

SECTION III
LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES
AND
HARBOR MANAGEMENT PLAN GOALS, POLICIES AND OBJECTIVES

SECTION III LWRP POLICIES AND HMP GOALS, POLICIES AND OBJECTIVES

This section contains the policies, goals and objectives that form the basis of the proposed LWRP projects found in Section IV. The section is divided into two parts. The first part deals with the LWRP as a whole, and includes a listing of both the State Coastal Policies and additional local policies developed for Newburgh in particular. The second part covers the HMP, as a distinct element of the LWRP. The harbor management goals, objectives and policies, together with the harbor management opportunities and recommendations contained in Section IV, constitute the HMP portion of the LWRP. All actions and activities within the LWRP area must be consistent with the policies described herein.

The LWRP local policies and applicable state policies are cross-referenced with the HMP goals where applicable.

A. LWRP Local Policies and Applicable State Policies

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Local Waterfront Revitalization Program (LWRP) in the City of Newburgh. Also included are additional local policies and an explanation of how both state and local policies relate to Newburgh's LWRP area.

DEVELOPMENT POLICIES

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

(See HMP Goals 3, 4, 8, 9, 10)

POLICY 1A REDEVELOP AND REVITALIZE UNDER-UTILIZED AND/OR VACANT INDUSTRIAL AND HEAVY COMMERCIAL PROPERTIES LOCATED NORTH OF THE QUASSAICK CREEK (AREA A – SOUTHERN/QUASSAICK CREEK AREA).

(See HMP Goals 5, 8)

POLICY 1B REDEVELOP AND REVITALIZE THE LAND AREA WEST OF REV. DR. MARTIN LUTHER KING JR. BOULEVARD (AREA B – UPLAND AREA) FOR COMMERCIAL, CULTURAL, INSTITUTIONAL, RESIDENTIAL, AND RECREATIONAL USES, WITH EMPHASIS ON INTEGRATING USES

WHICH ARE WATER-ENHANCED SUCH AS PUBLIC PARKS WITH VIEWS TO THE RIVER.

(See HMP Goal 8)

POLICY 1C REDEVELOP AND REVITALIZE THE LAND AREA BETWEEN REV. DR. MARTIN LUTHER KING JR. BOULEVARD AND THE HUDSON RIVER (AREA C – WATERFRONT AREA) TO INCLUDE WATER-DEPENDENT AND WATER-ENHANCED MIXED-USE RESIDENTIAL, RECREATIONAL, COMMERCIAL, AND OPEN SPACE USES WHICH INCORPORATE PUBLIC ACCESS TO THE HUDSON RIVER.

(See HMP Goals 3, 4, 8, 10)

POLICY 1D CREATE A PEDESTRIAN LINK TO THE USES ALONG THE WATERFRONT AND LINK THE WESTERN PORTION OF THE LWRP AREA ALONG THE QUASSAICK CREEK WITH THE WATERFRONT, ESPECIALLY ALONG THE BROADWAY CORRIDOR AND FROM WASHINGTON'S HEADQUARTERS AND THE MONTGOMERY-GRAND-LIBERTY STREETS HISTORIC DISTRICT NEIGHBORHOODS.

Explanation of Policy

All government agencies must ensure that their actions further the revitalization of waterfront areas in the City of Newburgh. The sale, lease, conveyance of waivers or permits or purchase of property; the construction of a new road or park; provision of pedestrian access; enhancement of streetscapes; upgrading of public utilities; the provision of tax incentives for businesses; and establishment of enterprise zones are all examples of government means for spurring waterfront revitalization. When such actions are proposed, they must be analyzed by the appropriate agencies, boards and commissions and committees to determine if they would contribute to or adversely affect the City's waterfront revitalization efforts.

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

Land usage within Newburgh's waterfront area is characterized by large areas of residential usage, institutional usage, industrial usage and open space, interspersed with public and semi-public uses, and a limited amount of commercial/retail and public recreational space. There is a substantial amount of vacant, underutilized and deteriorating parcels throughout the area, a significant portion of which are suitable for revitalization and redevelopment.

Among the vacant and underutilized land within the LWRP area is former industrial land located at the base of the "Heights" area adjoining Quassaick Creek (including the former Provan Ford site), as well as a number of vacant storefronts within the Lake Street Plaza shopping center just east of Muchattoes Lake. In addition, there are a number of vacant and underutilized parcels in the southern portion of the inland LWRP area, beginning at Overlook Place, as well as abandoned, deteriorating and underutilized residential and industrial buildings. Although these structures are in deteriorating condition, there is the potential for restoration and adaptive reuse, particularly given the area's proximity to the historic Washington's Headquarters. Vacant City-owned land exists along Colden Street and Rev. Dr. Martin Luther King Jr. Boulevard between Washington Street, Broadway and Second Street (site of the Leyland Alliance redevelopment proposal), as well as along Rev. Dr. Martin Luther King Jr. Boulevard between South Street and Nicoll Street. Throughout the inland LWRP 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. Any redevelopment in this area should be compatible with the historic character of the East End Historic District. In addition, several parcels along the waterfront are vacant, underutilized, deteriorating or abandoned. Steel Style, the City Incinerator site, the Consolidated Iron site and the Regal Bag property all represent underutilized parcels of land in the area. In addition, the former Newburgh Train Station is vacant. All of these sites have the potential for more intensive water-enhanced and/or water-dependent uses.

The steep slopes rising up to the Heights neighborhood are also vacant. It is the City's intent 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 Quassaick 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 wildlife. 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.

Rehabilitation and revitalization of the vacant, abandoned, deteriorating and underutilized structures within the inland area, especially in the vicinity of Washington's Headquarters, lower Broadway and the Montgomery-Grand-Liberty Streets area, shall be priority items. Incentives, if available (tax, loans, technical aid); public improvements to encourage infill development of residential, institutional and commercial structures; rehabilitation of existing structures and facilities; and the expansion of public recreational land and open space in appropriate locations within the waterfront area shall be priority activities.

In the redevelopment of brownfield sites (such as the Consolidated Iron site and the Provan Ford site) within the LWRP area, planning activities will be undertaken as part of the Department of Environmental Conservation's Brownfields Opportunity Area Program grant, by the Newburgh Department of Planning and Development's Economic Development Division under the direction and review of the Newburgh City Council, as Expanded Lead Agency.

For purposes of a waterfront connection between the Central Business District (CBD) and the river, Broadway presents the best and most logical linkage. Uses and activities which encourage and enhance the use of the waterfront both visually and physically, as well as uses with a large patron appeal and pedestrian orientation, are encouraged along lower Broadway. The goal is to encourage a mix of new uses as well as enhance existing uses and activities along the waterfront and lower Broadway to facilitate this link. Physical improvements such as pedestrian walkways, public open space, and targeted landscape designs will help facilitate this goal. An important component of this goal is the public interest. Waterfront activities and uses which are in the public interest will be given priority during the City's review process.

Redevelopment and revitalization activities which maximize the use of the waterfront would greatly improve Newburgh's physical appearance and economic condition. Water-dependent and water-enhanced uses on waterfront parcels are encouraged and will be given priority where environmentally feasible, economically practical and consistent with City planning objectives.

Of particular importance in such waterfront redevelopment and revitalization activities is the need to establish consistency between the use and development of private parcels and public elements within the waterfront and upland area. This will involve balancing the need for public access to the waterfront with private ownership of the land, and ensuring that the City has full access and control of its Riparian rights (i.e., the City-owned areas within the Hudson River at the ends of perpendicular streets).

When actions are proposed that will affect the revitalization, development or redevelopment of parcels in the LWRP area, they will be evaluated in terms of their value to the public good and compliance with the above policies. More specifically:

1. No actions that would cause aesthetic or environmental deterioration of the waterfront area will be approved.
2. Uses that are water-dependent and water-enhanced will be given priority.
3. All actions shall enhance existing and anticipated uses.
4. Wherever possible, uses along the river shall include waterfront public access and/or recreational uses.
5. Priority shall be given in the allocation of public monies and actions to aid development or redevelopment of parcels in the waterfront area to those projects which create employment opportunities and expand the tax base.
6. All actions shall improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (i.e., a building could not be abandoned without protecting it against vandalism and/or structural decline). For example,

buildings which are currently deteriorated must be stabilized immediately by the current owner or as soon as the building is purchased by a new owner.

7. All actions must lead to development which is consistent or compatible with the character of the area. Consideration shall be given to scale, architectural style, density and intensity of use. Adaptive reuse will be used, wherever possible, as a technique to preserve existing structures along the water.
8. All actions should have the potential to increase the current tax and economic base of the community. This includes increased jobs for the City's residents, as well as means for generating revenue for the City.
9. All actions, where feasible and appropriate, should improve adjacent and upland views of the water. At a minimum, such actions must not affect the river views in an adverse manner.
10. All actions shall comply with applicable City, State and Federal regulations.

(See LWRP Policies 2, 5, 9A, 11, 11A, 19, 21, 23, 25; HMP Goals 3, 4, 8, 10)

POLICY 1E ENCOURAGE SUSTAINABLE BUILDING PRACTICES AND GREEN BUILDING DESIGN AS PART OF ALL REDEVELOPMENT ACTIVITIES THROUGHOUT THE ENTIRE LWRP AREA.

In an effort to improve energy efficiency and other environmental impacts throughout the LWRP area, the City will encourage sustainable building practices and "green" building design. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance and demolition. Research and experience increasingly demonstrate that when buildings are designed and operated with their lifecycle impacts in mind, they can provide significant environmental, economic and social benefits.

Elements of green building include:

- Energy efficiency and renewable energy
- Water stewardship
- Environmentally preferable building materials and specifications
- Waste reduction
- Toxics
- Indoor environment
- Smart Growth and sustainable development

The US Green Building Council has devised a Leadership in Energy and Environmental Design (LEED™) Green Building Rating System as a way to measure the energy and environmental performance of buildings. The LEED rating system allots points within seven specific categories for

environmentally beneficial building materials and design, in categories such as site location, water efficiency, energy and the atmosphere, materials and resources and indoor environmental quality.

The City should make LEED accreditation a consideration of site plan approval for new construction within the LWRP area, and should consider updating its Code to encourage sustainable building practices through a combination of regulations and incentives. Potential regulatory actions include passing EnergyStar legislation to require certain structures to comply with EnergyStar guidelines and adding pervious/permeable paving requirements to the Code. Potential incentives to be used include New York State's Green Building Tax Credit (GBTC) program, an income tax credit for owners and tenants of buildings which meet energy, indoor air quality, materials, commissioning, water conservation, appliance and size criteria. Also, the New York State Energy Research and Development Authority (NYSERDA) provides technical and financial assistance to those interested in building "green."

(See HMP Goal 11)

POLICY 1F **THE NEWBURGH WATERFRONT ADVISORY COMMITTEE SHALL REVIEW ALL COASTAL ASSESSMENT FORMS AND ENVIRONMENTAL IMPACT STATEMENTS ON PROJECTS LOCATED WITHIN THE LWRP AREA AND MAKE RECOMMENDATIONS TO APPROPRIATE AGENCIES REGARDING THE CONSISTENCY OF PROPOSED ACTIONS WITH THE LWRP POLICY STANDARDS AND CONDITIONS. THE WATERFRONT ADVISORY COMMITTEE SHALL ALSO REVIEW ALL PUBLIC ACCESS PLANS FOR USES WITHIN THE LWRP AREA.**

(See HMP Goals 2, 8, 9, 10, 11)

POLICY 1G **THE NEWBURGH WATERFRONT ADVISORY COMMITTEE SHALL REVIEW ALL HARBOR MANAGEMENT ACTIVITIES FOR THE CITY OF NEWBURGH ON AN ADVISORY BASIS AND MAKE RECOMMENDATIONS TO APPROPRIATE AGENCIES REGARDING THE CONSISTENCY OF SUCH PLANS WITH THE LWRP AND HMP POLICY STANDARDS AND CONDITIONS.**

Chapter 296 of the Code of the City of Newburgh has authorized the City Council to appoint five city residents to a Waterfront Advisory Committee to assist appropriate agencies in determining the consistency of proposed actions with the LWRP policy standards and conditions.

Whenever a proposed action is located in the City's LWRP area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions, including the HMP goals, policies and objectives, incorporated into this LWRP. The applicant for such an action – or in the case of a direct action, the agency – shall prepare a Coastal Assessment Form (CAF) to assist in determining the

consistency of the proposed action. The agency shall refer a copy of the completed CAF to the Committee within 10 days of its submission and, prior to making its determination, shall consider the Committee's recommendation with reference to the consistency of the proposed action. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions. The Committee shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.

The Committee's recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards of conditions and shall elaborate, in writing, the basis for its opinion. The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them. In the event that the Committee recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee recommendation.

If the agency determines that the proposed action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
3. The action will advance one or more of the other LWRP policy standards and conditions; and
4. The action will result in an overriding city, regional or statewide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

In addition to the powers and duties specified in Chapter 296 of the Code, the Waterfront Advisory Committee is also authorized to review public access plans for uses in the W-1 and W-2 zoning districts, pursuant to § 300-20 of the Code. Uses in these zoning districts that abut the Hudson River are subject to certain zoning incentives – an increase by 15 percent to the maximum building coverage, and a decrease by 30 percent of the off-street parking requirement – in exchange for the provision of waterfront public access. The access plans shall be approved by the Planning Board with advice from the Waterfront Advisory Committee, and the access shall be available for public use under a mutually agreeable arrangement between the City and the property owner.

This consistency review procedure as outlined in Chapter 296 of the Code shall also apply to all projects located within the HMP area, as the HMP is a fully incorporated element of this LWRP. Projects located within the HMP area must demonstrate consistency with both the LWRP policies and standards and the HMP goals, policies and objectives contained in this section.

(See HMP Goals 2, 8, 9, 11)

POLICY 1H ALL RESTORATION, REVITALIZATION, REDEVELOPMENT AND PROPOSED DEVELOPMENT PROJECTS WITHIN THE LWRP AREA FOR WHICH THE NEWBURGH CITY COUNCIL IS LEAD AGENCY SHOULD BE REVIEWED FOLLOWING THE EXPANDED CITY LEAD AGENCY FORMAT.

For large development projects within the LWRP area for which the City Council would act as Lead Agency for the New York State Environmental Quality Review Act (6NYCRR Part 617 – SEQR), the Council should consider employing the Expanded Lead Agency format used during the Leyland Alliance’s Newburgh Waterfront Redevelopment Project. Under this format, the Council would remain Lead Agency. However, two members of the Planning Board, one member of the Zoning Board of Appeals and one representative of the Waterfront Advisory Committee, to be chosen by those bodies, shall be designated to sit with the Council to, among other things, share their expertise, as well as to act as a liaison to their respective boards, who will be “involved agencies” under SEQR’s coordinated review procedures.

(See HMP Goals 2, 8, 11)

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

Explanation of Policy

Newburgh’s waterfront properties are a valuable resource. Historically, these properties were mainly developed with industrial water-dependent uses because of their riverfront location. Due to the globalization of industry, overall demand for such uses has declined, and many of Newburgh’s former waterfront industrial sites are now vacant, deteriorated or underutilized (see Section II). However, demand for waterfront property is increasing throughout the State, and the only reasonable expectation is that long-term demand for waterfront space will intensify.

The following uses and facilities are considered water-dependent and can be classified as either industrial water-dependent or non-industrial water-dependent uses:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);

2. Recreational activities which depend on access to coastal waters (for example: fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection and stormwater management structures (for example: breakwaters, bulkheads), or municipal wastewater treatment facilities;
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (e.g. hydroelectric power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (e.g. coal export facilities, quarries);
9. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);
10. Scientific/educational/security activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities, Coast Guard/homeland security activities); and
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the dependent use, rather than on the shore.

Water-dependent uses within Newburgh's waterfront area include: the City's 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. In addition, boat slips are available and accessory to the Pier Loun residential development, and land was recently made available to the Newburgh Rowing Club for the construction of a boat house and launch site at Ward Brothers Memorial Park.

In addition to water-dependent uses, land development and activities that are enhanced by a waterfront location should be encouraged to locate along the river. However, such development

should not be at the expense of viable existing and potential future water-dependent uses and should include provisions for public access. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Water-enhanced uses are primarily recreational, cultural or entertainment uses. A restaurant that uses good site design to take advantage of a waterfront view is an example of a water-enhanced use.

There are a number of water-enhanced uses, both within the waterfront area and within the LWRP area as a whole. Because of Newburgh's topography, many of the residences in the southernmost and northernmost portions of the LWRP area have excellent views of the Hudson River and surrounding Hudson Highlands. Land uses at the base of Broadway also have river views. The various waterfront restaurants and the waterfront parks are also enhanced by their waterfront location.

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

It will be the City's priority, where practical, to expand existing and attract additional non-industrial water-dependent uses and activities on waterfront parcels, while recognizing the importance of maintaining existing industrial water-dependant uses in the waterfront area. The following actions will be taken to promote and facilitate water-dependent uses:

1. Non-industrial water-dependent uses will be favored when considering new developments.
2. City-owned property within the waterfront area, when available for re-use, will be considered for non-industrial water-dependent uses first. Water-enhanced uses will be given second priority along the waterfront.
3. Development incentives to promote water-dependent uses will be offered if possible. For example, tax abatements, loan guarantees and below-market interest rates will all be considered to foster water-dependent uses.
4. Uses which are water-enhanced will be encouraged within the LWRP area, but not at the expense of a non-industrial water-dependent use.
5. If there are no immediate demands for water-dependent/water-enhanced uses within the LWRP area but future demands are foreseeable, time-limited permits,

waivers, easements or leases for non-water-dependent/water enhanced uses will be considered.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines will be considered.

1. Competition for space: Competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. For instance, an industrial water-dependent use would be more appropriate in the southern portion of the LWRP area, near the City of Newburgh wastewater treatment plant, than in the northern portion near the Yacht Club.
2. In-place Facilities and Services: Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water dependent uses, consideration shall be given to assure adequate public sewers, public waterlines, power supply, access and other such services which exist or can be provided before sites are appropriated for water-dependent usage.
3. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources: Water-dependent uses shall be located so that they enhance, or at least do not detract from, the surrounding environment. Consideration should be given to such factors as the protection of nearby residential and/or recreational areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented toward tourism. Clearly, a marina, boat launching area or fishing pier would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water-dependent uses must also be sited so as to avoid adverse impacts on significant coastal resources.
4. Preference to Underutilized Sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote a site. Such a stimulus is needed in those portions of the waterfront area which are currently underutilized.

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

1. When areas suitable for non-industrial water-dependent uses are publicly owned, favored leasing arrangements will be given to non-industrial water-dependent uses.
2. Where possible and appropriate, consideration will be given to providing water-dependent uses with property tax abatements, loan guarantees or loans at below market rates.
3. Priority to non-industrial water-dependent uses and the assurance of adequate space for the development of such water-dependent uses shall be incorporated where consistent with LWRP planning objectives.

(See LWRP Policies 1, 1A, 4, 19, 21, 22; HMP Goals 3, 8)

POLICY 3 **FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO, OR IN SUPPORT OF, THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

Explanation of Policy

This policy is not applicable. The coastal area is not situated within any of the State's major port areas.

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

(See HMP Goals 3, 8, 10, 11, 12)

POLICY 4A **REDEVELOP THE HARBOR FOR PROMOTION OF WATER-DEPENDENT AND WATER-ENHANCED USES.**

(See HMP Goals 3, 4, 5, 8, 10, 11)

POLICY 4B **SUPPORT IMPLEMENTATION OF THE CITY OF NEWBURGH HARBOR MANAGEMENT PLAN (HMP) GOALS, OBJECTIVES, AND POLICIES.**

(See Section III.B)

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute to the economic strength and attractiveness of these harbor communities. The City of Newburgh does not have a harbor with a unique maritime identity or strong economic function. Even though there is not a significant harbor area in Newburgh, efforts toward promoting recreational fishing, cultural activities, marinas, water-related recreational facilities, historic preservation, natural resource preservation, the preservation of vistas and views and other activities which will make the waterfront area appealing as a tourist location and for residential, commercial and recreational usage will be pursued. Special consideration will be given to visual appeal and social benefits.

The following guidelines will be used by the City to determine consistency:

1. Priority will be given to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. Uses will be promoted that will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. Uses will not be promoted that will be incompatible with, or lead to development which would be incompatible with, existing development in terms of the surrounding area's scale, intensity of use and architectural style.
4. Uses will not be allowed that would cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. Uses will not be promoted that will adversely affect the existing economic base of the community. Uses which continue to promote economic revitalization within the area shall be given priority, especially developments or uses which increase the number of visitors, patrons, employees or residents in the area, or increase the employment of city residents. Such uses will increase economic activity, improve the tax base and support the area's revival.
6. Uses will not be promoted that will detract from views of the water, particularly where the visual quality of the area is an important component of its appeal and identity.

As a fully incorporated element of this LWRP, a Harbor Management Plan (HMP) has been prepared, that, in accordance with New York Executive Law, Article 42, Section 912, "address[es] the problems of conflict, congestion and competition for space in the use of harbors, surface waters and underwater lands" of Newburgh, to a distance of 1,500 feet from the shore. Goals of the HMP include ensuring viable water-dependent and water-enhanced facilities and uses

(including municipal services), promoting beneficial recreational uses, encouraging vital commercial/industrial facilities, conserving and enhancing natural resources, promoting sustainable economic growth and development, improving public access to the waterfront and facilitating effective City management of waterfront land uses. The HMP has been incorporated into each section of this LWRP; HMP goals, policies and objectives can be found in Section III.B.

(See LWRP Policies 1, 2, 9, 19, 19A, 21, 22, 23, 25)

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

Explanation of Policy

The above policy is intended to accomplish the following:

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

Intensive development (residential, commercial and industrial) will not be allowed in areas where water and sewer facilities are not adequate. Development, particularly large-scale development, within the LWRP area will be encouraged to locate within or in close proximity to areas where infrastructure and public services are adequate or can be expanded or upgraded. Water and sewer improvements will be made where necessary and where economically feasible to support new development. Facility expansions will be provided as necessary to support redevelopment and revitalization activities. Owners and lease holders bear the responsibility for waste management on their properties.

Existing water and sewer service facilities will be continuously monitored to ensure proper functioning. All system components will be maintained to avoid unnecessary environmental problems such as seepage, the discharge of untreated effluent, leakage and standing water.

Likewise, providing sewer and water services to the City of Newburgh's residents, before other municipalities, will be the main goal.

The following points will be considered when assessing the adequacy of the area's infrastructure and public service for proposed developments:

1. The streets, highways, parking areas, and public transit stops serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
2. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
3. The existing sewage disposal system can accommodate the wastes generated by the development or includes adequate provisions for necessary upgrades;
4. The energy needs of the proposed land development can be accommodated by existing utility systems. Alternative energy and disposal systems will be investigated and evaluated;
5. All stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities without negatively impacting other properties; and
6. All existing garbage and recycling services can accommodate the wastes generated by the development, or adequate provisions for upgrades (to be the responsibility of the property owner) are provided;
7. The existing schools, police and fire protection, and health and social service are adequate to meet the needs of the population expected to live, work, shop or conduct business in the area as a result of the development.

The allocation of funds for water and sewer improvements and other public services will give priority to activities and areas which promote waterfront revitalization in the LWRP area.

(See LWRP policies 11, 14, 18, 19A, 21, 30, 33; HMP Goals 5, 8, 10, 12)

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

(See HMP Goals 3, 8)

POLICY 6A ENSURE THAT PERMIT PROCEDURES AND REGULATORY PROGRAMS FOLLOW ESTABLISHED PROCESSES AND ARE CONDUCTED ALONG AGREED-TO LINES OF RESPONSIBILITY.

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs. This will, however, not be at the expense of the integrity of a regulation's objectives. Permit procedures and regulatory programs will be coordinated within each agency and efforts will be made to ensure that each individual agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels and responsible entities of government.

(See HMP Goal 2)

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Explanation of Policy

This policy is not applicable. No fish and wildlife habitats of significant Statewide importance have been identified in Newburgh.

POLICY 7A ACTIVITIES THAT WOULD ADVERSELY AFFECT FISH RESIDENT IN OR MIGRATING THROUGH WATERS ADJACENT TO NEWBURGH WILL BE AVOIDED.

Explanation of Policy

Although fish and wildlife habitats of significant Statewide importance have not been identified in Newburgh, a variety of fish species which reside in or migrate through the Hudson River estuary at Newburgh should be protected. If fish are not protected, recreational fishing will not be available to local residents, and the unique environment of the Hudson River and Newburgh Bay may be adversely affected.

Because residents of Newburgh fish from the water's edge, an attempt to preserve the existing fish and wildlife and encourage reproduction is important. The water quality levels in Newburgh shall be maintained and improved where possible. Dumping into the Hudson River will be prohibited. Adequate sewage and stormwater facilities will be maintained. Because the disposal of untreated waste into the Hudson River is prohibited, marinas, all land and water uses and watercraft must dispose of waste properly. Adequate solid waste receptacles should be provided near Newburgh

Landing and waterfront park, the Newburgh Yacht Club, Washington Street Boat Launch and any proposed new recreational developments. In addition, a pump-out station for small watercraft should be considered for each new marina or boat docking facility. The City should explore the feasibility of establishing a vessel waste pump-out station at the wastewater treatment plant site. (See Section IV, Proposed Land and Water Uses and Proposed Projects).

All new developments will be carefully monitored to assure the protection of fish and wildlife. Actions which destruct or significantly impair water quality or potential habitats will not be permitted. New development, especially in the waterfront area, along the Quassaick Creek corridor and in proximity to Muchattoes Lake, may not be undertaken if it could potentially destroy or significantly impair biological conditions unless such conditions are found to be harmless to fish and wildlife. An action will be considered to significantly impair a habitat or wildlife area if it will reduce a vital resource or change environmental conditions. Measures will be taken to mitigate negative conditions which could occur as a result of new development, revitalization activities or any other action.

Activities that are likely to affect fish and wildlife should be avoided wherever possible. Such activities would include but are not limited to the following:

1. Filling Shallow Areas of Streams and the Estuary: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
2. Grading Land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
3. Clear Cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
4. Dredging or Excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
5. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.
6. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities or reduce their value as food organisms.
7. Creating or maintaining man-made barriers to anadromous fish passage.

8. Introduction of garbage and refuse due to an increase in water-dependent uses, which could result in more people using the water and adjacent contiguous lands and generating more waste.

The above-mentioned activities in coastal areas are to be avoided if at all possible, because they may alter the necessary combination of elements or characteristics required by certain biological habitats for survival.

If a proposed action is likely to alter any biological, physical or chemical characteristics beyond a tolerance level acceptable to fish and wildlife, their viability will be significantly impaired or destroyed. Such an action would be inconsistent with State and local policies and would not be permitted.

(See LWRP Policies 2, 5, 8, 8A, 9, 12, 17, 19, 20, 25, 28, 30, 33, 34, 35, 36, 37, 39, 40, 44; HMP Goals 4, 7, 8)

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

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes as defined by DEC can be found in 6 NYCRR Part 371.

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

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

The remediation of existing brownfield sites within the City of Newburgh should be encouraged and closely monitored by appropriate State and local agencies to ensure that these known contaminated sites do not yield adverse effects on fish and wildlife resources until and during mitigation.

(See HMP Goal 7)

POLICY 8A NEW DEVELOPMENTS OR EXPANSION OF EXISTING FACILITIES WILL NOT BE PERMITTED IF SUCH FACILITIES INTRODUCE HAZARDOUS WASTES OR OTHER POLLUTANTS INTO THE ENVIRONMENT OR IF THEY ARE UNABLE TO ACQUIRE THE NECESSARY STATE, FEDERAL, AND LOCAL PERMITS.

Explanation of Policy

Any person that discharges, causes or permits the discharge of waste within Newburgh is required to provide protection from accidental discharge of prohibited materials. Protection mechanisms must be provided and maintained at the owner and/or user's expense. Detailed plans showing facilities and operating procedures which will provide protection must be submitted for review, and must be deemed acceptable to the City before construction of the facility is started.

Property owners shall be responsible for eliminating garbage and other waste generated by their existing or expanded facilities. In case of accidental discharges of unacceptable waste, the City must be notified immediately to enable countermeasures to be taken by the city to minimize damage to the municipal sewage system, treatment facility, treatment processes and receiving waters. The owner of the property in question is liable for any expense, loss or damage to the sewer system, treatment plant or treatment process, and/or the purification of receiving waters.

Whenever a discharge of unacceptable waste is made in violation of this policy or applicable City ordinances which causes a condition of contamination, pollution or nuisance, the City may petition the State Supreme Court for issuance of a temporary or permanent injunction as is appropriate to restrain or prohibit the continuance of unlawful discharge. The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste list (NYCRR Part 366) are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Future development or activities on vacant and underutilized land that may negatively impact fish and wildlife will be restricted. The siting of facilities within the LWRP area that could introduce hazardous wastes or other pollutants into the environment will be avoided.

(See LWRP Policies 5, 7, 30, 33, 34, 35, 36, 37, 39, 40; HMP Goals 4, 7, 8)

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

(See HMP Goals 3, 4, 7, 8, 10)

POLICY 9A **INCORPORATION OF A PEDESTRIAN WALKWAY ALONG THE WATERFRONT AS PART OF DEVELOPMENT/REDEVELOPMENT OF WATERFRONT PARCELS SHALL BE ENCOURAGED WHEREVER POSSIBLE TO PROVIDE PUBLIC ACCESS FOR FISHING AND WILDLIFE OBSERVATION AND SCENIC VIEW APPRECIATION.**

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting and non-consumptive uses such as wildlife photography, bird watching and nature study. Any efforts to increase recreational use of these resources must be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Such increases, in other words, must not negatively affect existing resources or activities. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

In order to expand and improve recreational fishing facilities, all efforts will be undertaken to regulate marina development and provision of boat slips, improve the local public boat launching facilities for recreational purposes and provide additional locations for waterfront access and recreational fishing where feasible and as land becomes available, such as the proposed fishing pier and a commercial dock facility at Newburgh Landing.

Although there are no State-designated Significant Coastal Fish and Wildlife Habitats in Newburgh, efforts to supplement existing fish and wildlife stocks in the LWRP area for continued public enjoyment and to pursue the enforcement of a fish and wildlife resource management program will be supported. In particular, the City of Newburgh supports restoration efforts along Quassaick Creek.

The following guidelines shall be considered to determine whether or not a proposed action is consistent with this policy. State, Federal and local agencies determine the consistency of any of their proposed actions, including possible restoration of fish passage for anadromous and

potomodramous fish and conservation of habitats along the creek shoreline which are known to support bald eagle, cooper's hawk, black-crowned night heron and other species of birds, reptiles, amphibians and mammals.

1. Consideration shall be made as to whether an action will harm or impede existing or future utilization of the surrounding recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to overutilization of that resource or cause impairment of habitats. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using a habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting with local officials on potential habitat areas and/or conferring with a trained fish and wildlife biologist.
4. Any public- or private-sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be done in accord with existing State Law.

(See LWRP Policies 1, 2, 19, 19A, 20, 21, 22; HMP Goals 3, 4, 7, 8, 10)

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES, INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS, AND MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES.

Explanation of Policy

Commercial fishing of certain species of fish in the Hudson, such as American shad and freshwater herring, is currently allowed and there is a strong market demand for them. There is, however, a ban on the sale of most other species of fish due to the presence of PCBs in the Hudson. As a result, commercial fishing on the Hudson has been in steep decline in recent decades. However, if the PCB contamination is sufficiently remediated, commercial fishing for other species, such as striped bass, could again become economically viable. Aquaculture, or the cultivation of certain aquatic plants and animals in a controlled environment, may also a renewable and potentially environmentally positive economic industrial and commercial use.

There are no commercial fishing activities within the City of Newburgh, but the City will, from time to time, review the need to promote such activities. Commercial fishery development

activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. Sound resource management considerations include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by state and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

Commercially important species which utilize the Hudson in the vicinity of Newburgh and Quassaick Creek include the alewife, blueback herring, American shad, striped bass, Atlantic sturgeon, tomcod, American eel, carp and white catfish. Opportunities to restore historic fish spawning habitat on and around the Quassaick Creek will be encouraged.

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

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

(See LWRP Policies 1, 1A, 1B, 1C, 4, 4A, 4B; HMP Goals 3, 5, 7, 8)

FLOODING AND EROSION POLICIES

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

(See HMP Goals 7, 9)

POLICY 11A **ALL DEVELOPMENT ON PROPERTY WHICH INCLUDES FLOOD HAZARD AREAS WILL BE LOCATED AT AN ELEVATION ABOVE THE 100-YEAR-FLOOD PLAIN.**

Explanation of Policy

There are no erosion hazard areas within the Newburgh LWRP area. Flood hazard areas can be found along both the Hudson River and Quassaick Creek and extending inland along Quassaick Creek to Muchattoes Lake. New development in these areas must be located at an elevation above the 100-year flood plain. Where human lives may be endangered, all necessary emergency preparedness measures will be taken as prescribed the disaster preparedness plan. No floodways have been identified by FEMA within the City of Newburgh.

The City of Newburgh participates in the National Flood Insurance Program in conjunction with the Federal Emergency Management Agency.

Residential, industrial and commercial development within flood hazard areas is regulated by the Flood Damage Prevention Ordinance of the City of Newburgh. Certain water-dependent uses as well as piers, docks and other structures necessary to gain access to the water are permitted; but construction to minimize damage from flooding and erosion is required. Existing, non-conforming structures located in flood hazard areas may not be expanded or enlarged.

(See LWRP Policies 12, 14, 17; HMP Goals 9, 11)

POLICY 12 **ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS.**

(See HMP Goals 4, 7, 8, 9, 11)

POLICY 12A **MAJOR GRADING AND CLEARING ACTIVITIES WILL BE DISCOURAGED ON THE WASHINGTON HEIGHTS BLUFF TO AVOID SOIL EROSION IMPACTS TO QUASSAICK CREEK AND THE HUDSON RIVER.**

Explanation of Policy

Flood hazard areas exist along both the Hudson River and Quassaick Creek and extending inland along Quassaick Creek to Muchattoes Lake. New development in these flood hazard areas must be located at an elevation above the 100-year flood plain, and should meet standards of the City's Flood Plain Management Ordinance.

While there are no erosion hazard areas within the LWRP area, the LWRP recognizes the uniqueness of the Washington Heights bluff, which should be protected through implementation of appropriate erosion control measures. This area should be protected from encroachment, since any soil erosion would ultimately discharge to Quassaick Creek and the Hudson River. Minor activities would be allowed, provided best-management practices are utilized, including grading or clearing activities to link any potential passive trail system with the Washington Heights area. Existing disturbed areas for this type of connection would be used to the greatest extent practicable.

The remaining protective natural features referenced in Policy 12 do not exist in Newburgh; thus, those portions of the policy are not applicable.

(See LWRP Policies 11B, 14, 17; HMP Goals 7, 9)

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

Explanation of Policy

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

Erosion protection features are necessary in the City of Newburgh at this time. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the shoreline's fragile nature and protective values may lead to the weakening or destruction of the City's existing landforms and will be prohibited. Activities or development on, or in proximity to, natural protective features must ensure that any such adverse efforts will be minimized.

The existing shoreline in Newburgh shall be protected, since such topographical features give the City its valued visual character. Excavation, grading and major landform changes will not be permitted. Bulkheading improvements shall be made as necessary, including maintenance, extensive repairs and expansions to provide adequate protection for waterfront properties. Erosion control practices including rip-rap stabilization will continue to be implemented to preserve the existing land area immediately adjacent to the river, and protect the river walkway and buildings along the river's edge.

Repair and replacement of bulkheads should follow these guidelines:

1. Wherever possible, repair or replacement should be located at the same location as that of the old bulkhead so as not to encroach further on the water course.
2. If the old location would not provide adequate protection, the new bulkhead may be located just outside the existing bulkhead, thereby eliminating the need to remove the existing bulkhead. However, the new location will not unduly encroach on natural watercourses, constructed channels or floodway areas.
3. Any repair work will be designed in accordance with the existing design or better.
4. Whenever possible within the tidal zone, steel pile bulkheads or concrete construction should be used in lieu of wood. Wood piles are more vulnerable to wet/dry cycles, which cause more rapid deterioration than full submersion or totally dry atmosphere.
5. Environmental Conservation Law, Article 15 (Protection of Water) permits will be required from the New York State Department of Environmental Conservation for all bulkheading within the Hudson River.
6. Existing, non-conforming bulkheads shall not be expanded or enlarged. Every effort shall be made to bring these structures up to current code.

(See LWRP Policies 12, 16; HMP Goal 11)

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

Explanation of Policy

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

All development proposed within the LWRP area must receive site plan approval. Site plan review will monitor developments to ensure that actions will not be taken which may result in the damage to or loss of property and endangerment of human lives.

All new developments will be required to install the proper drainage facilities in order to eliminate the possibility of excessive runoff that may cause or increase erosion.

Any new developments located directly along the waterfront must include necessary erosion protection features. Existing bulkheading must be maintained, repaired and expanded as necessary to protect investments.

(See LWRP Policies 1, 2, 11, 12, 13, 16; HMP Goals 4, 7, 8, 9, 11)

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

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. All dredging activities proposed under this program will be done in a manner that is consistent with the U.S. Army Corps of Engineers' requirements and which does not increase shoreline erosion.

Best available technology must be used to minimize the dispersion of silt that may be released as a result of dredging and mining activities. Any dredging, excavation or mining activities in the coastal area must be accomplished in a manner that will not significantly impact habitat and wetland areas. When dredging occurs near docks, bulkheads or unprotected shoreline, it must be done in a manner that will not dislodge pilings or cause piling slumping on adjacent lands.

(See LWRP Policies 35, 44; HMP Goals 7, 9, 11)

POLICY 16 **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE**

PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investments in development and for new developments which require a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities on the rate of erosion and on natural protective features. It requires careful analysis of benefits and long-term cost prior to expending public funds. The New York State Department of State, Division of Coastal Resources, shall be consulted regarding such uses of public funds in the Newburgh coastal area. Where such erosion protective structures are not necessary for the purposes specified in the above policy, they shall be funded by private sources.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SET BACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

Although existing flood problems in the City of Newburgh are largely due to stormwater runoff and not offshore flooding, this policy shall be followed as necessary. It recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail. Thus, the City of Newburgh recognizes that there are areas along the waterfront where structural measures are not necessary to protect property and natural resources against flooding and erosion. Non-structural measures would afford the degree of protection appropriate to the character of these areas, the purpose or activity, and to the hazard.

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

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that law, (a)the use of minimum setbacks as provided for in Section 34-108; and(b)the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve

an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

2. Within identified flood hazard areas, (a) whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To find out whether or not an action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the character and purpose of the activity or development, and eliminate or reduce hazards. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such non-structural measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will offer appropriate protection, an analysis and other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made. This assessment will be a required part of any application for development in the LWRP area as a supplement and/or part of a Coastal Assessment Form or Environmental Impact Statement.

All structures located within the waterfront area shall be sited outside of the 100-year flood zone unless no practical alternatives exist, such as piers, docks and/or floating structures.

(See LWRP Policies 1, 2, 11, 12, 14, 16; HMP Goals 7, 9, 11)

GENERAL POLICY

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

Explanation of Policy

Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation and recreation. Consistency with applicable program policies, site plan and development requirements, flood protection requirements and all other pertinent local ordinances will be enforced. In addition, any significant proposed project will be reviewed by the appropriate State and local agencies under State Environmental Quality Review (SEQR) for consistency with coastal plans and with all State and local policies enacted to protect the area's valuable coastal resources. The City of Newburgh Waterfront Advisory

Committee (WAC) shall also review such actions for consistency with the LWRP policy standards and shall make recommendations to the appropriate agencies regarding such consistency. Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources. Any major action that may take place within the City of Newburgh's LWRP area will be carefully monitored to ensure the protection of valuable resources. According to the City's Charter, the sale, lease, conveyance or waiver of the City's rights to its waterfront, lands under water, wharves, piers, docks, parks or playgrounds must be authorized by a plurality of votes cast at a special election.

(See LWRP Policies 1, 1A, 1B, 1C, 1D, 1F, 1G, 1H; HMP Goals 1, 3, 7, 8, 9)

POLICY 18A MAINTAIN AND IMPROVE EXISTING LOW- AND MODERATE-INCOME HOUSING.

Explanation of Policy

Orange County has the fastest rate of job growth in all of New York State. The County also had the fastest population growth of any county in the State between 2000 and 2004, with a 7.9 percent gain, and it was the only county in the State where more U.S.-born residents moved in than moved out. For the Hudson Valley as a whole, the population increased by 3.3 percent during this period, compared to a 1.2 percent gain Statewide.

The increased population growth has brought with it a host of housing availability problems in the Hudson Valley and the City of Newburgh. Affordable housing is a major concern for the area. New development projects geared toward a high-end buyer are causing housing costs in the area to escalate, making affordable housing, for purchase or rental, difficult to find. The City of Newburgh currently has affordable housing that should be preserved. In 2005, the estimated median household income in the City was \$36,700, far below the surrounding area's level and almost \$5,000 less than the national average. Therefore, the City has a unique need to maintain affordable housing without hindering the growth of the tax base. Likewise, in considering the definition of "affordable housing", the City should keep in mind that its residents have lower yearly incomes than other nearby areas.

This LWRP will safeguard the economic, social and environmental interests of the Newburgh residents living within the coastal area. The City's Sustainable Master Plan proposes a number of measures to assure the long-term availability of affordable housing opportunities, including: adopting an affordable housing ordinance to establish a mechanism for creating and supporting permanently affordable housing units; providing that at least 10 percent of the City's housing stock contains affordability provisions; enacting inclusionary zoning measures; establishing a Community Land Trust, cooperative housing or other form of local ownership; and rent stabilization. All housing within the City of Newburgh, including the coastal area, shall conform to Chapter 190 of the Code, also known as the Minimum Housing Standards Ordinance.

Impacts on affordable housing will be considered and mitigative measures pursued when new development proposals are evaluated and approved.

(See HMP Goal 8)

**POLICY 18B DEVELOPMENT, REDEVELOPMENT AND REVITALIZATION ACTIVITIES
IN THE LWRP AREA WILL PROMOTE DEVELOPMENT OF JOB
TRAINING PROGRAMS AND OTHER HUMAN ASSET-DEVELOPMENT
PROGRAMS DESIGNED TO INCREASE THE SOCIAL AND ECONOMIC
CAPITAL OF NEWBURGH’S RESIDENTS.**

Explanation of Policy

With 6.9% of the population unemployed in 2000, job growth is a high priority for the City of Newburgh’s residents. Job growth promotes more community spending and more home purchases, which directly affects the tax base and the development of future businesses in the City.

The LWRP area is a major center for economic development in the City and, therefore, a source of new job creation. It is imperative that Newburgh residents be given preference as new jobs become available. Qualified residents should be given ample opportunity to apply for job openings, and be hired when best qualified or equally qualified for the position.

The redevelopment of the LWRP area is an opportunity to employ new workers, and in particular young adults who are in need of job training and apprenticeship programs. This requires public private partnerships with schools, unions, community-based agencies, State and federal funding agencies, developers, contractors and business owners. Consideration must be given to sustainable jobs, permanent, livable wage incomes with opportunities for advancement. This can be facilitated by the City of Newburgh Department of Human Services. In this era of global markets and subsequent outsourcing of manufacturing jobs, efforts must be made to identify 21st century technical and entrepreneurial business management skill development. Through the public-private partnerships described above, training must begin by exposing school children to new industries as well as increasing the availability of formalized curriculum in the middle and high schools and local colleges. Unions and developers shall assign apprenticeship programs as part of their collective bargaining agreements for all proposed development within the LWRP area. Green building and environmental careers can be developed in partnership with the Beacon Institute and other entities. Opportunities that enhance business development of existing small businesses in the LWRP and programs that encourage new small businesses are necessary to sustain economic growth.

(See HMP Goal 8)

PUBLIC ACCESS POLICIES

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

Explanation of Policy

This policy calls for a balance among the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Priority will be given to improving physical access to existing and potential recreation sites within the heavily populated urban coastal areas of the State (such as the Newburgh Landing area and, if economically and physically feasible, to new development areas) and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks (See LWRP Policies 1 and 2). In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed-use areas and multiple uses of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the public access planning process.

Newburgh Landing Park, the recently reconstructed Washington Street Boat Launch area and the recently created Ward Brothers Memorial Rowing Park provide direct public access to the Hudson 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. Other improvements, including a new public walkway, new parking areas and a fishing pier, are discussed below in Policy 19A.

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

There is limited direct public access to the Quassaick Creek area of the waterfront. The City supports 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 linking County-owned land in New Windsor with City-owned lands and potentially linking River Road on the east and Mill Street on the 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 restore the historic twin-arched bridge spanning the creek 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 will be included in the Estuary Preserve and Trail, with other lands in this area to be added where possible.

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

1. The existing access from public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future

use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access. This shall not preclude the relocation of existing public facilities to other waterfront sites if required as part of a comprehensive redevelopment process.

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

Reductions in existing levels of public access will not be permitted. Reductions of existing levels may include, but would not be limited to the following:

- (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced, such that there are insufficient spaces to accommodate the public demand for such resource or facility.
- (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar linear facilities.
- (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increase will significantly reduce usage by individuals or families with incomes below the State government established poverty level.

The possibility of increasing public access to the waterfront in the future will not be eliminated. The following activities will not be permitted unless the actions are found necessary or to be of greater benefit to the common good by public referendum.

- (1) Construction of public facilities which physically prevent the provision of convenient public access to public water-related recreation resources and facilities.
- (2) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

(See HMP Goals 3, 4, 7, 8, 10)

POLICY 19A IMPROVE PEDESTRIAN, VEHICULAR AND PUBLIC ACCESS TO NEWBURGH LANDING AND WATERFRONT PARK AND ANY NEW DEVELOPMENTS ALONG THE HUDSON RIVER. MINIMIZE THE BARRIER CREATED BY THE RAILROAD EMBANKMENT THROUGH LANDSCAPING AND RELATED AMENITIES.

Explanation of Policy

The intent of this policy is to provide public access along the Hudson River and to link various public recreation facilities in a manner that is compatible with the function of development and revitalization in terms of design, landscaping, lighting and periods of use. It is also intended that an important secondary purpose of these facilities is to provide a visually attractive pedestrian/bicycle trail that ties the waterfront and various public recreation facilities and encourages visitors and residents to make use of these facilities.

Improved public access to the river in the vicinity of Lower Broadway and in conjunction with all new waterfront developments will be encouraged where feasible. Public transportation should incorporate waterfront stops on its routes.

A public boat launch facility to serve all City residents is located at the foot of Washington Street. Consideration must be given to both pedestrian access and vehicular access. At the boat launch, adequate parking for boat trailers is provided. Because the City wishes to limit the amount of waterfront property dedicated to parking, provision of a shuttle service from upland parking lots may be desirable in the future.

Temporary docking facilities are available at several marinas and public docking facilities along Newburgh's Hudson River frontage, including Newburgh Landing. Commercial projects on former urban renewal properties on both sides of the Landing include the provision of boat slips and development of a marina. To create a link between the waterfront and the upland residential and business districts, safe and well-lit walkways will be provided under the railroad tracks. Proposed waterfront developments may require reopening of previously blocked railroad underpasses to provide additional pedestrian access to the river. A pedestrian reopening has occurred at the underpass for Second Street. Pedestrian crossing signals should be installed along Rev. Dr. Martin Luther King Jr. Boulevard as waterfront development occurs.

The City has retained ownership of a 20-foot strip of riverfront property extending from Carpenter Street to South Street and adjoining commercial development in this area. Construction of a public walkway in this area was completed in 2001. The 12-foot walkway was designed with period lighting, street trees, benches and waste receptacles. The walkway through Newburgh Landing and the adjacent City-owned parcels enhances access to the Hudson River shoreline, while a new public parking area on the west side of Front Street provides access to these amenities. In addition, a proposed fishing pier at the eastern limit of First Street is awaiting Corps of Engineers approval before construction can begin.

The City proposes the development of a walkway that would ultimately extend along the entire length of the Hudson River waterfront, including extension of the walkway along City property. The walkway will be available for public use.

In addition, to improve access from the water to waterfront parks by boaters, deteriorated barges need to be removed.

(See LWRP Policies 1B, 1C, 1D, 2, 9, 9A, 20, 21, 22; HMP Goals 5, 10)

POLICY 19B IMPLEMENT IMPROVEMENTS TO THE TRANSPORTATION ELEMENTS WITHIN THE WATERFRONT AREA AND PROVIDE IMPROVED TRANSIT LINKS BETWEEN THE WATERFRONT AND THE REGION. IN PARTICULAR, PURSUE TRANSIT LINKS AMONG THE WATERFRONT, UPLAND AREAS, DOWNTOWN NEWBURGH, THE BROADWAY CORRIDOR AND STEWART INTERNATIONAL AIRPORT.

Explanation of Policy

The intent of this policy is to provide improvements to the transportation elements within the LWRP area, including transit links between the waterfront, upland areas, downtown Newburgh, the Broadway Corridor, Stewart International Airport and the region as a whole.

In the past, Newburgh's economic history was tied to transportation. Initially, it was a place for sailing vessels bound for New York to wait while held up by tide and wind shifts through the West Point-Peekskill section of the Hudson River. With water depths in excess of 20 feet at its shoreline, it was natural that wharf facilities soon were established in the City. In 1743, ferry service was established between Newburgh and Beacon, the first such crossing of the Hudson River north of Peekskill. The extension of the railroads up the Hudson River and the rail connection between Newburgh and the New England states via the ferry brought industry to the City. As with most traditional manufacturing communities, industry in Newburgh was subject to major relocation shifts. Following World War II, as the interstate highway system was built outside the City limits, and as the dependence upon riverboat, railroad and ferry transportation diminished, so did the economic dominance of Newburgh, and in particular its waterfront.

Stewart International Airport is located in the Towns of New Windsor and Newburgh, approximately seven miles west of the Newburgh LWRP area. 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 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 LWRP area, at Washington and Front Streets.

The City of Newburgh strongly supports the expansion of Stewart International Airport and encourages possible future transit connections among the airport, the Broadway corridor, downtown Newburgh, the LWRP area and the Newburgh-Beacon ferry. In order to capitalize on the many transit elements within the area, the City should identify and implement improvements to the transportation and transit infrastructure within the LWRP area and the City as a whole that best provide for increased transit access to the Waterfront.

(See LWRP Policies 1B, 1C, 1D, 2; HMP Goals 5, 9, 10)

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

(See HMP Goals 3, 4, 10)

POLICY 20A **WHERE REDEVELOPMENT OF CITY-OWNED WATERFRONT PROPERTY IS UNDERTAKEN, PUBLIC WATERFRONT WALKWAYS AND OPEN SPACES WILL BE INCORPORATED INTO THE NEW DEVELOPMENT; AND PROVISION WILL BE MADE TO LINK SUCH PUBLIC AREAS IN A NETWORK OF PUBLIC WALKWAYS AND OPEN SPACES WITHIN THE COASTAL AREA.**

Explanation of Policy

Access to publicly owned land within the LWRP area should be provided for activities which require a minimal amount of facilities for their enjoyment. Examples of activities requiring access would include walking along the waterfront, the enjoyment of scenic resources, bicycling, bird watching, photography, nature study and fishing.

For these activities, there are several methods of providing access. These include: the development of a waterfront trails system; the provision of access across transportation facilities to the waterfront; the improvement of access to the waterfront; and the promotion of mixed- and multi-use development.

While such publicly owned lands referenced in the policy shall be retained in public ownership, granting of easements on lands underwater to adjacent on shore property owners are consistent

with this policy, provided such easements do not interfere with continued public use of the public lands on which the easement is granted. Violation of this provision of public access will result in the easement being revoked. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, and/or the protection of fragile coastal resources.

The following guidelines as well as those described in Policy 19 will be used in determining the consistency of a proposed action with this policy:

1. Existing access from public lands or facilities to existing public waterfront lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, or the protection of identified fragile coastal resources or where, (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

When waterfront land becomes available for possible public use, the City will work with property owners to achieve public access to the water through acquisition, easements, lease or other mutually acceptable solution.

(See LWRP Policies 2, 9, 19, 21, 22; HMP Goals 3, 8, 10)

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

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

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

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

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

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. To that end, improvements to the docking facilities at Newburgh Landing are supported and encouraged by this LWRP.

(See LWRP Policies 19, 19A; HMP Goals 3, 4, 5, 11)

POLICY 21A ENCOURAGE ADDITIONAL AND IMPROVE EXISTING WATERFRONT ACCESS ALONG THE HUDSON RIVER AND THE QUASSAICK CREEK TO HELP INCREASE PUBLIC ENJOYMENT OF THE WATERFRONT AND THE RECREATIONAL USAGE OF FISH AND WILDLIFE HABITATS.

Explanation of Policy

Public recreation, both active and passive, will be promoted along the shore where possible, economically feasible, and consistent with City planning and economic development objectives. Multi-use developments which provide public access to the shore in combination with residential and commercial uses will be encouraged on the vacant and underutilized parcels between the wastewater treatment plant and Nicoll Street. Multi-use developments could include such uses as

picnic areas, walkways and/or bikeways, and/or passive recreation areas for fishing or visual enjoyment of the water.

Where redevelopment of City-owned waterfront property is undertaken, public waterfront walkways and open space will be incorporated into the new development. As part of the commercial redevelopment of the parcels on both sides of Newburgh Landing, the City has retained ownership of a 20-foot strip of riverfront property extending from Carpenter Street to South Street and adjoining new commercial development. Construction of a 12-foot public walkway was completed in 2001. The walkway through Newburgh Landing and the adjacent City-owned parcels enhances access to the Hudson River shoreline, while a new public parking area on the west side of Front Street provides access to these amenities. In addition, a proposed fishing pier at the eastern limit of First Street is awaiting Corps of Engineers approval before construction can begin. Wherever redevelopment of private waterfront property is reviewed for approval, every effort will be made to secure easements to extend the public waterfront walkway.

Recreational uses along the Quassaick Creek should be of low intensity. A quiet corridor along the Creek will be developed where feasible to promote public enjoyment of the fish and wildlife habitats of the stream corridor and its forested glen and to provide hiking and greenway trail connections in the corridor and with other destinations in the City and its environs.

(See LWRP Policy 19; HMP Goals 3, 4, 8, 10)

POLICY 21B DOCKING FACILITIES FOR TRANSIENT VESSELS, ESPECIALLY LARGE PASSENGER VESSELS, WILL BE PROVIDED WHEREVER POSSIBLE IN NEW DEVELOPMENT AND AT EXISTING PUBLIC LAUNCH AND DOCKING AREAS.

Explanation of Policy

As waterborne travel and recreation increases, it is important that docking and mooring facilities be provided so that visitors can arrive via the Hudson River. On-shore facilities and services needed by boaters will be provided within new development. Economic revitalization plans shall incorporate tourism and promote the resources that attract tourists.

(See LWRP Policies 1, 2, 4, 9, 9A, 19, 20, 22; HMP Goals 3, 4, 5, 9, 10)

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an accessory use. Therefore, developments located at the shoreline should incorporate some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which may occur or which already exist along Newburgh's waterfront and which can generally provide water-related recreation as a multiple use include but are not limited to:

- parks
- multi-family developments
- commercial developments, including aquaculture
- specialized industries
- utility transmission rights-of-way
- sewage treatment facilities
- nature preserves
- historical properties redevelopment
- public vessel waste pump-out stations

Appropriate recreation uses that do not require any substantial additional construction shall be provided at the expense of a project sponsor provided the cost does not exceed two percent (2%) of total project cost.

Public safety will be considered in determining whether compelling reasons exist which would make recreation inadvisable as a multiple use.

Whenever a proposed development would be consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development will be encouraged to locate adjacent to the shore.

(See HMP Goals 3, 4, 8)

POLICY 22A DEVELOPMENT ALONG THE WATERFRONT IN THE WASHINGTON STREET, LOWER BROADWAY, NEWBURGH LANDING AND NEWBURGH YACHT CLUB AREAS SHALL BE ENCOURAGED TO PROVIDE PUBLIC ACCESS.

Explanation of Policy

New developments and/or the rehabilitation or expansion of existing developments located in the LWRP area, especially in the Washington Street, Lower Broadway, Newburgh Landing and Newburgh Yacht Club areas, will be encouraged to provide public access including but not limited to fishing access, walkways and bike paths to and along the shore.

(See LWRP Policies 1, 19, 20; HMP Goals 3, 4, 10)

HISTORIC AND SCENIC RESOURCES POLICIES

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

(See HMP Goals 7, 8, 12)

POLICY 23A **NO CHANGES IN ANY EXTERIOR ARCHITECTURAL FEATURE, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION, ALTERATION, RESTORATION, REMOVAL, DEMOLITION, OR PAINTING, SHALL BE MADE TO IDENTIFIED RESOURCES EXCEPT AS HEREINAFTER PROVIDED.**

(See HMP Goals 8, 12)

POLICY 23B **IMPROVE THE QUALITY OF LANDSCAPE TREATMENTS, STREETScape, PEDESTRIAN-SCAPE AND ARCHITECTURAL DESIGN IN ORDER TO REDEVELOP THE WATERFRONT AREA.**

Explanation of Policy

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

Within Newburgh, these resources include the architectural design districts and historic districts designated on the zoning map; structures, sites and districts listed or eligible for listing on the National and State Register of Historic Places; and archaeologically sensitive areas and sites listed in the State inventory maintained by the Office of Parks, Recreation and Historic Preservation and the New York State Museum.

Much of the LWRP area is located within the East End Historic District, generally bounded by Monument Street; Bay View Terrace; Colden, Edwards and Water Streets; Washington Street; Grand and High Streets; Montgomery Street; Water Street; Broad Street; Forsyth Place; LeRoy Place; Liberty Street; and Gidney Avenue and subject to the City's Landmark Preservation Law. In addition to the East End Historic District, there are five structures and one site individually designated on the National Register of Historic Places. These are 1) Washington's Headquarters (Hasbrouck House); 2) the David Crawford House; 3) the Dutch Reformed Church (also a National Historic Landmark and recognized by the World Monument Fund) 4) the U.S. Post

Office, 5) the Newburgh Armory and 6) Old Town Cemetery and the Palatine Church site. The Old Town Cemetery and Palatine Church site are also listed on the New York State Register of Historic Places.

Structures, districts, areas or sites of significance in the history, architecture, archeology or culture of the State, the City of Newburgh and the Nation are found in the LWRP Area. In order to provide for the promotion of the educational, cultural, economic and general welfare of the people of Newburgh, all practical means shall be taken to prevent significant adverse change to these structures and to retain them as significant historic and archeological resources.

A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural ornamental or functional features of a building, structure or site that is a recognized historic, cultural or archeological resource. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

This policy shall not prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. The policy shall not prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource.

In order to further protect archaeologically sensitive areas and sites listed in the State inventory maintained by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and the New York State Museum, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law requires that, if a State action is involved, OPRHP must be consulted when

evaluating individual proposals that involve soil disturbance to determine if any resources will be adversely affected. In addition, if there is any Federal agency involvement, the Advisory Council on Historic Preservation's regulations "Protection of Historic and Cultural Properties" 36 CFR 800, require that agency to initiate consultation with the OPRHP.

The City recognizes the potential for submerged historic, archaeological and cultural resources and artifacts that may be located in the Hudson River within the City's LWRP and HMP boundaries. Shipwrecks and other submerged artifacts also comprise a growing tourism economic resource, attracting divers and cultural tourists. The NYS Office of General Services (OGS) participates in an interagency Ad-Hoc Committee for Submerged Cultural Resources which is responsible for establishing shipwreck preserves, as well as preservation considerations for submerged cultural resources. The Committee is comprised of NYS OGS; the OPRHP; the New York State Museum; the NYSDEC and the Department of State, Division of Coastal Resources. The City will coordinate with these groups during review of any plans that might potentially affect said resources.

Activities that protect and restore historic structures and districts while at the same time promote and enhance the entire LWRP area will be supported and encouraged by the City.

The City of Newburgh will establish a Newburgh Waterfront Architectural Design District (NWADD) for a portion of the waterfront area located outside the East End Historic District. The creation of this overlay district reflects concerns that new development proposed on vacant parcels or existing structures reminiscent of the City's history could be designed architecturally in a manner that would be incompatible with surrounding historic properties. The Hudson River NWADD will guide the architectural design of buildings as well as streetscapes within a portion of the LWRP area.

Activities within the NWADD are subject to the regulations contained in Article V, Historic and Architectural Design Overlay Districts, contained in Chapter 300, Zoning, of the Newburgh City Code. In addition, the City is reviewing guidelines for the East End Historic District and is developing guidelines for the NWADD.

(See HMP Goals 7, 8, 12)

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (I) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (II) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

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.

Impairment will include:

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

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly and consider both the scenic resource and the City's development objectives and priorities. Guidelines include:

- Siting structures and other development such as highways, power lines and signs, and back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore
- Clustering or orienting structures to retain views, save open space and provide visual organization to a development
- Incorporating sound, existing structures (especially historic buildings) into the overall development scheme
- Removing deteriorated and/or degrading elements
- Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest
- Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except

when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters

- Using appropriate materials, in addition to vegetation, to screen unattractive elements
- Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape

(See HMP Goals 7, 8, 12)

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

Explanation of Policy

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

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

Many of the sites within the LWRP area have significant views of the Hudson River and surrounding landscape. Because the topography in Newburgh steps up to form plateaus at varying elevations, some buildings as far west as Liberty Street have visual access to the river, while developments at the foot of Broadway and on the east side of Montgomery Street have nearly unobstructed views.

Indeed, the panoramic view of the Hudson River and the surrounding mountains is the main feature of the scenic environment in Newburgh. Variations in color take place as the wooded mountains go through their annual cycle of change. More elements are added to the picture in the summer, when yachts and small boats make their appearance on the river. The emergence of life, color and movement on a grand scale creates a panorama that is unique to Newburgh. The picture is further enhanced by the structure of the viewing positions from which it is observed. These positions produce channeled and glimpsed views that create an interesting variety in the landscape as well as broad panoramas. The immediate waterfront is mainly vacant former urban renewal land, with waterfront commercial and industrial operations and the deteriorated Newburgh Landing structures dominating. The abutment supporting the railroad tracks is dominant in some areas. Some old factory buildings remain. West of Water Street are the grassy slopes of Downing Vaux (Broadway) Park and other open spaces separating in Water Street from

the densely settled central area. The Key Bank building dominates the landscape at this level. The City skyline as a whole is varied and interspersed with large old trees. The existence of a large number of such onshore and offshore views has produced a high-quality scenic environment that is conducive to the furtherance of the economic growth and development of the City. It is recognized, however, that, insofar as it can lead to a deterioration of environmental quality, unchecked development can be self-defeating. It is therefore the purpose of the LWRP to establish policy mechanisms for the protection of the scenic environment.

Views and vistas in the City of Newburgh contribute to the overall scenic quality of the City and therefore must be protected. Every effort will be made to utilize these views in the development of an attractive and appealing environment. Any impairment of scenic resources which contribute to the overall scenic quality of the City, especially the panoramic views southeast to the Hudson Highlands, will be prevented where at all feasible.

A principal consideration that guides such a policy is that not all existing views can be preserved, because they are created by the absence of structures along the waterfront, a situation created through demolition under the Urban Renewal Program. Therefore, the most treasured of the scenic views must be identified and emphasis placed on preserving these while recognizing that others of lesser importance may be lost or altered. The views from the following positions have accordingly been identified for protection and protected through the City's Scenic Resources Protection Law, which established a View Preservation Overlay District.

1. Grand and Washington Streets
2. View from Washington's Headquarters and surrounding park
3. Broadway and Colden Street
4. View from Grand and Second Streets
5. The view from the Public Library
6. View from First and Grand Streets
7. Montgomery Street and Leroy Place
8. Montgomery Street
9. Leroy Place and Park Place.

The View Preservation Overlay District roughly coincides with the LWRP boundary and regulates activities that may affect important vistas within the LWRP area. The district is intended to preserve and protect views of the Hudson River, Hudson Highlands and the east bank of the river from certain existing streets, parks and legally accessible public property. Under the provision of the Scenic Resources Protection Law, "No building, structure or permanent improvement shall be erected; have its exterior reconstructed, restored or structurally altered; or be placed within a defined view plane within the View Preservation District in a manner which may impair or cause significant loss of an existing scenic public view," unless visual site plan approval by the Architectural Review Commission if within the Historic District and the NWADD or the Planning Board if outside the Historic District has been obtained.

In addition to the views identified above, the City should consider adding the following views to its View Preservation Overlay District:

1. Leroy Park (Orange County Veterans Memorial
2. September 11, 2001 Memorial

3. Park Place Park
4. "Highland Terrace" (North Montgomery and Montgomery Streets)
5. Clinton Street east of Montgomery Street
6. South Street at and below Water Street
7. Portico of Calvary Church (Grand and South Streets)
8. Tyrone Crabb Park
9. View of Newburgh Steam Mills from Water Street
10. View from Dutch Reformed Church portico
11. View from Ebenezer Baptist Church portico
12. View from Washington to River Streets to shoreline
13. View from Bayview Terrace
14. View from mouth of Quassaick Creek

The City also will pursue demolition of the discontinued City Incinerator smokestack to improve the visual quality along the waterfront.

(See LWRP Policies 1, 4, 12, 18; HMP Goals 7, 8, 12)

AGRICULTURAL LANDS POLICY

POLICY 26 CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA.

Explanation of Policy

This policy is not applicable. There are no agricultural lands existing within the LRWP area.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

In an effort to improve energy efficiency and other environmental impacts throughout the LWRP area, the City will encourage sustainable building practices and "green" building design. Green or sustainable building is the practice of creating healthier and more resource efficient models of construction, renovation, operation, maintenance, and demolition. Research and experience increasingly demonstrate that when buildings are designed with their lifecycle impacts in mind, they can provide significant environmental economic and social benefits.

The State expects to meet energy demands through a combination of conservation measures; traditional and alternative technologies, such as solar, wind and geothermal power; and use of various fuels including coal in greater proportion.

The directives for determining the public need for energy are contained primarily in Article V of the New York State Energy Law and Article VII of the Public Service Law. With respect to transmission lines and steam electric generating facilities, Article VII of the State's Public Service Law requires additional forecasts and establish the basis for determining compatibility of these facilities with the environment and the necessity for a coastal area location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this LWRP.

In consultation with the City of Newburgh, the Department of State will comment on the State Energy Office Policies and planning reports as might exist; present testimony for the record during relevant proceedings under Article V of the NYS Energy Law and Article VII of the Public Service Law; and use the State SEQR and DOS regulations to ensure that decisions on proposed energy facilities which would impact the coastal area are made consistent with the policies and purposes of the LWRP.

(See LWRP Policy 1E; HMP Goals 5, 7, 11)

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

Explanation of Policy

Ice management practices are not performed by the City of Newburgh; however the City will help ensure that actions which may adversely affect fish and wildlife habitats or increase shoreline erosion or flooding will be avoided. An assessment of ice management practices will be made prior to any actions in an attempt to measure the potential effects such actions will have upon fish and wildlife habitats, flood levels, erosion and other natural features. If such actions are found to be unacceptable, the City will cooperate with agencies in any necessary mitigating action.

(See HMP Goal 7)

POLICY 29 **ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

Explanation of Policy

This policy is not applicable. It is not included in this LWRP because the Newburgh coastal area does not lie within the outer continental shelf in Lake Erie or within any area likely to have significant energy resources.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

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

Such "end-of-pipe" discharges are monitored and regulated by the New York State Department of Environmental Conservation's (DEC) SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Environmental Protection Agency. Currently, periodic discharges resulting from combined sewer overflows have a significant negative impact on the City's waterfront area.

The municipal sewage treatment plant located along the Hudson River at Renwick Street is monitored to avoid the accidental discharge of pollutants. New developments within the LWRP area will be reviewed to ensure the adequacy of the existing water and sewer system to support them and necessary improvements and expansions will be made in areas where such systems are inadequate. The City shall provide the necessary improvements such as system enlargement and pipe replacement if such improvements will encourage new development and/or eliminate potential pollutant discharge. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River and Quassaick Creek.

All state and national water quality standards will be followed and enforced as necessary in the City of Newburgh.

(See LWRP Policies 2, 5, 7, 8, 18, 21, 33, 34, 35, 36, 37, 38, 39, 40; HMP Goals 7, 11)

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED

WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

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

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

The quality of water resources is defined in terms of chemical, physical, and biological characteristics, which, in turn, relate to the water's acceptability for its intended use. The New York State Department of Environmental Conservation (DEC) has classified all streams, lakes and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards.

The Hudson River is classified as "A" in the Newburgh area, meaning it can be a source of water supply for drinking, culinary or food processing purposes and any other uses, with treatment. The water quality classification for Quassaick Creek has been improved from a "D" classification to a "C" classification, meaning it is suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes.

(See HMP Goals 1, 2)

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

Explanation of Policy

This policy is not applicable. The City of Newburgh is served by a central sanitary sewer system.

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

Explanation of Policy

Best-management practices include both structural and non-structural methods of preventing or reducing pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g. construction of retention basins) and combined sewer overflows (e.g. replacement of combined systems with separate sanitary and stormwater collection systems) are not economically feasible. Until funding for such projects becomes available, non-structural approaches (e.g. improved street cleaning, reduced use of road salt) will be encouraged, as will “green” practices such as green roofs, rain gardens and porous pavement.

Priority will be given to water and sewer improvements within the LWRP area if such improvements are necessary to reduce excessive stormwater runoff, eliminate the leakage or seepage of sewage into the environment and to eliminate the drainage of untreated discharge into the Hudson River and Quassaick Creek. The expansion and improvement of existing water and sewer service facilities to accommodate new development and revitalization activities will be implemented as necessary. 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. It is the City's policy that any newly installed systems have separate storm and sanitary sewer lines.

During the process of site plan review, all new developments are required to assure the adequacy of existing systems and/or describe the actions that will be taken to ensure the control of stormwater runoff and sewage.

(See LWRP Policies 2, 5, 7, 8, 30; HMP Goals 7, 11)

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

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Fish and wildlife habitats, waterfronts, and public water bodies need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards will be followed by all agencies.

Under Newburgh's City Code, no person shall dump, drop, throw or place any vegetables, garbage, ashes, cinders, dross, rubbish, dirt, shells of oysters, clams or other fish or offal, or the carcass of any animal or filth, or sewage of any kind in the Hudson River, or any of the streams or ponds within the boundaries of the City. No person shall deposit any dead animal, manure, garbage, compost, vegetable or any putrescible matter in any spring, marsh, watercourse or reservoir, nor on or in the ground within 50 feet thereof, nor anywhere in such a manner that it

can be washed by rain, melting snow or otherwise over the surface of the ground into any spring, marsh, watercourse or reservoir (Section 4-5). No person shall deposit any human excreta on the ground within 130 feet of any spring, marsh, watercourse or reservoir, nor anywhere in such a manner that it could be washed into the same.

A vessel waste pump-out station for small water craft should be planned and constructed by the City at its waste water treatment site or other appropriate location (see LWRP Policy 7A). Receptacles for garbage, rubbish and other solid and liquid materials will be required in waterfront recreation areas, especially around the yacht club, Newburgh Landing, Washington Street boat launch and at any other new recreational sites. These receptacles must be large enough to adequately support peak usage. Section 4-6 of the local Code of Ordinances prohibits leaving, "any bait cans, dead bait, lunch box, garbage, refuse or paper" on or around the "City property of any waterway. Such waste shall be deposited in the receptacles provided by the City." This ordinance shall apply to all waterfront recreation areas. As part of the design plans for the river walkway, decorative receptacles have been selected and will be installed to prevent littering. Garbage receptacles will be installed in any new "high activity" areas within the LWRP area. Policies and procedures will be written and disseminated to govern action steps in case of emergency spills.

(See LWRP Policies 2, 5, 7, 8, 18, 30, 33, 35, 36, 37, 38, 39, 40; HMP Goals 4, 7)

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

Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 15, 26 and 44). If dredging activities become necessary in connection with this program, all applicable standards and policies will be followed.

The City of Newburgh abides by all necessary standards set by the New York State Department of Environmental Conservation and the Army Corps of Engineers.

(See LWRP Policies 7, 15, 24, 44; HMP Goals 7, 11)

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

(See HMP Goals 7, 9)

POLICY 36A **STORAGE AREAS FOR PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE BERMED TO PREVENT ON-SITE SPILLS FROM ENTERING COASTAL WATERS. NO MORE THAN 150 GALLONS OF SUCH MATERIALS SHALL BE KEPT IN TEMPORARY STORAGE FACILITIES AT ANY ONE TIME.**

(See LWRP Policies 30, 33, 34, 37, 39, 40; HMP Goals 7, 9, 11)

POLICY 36B **INTERMUNICIPAL COOPERATION AND NOTIFICATION WILL BE OUTLINED AND MANDATED TO RESPOND TO SPILLS AND CONTAMINATION CARRIED BY TIDES INTO NEWBURGH'S COASTAL WATERS.**

(See HMP Goals 7, 9, 11)

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness: or (2) pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or otherwise managed." A list of hazardous wastes as defined by DEC can be found in 6 NYCRR Part 371.

Clean-up of accidental discharges will be conducted according to State regulations and other applicable authoritative regulations. Restitution for damages would be the responsibility of the manufacturer or property owner. Local site plan review procedures will require all applicants developing nonresidential uses to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal. Disclosure during the site plan review process will alert the City to any potential difficulties and will assure that shipment disposal and storage of hazardous wastes will be conducted in a conscientious manner.

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

Explanation of Policy

Important fish and wildlife habitats, beaches, and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Actions to prevent or minimize erosion and the use of alternative (organic) methods of fertilization and pest control will greatly minimize discharge. The use of fertilizers and pest control chemicals will be discouraged within the LWRP area. Easements and permits will not be issued for the use of watershed land and public water supply areas for any action that would require contamination containment or mitigation.

Non-structural erosion control methods, such as the planting of vegetation, and if necessary structural erosion control will be utilized to prevent the excessive discharge of eroded soil into local waters however, non-structural methods will be given priority.

Erosion and non-point source protection plans will be required for proposed construction to achieve the following objectives:

1. Natural ground contours should be followed as closely as possible.
2. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
3. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems. Construction and post-construction runoff levels should be maintained at or below pre-construction levels at all times.
4. Natural protective vegetation should remain undisturbed, if at all possible, and restored when necessary.
5. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
6. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
7. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
8. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
9. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should be used only where vegetation and grading are not sufficient to control erosion.

10. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.

Site plan review procedures and approval, for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental permits where water quality is concerned.

(See LWRP Policies 30, 33, 34, 36, 39, 40; HMP Goals 7, 11)

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

Explanation of Policy

The City of Newburgh obtains its drinking water supply from reservoirs outside the City's limits within the Town of New Windsor. However, as a general principle, surface and groundwater are primary sources of drinking water and therefore must be protected.

Site plan review procedures and approval, and all other building permit approvals, will require appropriate Federal and State environmental permits where water quality is concerned.

(See LWRP Policies 30, 31, 33, 34, 36, 37, 39, 40; HMP Goal 7)

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

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or otherwise managed." A list of hazardous wastes is provided in 6 NYCRR Part 371.

Solid waste management facilities must meet the requirements contained in 6NYCRR Part 360 dated December 31, 1988.

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

Nonresidential applicants must identify hazardous wastes and other solid wastes of unusual origin. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. The information disclosed by the developer must assure consistency with the LWRP policies and adequate environmentally conservative handling of wastes.

(See HMP Goal 7)

POLICY 39A DUMPING OF SOLID AND HAZARDOUS WASTES IN THE COASTAL WATERS OF THE CITY OF NEWBURGH IS PROHIBITED.

Explanation of Policy

Navigation and recreation activities in and around the coastal waters of the City of Newburgh are of economic importance and contribute to the quality of life of its residents.

Dumping of materials which create navigation hazards or pollute the water is detrimental to the quality of life, endanger the welfare of boaters, and adversely impact the operation of water dependent business industry.

(See LWRP Policies 30, 36, 40; HMP Goal 7)

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

Explanation of Policy

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

(See LWRP Policies 30, 36, 37, 38, 39; HMP Goals 7, 11)

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

Explanation of Policy

The State Coastal Management Program and the LWRP incorporate State Laws on air quality developed by the Department of Environmental Conservation and the Clean Air Act into their programs. Requirements set out in the Clean Air Act are the minimum air quality control requirements applicable to the coastal area.

Site plan review procedures and approval and other permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal, State and County environmental approvals where air quality is concerned.

(See HMP Goals 4, 7, 8, 11)

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

Explanation of Policy

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

(See HMP Goals 1, 2)

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

Explanation of Policy

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

The State-enforced Air Pollution Control Program covers this policy. Necessary State and Federal approvals concerning acid rain and the generation of nitrates and sulfates will be required where applicable. The disclosure of sulfate and nitrate generating activities will be required if applicable during Site Plan Review.

(See HMP Goals 4, 7, 8)

WETLANDS POLICY

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

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

At the mouth of the Quassaick Creek is a tidal wetland which is stressed from various regulated and unregulated pollutant discharges. Regardless, the Creek continues to be used for recreational and fishing opportunities. The City recommends rehabilitation of the Creek, and supports activities to upgrade the water quality and ecological habitat in this vicinity. Ultimately, water quality improvements to the Creek, a tributary to the Hudson River, will help to improve water quality within the river itself.

Activities conducted within tidal or freshwater wetlands will be subject to applicable state and federal permit reviews and approvals.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

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

- habitat for wildlife and fish, including a large portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

According to data contained on the National Wetland Inventory (NWI) map for Newburgh, two small isolated freshwater wetlands are located on the Steel Style site and adjoining the CSX rail right-of-way. These pockets have been formed in depressions or excavated areas where water seasonally floods or collects.

(See HMP Goals 7, 12)

B. Newburgh's Harbor Management Goals, Objectives and Policies

INTRODUCTION

This statement of the City of Newburgh's harbor management goals, objectives and policies is established as a distinct and fully incorporated element of the Newburgh LWRP. The goals, objectives and policies, along with the harbor management opportunities and recommendations in Section IV of the LWRP document, constitute the Newburgh Harbor Management Plan (HMP) of the LWRP.

The goals and objectives represent the City's long-range vision for the future use and conservation of the Newburgh Harbor Management Area (NHMA) on the Hudson River and Quassaick Creek. The vision provides a foundation for the harbor management policies which in turn establish a guiding framework for decisions and recommendations by the Newburgh Waterfront Advisory Committee (WAC) and other city agencies with programs or authorities that directly or indirectly affect the NHMA. The harbor management policies are consistent with all other policies of the LWRP and with the coastal management policies of the State of New York, and as such they must guide State and federal agencies' decisions affecting the NHMA.

HARBOR MANAGEMENT GOALS AND OBJECTIVES (THE HARBOR VISION)

The Harbor Vision consists of 14 basic goals and accompanying objectives. The vision is based on the concept of balance among a number of equally important purposes, including: protection and enhancement of environmental resources and the quality of life associated with the City's location on the Hudson River; provision of opportunities for water-dependent recreational activities and public access to the NHMA; achievement of sustainable development and economic benefits linked with the NHMA; and maintenance of the health, safety and welfare of those who use the NHMA and waterfront. The vision is also based on the concept of stewardship whereby citizens, officials, agencies and organizations with an interest or authority pertaining to the NHMA would think of themselves as stewards of the area, responsible for helping to ensure that the natural, cultural, social and economic values of the NHMA are sustained for the benefit of future generations.

Goal 1: Public Interest, Support, and Participation.

Develop and maintain public awareness of the important economic, environmental, cultural and other resources and values provided by the NHMA, and of the importance of those resources and values to the quality of life in the City of Newburgh; establish and maintain a base of public support for achieving the City's goals for beneficial use of the NHMA and conservation and enhancement of environmental resources.

OBJECTIVES:

- (a) Provide continuing opportunities for the open expression of public concerns related to use and conservation of the NHMA and implementation of the HMP as an element of the Newburgh LWRP.

- (b) Obtain public input for development and modification of all City plans, programs, laws, regulations and ordinances affecting the NHMA.

(See LWRP Policies 18, 31, 42)

Goal 2: Active and Coordinated Management of the NHMA by the City of Newburgh.

Actively manage use and conservation of the NHMA in the public interest, for the benefit of all City residents and the general public. Establish and maintain, in accordance with the legislative intent of the New York Waterfront Revitalization and Coastal Resources Act, Municipal Home Rule Law and applicable laws and ordinances of the City of Newburgh, a principal role for the city in the planning, management and regulation of activities affecting the NHMA.

OBJECTIVES:

- (a) Actively manage use and conservation of the NHMA through long-range *planning* to guide beneficial public and private uses along with the conservation of natural coastal resources; effective *regulation* of those uses and resource conservation, as necessary, through appropriate measures to ensure compliance with city, state, and federal laws, regulations, and ordinances; and *non-regulatory measures* including but not limited to personal stewardship actions and education and information initiatives.
- (b) Implement the HMP as an element of the Newburgh LWRP in accordance with authority provided by applicable laws, regulations and ordinances of the State of New York and City of Newburgh.
- (c) Support the efforts of the WAC and other agencies of the city for implementing the HMP and carrying out other purposes, powers, duties and responsibilities in the public interest as authorized by City and State laws, regulations and ordinances.
- (d) Promote the adoption and/or amendment of City laws, regulations and ordinances, as needed, for implementing the HMP and regulating use and development of the NHMA in the public interest; achieve effective compliance with all City laws, regulations and ordinances affecting the NHMA.
- (e) Obtain and allocate funds dedicated for management and improvement of the NHMA in a manner consistent with the HMP and for the benefit of the public.
- (f) Promote consistency and coordination among all city plans and programs affecting the NHMA, including but not limited to the HMP, other elements of the LWRP, Newburgh Sustainable Master Plan and any municipal redevelopment plans prepared for waterfront properties contiguous to the NHMA or otherwise affecting the NHMA.

- (g) Promote coordination with other municipalities to address issues of common interest affecting the NHMA and Hudson River, including the towns of Newburgh and New Windsor and City of Beacon with jurisdictions adjoining the NHMA, and other municipalities in the Hudson River watershed.
- (h) Promote coordination among City, regional, State and federal programs and responsibilities affecting the NHMA.
- (i) Review all public and private proposals affecting real property on, in or contiguous to the NHMA to assure the consistency of those proposals with the HMP.

(See LWRP Policies 1F, 1G, 1H, 6A, 31, 42)

Goal 3: Viable Water-Dependent and Water-Enhanced Facilities and Uses.

Support and maintain a diversity of water-dependent and water-enhanced facilities and uses that individually and collectively enhance the quality of the NHMA, the local and regional economy and the quality of life in the City of Newburgh; give first priority and preference to water-dependent uses on the city's Hudson River waterfront; give second priority and preference to water-enhanced uses.

OBJECTIVES:

- (a) Encourage and support the continued operation and, where feasible, enhancement of recreational boating-related facilities and uses, including facilities for the maintenance, repair, storage and berthing of vessels. (See Goal 4 below.)
- (b) Encourage and support the continued operation and, where feasible, enhancement of waterfront parks and other facilities that provide opportunities for public access to the NHMA.
- (c) Encourage and support passenger boat operations in the NHMA, consistent with other water-dependent uses, for the purpose of: providing significant opportunities for beneficial public use and enjoyment of the NHMA; attracting visitors to the city and region; and providing efficient waterborne transportation linkages between the city and other locations on the Hudson River.
- (d) Encourage and support the expansion in appropriate locations of water-dependent uses defined in the New York Waterfront Revitalization and Coastal Resources Act including, but not limited to, boating and other water access facilities, where consistent with public needs, applicable land-use policies and the HMP.
- (e) Support the continued and timely maintenance of the Hudson River federal navigation project by the U.S. Army Corps of Engineers (USACE) as necessary to maintain safe and efficient navigation by recreational and commercial vessels, including any vessels engaged in the waterborne transportation of commodities and passengers and navigating to and from the city.

- (f) Support the continued and timely maintenance of private infrastructure for water access from the Newburgh waterfront as necessary to promote and maintain the viability of water-dependent uses and activities.
- (g) Ensure that opportunities for navigation in the NHMA are available to all on a fair and equitable basis, consistent with the Public Trust Doctrine and federal requirements for use of the Hudson River federal navigation project.

(See LWRP Policies 1, 1C, 1D, 2, 4, 4A, 6, 9, 9A, 10, 18, 19, 20, 20A, 21, 21A, 21B, 22, 22A)

Goal 4: Beneficial Recreational Uses.

Maintain and enhance opportunities for recreational use of the NHMA, consistent with its capacity to support those uses without the occurrence of significant adverse impacts on environmental quality or on the public health, safety, welfare and enjoyment.

OBJECTIVES:

- (a) Maintain and enhance opportunities for recreational boating and boating-related uses of the NHMA, including but not limited to boating for recreational fishing, consistent with all applicable laws, regulations and ordinances concerning the operation of vessels in the NHMA.
- (b) Maintain a variety of public and commercial boating services and facilities, including boat berthing, docking and launching facilities for resident and visiting boaters, making Newburgh a center of recreational boating activity on the Hudson River and a regionally significant destination for visiting boaters.
- (c) Maintain and enhance opportunities for non-boating recreational use of the NHMA and the public lands contiguous to the NHMA, including opportunities for land-based fishing, walking, picnicking, nature observation, enjoyment of scenic views of the Hudson River and Hudson Highlands, special public events and other beneficial activities.

(See LWRP Policies 1, 1C, 1D, 4A, 7A, 8A, 9, 9A, 12, 14, 19, 20, 21, 21A, 21B, 22, 22A, 34, 41, 43)

Goal 5: Vital Commercial and Industrial Facilities.

Encourage and support the maintenance and enhancement in appropriate locations of commercial and industrial water-dependent uses providing vital economic, transportation and environmental benefits of local and regional significance.

OBJECTIVES:

- (a) Encourage and support the continued operation and, where feasible, enhancement of commercial and industrial water-dependent facilities in appropriate locations, including

facilities associated with marine trades and businesses requiring direct access to the Hudson River.

- (b) Maintain and enhance waterfront facilities supporting the safe and efficient operation of passenger vessels navigating to, from and through the NHMA.
- (c) Manage vessel traffic in the NHMA to avoid or reduce potential conflicts between recreational and commercial vessels. (See Goal 10.)
- (d) Encourage and support efforts to most effectively secure and protect water-dependent transportation facilities and areas in accordance with state and federal requirements for homeland security.

(See LWRP Policies 1A, 4A, 5, 10, 18C, 19A, 19B, 21, 21B, 27; HMP Goal 10)

Goal 6: Educational and Scientific Use.

Encourage and support use of the NHMA and waterfront for educational and scientific purposes consistent with the capacity of water and waterfront resources to support that use in a safe, enjoyable and environmentally sound manner.

OBJECTIVE:

- (a) Encourage and support educational and scientific use of the NHMA including, but not limited to, river- and estuarine-related field studies by primary and secondary schools, universities, conservation and natural history groups and others.
- (b) Encourage the provision of facilities to accommodate vessels engaged in educational and scientific activities on the Hudson River.

(See LWRP Policies 18 and 18B)

Goal 7: Natural Resource Conservation and Enhancement.

Conserve and enhance the environmental quality, natural resources and ecological functions associated with the NHMA and the larger Hudson River estuarine and watershed systems of which the NHMA is part.

OBJECTIVES:

- (a) Recognize that the water and other natural coastal resources found in the NHMA are part of the larger estuarine and watershed system of the Hudson River and that actions within that ecological system can have significant impacts on other parts of the system, or on the system as a whole.
- (b) Properly manage and protect natural coastal resources such as, but not limited to, wetlands, intertidal areas, underwater lands, coastal waters and fisheries resources.

- (c) Protect and enhance ecological functions in the NHMA, including functions related to fish and wildlife habitat, nutrient productivity, water quality and floodwater storage and buffer. Encourage and support the enhancement and/or restoration of degraded natural resources on, in, or contiguous to the NHMA.
- (d) Achieve and maintain the highest reasonably attainable quality of surface water in the NHMA through substantial reduction of non-point source pollution and enhanced wastewater treatment by the city in accordance with best available technology and the highest standards of operation and maintenance.
- (e) Plan and manage use and development of the NHMA in a manner consistent with its environmental capacity to support that use and development without significant adverse impacts on environmental resources; avoid or minimize adverse impacts on environmental resources that may be caused by use and development of the NHMA and adjoining areas.
- (f) Preserve and enhance the scenic quality, including scenic views, associated with NHMA, waterfront, and Hudson Highlands.
- (g) Balance efforts to protect and enhance environmental quality with efforts to provide recreational opportunities, sustainable development and other public benefits.

(See LWRP Policies 7A, 8, 8A, 9, 9A, 10, 11, 12, 12A, 14, 15, 17, 18, 19, 23, 23B, 24, 25, 27, 28, 30, 33, 34, 35, 36, 36A, 36B, 37, 38, 39, 39A, 40, 41, 43, 44)

Goal 8: Sustainable Economic Growth and Development.

Recognize and pursue opportunities for economic growth and community development associated with the NHMA; achieve sustainable and substantial economic growth and community development linked to the NHMA and facilitated by beneficial and coordinated use and development of waterfront areas.

OBJECTIVES:

- (a) Support beneficial use and appropriate development of waterfront areas designated for commercial use, consistent with City goals and objectives for encouraging water-dependent and water-enhanced uses and for conserving and enhancing the environmental quality associated with the NHMA and waterfront.
- (b) Achieve and maintain consistency and coordination between harbor management initiatives and City redevelopment plans and programs affecting the NHMA and waterfront.
- (c) Achieve beneficial use and redevelopment of underutilized coastal area properties, including waterfront properties, in accordance with comprehensive redevelopment plans

following the highest site planning and architectural design standards to protect and enhance the scenic quality associated with the NHMA, waterfront and Hudson Highlands.

- (d) Encourage and support an active role by the city in guiding beneficial redevelopment of properties affecting the NHMA and waterfront through application of all appropriate means and authority.
- (e) Encourage and support water-based tourism activities and the associated economic, recreational and other benefits of those activities in the City.

(See LWRP Policies 1, 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2, 4, 4A, 5, 6, 7A, 8A, 9, 9A, 10, 12, 14, 18, 18A, 18B, 18C, 18D, 19, 20A, 21A, 22, 23, 23A, 23B, 24, 25, 41, 43)

Goal 9: Public Health, Safety and Welfare.

Plan for, manage, and regulate use and development of the NHMA and waterfront to assure their most orderly and efficient use and provide for the continued health, safety and welfare of those who use and enjoy the NHMA and waterfront.

OBJECTIVES:

- (a) Maintain navigation safety in the NHMA for the different types and sizes of vessels operating within the NHMA, including recreational vessels; passenger vessels; small non-motorized vessels such as canoes, kayaks and rowing shells; commercial vessels; vessels engaged in educational and scientific activities; and all other vessels operating within the NHMA.
- (b) Ensure that aids to navigation in and near the NHMA are adequate for the purpose of marking navigation areas, any navigation hazards and obstructions, restricted speed areas and other conditions affecting ease and safety of navigation.
- (c) Encourage and support effective enforcement of applicable City, State, and federal laws, regulations, and ordinances to maintain and, as necessary, improve boating and navigation safety in the NHMA.
- (d) Avoid or reduce potential conflicts among vessels operating in the NHMA, including conflicts between commercial and recreational vessels and conflicts between motorized and non-motorized vessels.
- (e) Encourage and support effective local programs for boating education.
- (f) Reduce or avoid the potential impacts of flooding and erosion on, in or contiguous to the NHMA.
- (g) Plan and manage use and development of the NHMA in a manner consistent with its capacity to support that use and development without significant adverse impacts on public health, safety and welfare.

- (h) Provide facilities and services to support effective response to emergencies on, in, or contiguous to the NHMA, including water access facilities to accommodate emergency response vessels.
- (i) Promote public safety at waterfront parks and other locations providing opportunities for public access to the NHMA and waterfront.
- (j) Achieve timely removal of any derelict, abandoned or deteriorated vessels and structures from the NHMA.
- (k) Prohibit unauthorized encroachments into the navigable waters of the NHMA.
- (l) Identify and evaluate any contamination associated with past uses of properties affecting the NHMA and targeted for redevelopment; encourage and support appropriate remedial actions as necessary to implement redevelopment plans and protect public health, safety and welfare.
- (m) Encourage and support all appropriate measures to avoid, prepare for and respond to any emergencies involving the spillage of fuel or other materials in the NHMA.
- (n) Encourage and support effective coordination among City, State and federal agencies to effectively secure and protect water-dependent facilities for passenger transportation in accordance with state and federal requirements for homeland security.

(See LWRP Policies 1, 1F, 1G, 11, 11A, 12, 12A, 14, 15, 17, 18, 18D, 19B, 21B, 36, 36A, 36B)

Goal 10: Public Access to the NHMA.

Provide long-term opportunities for safe and enjoyable public use of, and access to, the NHMA and waterfront for active and passive recreational uses, while balancing the public's rights to use the NHMA and waterfront with the riparian rights of waterfront property owners for reasonable access to navigable water.

OBJECTIVES:

- (a) Recognize and protect the rights of the general public to use the tidal and navigable waters of the NHMA for navigation, recreation and other beneficial purposes in accordance with the Public Trust Doctrine.
- (b) Promote a safe, attractive, and interconnected system of public waterfront areas and facilities, linked with other areas of the City, including the city's commercial center, and enjoyed by persons of all ages, interests and abilities, including waterfront areas and trails providing opportunities for walking, jogging, picnicking, land-based fishing in the NHMA,

bicycling, boating and quiet enjoyment of scenic views, as well as water trails for canoeists and kayakers in appropriate locations.

- (c) Promote the creation, maintenance, and enhancement of public boating facilities for the use of City residents and the general public, including boat docking and launching facilities, consistent with demonstrated need and the capacity of the NHMA and waterfront to support those facilities.
- (d) Maintain and, where feasible, improve existing public access areas, including City-owned parks and water access rights-of-way.
- (e) Provide new water access areas, as needed, in appropriate locations to increase opportunities for public use and enjoyment of the NHMA.
- (f) Encourage and support the organization and staging of special water and waterfront events, programs and activities on waterfront sites to provide recreational and educational opportunities for the general public, attract visitors to the City and region and make the city a popular destination for visitors throughout the year.
- (g) Protect the public's right of free navigation and use of the land and water resources below the mean high water line, in accordance with the Public Trust Doctrine and in a manner that does not unreasonably interfere with the riparian rights of waterfront property owners.
- (h) Protect the riparian rights of the owners of land contiguous to the NHMA, to the extent those rights are exercised in a manner that does not unreasonably interfere with the public's right of free navigation or with the public interest in protecting the natural environment and scenic quality associated with the NHMA.
- (i) Encourage and support the provision in appropriate locations of ample, safe and well-maintained facilities for visiting boaters.
- (j) Establish and maintain appropriate sections of the waterfront as focal points of community activities throughout the year.

(See LWRP Policies 1, 1C, 1D, 1F, 4, 4A, 5, 9, 9A, 18D, 19, 19A, 19B, 20, 20A, 21A, 21B, 22A)

Goal 11: Effective Planning and Regulation of Waterfront Land Use.

Plan for and regulate waterfront land-use in the most effective manner consistent with City goals for economic growth and development; with the capacity of the natural and man-made environment to support waterfront land-use; and in coordination with planning and regulatory measures to guide beneficial use of the NHMA.

OBJECTIVES:

- (a) Recognize that waterfront land use and development may have a significant influence on the use and condition of the NHMA, and that planning and regulation of waterfront land use should be undertaken in coordination with management of the NHMA's navigable waters.
- (b) Effectively apply City land-use policies, including the land-use policies of the LWRP, and city zoning regulations to guide the beneficial use and development of coastal area properties, recognizing the environmental, economic and cultural significance of the City's natural coastal resources and existing water-dependent land-uses.
- (c) Ensure that waterfront redevelopment to advance City goals for economic growth follows the highest site planning and architectural design standards to protect and enhance the scenic quality associated with the NHMA, waterfront and Hudson Highlands.
- (d) Ensure coordination between the actions of the WAC and the actions of other City agencies including, but not limited to, the City Council, Planning Board and Zoning Board of Appeals, with regard to planning and regulating waterfront land-use; support implementation of the land-use policies of the LWRP.
- (e) Avoid or reduce potential land-use and other conflicts between waterfront facilities, including public and private facilities and facilities associated with water-dependent uses.
- (f) Give high priority and preference to the development of water-dependent and water-enhanced uses on waterfront properties.
- (g) Recognize that the NHMA has a limited capacity (carrying capacity) to support use and development, and that this capacity is subject to change over time; avoid new or expanded upland uses and development that exceed the carrying capacity of the natural and man-made environment to support such uses and development in a safe, environmentally sound and economically sound manner.
- (h) Evaluate the potential impacts on coastal resources and public water access opportunities associated with proposals for waterfront use and development; avoid or otherwise mitigate any significant adverse impacts.
- (i) Ensure that all work and structures within the NHMA are properly authorized by the appropriate City, State, and/or federal authorities.

(See LWRP Policies 1E, 1F, 1G, 1H, 4, 4A, 11A, 12, 13, 14, 15, 17, 21, 27, 30, 33, 35, 36A, 36B, 37, 40, 41)

Goal 12: Cultural Enrichment.

Preserve and promote the City of Newburgh's existing character and maritime heritage associated with the Hudson River.

OBJECTIVES:

- (a) Identify and evaluate any cultural resources in and near the NHMA, including sites and structures representative of the settlement and history of the City and the Hudson River valley; protect significant cultural resources in and adjoining the NHMA from the potential negative impacts of use and development.
- (b) Encourage and support the preservation of resources with cultural significance on, in or contiguous to the NHMA, including historic, scientific and archaeological significance.
- (c) Ensure that growth and development enhanced by proximity to the NHMA are consistent with City and neighborhood character and the carrying capacity of the NHMA to accommodate that growth.

(See LWRP Policies 4, 5, 18D, 23, 23A, 23B, 24, 25, 44)

Goal 13: Effective Response to Changing Conditions.

Monitor conditions on, in, or contiguous to the NHMA on an ongoing basis and consider any amendments/revisions to the Plan and applicable city laws, regulations, and ordinances that may be needed to respond most effectively to changing conditions and circumstances.

OBJECTIVES:

- (a) Conduct an annual review of conditions in and adjoining the NHMA and of the status of implementing the HMP.
- (b) Amend/revise the HMP as necessary in accordance with a specific procedure including requirements for the hearing of public comments and concerns.

Goal 14: Personal Stewardship.

Develop and maintain a strong ethic of environmental stewardship whereby all citizens, officials, agencies and organizations with an interest or authority pertaining to the NHMA consider themselves as stewards of the NHMA with a responsibility to help sustain the natural and economic values of the area for the benefit of future generations.

OBJECTIVES:

- (a) Encourage and support programs to increase awareness on the part of City residents and visitors of the impacts that everyday activities can have on the natural environment of the NHMA.

- (b) Encourage and support voluntary programs to enhance, protect and restore environmental quality in the NHMA.

(See LWRP Policy 18D)

HARBOR MANAGEMENT POLICIES

The harbor management policies address the harbor management issues identified in Section II of the Local Waterfront Revitalization Program (LWRP) and serve to advance the City's harbor management goals and objectives (Waterfront Vision) set forth above. The policies are established specifically to guide decisions and recommendations affecting the NHMA by City agencies. The policies are established as a special set of policies of the LWRP and have all of the legal weight and standing of all other policies of the LWRP. As such, the harbor management policies, along with all other policies of the LWRP, must guide State and federal agencies' decisions affecting the NHMA.

The harbor management policies are grouped into eight categories concerning: 1) administration and coordination; 2) public health, safety and welfare; 3) navigation and water use; 4) environmental quality; 5) recreational boating; 6) commercial and industrial facilities; 7) public access; and 8) waterfront land-use and development. The policies are not tied to specific locations in the NHMA but are intended to apply in general throughout the NHMA. Site-specific recommendations are included in the Harbor Management Opportunities and Recommendations section included in Section IV of this LWRP.

1. Administration and Coordination Policies

a. Harbor Management:

- (1) The City of Newburgh's harbor management policies should be considered as a special group of policies of the LWRP with all of the legal weight and standing of all other policies of the LWRP.
- (2) All policies of the LWRP, including but not limited to the harbor management policies, may be applied to the review of any proposal affecting the NHMA.
- (3) It should be recognized that the HMP is an element of the LWRP and consists of the harbor management goals, objectives and policies set forth in Section III of the LWRP and the harbor management opportunities and recommendations set forth in Section IV.

b. Newburgh Harbor Management Area:

- (1) The NHMA, as defined in chapter 296 of the City of Newburgh Code of Ordinances (Code), should be considered as a sub-area of the Newburgh LWRP Area and should include 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 should be bounded by the boundary lines of the neighboring municipalities of the Town of Newburgh on the north and the Town of New Windsor on the south; by the centerline of the Hudson River which marks the boundary line of the City of Beacon on the east; and by the MHW line on the west.

c. Harbor Management Jurisdiction and Responsibilities of the Waterfront Advisory Committee:

- (1) The jurisdiction of the WAC for the purpose of the HMP should be as established in chapter 296 of the Code and should include all of the navigable waters, intertidal areas, and underwater lands of the NHMA. For the purpose of implementing the HMP, the WAC should exercise all of its powers and duties pertaining to implementation of the LWRP as set forth in the Code.

d. Enforcement of HMP Provisions:

- (1) Chapters 147, 296, 300 and other applicable sections of the Code should be reviewed and amended as necessary to help ensure continued boating and navigation safety in the NHMA and effective implementation and enforcement of the applicable provisions of the HMP.
- (2) Through implementation of the HMP, the City should maintain an active, ongoing and principal role in the management of activities affecting the NHMA in coordination with State and federal agencies, including, but not limited to, the New York Department of State Division of Coastal Resources (DOS DCR), New York Department of Environmental Conservation (DEC) and the U.S. Army Corps of Engineers (USACE).
- (3) The Newburgh Police Department and other duly authorized law enforcement agencies should coordinate their actions and authorities to the extent practical and desirable to achieve effective enforcement of the public safety provisions established in the HMP, the Code, and in State laws, rules and regulations.
- (4) The City Building Inspector should exercise all of the powers and duties established in the Code and in state laws, rules and regulations, to achieve effective enforcement of applicable sections of the HMP.

e. Harbor Manager:

- (1) An employee of the City should be responsible for oversight of activities on, in and contiguous to the NHMA including, but not limited to, scheduling for the use of City lands and facilities; assistance to the WAC and other agencies of the City as needed for implementing the HMP; and generally advancing the safe and efficient operation of the NHMA.

f. Harbor Management Consistency Review:

- (1) All proposed projects affecting the NHMA should be reviewed for consistency with the HMP and all other policies of the LWRP. This review should be known as the harbor management consistency review and should be conducted in accordance with the schedules and procedures established in chapters 296 and 300 of the Code.
- (2) In accordance with chapters 296 and 300 of the Code, the WAC may review, for consistency with the HMP, proposed projects affecting real property on, in or contiguous to the NHMA as submitted to, or proposed by other agencies of the city including, but not limited to, the following agencies (see HMP Waterfront Land Use and Development Policies):
 - Planning Board
 - Zoning Board of Appeals
 - Board of Parks, Recreation and Conservation
 - Any other agency with land use authority
- (3) The WAC may review for consistency with the harbor management policies: 1) all development proposals subject to the City's waterfront consistency review process and located on parcels contiguous to or otherwise affecting the NHMA; 2) all proposed uses, work and activities occurring in the NHMA; and 3) all proposed revisions or amendments to city plans, regulations, or ordinances affecting real property on, in or contiguous to the NHMA.
- (4) The referring agencies including those listed in item f(2) above should notify the WAC of any proposals subject to the harbor management consistency review process in accordance with the schedules and procedures established in chapters 296 and 300 of the Code.
- (5) In accordance with the schedules and procedures established in chapters 296 and 300 of the Code, the WAC should determine the consistency of proposed projects with the harbor management policies, and make recommendations to the appropriate City agency. If no comment regarding the consistency of the proposed project is made by the WAC, it may be presumed that the WAC has deemed the proposal consistent with the harbor management policies.
- (6) Proposals affecting the real property on, in or contiguous to the NHMA and requiring State and/or federal approvals should be reviewed for consistency with the harbor management policies including, but not limited to, applications submitted to the DEC and/or USACE for authorizations to conduct work in navigable water. The WAC should review proposed projects for consistency with the HMP and transmit its findings and recommendations to the appropriate State and/or federal agency prior to any final decision by those agencies. Pursuant to Article 42 of the New York Executive Law, a determination of inconsistency with respect to a proposed project should be binding on any State or federal official

when making regulatory decisions or undertaking or sponsoring development affecting the NHMA.

- (7) It should be the responsibility of project applicants to provide the information necessary for the WAC to adequately assess the potential impacts of proposed projects on the NHMA and the consistency of such proposals with the HMP. The information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal.
- (8) When reviewing a proposed project for consistency with the HMP, the WAC should consider if there is any enforcement action pending with City, State or federal agencies for violations of environmental or other laws at the site of the proposed work and/or associated with the work for which the authorization is being sought. The WAC may defer its review of a proposal or application involving a site associated with a pending enforcement action until such time as that action has been concluded. The WAC may provide recommendations to appropriate City, State or federal regulatory agencies concerning the elimination of any unauthorized encroachments in the NHMA. (See HMP Policy 3.h, below.)

g. Facilitating the Regulatory Process:

- (1) City, State and federal authorities should work cooperatively, to the extent feasible in accordance with applicable laws and regulations, to facilitate the existing regulatory processes concerning authorization of work in or affecting the NHMA. Such work should be considered to include, but not be limited to, the construction of in-water structures such as docks, floats, piers and bulkheads, and dredging of aquatic areas to support water-dependent uses.

h. Funding for Harbor Management and Improvements:

- (1) Adequate funds should be obtained and allocated to properly manage and maintain the NHMA and public facilities on, in or contiguous to the NHMA in the public interest. The City should actively pursue available governmental and private grants and other appropriate sources of funds to help defray the costs of harbor management and improvement initiatives conducted in the public interest.
- (2) In accordance with chapter 296 of the Code, the WAC may propose a fee schedule, for adoption by the City Council, for water-dependent activities within the scope of the HMP. Such fees should be commensurate with services provided by the City, and all fees collected should be used for the maintenance and improvement of the NHMA for the public and for expenses for materials, personnel and equipment directly related to the function of City agencies, including the WAC, with responsibilities for managing the use and conservation of the NHMA.
- (3) An annual operating budget for harbor management should be established by the city to provide funds for HMP implementation, including activities of the WAC.

- (4) Any fines for violations of City and State laws, regulations and ordinances concerning use of the NHMA, including but not limited to any rules and regulations adopted by City agencies, should be dedicated, to the extent consistent with City and State laws, regulations, ordinances and policies, for the purpose of implementing beneficial projects for environmental enhancement and other improvements for the public in and adjoining the NHMA.

i. Developing and Maintaining Public Support and Awareness of HMP Provisions:

- (1) The presentation and discussion of all relevant public concerns regarding the NHMA and the HMP should be encouraged and considered by the WAC, including concerns expressed by City residents, waterfront property and business owners, public officials, boaters and other users of the NHMA, interested organizations and the general public.
- (2) Special programs and events to stimulate public interest and community involvement in matters pertaining to the NHMA and the HMP should be encouraged and supported.

j. Updating and Amending the HMP and Applicable Sections of the Code:

- (1) The HMP and applicable sections of the Code should be updated and amended as necessary to respond to changing circumstances and conditions affecting the use and conservation of the NHMA.
- (2) To assure continued adherence to the HMP as well as to identify needed amendments or clarifications, the WAC should conduct an annual review of the HMP and the status of HMP implementation.
- (3) Pursuant to Article 42 of the New York Executive Law and chapter 296 of the Code, the same process required for State approval and City adoption of the HMP should be required to amend the HMP.

k. Coordination among City Agencies:

- (1) All City agencies and officials with authorities and responsibilities affecting the NHMA, including but not limited to the WAC; City Council; Planning Board; Zoning Board of Appeals; Department of Public Works; Board of Parks, Recreation, and Conservation; and Building Inspector should carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the HMP.
- (2) Implementation of all City plans and programs affecting the NHMA, including the LWRP and Newburgh Sustainable Master Plan, should be carried out in the most coordinated manner possible, emphasizing consistent objectives related to future beneficial use of the NHMA and protection of environmental quality associated with the NHMA.

l. Coordination with State and Federal Authorities:

- (1) State and federal agencies with authorities and responsibilities affecting the NHMA, including but not limited to the DOS DCR, DEC and USACE, should carry out their responsibilities affecting the NHMA in the most coordinated manner, consistent with the HMP.
- (2) State and federal governmental agencies with authorities and responsibilities affecting the NHMA should work cooperatively with the WAC and other agencies of the City with relevant authorities and responsibilities to ensure effective implementation of the HMP.
- (3) Actions by State and federal governmental agencies should, to the extent possible in accordance with state and federal law, be consistent with the provisions of the HMP. Pursuant to Article 42 of the New York Executive Law, a recommendation of the city pursuant to the HMP with respect to a proposed project should be binding on any State or federal official when making regulatory decisions or undertaking or sponsoring development affecting the NHMA.

m. Coordination with Other Municipalities:

- (1) To the extent necessary and practical to address issues of common interest, the City should coordinate harbor management initiatives with other municipalities with jurisdictions adjoining or otherwise affecting the NHMA, including but not limited to the towns of Newburgh and New Windsor and City of Beacon.

n. Coordination with Regional and Nongovernmental Organizations:

- (1) To the extent necessary and practical, the City should coordinate harbor management initiatives with governmental agencies and nongovernmental organizations with regional authorities and responsibilities affecting the NHMA, including Orange County and agencies and organizations with regional planning authority and responsibilities.
- (2) Private groups and nongovernmental organizations with an interest in the NHMA including, but not limited to, groups and organizations with an interest in the Hudson River, should be encouraged to contribute to achievement of the City's harbor management goals through volunteer assistance and other means.

o. Coordination for Special Events:

- (1) Special in-water and waterfront events that enhance the vitality of the NHMA and waterfront, attract visitors to the City, and provide significant social and economic benefits should be encouraged and supported.
- (2) In-water and waterfront events should be planned and managed through the coordinated efforts of governmental agencies and private organizations to ensure a safe and beneficial experience by participants and spectators.

p. Managing In-Water Structures:

- (1) The City reserves its right, pursuant to Article 42 of the Executive Law, to adopt, amend and enforce ordinances to regulate the construction, size and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures, temporary or permanent, to a distance of 1,500 feet from the shore and to impose fees for reasonable expenses incurred by the City in carrying out this regulatory authority.

q. Vessel Regulation Zone:

- (1) The City reserves its right, pursuant to Section 46-a of the Navigation Law, to adopt, amend and enforce ordinances to regulate the speed and operation of vessels, including, but not limited to, the mooring and anchoring of vessels, the use of vessels as sleeping quarters and the disposal of waste from vessels, to a distance of 1,500 feet from shore, provided that such ordinances may not affect the speed and operation of vessels operating in the Hudson River federal navigation project. (See HMP Policies 2.a and 2.b, below.)

2. Public Health, Safety and Welfare Policies

a. Boating Laws and Public Safety Regulations:

- (1) All appropriate actions, including implementation and enforcement of applicable City, State and federal laws, regulations and ordinances, should be undertaken to maintain and improve public safety on, in or contiguous to the NHMA.
- (2) As authorized by the Municipal Home Rule Law and Section 46-a of the Navigation Law, City regulations regarding the operation of vessels in the NHMA may be adopted for inclusion in the Code as necessary to maintain and improve boating safety in the NHMA.
- (3) Capital and operating budget requirements for effective City enforcement of applicable laws and regulations by the Newburgh Police Department should be supported.
- (4) The Newburgh Police Department and other appropriate agencies should coordinate their actions and authorities to increase public awareness of City, state and federal laws, regulations and ordinances affecting use of the NHMA and achieve effective enforcement of those laws, regulations and ordinances.

b. Managing Vessel Speed and Wake:

- (1) The operation of all vessels in the NHMA should be in accordance with all applicable City, State and federal boating laws, regulations and ordinances including, but not limited to, chapter 296 of the Code concerning reckless operation of a vessel and restricted speed zones. Effective enforcement of

applicable laws, regulations and ordinances should be encouraged and supported, along with the imposition of appropriate penalties on violators.

- (2) Any person operating a vessel in the NHMA at such a speed as to cause a wake should be held responsible for any damage caused by that wake, in accordance with applicable sections of the State boating regulations.
- (3) Restricted speed zones within the NHMA may be established by City ordinance and upon recommendation by the Newburgh Police Department. For the purpose of protecting the safety of persons and property, no person should operate any power-propelled vessel in violation of the speed and wake requirements of any duly established restricted speed zone in the NHMA.
- (4) The WAC and Newburgh Police Department should coordinate their actions and authorities to increase public awareness of city and state vessel speed regulations in the NHMA.
- (5) It should be recognized that all personal watercraft are subject to all applicable City, State, and federal boating laws, regulations and ordinances.

c. Emergency Planning and Response Capabilities:

- (1) Necessary capabilities and facilities for effective response to emergency situations on, in or contiguous to the NHMA by responsible City, State and federal authorities should be maintained and, to the extent feasible, enhanced.
- (2) Provision of a central waterfront facility to support effective management of the NHMA, including effective response to emergency situations on, in or contiguous to the NHMA, by all appropriate agencies should be encouraged and supported.
- (3) Emergency response activities should be coordinated to the maximum extent feasible with neighboring municipalities and among appropriate City, State and federal agencies.
- (4) Capital and operating budget requirements for necessary provision of emergency services and other assistance to boaters and other users of the NHMA and waterfront by the Newburgh Police Department and Newburgh Fire Department should be supported.
- (5) The City's emergency operations plan should address the broad range of emergency situations and responses possible in the NHMA. Effective implementation of the emergency operations plan should be encouraged and supported.
- (6) All boating clubs and public and private marina facilities should develop and maintain emergency procedures for securing and protecting vessels and other property from the impacts of storms, flooding and erosion.
- (7) All appropriate measures to effectively avoid, prepare for and respond to emergencies involving the spillage of fuel or other materials in the NHMA should be encouraged and supported.

- (8) Any boating facility dispensing fuel in the NHMA should develop and maintain appropriate fuel spill contingency plans and, to the extent feasible, provide for coordinated response actions and the use of available fuel spill containment equipment.
- (9) Fuel and material spill preparedness and response activities in the NHMA should be coordinated to the maximum extent possible among responsible City, State and federal authorities and the operators of private facilities dispensing or otherwise handling fuel and materials.
- (10) Equipment necessary for the control of fuel and material spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to such emergencies in the NHMA.
- (11) All fueling of vessels berthed or stored on, in or contiguous to the NHMA should take place in accordance with all applicable laws, regulations and ordinances to maintain public health, safety and welfare and to avoid adverse impacts on environmental quality.
- (12) All waterfront facilities should include appropriate provisions for fire prevention and preparedness as required by the Fire Marshall, including adequate access for emergency vehicles and adequate on-site water supply for fire-fighting purposes.

d. Recognizing the Carrying Capacity of the NHMA for Safe Boating and Other Water Uses:

- (1) It should be recognized that the carrying capacity of the navigable waters of the NHMA to accommodate safe boating and other water uses is not unlimited and that such capacity is subject to change over time. The design and review of development proposals affecting the NHMA, including proposals with water access facilities, should take into consideration the capacity of the navigable waters of the NHMA to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion and supporting existing beneficial recreational, commercial, and other uses of the NHMA.
- (2) New or expanded uses and facilities determined to exceed the capacity of the NHMA to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See HMP Environmental Quality Policies.)
- (3) It should be the responsibility of project applicants to provide the information necessary for the WAC and other appropriate agencies of the City to assess the capability of the NHMA to accommodate new and expanded uses and facilities in a safe and environmentally sound manner. The information required should be reasonable in scope and should be in balance with the size, scope and potential positive and negative impacts of the proposed project.

e. Avoiding Water Use Conflicts and Congestion:

- (1) Recreational, commercial, and other beneficial uses of the NHMA should be effectively planned, managed and regulated as necessary to avoid vessel congestion in the NHMA and conflicts among vessels operating in the NHMA, including any conflicts between recreational and commercial vessels and between motorized and non-motorized vessels.
- (2) The potential effects of waterfront development proposals on future water uses, activities and vessel congestion in the NHMA should be an important consideration in the design of waterfront development proposals and in the review of those proposals by the WAC, the planning and zoning boards and other City agencies.
- (3) Water and waterfront events affecting the NHMA should be scheduled and coordinated in a manner to avoid or minimize vessel congestion and potential conflicts among events and participants. The WAC and other appropriate agencies of the City should be notified of all proposals for significant in-water events such as boat shows, regattas and races involving at least 25 vessels and/or participants and occurring in or otherwise utilizing the NHMA. In order to maintain a master schedule of activities affecting the NHMA, the City should receive notice of the planned event from the event's sponsor at least 90 days prior to the event.
- (4) All activities and events involving special purpose craft such as rowing shells, kayaks and other vessels should be planned and undertaken in a manner to reduce or avoid potential conflicts and negative impacts affecting general navigation and other activities in the NHMA.

f. Mitigating Flood and Erosion Hazards:

- (1) All construction in designated flood zones contiguous to the NHMA should conform to City floodplain regulations and construction standards.
- (2) Proposals for structural measures to protect existing development from flooding and erosion should demonstrate that those measures will not result in significant adverse impacts on coastal resources and/or properties adjacent to the site of the proposed work.
- (3) Timely repair and maintenance of bulkheads and other shore protection structures as needed to protect existing development from flooding and erosion should be encouraged and supported.
- (4) The application of effective and appropriate measures to reduce the risks to life and property associated with coastal flooding should be encouraged and supported.

g. Removal of Abandoned and Derelict Vessels and Structures:

- (1) No building, structure, or floating facility on, in or contiguous to the NHMA, including but not limited to any bulkhead, seawall or marine facility, should be allowed to deteriorate to the point that a hazard or obstruction to navigation or

condition adversely affecting public safety may result. All in-water structures authorized by state and/or federal permits in the NHMA should be maintained in accordance with the maintenance conditions specified in those authorizations. Any observed deterioration of a state- or federally authorized in-water structure affecting or potentially affecting navigation safety and/or environmental quality in the NHMA should be brought to the attention of the appropriate City, State and/or federal agency for appropriate remedial action.

- (2) All derelict, abandoned or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, coastal resources, environmental quality or navigation should be marked, as necessary, and removed from the NHMA in the most timely manner in accordance with applicable City, State and federal laws, regulations and ordinances.
- (3) City, State and federal agencies and officials, including, but not limited to, the Newburgh police and fire departments, USACE and U.S. Coast Guard, should coordinate their efforts and resources and work cooperatively to: a) mark, as necessary, any hazard or obstruction to navigation for the benefit of navigators; b) minimize the risk to environmental quality caused by any derelict, abandoned, or deteriorated vessel or structure; and c) achieve repair or removal of any derelict, abandoned or deteriorated vessel or structure from the NHMA in the most timely manner.

h. Avoidance and Removal of Floating Debris:

- (1) The implementation of all feasible measures to avoid and remove floating debris that may cause a hazard or obstruction to navigation or otherwise adversely affect public safety in the NHMA should be encouraged and supported.

3. Navigation and Water-Use Policies

a. Maintaining the Hudson River Federal Navigation Project:

- (1) A federal navigation project in the Hudson River consisting of the congressionally authorized federal channel should be maintained to serve recreational and commercial vessels, provide safe navigation and ensure the continued viability of water-dependent facilities and the economic advantages of waterborne transportation. The federal channel should be maintained by the USACE as needed to provide the navigable depths and dimensions required to maintain navigation safety and the viability of water-dependent facilities.
- (2) To the extent feasible, any maintenance dredging of the federal channel that may be required should be coordinated with any necessary nonfederal maintenance dredging in the NHMA to reduce the economic costs and potential adverse environmental impacts of such non-federal dredging.

b. Non-federal Dredging and Dredged Material Disposal:

- (1) Any nonfederal dredging that may be required in the NHMA should be carefully planned and conducted in a timely manner that provides for the continued viability of water-dependent facilities, safe and efficient navigation and avoidance of any significant, long-term adverse impacts on coastal resources and environmental quality.
- (2) Non-federal maintenance dredging should be undertaken in compliance with all applicable state and federal regulations and in a manner that will avoid or minimize any significant, long-term adverse impacts on coastal resources.
- (3) Dredging for new and expanded water-dependent uses and facilities should not result in significant adverse impacts on coastal resources and environmental quality.
- (4) Disposal of dredged material from the NHMA, including any necessary de-watering of dredged material, should take place in a manner to avoid or minimize any potential adverse impacts on coastal resources and environmental quality.

c. Reduction of Siltation:

- (1) All appropriate efforts to avoid or reduce siltation and the resulting need for dredging in the NHMA should be encouraged and supported. Those efforts should include regular maintenance of storm drainage catch basins; construction of additional catch basins as necessary; effective street cleaning; control of runoff from construction sites; avoidance of the disposal of leaves, branches and other debris in the NHMA; and reduction or elimination of all other human activities that introduce sediment into the NHMA. Efforts to avoid or reduce runoff of sand and other materials into the NHMA from roads and other surfaces draining to the NHMA should be encouraged and supported.

d. Placement and Maintenance of Aids to Navigation:

- (1) Aids to navigation in and near the NHMA, including principally federal aids maintained by the U.S. Coast Guard as well as private (non-federal) aids, and including buoys, beacons and signs, should be adequate for marking areas and conditions affecting navigation safety.
- (2) Private aids to navigation may be placed in the NHMA as needed with approval from the appropriate agency of the City and appropriate permits from State and federal agencies.
- (3) The city, acting through the Newburgh Police Department or other appropriate agency, should conduct a periodic review of the number, type, location, condition and adequacy of any aids to navigation in and near the NHMA, and transmit the results of this review to the U.S. Coast Guard as necessary.

e. Designation of Navigation Fairways:

- (1) Specific water areas to be kept free of obstructions may be designated as navigation fairways by the city where necessary to ensure safe passage of recreational and commercial vessels to, from and through areas of vessel traffic in the NHMA and to delineate the extension of City-owned rights-of-way into the NHMA.
- (2) Regulatory buoys may be placed at the direction of the appropriate agency of the City as necessary to mark the boundaries of designated navigation fairways.
- (3) Designated navigation fairways should be of an appropriate width to ensure ease and safety of navigation. When determining the appropriate width of any navigation fairway to be designated in the NHMA, consideration should be given to existing NHMA conditions including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave and current conditions; location and extent of existing in-water structures; the riparian rights of waterfront property owners; and the width of City-owned rights-of-way.

f. Designation of Setback Distances from Navigation Fairways:

- (1) All piers, docks, bulkheads, pilings and other structures in the NHMA should be set back from the boundaries of designated navigation fairways a safe and sufficient distance to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and free passage of any vessel using the fairways and with appropriate and beneficial use of City-owned rights-of-way.
- (2) Setback distances should be measured from the nearest boundary line of the nearest fairway to the nearest point of the particular structure or any vessel typically docked or anchored at that structure.

- (3) Appropriate setback distances for proposed structures and work in the NHMA should be determined on a case-by-case basis by the WAC based on a review of existing NHMA conditions including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave and current conditions; location and extent of existing in-water structures; the littoral rights of waterfront property owners; and the width of City-owned rights-of-way.

g. Coordination to Address Harbor Icing Impacts:

- (1) City, State and federal agencies and officials, including the Newburgh police and fire departments and U.S. Coast Guard, should coordinate and apply available resources to address potentially dangerous and damaging conditions caused by ice conditions in the NHMA.
- (2) Ongoing communication should be encouraged and supported among City, State and federal agencies and officials, water-dependent facility operators, affected waterfront property owners and other concerned parties for the purpose of increasing awareness of ice conditions in the NHMA as well as opportunities for avoiding or reducing potential ice-induced damage to shoreline structures.

h. Avoiding and Eliminating Unauthorized Encroachments in the NHMA:

- (1) No structures or any other work (including but not limited to docks, piers, floats, pilings, bulkheads and dredging or filling of aquatic areas) should be placed or take place in the NHMA without necessary City, State or federal authorization. Any unauthorized structures or other work in the NHMA should be considered unauthorized encroachments to be eliminated or otherwise corrected in accordance with City, State and federal laws, regulations and ordinances.
- (2) The WAC and other appropriate agencies of the City should encourage and support the identification and elimination of any existing or future unauthorized encroachments in the NHMA.
- (3) Any unauthorized encroachments as defined in h(1) above and determined to have occurred after the effective date of the HMP should be removed or otherwise corrected by the offending party. City, State and federal regulatory agencies should not issue after-the-fact authorizations that would bring those violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.
- (4) Any unauthorized encroachments as defined in h(1) above and determined to pre-date the effective date of the HMP should be evaluated individually by the WAC and other appropriate agencies of the City and specific measures should be developed, in cooperation with State and federal authorities, to remove or otherwise correct these unauthorized encroachments.
- (5) Any civil penalties assessed by state agencies for unauthorized work in the NHMA subject to regulatory programs administered by those agencies should be used to fund beneficial projects for environmental enhancement and other improvements in the NHMA, to the maximum extent consistent with State laws and policies.

i. Boating Safety and Education:

- (1) Local training and educational programs to promote boating safety such as boating safety courses offered by the Coast Guard Auxiliary and other certified organizations should be encouraged and supported.

j. Energy Generation and Transmission Facilities:

- (1) Any proposals for energy generation and transmission that would affect the real property on, in or contiguous to the NHMA, including but not limited to floating and submerged platforms, pipelines and other structures, should be carefully reviewed to identify any potential adverse impacts of such proposals on navigation, coastal resources, and other conditions in the NHMA. Any adverse impacts that may be identified should be avoided or otherwise mitigated.

k. Underwater Lands:

- (1) All public and private actions in the NHMA should be consistent with the rights of those holding any underwater land grant, lease, or easement that may be affected and with any conditions or restrictions established in such grant, lease or easement.

l. Mooring and Anchoring:

- (1) The location and placement of all permanent moorings in the NHMA should be carefully managed by the City, acting as necessary through its designated agent or agency, in a manner that provides for safe and equitable use of available mooring locations.
- (2) Standardized procedures should be established by the City, as necessary, to guide the placement and maintenance of all permanent moorings.
- (3) Determination of the number and location of permanent moorings in the NHMA should be based on consideration of:
 - water depths and bottom conditions;
 - the availability of suitable on-land access areas to serve the moorings;
 - the need to avoid conflicts with traditional water uses and navigation patterns; and
 - the need to achieve the most efficient use of available mooring locations without adversely affecting navigation safety.
- (4) All mooring tackle used in the NHMA should meet minimum standards established by the City, and may be subject to periodic inspection, as necessary, to ensure that it is maintained in a safe condition.
- (5) Anchoring of vessels in the NHMA should not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other

public uses or purposes of the NHMA. The anchoring of all vessels should be subject to any order of a duly authorized agent of the City needed to maintain the safe and efficient operation of the NHMA.

- (6) The use of anchored and/or moored vessels and other floating structures for non-water-dependent purposes on publicly owned underwater lands of the State of New York should be prohibited in the NHMA unless such use predates the effective date of the Plan and is shown to be consistent with all applicable city, state, and federal laws, regulations, and ordinances. (See HMP Policy 6.e, below.)

4. Environmental Quality Policies

a. Balancing Environmental Conservation Goals with Goals for Water and Waterfront Use and Development:

- (1) Efforts to stimulate economic growth and development enhanced by the NHMA and waterfront should be carried out in coordination with efforts to protect and enhance the environmental quality, natural resources and ecological functions associated with the NHMA.

b. Recognizing the Carrying Capacity of Coastal Resources to Accommodate New Development and Other Activities:

- (1) Development affecting real property on, in or contiguous to the NHMA and other uses of the NHMA should be balanced with the need to protect natural coastal resources and the ecological functions associated with the NHMA and should not result in significant adverse impacts on environmental quality.
- (2) The design and review of proposals affecting real property on, in or contiguous to the NHMA should take into consideration cumulative impacts on the NHMA's aquatic resources and the capacity of those resources to support the proposed development or use without significant adverse impacts on environmental quality. The design and review of proposals affecting the NHMA should also be guided by recognition that there are limits to the amount of growth and development that the NHMA's natural environment can accommodate without important public values being lost as a result of environmental degradation. It should be recognized that cumulative impacts on environmental quality can result from individually minor but collectively significant actions taking place over a period of time.
- (3) New or expanded uses and facilities determined to exceed the capacity of the NHMA to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See HMP Public Health, Safety and Welfare Policies.)
- (4) Determinations of the capacity of the NHMA's natural environment for accommodating new use and development should be carried out through the case-by-case review of individual proposals by the WAC and other appropriate agencies of the City, acting in coordination with State and federal regulatory agencies. This review should address: 1) the capacity of coastal resources to

support waterfront development and other uses of the NHMA; and 2) any potential public safety and navigation impacts associated with increased water use and activity that may be associated with the proposed development.

- (5) It should be the responsibility of project applicants to provide the information necessary for the WAC and other appropriate agencies of the City to adequately assess the potential impacts of proposed development projects on coastal resources. Any information required should be reasonable in scope and commensurate with the size, type or scale and potential positive and negative impacts of the proposal.

c. Maintaining and Improving Surface Water Quality:

- (1) The implementation of all feasible measures to maintain and improve surface water quality in the NHMA, including implementation and enforcement of applicable city, state, and federal laws, regulations and ordinances should be encouraged and supported.
- (2) Efforts to improve water quality in the NHMA through reduction or elimination of point and non-point sources of pollution (including, but not limited to, stormwater runoff from roads, parking areas and other surfaces), should be encouraged and supported.
- (3) Efforts to improve water quality in the NHMA should include: maintenance, repair, and improvement of stormwater collection and treatment facilities as necessary in accordance with best available technology; reduction or elimination of any pollution caused by boating activities; reduction of the amount of sand, debris and other pollutants discharging into the NHMA from roads and waterfront properties; and reduction or elimination of all other human activities that unnecessarily introduce sediment, debris, or pollutants into the NHMA.
- (4) The use of suitable best management practices to manage, reduce where feasible, or otherwise control stormwater runoff into the NHMA should be encouraged and supported, including establishment and maintenance of buffer zones of natural vegetation to filter polluted runoff draining into the NHMA.
- (5) All new development generating significant stormwater discharges directly or indirectly into the NHMA should be required to employ appropriate stormwater treatment systems and technology, including filters and swirl-type grit chambers where necessary, to reduce the potential for non-point source pollution to enter the NHMA. All such systems and technology should be properly maintained and operated in accordance with regularly scheduled maintenance procedures and all accumulated residue should be properly disposed of.
- (6) The City should continue to maintain and upgrade its wastewater collection and treatment facilities, as necessary, in accordance with best available technology. Capital budget requirements necessary for continued effective operation and maintenance of the City's wastewater treatment plant should be supported.

- (7) An effective, ongoing program of water quality monitoring in the NHMA by qualified governmental agencies and/or nongovernmental organizations should be encouraged and supported. That program should be conducted to identify existing and potential sources of pollution and to establish and maintain a database of information to support water quality improvement efforts by City agencies with water quality responsibilities and authorities.
- (8) Vessel holding tanks for sanitary waste should not be discharged into the NHMA. Existing State and federal regulations controlling the disposal of waste from vessels should be effectively enforced by the appropriate regulatory agencies.
- (9) Vessel waste pump-out facilities with adequate capacity to serve the needs of all boaters in the NHMA should be maintained in the NHMA. Any new or expanded marina facility providing additional boat slips should provide convenient on-site vessel waste pump-out facilities or demonstrate that they are readily available and accessible vessel waste pump-out capacity exists elsewhere in the NHMA to accommodate their needs.
- (10) In order to minimize use of vessel waste pump-out facilities in the NHMA, all new marina facilities should be required to provide restroom facilities for marina patrons, including visiting boaters.
- (11) Initiatives to improve water quality in the NHMA and Hudson River that are planned and implemented with consideration of watershed conditions and in coordination with other affected communities in the Hudson River watershed should be encouraged and supported.
- (12) Any use of waterfront and other LWRP-area properties for disposal/storage of snow removed from streets, parking lots and other areas should include appropriate measures including, but not limited to, containment barriers and appropriate setbacks from the water's edge, to ensure that no significant pollution, including sedimentation, may enter the NHMA through runoff from melting snow.

d. Use and Protection of Fisheries Resources:

- (1) Opportunities for vessel- and shore-based recreational fishing in the NHMA should be maintained and, to the extent feasible, enhanced.
- (2) Recreational and commercial fishing activities should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the NHMA and with consideration of the sustainable capacity of fisheries resources in the Hudson River as determined by the appropriate resource management agencies of the State of New York.
- (3) Necessary actions to protect, maintain, and enhance fisheries habitat and resources in the NHMA for recreational and commercial use and public enjoyment, consistent with City, State and federal laws, regulations and ordinances should be encouraged and supported.

e. Protection of Waterfront Scenic Quality:

- (1) When considering matters related to the scenic quality associated with the NHMA and waterfront, including potential impacts on scenic quality, consideration should be given to public views of the NHMA, Hudson River and Hudson Highlands from upland locations in the City and to views of the NHMA and City from the river.
- (2) Design and review of development proposals on waterfront properties or otherwise affecting the NHMA should take into consideration cumulative impacts on scenic quality and the capacity of the natural and built environment to support the proposed development without the occurrence of significantly adverse impacts on scenic quality.
- (3) All appropriate laws, regulations and ordinances should be applied to discourage illegal dumping of trash and other debris in and near the NHMA. Violators should be vigorously pursued and prosecuted to the extent of the law.
- (4) To the extent feasible, commercial and industrial sites adjoining and nearby the NHMA should be maintained with suitable buffers to screen any site uses and facilities that may detract from waterfront scenic quality.
- (5) Proposals for development on and near the waterfront should be designed and reviewed to determine potential impacts on scenic quality. New or expanded uses and facilities that would significantly interfere with existing public views of the NHMA, Hudson River and Hudson Highlands or otherwise adversely affect scenic quality should be avoided.
- (6) City-owned waterfront properties should be maintained in the most timely and effective manner needed to provide for continued public use and enjoyment of public spaces. Capital and operating budget allocations required for timely and effective maintenance of City-owned waterfront properties should be encouraged and supported.
- (7) No bulkhead or other shore protection structure on, in or contiguous to the NHMA should be allowed to deteriorate to the extent that it causes a significantly adverse impact on environmental quality. Any deteriorated bulkhead or other shore protection structure should be repaired or replaced where such deterioration is causing significantly adverse impacts on natural resources or ecological functions.

f. Preserving Cultural Resources and Maritime Heritage:

- (1) Important cultural resources in and near the NHMA, including buildings and sites of historic and/or archaeological significance, should be protected from any significant adverse impacts that may be caused by in-water or waterfront development.

- (2) Cultural resources in and near the NHMA should be maintained, where appropriate, for public use and enjoyment in coordination with redevelopment plans and proposals.
- (3) Beneficial projects and programs that serve to increase public awareness and appreciation of the city's cultural history and heritage tied to the Hudson River should be encouraged and supported.

5. Recreational Boating Policies

a. Provision of Boating Facilities:

- (1) The City should encourage the continued operation of private boating clubs and commercial marinas and boatyard facilities and the establishment of new and/or enhanced boating facilities, as needed, in appropriate locations. Any future development that may affect existing marina and/or boatyard facilities should not result in a significant reduction of currently available boat slips and boat service facilities.
- (2) The continued operation of water-dependent boat service facilities and the enhancement of those facilities in appropriate locations should be encouraged and supported. (See HMP Waterfront Land Use and Development Policies.)
- (3) City planning and zoning requirements should be applied as necessary to protect and promote water-dependent uses such as private boating clubs and commercial marina and boatyard facilities. (See HMP Waterfront Land Use and Development Policies.)
- (4) The provision of additional commercial and private boat slips to meet current and future demands for recreational boating facilities should be encouraged where the construction of such slips will be consistent with all other applicable provisions of the HMP.
- (5) The design and review of future boating facility development proposals, including proposals to develop public and private boat slips, should take into consideration the potential cumulative impacts of this development on the coastal resources of the NHMA as well as the capacity of the NHMA to accommodate additional boating facilities without significant adverse impacts on navigation, public safety and environmental quality.

b. Provision of Public Boating Facilities:

- (1) Enhancement and expansion of existing public boating facilities and the establishment of new facilities should be encouraged to provide dock space, boat launching areas for trailered and hand-carried vessels, a public landing and other facilities as well as enhanced public access opportunities to the NHMA by resident, nonresident and transient boaters. Facilities provided should be consistent with demonstrated need and with the capacity of the NHMA and upland areas to accommodate those facilities.

- (2) The establishment and maintenance of small craft launching and landing areas available for public use at suitable waterfront locations should be encouraged and supported to serve small vessels such as kayaks and canoes that can be transported without trailers.
- (3) Capabilities needed to maintain city-owned boating facilities in a clean, attractive, safe, and enjoyable condition, including budget, staff and equipment capabilities, should be maintained and, to the extent feasible, enhanced.
- (4) When considering matters related to the provision of public boating facilities, consideration should be given to the needs of both City residents and visitors to the City.

c. Facilities for Visiting Boaters:

- (1) Consistent with other applicable provisions of the HMP, public facilities including dock space, a public landing and facilities for public access should be established and maintained to serve visiting boaters.

d. Live-Aboard Vessels:

- (1) Any use of berthed vessels as short-term, seasonal, or permanent residences in the NHMA should be monitored and, where necessary, effectively regulated to maintain public health, safety and welfare.
- (2) The use of berthed vessels as permanent residences (as distinguished from short-term use of a vessel for sleeping as a secondary use to the vessel's primary commercial or recreational water-dependent use) in the NHMA should be consistent with all applicable City, State and federal laws, regulations and ordinances. Such use should be prohibited in those instances where necessary waterfront services, including services for sewage disposal, potable water and vehicle parking, are not available.
- (3) The use of any anchored vessels as short-term, seasonal, or permanent residences in the NHMA should be prohibited. (See HMP Policy 3.I, above.)

e. Personal Watercraft Use:

- (1) The operation of all personal watercraft in the NHMA shall be in accordance with all applicable boating laws, regulations and ordinances, including those concerning speed and noise levels.

f. Hand-Powered Boating Uses:

- (1) Hand-powered boating activities such as rowing, canoeing and kayaking are encouraged and supported in the NHMA, in balance with other recreational and commercial uses of the NHMA, and when conducted in a safe and environmentally sound manner.

- (2) Launching and landing areas to support access to the NHMA by small vessels such as canoes, kayaks and rowing sculls, including access by vessels that can be transported without trailers, should be established and maintained.
- (3) Organized events involving hand-powered vessels, planned and conducted in a manner that provides for the protection of public health, safety and welfare and that avoids or minimizes the risk of conflict with other vessels using the NHMA, are encouraged and supported.

6. Commercial and Industrial Policies

a. Support for Water-Dependent Commercial and Industrial Activities:

- (1) Consistent with other applicable provisions of the HMP, the continued and beneficial operation of water-dependent commercial and industrial facilities in the NHMA should be encouraged and supported in appropriate locations.

b. Avoiding Conflicts with Recreational Activities:

- (1) Water-dependent commercial and industrial operations in the NHMA should be effectively managed as necessary to avoid vessel congestion in the NHMA and any undue conflicts between commercial and recreational vessels.
- (2) Reducing or eliminating potential conflicts between recreational and commercial vessels and facilities should be a significant consideration in the design and review of future public and private waterfront development proposals.

c. Contingency Planning for Materials Spills:

- (1) In coordination with City, State and federal government agencies, appropriate spill contingency plans should be maintained and periodically updated by the facilities dispensing or receiving materials that could potentially spill into the NHMA.
- (2) Equipment necessary for the control of fuel and other spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to those emergencies.
- (3) The Newburgh Fire Department should be provided with the most timely notification of any fuel and other materials spills affecting the NHMA. Complete and comprehensive records of all fuel and materials spills in the NHMA should be maintained in a suitable location in the city and be available for review by duly authorized agencies and officials for harbor management purposes.

d. Boat Terminals:

- (1) Establishment of boat terminals on, in or contiguous to the NHMA, including terminals for ferry boats and excursion boats, should be encouraged and supported where such terminals will: a) enhance the regional transportation infrastructure by providing efficient waterborne transportation of passengers to

and from Newburgh; and/or b) provide beneficial opportunities for public access to the NHMA and Hudson River.

- (2) All proposals for new or expanded boat terminals on, in or contiguous to the NHMA should be carefully designed and reviewed to avoid or minimize any significant adverse impacts on navigation, coastal resources and upland areas near and adjoining the NHMA.

e. Floating Structures:

- (1) The use of anchored and/or moored vessels and other floating structures for non-water-dependent commercial or industrial purposes on publicly owned underwater lands of the State of New York should be prohibited in the NHMA unless such use predates the effective date of the Plan and is shown to be consistent with all applicable City, State and federal laws, regulations and ordinances. (See HMP Policy 3.I, above.)

7. Waterfront Land-Use and Development Policies

a. Planning and Review of Waterfront Development Proposals:

- (1) Waterfront use and development should be managed through the City's planning, zoning and other regulatory authorities giving first priority and preference to water-dependent uses and facilities and second priority and preference to water-enhanced uses and facilities.
- (2) All public and private waterfront development proposals affecting the NHMA should be carefully planned and reviewed for consistency with the HMP and to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the NHMA.
- (3) The potential impacts of waterfront development proposals on opportunities for future water-dependent uses and activities in the NHMA should be an important consideration in the design of waterfront development proposals and when reviewing those proposals for consistency with the HMP.
- (4) Opportunities for stimulating economic growth through beneficial water-dependent and water-enhanced development on, in or contiguous to the NHMA should be encouraged and supported, where such development is consistent with all other applicable policies, plans and ordinances of the City.
- (5) The planning and implementation of all city-supported development initiatives affecting the NHMA waterfront should be undertaken in the most coordinated manner possible, emphasizing consistent project objectives related to future commercial, recreational and other beneficial uses of the NHMA.

- (6) The WAC should serve in an advisory capacity in the development of all City-supported development initiatives affecting the NHMA waterfront. Pursuant to chapter 296 of the Code, all City-supported development initiatives affecting the waterfront should be reviewed by the WAC for consistency with the HMP. (See HMP Harbor Administration and Coordination Policies.)
- (7) Redevelopment of any vacant or underutilized properties on or near the waterfront should be encouraged and supported where that development is consistent with applicable City, State and federal policies, plans and regulations, and where that redevelopment is expected to result in significant and long-term beneficial impacts on the future character of the NHMA and waterfront.
- (8) When reviewing proposals for waterfront development, the City should apply its planning, zoning and other regulatory authorities to encourage the provision of public amenities where feasible, including facilities for public access to the NHMA.

b. Protecting Water-Dependent Uses and Activities:

- (1) The City should implement (through its planning, zoning and other regulatory authorities) the policies of the LWRP to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
- (2) Public access to the NHMA should be promoted wherever feasible, but the City should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by non-water-dependent uses providing only limited public access to the NHMA. (See HMP Public Access Policies.)
- (3) Pursuant to chapter 296 of the Code, all proposals for development on waterfront properties or otherwise affecting the NHMA submitted to the City's planning and zoning boards and other city agencies should be reviewed by the WAC for consistency with the HMP. (See HMP Harbor Administration and Coordination Policies.)

c. Construction and Maintenance of In-Water Structures:

- (1) All public and private floats, docks, piers and other in-water structures should be set back from the boundaries of designated navigation fairways a sufficient distance to ensure that those structures and any vessels docked at those structures do not interfere with safe and unobstructed navigation.
- (2) Construction of public and private floats, docks, piers and other in-water structures should not have a significant impact on natural resources, public access opportunities, visual quality and traditional water uses.
- (3) The appropriate extent to which public and private floats, docks, piers and other in-water structures should extend waterward in order to reach navigable water should be evaluated by the WAC in the course of the Harbor Management Consistency Review taking into consideration the riparian rights of waterfront

property owners, existing conditions in the NHMA, public access requirements and other pertinent conditions.

- (4) To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures and to ensure compliance with any conditions included in the State and/or federal permits for those structures, the permittee should be required, as a permit condition, to provide an "as-built" survey or other documentation following completion of the permitted construction.
- (5) No public or private float, dock, pier or other in-water structure, should be allowed to deteriorate to the point that a hazard or inconvenience to navigation or a condition adversely affecting public safety and/or environmental quality may result. All in-water structures authorized by State and/or federal permits in the NHMA should be maintained in accordance with the maintenance conditions specified in those permits. Any observed deterioration of a State or federally authorized in-water structure affecting or potentially affecting navigation and/or environmental quality in the NHMA, including any leakage of material into the NHMA from behind the structure, should be brought to the attention of the appropriate city, state, and/or federal agency for appropriate enforcement action.
- (6) Permits for the placement of permanent structures in the NHMA should be granted only to those who possess the riparian right to place such structures and should be consistent with the terms, rights and conditions of any underwater land grant, lease or easement that may be affected.

d. Filling and Stabilization of Waterfront Property:

- (1) Timely maintenance, repair, and replacement as necessary of existing bulkheads and other shore protection structures to support water-dependent uses and achieve other beneficial purposes should be encouraged and supported.
- (2) Repair of existing bulkheads and other shore protection structures on individual sites should be encouraged in coordination with waterfront redevelopment projects affecting those same sites.
- (3) Filling of viable and productive aquatic areas in the NHMA to create additional land area for development should be discouraged.

e. Protecting Neighborhood Character and Quality of Life:

- (1) Activities in the NHMA and use and development of the NHMA waterfront should be carefully managed to avoid adverse impacts on the quality of life in LWRP-area neighborhoods.
- (2) In-water and waterfront activities should not cause nuisance impacts that affect LWRP-area residential areas including, but not limited to, noise, litter, unshielded light and other impacts.

- (3) The planning and review of development and other activities affecting the NHMA should take into consideration not only cumulative impacts on NHMA resources and the capacity of those resources to accommodate increased development (see HMP Environmental Quality Policies) but also potential impacts on the existing character and quality of life in LWRP-area residential neighborhoods. Potential adverse impacts should be minimized or eliminated.

f. Riparian Rights for Use of Navigable Water:

- (1) The riparian rights of the owners of land contiguous to the NHMA, including the right of access to navigable water and the right to other improvements and useful purposes, should be recognized and protected. Such rights should be exercised in a reasonable manner without substantial impairment of the public's rights and interests in the use and conservation of the Public Trust area. (See HMP Public Access Policies.)
- (2) The exercise of riparian rights should be consistent with the terms, rights and conditions of any underwater land grant, lease, or easement that may be affected.
- (3) The City should not sell, lease, or otherwise convey any riparian right unless such conveyance is determined to be consistent with all applicable City, State and federal laws, regulations and ordinances.

8. Public Access Policies

a. Providing Public Access to the NHMA and Along the Shoreline:

- (1) The City should encourage and support the provision of facilities and opportunities for public access to the NHMA, consistent with the capacity of the NHMA and waterfront to accommodate those facilities and opportunities. Public access should be considered as physical and/or visual access to the NHMA that will be available to all members of the general public and not limited to any particular groups or individuals.
- (2) Facilities and areas for public access to the NHMA should be provided in coordination with implementation of the LWRP, Master Plan, and the City's waterfront zoning regulations. The City should require the provision of well-designed, meaningful and coordinated public access to the water by all waterfront development subject to the City's waterfront and harbor management consistency review, except development for principal uses that are otherwise water-dependent as defined in the LWRP and Article 42 of the New York Executive Law. (See HMP Harbor Administration and Coordination Policies.)
- (3) The City should pursue the acquisition of waterfront land and easements (through purchase, donation, or other proper means) when such opportunity may arise and where such acquisition will provide opportunities for safe and enjoyable public access to the NHMA and enhance the overall beneficial value and usefulness of the city's system of public parks and open space.

- (4) The City should not sell, lease, or otherwise convey any waterfront property unless such conveyance is determined to be consistent with all applicable City, State and federal laws, regulations and ordinances.

b. Pedestrian Access between the Waterfront and Other Areas of the City:

- (1) Well-designed and beneficial facilities for pedestrian access should be provided to link public boating and other water access facilities with commercial and other areas of the City.

c. Access to the NHMA from City Parks and Rights-of-Way:

- (1) Opportunities for public access to the NHMA through the City park system should be fully utilized and, to the extent feasible, enhanced. The City should promote and encourage increased water-related use and activities at public parks including visual and physical access opportunities, public boat slips and launching facilities, public landings and other facilities for visiting recreational boaters, small boat storage and launching areas and fishing piers. These uses and activities should be consistent with all other applicable provisions of the HMP and with the capacity of the City-owned properties to accommodate enhanced or expanded use in a safe and environmentally sound manner.
- (2) A fair and equitable schedule of fees for the use of public boating facilities should be maintained, consistent with facility costs and goals for encouraging use of the NHMA by resident, nonresident and visiting boaters. (See HMP Recreational Boating Policies.)
- (3) Opportunities for improving physical and visual public access to the NHMA through city-owned street ends and other public rights-of-way should be encouraged and supported, consistent with all other Plan provisions. Where feasible, the City should improve street ends and other public rights-of-way for public use in the near term and in all cases ensure the retention of the water access opportunities provided by these street ends and rights-of-way for future public use and enhancement.
- (4) Any development or improvement of city-owned street ends and other public rights-of-way for purposes of public access to the NHMA should be consistent with traditional waterfront character and applicable land-use policies and zoning regulations of the city.

d. Balancing Public and Private Rights for Use of the NHMA:

- (1) Plans and proposals to improve existing public access facilities and to provide new public access opportunities should be consistent with the riparian rights of waterfront property owners, including private owners and the city. Conversely, the exercise of riparian rights by waterfront owners should not have a significant adverse effect on coastal resources, public access opportunities, scenic quality, traditional water uses and other public values associated with the land and water resources in the NHMA.

e. Special In-Water and Waterfront Events and Activities:

- (1) Special in-water and waterfront events, festivals and other activities that attract City residents and visitors to the NHMA, provide opportunities for public enjoyment and stimulate public interest and community involvement in matters pertaining to the NHMA should be encouraged and supported.
- (2) A fair and equitable schedule of fees for the use of public waterfront areas for special events may be maintained, consistent with facility costs and goals for encouraging public use of the NHMA.

f. Encouragement of Water-Based Tourism:

- (1) Opportunities for expanding water-based tourism activities and the associated economic, cultural, recreational and other benefits of those activities to the City and Hudson Valley region should be encouraged and supported.