project). The City proposed a series of design guidelines in 2002 which, while never adopted, could serve as a model for future guidelines.

Figure 10: Zoning Districts

7. HISTORIC STRUCTURES, SITES AND DISTRICTS

The first Newburgh inhabitants were the people of the Waoranek band of the Algonquins. These native peoples moved west and north away from the European settlements that followed them at the turn of the 18th century. Newburgh is situated at the eastern boundary of territory purchased from the Algonquins by colonial Governor Dongan in 1684. Within this territory, "The German Patent" of 1714 was the land grant that housed the Palatine refugees from Rhineland Germany who developed the first European village at what is now Newburgh. They also moved west to find more hospitable farmland, and "The Parish by the Quassaick" (the creek still forming Newburgh's southern border) evolved into the Village of Newburgh with mostly English, Scottish, Irish and Huguenot settlers building a market town along the Hudson River.

Newburgh was the longest-held headquarters for the Revolutionary War's Commander-In-Chief, George Washington. Newburgh was chosen because of the village's strategic location along the river, which the British saw as the prize to capture to split the colonies. Washington's Headquarters State Historic Site is the first state historic site in the nation, designated for protection in 1850 (see Figure 11).

Newburgh is the first town north of the Hudson Highlands with a gradual rise from the shoreline that could accommodate wagons, making it a natural port for goods produced in and shipped to Orange County. With water depths over 20 feet at its shoreline, the city could accommodate large sailing vessels as well as barges and steamships. Docks, wharves and warehouses filled much of Newburgh's 18th and 19th century waterfront. Ferry service between Newburgh and Fishkill began in 1743, one of the earliest state ferry charters, serving both local communities and the growing route to New England from this point on the Hudson. By the 1850s, railroad service on the west shore reached south of Newburgh, and by the 1880s was completed through the city via the massive stone railroad trestle still in use that kept city streets open to the bustling shoreline.

Newburgh's major industries have been freight forwarding, wool and cotton mills, shipbuilding, foundries and boiler making to support the ship and railroad industries, clothing and furniture manufacturing, bottling companies, leather and artificial leather production and an Air Force base that fed the economy between World War II and the Vietnam War.

Newburgh grew from parish (1709) to village (1800) to city (1865) and saw its population peak just after World War II; the 1950 census registered 31,956 people. Population fell after mid-century from a combination of national and regional factors, including the development of the interstate highway system and suburbs, the loss of American dominance in heavy industry, utility and taxation incentives that pulled industry south and west, the opening of the Newburgh-Beacon Bridge (which carried traffic beyond the city limits), the boom in higher educational opportunities (making Newburgh's youth compete for far-away jobs) and the closing of the Air Force Base that employed over 6,000 people.

Insert Figure 11: Historic View of Washington's Headquarters

As retail establishments closed in the wake of these declines, vacant buildings dotted the landscape, especially in the old city center. Property was abandoned, converted for inappropriate uses, or sold to speculators. In the 1950s, the City Council embarked on an urban renewal program prompted by the new federal subsidy programs being devised to revitalize old cities like Newburgh. By purchase, tax foreclosures or eminent domain seizures, the City acquired the majority of waterfront district lands under the urban renewal program. The devastation witnessed during the clearing of over 30 acres in the core of the old city gave rise to the preservation movement to save what was left of 18th and 19th century Newburgh.

On July 16, 1973, an area in the vicinity of Montgomery/Grand/Liberty Streets was listed on the National Register of Historic Places. On September 12, 1985, the district was expanded and placed on the National Register; it is now identified as the East End Historic District. The district, which is the largest in New York State outside of New York City and encompasses a large portion of the City and the waterfront area, is shown in Figure 12.

A number of historic structures and sites are located within the LWRP area. Washington's Headquarters (Jonathan Hasbrouck House) on Liberty and Washington Streets is a National Historic Landmark property and museum operated by the Palisades Interstate Park Commission.

Other structures, sites and districts listed on the National Register of Historic Places include the following:

- 1) David Crawford House - 189 Montgomery Street
- 2) Dutch Reformed Church - Grand and 3rd Streets, NE Corner (designated a National Historic Landmark and also recognized by the World Monuments Fund)
- 3) Newburgh (New York State) Armory – Broadway
- 4) United States Post Office – Newburgh
- 5) Old Town Cemetery – Grand, Liberty and South Streets

In addition, the Old Town Cemetery and Palatine Church site received State Register listing on May 3, 2000.

Figure 12 – East End Historic District

8. SCENIC RESOURCES AND IMPORTANT VISTAS

The Hudson River at Newburgh has historically been known for its setting of spectacular panoramic views, which include the river in the foreground and the hills, mountains and Hudson Highlands that surround it forming the background. Vistas were so spectacular and unique that the Hudson River School, a school of landscape painting, was formed in the mid-19th century to capture the scenery of the Hudson River Valley and surrounding area, among other areas. An example of Hudson River School painting is shown in Figure 13. As the Hudson River School of painting translated the splendor and power of the river's scenery onto huge canvases, so did the architects of local buildings who placed their best works on large estates where they could enjoy the spectacular views and in turn improve their surroundings.¹

Although no upland area in the City has been designated a Scenic Area of Statewide Significance (SASS), the Hudson Highlands SASS extends from the southern boundary of the City to a point opposite the northern end of Dennings Point. The SASS is located on the east side of the Hudson River, south of the City of Beacon, and includes the Hudson River from the mean high tide line on the western shore, thereby including river waters within the City of Newburgh. It is included within the HH-27 Dutchess Junction Subunit.

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. It includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad. Whether within or outside a designated SASS, all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action would affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Many of the sites within the Newburgh waterfront area have substantial vistas and/or panoramic views of the water and surrounding landscape. Because the topography in the City steps up to form plateaus at varying elevations, structures as far west as Liberty Street have visual access to the river in some locations. Developments along the foot of Broadway and on the east side of Montgomery Street have virtually unobstructed views of the river and its surrounding environs. New developments within the waterfront area – proposed, under construction and recently completed – are taking full advantage of Newburgh's visual assets.

¹ *Barry Benepe and Arthur Channing Downs, Jr., Newburgh Revealed (Newburgh New York, 1983).*

Insert Figure 13: View of Highlands from Newburgh, New York: Thomas Doughty

To protect, preserve and enhance these scenic public views, the City adopted a local law to establish a View Preservation Overlay District. The boundaries of this district roughly correspond to the LWRP boundaries. The following view planes within this district have been identified for protection:

- Grand and Washington Streets
- Washington's Headquarters
- Broadway and Colden Street
- Grand and Second Streets
- Public Library
- First and Grand Streets
- Montgomery Street and Leroy Place
- Montgomery Street
- Leroy Place and Park Place

Article VI of the City of Newburgh Code of Ordinances requires that no building, structure or permanent improvement will be erected; have its exterior reconstructed, restored or physically altered; or be placed within a defined view plane in the View Preservation Overlay District in a manner that may impair or cause significant loss of an existing scenic public view, without obtaining visual site plan approval by the Architectural Review Commission (if within the East End Historic District) or the Planning Board (if outside the historic district). The article also lays out a number of visual site plan standards and procedures for the Architectural Review Commission and Planning Board to follow, including a provision that the Waterfront Advisory Committee (WAC) will provide the boards with a written advisory opinion and recommendation concerning the impact of the proposed activity on views of the Hudson River, Hudson Highlands and east bank of the Hudson River.

The current View Preservation Overlay District is illustrated in Figure 14; as mentioned above, it is expected that the View Preservation District will be amended as a result of a future zoning code update.

9. TOPOGRAPHY

Topography in Newburgh's waterfront area is characterized by relatively flat areas between the Hudson River and the West Shore Railroad tracks and moderate to excessive slopes further inland. These slopes result in a topographical change of up to 300 feet within the northern section of the LWRP area. A major portion of Mount St. Mary College, for example, is situated 240-300 feet above the shore line, providing the campus with extensive views across the Hudson River Valley. As noted earlier, the residential district bounded by Bay View Terrace and Overlook Place at the south end of the LWRP area also possesses scenic views of the river and surrounding Highlands. Figure 15, Environmental Features, illustrates the City's topographic pattern.

Figure 14: View Preservation District

Insert Figure 15: Environmental Features

a. Area A - Southern/Quassaick Creek Area

In the Southern/Quassaick Creek area, steep slopes are prevalent between the creek, railroad line and Bay View Terrace. The terrain rises from river level to an elevation of approximately 140 feet above mean sea level (msl) at the edge of a plateau where Bay View Terrace is situated. Bay View Terrace is located at the plateau's edge, and there is no level terrain along the street's eastern or southern edge to situate structures. As a result, homes that front on the western and northern side of the road and pedestrians walking along its sidewalks have excellent, uninterrupted views of Newburgh's shoreline, the Hudson River and surrounding highlands.

b. Area B - Inland Area

As mentioned previously, the inland portion of the LWRP area steps up from the river line to a broad plateau, the edge of which is readily identifiable at the eastern end of Broadway. Many properties and buildings with river views are notably in better condition than properties without river views. This trend would indicate that river view properties are desirable locations in the City, and worth the investment which may be necessary to rehabilitate and reuse some of the older buildings in this area.

Much of the remaining undeveloped land in the waterfront area consists of urban renewal parcels constrained to some extent by steep topography. Although these topographical characteristics require special consideration during site preparation and development, these properties also provide opportunities to developers to take full advantage of the waterfront views.

c. Area C - Waterfront Area

Topography in the waterfront area, between the river and the railroad lines/Rev. Dr. Martin Luther King, Jr. Boulevard, is flat with slight increases in topography occurring just north of Second Street. At First Street, the railroad tracks are elevated and at-grade crossing is not possible. Underpasses for vehicular and pedestrian access to the immediate shoreline occur at Carpenter Street, Second Street, Third Street and Fourth Street. The underpasses at First Street and Fifth Street are being reopened for pedestrian access only. The West Shore railroad line is elevated at the middle and northern end of the waterfront area. The stone abutment upon which the line travels creates an attractive retaining wall with cut stone facing Front Street and Rev. Dr. Martin Luther King, Jr. Boulevard.

10. SOIL AND BEDROCK FORMATIONS

According to the Development Considerations Map provided by the Department of State for the Coastal Management Program², the majority of land within the LWRP area has a high water table and shallow soils with the exception of the following two areas: 1) the land area in the vicinity of the Newburgh Yacht Club; and 2) the land area bounded by Rev. Dr. Martin Luther King, Jr. Boulevard on the east, Nicoll Street on the north, Montgomery Street on the west and South Street on the south. The latter area is partially vacant urban renewal land in the southwest corner, the site of high-rise public housing in the southeast corner and urban renewal land along Rev. Dr. Martin Luther King, Jr. Boulevard.

11. FLOOD HAZARD AREAS

The National Flood Insurance Program allows property owners to purchase subsidized, federally backed flood insurance with communities that participate in the program. In return for this insurance protection, participating communities implement floodplain management procedures to reduce flood risks to new development. Through this mechanism, the Federal Emergency Management Agency (FEMA) and participating communities are able to reduce future flood losses (see Figure 15).

A Flood Insurance Rate Map (FIRM) is prepared by FEMA for each municipality which illustrates the Special Flood Hazard Areas, or areas subject to inundation by a flood having a 1 percent or greater probability of being equaled or exceeded in any given year. This flood is referred to as the 100-year flood or base flood, and the area of inundation as the 100-year floodplain. In any 30-year period, the chance is approximately 26 percent that one or more floods will equal or exceed the 100-year flood level.

The Flood Hazard Boundary Map for the City of Newburgh, dated March 15, 1974, and revised June 5, 1985, designates those areas prone to flooding at the 100-year flood level. For the most part, the flood hazard area extends just a few hundred feet in from the mean high tide level. The 10-foot contour level is generally used to determine the 100-year flood boundary.

In the Southern/Quassaick Creek area, the zone borders Quassaick Creek, remaining between the Erie Railroad line and the creek until the railroad crosses Walsh's Road. At

² All references to the New York State Coastal Management Program (NYSCMP) refer to the State of New York Coastal Management Program and Final Impact Statement prepared by the U.S. Department of Commerce, Office of Coastal Zone Management and New York Department of State, August 1982.

Walsh's Road, the flood zone shifts toward the northwest, bordering both sides of the creek, and completely surrounds Muchattoes Lake.

The flood hazard area which extends along the Hudson River generally remains close to the water's edge. All of the docks of the Steel Style Shipyard are within the flood hazard area, as well as most of the filled and bulkheaded areas along the shoreline.

12. FRESHWATER WETLANDS

The United States Fish and Wildlife Service (USFWS) prepares National Wetland Inventory (NWI) maps identifying potential locations for wetlands within a community. According to data contained on the NWI map for Newburgh, two small isolated wetlands are located on the Steel Style site and adjoining the West Shore rail right-of-way. These small wetland pockets have been formed in depressions or excavated areas where water seasonally floods or collects. Permanent riverine tidal wetlands are also found at locations along Quassaick Creek (see Figure 15).

13. WATER QUALITY

The water quality classifications for waters within the City of Newburgh are as follows:

<u>Location</u>	<u>Water Quality</u>
Hudson River	A
Quassaick Creek	C
Muchattoes Lake	C

Both water quality classifications found in Newburgh are fresh surface water classifications. Class "A" waters are suitable for drinking, culinary or food processing purposes, and primary contact recreation which includes, but is not limited to, such uses as swimming, diving, boating, waterskiing and fishing. The best uses of Class "C" waters are for fishing and fish propagation.

14. SIGNIFICANT FISH AND WILDLIFE AREAS

There are no state-designated Significant Coastal Fish and Wildlife Habitats in Newburgh. However, according to the New York State Department of Environmental Conservation's Hudson River Estuary Program, "the Quassaick Creek corridor provides an important habitat for fish and wildlife worthy of conservation."³ East of Rev. Dr. Martin Luther King,

³ James G. Barbour, *Biodiversity Survey and Natural Resources Inventory and Assessment. Final Report, Quassaick Creek Estuary Preserve and Trail Project, 2004. City of Newburgh, NY, funded by New York State Department of Environmental Conservation.*

Jr. Boulevard, the trees along the shoreline of the creek are heavily used by blackbirds and other wildlife and provide important shading for the fish habitats of the tidal creek. West of Rev. Dr. Martin Luther King, Jr. Boulevard and extending as far as Mill Street, a forested glen occupies the Quassaick Creek corridor from the creek shoreline to the top of the bluff (Bay View Terrace) – this area is known to provide roosting habitat for bald eagles and also supports black-crowned night herons, wild turkey and cooper’s hawk as well as numerous mammals, reptiles and amphibians. The creek itself is thought to have historically provided passage for migratory fish as far west as the falls that were dammed to form Muchattoes Lake. Today, the creek is an increasingly important spawning habitat for blueback herring and other species up to the extent of the tide. Thirty-five species have been documented in the creek. The following list includes fish that either reside in or migrate through the Hudson River at Newburgh.

"Anadromous Fishes: (Species that migrate from ocean to estuary for spawning) alewife, american shad, american smelt, blueback herring, atlantic sturgeon, shortnose sturgeon, striped bass, tomcod.

Catadromous Fishes: (Species that migrate from freshwater to ocean to spawn) american eel.

Freshwater Resident Fishes: White crappie, yellow perch, chain pickerel, largemouth bass, smallmouth bass, northern pike, white sucker, fallfish, walleye, pumpkinseed, bluegill, rock bass, red breast sunfish, black crappie.

Traditional Fishes: (This group includes anadromous fishes which may have resident subpopulations, and freshwater fishes which may be found in saline waters of the lower river as well as in freshwater). Atlantic sturgeon, shortnose sturgeon, striped bass, goldfish, carp, white sucker, brown bullhead, white catfish, white perch.

Commercially Important Species: Alewife, blueback herring, american shad, striped bass, atlantic sturgeon, tomcod, eel, carp, white catfish."⁴

The Lower Hudson Basin Tributary Study prepared by The Heritage Task Force for the Hudson River Valley (December 1990) recommended a demonstration project be implemented for Quassaick Creek to restore habitat and develop public recreation.

Initial studies by the staff of the USFWS and the Hudson River Foundation suggest that historic spawning range for river herring might be restored on Quassaick Creek through

⁴ *Final Environmental Impact Statement, Newburgh-Beacon Bridge Expansion Interstate Route 84, Department of Transportation, 8/1975.*

removal or breaching of one or more man-made barriers to fish passage which exist below Muchattoes Lake. A coalition of citizen organizations and the City of Newburgh are examining the possibility of creating an Estuary Preserve in the area west of Rev. Dr. Martin Luther King, Jr. Boulevard from the creek to the top of the bluff on Bay View Terrace, going west as far as Mill Street. The preserve would serve to protect the habitats described above and provide a nature trail for compatible recreation.

15. WATER AND SEWER SERVICE

The entire waterfront area is serviced by public water and sewer lines. In some areas, storm sewers and sanitary sewers are combined. Because of the size and age of many of the lines, existing pipes may need to be replaced to achieve a larger capacity and more efficient system as new development occurs. It is a regulatory requirement that any newly installed systems must have separate storm and sanitary sewer lines.

The City of Newburgh Wastewater Treatment Plant is located at the foot of Renwick Street, between Rev. Dr. Martin Luther King, Jr. Boulevard and the Hudson River. The City's incinerator is located on this site as well, but at the present time it is inoperative.

Between 1970 and 1972, the City installed a sewage interceptor system which regulates the flow of storm water and sanitary waste from discharge points throughout the LWRP area. The system has 11 discharge flow regulators and two major interceptor lines: the South Interceptor, which was completed in 1970, and the North Interceptor, which was completed in 1972. The combined stormwater/sewage system serving the area results in periodic discharge into the Hudson River in heavy storm conditions. Remedial steps are currently under review by the City to address this issue.

16. TRANSPORTATION

The City of Newburgh is well situated and served by a regional transportation network. I-84 is located just north of the City and may be accessed via interchanges with the town road extensions of Robinson Avenue and DuBois Street. The New York State Thruway is located west of the City and is accessed traveling west along Broadway, which turns into Route 17K in the adjoining Town of Newburgh. NYS Route 9W is a major north-south arterial within the City, linking it with the Towns of New Windsor and Cornwall to the south, and the Town of Newburgh to the north. In addition, Newburgh is accessible to the region, country and abroad via Stewart International Airport which is located in the Towns of New Windsor and Newburgh, approximately five miles west of the City. Planned as a fourth New York City airport, Stewart International currently handles over 300,000 passengers annually, with a future capacity to accommodate 1.5 million travelers a year. The Port Authority of New York and New Jersey has purchased the operating lease at the airport, making it responsible for the future expansion of services and passenger use.

In terms of roadway improvements, the New York State Department of Transportation (NYSDOT) completed three projects which affected Newburgh's regional and local significance: 1) the Newburgh-Beacon Bridge Expansion; 2) the Route 9W/I-84 interchange improvements; and 3) the Rev. Dr. Martin Luther King, Jr. Boulevard Reconstruction. According to NYSDOT, the purpose of these projects was to provide relief for existing traffic congestion, increase road and highway capacity for future traffic growth and reduce accident potential. The reconstruction of Rev. Dr. Martin Luther King, Jr. Boulevard also eliminated on-street parking.

Rail transportation in Newburgh is limited to freight service only on the West Shore Line (CSX). At one time, passenger service was available, and trains stopped at the Newburgh Train Station located on the east side of Rev. Dr. Martin Luther King, Jr. Boulevard between First and Carpenter Streets. This architecturally attractive building is now vacant and in deteriorating condition. The West Shore Line is currently operated by CSX, which is actively promoting rail to truck container shipping. Passenger rail service is presently available via rail stations located in Beacon (Metro-North) and at Salisbury Mills/Cornwall (New Jersey Transit). As noted in the introduction to this section, ferry service now operates between Newburgh and Beacon connecting Newburgh to Metro-North trains in Beacon. The City is interested in pursuing possible future transit connections linking Stewart International Airport to the Newburgh ferry via the Broadway Corridor.

Bus service operated by the County, is available within the City of Newburgh; however, routes extend eastward only as far as Grand Street and do not extend to the waterfront.

Other than ferry service, water transportation is limited to small water craft and an occasional barge. Small water craft can dock either at the Newburgh Yacht Club or launched from the reconstructed boat launch at Washington Street. Boats may dock temporarily or seasonally at Newburgh Landing, the Front Street Marina, Torches on the Hudson Restaurant or at the Yacht Club. In the summer, Newburgh Landing is used by tour operators that provide boat cruises on the Hudson River.

17. PLANNING ISSUES

There are a number of planning issues that influence planning and development activities within the LWRP area. These issues consist of both constraints on and opportunities for physical development, as well as issues that are more programmatic and policy-oriented in nature. The following description of planning issues is categorized by issues affecting each of the general land use areas (A, B and C) and for the LWRP area as a whole. Figure 16 presents an overview of the planning issues, which include the following items:

a. Area A - Southern/Quassaick Creek Area

- Limited public access is currently available along Quassaick Creek; additional public access points are needed.
- Habitat restoration will be necessary to promote reuse of the creek
- Habitat conservation will be important in order to promote fishing, wildlife viewing and natural resource conservation along the corridor of Quassaick Creek and Muchattoes Lake and adjoining forested steep slopes.

b. Area B - Inland Area

- There are vacant, deteriorated and underutilized parcels scattered throughout the inland area, including a number of structures in the vicinity of Washington's Headquarters. Improvements in this area are needed to enhance the historic character and context for this important historical site.
- Continued façade and streetscape improvements are needed along the Lower Broadway corridor. Infill development should be designed to encourage pedestrian activity along the street.
- The Lower Broadway corridor lacks a strong physical connection to the waterfront area.
- Substandard housing in the Inland Area requires rehabilitation.
- Many historic structures in the East End Historic District need renovation.
- Coordination between the LWRP and the Heritage Development Initiative, including the Liberty Street Improvement Project is needed.

Figure 16: Planning Issues

c. **Area C - Waterfront Area**

- There are a number of deteriorated and underutilized parcels along the Hudson River. These sites include the former scrap metal salvage yard (Consolidated Iron Site), the Regal Bag Building, the City Incinerator site and the underutilized Steel Style Shipyard. These sites should be studied for reuse, in conjunction with the development activities proposed by Leyland Alliance.
- A number of former industrial and utility sites (i.e. Brownfield sites), including the vacant scrap metal salvage yard (Consolidated Iron Site) and the City Incinerator site, may require environmental remediation prior to reuse for their intended land uses and public access.
- Additional water-dependent and water-enhanced development should be encouraged.
- Existing public access to the shore needs to be improved and expanded. New public access should be integrated into redevelopment projects.
- River views need to be protected in response to guidelines contained within the View Preservation Overlay District (see Figure 14); these guidelines should be reviewed and amended as part of the future zoning update.
- Existing public access at Newburgh Landing Park is in need of physical improvements and general maintenance.
- The Ward Brothers Memorial Rowing Park should be developed to improve public access.
- There are a limited number of boat pump-out stations along the Hudson River. The feasibility of placing a facility at the Newburgh Wastewater Treatment Plant or other Newburgh location should be explored.
- A shortage of parking has been experienced as use of the waterfront has increased. Parking demand should be monitored on a regular basis to ensure an adequate supply of parking facilities.
- Improvements to existing bulkheads, parking areas, pedestrian amenities and other shoreline elements in the area should be provided.
- The West Shore Line (CSX) right-of-way, trestle and rail bed need upgrading and maintenance.

d. Entire LWRP Area

- There is a need to improve and strengthen public access throughout the entire LWRP area.
- Improve quality of landscape treatments, streetscape, pedestrian-scape, and architectural design in order to establish a high quality LWRP area.
- Expansion and enhancement of pedestrian links between the waterfront and upland areas.
- Consistency between the use and development of private parcels and public elements within the waterfront and upland area.
- Continued improvements to the transportation elements within the LWRP; transit links among the waterfront, upland areas, downtown, the Broadway Corridor and Stewart International Airport should be pursued.
- Review and amendments to the View Preservation District Overlay guidelines should be undertaken as part of a zoning update.
- Continued creation and preservation of affordable housing in the LWRP.
- Redevelopment planning should be undertaken to address Brownfields (i.e. Consolidated Iron Site, Provan Ford Site) in the LWRP area. Coordination is needed between the LWRP and the City's redevelopment activities for these sites undertaken via the Brownfields Opportunity Areas Program grant.
- New waterfront development will require costly infrastructure upgrades. The City should continue to pursue a variety of funding sources and public/private partnerships to encourage development and revitalization.
- Water supply, sanitary and stormwater sewer facilities, telecommunication and other infrastructure improvements should be upgraded as redevelopment occurs along the waterfront.
- Promote development of job training programs, inclusionary zoning or other affordable housing programs and asset development programs.
- Improvement of public utilities and infrastructure is needed in the LWRP area to accommodate growth and sustain development within the area.
- Sustainable building practices and green building design should be encouraged for all projects within the LWRP area.

B. HARBOR MANAGEMENT PLAN INVENTORY AND ANALYSIS

1. EXISTING CONDITIONS

a. Newburgh Harbor Management Area

The opportunities for navigation afforded by the Hudson River at Newburgh were essential for the historical development of the City. These opportunities are still vital for recreational and commercial purposes and for the success of the City's waterfront use and development plans that will encourage, and depend on, the vitality of the Newburgh Harbor Management Area (NHMA). The NHMA 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 Mean High Water (MHW) line. The NHMA is bounded by the boundary lines in the Hudson River 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 along the City's shoreline.

The Hudson River federal navigation channel, a Congressionally authorized channel that extends from the southern tip of Manhattan Island upstream for approximately 155 miles to the southern limit of the New York State Barge Canal at Waterford, New York, north of Albany, passes through the NHMA and is used extensively by recreational and commercial vessels. The navigation channel was originally authorized in 1910 to support waterborne commerce and generally follows the river's natural channel which, in the Newburgh area, tends to the west side of the river, toward the City's shoreline. The authorized channel dimensions are 600 feet wide and at least 32 feet deep between New York City and Kingston, New York, including the Newburgh area. The river's natural channel dimensions, however, are generally greater in most reaches of the river, including in the Newburgh area. As a result, the channel's authorized boundaries are not shown as distinct channel lines on Hudson River navigation charts and survey drawings of the U.S. Army Corps of Engineers (USACE). Nevertheless, the USACE requires that no dock, pier, mooring or other structure may be placed in the river, in any location, so as to interfere in any way with the normally used navigation channel at least 600 feet wide.

The New York District of the USACE is responsible for maintenance of the Hudson River channel and has conducted dredging operations to maintain the authorized dimensions in several locations where natural depths are not sufficient to support waterborne transportation. Due to the significant natural depths in the Newburgh area, including depths greater than 40 feet, there has been no need for

maintenance dredging by the USACOE in the vicinity of the NHMA. The river's mean tidal range in the vicinity of the NHMA is 3.1 feet according to the USACOE.

Federal aids to navigation, including channel buoys and flashing lights, are maintained by the U.S. Coast Guard to mark the federal channel. The Coast Guard also conducts ice-breaking operations in the river to maintain an open channel for essential navigation during the winter season.

The Newburgh-Beacon Bridge just upstream of the NHMA has no significant effect on navigation in the federal channel due to its substantial horizontal and vertical clearances.

b. Environmental Conditions

The most profound influence on environmental conditions and resources associated with the NHMA is the Hudson River. Called "Muhheakantuck," (meaning "river that flows two ways") by Native Americans, the river is tidally influenced as far north as Troy, New York – a distance of 160 miles from the Narrows at the mouth of the river at New York City and the Atlantic Ocean. The river's tidal region, including the NHMA, is part of the Hudson River Estuary, a rich ecological system formed in part by the mixing of freshwater from the river with saltwater from the ocean. New York State's Hudson River Estuary Program was established to conserve the estuary's natural resources and sustain their benefits, and is implemented through a partnership of governmental agencies and private organizations directed by the New York State Department of Environmental Conservation (DEC).

Prominent environmental conditions and resources of NHMA can be described with respect to surface water resources and quality, fish and wildlife habitat, scenic quality, wetland resources and the ongoing natural processes of flooding and shoreline erosion. The natural resources of the Hudson River and its Quassaick Creek tributary at Newburgh provide a variety of irreplaceable ecological functions and values in addition to important cultural (historic, educational, scientific and recreational) and economic values.

The quality of surface water in the NHMA has a profound impact on the City's overall quality of life as well as waterfront land use and just about every water use. In recent years, there have been a number of accomplishments with regard to understanding and improving water quality conditions in the Hudson River and the NHMA.

Nevertheless, pollution and the risk of pollution still exist. Bacteria and other pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Simply stated,

water pollution in the NHMA would diminish the quality of life and should be of concern to all citizens.

Water quality in the Hudson River at Newburgh is classified as "A" by the DEC in accordance with state water quality criteria, meaning the waters are suitable for drinking, swimming, and other human activities. The Quassaick Creek's waters are classified as "C," a relatively poor classification which limits use of the creek to fishing.

Potential sources of pollution in the NHMA are categorized as "point" and "non-point" sources. Potential point sources are easily identified and include discharges from storm drains that empty into the NHMA, as well as treated discharges from the City's water pollution control plant. While the City's combined stormwater and sanitary sewer system remains a significant water quality issue, the City is pursuing its adopted plan (pursuant to DEC requirements) for managing, regulating and improving stormwater discharges, including discharges from the 11 DEC-permitted City outfalls that allow combined stormwater and wastewater to enter the NHMA during periods of heavy rain. The City is also pursuing initiatives to eliminate the combined overflows over time in accordance with state and federal requirements.

Other potential point sources of pollution include discharges of treated and untreated sewage from vessel holding tanks. All such discharges would be illegal under federal law as the U.S. Environmental Protection Agency has designated the Hudson River as a no-discharge zone within which no sewage, treated or untreated, may be discharged from any vessel.

Unlike point sources of pollutants, "non-point" pollution does not originate from a specific identifiable source, and because of its nonspecific nature is more difficult to regulate and control. Types of non-point source (NPS) pollution include stormwater runoff from roads, parking lots, backyards and other surfaces. As precipitation runs off pavement and land into the NHMA, it gathers oil, bacteria, sediment and other substances that eventually enter the water.

The drainage area of the Hudson River encompasses over 13,000 square miles. Thus, actions that take place far from Newburgh's jurisdiction can contribute to pollution in the NHMA. However, just as the actions of all communities and individuals within the river's watershed can affect the quality of water in the river, so too can the actions of all those communities and individuals, including Newburgh and its residents, contribute to maintenance and improvement of water quality.

The tidal waters and underwater lands in the NHMA provide fish and wildlife habitat of special ecological, recreational, and commercial value. The well-known striped bass that spawns near Newburgh in the spring and then returns to sea is

just one of the more than 200 species of finfish identified in the Hudson River estuary. Many of these species reside in or migrate through the NHMA, including anadromous fish (species that migrate from the ocean to freshwater for spawning, such as the striped bass, alewife, America shad, America smelt, blueback herring, Atlantic sturgeon, and shortnose sturgeon); catadromous fish (species that migrate from freshwater to the ocean to spawn, such as the America eel); and resident freshwater fish. These fish are part of the estuary's natural food chain that includes the eagles, ducks, herons and other birds that feed on them. Quassaick Creek also provides valuable fish and wildlife habitat, including habitat for birds, mammals, reptiles and amphibians. Thirty five species of fish have been documented in the creek which provides spawning habitat for blueback herring and other species within its tidal reach.

There are no significant wetland resources in the NHMA along the City's Hudson River shoreline. Only a few small and isolated areas of freshwater wetlands have been identified in the waterfront area and these are formed in depressions or excavated areas where water seasonally floods or collects. More permanent riverine-tidal wetlands are found along Quassaick Creek.

The scenic quality associated with the NHMA and Hudson River is among the most important of the City's environmental resources. Views of the river from Broadway, for example, along with views of the river and Hudson Highlands from the waterfront and other areas of the City, are defining elements of the City's character and quality of life. The Highlands, through which the Hudson River has carved a spectacular gorge just south of Newburgh, are part of the Appalachian mountain system and have been designated by the State of New York as a Scenic Area of Statewide Significance (SASS). The highest elevations and most dramatic relief in the Highlands occur just south of the City.

Flooding and shoreline erosion are natural, ongoing processes that will continue to affect the City's shoreline. Sections of the City's Hudson River waterfront, including most of the filled and bulkheaded areas are within the "100-year" flood hazard area identified on the City's Flood Insurance Rate Map. That boundary generally remains close to the water's edge and, as a result, the risk of flooding is generally not considered to be a significant threat to waterfront development. Structural shore protection measures such as bulkheads, revetments and seawalls, however, are required in many waterfront locations to protect existing development from ongoing erosion and to maintain the viability of water-dependent uses. (See the following section on Water and Waterfront Uses and Development.) The 100-year flood boundary also includes undeveloped areas along Quassaick Creek.

c. **Water and Waterfront Uses and Conditions**

The NHMA is currently used for a variety of recreational and commercial purposes. Recreational boating is most prominent, replacing the maritime trading and shipbuilding activities of long ago. Cruising boats, open runabouts and sail-powered vessels share the Hudson River at Newburgh, joined by rowing sculls, excursion boats, passenger ferries, personal watercraft, kayaks, canoes and other craft. The City's Police and Fire boats, the Orange and Dutchess County Sheriff's boats, Coast Guard vessels, and the marine patrol vessels of several State agencies also operate in, and pass through, the NHMA. In addition, barges carrying fuel oil and other materials to upriver locations and other commercial vessels use the Hudson River federal navigation channel at Newburgh. Special water and waterfront events such as fireworks displays, the Hudson River swim to Beacon, rowing regattas, tall-ship visits, waterfront concerts, fishing tournaments and other events celebrating the art, culture and history of the City and region add to the vitality of the City's waterfront and NHMA.

Waterfront conditions, including the type and condition of waterfront development and land-use, have an important influence on the NHMA. For example: the quality and availability of land-based facilities, including but not limited to parking facilities, affect recreational boating activities as well as excursion boat and passenger ferry operations; waterfront development and the use of City-owned land and rights-of-way influence public access to the NHMA; and waterfront conditions can have an impact on the environmental quality (including water quality and scenic quality) that makes use of the NHMA enjoyable. (Principal waterfront facilities and points of interest in and near the NHMA are shown in Figures 17 and 18, at the end of this section.

City facilities providing opportunities for public access to the NHMA include the riverfront walkway, Newburgh Landing Park, Newburgh boat launch and the Ward Brothers Memorial Rowing Park. In addition, the City rights-of-way extending into the NHMA from public street ends provide public access opportunities.

The **riverfront walkway** is an essential element of the City's public waterfront, providing a pedestrian connection between waterfront activity areas, including the waterfront restaurants along Front Street, docks for excursion boats and the Newburgh Landing Park. The paved walkway extends for a distance of 1,300 linear feet along the shoreline between the City's South Street right-of-way on the north and Carpenter Street on the south. The City holds an easement for maintenance of the walkway where it passes over privately owned land.

Newburgh Landing Park near the midpoint of the walkway is a focal point and central facility for community activities on the waterfront. Dedicated in 1976, the park provides a landscaped setting with public amenities such as benches,

bathrooms, lighting and interpretive displays to support passive recreational activities. Park improvements have been funded in part by state and federal funds provided to the City through the New York State Office of Parks, Recreation, and Historic Preservation.

Visitors to the park can relax and enjoy water views and participate in special water and waterfront events, including concerts and other events that celebrate the City's arts and culture. In addition, excursion vessels providing regularly scheduled and chartered tours and cruises operate from the Newburgh Landing dock and from two privately owned docks nearby. Popular destinations include Bannerman Island, which is downstream of the NHMA and part of the Hudson Highlands State Park, and the narrowed section of the river near West Point. Boat tours in the fall to enjoy the Highlands' foliage are of particular interest to visitors to the City's waterfront.

The **Newburgh Landing dock** is also used by vessels participating in or serving as attractions during special events. Initial plans called for the dock to be larger than the structure that was actually built. As a result, City planners are considering opportunities for increasing the capacity of the existing dock so that it will be able to accommodate larger vessels, as originally planned. Use of the dock by all vessels requires advance permission from the City Manager's office.

Further south on the waterfront, the city's **Newburgh Boat Launch** at the foot of Washington Street provides opportunities for launching trailered boats and "car-top" vessels such as canoes and kayaks. Parking for vehicles and boat trailers is provided, along with an area to sit, relax and observe boating activities. Launching is permitted from 6 a.m. to 8 p.m.; a fee is charged for launching all trailered boats, including personal watercraft, but not for "car-top" vessels. The Washington's Headquarters Historic Site is less than a ¼-mile walk inland from the launching ramp.

The launching ramp also provides access to the river for participants in Hudson River fishing tournaments and is used for emergency response, rescue and retrieval purposes by authorized agencies, including the city's Police and Fire departments. Construction of the boat launch was undertaken with state funds provided through the DEC. A privately owned floating restaurant with docks for its patrons operates seasonally in the riparian area of the City property.

The **Ward Brothers Memorial Rowing Park**, with access from South Water Street and Renwick Street, is the southernmost City-owned property on the waterfront. The park is named for one of the most famous families in the sport of rowing, who rowed at Newburgh in the 1800s. It provides access to the NHMA for rowing programs that continue the City's long-standing tradition of involvement with Hudson River rowing. The existing rowing facility, including the storage and boathouse building, were constructed with State funds provided through the DEC.

The facility is leased by the City to the Newburgh Rowing Club, whose ongoing rowing programs, including a spring regatta, help provide a distinguishing identity for the City's waterfront and NHMA. The facility is also used for a number of school rowing programs, including the Newburgh High School's program. The park's shoreline where rowing shells are launched includes a low-profile concrete block bulkhead.

In addition to the above-noted City properties that provide access to the NHMA, several street-end rights-of-way also provide opportunities for access, most notably at South Street and First Street. While the tunnel that once allowed South Street to pass through the railroad embankment, connecting upland residential neighborhoods with the river, no longer exists, the **South Street right-of-way** between the embankment and the water still does. Where it meets the water, the street end marks the northern terminus of the existing riverfront walkway and was once the site of an elevated riverboat pier that also served as an observation structure for views of the river. Privately owned marina docks from the Torches on the Hudson Marina (see below) encroach northward into the extension of the right-of-way. The South Street shoreline is one of the few sections of the City's waterfront not fortified by structural shore protection measures

The **First Street right-of-way** is to the south of the southern terminus of the walkway. The right-of-way, through an area previously used for commercial and industrial activities and extending into the NHMA, is designated by the City as the site of a public fishing pier. Plans for the pier have been approved by state and regulatory agencies for construction in the NHMA.

Between First and South streets, City rights-of-way associated with Second, Third, Fourth and Fifth streets extend as pedestrian walkways from Front Street, through properties now occupied by waterfront restaurants and the Newburgh Landing, and effectively end at the riverfront walkway.

Between and including the extensions of First and South streets into the NHMA, there are 25 "land underwater grants" issued by the State of New York for private use of the submerged land. These grants, issued during the 1800s to waterfront property owners, generally extend offshore for distances of 450 to 550 feet; they extend waterward along the entire shoreline except in the extension of the Second Street right-of-way. Included are five grants to the City in the extended rights-of-way of First, Third, Fourth, Fifth and South streets. The grants include "full beneficial enjoyment grants" through which the state issued full fee title to the land under water, and "commerce grants," which are restrictive grants that were typically issued for purposes of promoting commerce and which specify that the grant can only be used for commercial purposes. "Land underwater grants" are also found in the NHMA to the north of South Street and to the south of First Street.

Privately owned facilities providing opportunities for recreational boating in the NHMA include the marina facilities of the Newburgh Yacht Club, the boat slips associated with the Pier-Loun residential condominium and three commercial marinas (Torches on the Hudson, Front Street, and Gull Harbour).

The **Newburgh Yacht Club** in the northern part of the NHMA is one of the oldest boat clubs in the Hudson Valley and the oldest existing marina in the City. Established in 1885, the club moved to its present site in 1905 and provides over 100 boat slips, winter boat storage, a fuel dock and a waterfront restaurant. A timber pile breakwater back-filled with stone in the NHMA provides a sheltered environment for the club's marina. Just north of the yacht club, at the northern boundary of the NHMA, the **Pier-Loun condominium** provides boat docking and berthing facilities along its bulkheaded shoreline.

All three of the commercial marinas provide seasonal rentals of boat slips as well as transient slips and/or dockage for visiting boaters. **Torches on the Hudson Marina** adjoins South Street at the northern terminus of the riverfront walkway and provides dockage space and 50 boat slips, including space and amenities for visiting boaters who are patrons of the adjoining restaurant in the Front Street restaurant district, and dock space for Hudson River excursion vessels that provide opportunities for public enjoyment of the river.

The **Front Street Marina**, near the southern terminus of the riverfront walkway and the Front Street restaurant district, provides dockage space, over 120 boat slips, a vessel-waste pump-out facility, and other amenities for its patrons.

Farther south on the waterfront, **Gull Harbour Marina**, located on the property known as the Gull Harbour-American Dock property, provides over 200 boat slips for seasonal rental as well as space used by commercial vessels that are chartered for recreational fishing. In addition, the marina facilities support the principal water-dependent commercial/industrial businesses currently operating on the Newburgh waterfront. Included are businesses providing marine construction services throughout the Hudson Valley, such as dock-building and bulkheading services, and businesses involved with selling and leasing commercial barges. Commercial vessels use the dockage available on the outside face of the outermost marina docks.

The Gull Harbour-American Dock property is also used for operation of the Metro-North Railroad Ferry-Rail link, which provides passenger ferry service from the **Newburgh-Beacon ferry dock** to the Metro-North train station across the river in Beacon. The ferry operation is funded by the New York Metropolitan Transportation Authority and operated by a private contractor. The ferry dock is privately owned; its operation is in accordance with lease agreements with the City and Metro-North. In addition, 250 parking spaces for ferry patrons are provided on the property and are available to ferry passengers free of charge. Several

hundred passengers are reported to use the ferry each weekday to reach the Beacon train station, where parking is limited, for access to the Metro-North rail line to New York City. Bus service to the train station via the Newburgh-Beacon bridge is provided by the ferry operator when river ice conditions result in cancellation of the ferry service.

Another opportunity for access to the NHMA is the City-sponsored **Newburgh-Beacon water taxi** initiated in 2007. This service, operated by a private contractor, is available Saturday, Sunday and holidays for trips across the river linking the Newburgh waterfront with attractions in Beacon.

In addition to the public and private water-dependent facilities described above, several other waterfront uses and facilities help to characterize the waterfront and NHMA. These include City facilities such as the Water Pollution Control Plant and the former incinerator site, properties on the waterfront that may be considered underutilized and/or opportunity areas for redevelopment and vacant properties on and near the waterfront that have been specifically identified by the city as redevelopment areas.

The **Water Pollution Control Plant** and former **incinerator site** are located on adjoining waterfront properties just north of the Ward Brothers Memorial Rowing Park. In accordance with an inter-municipal agreement, the Water Pollution Control Plant accepts and treats wastewater from the Town of Newburgh as well as from the City. The volume of wastewater currently processed by the plant is within the plant's design capacity. The incinerator site is currently used by the City to dry sewage sludge before it is trucked away for disposal. Undeveloped City property just south of the existing wastewater treatment facilities provides space for expansion of the plant as necessary.

Properties on the waterfront that may be considered underutilized and/or opportunity areas for redevelopment include the **Regal Bag property** which has been used for industrial purposes, including water-dependent uses, since the mid-1800s. The property includes an industrial building of historical significance, has a timber bulkhead in good condition and direct access to deep water in the NHMA and is currently not using the NHMA for any water-dependent purpose.

The **Gull Harbour-American Dock property**, due to its substantial size and proximity to the city's Waterfront Development Project areas (see below), is also considered an opportunity area for redevelopment.

The third prominent property considered an opportunity area for redevelopment is the property known as the **Steel-Style Shipyard property** just south of the Ward Brothers Memorial Rowing Park and adjoining Quassaick Creek at the southern boundary of the waterfront and NHMA. The property, once the site of an active railroad yard and water-dependent industrial activities, includes two substantial

concrete-slab piers that are currently underutilized. The property represents the last remaining section of the City's once extensive industrial waterfront.

Vacant properties on and near the waterfront have been specifically identified by the City as redevelopment areas and are considered part of the **Newburgh Waterfront Redevelopment Project**, a public-private initiative between the city and the Leyland Alliance that is expected to revitalize the Downtown and provide a mix of residential, commercial, retail and open spaces on the designated properties. Approximately 30 acres of currently vacant land are planned for redevelopment, including the waterfront property known as the **Consolidated Iron and Metal redevelopment area** at the foot of Washington Street, adjoining the Newburgh boat launch. This property, a former landfill determined to be contaminated with hazardous materials, requires remediation in accordance with the federal standards prior to its redevelopment. That remediation is now proceeding at the direction of the U.S. Environmental Protection Agency. The property's shoreline is stabilized with an assortment of rubble, riprap, and broken concrete and there are hidden structures and debris in the waters of the NHMA immediately offshore. It is recognized by City officials that redevelopment of the property will provide opportunities for substantial amenities for public access to the NHMA as well as opportunities for removing the derelict and sunken structures from the nearshore waters.

Other properties targeted for redevelopment include the currently vacant land between Colden Street and Rev. Dr. Martin Luther King, Jr. Boulevard and between Montgomery Street and Rev. Dr. Martin Luther King, Jr. Boulevard.

In 2008, Newburgh's waterfront and the NHMA remain subject to forces for change in the form of various planning and development initiatives likely to have a major effect on waterfront character as well as uses of the water. The redevelopment projects now being planned are expected to have a significant beneficial effect on the character of the waterfront and the entire City for decades to come.

The common themes in all of the ongoing initiatives affecting the waterfront and NHMA are not new; they can be seen throughout the City's history; and they involve connecting the City with the Hudson River while protecting the City's most valuable natural assets for the benefit of future generations.

2. HARBOR MANAGEMENT ISSUES AND PLANNING CONSIDERATIONS

a. Introduction

This section describes issues affecting the use and conservation of the Newburgh Harbor Management Area (NHMA). Included are the harbor management issues identified and discussed by the Newburgh Waterfront Advisory Committee (WAC) and other agencies of the City in the course of updating the LWRP and preparing the LWRP's Harbor Management Plan (HMP).

Some of the issues may require prompt attention; others may be of more significance in the future or require longer-term approaches to address them. All are addressed through the City's harbor management goals, objectives and policies set forth in Section III of the LWRP.

For discussion purposes, the issues are grouped into seven categories related to:

- environmental quality and resources;
- public health, safety, and welfare;
- the "institutional framework" for harbor management;
- water use and navigation;
- recreational boating;
- public access; and
- waterfront land-use and development.

There are inter-relationships among the above categories, as well as among the issues within each category. Environmental quality, for example, can be adversely affected by water use and waterfront development; public safety considerations are of interest with respect to water use and navigation; and an effective institutional framework of involved agencies is needed to achieve the City's goals for beneficial use and conservation of Newburgh's navigable waters and waterfront resources.

The City recognizes that the HMP cannot identify every issue that is likely to affect the NHMA in the future, nor can it provide a definitive answer to every possible problem. The HMP provides a policy- and decision-making framework to guide the City's actions, including case-by-case decision-making by City agencies, as well as actions by state and federal agencies. The framework is flexible and will require modification over time as conditions change and the City's responses to sometimes complicated harbor management issues continue to evolve.

The order in which the categories and issues are presented does not imply priority.

b. Environmental Quality and Resources Issues

i) Conservation of Coastal Resources

Environmental considerations are inherent in most all of the harbor management issues of interest to the City. The City's character and quality of life are intrinsically tied to the natural coastal resources in and adjoining the NHMA. The most profound influence on environmental conditions and resources is of course the Hudson River – one of the Nation's great waterways. The City recognizes the great ecological functions and values provided by the Hudson River estuary and that the NHMA is part of this estuary of national and state-wide significance. Environmental considerations regarding the river's Quassaick Creek tributary are also significant.

Newburgh's coastal resources provide significant recreational opportunities and cultural values as well as vital ecological functions related to fish and wildlife habitat, water quality and flood and erosion control. In addition, the Hudson River at Newburgh provides scenic values of great significance. As a result of the unique and especially valuable environmental conditions associated with the NHMA and waterfront, the City recognizes that the preservation and, where possible, enhancement of Newburgh's natural coastal resources should be principal considerations in any decisions affecting use of the NHMA and waterfront.

ii) Potential Conflicts between Environmental Conservation Goals and Goals for Water and Waterfront Use and Development

The City recognizes that conflicts may arise when pursuing its goals for environmental conservation and for water and waterfront use and development. The natural environment of the Hudson River provides vital ecological functions and the opportunity for water and waterfront uses that provide significant community benefits. Natural resources and environmental quality, however, may be adversely affected by those same uses. As a result, a fundamental harbor management issue in Newburgh and other Hudson River towns concerns the need to achieve and maintain balance between the sometimes competing goals of conservation and development. To address these issues, the City recognizes the importance of understanding and applying the concept of environmental carrying capacity (see below) when making decisions affecting the NHMA and waterfront.

iii) Carrying Capacity of the Natural Environment

“Carrying capacity” is a term that refers to the amount of use or development that a particular area or resource can accommodate before unacceptable impacts on environmental quality, public safety, beneficial use or other conditions occur. There are significant considerations regarding the capacity of the natural environment of the NHMA and waterfront to accommodate water and waterfront uses without the occurrence of adverse impacts on environmental quality. The City recognizes that the environmental carrying capacity of the NHMA is not unlimited and that there are a number of potential environmental impacts associated with in-water uses and waterfront activities. Those impacts, for example, can be caused by: 1) the construction, maintenance, and operation of water access facilities such as docks, floats and piers; 2) boating uses and activities that can generate noise, wake, pollution and other impacts; 3) non-point sources of pollution caused by runoff into the NHMA from upland areas; and 4) development that interferes with scenic views of the Hudson River or detracts from the scenic character of the NHMA.

While it is difficult to precisely determine the amount of future use and development that can occur in and adjoining the NHMA before adverse environmental impacts become unacceptable, the City recognizes that environmental carrying capacity should be an important consideration in future decisions by City agencies and others regarding use and development of the NHMA and waterfront.

Carrying capacity concerns regarding the capacity of surface water areas in the NHMA to safely accommodate boating and other water uses are described in the following section on Public Health, Safety and Welfare.

iv) Cumulative Impacts on Environmental Resources

When considering the carrying capacity of the NHMA and waterfront for water access facilities and boating and other water uses, consideration should be given to the cumulative impacts that can result from individually minor but collectively significant actions that take place over a period of time. In other words, the seemingly insignificant impacts of apparently small-scale dock, pier and shore protection structures, as well as discharges from individual storm drains, runoff from waterfront properties, groundwater transport of household and lawn pollutants and other activities could, over time, and when added together, have an important effect on environmental quality in the NHMA. As a result, the City recognizes the need to consider potential cumulative impacts when

reviewing proposals for uses and activities affecting the NHMA and waterfront.

v) Improvement and Maintenance of Water Quality

In recent years, there have been a number of accomplishments with regard to understanding and improving water quality conditions in the Hudson River and in the NHMA. Nevertheless, pollution and the risk of pollution still exist and are important harbor management concerns for the City and all Hudson River towns. Bacteria and other pollutants can affect the enjoyment of boating activities in the NHMA as well as the vitality of fish and wildlife and the health of those who come in contact with the water. Simply stated, the potential for water pollution is of concern to all citizens of the City because if there is pollution in the NHMA and Hudson River, the City's character and quality of life will be diminished.

Sources of pollution are generally categorized as "point" and "non-point" sources. Potential "point" sources are easily identified and include discharges from storm drains emptying into the NHMA as well as discharges of treated wastewater from the City's water pollution control plant. While the City's combined stormwater and sanitary sewer system remains a significant water quality issue, the City is pursuing its adopted plan (pursuant to New York State Department of Environmental Conservation (DEC) requirements) for managing, regulating and improving stormwater discharges, including discharges from the eleven DEC-permitted City outfalls that allow combined stormwater and wastewater to enter the NHMA during periods of heavy rain. The City is pursuing initiatives to eliminate the combined overflows over time in accordance with state and federal requirements.

The City is also aware of other potential point sources of pollution, including the possibility of fuel spills from recreational and commercial vessels and discharges of sewage from vessel holding tanks, even though any such discharge in the Hudson River is illegal under State and federal law. The extent to which any of these discharges may contribute to water quality problems in the NHMA is not known, but there is generally concern wherever there is a concentration of docked or moored vessels

Unlike point sources of pollutants, "non-point" pollution does not originate from a specific identifiable source and because of its nonspecific nature it is more difficult to regulate and control. Types of non-point source (NPS) pollution include stormwater runoff from roads, parking lots, back yards and other surfaces, as well as groundwater transport of household and lawn pollutants. Key NPS pollutants, including bacteria, nutrients and suspended solids, can adversely affect public health. As precipitation runs

off pavement and land directly into the NHMA or into the nearest catch basin draining to the NHMA, it gathers oil, bacteria, sediment and other substances that eventually enter the water.

Non-point pollutants also include floating debris and other trash improperly discarded and floating on the water. In addition, any contaminants such as lead paint chips and metal shavings entering the river associated with repair and maintenance of the Newburgh Beacon Bridge are another potential water quality issue of concern.

With regard to all existing and potential sources of point and non-point pollution, there is concern that seemingly minor sources may, when added together over time, have a significant cumulative impact on water quality.

When considering possible pollution sources affecting the NHMA, particularly non-point sources, as well as possible pollution abatement measures, the City recognizes that actions that take place far from its jurisdiction can contribute to pollution in the NHMA. This is so because the drainage area of the Hudson River encompasses over 13,000 square miles. Nevertheless, just as the actions of all communities and individuals within the river's watershed can affect the quality of water in the river, so too can the actions of all those communities and individuals, including Newburgh and its residents, contribute to maintaining and improving water quality.

vi) Conservation of Fish and Wildlife Resources

The tidal waters and underwater lands in the NHMA are part of the Hudson River estuary and as such provide fish and wildlife habitat of special ecological, recreational and commercial value. The well-known striped bass that spawns near Newburgh in the spring and then returns to sea is just one of the more than 200 species of finfish identified in the estuary. These species are part of the estuary's natural food chain that also includes the bald eagles, ducks, herons and other birds that feed on them.

Given the extent and significance of the fish and wildlife resources in and near the NHMA, the City recognizes that decisions affecting use of the NHMA and waterfront should take into consideration the possible potential impacts on those resources caused by cumulative development impacts, water pollution, human disturbances, overfishing and other conditions. Any future proposals that would disturb aquatic areas along the shoreline, for example, will require careful review and be subject to specific requirements designed to reduce adverse environmental impacts on fish and wildlife habitat. If the aquatic resources of the NHMA are degraded for fish and

wildlife habitat, the overall environmental quality of Newburgh's navigable waters and waterfront areas is also likely to suffer.

vii) Preservation of Scenic Views/Waterfront Scenic Quality

The scenic quality associated with the NHMA and waterfront is among the most important of City resources. The view of the Hudson River and Hudson Highlands from Broadway, for example, along with the views available from City's public waterfront areas, are defining elements of the City's character and quality of life. Maintaining that character and quality of life will depend in part on maintaining not only opportunities for unobstructed scenic views of the river and highlands, but also maintaining the scenic quality of the City's waterfront when viewed from the river. Scenic views and quality can be adversely affected by uncontrolled or excessive recreational uses and waterfront development as well as the deterioration or lack of maintenance of properties on and near the waterfront. As a result, the City recognizes the need to consider potential impacts on scenic views and quality when making decisions concerning use, development, and maintenance of the NHMA and waterfront.

viii) Recognition and Preservation of Cultural Resources

In addition to the ecological values associated with the NHMA, there are significant cultural values (including historic, educational, and scientific values) as well. The City has a substantial maritime-related heritage, as much of Newburgh's history and development can be described with reference to the Hudson River. In addition, there are sites of much historic significance on and near the waterfront, including the Washington's Headquarters State Historic Site, the first publicly owned historic site in the Nation. As the City manages the NHMA and waterfront for beneficial use and enjoyment, there will be a need for continued recognition of water-related cultural values and the importance of preserving those values.

c. Public Health, Safety and Welfare Issues

i) Carrying Capacity of the NHMA for Safe Boating and Other Water Uses

In addition to the above-described considerations regarding the environmental carrying capacity of the NHMA and waterfront, issues concerning the carrying capacity of the NHMA for safe boating and other water uses are also recognized. Carrying capacity may be discussed with respect to the capacity of surface water areas in the NHMA and Hudson

River to accommodate boating and other water uses without the occurrence of adverse impacts on public safety and navigation.

In theory, it may be possible to determine the carrying capacity of a specific waterbody for navigation (in terms of how many boats can safely operate in the waterbody, for example). In practice, however, the City recognizes that it is generally not possible except on the most site-specific basis to precisely determine the amount of future boating use that can occur before adverse impacts become unacceptable. This does not mean, however, that carrying capacity should not be an important consideration in future decisions by City agencies and others concerning waterfront development and use of the NHMA, including decisions affecting the development of new or expanded water-dependent uses.

ii) Vessel Speed and Wake

Speeding boats and excessive wakes in the NHMA, especially near the shoreline and close by other vessels, will adversely affect public safety and the enjoyment of boating and other water activities. In addition, excessive wakes can damage waterfront structures and docked vessels. Requirements for vessel speed and wake near the shoreline and in proximity to other vessels are established in the state boating laws and regulations. The City recognizes that there is an ongoing need to maintain compliance with those laws and regulations through effective enforcement by the City's Police Department and other authorized law enforcement agencies and through increased public awareness.

iii) Emergency Planning and Response

A number of emergency situations are possible in and near the NHMA and on the City's waterfront, including but not limited to situations involving vessels in distress, fuel spill emergencies and fires. As a result, the City recognizes the ongoing need to maintain effective and coordinated capabilities – in terms of equipment, personnel and access – to assist vessels in distress and to prepare for and respond to other emergencies. To maintain those capabilities, City agencies such as the Police and Fire departments require adequate capital and operating budget resources and suitable facilities for access to the NHMA, including but not limited to boat berthing, docking, launching and landing facilities.

iv) Water-Use Conflicts and Congestion

Within the NHMA there is the potential for congestion and conflicts among the many different types and sizes of vessels using the surface waters and traveling to and from public and private water-dependent facilities. In addition, commercial and recreational vessels operating in the Hudson River federal navigation channel pass through the NHMA on a regular basis. The potential for conflicts between commercial and recreational vessels, including tugs, barges, ferries and excursion vessels are recognized; so too is the potential for conflicts between power boating (including personal watercraft use) and non-motorized water activities such as rowing and kayaking. The City recognizes that if these sorts of conflicts should arise, and boating conditions in and near the NHMA should become congested on a regular basis, this would be an indication that the carrying capacity of the NHMA for safe boating use is being approached or exceeded. Issues concerning water-use conflicts and congestion may become more significant in the future as new and expanded water access facilities may be established on the City's waterfront.

v) Flood and Erosion Hazards

Flooding and shoreline erosion along the Hudson River are natural, ongoing processes that will continue to affect the City's waterfront. While much of the waterfront is stabilized with structural shore protection structures, the City recognizes the need for continued attention to flooding and erosion processes and to appropriate measures to mitigate their adverse impacts, including the need for regular maintenance of the existing shore protection structures. The City's zoning regulations provide for the control of development within the waterfront flood hazard areas identified on the City's Flood Insurance Rate Map and establish standards and restrictions for land-uses within the designated floodplain. When planning for shore protection measures, it is understood that while structural measures such as seawalls and revetments are necessary in some locations to protect existing development, such measures can also have adverse impacts and therefore must be carefully planned and constructed. Permits from the USACE and DEC are required to construct such measures. The City also recognizes that "bio-engineered" shore protection treatments may be considered as more natural alternatives to structural measures in some locations.

vi) Risk of Fuel and Materials Spills

Shipments of petroleum products account for a significant amount of waterborne commerce in the Hudson River. Due to the potential for accidental spills from vessels transporting petroleum products through and nearby the NHMA, there is a continuing need for specific procedures and requirements for guarding against and responding to fuel spill emergencies in the Hudson River. In addition, there is the potential for accidental spills from recreational and excursion vessels using the NHMA and for fuel and other hazardous materials that may be spilled on land to enter the NHMA through storm drains and direct discharges. The City, acting on its own, does not have the resources to effectively respond to a major fuel spill, and recognizes that a coordinated effort on the part of local, State and federal agencies acting in coordination with the private sector is needed to maintain effective preparedness for, and provide effective response to, any fuel and materials spills that may occur in and near the NHMA.

vii) Obstructions or Hazards to Navigation

Undue obstructions or hazards to navigation in the NHMA would adversely affect the beneficial use of the NHMA. The City is aware of the potential for obstructions or hazards, including abandoned or derelict vessels (see below) and debris that may enter the NHMA from waterfront properties. There is also the potential for floating debris on the Hudson River to cause public safety concerns and interfere with boating activities. As a result, the City recognizes the need for continued and ongoing awareness of water and waterfront conditions to identify the presence of any significant amounts of floating debris; there is also the need to maintain effective procedures for prompt removal or marking of any obstructions or hazards to navigation that may be identified.

viii) Abandoned or Derelict Vessels and Structures

If problems regarding abandoned or derelict vessels and structures in the NHMA arise, they must be quickly addressed because of the potential hazard or inconvenience to navigation and the public safety issues that would arise. Abandoned or derelict vessels or structures can also detract from the scenic quality of the NHMA and leak fuel and oil that will damage water quality. The City recognizes that coordination among its agencies and others will be needed to help ensure effective removal of any abandoned or derelict vessels that may be found in the future.

ix) Fire Prevention and Preparedness on and near the Waterfront

Fire prevention and preparedness are significant harbor management issues because of the presence of volatile fuels, wooden and fiberglass hulls and other combustible materials associated with the marinas and other water-dependent facilities in the NHMA. In addition, suitable fire protection for existing and future development near and adjoining the NHMA must be provided and the development plans of all applicants seeking zoning/building approval in the City must include necessary measures for fire protection.

x) Public Safety at Waterfront Sites

The City recognizes that the success of waterfront development initiatives will depend on continued public confidence that waterfront areas are safe at all times for recreational use and public enjoyment. Although no special public safety concerns now exist at public waterfront locations, it is recognized that attention must be given to public safety concerns when considering future expansion of public waterfront areas and water access facilities.

xi) Homeland Security

In addition to their responsibilities for navigation-related law enforcement and emergency response in the NHMA and Hudson River, City, county, State and federal law enforcement agencies also have responsibilities for Homeland Security. The City recognizes that current threats to the Nation's economy, environment and safety have a distinct maritime dimension and there are river-related Homeland Security issues at Newburgh, in large part because of the nearby presence of the Newburgh Beacon Bridge carrying I-84 over the Hudson River.

xii) Public Safety Laws and Regulations

A number of the above-noted public safety issues in and near the NHMA point to the need for effective enforcement of applicable laws and regulations to maintain safe and enjoyable use of the NHMA, including the State boating laws and regulations enforced by the City's Police Department as well as county and state agencies. As water and waterfront conditions change in the future, the City recognizes that it may be appropriate to consider the need for new or modified regulations to protect public safety. In this regard, the City may consider applying the authority provided by the Section 46-a of the state Navigation Law to establish City regulations to control the operation of vessels within a

distance of 1,500 feet from the City's shoreline, excluding vessels operating in the Hudson River federal navigation channel.

d. Institutional Framework Issues

i) City Authority for Harbor Management

Prior to the Harbor Management Plan, the City was not utilizing the full range of municipal authority available to address a number of issues affecting the NHMA. Most of the activities that take place waterward of the MHW line are subject to the control and jurisdiction of the state and federal government, acting primarily through the DEC, New York State Department of State Division of Coastal Resources (DOS DCR) and U.S. Army Corps of Engineers (USACE). The City was able to evaluate State and federal decisions affecting the NHMA for consistency with the LWRP policies, but the Plan provides a more formal basis for the City's review of state and federal decisions affecting the boating and other activities that take place in the NHMA and for an expanded City role in the planning, management, and regulation of in-water structures, uses, and activities.

ii) Harbor Management Funding

Issues concerning the costs that may be associated with implementing the Plan are recognized by the City, as are issues concerning how funds may be obtained to pay for harbor improvement projects. Many of the City's harbor management goals, objectives and policies can be implemented through the existing functions of the WAC, Planning Board and other City agencies in the course of the harbor management consistency review process (see below), without significant added expense. Some City initiatives for harbor improvement and management, however, will require additional public and/or private expenditures. The HMP does not commit the City to future expenditures, but instead provides a basis for implementing specific projects, identified in the HMP, should funds become available. In addition, the HMP provides a mechanism whereby fees collected by the City for use of public water and waterfront facilities can be expended specifically for waterfront improvement and harbor management-related purposes in the public interest.

iii) Public Support and Awareness

The City recognizes that achievement of its harbor management goals will require ongoing public support. Also needed is continued citizen awareness of harbor management issues and the importance of the City's navigable waters and waterfront resources to the City's character and

quality of life. In this regard, it will be necessary for the City to provide a continuing opportunity for the public, including waterfront property owners, water-dependent facility operators and other interested citizens, to express their concerns, questions, and ideas regarding the NHMA, waterfront, and HMP. The City also recognizes that opportunities should be pursued whereby citizens and nongovernmental organizations can contribute to achievement of the City's harbor management goals, through volunteer assistance and other means, should be pursued.

iv) Regulatory Complexities

The process of applying for and obtaining permits for work affecting the NHMA (including permits for docks, piers and shore protection structures from the DEC and USACE) may be lengthy and frustrating for the applicant, whether or not that applicant is the City or a private waterfront property owner. The number of agencies involved in the permit process, each with different roles and authorities, can be confusing for proponents of waterfront projects. The need for multiple approvals, including City, State and federal approvals, can make the review process seem cumbersome at times, and confusion and lack of awareness by project proponents can sometimes lead to violations of regulatory requirements. The City recognizes that implementation of the HMP as an element of the LWRP should be pursued in a manner that does not significantly add to the existing regulatory complexities and that serves to expedite the regulatory process with respect to proposed projects found to be consistent with the HMP, including City projects described in the HMP.

v) Harbor Management Consistency Review

City, State, federal and private actions affecting the NHMA are to be consistent with the HMP. The City recognizes this consistency requirement as a significant tool the City can use to ensure that state and federal decisions conform to the City's needs and goals. The WAC will be responsible for evaluating the consistency of all local projects located within the LWRP area with the HMP and all other LWRP policies, and for providing recommendations to the appropriate agencies. It will be necessary to conduct the consistency evaluation according to a specific procedure to ensure that the evaluation achieves coordination among all agencies concerned with the NHMA, including the City's land-use agencies. In addition, the City recognizes that the evaluation will need to be conducted in an expeditious manner, within the time frames of the City's already-existing LWRP review processes, and in a manner that best achieves the City's goals for effective and coordinated management of the NHMA.

vi) Changing Conditions and Circumstances

Environmental and other conditions affecting the NHMA are subject to ongoing changes as are applicable laws and regulations and the programs of the governmental agencies and nongovernmental organizations with an interest in the NHMA; issues concerning use and conservation of the NHMA will also change. The HMP cannot anticipate every issue that is likely to affect the NHMA in the future. As a result, the HMP is a working document that can be modified in response to changing conditions and needs. The City recognizes the need for ongoing examination of conditions affecting the NHMA and of the effectiveness of the HMP; for hearing public comments; and for preparing amendments to the HMP and/or any City ordinances for implementing the HMP as necessary.

vii) City Regulations for Harbor Management

Article 42 of the New York Executive Law authorizes the City to adopt, amend, and enforce ordinances to regulate the construction, size, and location of in-water structures such as dock and pier to a distance of 1,500 feet from shore. In addition, Section 46-a of the Navigation Law authorizes the City to adopt, amend and enforce ordinances to regulate the speed and operation of vessels to a distance of 1,500 feet from the shore. As water and waterfront conditions change in the future, the City recognizes that it may be appropriate to consider the need for new or modified regulations to protect public safety and guide the most desirable use of the NHMA, including application of the authority to regulate in-water structures and the operation of vessels.

viii) Coordination among City Agencies

The number of different City agencies with harbor management-related responsibilities are recognized, as are the different City plans, planning initiatives and regulations affecting the NHMA. Accomplishment of the City's goals for beneficial use and conservation of the NHMA and waterfront will require that all of the involved agencies carry out their responsibilities in the most coordinated and committed manner. In this regard, the City recognizes the need to instill awareness and understanding of the City's harbor management goals into the actions of all involved agencies.

ix) Coordination with the Sustainable Master Plan

There is a significant overlap of the City's harbor management and land-use authorities on the City's waterfront. Although the HMP focuses on the water resources of the NHMA, the City recognizes that upland conditions, including the type and extent of waterfront development and land use, will continue to exert a major influence on the use and condition of the NHMA. To achieve the most desirable management of the NHMA and waterfront, implementation of the HMP, the land-use provisions of the LWRP and the Master Plan will need to be coordinated, along with the actions of the WAC and the City's land-use boards.

x) Appointment of City Harbor Manager

There is currently no locally appointed official with specific responsibilities for the general care and supervision of the NHMA and waterfront. The City recognizes that as new and expanded water access facilities may be established on the City's waterfront and/or the City assumes increased responsibilities for regulating vessels and in-water structures, it may be desirable to appoint such an official who would have specific responsibilities for managing the NHMA and waterfront and otherwise implementing the HMP.

xi) Coordination with State and Federal Authorities

In addition to the City agencies with waterfront- and harbor management-related responsibilities, several State and federal agencies also have significant authorities affecting the NHMA, including but not limited to the DEC, DOS DCR and the USACE. Accomplishment of City goals for beneficial use of the NHMA and waterfront will require coordination among City, State and federal agencies and interests. State and federal decisions, including decisions regarding the issuance of state and federal permits for work in the NHMA, must be consistent with the City's harbor management goals, objectives, and policies. Accordingly, the HMP provides the basis for a significant City role in the state and federal decisions that affect coastal resources and the boating and other activities that take place in the NHMA.

xii) Coordination with other Municipalities

The need for ongoing coordination between the City and the municipalities with jurisdictions adjoining the NHMA, including the City of Beacon and the towns of Newburgh and New Windsor, is recognized by the City. Actions originating in or involving the adjoining municipalities can affect

the NHMA just as actions originating from the City's jurisdiction can affect the other towns. For example, water pollution that may be caused by stormwater and wastewater discharges and by runoff from the adjoining and upstream Hudson River municipalities can affect the City's harbor management jurisdiction. Since pollutants and other environmental concerns do not respect municipal boundaries, future protection and enhancement of environmental quality in the NHMA will depend, in part, on coordinated efforts involving the City and the other municipalities of the Hudson River valley.

A number of other issues are also of common interest to Newburgh and the neighboring towns. These include issues concerning waterfront development, boating safety, emergency response, boating law enforcement, enhancement of tourism opportunities and waterborne transportation (ferry) service.

xiii) Coordination with Private Groups and Organizations

There are a number of private groups and nongovernmental organizations including community associations, environmental groups and educational organizations concerned with the NHMA and waterfront. The City recognizes that these groups, along with waterfront property owners, can have a significant role in the City's efforts to achieve its harbor management goals. It will be necessary to provide continuing opportunities for the expression of public comments concerning the NHMA, the City's waterfront and the HMP. In addition, opportunities for private citizens and nongovernmental organizations to contribute to achievement of the City's harbor management goals, through volunteer assistance and other means, will need to be considered and defined.

e. Water-Use and Navigation Issues

i) Maintaining the Hudson River Federal Navigation Channel

The Hudson River federal navigation channel supports waterborne commerce, other commercial navigation uses, and recreational boating. The normally used channel passes through the City's territorial boundaries on the Hudson River and is a significant feature of the NHMA. As a result, any issues affecting use of the channel in the vicinity of the NHMA will continue to be of interest to the City.

Adequate channel dimensions must be maintained in order to ensure continuation of the existing economic advantages of waterborne transportation on the river and efficient delivery of fuel oil and other

commodities to Hudson River towns. The New York District of the USACE is responsible for maintenance of the channel, including maintenance dredging as needed. The natural river depths are such that maintenance dredging has not been necessary in the vicinity of the NHMA. The City recognizes the essential function of the navigation channel and that use of the channel is not subject to the City's authority to regulate the operation of vessels within 1,500 feet of the City's shore.

ii) Non-Federal Dredging

The City recognizes that nonfederal dredging along the shoreline of the NHMA may be necessary in the future to maintain the continued viability of existing water-dependent facilities in the NHMA and to provide opportunities for new or expanded facilities. Significant considerations affecting any such non-federal dredging projects would concern the availability of suitable sites for dredged material disposal and the potential environmental impacts of those projects.

iii) Aids to Navigation and Markers

Aids to navigation are generally defined as buoys, beacons or other fixed objects on land or in the water that are used to mark obstructions to navigation or to direct navigation through safe channels. Aids to navigation in and near the NHMA include the federal aids to navigation maintained by the Coast Guard to mark the federal navigation channel and "private" aids to navigation placed and maintained by all other government and private interests. The City recognizes the essential function of aids to navigation to maintain boating safety in the NHMA. As a result, any issues that may arise concerning the location and adequacy of aids to navigation in and near the NHMA will continue to be of interest to the City.

iv) Navigation Fairways

Navigation fairways are generally defined as surface water areas to be kept free of any obstructions to facilitate ease and safety of navigation. Fairway designations, for example, may be applied to water areas frequently used by recreational and commercial vessels traveling between waterfront facilities (including public water-access facilities) and navigation channels. The City recognizes that as conditions change and additional water-dependent uses may be established on the City's waterfront, it may be appropriate to consider designation of navigation fairways in the NHMA and may do so in the HMP.

v) "Setback" Distances from Channels, Anchorages and Fairways

As conditions change and additional water-dependent uses may be established, the City also recognizes that it may be necessary to make decisions concerning the appropriate distance that floats, docks, piers, and other in-water structures should be set back from the boundaries of navigation fairways and other surface water areas designated for specific uses in the NHMA. The closer that in-water structures are located to such designated areas, the greater the potential for those structures to interfere with the use of the areas. The City recognizes that when planning and reviewing development proposals that may affect the NHMA, it may be necessary to consider appropriate distances that in-water structures should be set back from fairway boundaries as well as the in-water boundaries marking the extension of City rights-of-way into the NHMA.

vi) Icing Impacts

Ice conditions in the NHMA affect commercial vessel traffic in the winter months, including waterborne commerce in the federal navigation channel and the operation of passenger ferry service. Another potential issue of interest to the City is that commercial vessels navigating the federal channel can cause breaking ice to be thrust toward the shoreline, possibly damaging marina facilities and other waterfront structures. As a result, means for avoiding or reducing ice-caused damage to waterfront property will require continued attention.

vii) Passenger Vessels

In addition to the commercial and recreational vessels using the federal navigation channel and other commercial and recreational vessels navigating in the NHMA, passenger vessels are also prominent in the NHMA. These include excursion boats, passenger ferries, and vessels used for research and educational purposes. Passenger vessels provide important opportunities for public access to the NHMA and Hudson River, add to the vitality of the NHMA and waterfront and are a significant element of the regional transportation infrastructure. Passenger vessels also provide an opportunity for increased tourism linkages between the City and other Hudson River locations. As a result, the City recognizes the need for continued attention to the variety of requirements for safe and efficient passenger boat operation, including navigation requirements, as well as necessary waterfront docking facilities and upland support facilities. In addition, it is recognized that continued attention must be given to the avoidance of conflicts between passenger vessels and other vessels in the NHMA.

viii) Mooring and Anchoring Locations

A mooring may be defined as, “the place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.” Anchoring is the process of securing a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from the vessel. Planning for and managing mooring and anchoring areas is a significant harbor management issue in other Hudson River communities. Opportunities for mooring and anchoring in the NHMA have been seen as limited due to the deep water (generally greater than 30 feet at mean low water) near the shoreline and the proximity to the shoreline of the normally used federal navigation channel. Nevertheless, the City recognizes that opportunities for providing designated mooring and/or anchoring locations in appropriate locations along the shoreline, particularly in conjunction with waterfront redevelopment projects may be considered in the future.

xi) Boating Safety and Education

The continuing need for educating the operators of recreational vessels in the NHMA is a basic harbor management concern as not all boat operators will demonstrate adequate boat handling skills nor complete awareness of boating regulations and responsibilities. Due to the extent of water activity in the NHMA, including recreational power boating activities mixed with rowing and other non-motorized uses, excursion vessels, ferries and other commercial vessels, it is especially important that all vessel operators be aware of the laws and regulations for safe vessel operation and conduct their operations accordingly. As a result, the City recognizes the need for ongoing attention to initiatives that would increase the awareness and skills of boaters operating in the NHMA.

x) Unauthorized Encroachments into Navigable Water

Unauthorized encroachments into navigable water may be defined as structures or other work placed or undertaken without necessary City, State or federal approvals. In the NHMA, the City recognizes two basic types of encroachments that would be of concern. The first type would include any structures and other work that would interfere with the normally used federal navigation channel. The second type of encroachment of potential concern would be any structure (e.g., dock, float, seawall) or other work (e.g., dredging or filling) waterward of the mean high water line that is placed or carried out without necessary permits or in a manner not

consistent with permit conditions. In some instances, encroachments of this type may result from a lack of awareness of applicable regulations and permit requirements. The City recognizes that it would be necessary to apply its authorities to the elimination or correction of any unauthorized encroachments that may be identified in the NHMA.

xi) Educational and Scientific Uses

Public and private educational programs utilizing the NHMA and Hudson River provide opportunities for study of the river and its estuarine environment as well as opportunities for learning the skills for boating and other marine activities. Such programs are recognized by the City as beneficial uses of the NHMA; they can provide not only educational and recreational benefits but also information useful for planning and management decisions. The City also recognizes that educational and scientific uses of the NHMA will continue to require thoughtful planning and management to help ensure that they are conducted in a safe and enjoyable manner and in coordination with other beneficial recreational and commercial uses.

xii) Public Rights in Navigable Waters

In accordance with the Public Trust Doctrine – the body of law pertaining to waters subject to the ebb and flow of the tide – the general public has significant rights to use the waters of the NHMA for navigation, recreation, and other purposes. The use of public waters for navigation is the central and essential public right. Recognition of the Public Trust Doctrine and of the need to protect the public's rights under the doctrine is fundamental to decisions by the City and others affecting the use and conservation of the NHMA. Decisions affecting the NHMA must also recognize the significant riparian rights of waterfront property owners for access to the NHMA. The City recognizes that conflicts may sometimes arise between riparian and public rights in the NHMA, including conflicts arising over the construction of docks and piers by waterfront property owners to reach navigable water, and that it will be necessary to address those conflicts as they do arise.

xiii) Water Access Structures

Proposals by water-dependent facility operators, individual land-owners, and the City to construct or extend docks and piers to reach navigable water in the NHMA and/or increase docking capacity may raise issues regarding: 1) the potential environmental impacts of those structures (including impacts on coastal resources and scenic quality); 2) the possible

effect of those structures on small boat navigation and other public uses of Public Trust waters; 3) the appropriate size and length to which docks and piers should be constructed or extended; and 4) the extent to which the City should control or limit such structures. The City recognizes that it will have to address these concerns when reviewing proposals for the extension of docks and piers into the NHMA.

As with dredging, filling and the use of shore protection structures, the environmental impacts of individual docks and piers may be relatively minor but the cumulative impacts may be more significant.

xiv) Energy Generation and Transmission Facilities

Recent plans and proposals for energy generation and transmission facilities in the coastal area of the state, including but not limited to floating and submerged platforms, pipelines and other structures, have increased awareness of the potential impacts these facilities can have on navigation, coastal resources, and other conditions. Any such plans and proposals that might affect the NHMA in the future will require careful review to identify and avoid any potential adverse impacts of the proposed facilities, including direct impacts on conditions in the NHMA and secondary impacts on upland areas, including upland areas adjoining the NHMA.

xv) Underwater Land Grants

The City recognizes that the owners of underwater land grants in the NHMA have certain rights for use of the NHMA that are separate and distinct from the rights of other waterfront property owners and the general public. The City also recognizes that the private rights specified in the grants may affect future decisions by the City concerning waterfront use and development and that any questions concerning those rights may need to be addressed in the course of implementing the HMP.

f. Recreational Boating Issues

i) Boating Facilities and Services

Recreational boating activities contribute to the vitality and attractiveness of the NHMA, provide significant economic benefits locally, and enhance City redevelopment and revitalization opportunities. The boating activities require waterfront facilities and services, including, but not limited to, facilities and services for boat berthing, launching, repair, maintenance

and storage. City and State coastal management policies recognize the importance of the water-dependent facilities needed to support recreational boating and support their continued operation. Nevertheless, there are economic, regulatory and other conditions that could affect the viability and operation of these water-dependent facilities in the future.

The City recognizes that the effect of waterfront development proposals and City land-use decisions on the operation and viability of existing boating facilities and services in the NHMA and on opportunities for development of new facilities is a significant harbor management consideration that will continue to require attention.

ii) Public Boating Facilities

Boating facilities owned and operated by the City for public use include the Newburgh Landing dock, Newburgh boat launching ramp and Ward Brothers Memorial Rowing Park. The continued operation, maintenance, and enhancement of these facilities which provide significant opportunities for public use and enjoyment of the NHMA is a basic consideration of the HMP. The City recognizes there are opportunities for enhancing the existing facilities, including opportunities for expanding the capacity of the Newburgh Landing dock to accommodate larger vessels and possibly relocating the rowing and boat launching facilities in conjunction with waterfront redevelopment.

iii) Facilities for Visiting Boaters

Those who may choose to visit Newburgh by boat can provide benefits to the local economy and add to the vitality of the NHMA and waterfront. The ability of the City to attract such visitors will depend on the availability of docking and other boating-support facilities and services, the environmental quality of the NHMA and the existence of attractions that will serve as destinations for the visiting boaters. Successful implementation of the City's LWRP-area redevelopment plans should serve to increase the attractiveness of the NHMA for transient boaters. Existing facilities in the NHMA for the use of visiting boaters, however, are limited. The Newburgh Landing dock, for example, is intended to accommodate large vessels and its use requires prior approval from the City. There is no public docking facility specifically intended to accommodate visiting recreational boaters who are not patrons of the commercial marinas or waterfront restaurants. The City recognizes that the provision of public facilities for visiting boaters is a matter requiring continued attention.

iv) Live-Aboard Vessels

The principal issue raised by the short- or long-term use of vessels as living quarters concerns the water pollution that could be caused by uncontrolled waste discharges, including illegal discharges of marine sanitation devices. Also, houseboats that do not function as seaworthy vessels are not truly water-dependent uses and can occupy berthing space that could be used by functional vessels. While matters of this sort may not be of immediate concern in the NHMA, the City recognizes the need to address such issues should they arise in the future.

v) Personal Watercraft Operation

A personal watercraft is defined as a vessel propelled by machinery and that satisfies one or both of the following criteria: a) has a width not greater than 24 inches; and b) is capable of carrying at least one individual who while operating the vessel has no means of steerage other than shifting his or her body weight. The City recognizes the potential for personal watercraft operation to occur in conflict with other water uses and in violation of boating laws and public safety requirements. The operation of personal watercraft in the state is subject to the same boating safety regulations, including vessel speed regulations, that apply to the operation of all other vessels. The City recognizes that any issues concerning personal watercraft use in the NHMA would be most appropriately addressed through enforcement of existing regulations and through the increased education of watercraft operators.

vi) Hand-Powered Boating Activities

Hand-powered navigation including kayaking, canoeing and rowing can contribute significantly to the vitality of the NHMA and waterfront. These activities can be supported and encouraged through a variety of City policies, plans and programs and through provision and enhancement of public facilities enabling safe and enjoyable access to the NHMA for such activities. Conflicts between these activities and other water uses that may arise from time to time will require the City's attention in order to maintain safe and beneficial use of the NHMA. The City recognizes that in its review of future waterfront development proposals it can encourage the provision of public facilities for launching and landing of small, non-motorized vessels. The City also recognizes that opportunities may be pursued for enhancement of the existing Ward Brothers Memorial Rowing Park facilities, including enhancement through relocation.

vii) Vessel Waste Pump-Out Facilities

Vessel waste pump-out facilities pump sewage from a boat's holding tank and then contain that waste before properly disposing of it into a sewage disposal system. These facilities are important components of local and state programs to maintain and improve the water quality of the Hudson River, including the NHMA. Described in the earlier section on Environmental Quality, the potential for discharges of sewage from vessel holding tanks is a potential water quality concern in all state waterways. The City recognizes that the provision of a vessel waste pump-out facility available for public use would serve to advance the City's goals for maintaining and enhancing water quality in the NHMA.

viii) Dockominiums

A "dockominium" is a marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title to the use of that slip or berth. The conversion of existing boat slips to dockominiums or development of new boat slips as dockominiums is of interest in other waterfront communities and may be of interest in the NHMA in the future. It has been argued that dockominiums reduce public access to the water and that the concept conflicts with the Public Trust Doctrine by which underwater lands (excluding lands previously granted for private use) are held in trust by the state for the use and benefit of the general public. The concern has also been expressed in some communities that dockominiums may provide space for primarily large boats and may contribute to the exclusion of smaller boats and moderate income boaters. An argument in favor of dockominiums is that they provide a profitable waterfront use; without them, waterfront land may be converted to some other, non-water-dependent use.

g. Public Access Issues

i) Public Access to the NHMA

Public access to the NHMA is a fundamental harbor management consideration. The City's waterfront character and quality of life, along with the vitality of its navigable waters, depend, in large part, on continued provision of safe and enjoyable opportunities for public access to the NHMA and shoreline. The City recognizes that such access should be considered in terms of both physical and visual access, including access for boating, fishing and other in-water recreational activities, as well as use of appropriate areas of the shoreline for walking, enjoyment of water views, special events and educational purposes.

In addition to City-owned properties providing public access to the NHMA, including the Newburgh Landing, Newburgh boat launching ramp, rowing park, riverfront walkway and street-end rights-of-way (First Street and South Street, for example), opportunities for public access can also be provided in private waterfront development projects. In the course of implementing the HMP, the City will be required to make a number of decisions and recommendations regarding the provision of opportunities for public access to the NHMA. When making those decisions, the City recognizes that it will be necessary to consider access for both the boating and non-boating public. Also, it is recognized that when planning for desirable uses of the NHMA, including public access to and along the water, conflicts with other land-uses, including commercial uses, must be avoided.

ii) Public Access from City Properties

The City's waterfront areas and rights-of-way are focal points of public activity and access on the NHMA shoreline, providing opportunities for boat launching, docking (for larger vessels at the Newburgh Landing with prior approval) as well as opportunities for the non-boating public to enjoy fishing, water views, picnicking, waterfront special events and other activities. The public waterfront areas will require continued management attention and the allocation of sufficient City resources to ensure that they are effectively maintained for beneficial public use and enjoyment. Such attention and resources will also be necessary to achieve opportunities for enhancement of existing water access facilities as well as opportunities for establishment of new facilities. In addition, continued attention will need to be given to balancing the needs of a number of different interests for use of City-owned facilities, including those who desire access to the water for boating and other active recreation and those who wish to enjoy passive recreation pursuits.

iii) Public Access Through Waterfront Redevelopment

City and State coastal management policies favoring water-dependent use of coastal sites will affect the City's review of any future redevelopment proposals for privately owned properties along the waterfront. Through application of those policies (see the following section on Waterfront Land-Use and Development) the City has the opportunity to obtain substantial public access provisions from private developers. The City recognizes that a number of significant questions pertinent to the review of future waterfront development proposals and the provision of public access in the NHMA, however, must be addressed. These questions include: How much access should be required? How to ensure that it is safe and well-

designed? How to link and coordinate the amenities provided at different sites into a useful and meaningful waterfront experience?

In the absence of pre-established answers to these and other questions, the WAC and Planning Board responsible for reviewing waterfront development proposals for consistency with the LWRP and Master Plan will seek to answer the key questions on a case-by-case basis, in the course of its project review responsibilities. (See the previous section on Harbor Administration and Coordination.)

iv) Balancing Public and Private Rights

Public access to the NHMA from the water is not subject to all of the same constraints that affect public access from the land. Consistent with the Public Trust Doctrine, the open waters and submerged lands subject to the ebb and flood of the tide in the NHMA (excluding those submerged lands previously granted by the state to private owners) are held in trust by the state for the benefit of the general public. Described earlier, the general public has important rights of navigation and access waterward of the MHW line. The right of free navigation is subject to lawfully enacted restrictions (concerning the operation of vessels in the interest of public safety, for example). Public rights waterward of the MHW line must be balanced with the riparian rights and other property rights of waterfront property owners. The public, for example, does not have the right to cross privately owned land to reach the Public Trust area. (See the previous section on Water-Use and Navigation.)

v) Special Waterfront Events

The City recognizes that special waterfront events including, but not limited to, boating-related events and exhibits, fireworks displays, and waterfront concerts add to the vitality to the NHMA and waterfront and provide important recreational, economic and other benefits to the community. Those events, however, require substantial planning, management attention, and coordination among governmental agencies and volunteers to help ensure continued safe and enjoyable public experiences and attendant benefits. Opportunities for additional special events to attract people to the waterfront and NHMA can be pursued.

vi) Water-Based Tourism

The economic, recreational, and other benefits of tourism to the City and the Hudson River Valley region are well recognized. Enhancement of opportunities for water-based tourism is considered an important element

of the City's tourism strategy. Such opportunities may be achieved through public water-access facilities provided at City-owned waterfront properties, through public amenities associated with waterfront redevelopment and through publicly supported programs providing river excursions. The City recognizes that achievement of such opportunities will require substantial planning, commitment, and investment.

h. Waterfront Land-Use and Development Issues

i) Land-Use Authorities

The City recognizes the significant influence that waterfront land-use and development have on the NHMA. The water-dependent facilities along the City's Hudson River shoreline, for example, provide opportunities for use of the NHMA for boating and other water-dependent activities that provide significant economic and cultural benefits in the City. At the same time, waterfront land-use and development can cause adverse impacts in the NHMA, including impacts on natural coastal resources, water quality, and scenic views of the river and highlands. As a result, the City recognizes that its land-use authorities can be applied to advance the goals of the HMP and that implementation of City land-use provisions established in the LWRP and Master Plan should be coordinated with implementation of the HMP. The City also recognizes that ongoing coordination among the WAC and the City's land-use boards is needed to achieve effective implementation of the LWRP (and its HMP) and the Master Plan as the two documents address overlapping issues along the waterfront. (See the previous section on Institutional Framework Issues.)

ii) Economic Impacts

Economic considerations are inherent in many of the harbor management issues recognized by the City. Those considerations may be discussed in terms of: 1) the economic impacts (including benefits) of water and waterfront uses; and 2) the economic values of water and waterfront resources.

Water-dependent uses on the City's shoreline supporting recreational boating and other water-dependent activities have significant economic benefits. In addition, visitors to the Newburgh Landing, patrons of marinas, waterfront restaurants and excursion vessels, and others who visit Newburgh for the beneficial use and enjoyment of the NHMA and waterfront also have a positive impact on the local economy.

Economic impacts of water and waterfront uses, measured solely in terms of the amount of money that changes hands, are not complete measures of the economic value of Newburgh's water and waterfront resources. The City recognizes that the natural resources and environmental quality of the NHMA have important economic values that are more difficult to quantify than economic impacts. For example, tourism potential, opportunities for water and waterfront recreation, and opportunities for water-enhanced development depend in large part on the natural quality of the City's Hudson River environment. In addition, the natural resources of the NHMA provide ecological functions related, for example, to fish and wildlife habitat and water quality. These ecological functions also have an economic value.

The City recognizes that some significant environmental issues will need to be addressed as it continues to pursue the water-related opportunities for economic development and Downtown and waterfront revitalization presented by the NHMA and waterfront. When pursuing those opportunities, the importance of achieving and maintaining a balance between goals for waterfront use and development and goals for conservation of environmental quality must continue to be recognized. While the natural environment of the NHMA and waterfront provides vital ecological functions and the opportunity for water and waterfront uses with important economic and social benefits, the natural environment may be damaged by those same uses. (See the previous section on Environmental Quality.)

iii) **Water-Dependent Uses**

The City and the State of New York have established policies that promote and protect water-dependent uses on the Newburgh waterfront. New York's Coastal Management Program, for example, establishes the policy to give high priority and preference to water-dependent uses which are uses that can only be conducted on, in, over, or adjacent to a waterbody because the use requires direct access to that water body. These state policies are reflected and supported in the LWRP.

Acting through the City's LWRP consistency review process, the WAC and Planning Board have responsibilities for considering the water-dependency of proposed development projects affecting the NHMA. When considering issues of water-dependency, the City recognizes that economic and regulatory conditions may limit possibilities for development of water-dependent uses as the principal uses of waterfront sites. As a result, waterfront redevelopment projects involving residential and non-water-dependent commercial development as well as water-enhanced development may be anticipated. To achieve consistency with the City and

state policies favoring water-dependent uses, those projects will be expected to include facilities and amenities for public access to and along the NHMA.

Two significant questions of that may be of concern to City agencies considering the water-dependency of future waterfront development projects affecting the NHMA are: 1) how to retain and encourage truly water-dependent uses such as the recreational boating and marine-commercial uses that require direct access to the water?; and 2) how to ensure that well-designed and meaningful provisions for public access are incorporated into development that is otherwise not water-dependent?

iv) **Waterfront Zoning**

The City applies its waterfront zoning regulations to help preserve, enhance, and encourage water-dependent and water-enhanced uses on the waterfront and otherwise implement the City's coastal land-use policies embodied in the LWRP. The Waterfront Mixed Use and Waterfront Industrial districts are intended to provide for and encourage the most appropriate use and development of waterfront property with priority to water-dependent and water-enhanced uses.

Future redevelopment proposals affecting existing water-dependent uses on the waterfront will be reviewed for consistency with the applicable zoning districts. Also, proposals for waterfront zoning changes may be submitted to the Zoning Board of Appeals. When reviewing any future proposals for redevelopment or zoning changes, it will be necessary to give consideration to the effect of those proposals on existing water-dependent uses and on opportunities for future water-dependent development activities. In the course of the LWRP consistency review process, the WAC will be required to review and comment on any future redevelopment proposals affecting property adjoining the NHMA, as well as any proposals for waterfront zoning amendments.

v) **Waterfront Redevelopment**

In 2008, major redevelopment projects are being planned for several prominent properties on and near the NHMA. These include, but are not limited to, the City-owned properties known as the Consolidated Iron and Metal site and the designated redevelopment properties adjoining Rev. Dr. Martin Luther King Jr. Boulevard. In addition, it should be anticipated that owners of other significant waterfront properties, including but not limited to the Regal Bag, Gull Harbour-American Dock Corporation and Steel-Style properties, may pursue redevelopment of their properties in the future. Comprehensive redevelopment of these sites would be expected to

have significant long-term impacts on the future character of the City and its waterfront. In addition to having positive economic and other impacts, redevelopment of these and other sites on and near the waterfront also raises the possibility of adverse impacts, including potential environmental and other impacts (on water quality, boating safety, public use of water resources and scenic views, for example). Development applications for these and other sites therefore require careful planning and review to help ensure that positive benefits are realized, and that any potential adverse impacts, including adverse impacts on the NHMA, are avoided or minimized. While the principal requirements for guiding waterfront development are the land-use policies of the LWRP and Master Plan and the City's zoning regulations, the provisions of the HMP will also be applicable to the review of waterfront redevelopment plans.

vi) Waterfront Commercial/Industrial Facilities

Commercial and industrial water-dependent uses, including ship-building and the water-borne shipment of materials to and from City port facilities, were a significant part of the City's waterfront history. While such uses have now been largely replaced by recreational water-dependent uses, there continue to be opportunities for marine-commercial uses adjoining the NHMA. The City recognizes that such uses in appropriate locations and in balance with other water-dependent and water-enhanced uses are beneficial uses of the NHMA and waterfront, and that opportunities for marine-commercial uses should be considered in decisions affecting waterfront land-use and development.

vii) Passenger Boat Terminals

Operation, maintenance and establishment of passenger vessel operations in the NHMA, including Hudson River excursion vessel operations and ferry service connecting Newburgh with Beacon and other Hudson River locations, have significant land-use implications. In addition to the navigation requirements and water-use issues that must be addressed in order to provide safe and beneficial passenger vessel operations, the City recognizes that attention must be given to the upland facilities needed to support these operations and to a variety of traffic, parking, and infrastructure requirements. While passenger vessels provide important opportunities for transportation benefits and public access to the NHMA and Hudson River, boat terminals also have the potential for significant impacts on waterfront areas. As a result, proposals for new or relocated boat terminals will require careful planning and review to ensure that upland and well as in-water issues and requirements are adequately addressed.

viii) Maintenance of Waterfront Areas and Facilities

The environmental quality associated with the NHMA can be adversely affected by deterioration and lack of maintenance of waterfront sites and facilities, including shore protection structures as well as docks and piers for water access. The City recognizes the need for ongoing, effective maintenance of public waterfront areas, including the Newburgh Landing, Newburgh boat launching ramp, rowing park and riverfront walkway, to continue to provide a clean, attractive waterfront and enjoyable public spaces. Maintenance of privately owned waterfront facilities and areas is also important for maintaining the environmental quality, including scenic quality, of the NHMA.

ix) Shoreline Stabilization

Erosion of the NHMA shoreline is a natural, ongoing process that will continue to affect shoreline use and development. Much of the City's Hudson River shoreline is stabilized with structural shore protection/stabilization measures such as bulkheads, seawalls and riprap revetments. These measures are needed to protect existing development along the shoreline, but can also have some adverse impacts; their replacement, as may be needed, requires careful design and planning. Structures such as seawalls and bulkheads also require regular maintenance or else their deterioration may adversely affect environmental quality and/or navigation in the NHMA; regular maintenance of riprap revetment structures is also needed to remove floating debris that may accumulate in them.

x) LWRP-Area Neighborhoods

Residential neighborhoods occupy significant parts of the LWRP area. These neighborhoods, along with the City's natural coastal resources and water-dependent recreational and commercial activities in the NHMA, help shape the character and image of the City. When planning and managing water and waterfront use and development, including enhanced use of City parks and rights-of-way providing opportunities for access to the NHMA, the City recognizes that consideration must be given to providing opportunities for the residents of residential neighborhoods to enjoy access to the NHMA.

xi) Riparian Rights

Waterfront property owners have riparian rights for access to the NHMA and Hudson River. The City recognizes that these rights, inherent in the

ownership of lands bordering tidal and navigable waters, are fundamental considerations when planning for use and conservation of the NHMA. While the property owner has the riparian right of access to navigable water, commonly exercised by “wharfing out,” that right must be balanced against the public's rights and interests in the NHMA. The City recognizes the potential for conflicts between riparian and public rights in the NHMA and that it will be necessary to address any such issues as they may arise. A principal conflict between riparian and public rights in navigable water often arises over property owners' construction of docks and piers that can interfere with navigation and other public interests. Also of potential concern are possible conflicts between adjacent landowners over the lateral limits of their riparian rights. A shorefront owner has the right of access to navigable water, for example, but the extension of any dock or pier can not infringe on the adjacent owner's riparian area.

xii) Waterfront Rail Line

The CSX rail line that follows the City's Hudson River shoreline is a significant physical feature of the waterfront and was vital to the historical use and development of the City. The City recognizes that the rail line and its impact on pedestrian and vehicle access to the NHMA and waterfront require consideration when making decisions affecting waterfront land-use and development.

xiii) Filling of Submerged Land

The City recognizes that filling of submerged land in the NHMA to support waterfront development and shore protection measures raises the possibility of adverse environmental impacts, including impacts on fisheries habitat and water quality. When viewed individually, small filling operations may appear inconsequential; their cumulative impacts over time, however, may be significant. As a result, it is recognized that any proposals for the filling of submerged land in the NHMA, including proposals affecting privately owned underwater lands, will be subject to particularly careful review to assess potential environmental impacts.

Insert Figure 17: Northern Portion of NHMA: Existing Conditions and Water-Dependent Uses

Insert Figure 18: Southern Portion of NHMA: Existing Conditions and Water-Dependent Uses

Insert Figure 19: NHMA Existing Conditions Photos 1-2

Insert Figure 20: NHMA Existing Conditions Photos 3-4

Insert Figure 21: NHMA Existing Conditions Photos 5-6

Insert Figure 22: NHMA Existing Conditions Photos 7-8

Insert Figure 23: NHMA Existing Conditions Photos 9-10

Insert Figure 24: NHMA Existing Conditions Photos 11-12

Insert Figure 25: NHMA Existing Conditions Photos 13-14

Insert Figure 26: NHMA Existing Conditions Photos 15-16

Insert Figure 27: NHMA Existing Conditions Photos 17-18

Insert Figure 28: NHMA: Existing Conditions Photos 19-20