DRAFT LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

Prepared for

City of Newburgh, New York

and

Newburgh Conservation Advisory Council

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INTRODUCTION

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

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

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

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

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

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1. LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

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

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

The 1992 Waterfront Consistency Review Law also established the Newburgh Waterfront Advisory Committee (WAC), to be responsible for reviewing proposed actions affecting the LWRP Area, considering the consistency of such actions with the LWRP and making recommendations regarding that consistency to the agencies responsible for approving or implementing the proposed actions. In 2013, the City Council repealed Chapter 296 and replaced it with Chapter 159 Conservation, which established a Conservation Advisory Council (CAC) and regulations for implementation of the LWRP.

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

In 1999, because of redevelopment initiatives, the City of Newburgh determined it was timely to revise and update the 1992 LWRP. This update was prepared by staff from several City departments and reflected current land uses, economic, natural, infrastructure, and community service policies as they relate to the community’s local waterfront revitalization area. The revised LWRP was adopted by the City Council and approved by the State of New York in 2001.

In 2007, again because of redevelopment initiatives in the waterfront area – including the public-private Newburgh Waterfront Redevelopment Project – the City determined it was appropriate to update its LWRP as well as prepare an HMP. This update was prepared by the City’s planning consultant, BFJ Planning and Geoff Steadman, HMP Consultant, with assistance from City staff and the CAC. Due to a

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number of factors, including the 2008 economic downturn, the 2007 LWRP Update was never completed. In 2016, the City again retained BFJ Planning to complete the draft 2007 LWRP Update. This amendment to the existing LWRP, updates the existing conditions within the LWRP area to reflect changes experienced in the area since 2001, with the following objectives:

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

Throughout 2007 and 2008, the City-appointed WAC (now the CAC) met regularly to prepare the amendments to the 2001 LWRP. Starting again in mid-2016, the CAC met regularly to prepare an update to the LWRP to reflect changes in the LWRP Area that occurred since the 2007/2008 draft LWRP. The CAC met with Deirdre Glenn, Director of Planning and Development and with members of her staff, as well as with the City’s LWRP consultant, BFJ Planning on numerous occasions to discuss the direction of the LWRP and HMP; all of these meetings were open to the public. In September 2016, the City also hosted a public workshop to present the preliminary sections of the amended LWRP.

Upon approval and adoption of this 2016 LWRP Update, the LWRP and the fully integrated HMP will be applied by the City to address issues regarding waterfront land-use and development. The LWRP will be implemented in coordination with the City's Sustainable Master Plan and zoning regulations whose influence is directed primarily landward, above the mean high water (MHW) line on the City's waterfront.

2. NEWBURG HARBOR MANAGEMENT PLAN (HMP)

These LWRP amendments include preparation of the City's Harbor Management Plan (HMP) as a fully incorporated element of the LWRP (See LWRP Policy 2). To prepare the HMP, the City established the jurisdictional area within which the provisions of the HMP are to be applied and enforced. The Newburgh Harbor Management Area (HMA), a sub-area of the City's Waterfront Area, includes all of the navigable waters, intertidal areas and underwater lands of the Hudson River and Quassaick Creek within the territorial limits of the City and waterward of the MHW line. The HMA is bounded by the boundary lines of the neighboring municipalities of the Town of Newburgh on the north and the Town of New Windsor on the south; by the centerline of the Hudson River which marks the boundary line of the City of Beacon on the east; and by the MHW line on the west.

Preparation of the HMP also involved a review of existing conditions in and adjoining the HMA; an assessment of the laws, programs, and authorities pertaining to the HMA; and the identification of existing

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and potential issues to be addressed in the HMP. The HMP consists of harbor management policies included in Section III of the LWRP, as well as the statement of harbor management projects, opportunities and recommendations included in Section IV.

The HMP, as an element of the LWRP, is implemented through the same procedure established for implementation of the LWRP. That procedure is specified in the Conservation Chapter (Chapter 159) of the City Code of Ordinances. As elements of the LWRP, the HMP's policies and other provisions have all of the legal weight and standing of all other policies and provisions of the LWRP and are implemented in the same manner.

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

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

The boundary of a Local Waterfront Revitalization Program (LWRP) area is intended to include all land and features within the City that may have a “direct and significant impact” on coastal waters because the shoreland area has one or more of the following characteristics:

- The area includes uses that have direct contact with, depend on or make use of coastal waters;
- The area includes natural features that are affected by or have an affect on coastal waters;
- The area has a direct functional, cultural or historical relationship with the waterfront;
- The area’s natural features such as tree cover, hillsides, steep slopes, ridgelines and wetlands either effect or are affected by the coastal waters; and
- The area has a direct aesthetic relationship with the waterfront in that it is clearly visible from or contains direct viewpoints of the coastal waters.

2. EXISTING LWRP BOUNDARY

The coastal area of the existing Newburgh LWRP area boundary is as follows (see Figure I-1: LWRP Area Boundary, Existing and Proposed):

Beginning at the point of intersection of the municipal boundary between the Town of Newburgh and the City of Newburgh and mean high water; then westerly along that boundary to the point where North Plank Road intersects with Powell Avenue; then southerly along Powell Avenue to Gidney Avenue; then southeasterly along Gidney Avenue to Liberty Street; then southerly along Liberty Street to Overlook Place; then westerly along Overlook Place to Mill Street; then northerly along Mill Street to Dickson Avenue; then westerly along Dickson Avenue to Walsh's Road; then southerly along Walsh's Road to the municipal boundary between the Town of New Windsor and the City of Newburgh; then easterly along that boundary to the point of intersection with mean high water.

To establish and implement its LWRP, the City has defined the "Waterfront Area" within which the provisions of the LWRP are applied. In addition to its upland areas subject to the City's municipal planning and zoning authorities, the existing LWRP Area includes the Hudson River and portions of Quassaick Creek within the City's municipal boundaries. Over the Hudson River, the City's municipal boundary extends to the centerline of the river.
Figure I-1: LWRP Boundary

Newburgh, NY - Local Waterfront Revitalization Program

Source: Google Maps, BFJ Planning
The waterside boundary of the City of Newburgh waterfront revitalization area is as follows:

Beginning at the point of intersection of the northern boundary of the Town of New Windsor and the southern boundary of the City of Newburgh and mean high water extending to the centerline of the Hudson River; then northerly coterminous with the eastern boundary of Orange County; then westerly to the point of intersection with the northern boundary of the Town of Newburgh and the City of Newburgh and mean high water.

3. PROPOSED LWRP BOUNDARY

The coastal area of the proposed Newburgh LWRP area boundary is as follows (see Figure I-1: LWRP Area Boundary, Existing and Proposed):

Beginning at the point of intersection of the municipal boundary between the Town of Newburgh and the City of Newburgh and mean high water; then westerly along that boundary to the point where North Plank Road intersects with Powell Avenue; then southerly along Powell Avenue to Gidney Avenue; then southeasterly along Gidney Avenue to Liberty Street; then southerly along Liberty Street to Overlook Place; then westerly along Overlook Place to Mill Street; then northerly along Mill Street to Dickson Avenue; then westerly along Dickson Avenue to Walsh's Road; then southerly to the northern parcel boundary of a multifamily residential development; then westerly along that parcel boundary; then northeasterly along Lake Street; then westerly, southerly and easterly along Lake Drive to the intersection of Lake Street and the boundary between the Town of New Windsor and the City of Newburgh, delineated by the Quassaick Creek; then easterly along that boundary to the point of intersection with mean high water.

The proposed LWRP area includes the Hudson River, the area surrounding Muchattoes Lake and portions of Quassaick Creek within the City's municipal boundaries. Over the Hudson River, the City's municipal boundary extends to the centerline of the river.

The waterside (Harbor Management Plan) boundary of the City of Newburgh LWRP area is as follows:

Beginning at the point of intersection of the northern boundary of the Town of New Windsor and the southern boundary of the City of Newburgh and mean high water extending to the centerline of the Hudson River; then northerly coterminous with the eastern boundary of Orange County; then westerly to the point of intersection with the northern boundary of the Town of Newburgh and the City of Newburgh and mean high water.

This area, a sub-area within the LWRP area, is known as the Newburgh Harbor Management Area (HMA) and includes all of the navigable waters, intertidal areas and underwater lands of the Hudson River and Quassaick Creek within the territorial limits of the City and waterward of the Mean High Water (MHW) line. The distance from the City's shoreline to the centerline of the Hudson River is generally about 3,000
feet (0.57 mile) over the length of the HMA. The total distance across the river, from the City’s shoreline to the Beacon shoreline, is twice that distance, or slightly over one mile. The HMA shares the same northern and southern boundaries as the overall LWRP area boundary.

As described above, the proposed LWRP area boundary has been expanded to include the area around Muchattoes Lake. The proposed boundary revision recognizes that this area is in need of future redevelopment, and the impact of any such redevelopment could have potential impacts on stormwater runoff into Quassaick Creek.
SECTION II: INVENTORY AND ANALYSIS
1. INTRODUCTION

Regional Location
The City of Newburgh is located approximately 60 miles north of New York City and 85 miles south of Albany, on the western side of the Hudson River in Orange County. The City, a small, densely settled community in a 3.8-square-mile area, is bounded by the Town of Newburgh on the north and west, the Hudson River on the east and the Town of New Windsor on the south. On the east, Newburgh’s corporate limits extend to the centerline of the Hudson River where they meet the west limits of the City of Beacon and Dutchess County. Quassaick Creek, a tributary of the Hudson River, is coterminous with a portion of the city's southern boundary. The City is in the coastal area of New York State as defined by the state Legislature.

Most of the Hudson River is a tidal estuary where salt water from the Atlantic Ocean combines with freshwater from northern tributaries. This “brackish”, or mixing, water extends from the mouth of the Hudson River in New York Harbor to the Federal Dam in Troy, approximately 153 miles. In addition, the City of Newburgh provided the first deep water anchorage located upstream of the Appalachian Mountains, where the Quassaick Creek provided freshwater.

The City of Newburgh averages 265 feet above mean sea level (msl). The City is situated south and east of the Catskill Mountains, west of the Hudson River and Mt. Beacon (1,540 feet msl) and north of Storm King and Bear Mountains. The City is uniquely situated on the water route north and west to the interior of the North American continent via the Hudson River and Lake Champlain out to the St. Lawrence Seaway and the Erie Canal, westward to the Great Lakes. Figure II-1 shows the regional context for the City, situated immediately to the south of Interstate 84 and approximately one mile to the east of the NYS Thruway.

Downtown Newburgh – the City's central business district – is on a plateau overlooking and adjoining the Hudson River waterfront. The waterfront’s proximity (less than .25-miles) to the Downtown makes it a major focal point and opportunity in the region for public access to the river, including physical access for boating and other water activities, and visual access to the scenic quality of the river and Hudson Highlands. Views of the river from Broadway have long created a lasting impression on residents and visitors. In addition, the City’s image is shaped by spectacular views of the river and Highlands (part of the Appalachian mountain system) that sweep across the state just south of the City.
Figure II-1: Context Map

Newburgh, NY
Local Waterfront Revitalization Program

Source: ESRI, BFJ Planning

New York City
Albany
Newburgh
Beacon
New Windsor Cantonment
State Historic Site

Washingtons Headquarters
State Historic Site

Kowawese State Unique Area

Knox Headquarters
State Historic Site

New Windsor Cantonment
State Historic Site

TOWN OF NEWBURGH
TOWN OF NEW WINDSOR
TOWN OF PHILIPSTOWN
CITY OF BEACON
CITY OF NEWBURGH

Municipal Boundary
Railroad
LWRP Area

0 1/2 1 Miles
History

Newburgh has a significant maritime heritage. From the first settlement in 1709 to the present day, much of the City's history must be told with respect to its location on the Hudson River. In 1609, Henry Hudson was the first European to sail up the river as far north as the present location of Newburgh. His ship, the *Half Moon*, anchored in the area known as Newburgh Bay, and a journal entry from his voyage notes that the elevated site beside the river now occupied by the city appeared to be "a pleasant place to build a town." That town was established when the first European settlers arrived 100 years later. As the community developed in the 1700s, wharves were built to take advantage of the deep water close to shore, mills were constructed to provide wood for boats and homes, and by 1743 daily ferry service was established across the river to link Newburgh with Beacon – the first such service across the river north of Peekskill.

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

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

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

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

By the end of World War II, Newburgh's population had expanded to over 30,000, but changes in the regional transportation system led to a significant period of economic decline. As the interstate highway system was built outside its limits, in effect bypassing Newburgh, and as dependence on railroad and river transportation diminished, so too did the City's economic prosperity. When the Newburgh-Beacon Bridge opened in 1963, ferry service across the river ceased operating. Closure of the Air Force base at nearby Stewart Field in the 1970s resulted in the loss of many local businesses and population.
As a result of these changes, by the latter part of the 20th century the Hudson River was no longer seen as the City’s gateway, and Newburgh’s Hudson River waterfront suffered accordingly. City leaders recognized, however, that throughout all of the changes that had taken place and that continued to impact the City, there was one major and constant influence that had affected Newburgh’s growth and development since the first settlement. That influence is associated with the City's coastal location on the Hudson River, a setting that has provided Newburgh and its citizens with vital economic, environmental and cultural opportunities and benefits throughout the City's history.

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

The success of the City's efforts is reflected in an active waterfront used for a variety of recreational and commercial purposes. Newburgh is now a vital regional center of recreational boating and waterfront dining. Visiting and resident boaters, excursion boats, passenger ferries, rowers, kayakers, commercial tugs and barges and other vessels all share the Hudson River’s navigable waterway at Newburgh. The non-boating public also enjoys the river at waterfront locations providing opportunities for dining, walking, picnicking, fishing, special events, educational activities and scenic views of the river and Highlands.

Today, perhaps more than ever, public attention is being focused on the opportunities for community enhancement and beneficial development presented by the Hudson River at Newburgh. A number of City planning and development initiatives are focused on the river and waterfront, including projects to increase public use and enjoyment of the river, protect and enhance environmental quality and encourage beneficial redevelopment of properties near the river.

In the 21st century, the Hudson River will continue to exert a fundamental influence on Newburgh’s culture, economic development and quality of life. As recent trends have demonstrated, the popularity of and desire for urban living is growing. As both “baby boomers” and millennials alike continue to gravitate towards a more urban mixed-use life style, pressure to redevelop older cities, like Newburgh, will only increase. As these trends intensify, there will be an ongoing need for long-range planning and active City involvement to ensure the most beneficial future use of water and waterfront resources, and conservation of their natural functions and ecological values.
Transportation and Navigation

Newburgh's location in the state is also defined with reference to the regional transportation infrastructure. Just north of the City is Interstate 84 and the Newburgh-Beacon Bridge that carries I-84 over the Hudson River; one mile to the west is the New York State Thruway; and five miles to the west is Stewart International Airport. Planned as a fourth New York City airport, Stewart International currently handles more than 280,000 passengers annually, with a future capacity to accommodate 1.5 million travelers a 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 Port Authority has since invested more than $160 million in the airport, including a $100 million overhaul of the main runway – one of the longest in the country at 11,817 feet. The City of Newburgh strongly supports the expansion of Stewart International and encourages possible future transit connections between the airport, the Broadway corridor, downtown Newburgh, the LWRP area and the Newburgh-Beacon ferry.

The West Shore rail line, owned by CSX Transportation, carries freight through the City and generally follows the shoreline. CSX operates an active freight line/spur from the West Shore line south to the Vails Gate Industrial Corridor in the Town of New Windsor. The Metro-North rail line carrying passengers to and from New York City follows the east shore of the river. A train station in Beacon, directly across the river from the City, offers connection to Newburgh via passenger ferry service. The Newburgh-Beacon ferry service is operated by NY Waterway and Metro-North Railroad, providing service in morning and evening commuting periods to meet Metro-North trains in Beacon operating to and from New York City. The ferry dock in Newburgh is located near First and Front Streets.

The Hudson River itself is a major transportation route that defines the City's location and predates all other existing and nearby modes of transpiration. The opportunities for navigation afforded by the river at Newburgh were essential for the historical development of the City. These opportunities are still vital for recreational and commercial purposes and for the success of the City's waterfront use and development plans that will encourage, and depend on, the vitality of the Harbor Management Area (HMA). The HMA includes all of the navigable waters, intertidal areas and underwater lands of the Hudson River and Quassaick Creek within the territorial limits of the City and waterward of the Mean High Water (MHW) line (see Figure I-1).

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

The New York District of the U. S. Army Corps of Engineers (USACE) is responsible for maintenance of the Hudson River channel. It has conducted dredging operations to maintain the authorized dimensions in several locations where natural depths are not sufficient to support waterborne transportation. Due to the significant natural depths in the Newburgh area, including depths greater than 40 feet, there has been no need for maintenance dredging by the USACE in the vicinity of the HMA. The river's mean tidal range in the vicinity of the HMA is 3.1 feet according to the USACE.

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

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

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

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

With 28,290 residents in 2015 occupying just 3.8 square miles in area, Newburgh is a densely populated community. In 2000, the population of Newburgh was 28,259 persons, an increase of 1,805 persons (or 6.8%) from the 1990 population. By 2010, this figure had risen to 28,866 persons (or by 2.1% since 2000), with a slight decrease in population through 2015, with 28,290 persons. In 2010, approximately 39 percent of the City’s population was white, 30 percent was African-American and about 23 percent was classified as some other race. The Hispanic population, which can be of any race, represented approximately 48 percent of the total population.

The City had a total of 11,007 housing units in 2014, about 80% of which were occupied, with the remainder vacant. The majority of units (68%) were occupied by renters, rather than owners. For both
renting households and owner households, approximately two-thirds of households were families. In 2014, the majority of owner-occupied units (60%) were valued at less than $200,000 with a median home price of $172,200. Most renter-occupied households (89%) paid less than $1,500 in monthly rent, with a median rent of $1,065. Nonetheless, a majority (72%) of renters paid 30% or more of their household income toward rent.

Newburgh’s median household income in 2014 was $33,125, and about 44.5% of individuals and 33.2% of families were below the poverty level. Nearly 22% of the City’s adult residents had less than a high school education in 2014, while approximately 38% had a high school diploma or equivalent, and about 40% had attended some college or had an advanced degree.

Although the City of Newburgh had experienced physical and economic decline in past years, there has been an increased interest in new development, especially in the LWRP area. Multi-family housing developments such as Ferry Crossing, Hudson Point, Liberty Square and Montgomery Views (a developed subdivision consisting of 12 single-family homes) are representative of the development activities taking place in the City and within the LWRP area. As new development continues to take place, Newburgh will improve both its physical appearance and its economic base. These in turn will aid in the revival of the entire City, and the waterfront.

2. EXISTING LAND AND WATER USES

a. Existing Land and Water Conditions

The land portion of the LWRP area is comprised of a total of approximately 537 acres. See Figure II-2 for a current land use map of the LWRP area. The LWRP area can be divided into three general land use areas (see Figure II-3): the southern land use area, overlooking Quassaick Creek and including the area surrounding Muchatooes Lake (Area A - Southern/Quassaick Creek Area), the inland area west of the CSX rail line and/or Rev. Dr. Martin Luther King, Jr. Boulevard (Area B – Inland Area); and the waterfront land area east of the railroad line along the Hudson River (Area C - Waterfront Area). An understanding of the existing land use patterns within the LWRP area is critical because this will inform the potential future use and development of the waterfront area.
Figure II-3: Land Use Sectors

Sub-Area A

Sub-Area B

Sub-Area C

Newburgh, NY
Local Waterfront Revitalization Program

Source: BFJ Planning
The LWRP area is characterized by large areas of residential usage, interspersed with areas of commercial, institutional, industrial/light manufacturing, and open space and park uses. There are also areas of public and semi-public recreational uses along the waterfront. A substantial amount of vacant, underutilized and deteriorating parcels are located throughout the LWRP area, much of which is the product of urban renewal. However, recently, the City has seen a reemergence of commercial activity in some of the City’s long vacant and underutilized properties.

The HMA encompasses about 1.25 square miles of surface water area on the Hudson River. The river's shoreline along the HMA extends for about 2.3 miles from the City boundary on the north to the mouth of Quassaick Creek on the south. Of this distance, about 20% of the shoreline (2,525 feet) is owned by the City, including street-end rights-of-ways, public parks, water access areas and utility sites; about 80% (9,725 feet) is privately owned. Quassaick Creek flows over a distance of about 6,600 feet within the LWRP area.

For purposes of clarity, existing land use patterns are discussed by three sub-areas, illustrated on Figure II-3. A generalized description of existing land use conditions for each Sub-Area is provided below. In addition, photographs of significant areas, buildings and vistas within the LWRP area are shown in Figures II-5 through II-9. Figures II-4: Site Photos Location Map provides a key to the site photos included in Figures II-5 through II-9.
Figure II-4: Site Photos Location Map
1. Newburgh Yacht Club and Pier Loun Condominiums looking north towards Newburgh-Beacon Bridge.

2. Newburgh Waterfront looking south.

3. Regal Bar Property looking northwest; Montgomery Street houses in foreground.

Figure II-5: Site Photos
4. Regal Bag property from Hudson River looking south.

5. Clinton Street looking east.


7. Blu-Pointe Restaurant looking north.

8. Riverfront Walkway looking south.


FIGURE II-6: SITE PHOTOS
10. Riverfront Walkway and Riverfront Marina looking south.


12. View of Riverfront Marina, Downing Film Center and 2nd Street looking west.

13. Aerial view of central LWRP area and vacant development sites.


15. View of Municipal Marina parking lot and former Gully’s restaurant looking northeast.

**Figure II-7: Site Photos**

17. Aerial view of former Consolidated Iron site, Water Pollution Control Plant and Ward Brothers Memorial Rowing Park.

18. View of Waterfront Trail and Water Pollution Control Plan looking north.

20. View from MLK Blvd. looking north; Quassaic Creek to the west and Steel Style to the east.

21. View from Bay View Terrace at Courtney Street looking southeast.

22. View of Twin Arched Bridge and Quassaic Creek.
i) **Sub-Area A - Southern/Quassaick Creek Area**

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

The area surrounding Muchattoes Lake contains a combination of residential, commercial and office/retail uses. Lake Street Apartments, a large, privately owned rental multifamily complex (approximately 375 units) built in the early 1970s, is located southwest of the lake. Lakeside Plaza is to the immediate east of Muchattoes Lake, and is a mix of retail and commercial office uses. This shopping center has a number of vacant storefronts and is in need of redevelopment. To the south of the Lake is the Motorcyclopedia Museum, opened in 2011. The museum is a celebration of motorcycle history and memorabilia and is a tourist draw to the area. Muchattoes Lake, itself, is a manmade lake that was created by damming a portion of Quassaick Creek for mill use (Dickson Mill); it was previously known as Dickson’s Pond. The lake was later used for ice manufacturing by the Muchattoes Lake Ice Company, founded in 1886. The lake is not part of the City’s reservoir system. The spillway is visible from Lake Street (Route 32).

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

ii) **Sub-Area B - Inland Area**

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

Beginning at Overlook Place in the southern portion of the inland area and heading north toward Lafayette Street, there is an area of mixed residential, general commercial, small-scale manufacturing and light industrial uses. t. The majority of the residential uses, and almost all of the commercial uses, are located along Liberty Street, while the area between Johnes Street and Rev. Dr. Martin Luther King, Jr. Boulevard is comprised of mainly light industrial and small-scale manufacturing (a countertop manufacturer and distributor). Many of the former industrial buildings have been converted into shared small-scale manufacturing space. Because most of the structures are of brick construction and in fair to
good condition, there is a potential in this area for rehabilitation and adaptive reuse. The partially completed residential renovation of the former foundry on Lafayette Street, known as Foundry at Washington Park, is an example of one type of adaptive reuse.

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

To the west of Washington’s Headquarters is Liberty Street. A mixed-use corridor providing residential and commercial uses. In recent years, the City has increased Code enforcement efforts along Liberty Street. This coupled with the use of Community Development Block Grant (CDBG) funds to facilitate façade improvement grants to local businesses, has greatly decreased storefront vacancies in the area. To the north of Washington's Headquarters is an area of mixed commercial, residential, institutional, municipal uses and vacant parcels. The Newburgh Public Safety Building housing the police and fire departments and City Hall is located on the west side of Grand Street at Broadway. Commercial uses are concentrated around Broadway and Liberty Street, while the existing residential uses are located closer to Washington Street between Liberty and Grand. Twenty townhouse residential units are located east of the Public Safety Building, fronting Colden Street. Across Colden Street heading toward Rev. Dr. Martin Luther King, Jr. Boulevard is an area of vacant urban renewal land.

Broadway Park, also known as Downing-Vaux Park for its prominent landscape architects, is located at the east end of Broadway, providing a major visual link to the waterfront. Proceeding north past Broadway is a mixed-use area of commercial, residential and semi-public uses. Land usage along the north side of Broadway between Liberty and Grand Streets is commercial and institutional in nature, including the Karpeles Manuscript Library. Heading north on Grand Street is St. Patrick’s Church. Multi-family residential uses are located between the church and First Street. Orange County Community College (OCC) occupies the former Key Bank and Maple Office buildings, and the recently constructed 87,000 square foot Kaplan Hall. OCC encompass approximately 5 acres extending from Broadway north to First Street.

The land area between First Street and Broad Street is, for the most part, residential with public and semi-public uses and isolated vacant parcels. Historic renovation and restoration activities have been completed on a number of structures in the area. Between Montgomery Street, Rev. Dr. Martin Luther King, Jr. Boulevard and South Street is low-rise multi-family public housing in need of rehabilitation. To the north of South Street at Rev. Dr. Martin Luther King, Jr. Boulevard is a high-rise apartment building that has recently been rehabilitated.

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

**iii) Sub-Area C - Waterfront Area**

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

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

Waterfront conditions, including the type and condition of waterfront development and land-use, have a major influence on the HMA. For example, the quality and availability of land-based facilities, including parking, affect recreational boating activities as well as excursion boat and passenger ferry operations; waterfront development and the use of City-owned land and rights-of-way influence public access to the HMA; and waterfront conditions can affect the environmental quality of the HMA. Key waterfront facilities and points of interest in and near the HMA are shown in Figures II-5 through II-9.

Publicly owned facilities providing opportunities for recreational opportunities in Sub-Area C include, but are not limited to the riverfront walkway, Newburgh Landing Park, Newburgh Boat Launch.

The **riverfront walkway and trail** is an essential element of the City's public waterfront, providing a pedestrian connection between waterfront activity areas, including South Street Park, the waterfront restaurants along Front Street, docks for excursion boats and the Newburgh Landing Park. The walkway extends for a distance of 1,400 linear feet along the shoreline between the City's South Street right-of-way, the proposed location of the South Street Park, on the north and Carpenter Street on the south. The City holds an easement for maintenance of the walkway where it passes over privately owned land. It continues on-street from Carpenter Street past First Street, then to the Newburgh Beacon Ferry landing. From there, a gravel portion continues for 1,800 connecting the Municipal Boat Launch to the north and Ward Brothers Memorial Rowing Club to the south. The gravel trail traverses the Newburgh Water Pollution Control Plant and the former Consolidated Iron site (see Figure II-8).
Newburgh Landing Park (also known as Unico Park) near the midpoint of the walkway is a focal point and central facility for community activities on the waterfront. Dedicated in 1976, it provides a landscaped setting with public amenities such as benches, bathrooms, lighting and interpretive displays to support passive recreational activities. Park improvements have been funded in part by State and federal funds provided through the New York State Office of Parks, Recreation, and Historic Preservation. Newburgh Landing Park also includes a dock that had been used by vessels participating in or serving as attractions during special events. The dock has been closed since winter 2014 when it was significantly damaged by ice floating down the Hudson River. The City is in the process of redesigning, permitting and securing funding for a reconstructed dock. Once the dock is re-opened, its use by all vessels will require advance permission from the City Manager's office.

Further south on the waterfront, the City's Newburgh Boat Launch at the foot of Washington Street provides opportunities for launching trailered boats and vessels such as canoes and kayaks. Starting in 2016, guided kayak tours of the Hudson River waterfront depart from the Newburgh Boat Launch. Parking for vehicles and boat trailers is provided at the boat launch, along with a sitting area. The sitting area/park is open daily sunrise to sunset. Launch hours are seasonal; a fee is charged for launching all trailered boats, but not for “car-top” vessels.

The ramp also provides access to the river for participants in Hudson River fishing tournaments and is used for emergency response, rescue and retrieval purposes by authorized agencies, including the city's Police and Fire departments. Construction of the boat launch was undertaken with State funds provided through the New York State Department of Environmental Conservation (DEC). Until recently, a privately owned floating restaurant with docks for its patrons had operated seasonally in the riparian area of the City property; this restaurant is now closed.

Ward Brothers Memorial Rowing Park, with access from South Water Street and Renwick Street, is the southernmost City-owned property on the waterfront. The park is named for one of the most famous families in the sport of rowing, who rowed at Newburgh in the 1800s. The existing rowing facility, including the storage and boathouse building, were built with State funds provided through the DEC. The facility is leased by the City to the Newburgh Rowing Club, and is also used for a number of school rowing programs, including Newburgh High School's program. The park's shoreline where rowing shells are launched includes a low-profile concrete block bulkhead. The Rowing Park also provides a public kayak launch and rental kayak storage is also available. In addition, the new waterfront trail (see discussion above) starts at the Rowing Club and extends north to Washington Street.

In addition to the above-noted City properties, several street-end rights-of-way also provide opportunities for access to the HMA, most notably at South Street and First Street. While the tunnel that once allowed South Street to pass through the railroad embankment, connecting upland residential neighborhoods with the river, no longer exists, the South Street right-of-way between the embankment and the water still does. Where it meets the water, the street end marks the northern terminus of the existing riverfront walkway. Privately owned marina docks from the Blu Pointe Marina (see below)
encroach northward into the extension of the right-of-way. The South Street shoreline is one of the few sections of the City’s waterfront not fortified by structural shore protection measures. The City has completed construction plans for a new waterfront park and related shoreline protection measures at the South Street right-of-way. The City is currently seeking funding for the project.

The First Street right-of-way is to the south of the southern terminus of the riverfront walkway. The right-of-way, though previously used for commercial and industrial activities and extending into the HMA, was designated by the City as the site of a public fishing pier. Plans for the pier were approved by state and regulatory agencies and the pier was constructed in 2009.

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

Privately owned facilities providing opportunities for recreational boating in the HMA include the marina facilities of the Newburgh Yacht Club, the boat slips associated with the Pier-Loun residential condominium and two commercial marinas (Blue Pointe and Riverfront Marina). A third commercial marina, the Gull Harbour Marina, located north of the Newburgh Boat Launch, did not open in 2016.

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

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

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

Farther south on the waterfront is the Gull Harbour-American Dock property. Until the 2016 season, the site had been home to a commercial marina, providing over 200 boat slips for seasonal rental and space used by commercial vessels chartered for recreational fishing. The marina facilities also supported water-dependent commercial/industrial businesses, including dock-building and bulkheading.
services. However, the marina and water-dependent businesses are no longer in operation and the property is currently for sale.

The Gull Harbour-American Dock property is also used for operation of the Metro-North Railroad Ferry-Rail link, which provides passenger ferry service from the Newburgh-Beacon ferry dock to the Metro-North train station across the river in Beacon. The ferry operation is funded by the New York Metropolitan Transportation Authority and operated by a private contractor, NY Waterway. The ferry dock is privately owned; its operation is in accordance with lease agreements with the City and Metro-North. In addition, 250 free parking spaces for ferry patrons are provided on the property. Several hundred passengers are reported to use the ferry each weekday to reach the Beacon train station, where parking is limited, for access to the Metro-North rail line to New York City. Bus service to the train station via the Newburgh-Beacon Bridge is provided by the ferry operator when river ice conditions force cancellation of the ferry service. This service is available weekdays between 5:30 am and 9:00 pm, for trips across the river linking the Newburgh waterfront with attractions in Beacon and the Metro North Hudson Rail line.

In addition to the public and private water-dependent facilities described above, several other waterfront uses and facilities help to characterize Sub-Area C. These include City facilities, existing industrial uses, properties on the waterfront that may be considered underutilized and/or opportunity areas for redevelopment and vacant properties on and near the waterfront that have been specifically identified by the city as redevelopment areas.

The Water Pollution Control Plant and former incinerator site are located on adjoining waterfront properties just north of the Ward Brothers Memorial Rowing Park. Under an inter-municipal agreement, the plant accepts and treats wastewater from the City of Newburgh, Town of Newburgh and from the Town of New Windsor. The volume of wastewater processed by the plant is within its design capacity. The incinerator site is currently used by the City for maintenance and shop functions and storage for the Water Pollution Control Plant. A new waterfront trail, as described above, traverses the site connecting Ward Brothers Memorial Rowing Park to the south, to the Newburgh Boat Launch to the north.

Properties on the waterfront that may be considered underutilized and/or opportunity areas for redevelopment include the Regal Bag property which has been used for industrial purposes, including water-dependent uses, since the mid-1800s. The property includes an industrial building of historical significance, has a timber bulkhead in good condition and direct access to deep water in the HMA (see Figure II-6), and is currently not using the HMA for any water-dependent purpose. The building is currently being used as artist studio and gallery space, but much of the building remains vacant and opportunities for adaptive reuse exist.

The Gull Harbour-American Dock property, due to its substantial size and waterfront location, is a critical opportunity area for redevelopment. The City should plan for its redevelopment and the potential loss of surface parking.
The third prominent property considered an opportunity area for redevelopment is the property known as the **Steel-Style Shipyards property** just south of the Ward Brothers Memorial Rowing Park and adjoining Quassaick Creek. The property, once the site of an active railroad yard and water-dependent industrial activities, includes two substantial, underutilized concrete-slab piers. The site represents the last remaining section of the City's once extensive industrial waterfront.

South of the former Steel-Style Shipyards is the Global Oil Company Newburgh facility which stores finished petroleum products. The facility is located west of River Road and north of Quassaick Creek. While the Newburgh facility is not in and of itself a water-dependent use, Global Oil also operates a barge to truck operation from a pier in New Windsor immediately south of Newburgh. The barge to truck operation impacts the Newburgh waterfront as trucks travel north through the area to I-84 and beyond.

b. **Underwater Land Ownership**

i) **Public Trust Doctrine**

New York, upon attaining Statehood, succeeded the King of England in ownership of all lands within the State not already granted away, including all rights and title to the navigable waters and the soil under them (Public Lands Law, Section 4; People v. Trinity Church, 22 N.Y. 44, 1860; Langdon v. Mayor, 93 N.Y. 129, 1883). Broadly speaking, the State holds title to all underwater lands not otherwise conveyed away by patents or grants. The State holds title to these tidelands and submerged lands in its sovereign capacity in trust for the use and enjoyment of the public under the **Public Trust Doctrine** (People v. Steeplechase Park Co., 218 N.Y. 459, 1916; Appleby v. City of New York, 271 US364, 1926; Coxe v. State, 144 N.Y. 396, 1895). This legal doctrine emerged from the ancient concept that the sovereign had the right of way, an “incorporeal hereditament,” to all navigable streams and waterways; the underlying theory being the protection of the public interest in fisheries and navigation.

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

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

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

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

_ii) Underwater Land Ownership_

Between and including the extensions of First and South streets into the HMA, there are 25 “land underwater grants” issued by the State of New York for private use of the submerged land (see Figures 10A and 10B). These grants, issued during the 1800s to waterfront property owners, generally extend offshore for 450 to 550 feet; they extend waterward along the entire shoreline except in the extension of the Second Street right-of-way. Included are five grants to the City in the extended rights-of-way of First, Third, Fourth, Fifth and South streets. The grants include “full beneficial enjoyment grants” through which the State issued full fee title to the land under water, and “commerce grants,” which are restrictive grants that were typically issued for purposes of promoting commerce and which specify that the grant can only be used for commercial purposes. “Land underwater grants” are also found in the HMA north of South Street and south of First Street.

_c. Water-Dependent and Water-Enhanced Uses_

According to the Department of State (DOS), water-dependent uses refer to activities which can only be conducted on, in, over or adjacent to a water body because they require direct access to that water body and involve the use of the water as an integral part of the activity. Water-dependent uses in the LWRP area include Ward Brothers Memorial Rowing Park; the City of Newburgh wastewater treatment plant; the Newburgh Boat Launch; the Newburgh-Beacon Ferry dock facilities; the First Street Fishing Pier; the Riverfront Marina; Newburgh Landing Park and Dock; the Blu-Pointe Marina; South Street Park now in the planning stage for in-water access; and the Newburgh Yacht Club. Boat slips are available and accessory to the Pier Loun residential development. Water dependent uses are shown in Figure II-11.
Figure II-10A: Underwater Land Grants

*More legible electronic copies of the Underwater Land Grant Maps are on file with the City of Newburgh.
*More legible electronic copies of the Underwater Land Grant Maps are on file with the City of Newburgh.

**Figure II-10b: Underwater Land Grants**

Newburgh, NY  
Local Waterfront Revitalization Program  
Source: New York State Office of General Services  
BFJ Planning
Figure II-11: HMA: Existing Conditions & Water Dependent Uses

- City Boundary
- Railroad
- Proposed LWRP Area
  - Recreational Boating Facility (Privately Owned)
  - City-owned Water Access Area
  - Passenger Vessel Pier (privately owned)
  - Water-dependent Commercial/Industrial Area

Newburgh, NY
Local Waterfront Revitalization Program

Source: BFJ Planning
A water-enhanced use is defined by the DOS as one with no critical dependence on the waterfront, but whose profitability of use and enjoyment level of the users are increased significantly because the use is adjacent to or has visual access to the waterfront. Based on this definition, there are a number of water-enhanced uses in the LWRP area, including the areas adjacent to Quassaick Creek and Muchattoes Lake. Because of Newburgh's topography, many 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.

d. Underutilized, Abandoned or Deteriorated Sites

The LWRP area contains a number of vacant and underutilized sites, and much of the redevelopment potential in the City involves these sites. Approximately 30+ acres of these vacant and underutilized parcels are vacant, City-owned land cleared as part of urban renewal projects but never developed. These and other vacant or underutilized sites are discussed in more detail below (see Figure II-12).

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

Underutilized former industrial land is located at the base of the “Heights” area adjoining Quassaick Creek. This area includes the former Provan Ford Site, a DEC-listed Brownfield site. In addition, the steep slopes rising up to the Heights neighborhood are vacant. The City intends for these slopes and the parcels along the Quassaick Creek to remain as open space, and where possible, to create a nature preserve and public hiking trail between the creek and the top of the bluff bounded by Bay View Terrace, preserving as much as possible the forest habitats, trail opportunities and creek shoreline now used heavily by fish and birds. Easements and rights-of-way are being pursued to create this trail. Fishing and wildlife viewing are water-dependent uses that currently take place in this area. Scattered vacant and underutilized heavy commercial and industrial buildings are found in the vicinity of South Robinson Avenue, Mill Street and Commercial Place. Lakeside Plaza, a shopping center located immediately east of Lake Muchattoes, has a number of vacant storefronts and is in need of redevelopment. Quassaick Creek is Newburgh’s other waterfront and ample opportunity exists in the area for recreation, historic preservation and urban forestry. Further, the area around Muchattoes Lake and Lake Street present a significant opportunity for planning and redevelopment.

ii) Sub-Area B - Inland Area

Beginning in the southern portion of the inland area at Overlook Place there are a number of vacant and underutilized parcels and abandoned, deteriorating and underutilized residential and industrial buildings. Although these structures are in deteriorating condition, there is the potential for restoration and reuse. The area’s close proximity to the historic Washington's Headquarters makes revitalization activities extremely important. In addition, in recent years, many of the 19th century industrial buildings located in the area have been reused as small scale manufacturing space.
Figure II-12: Vacant Sites
Along Colden Street and Rev. Dr. Martin Luther King, Jr. Boulevard between Washington Street, Broadway and Second Street is a large area of vacant urban renewal land generally bounded by Broadway, Grand Street, South Street and Rev. Dr. Martin Luther King, Jr. Boulevard (see Figure II-12). Orange County Community College Newburgh Campus (including the former Key Bank building and Maple office buildings) and a private 20-unit townhouse project are west of Colden Street at Broadway. The townhouse development, adjacent to the public safety complex on Broadway, is deteriorating.

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

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

**iii) Sub-Area C - Waterfront Area**

Several sites along Newburgh’s waterfront are vacant, underutilized, deteriorating or abandoned. Vacant properties on and near the waterfront have been specifically targeted by the City for redevelopment or adaptive re-use. These include the **Consolidated Iron and Metal redevelopment area** at the foot of Washington Street, next to the Newburgh boat launch. This site, a former landfill, was remediated under the direction of the Environmental Protection Agency. Its shoreline is stabilized with rubble, riprap and broken concrete, with hidden structures and debris in the waters immediately offshore. Redevelopment will provide opportunities for better public waterfront access.

Other properties targeted for redevelopment include the vacant **Gull Harbour-American Dock property**, and vacant land between Colden Street and Rev. Dr. Martin Luther King, Jr. Boulevard and between the boulevard and Montgomery Street. These areas have potential for more intensive water-enhanced and/or water dependent uses.

**e. Public Access and Recreational Facilities**

A key element of public access is the Public Trust Doctrine, based on a common law principle that private ownership or other impediments to the public use of certain critical lands and waters should not be allowed. The doctrine generally limits the rights of waterfront property owners below the mean high tide line. Thus, the public has the right to use the waters of the HMA for navigation, recreation and other purposes, and to access underwater lands (excluding those previously granted for private use).

Newburgh Landing Park, located on the waterfront between Third and Fourth Streets, includes Unico Park (containing a statue of Christopher Columbus dedicated in 1992), restrooms, and the adjacent
Newburgh Landing dock, which until 2014 when it was damaged, offered access to the Hudson River for tour boats. The City has plans to reconstruct the pier and for improvements to the park’s landscaping. The City retained ownership of a 20-foot linear strip of riverfront property extending from Carpenter Street to the south and South Street to the north and abutting commercial development along Front Street for the development of a riverfront walkway. Construction of the 12-foot public riverfront walkway, designed with period lighting, street trees, benches and waste receptacles, was completed in 2001. In addition, a public fishing pier is located at the eastern limit of First Street. A public parking area on the west side of Front Street provides access to these amenities.

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

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

Although at one time Muchattoes Lake was used for ice skating activities, it currently offers limited opportunity for recreational activities and public access. There is a City-owned parcel located to the north of the Lake that, with the assistance of a DEC Environmental Justice grant, has been cleared and made available to the public for passive recreation and fishing.

Figure II-13 shows the City’s parks. There are numerous parks, a riverfront walkway and several trails located within the LWRP area. Table II-1 identifies the parks, walkway and trails in the LWRP area.

<table>
<thead>
<tr>
<th>Parks</th>
<th>Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td>A 9/11 Memorial Park (Park Place)</td>
<td>City Riverfront Walkway and Trail (see Figure II-14)</td>
</tr>
<tr>
<td>B Audrey Carey Park (Liberty Street)</td>
<td>NYSDOT Bike Trail 17</td>
</tr>
<tr>
<td>C Downing-Vaux Park (Broadway/Colden St.)</td>
<td>Hudson River Valley Greenway “Trail of Two Cities”</td>
</tr>
<tr>
<td>D Gidney Avenue Basketball Courts</td>
<td>Monumental Newburgh</td>
</tr>
<tr>
<td>E Future South Street Park</td>
<td>Source: City of Newburgh, 2016</td>
</tr>
<tr>
<td>F Newburgh Boat Launch (waterfront)</td>
<td><strong>Table II-1: Newburgh Parks and Trails (See Figure II-13)</strong></td>
</tr>
<tr>
<td>G Quassaick Creek Estuary Preserve &amp; Trail (proposed)</td>
<td><strong>II-33</strong></td>
</tr>
<tr>
<td>H Tyrone Crabb Park (Grand/South St.)</td>
<td><strong>Draft: January 18, 2017</strong></td>
</tr>
<tr>
<td>I Newburgh Landing/Unico Park (waterfront)</td>
<td><strong>City of Newburgh, 2016</strong></td>
</tr>
<tr>
<td>J Ward Brothers Memorial Rowing Park (waterfront)</td>
<td></td>
</tr>
<tr>
<td>K Xavier Lunan Park (Courtney Avenue)</td>
<td></td>
</tr>
<tr>
<td>L Washington’s Headquarters</td>
<td></td>
</tr>
<tr>
<td>Source: City of Newburgh, 2016</td>
<td></td>
</tr>
</tbody>
</table>

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Draft: January 18, 2017
Figure II-13: Newburgh LWRP, Parks and Trails

- 9/11 Memorial Place (Park Place)
- Audrey Carey Park (Liberty Street)
- Downing-Vaux Park (Broadway/Colden St)
- Gidney Avenue Basketball Courts
- Future South Street Park
- Newburgh Boat Launch (waterfront)
- Quassaick Creek Estuary Preserve & Trail (Proposed)
- Tyrone Crabb Park (Grand/South St.)
- Newburgh Landing/Unico Park (waterfront)
- Ward Brothers Memorial Rowing Park (waterfront)
- Xavier Lunan Park (Courtney Avenue)
- Washington's Headquarters
- Hudson River Valley Greenway
- Monumental Newburgh Trail
- City Riverfront Walkway & Trail
- NYSDOT Bike Trail 17
- Frederick Douglass Trail
- City Boundary
- LWRP Area

Source: City of Newburgh, BFJ Planning
The City recently completed a waterfront trail extending north from the Ward Brothers Memorial Rowing Park to Washington Street and traversing the Wastewater Treatment Plant and the former Consolidated Iron site (see Figure II-14). The City also has plans for a new park located at the South Street Right-of-Way.

![Figure II-14: Newburgh Waterfront Trail.](image)

Lastly, 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 to link future parkland currently owned by Orange County in the Town of New Windsor (the former Diamond Candle property) with future parklands owned by the City and ultimately, if possible, River Road on the east and Robinson Avenue to the west, then eventually farther west. The existing sewer right-of-way and the railroad right-of-way between Quassaick Creek and Bayview Terrace offer opportunities for multiple uses such as hiking trails. The City plans to finish restoring the historic twin-arch bridge spanning the creek at the candle factory parcel to create a pedestrian link in the Greenway Trail connecting the Newburgh portion of the Estuary Preserve Trail with the New Windsor side of the creek. Initially, municipal-owned parcels will be included in the Estuary Preserve and Trail, with other lands in this area to be added where possible.

f. **Zoning**

Zoning is the primary land use control device available to the City. The City adopted a new Zoning Code in 2015 to implement the recommendations contained in the 2008 “Plan-It Newburgh” Sustainable Master Plan and the 2011 City of Newburgh Future Land Use Plan. As part of the amendments to the Zoning Code, new zoning was adopted within the City’s LWRP area that seek to provide for the redevelopment and adaptive reuse of the City’s waterfront as well as those neighborhoods proximate thereto. This new Code replaced the previous Zoning Code with a hybrid code containing both
traditional zoning districts and form-based districts. The zoning districts that are included within the LWRP area are indicated in Table II-2 and Figure II-15.

Table II-2: Newburgh Zoning Districts within the LWRP Area

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traditional Zoning Districts</strong></td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Commercial District</td>
</tr>
<tr>
<td>IND</td>
<td>Industrial</td>
</tr>
<tr>
<td>INS</td>
<td>Institutional</td>
</tr>
<tr>
<td>PK</td>
<td>Park</td>
</tr>
<tr>
<td>OS</td>
<td>Open Space</td>
</tr>
<tr>
<td>R-Low</td>
<td>Residential – Low-Density</td>
</tr>
<tr>
<td>R-M</td>
<td>Residential – Medium-Density</td>
</tr>
<tr>
<td>R-High</td>
<td>Residential – High Density</td>
</tr>
<tr>
<td><strong>Form-Based Districts</strong></td>
<td></td>
</tr>
<tr>
<td>BC</td>
<td>Broadway Corridor</td>
</tr>
<tr>
<td>DN</td>
<td>Downtown Neighborhood</td>
</tr>
<tr>
<td>PWD</td>
<td>Planned Waterfront District</td>
</tr>
<tr>
<td>WG</td>
<td>Waterfront Gateway</td>
</tr>
<tr>
<td><strong>Overlay Districts</strong></td>
<td></td>
</tr>
<tr>
<td>EEH</td>
<td>East End Historic District Overlay</td>
</tr>
<tr>
<td>NC</td>
<td>Neighborhood Commercial Overlay</td>
</tr>
<tr>
<td>WPO</td>
<td>Waterbody Protection Overlay</td>
</tr>
<tr>
<td><strong>Source:</strong> City of Newburgh Zoning Code, 2015.</td>
<td></td>
</tr>
</tbody>
</table>

There are eight traditional zoning districts, four form-based districts and three overlay district within the LWRP area. Sub-Area A – Southern/Quassaick Creek Area is entirely comprised of traditional zoning districts and includes a mix of Commercial (CD), Industrial (IND), Institutional (INS), Low-, Medium-, and High-density residential (R-Low, R-Med and R-High), and Open Space (OS) districts. Within Area A, the Waterbody Protection Overlay (WPO) zone is mapped over Muchat toes Lake and Quassaick Creek and all land lying within 100 feet of the top of the bank of each of these waterbodies. In addition, the East End Historic District Overlay (EEH) zone is mapped on in the southeastern portion of Area A, specifically south of Overlook Place and east of Monument Street.

Sub-Area B – Inland Area is comprised of a mix of traditional and form-based districts including R-Low, R-Med and R-High, INS, Parks (PK), OS, Broadway Corridor (BC), Downtown Neighborhood (DN), and Waterfront Gateway (WG). The Neighborhood Commercial Overlay (NC) zone is mapped on parcels zoned R-Low and R-Med located one to two blocks south and north of South Street, respectively. In addition, the EEH is mapped on the majority of Area B, roughly west of Montgomery, Grand and Colden Streets and east of Powell Avenue and Liberty Street.

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Sub-Area C – Waterfront Area is largely comprised of the form-based Planned Waterfront District (PWD), which is mapped roughly north of Washington Street and north to the City’s municipal boundary with the Town of Newburgh. The Waterfront Area contains IND and INS zoned parcels to the south and PK and OS scattered between the southern LWRP area boundary and 4th Street.

The form-based zoning districts seek to promote a more urban, walkable, and vibrant downtown by providing flexibility and variety with respect to uses within buildings, ensuring that new development is compatible with the existing urban fabric of downtown, and by providing guidelines for the redevelopment of the waterfront. The most prominent waterfront-related districts in the LWRP area are the WG and PWD zones. The WG zone seeks is to maximize the residential and commercial density of new development. New projects in this zone should capitalize on the dramatic views of the Hudson River Valley, while protecting the views of the river from upland areas. Maximum permitted height in this district is 8 stories/95 feet.

The PWD zone is intended to revitalize the waterfront and establish the City as a regional destination along the Hudson River. Within this district, water-dependent and water-enhanced uses are encouraged. A broad mix of uses, including housing, commercial, cultural, and open space uses are allowed. The physical form and orientation of buildings within the PWD should reflect the importance of the Hudson River to the successful redevelopment of the waterfront and should encourage activation of the waterfront through increased pedestrian utilization. Shopfront buildings and rowhouses, along with civic buildings, are permitted within this district. Parking lots, both structured and surface, should be primarily located adjacent to the railroad tracks. This allows parking to be screened from vantage points to the east and west. Maximum permitted heights in the PWD are 6 stories/65 feet. The PWD zone also requires that all lots having the Hudson River as part of its boundary provide both physical and visual public access to the waterfront (see Section 8. Scenic Resources and Important Vistas section below).

g. Historic Structures, Sites and Districts

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

Newburgh was George Washington’s longest-held headquarters during the Revolutionary War, chosen because of its strategic location along the river, which the British saw as the prize to capture to split the colonies. Washington's Headquarters State Historic Site is the first state historic site in the nation, designated for protection in 1850 (see Figure II-16).
Newburgh is the first town north of the Hudson Highlands with a gradual rise from the shoreline that could accommodate wagons, making it a natural port for goods produced in and shipped to Orange County. With water depths over 20 feet at its shoreline, the city could accommodate large sailing vessels, barges and steamships. Docks, wharves and warehouses filled much of Newburgh's 18th and 19th century waterfront. Ferry service between Newburgh and Fishkill began in 1743, one of the earliest state ferry charters, serving both local communities and the growing route to New England from this point on the Hudson. By the 1850s, railroad service on the west shore reached south of Newburgh, and by the 1880s was completed through the city via the stone railroad trestle still in use.

Newburgh grew from parish (1709) to village (1800) to city (1865). The city's major industries have been freight forwarding, wool and cotton mills, ship-building, foundries and boiler making to support the ship and railroad industries, clothing and furniture manufacturing, bottling companies, leather and artificial leather production and an Air Force base that fed the economy between World War II and the Vietnam War.

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

As retail establishments closed in the wake of these declines, vacant buildings dotted the landscape, especially in the old city center. Property was abandoned, converted to inappropriate use or sold to speculators. In the 1950s, the City Council began an urban renewal program prompted by new federal subsidy programs devised to revitalize cities like Newburgh. By purchase, tax foreclosures or eminent domain seizures, the City acquired most waterfront district lands under the urban renewal program. The devastation witnessed during the clearing of over 30 acres in the core of the old city gave rise to the preservation movement to save what was left of 18th and 19th century Newburgh.
Figure 11-16: Historic View of Washington’s Headquarters

On July 16, 1973, an area at Montgomery/Grand/Liberty Streets was listed on the National Register of Historic Places. It was expanded on September 12, 1985, and is now identified as the East End Historic District. The district, shown in Figure II-17, is the largest in the State outside of New York City and includes a large portion of the LWRP area. The district is regulated by the Historic District Overlay regulations set forth in Article VI of the City Code of Ordinance. The Historic District Overlay regulations establish an Architectural Review Commission (ARC) who is tasked with, among other things, ensuring the harmonious, orderly, and efficient growth and development of the City; enhancing the visual character of the City by encouraging new design and construction that complements the City's historic buildings; and to protecting and promoting the economic benefits of historic preservation to the City, its inhabitants and visitors. The main duty of the ARC is to exercise aesthetic judgment to maintain the character of historic and architectural design districts, or a landmark, and to prevent construction, reconstruction, alteration or demolition which would be out of harmony with the architectural aesthetics, style, materials, colors, line and details of the district and/or landmark. The ARC, in its deliberations on projects and actions located within the East End Historic District, shall be guided by the East End Historic District Guidelines, adopted by the City Council in 2008.

A number of historic structures and sites are located within the LWRP area. As stated above, Washington’s Headquarters (Jonathan Hasbrouck House) on Liberty and Washington Streets is a National Historic Landmark property and museum operated by the Palisades Interstate Park Commission. Other structures and sites listed on the National Register include the following (identified on Figure II-17):

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

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

h. **Scenic Resources and Important Vistas**

The scenic quality associated with the Hudson River is among the most important of the City's environmental resources. The Hudson River at Newburgh has historically been known for its spectacular panoramic views, including the river and the hills, mountains and Hudson Highlands that surround it. Vistas were so unique that the Hudson River School of landscape painting was formed in the mid-19th century to capture the scenery of the Hudson River Valley and surrounding area, among other areas. An example of this school of painting is shown in Figure II-18.
Figure II-18: View of Highlands from Newburgh, New York: Thomas Doughty

Source: The Hudson River and its Painters, Viking Press, 1972
As the Hudson River School of painting translated the splendor and power of the river's scenery onto huge canvases, so did the architects of local buildings who placed their best works on large estates where they could enjoy the spectacular views and in turn improve their surroundings.¹

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

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

Many of the sites within the Newburgh LWRP area have substantial vistas and panoramic views of the water and surrounding landscape. Because the topography in the City steps up to form plateaus at varying elevations, structures as far west as Liberty Street have visual access to the river in some locations. Developments along the foot of Broadway and on the east side of Montgomery Street have virtually unobstructed views of the river and its surroundings.

As part of the 2015 Zoning Code update, the City adopted regulations to protect, preserve and enhance scenic public views within the WG, PWD and portions of the DN zoning districts. Article XI: Site Plan Review, Application and Approval of the Code of Ordinances requires an additional viewshed analysis for projects located within the WG, PWD, and portions of the DN Districts. The purpose of this review is to ensure protection and enhancement of the City's scenic viewshed, comprised of natural, aesthetic and cultural resources formed by the landscape and geologic features of the City. Through this statute the City intends to preserve scenic views to and from the Hudson River, the Hudson Highlands and the east bank of the Hudson River. The views from the following locations are recognized by the City of Newburgh as providing significant benefits to the residents and visitors of Newburgh and as important parts of Newburgh's cultural heritage. The detailed description of the current views is noted specifically to highlight the character of the current view as emphasis to the importance of its preservation.

- The **Dutch Reformed Church** at Montgomery and South Streets. From this vantage point looking south-southeast, the view is of Hudson Highlands, Bannerman's Island, and the Hudson River.

- **Washington's Headquarters.** The views to the southeast and east focus on the Hudson River and mountains beyond. The Hudson River, the lawn and the roofline of the building in the center of the view are horizontal in design. To the northeast there is a clear view of the Hudson River, the mountains beyond and the Newburgh-Beacon Bridge.

- **Broadway and Golden Street.** The foreground is occupied by open space identified for pedestrian walkways to the northeast to the waterfront. Marine Drive, in the middle ground, runs parallel to the Hudson River. On the Hudson River's edge are low buildings that do not obstruct the view. The Newburgh-Beacon Bridge fades into the horizon. The view to the southeast features the sloping parkland in the foreground, low industrial buildings and a marina bay in the middle ground. The southeast view is dominated by the Hudson River, and the Hudson Highlands. There is some light industrial use presently in the middle ground. The foreground is sloping parkland and an undeveloped site.

- **Newburgh Public Free Library.** The view from the eastern wall of the Newburgh Free Library, at an elevation of approximately 100 feet above sea level, provides a view of the Hudson River.

- **First Street and Montgomery Street.** The view to the south terminates at Orange County Community College. The north-facing view is of the Hudson Highlands, the Hudson River and the Newburgh-Beacon Bridge. Existing structures on the waterfront frame the bottom of the view from this highpoint.

- **Bay View Terrace.** The views from Bay View Terrace, between Overlook Place and Monument Street, offer views of the Hudson River, the Hudson Highlands, Bannerman's Island and points north and south.

All applications for site plan approval within the WG, PWD or DN Districts are required to be evaluated for their impacts to the scenic views defined above during the site plan review process. Visual impact analysis for applications requiring site plan approval are evaluated by the Planning Board. If the application does not require site plan approval, the visual impact analysis is evaluated by the Building Inspector. To assist in the visual impact evaluation, the City Planning Board refers all applications for site plan approval within the WG and PWD Zoning Districts to the CAC. When making the determination of impacts to the scenic viewshed, site plan approval may only be granted by the City Planning Board if, with appropriate conditions attached, the proposed activity:

- Will not significantly impair scenic character and will be aesthetically compatible with its surroundings.
- Will minimize the removal of native vegetation, except where such removal may be necessary to open up or prevent the blockage of scenic views and panoramas from public places.
- Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public places.
Further, Article XV: Form-Based Code of the Code of Ordinances requires that all new construction within the PWD preserve views of the Hudson River created by the public street grid. Specifically, construction within the right-of-way\(^2\) of the following mapped streets is expressly prohibited:

- Washington Street
- Broadway.
- Second Street.
- Third Street.
- Fourth Street.
- South Street

\(\text{i. Affordable Housing}\)

Over the 12-year period ending in 2014, the total population of the Hudson Valley region increased by 7%, compared to a 2.2% gain Statewide. Counter to the population declines experienced in Western and Central New York, each of the Hudson Valley counties experienced increases in population between 2000 and 2014. Orange County grew 10%, Dutchess 6% and Ulster 2%. The region gained roughly 54,000 residents between 2000 and 2014, with more than 60% of the increase concentrated in Orange County. This 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 2014, the estimated median household income in the City was $33,125, far below the County level of $75,998 and more than $18,600 less than the nation as a whole. 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.

The City’s adopted 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 (as in the provisions of the Newburgh Waterfront Redevelopment Project); enacting inclusionary zoning measures; establishing a Community Land Trust, cooperative housing or other form of local ownership; and rent stabilization. It is assumed that the City will be drafting these proposed housing measures as it begins implementing the Sustainable Master Plan. In addition, 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.

\(^2\) The prohibition applies to the right-of-way width from the easternmost terminus of the streets to the Hudson River shoreline.
3. NATURAL FEATURES

The most profound influence on environmental conditions and resources associated with the LWRP area is the Hudson River. Called “Muhheakantuck,” (“river that flows two ways”) by Native Americans, the river is tidally influenced as far north as Troy, New York – a distance of 160 miles from the Narrows at the mouth of the river at New York City and the Atlantic Ocean. The river’s tidal region, including the HMA, is part of the Hudson River Estuary, a rich ecological system formed in part by the mixing of freshwater from the river with saltwater from the ocean. The State’s Hudson River Estuary Program was formed to conserve its natural resources and sustain their benefits, and is implemented through a partnership of governmental agencies and private organizations directed by the DEC. Prominent environmental conditions and resources of the HMA can be described with respect to surface water resources and quality, fish and wildlife habitat, wetland resources and the ongoing natural processes of flooding and shoreline erosion. The natural resources of the Hudson River and its Quassaick Creek tributary provide a variety of irreplaceable ecological functions as well as significant cultural and economic values.

a. Topography

Topography in Newburgh’s LWRP area is characterized by relatively flat areas between the Hudson River and the West Shore Railroad tracks and moderate to excessive slopes further inland. These slopes result in a topographical change of up to 300 feet within the northern section of the LWRP area. A major portion of Mount St. Mary College, for example, is situated 240-300 feet above the shore line, providing extensive views across the Hudson River Valley. As noted earlier, the residential district bounded by Bay View Terrace and Overlook Place at the south end of the LWRP area also has scenic views of the river and surrounding Highlands. Figure II-19 illustrates the City’s topographic pattern.

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

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

ii) Sub-Area B - Inland Area

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

Section II: Inventory and Analysis
Draft: January 18, 2017
Figure II-19: Newburgh Topography, Elevation & Wetlands
Much of the remaining undeveloped land in the waterfront area consists of urban renewal parcels constrained to some extent by steep topography. Although these topographical characteristics require special consideration during site preparation and development, these properties also provide opportunities to developers to take full advantage of the waterfront views.

iii) **Sub-Area C - Waterfront Area**

Topography in the waterfront area, between the river and the railroad lines/Rev. Dr. Martin Luther King, Jr. Boulevard, is flat with slight increases in topography occurring just north of Second Street. At First Street, the railroad tracks are elevated and at-grade crossing is not possible. Underpasses for vehicular and pedestrian access to the immediate shoreline occur at Carpenter Street, First Street, Second Street, Third Street and Fourth Street. The underpass at Fifth Street is being rebuilt as part of CSX’s bridge replacement project in this location.

b. **Soil and Bedrock Formations**

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

c. **Navigation**

The Federal navigation channel at Newburgh has a width of approximately ¾-mile and depths ranging from 19 to 45 feet (see Figure II-20). Within the HMA the depth of the navigation channel ranges from 32 feet to 45 feet ranging. The navigation channel and related deep water is located very close to Newburgh’s Hudson River shoreline at a distance ranging from zero feet at approximately South Street to approximately 600 feet at the mouth of Quassaick Creek. There are also submarine pipeline and cable areas charted in the central portion of the HMA.

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Figure II-20: Hudson River Navigation Chart

Source: NOAA 2016, BFJ Planning
Opportunities for mooring and anchoring in the HMA are limited due to the deep water (generally greater than 30 feet at mean low water) near the shoreline and the proximity to the shoreline of the federal navigation channel. Nevertheless, opportunities for providing designated mooring and anchoring locations in appropriate locations along the shoreline, particularly as part of waterfront redevelopment projects, should be considered.

In addition, there is a need for continued and ongoing awareness of water and waterfront conditions to identify the presence of any significant amounts of floating debris, and to maintain effective procedures for prompt removal or marking of any obstructions or hazards to navigation that may be identified.

d. Flood Hazard Areas and Sea Level Rise

Flood Hazard Areas are designated by the National Flood Insurance Program (NFIP) and include those areas within the 100-year and 500-year floodplain. A Flood Insurance Rate Map (FIRM) is prepared by the Federal Emergency Management Agency (FEMA) for each municipality which illustrates the Flood Hazard Areas, or areas subject to inundation by a flood having a 1 percent or greater (100-year flood) probability as well as areas having a 0.2 percent or greater (500-year flood) probability of being equaled or exceeded in any given year. The FIRMs for the City of Newburgh were last updated in 2009 (see Figure II-21). Sections of the City’s Hudson River waterfront, including most of the filled and bulkheaded areas, as well as the area adjacent to the banks of the Quassaick Creek are within the 100-year flood hazard area (see Figure II-21). The 100-year flood hazard area comprises approximately 5.5-acres of land area in the City.

Flooding and shoreline erosion are natural, ongoing processes that will continue to affect the City’s shoreline. The flood hazard area boundary generally remains close to the water's edge and, as a result, the risk of flooding is generally not considered to be a significant threat to waterfront development. Structural shore protection measures such as bulkheads, revetments and seawalls, however, are required in many waterfront locations to protect existing development from ongoing erosion and to maintain the viability of water-dependent uses. The 100-year flood boundary also includes undeveloped areas along Quassaick Creek, remaining between the Erie Railroad line and the creek until the railroad crosses Walsh's Road. At Walsh's Road, the flood zone shifts toward the northwest, bordering both sides of the creek, and completely surrounds Muchattoes Lake. Because this lake is manmade and drains into Quassaick Creek via a spillway, it does not experience significant problems with flooding or erosion.
Figure II-21: FEMA Floodplains

City Boundary
LWRP Area
Railroad
100-Year Floodplain
500-Year Floodplain
The effects of climate change and sea level rise are also anticipated to have an impact on communities located along the Hudson River. Projections for future sea level rise along the Hudson River and elsewhere in New York State have been provided in recent reports from the New York State Task Force on Sea Level Rise and the NYS2100 Commission. For the Hudson River south of the City of Kingston, a central-range of 12” – 23” of sea level rise is projected by 2080 while a worst case projection factoring in rapid melt of the Greenland and Antarctic Ice Sheets estimates 41” – 55” inches of sea level rise by 2080\(^4\) (see Figure II-22: Projected Sea Level Rise).

If sea levels rise by 12-23 inches, approximately 1.71 to 2.43 acres of land along the waterfront will be at risk of permanent inundation and an additional 4.36 to 5.35 acres of land in the LWRP area will be at risk for increased coastal flooding. If sea levels rise by 42-55 inches, approximately 4.36- to 5.01 acres of land in the LWRP area will be at risk for permanent inundation. At 42 inches of sea level rise, an additional 5.61 acres of land in the LWRP area will be at increased risk of coastal flooding, while at 55 inches of sea level rise, an additional 5.5 acres of land within the LWRP area will be at increased risk of coastal flooding. The projections for areas of increased coastal flooding begin to decrease after 36 inches of sea level rise as the area of newly submerged lands increase.

The impacts of sea level rise must be evaluated and considered in discussion of future waterfront development and underwater land ownership. Sea level rise will impact mean high water levels which, in turn, will impact ownership. With sea level rise estimates ranging from 12 to 55 inches by 2080, the legal and physical ramifications for waterfront properties and the impact on waterfront development may be significant.

e. Freshwater Wetlands

The United States Fish and Wildlife Service (USFWS) prepares National Wetland Inventory (NWI) maps identifying potential locations for wetlands within a community. According to the USFWS, the entire HMA (shoreline and Hudson River) is comprised of Estuarine and Marine Deepwater wetlands (see Figure II-19). In addition, Muchattoes Lake and a portion of Quassaick Creek (between South Robinson Avenue and Walsh Road) are classified as Freshwater Ponds. Permanent riverine tidal wetlands are also found at locations along Quassaick Creek. See Figure II-19 for the location of wetlands mapped by the USFWS. It is important to note that DEC also regulates freshwater wetlands in the state; there are no DEC-regulated freshwater wetlands within Newburgh.

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Central Range in 2080:

12" Rise

Rapid Ice Melt in 2080:

42" Rise

24" Rise

54" Rise

Figure II-22: Projected Sea Level Rise

Legend
- 100 Year Floodplain and Low-Lying Areas
- Current River
- Inundation Level
- LWRP Area

Source: Scenic Hudson, BFJ Planning
Sea level rise has been documented in the Hudson River. Based on tide gauge readings, the river has risen about 0.25 inches annually since 2000. Examining 20-year intervals to simulate estuarial changes created by rising Atlantic Ocean waters entering at the Hudson's mouth, scientists at Cornell and Scenic Hudson project broad shifts in wetland composition, with widespread conversion of high marsh habitat (driest) to low marsh (wet), tidal flat or permanent water inundation. They also forecast that new intertidal wetlands along the Hudson River, may perhaps comprise 33% more wetland area by the year 2100.

f. Water Quality

The quality of surface water in the HMA has a profound impact on the City's overall quality of life as well as waterfront land use, and nearly all water uses. In recent years, there have been a number of accomplishments in understanding and improving water quality conditions in the Hudson River and the HMA.

Nevertheless, pollution and the risk of pollution still exist. Bacteria and other pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Simply stated, water pollution in the HMA would diminish the quality of life and should be of concern to all citizens.

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Water Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hudson River</td>
<td>A</td>
</tr>
<tr>
<td>Quassaick Creek</td>
<td>C</td>
</tr>
<tr>
<td>Muchattoes Lake</td>
<td>C</td>
</tr>
</tbody>
</table>

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

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

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Newburgh, like other older urban communities, is largely serviced by a combined sewer system where stormwater runoff and sewage are carried through a single system. During heavy storms, the system may reach capacity and must discharge a mix of stormwater and untreated sewage through overflow outlets before it reaches the City's wastewater treatment plant. These outfalls are known as combined sewer overflows or CSOs. If the overflows were not discharged, Newburgh’s wastewater treatment plant would be flooded and unable to treat wastewater.

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

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

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

In 2016, DEC and the City reached an agreement to improve the overall water quality in the Hudson River by approval of the City’s CSO Long-Term Control Plan. Under this agreement, Newburgh will invest approximately $39 million over the next 15 years to improve local water quality and better protect public health from discharges of stormwater and untreated sewage during heavy rain events. As a result of the required water quality improvements from the Long-Term Control Plan (LTCP), releases of untreated sewage and stormwater mix will be significantly reduced and discharge of floatable debris will be minimized. The approved CSO LTCP implements the work in a phased manner that focuses on improving the performance of the combined sewer system, conveyance capacity of the sewer and treatment capacity of the plant. A majority of the improvement projects will be completed within 10 years. Once the LTCP is fully implemented, Newburgh will be able to capture more than 85 percent of the CSO volume and treat it for bacteria and sewage-related floatable waste.

**g. Significant Fish and Wildlife Areas**

The tidal waters and underwater lands in the HMA provide fish and wildlife habitat of special ecological, recreational and commercial value; however, there are no state-designated Significant Coastal Fish and Wildlife Habitats in the City. The well-known striped bass that spawns near Newburgh in the spring and then returns to sea is just one of the more than 200 species of finfish identified in the Hudson River.
estuary. Many of these species reside in or migrate through the HMA, including anadromous fish (species that migrate from the ocean to freshwater for spawning, such as the striped bass, alewife, America shad, America smelt, blueback herring, Atlantic sturgeon, and shortnose sturgeon); catadromous fish (species that migrate from freshwater to the ocean to spawn, such as the America eel); and resident freshwater fish. These fish are part of the estuary's natural food chain that includes the eagles, ducks, herons and other birds that feed on them.

Quassaick Creek also provides valuable fish and wildlife habitat, including habitat for birds, mammals, reptiles and amphibians. According to the New York State Department of Environmental Conservation’s Hudson River Estuary Program, “the Quassaick Creek corridor provides an important habitat for fish and wildlife worthy of conservation.”6 East of Rev. Dr. Martin Luther King, Jr. Boulevard, the trees along the shoreline of the creek are heavily used by blackbirds and other wildlife and provide important shading for the fish habitats of the tidal creek. West of Rev. Dr. Martin Luther King, Jr. Boulevard and extending as far as Mill Street, a forested glen occupies the Quassaick Creek corridor from the creek shoreline to the top of the bluff (Bay View Terrace) – this area is known to provide roosting habitat for bald eagles and also supports black-crowned night herons, wild turkey and cooper’s hawk as well as numerous mammals, reptiles and amphibians. The creek itself is thought to have historically provided passage for migratory fish as far west as the falls that were dammed to form Muchattoes Lake. Today, the creek is an increasingly important spawning habitat for blueback herring and other species up to the extent of the tide. Thirty-five species of fish have been documented in the creek, which provides spawning habitat for blueback herring and other species within its tidal reach.

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

Initial studies by the staff of the USFWS and the Hudson River Foundation suggest that historic spawning range for river herring might be restored on Quassaick Creek through removal or breaching of one or more man-made barriers to fish passage which exist below Muchattoes Lake. A coalition of citizen organizations and the City of Newburgh are examining the possibility of creating an Estuary Preserve in the area west of Rev. Dr. Martin Luther King, Jr. Boulevard from the creek to the top of the bluff on Bay View Terrace, going west as far as Mill Street. The preserve would serve to protect the habitats described above and provide a nature trail for compatible recreation.

4. INFRASTRUCTURE

a. Water and Sewer Service

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

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

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

b. Transportation

The City of Newburgh is well situated and served by a regional transportation network. I-84 is located just north of the City and may be accessed via interchanges with the town road extensions of Robinson Avenue and Dubois Street. The New York State Thruway is located west of the City and is accessed traveling west along Broadway, which turns into Route 17K in the adjoining Town of Newburgh. NYS Route 9W is a major north-south arterial within the City, linking it with the Towns of New Windsor and Cornwall to the south, and the Town of Newburgh to the north. In addition, Newburgh is accessible to the region, country and abroad via Stewart International Airport which is located in the Towns of New Windsor and Newburgh, approximately five miles west of the City. Planned as a fourth New York City airport, Stewart currently handles over 280,000 passengers annually, with a future capacity to accommodate 1.5 million travelers a year. The Port Authority of New York and New Jersey has purchased the operating lease at the airport, making it responsible for the future expansion of services and passenger use. The Port Authority has since invested more than $160 million in the airport, including a $100 million overhaul of the main runway – one of the longest in the country at 11,817 feet.

In terms of roadway improvements, the New York State Department of Transportation (NYSDOT) completed three projects which affected Newburgh’s regional and local significance: 1) the Newburgh-Beacon Bridge Expansion; 2) the Route 9W/I-84 interchange improvements; and 3) the Rev. Dr. Martin Luther King, Jr. Boulevard Reconstruction. According to NYSDOT, the purpose of these projects was to provide relief for existing traffic congestion, increase road and highway capacity for future traffic growth and reduce accident potential. The reconstruction of Rev. Dr. Martin Luther King, Jr. Boulevard also eliminated on-street parking.
Rail transportation in Newburgh is limited to freight service only on the West Shore Line (CSX). At one time, passenger service was available, and trains stopped at the Newburgh Train Station located on the east side of Rev. Dr. Martin Luther King, Jr. Boulevard between First and Washington Streets. This architecturally attractive building is now occupied by a thriving Pizza Shop and community theater venue and has been renovated from its formerly vacant and deteriorated condition. The West Shore Line is currently operated by CSX, which is actively promoting rail to truck container shipping. Passenger rail service is presently available via rail stations located in Beacon (Metro-North) and at Salisbury Mills/Cornwall (New Jersey Transit). As noted in the introduction to this section, ferry service now operates between Newburgh and Beacon connecting Newburgh to Metro-North trains in Beacon. The City is interested in pursuing possible future transit connections linking Stewart International Airport to the Newburgh ferry via the Broadway Corridor.

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

Other than ferry service, water transportation is limited to small watercraft and an occasional barge. Small watercraft can dock either at the Newburgh Yacht Club or launched from the Newburgh Boat Launch. Boats may dock temporarily or seasonally at Blu-Pointe Marina, Riverfront Marina, or at the Yacht Club. Newburgh Landing Dock is awaiting expansion and reconfiguration following ice damage; once completed, the Landing will accommodate use by tour operators that provide boat cruises on the Hudson River and other possible larger vessel uses.

5. PLANNING ISSUES

There are a number of planning issues that influence planning and development activities within the LWRP area. These issues consist of both constraints on and opportunities for physical development, as well as issues that are more programmatic and policy-oriented in nature. The following description of planning issues is categorized by issues affecting each of the general land use areas (A, B and C) and for the LWRP area as a whole. Figure II-23 presents a broad overview of the planning issues, including the following items:

a. Sub-Area A - Southern/Quassaick Creek Area

- Limited public access is currently available along Quassaick Creek, especially over the CSX right-of-way; additional public access points are needed.

- Habitat restoration will be necessary to promote reuse of the creek.

- Habitat conservation will be important in order to promote fishing, wildlife viewing and natural resource conservation along the corridor of Quassaick Creek and Muchatooes Lake and adjoining forested steep slopes.
b. **Sub-Area B - Inland Area**

- There are vacant, deteriorated and underutilized parcels scattered throughout the inland area, including a number of structures in the vicinity of Washington's Headquarters. Improvements in this area are needed to enhance the historic character and context for this important historical site.

- Continued façade and streetscape improvements are needed along the Lower Broadway corridor. Infill development should be designed to encourage pedestrian activity along the street.

- The Lower Broadway corridor lacks a strong physical connection to the waterfront.

- Substandard housing in the Inland Area requires rehabilitation.

- Many historic structures in the East End Historic District need renovation.

c. **Sub-Area C - Waterfront Area**

- There are a number of deteriorated and underutilized parcels along the Hudson River. These sites include underutilized land at the Gull Harbour-American Dock site, land south of Billy Joe’s Ribworks Restaurant, and surface parking lots along the waterfront; the former scrap metal salvage yard (former Consolidated Iron Site) that has undergone Brownfield Remediation; the Regal Bag Building undergoing new uses as artist studios and spaces; the City Incinerator site; and, the underutilized Steel Style Shipyard. These sites should be studied for reuse.

- A number of former industrial and utility sites (i.e. Brownfield sites), including the City Incinerator site and the Steel Style site, may require environmental remediation prior to reuse for their intended land uses and public access.

- Additional water-dependent and water-enhanced development should be encouraged.

- Existing public access to the shore needs to be improved and expanded. New public access should be integrated into redevelopment projects.

- Physical improvements to Newburgh Landing Dock are needed to provide public access.

- The Ward Brothers Memorial Rowing Park should be further developed to improve public access.
Figure II-23: Planning Issues

- **City Boundary**
- **LWRP**
- **Railroad**
- **Upgrades to bulkheads, etc.**
- **Improved Connections**
- **Riverfront Walkway**
- **Vacant Sites to be Developed**
- **Brownfields**

- **Develop Vacant Sites**
- **Improve Connections from Upland Areas**
- **Upgrade Bulkheads, River Edge, etc.**
- **Expanded Riverfront Esplanade**
- **Improve Connections to Broadway & Stewart International Airport**
- **Encourage Water Related & Water Enhanced Development**
- **Improve Public Access to Quassaick Creek Area**

Newburgh, NY
Local Waterfront Revitalization Program

Source: BFJ Planning
There are a limited number of boat pump-out stations along the Hudson River. The feasibility of placing a facility at the Newburgh Wastewater Treatment Plant or other Newburgh location should be explored.

A shortage of parking has been experienced as use of the waterfront has increased. Parking demand should be monitored and innovative solutions explored (i.e. bus/shuttle/trolley to municipal parking in Downtown) to ensure an adequate supply of parking facilities.

Improvements to existing bulkheads, parking areas, pedestrian amenities and other shoreline elements in the area should be provided.

The West Shore Line (CSX) right-of-way, trestle and rail bed need upgrading and maintenance. A project has begun to enhance the rail bed and provide increased access via improvements to one of the walkways under the trestle at 4th Street.

d. Entire LWRP Area

There is a need to improve and strengthen public access throughout the entire LWRP area.

Improve quality of landscape treatments, streetscape, pedestrian-scape, and architectural design in order to establish a high quality LWRP area.

Expansion and enhancement of pedestrian links between the waterfront and upland areas.

Consistency between the use and development of private parcels and public elements within the waterfront and upland area.

Continued improvements to the transportation elements within the LWRP area; transit links among the waterfront, upland areas, downtown, the Broadway Corridor and Stewart International Airport should be pursued.

Continued creation and preservation of affordable housing in the LWRP.

Redevelopment planning should be undertaken to address Brownfields (i.e. Incinerator Site) in the LWRP area. Coordination is needed between the LWRP and the City’s redevelopment activities for these sites undertaken via the Brownfields Opportunity Areas Program grant.

New waterfront development will require costly infrastructure upgrades. The City should continue to pursue a variety of funding sources and public/private partnerships to encourage development and revitalization.
• Water supply, sanitary and stormwater sewer facilities, telecommunication and other infrastructure improvements should be upgraded as redevelopment occurs along the waterfront.

• Promote development of job training programs, inclusionary zoning or other affordable housing programs and asset development programs.

• Improvement of public utilities and infrastructure is needed in the LWRP area to accommodate growth and sustain development within the area.

• Sustainable building practices and green building design should be encouraged for all projects within the LWRP area.

• The preservation and, where possible, enhancement of Newburgh's natural coastal resources should be principal considerations in any decisions affecting use of the HMA and waterfront.

• Due to the extent of water activity in the HMA, including recreational power boating activities mixed with rowing and other non-motorized uses, excursion vessels, ferries and other commercial vessels, all vessel operators must be aware of the laws and regulations for safe vessel operation and conduct their operations accordingly. Ongoing attention to initiatives to raise boaters’ awareness and skills is needed.

• Recreational boating activities require waterfront facilities and services, including facilities and services for boat berthing, launching, repair, maintenance and storage. The effect of waterfront development proposals and City land-use decisions on the operation and viability of existing boating facilities and services and on opportunities for development of new facilities is a major harbor management consideration.

• Existing facilities in the HMA for the use of visiting boaters are limited. There is no public docking facility specifically intended to accommodate visiting recreational boaters who are not patrons of the commercial marinas or waterfront restaurants.

• The provision of a vessel waste pump-out facility available for public use would serve to advance the City's goals for maintaining and enhancing water quality in the HMA.
SECTION III: LOCAL WATERFRONT REVITALIZATION PROGRAM 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, including harbor management policies (see Policy 2) and an explanation of how both state and local policies relate to Newburgh’s LWRP area.

1. **DEVELOPMENT POLICIES**

**POLICY 1**

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

**POLICY 1A**


**POLICY 1B**

REDEVELOP AND REVITALIZE THE LAND AREA WEST OF REV. DR. MARTIN LUTHER KING JR. BOULEVARD (SUB-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.

**POLICY 1C**

REDEVELOP AND REVITALIZE THE LAND AREA BETWEEN REV. DR. MARTIN LUTHER KING JR. BOULEVARD AND THE HUDSON RIVER (SUB-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.

**POLICY 1D**


**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 to determine if the action would contribute to or adversely affect the City’s waterfront revitalization efforts.

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, 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, as well as along Rev. Dr. Martin Luther King Jr. Boulevard between South Street and Nicoll Street. Throughout the inland LWRP area (Sub-Area B), 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 inland area must be compatible with the historic character of the East End Historic District, within which it is located. Such compatibility will be accomplished through the applicable historic district guidelines. In addition, several parcels along the waterfront are vacant, underutilized, deteriorating or abandoned. Steel Style, the City Incinerator site, and the former Consolidated Iron site (a remediated brownfield site) and the Regal Bag property all represent underutilized parcels of land in the area. 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, and to further ensure that these areas are retained for open space and habitat preservation, the City will consider rezoning the areas to open space. Fishing and wildlife viewing are water-dependent uses that

Section III: Policies
Draft: January 18, 2016
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.

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 equality 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), even if such publicly-owned areas abut private property.

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 will be given priority over uses that are not water-dependent.

3. All actions shall enhance existing and anticipated uses.

4. Uses along the river shall include waterfront public access and/or recreational uses.

5. 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. It shall be the City’s responsibility to enforce such measures through its existing local laws.

6. 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 historic structures along the water.

7. All actions must assess and evaluate the impact on adjacent and upland views of the water. At a minimum, such actions must propose mitigation of effected views. Views from certain vantage points and historic structures, as specifically defined in the Zoning Code, must be preserved and evaluated as per the Zoning Code.

8. All actions shall comply with applicable City, State and Federal regulations.

(See Policies 2, 5, 9A, 11, 11A, 19, 21, 23, 25)

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:

Section III: Policies
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- Energy efficiency and renewable energy
- Water stewardship and groundwater recharge
- Environmentally preferable building materials and specifications
- Waste reduction
- Toxics
- Indoor environment
- Smart Growth and sustainable development
- Promotion of alternative modes of transportation through building and site design

**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, engineered wetlands), or municipal wastewater treatment facilities;
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, and 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 will, 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 Ward Brothers Memorial Rowing Park, City’s wastewater treatment plant, the Hudson River Waterfront Trail, the Newburgh Boat Launch, the Newburgh-Beacon Ferry dock facilities, the Riverfront Marina, Newburgh Landing dock and Unico Waterfront Park, First Street Fishing Pier, South Street Park and the Newburgh Yacht Club. In addition, boat slips are available and accessory to the Pier Loun residential development. In addition, a permanent location for the City’s Fire Boat, a water-dependent use, is needed. A new dock location for the Fire Boat should be considered as part of future redevelopment of Newburgh’s waterfront area.

In addition to water-dependent uses, land development and activities that are enhanced by a waterfront location will be encouraged to locate along the river. However, such development must not be at the expense of viable existing and potential future water-dependent uses and must 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-dependent 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 and water-enhanced uses with a public benefit component will be offered if possible.

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.

Existing or future private water-dependent uses, in particular marinas, must share the waterfront with other equally desirable public water-dependent uses, such as fishing, recreational boating and viewing of scenic resources. These private water-dependent uses will be designed to minimize the impact on the access, use and enjoyment of the waterfront by the public, especially the riverfront walkway. Placing piers,
slips or dockage adjacent to the bulkhead will be avoided, and maintenance of the maximum practicable amount of open water between the bulkhead and the first rank of piers will be the desired design. Gates for access and fencing for security purposes will be minimized, giving priority of purpose to the pedestrian and passive uses of the walkway and waterfront area.

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, will be considered 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 will be chosen as a water-dependent use area, and some types of water-dependent uses may be more appropriate in particular areas than others. The choice of a site must 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 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 will be given to such factors as the protection of nearby residential and/or recreational areas from odors, noise and traffic. Affirmative approaches will 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 will 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. 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.

This LWRP also includes a set of harbor management policies, which, together with the Section II and the projects contained in Section IV, constitute the Harbor Management Plan (HMP). These harbor management policies address the harbor management issues identified in Section II of this LWRP and serve to advance the City's harbor management goals and objectives. The policies are established specifically to guide decisions and recommendations affecting the Newburgh Harbor Management Area (HMA) by City agencies.

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) waterfront development; and 8) public access. The policies are not tied to specific locations in the HMA but are intended to apply in general throughout the HMA.

1. **Administration and Coordination Policies**

   **a. Harbor Management:**

   (1) The City of Newburgh’s harbor management policies will 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 HMA.

   (3) It is 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 projects set forth in Section IV.
b. Newburgh Harbor Management Area:

(1) The HMA, as defined in Chapter 159 of the City of Newburgh Code of Ordinances (Code), will be considered as a sub-area of the LWRP area and will 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 HMA will 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 Conservation Advisory Council:

(1) The jurisdiction of the Conservation Advisory Council for the purpose of the HMP will be as established in Chapter 159 of the Code and will include all of the navigable waters, intertidal areas, and underwater lands of the HMA. For the purpose of implementing the HMP, the CAC will 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, 159, 300 and other applicable sections of the Code will be reviewed and amended as necessary to help ensure continued boating and navigation safety in the HMA and effective implementation and enforcement of the applicable provisions of the HMP.

(2) Through implementation of the HMP, the City will maintain an active, ongoing and principal role in the management of activities affecting the HMA in coordination with State and federal agencies, including the New York Department of State Division of Coastal Resources (DOS DCR), New York State 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 will 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 will 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 will be responsible for oversight of activities on, in and contiguous to the HMA including scheduling for the use of City lands and facilities; assistance to the CAC and other agencies of the City as needed for implementing the HMP; and generally advancing the safe and efficient operation of the HMA.

f. Harbor Management Consistency Review:

(1) All proposed projects affecting the HMA will be reviewed for consistency with the HMP and all other policies of the LWRP. This review will be known as the harbor management consistency review and will be conducted in accordance with the schedules and procedures established in Chapters 159 and 300 of the Code.

(2) In accordance with Chapters 159 and 300 of the Code, the CAC may review, for consistency with the HMP, proposed projects affecting real property on, in or contiguous to the HMA as submitted to, or proposed by other agencies of the City including the following agencies:

- Planning Board
- Zoning Board of Appeals
- Any other agency with land use authority

(3) The CAC 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 HMA; 2) all proposed uses, work and activities occurring in the HMA; and 3) all proposed revisions or amendments to city plans, regulations, or ordinances affecting real property on, in or contiguous to the HMA.

(4) The referring agencies including those listed above will notify the CAC of any proposals subject to the harbor management consistency review process in accordance with the schedules and procedures established in Chapters 159 and 300 of the Code.

(5) In accordance with the schedules and procedures established in Chapters 159 and 300 of the Code, the CAC will 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 CAC, it will be
assumed that the CAC has deemed the proposal consistent with the harbor management policies.

(6) Proposals affecting the real property on, in or contiguous to the HMA and requiring State and/or federal approvals will be reviewed for consistency with the harbor management policies including applications submitted to the DEC and/or USACE for authorizations to conduct work in navigable water. The CAC will 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 will be binding on any State or federal official when making regulatory decisions or undertaking or sponsoring development affecting the HMA.

(7) It will be the responsibility of project applicants to provide the information necessary for the CAC to adequately assess the potential impacts of proposed projects on the HMA and the consistency of such proposals with the HMP. The information required shall 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 CAC will 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 CAC 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 CAC may provide recommendations to appropriate City, State or federal regulatory agencies concerning the elimination of any unauthorized encroachments in the HMA.

9. Facilitating the Regulatory Process:

(1) City, State and federal authorities will 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 HMA. Such work will be considered to include 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 shall be obtained and allocated to properly manage and maintain the HMA and public facilities on, in or contiguous to the HMA in the public interest. The City
will 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 159 of the Code, the CAC may propose a fee schedule, for adoption by the City Council, for water-dependent activities within the scope of the HMP. Such fees will be commensurate with services provided by the City, and all fees collected will be used for the maintenance and improvement of the HMA for the public and for expenses for materials, personnel and equipment directly related to the function of City agencies, including the CAC, with responsibilities for managing the use and conservation of the HMA.

(3) An annual operating budget for harbor management will be established by the city to provide funds for HMP implementation, including activities of the CAC.

(4) Any fines for violations of City and State laws, regulations and ordinances concerning use of the HMA, including any rules and regulations adopted by City agencies, will 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 HMA.

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

(1) The presentation and discussion of all relevant public concerns regarding the HMA and the HMP will be encouraged and considered by the CAC, including concerns expressed by City residents, waterfront property and business owners, public officials, boaters and other users of the HMA, interested organizations and the general public.

(2) Special programs and events to stimulate public interest and community involvement in matters pertaining to the HMA and the HMP will 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 will be updated and amended as necessary to respond to changing circumstances and conditions affecting the use and conservation of the HMA.
To assure continued adherence to the HMP as well as to identify needed amendments or clarifications, the CAC will conduct an annual review of the HMP and the status of HMP implementation.

Pursuant to Article 42 of the New York Executive Law and Chapter 159 of the Code, the same process required for State approval and City adoption of the HMP shall be required to amend the HMP.

**k. Coordination among City Agencies:**

1. All City agencies and officials with authorities and responsibilities affecting the HMA, including the CAC; City Council; Planning Board; Zoning Board of Appeals; Department of Public Works; Recreation Department, and Conservation; and Building Inspector will 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 HMA, including the LWRP and City’s Master Plan, will be carried out in the most coordinated manner possible, emphasizing consistent objectives related to future beneficial use of the HMA and protection of environmental quality associated with the HMA.

**l. Coordination with State and Federal Authorities:**

1. State and federal agencies with authorities and responsibilities affecting the HMA, including the DOS DCR, DEC and USACE, will carry out their responsibilities affecting the HMA in the most coordinated manner, consistent with the HMP.

2. State and federal governmental agencies with authorities and responsibilities affecting the HMA will work cooperatively with the CAC 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 shall, 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 shall be binding on any State or federal official when making regulatory decisions or undertaking or sponsoring development affecting the HMA.
m. **Coordination with Other Municipalities:**

(1) To the extent necessary and practical to address issues of common interest, the City will coordinate harbor management initiatives with other municipalities with jurisdictions adjoining or otherwise affecting the HMA, including 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 will coordinate harbor management initiatives with governmental agencies and nongovernmental organizations with regional authorities and responsibilities affecting the HMA, including Orange County and agencies and organizations with regional planning authority and responsibilities.

(2) Private groups and nongovernmental organizations with an interest in the HMA including groups and organizations with an interest in the Hudson River, will 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 HMA and waterfront, attract visitors to the City, and provide significant social and economic benefits will be encouraged and supported.

(2) In-water and waterfront events will 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 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.

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, will be undertaken to maintain and improve public safety on, in or contiguous to the HMA.

(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 HMA may be adopted for inclusion in the Code as necessary to maintain and improve boating safety in the HMA.

(3) Capital and operating budget requirements for effective City enforcement of applicable laws and regulations by the Newburgh Police Department will be supported.

(4) The Newburgh Police Department and other appropriate agencies will coordinate their actions and authorities to increase public awareness of City, state and federal laws, regulations and ordinances affecting use of the HMA and achieve effective enforcement of those laws, regulations and ordinances.

b. **Managing Vessel Speed and Wake:**

(1) The operation of all vessels in the HMA shall be in accordance with all applicable City, State and federal boating laws, regulations and ordinances including Chapter 159 of the Code concerning reckless operation of a vessel and restricted speed zones. Effective enforcement of applicable laws, regulations and ordinances will be encouraged and supported, along with the imposition of appropriate penalties on violators.

(2) Any person operating a vessel in the HMA at such a speed as to cause a wake will 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 HMA 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 will operate any power-propelled vessel in violation of the speed and wake requirements of any duly established restricted speed zone in the HMA.

(4) The WAC and Newburgh Police Department will coordinate their actions and authorities to increase public awareness of city and state vessel speed regulations in the HMA.

(5) 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 HMA by responsible City, State and federal authorities will be maintained and, to the extent feasible, enhanced.

(2) Provision of a central waterfront facility to support effective management of the HMA, including effective response to emergency situations on, in or contiguous to the HMA, by all appropriate agencies will be encouraged and supported.

(3) Emergency response activities will 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 HMA and waterfront by the Newburgh Police Department and Newburgh Fire Department will be supported.

(5) The City’s emergency operations plan will address the broad range of emergency situations and responses possible in the HMA. Effective implementation of the emergency operations plan will be encouraged and supported.

(6) All boating clubs and public and private marina facilities will 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 HMA will be encouraged and supported.

(8) Any boating facility dispensing fuel in the HMA will 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 HMA will 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 will be properly maintained and periodically inspected to ensure continued readiness for responding to such emergencies in the HMA.

(11) All fueling of vessels berthed or stored on, in or contiguous to the HMA will 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 will 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 HMA for Safe Boating and Other Water Uses:

(1) The carrying capacity of the navigable waters of the HMA to accommodate safe boating and other water uses is not unlimited, and such capacity is subject to change over time. The design and review of development proposals affecting the HMA, including proposals with water access facilities, will take into consideration the capacity of the navigable waters of the HMA 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 HMA.

(2) New or expanded uses and facilities determined to exceed the capacity of the HMA to support such uses and facilities in a safe and environmentally sound manner will be avoided.
(3) It will be the responsibility of project applicants to provide the information necessary for the CAC and other appropriate agencies of the City to assess the capability of the HMA to accommodate new and expanded uses and facilities in a safe and environmentally sound manner. The information required will be reasonable in scope and will 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 HMA will be effectively planned, managed and regulated as necessary to avoid vessel congestion in the HMA and conflicts among vessels operating in the HMA, 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 HMA will be an important consideration in the design of waterfront development proposals and in the review of those proposals by the CAC, the planning and zoning boards and other City agencies.

(3) Water and waterfront events affecting the HMA will be scheduled and coordinated in a manner to avoid or minimize vessel congestion and potential conflicts among events and participants. The CAC and other appropriate agencies of the City will 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 HMA.

(4) All activities and events involving special purpose craft such as rowing shells, kayaks and other vessels will be planned and undertaken in a manner to reduce or avoid potential conflicts and negative impacts affecting general navigation and other activities in the HMA.

**f. Mitigating Flood and Erosion Hazards:**

(1) All construction in designated flood zones contiguous to the HMA will conform to City floodplain regulations and construction standards.

(2) Proposals for structural measures to protect existing development from flooding and erosion will 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 will be encouraged and supported.

(4) The application of effective and appropriate measures to reduce the risks to life and property associated with coastal flooding will 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 HMA, including any bulkhead, seawall or marine facility, will 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 HMA will 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 HMA will 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 will be marked, as necessary, and removed from the HMA in the timeliest manner in accordance with applicable City, State and federal laws, regulations and ordinances.

(3) City, State and federal agencies and officials, including the Newburgh police and fire departments, USACE and U.S. Coast Guard, will 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 HMA 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 HMA will 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 will 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 will 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 will be coordinated with any necessary nonfederal maintenance dredging in the HMA 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 non-federal dredging that may be required in the HMA will 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 will 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 will not result in significant adverse impacts on coastal resources and environmental quality.

(4) Disposal of dredged material from the HMA, including any necessary de-watering of dredged material, will 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 HMA will be encouraged and supported. Those efforts shall 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 HMA; and reduction or elimination of all other human activities that introduce sediment into the HMA. Efforts to avoid or reduce runoff of sand and other materials into the HMA from roads and other surfaces draining to the HMA will be encouraged and supported.

d. Placement and Maintenance of Aids to Navigation:

(1) Aids to navigation in and near the HMA, including principally federal aids maintained by the U.S. Coast Guard as well as private (non-federal) aids, and including buoys, beacons and signs, will be adequate for marking areas and conditions affecting navigation safety.

(2) Private aids to navigation may be placed in the HMA 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, will conduct a periodic review of the number, type, location, condition and adequacy of any aids to navigation in and near the HMA, 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 HMA and to delineate the extension of City-owned rights-of-way into the HMA.

(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 will 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 HMA, consideration will be given to existing HMA conditions including: 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 HMA will 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 will 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 HMA will be determined on a case-by-case basis by the CAC based on a review of existing HMA conditions including: 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, will coordinate and apply available resources to address potentially dangerous and damaging conditions caused by ice conditions in the HMA.

(2) Ongoing communication will 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 HMA as well as opportunities for avoiding or reducing potential ice-induced damage to shoreline structures.
h. Avoiding and Eliminating Unauthorized Encroachments in the HMA:

(1) No structures or any other work (including docks, piers, floats, pilings, bulkheads and dredging or filling of aquatic areas) will be placed or take place in the HMA without necessary City, State or federal authorization. Any unauthorized structures or other work in the HMA will be considered unauthorized encroachments to be eliminated or otherwise corrected in accordance with City, State and federal laws, regulations and ordinances.

(2) The CAC and other appropriate agencies of the City will encourage and support the identification and elimination of any existing or future unauthorized encroachments in the HMA.

(3) Any unauthorized encroachments as defined above and determined to have occurred after the effective date of the HMP will be removed or otherwise corrected by the offending party. City, State and federal regulatory agencies will 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 above and determined to pre-date the effective date of the HMP will be evaluated individually by the CAC 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 HMA subject to regulatory programs administered by those agencies will be used to fund beneficial projects for environmental enhancement and other improvements in the HMA, 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 will 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 HMA, including floating and submerged platforms, pipelines
and other structures, will be carefully reviewed to identify any potential adverse impacts of such proposals on navigation, coastal resources, and other conditions in the HMA. Any adverse impacts that may be identified will be avoided or otherwise mitigated.

**k. Underwater Lands:**

1. All public and private actions in the HMA will 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 HMA will 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 will 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 HMA will 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 HMA will 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 HMA will not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes of the HMA. The anchoring or all vessels will be subject to any order of a duly authorized agent of the City needed to maintain the safe and efficient operation of the HMA.

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 will
be prohibited in the HMA 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.

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 HMA and waterfront will be carried out in coordination with efforts to protect and enhance the environmental quality, natural and cultural resources and ecological functions associated with the HMA.

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 HMA and other uses of the HMA will be balanced with the need to protect natural coastal resources and the ecological functions associated with the HMA and will 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 HMA will take into consideration cumulative impacts on the HMA'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 HMA will also be guided by recognition that there are limits to the amount of growth and development that the HMA's natural environment can accommodate without important public values being lost as a result of environmental degradation. It will 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 HMA to support such uses and facilities in a safe and environmentally sound manner will be avoided.

(4) Determinations of the capacity of the HMA's natural environment for accommodating new use and development will be carried out through the case-by-case review of individual proposals by the CAC and other appropriate agencies of the City, acting in coordination with State and federal regulatory agencies. This review will address: 1) the
capacity of coastal resources to support waterfront development and other uses of the HMA; 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 will 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 will 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 HMA, including implementation and enforcement of applicable city, state, and federal laws, regulations and ordinances will be encouraged and supported.

(2) Efforts to improve water quality in the HMA through reduction or elimination of point and non-point sources of pollution (including stormwater runoff from roads, parking areas and other surfaces), will be encouraged and supported.

(3) Efforts to improve water quality in the HMA will 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 HMA from roads and waterfront properties; and reduction or elimination of all other human activities that unnecessarily introduce sediment, debris, or pollutants into the HMA.

(4) The use of suitable best management practices to manage, reduce where feasible, or otherwise control stormwater runoff into the HMA will be encouraged and supported, including establishment and maintenance of buffer zones of natural vegetation to filter polluted runoff draining into the HMA.

(5) All new development generating significant stormwater discharges directly or indirectly into the HMA will 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 HMA. All such systems and technology will be properly maintained and operated in accordance with regularly
(6) The City will 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 will be supported.

(7) An effective, ongoing program of water quality monitoring in the HMA by qualified governmental agencies and/or nongovernmental organizations will be encouraged and supported. That program will 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 will not be discharged into the HMA. Existing State and federal regulations controlling the disposal of waste from vessels will 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 HMA will be maintained in the HMA. Any new or expanded marina facility providing additional boat slips will 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 HMA to accommodate their needs.

(10) In order to minimize use of vessel waste pump-out facilities in the HMA, all new marina facilities will be required to provide restroom facilities for marina patrons, including visiting boaters.

(11) Initiatives to improve water quality in the HMA 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 will 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 will include appropriate measures including containment barriers and appropriate setbacks from the water's edge, to ensure that no significant pollution, including sedimentation, may enter the HMA through runoff from melting snow.

d. Use and Protection of Fisheries Resources:

scheduled maintenance procedures and all accumulated residue will be properly disposed of.
(1) Opportunities for vessel- and shore-based recreational fishing in the HMA will be maintained and, to the extent feasible, enhanced.

(2) Recreational and commercial fishing activities will be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the HMA 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 HMA for recreational and commercial use and public enjoyment, consistent with City, State and federal laws, regulations and ordinances will be encouraged and supported.

e. Protection of Waterfront Scenic Quality:

(1) When considering matters related to the scenic quality associated with the HMA and waterfront, including potential impacts on scenic quality, consideration will be given to public views of the HMA, Hudson River and Hudson Highlands from upland locations in the City and to views of the HMA and City from the river.

(2) Design and review of development proposals on waterfront properties or otherwise affecting the HMA will 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 will be applied to discourage illegal dumping of trash and other debris in and near the HMA. Violators will be vigorously pursued and prosecuted to the extent of the law.

(4) To the extent feasible, commercial and industrial sites adjoining and nearby the HMA will 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 will 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 HMA, Hudson River and Hudson Highlands or otherwise adversely affect scenic quality will be avoided.
(6) City-owned waterfront properties will be maintained in the timeliest 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 will be encouraged and supported.

(7) No bulkhead or other shore protection structure on, in or contiguous to the HMA will 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 will 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 HMA, including buildings and sites of historic and/or archaeological significance, will be protected from any significant adverse impacts that may be caused by in-water or waterfront development.

(2) Cultural resources in and near the HMA will 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 will be encouraged and supported.

(4) Beneficial projects and programs that are consistent with the goals of the Hudson River Valley National Heritage Area’s Management Plan will be encouraged and supported.

5. Recreational Boating Policies

a. Provision of Boating Facilities:

(1) The City will 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 will 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 will be encouraged and supported.
City planning and zoning requirements will be applied as necessary to protect and promote water-dependent uses such as private boating clubs and commercial marina and boatyard facilities.

The provision of additional commercial and private boat slips to meet current and future demands for recreational boating facilities will be encouraged where the construction of such slips will be consistent with all other applicable provisions of the LWRP.

The design and review of future boating facility development proposals, including proposals to develop public and private boat slips, will take into consideration the potential cumulative impacts of this development on the coastal resources of the HMA as well as the capacity of the HMA to accommodate additional boating facilities without significant adverse impacts on navigation, public safety and environmental quality.

**b. Provision of Public Boating Facilities:**

Enhancement and expansion of existing public boating facilities and the establishment of new facilities will 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 HMA by resident, nonresident and transient boaters. Facilities provided will be consistent with demonstrated need and with the capacity of the HMA and upland areas to accommodate those facilities.

The establishment and maintenance of small craft launching and landing areas available for public use at suitable waterfront locations will be encouraged and supported to serve small vessels such as kayaks and canoes that can be transported without trailers.

Capabilities needed to maintain city-owned boating facilities in a clean, attractive, safe, and enjoyable condition, including budget, staff and equipment capabilities, will be maintained and, to the extent feasible, enhanced.

When considering matters related to the provision of public boating facilities, consideration will be given to the needs of both City residents and visitors to the City.

**c. Facilities for Visiting Boaters:**

Consistent with other applicable provisions of the LWRP, public facilities including dock space, a public landing and facilities for public access will 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 HMA will 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 HMA will be consistent with all applicable City, State and federal laws, regulations and ordinances. Such use will 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 HMA will be prohibited.

**e. Personal Watercraft Use:**

1. The operation of all personal watercraft in the HMA 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 HMA, in balance with other recreational and commercial uses of the HMA, and when conducted in a safe and environmentally sound manner.

2. Launching and landing areas to support access to the HMA by small vessels such as canoes, kayaks and rowing sculls, including access by vessels that can be transported without trailers, will 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 HMA, will be 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 LWRP, the continued and beneficial operation of water-dependent commercial and industrial facilities in the HMA will be encouraged and supported in appropriate locations.

b. Avoiding Conflicts with Recreational Activities:

(1) Water-dependent commercial and industrial operations in the HMA will be effectively managed as necessary to avoid vessel congestion in the HMA and any undue conflicts between commercial and recreational vessels.

(2) Reducing or eliminating potential conflicts between recreational and commercial vessels and facilities will 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 will be maintained and periodically updated by the facilities dispensing or receiving materials that could potentially spill into the HMA.

(2) Equipment necessary for the control of fuel and other spill emergencies will be properly maintained and periodically inspected to ensure continued readiness for responding to those emergencies.

(3) The Newburgh Fire Department will be provided with the timeliest notification of any fuel and other materials spills affecting the HMA. Complete and comprehensive records of all fuel and materials spills in the HMA will 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 HMA, including terminals for ferry boats and excursion boats, will 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 HMA and Hudson River.

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

e. Floating Structures:

(1) The use of anchored and/or moored vessels and other floating structures such as docks for non-water-dependent commercial or industrial purposes on publicly owned underwater lands of the State of New York will be prohibited in the HMA 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.

7. Waterfront Development Policies

a. Planning and Review of Waterfront Development Proposals:

(1) Waterfront use and development will 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 HMA will be carefully planned and reviewed for consistency with the LWRP and to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the HMA.

(3) The potential impacts of waterfront development proposals on opportunities for future water-dependent uses and activities in the HMA will be an important consideration in the design of waterfront development proposals and when reviewing those proposals for consistency with the LWRP.

(4) Opportunities for stimulating economic growth through beneficial water-dependent and water-enhanced development on, in or contiguous to the HMA will 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 will be undertaken in the most coordinated manner possible,
emphasizing consistent project objectives related to future commercial, recreational and other beneficial uses of the HMA.

(6) The CAC will serve in an advisory capacity in the development of all City-supported development initiatives affecting the HMA waterfront. Pursuant to Chapter 159 of the Code, all City-supported development initiatives affecting the waterfront will be reviewed by the CAC for consistency with the LWRP.

(7) Redevelopment of any vacant or underutilized properties on or near the waterfront will 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 HMA and waterfront.

(8) When reviewing proposals for waterfront development, the City will apply its planning, zoning and other regulatory authorities to encourage the provision of public amenities where feasible, including facilities for public access to the HMA.

b. Protecting Water-Dependent Uses and Activities:

(1) The City will 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 HMA will be promoted wherever feasible, but the City will 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 HMA.

(3) Pursuant to Chapter 159 of the City Code, all proposals for development on waterfront properties or otherwise affecting the HMA submitted to the City's planning and zoning boards and other city agencies will be reviewed by the CAC for consistency with the LWRP.

a. Construction and Maintenance of In-Water Structures:

(1) All public and private floats, docks, piers and other in-water structures will 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 will 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 extend waterward in order to reach navigable water will be evaluated by the CAC in the course of the Harbor Management Consistency Review, taking into consideration the riparian rights of waterfront property owners, existing conditions in the HMA, 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 will 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, will 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 HMA will 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 HMA, including any leakage of material into the HMA from behind the structure, will 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 HMA will be granted only to those who possess the riparian right to place such structures and will be consistent with the terms, rights and conditions of any underwater land grant, lease or easement that may be affected.

b. 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 will be encouraged and supported.
(2) Repair of existing bulkheads and other shore protection structures on individual sites will be encouraged in coordination with waterfront redevelopment projects affecting those same sites.

(3) Filling of viable and productive aquatic areas in the HMA to create additional land area for development will be discouraged.

**f. Riparian Rights for Use of Navigable Water:**

(1) The riparian rights of the owners of land contiguous to the HMA, including the right of access to navigable water and the right to other improvements and useful purposes, will be recognized and protected. Such rights will 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.

(2) The exercise of riparian rights will be consistent with the terms, rights and conditions of any underwater land grant, lease or easement that may be affected.

(3) The City will 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 HMA and Along the Shoreline:**

(1) The City will encourage and support the provision of facilities and opportunities for public access to the HMA, consistent with the capacity of the HMA and waterfront to accommodate those facilities and opportunities. Public access will be considered as physical and/or visual access to the HMA 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 HMA will be provided in coordination with implementation of the LWRP, Master Plan and the City’s waterfront zoning regulations. The City will 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.

(3) The City will 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 HMA and enhance the overall beneficial value and usefulness of the city's system of public parks and open space.

(4) The City will 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 will be provided to link public boating and other water access facilities with commercial and other areas of the City.

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

(1) Opportunities for public access to the HMA through the City park system will be fully utilized and, to the extent feasible, enhanced. The City will 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 will be consistent with all other applicable provisions of the LWRP 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 will be maintained, consistent with facility costs and goals for encouraging use of the HMA by resident, nonresident and visiting boaters.

(3) Opportunities for improving physical and visual public access to the HMA through city-owned street ends and other public rights-of-way will be encouraged and supported, consistent with all other Plan provisions. Where feasible, the City will 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 HMA will 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 HMA:

(1) Plans and proposals to improve existing public access facilities and to provide new public access opportunities will 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 will 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 HMA.

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 HMA, provide opportunities for public enjoyment and stimulate public interest and community involvement in matters pertaining to the HMA will be encouraged and supported.

(2) A fair and equitable schedule of fees for the use of public waterfront areas for special events will be maintained, consistent with facility costs and goals for encouraging public use of the HMA.

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 will be encouraged and supported.

(See Policies 1, 1A, 4, 19, 21, 22)

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.
The state coastal policy regarding development of major ports is not applicable to the City of Newburgh.

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.

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

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.

(See 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.

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 leaseholders 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 firefighting) 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 policies 11, 14, 18, 19A, 21, 30, 33)

**POLICY 6**

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

**Explanation of Policy**

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the LWRP 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.

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**

The State Coastal Policy regarding significant coastal fish and wildlife habitats is not applicable to the City of Newburgh. No fish and wildlife habitats of significant Statewide importance have been identified in Newburgh. However, a 2004 report on biodiversity and natural resources within the Quassaick Creek estuary identified a number of areas within the estuary as actual or potential reservoirs of biodiversity, or resources for resident or itinerant wildlife. Quassaick Creek below the first dam upstream provides breeding habitat for anadromous fishes, while the tidal mouth of the creek may be an important refuge for young fish of species inhabiting the Hudson River. Upland areas in the estuary provide potential breeding habitat for some amphibians, and habitat areas for amphibians, reptiles and canopy-breeding birds. The Quassaick Creek also provides potential habitat areas for several state-rare species: woodland agrimony, wood turtle and narrow-leaf sedge, and could also support regionally rare species such as breeding cerulean warbler and tulip tree silk moth.

Although the Quassaick Creek estuary is not recognized as a Significant Coastal Fish and Wildlife Habitat, this area will be protected, preserved and restored to the greatest extent possible to maintain its value as habitats for the species described above.

**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 shall 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.

Section III: Policies
Draft: January 18, 2017
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 will be provided near Newburgh Landing and waterfront park, the Newburgh Yacht Club, Newburgh Boat Launch, Fishing Pier, South Street Park and any proposed new recreational developments. In addition, a pump-out station for small watercraft will be considered for each new marina or boat docking facility. The City will explore the feasibility of establishing a vessel waste pump-out station at the wastewater treatment plant site. (See Section IV: 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 Muchatooes 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 must 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.

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 Policies 2, 5, 8, 8A, 9, 12, 17, 19, 20, 25, 28, 30, 33, 34, 35, 36, 37, 39, 40, 44)

**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 [527-0901(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 shall 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.

Section III: Policies
Draft: January 18, 2017
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 will 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.

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 will 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 Policies 5, 7, 30, 33, 34, 35, 36, 37, 39, 40)

**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.

**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 facilitate orderly 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 fishing pier and a commercial dock facility at Newburgh Landing. These efforts will be accomplished through the site plan approval process (see Section V).

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 potomodromous 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 Policies 1, 2, 19, 19A, 20, 21, 22)

**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 DEC 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 will 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 shall 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 shall 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 shall 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 shall be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

(See Policies 1, 1A, 1B, 1C, 4, 4A)
3. 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.

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 Policies 12, 14, 17)

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.

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

While there are no erosion hazard areas within the LWRP area, the LWRP recognizes the uniqueness of the Washington Heights bluff, which will be protected through implementation of appropriate erosion control measures. This area will 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 Policies 11B, 14, 17)

**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.

A condition assessment of Newburgh’s shoreline structures conducted as part of the LWRP process indicated that the majority of the structures are in fair to good condition and do not require intervention to ensure adequate protection to the Hudson River shoreline. Some areas may be in need of further investigation or minor repair, but in general the shoreline structures are fulfilling their function of shoreline protection. In general, removal of vegetation or established debris must be undertaken with caution, as their removal could cause the structures to become unstable. See the Appendix for the full condition assessment.

Repair and replacement of bulkheads will follow these guidelines:

1. Wherever possible, repair or replacement shall be located at the same location or landward as that of the old bulkhead so as not to encroach further on the water course.

2. Any repair work will be designed in accordance with the existing design or better, based on the professional opinion of a licensed engineer, and as determined through the site plan approval and local consistency law processes.

3. Existing, non-conforming bulkheads shall not be expanded or enlarged. Every effort shall be made to bring these structures up to current code, in cooperation with the City’s Department of Codes Compliance and via the site plan approval and local consistency law processes.

In the repair or replacement of bulkheads, the use of softscape versus hardscape will depend primarily upon the environmental conditions and needs of the particular portion of the shoreline, and of the adjacent land use. Such repair or replacement on individual sites will be encouraged in conjunction with waterfront redevelopment projects affecting those same sites. Softscape measures such as “bio-engineered” vegetative slope stabilization can provide viable long-term, lower-impact alternatives to hardscape structures, but may initially require a higher level of maintenance attention. Hardscape structures include vertical timber or steel bulkheads, which have an anticipated functional life of 15 to 20 years, and riprap revetments, with anticipated functional life of 25 to 50 years.

(See Policies 12, 16)

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

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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, humans can increase the severity and adverse effects of those processes, causing damage to or loss of property and endangering human lives. Those actions include: the use of erosion protection structures such as groins, 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 from the Planning Board in consultation with the CAC. 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 Policies 1, 2, 11, 12, 13, 16)

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 will 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 USACE’S 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 Policies 35, 44)

**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.

**POLICY 17**

NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION WHEREVER POSSIBLE.

**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

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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:

- The set back of buildings and structures;
- The planting of vegetation and the installation of sand fencing and draining;
- The reshaping of bluffs; and
- 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 will be prepared to allow an assessment to be made.

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 Policies 1, 2, 11, 12, 14, 16)

4. 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 major 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.

(See Policies 1, 1A, 1B, 1C, 1D)

**POLICY 18A**

MAINTAIN AND IMPROVE EXISTING LOW- AND MODERATE-INCOME HOUSING AND PROVIDE ADDITIONAL SUCH HOUSING.

**Explanation of Policy**

This policy calls for safeguarding the economic, social and environmental interests of the Newburgh residents living within the coastal area. The City’s adopted 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. As the City looks to update its Master Plan, it intends to focus on Economic Sustainability, including protections to existing affordable housing and expansion of affordable housing to meet the needs of all residents.

5. **PUBLIC ACCESS POLICIES**

**POLICY 19**

PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES.

**Explanation of Policy**

This policy calls for 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 Policies 1 and 2). Water-related resources include both water-dependent and water-enhanced uses. In addition, because of the greater competition for waterfront locations within urban areas, this policy calls for encouraging mixed-use areas and multiple uses of facilities to improve access.
Newburgh Landing Park, the Newburgh Boat Launch area, the Hudson River Waterfront Trail, the fishing pier and Ward Brothers Memorial Rowing Park provide direct public access to the Hudson River. The City has developed plans and engineering estimates for the construction of South Street Park which will provide additional public waterfront access.

Newburgh Landing Park includes restrooms, signage and benches, and plans call for expansion and reconfiguration of the Newburgh Landing Dock.

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 public 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 will 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. Such prohibited reductions of existing levels would 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 by the City to be necessary or to be of greater benefit to the common good.

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) 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.

POLICY 19A IMPROVE PEDESTRIAN, VEHICULAR (MOTORIZED AND NON-MOTORIZED) 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 via multi-modal transportation systems 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 shall incorporate waterfront stops on its routes.

A public boat launch facility, Newburgh Boat Launch, 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. 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 shall 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 fishing pier at the eastern limit of First Street has been constructed.

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 and be designed so as to safely and efficiently accommodate both pedestrians and non-motorized vehicles (bicycles, scooters, etc.), as well as potential swimming facilities.

(See Policies 1B, 1C, 1D, 2, 9, 9A, 20, 21, 22)

**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.

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. Examples include, depending on feasibility, a trolley linking various areas of the waterfront with the ferry or expansion of bus service to connect the waterfront to Stewart International Airport and other key areas of the City. In order to capitalize on the many transit elements within the area, the City will 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 Policies 1B, 1C, 1D, 2)

**POLICY 19C**

BEST-MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE EFFICIENT PROVISION OF PARKING FACILITIES WHILE REDUCING THE AMOUNT OF IMPERVIOUS SURFACES AND RESULTANT STORMWATER RUNOFF.

Explanation of Policy

The parking supply along Newburgh’s waterfront will influence how the public accesses and uses the waterfront. Parking services provided by the City include on-street parking, several off-street parking lots and the enforcement of parking ordinances. The City has opportunities to influence off-street parking through its land use regulations. A balance must be achieved that does not overcompensate for single-occupancy vehicles, which would also serve as a disincentive for ridesharing and public transit usage.

Structured parking is expensive to build and use, and it also encourages the continued dominance of automobiles within Newburgh. Surface parking consumes large areas of land and results in significant amounts of impervious surface areas. Shared parking facilities represent the most efficient use of limited resources. The City should explore development incentives that promote the use of shared parking, as well as the use of “green” technologies that reduce the amount of impervious surfaces and potential runoff.

(See Policies 1E, 33 and 37)

**POLICY 20**

ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER’S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES.

**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 LWRP AREA.
Explanation of Policy

Access to publicly owned land within the LWRP area will 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. 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 Policies 2, 9, 19, 21, 22)

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6. RECREATION POLICIES

POLICY 21  WATER-DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, 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 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.

(See Policies 19, 19A)

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 fishing pier at the eastern limit of First Street has been constructed. Wherever redevelopment of private waterfront property is reviewed for approval, every effort will be made, through the site plan approval process, to secure easements to extend the public waterfront walkway.

Recreational uses along the Quassaick Creek shall 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 Policy 19)

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. Determination of the number and location of these facilities will be based on the consideration of water depths and bottom conditions, the availability of suitable on-land access areas to serve 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 and docking locations without adversely impacting navigational safety. 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 Policies 1, 2, 4, 9, 9A, 19, 20, 22)

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 shall 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.

**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 along the waterfront, 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 Policies 1, 19, 20)

**7. 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.

**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.

*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 shall 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 shall 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 DEC 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.

**POLICY 24**

**PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP.**
Explanation of Policy

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 (see the appendix for a map and narrative).

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.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve:

(a) a review of the coastal area map to ascertain if it shows an identified scenic resources which could be affected by the proposed action, and

(b) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment would 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

**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 will 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. Much of the immediate waterfront is 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 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 view from the Hudson River walkway is also a significant resource for the City, allowing the public to achieve an unobstructed, eye-level interaction with the waterfront.

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 must also be recognized that many of the unobstructed views that exist in Newburgh today are a direct result of the significant loss of historic fabric during urban renewal. Redevelopment of the former urban renewal lands is expected, and the replacement with appropriately scaled structures that respect the scenic nature of their site, as per the City Zoning Code, should be a priority. It is therefore the purpose of the LWRP to establish policy mechanisms for the protection of the scenic environment.
As part of the 2015 Zoning Code update, the City adopted regulations to protect, preserve and enhance scenic public views within the LWRP area. Article XI: Site Plan Review, Application and Approval of the Code of Ordinances requires an additional viewshed analysis for projects located within certain waterfront districts (see Section V). The purpose of this review is to ensure protection and enhancement of the City's scenic viewshed, comprised of natural, aesthetic and cultural resources formed by the landscape and geologic features of the City. Through this statute the City intends to preserve scenic views to and from the Hudson River, the Hudson Highlands and the east bank of the Hudson River. The views from the following locations are recognized by the City of Newburgh as providing significant benefits to the residents and visitors of Newburgh and as important parts of Newburgh's cultural heritage. The detailed description of the current views is noted specifically to highlight the character of the current view as emphasis to the importance of its preservation.

- Dutch Reformed Church
- Washington's Headquarters
- Broadway and Colden Street
- Newburgh Public Library
- First Street and Montgomery Street.
- Bay View Terrace

The City will also seek to reduce the incidence of light pollution, which impairs the quality of the night sky and landscape, and results in wasteful use of energy. To mitigate the effects of light pollution, the City will explore the adoption of an ordinance for new commercial development and of regulations for residential lighting. Other approaches to consider are retrofitting City streetlights to high-efficiency, low-emitting downcast lighting and requiring new development to include the same in the site plan review process; and establishing maximum light levels for outdoor lighting applications.

(See Policies 1, 4, 12, 18)

8. **AGRICULTURAL LANDS POLICY**

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

The State Coastal Policy regarding the conservation of agricultural lands is not applicable to the City of Newburgh.
9. 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

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 Policy 1E)

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

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.

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.

The State Coastal Policy regarding the development of energy resources on the outer continental shelf is not applicable to the City of Newburgh.

10. 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 DEC’s 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 including but not limited to all policies and plans as detailed in the City of Newburgh's 2016 Long-Term Control Plan for Combined Sewer Overflows.

(See Policies 2, 5, 7, 8, 18, 21, 33, 34, 35, 36, 37, 38, 39, 40)

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 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. 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.
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.

The State Coastal Policy regarding the use of alternative or innovative sanitary waste systems in small communities is not applicable to the City of Newburgh.

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.

The use of best practices for stormwater management will include consideration of “green” strategies, which can be a cost-effective and environmentally beneficial approach to reducing stormwater and the problems of combined sewer overflow systems. Green infrastructure approaches seek to infiltrate or reuse stormwater, using soils and vegetation rather than traditional “hardscape” collection, conveyance and storage structures. The underlying goal is to keep rainwater out of the sewer system to reduce sewer overflow and to reduce the amount of untreated stormwater discharging to nearby water bodies which impair water quality. Methods employed include the use of green rooftops, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation...
and protection and enhancement of riparian buffers and floodplains. Other related approaches include
the use permeable pavement, rain barrels and cisterns.

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 Policies 2, 5, 7, 8, 30)

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 DEC (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 will be studied and, if feasible, planned and
constructed by the City at its waste water treatment site or other appropriate location (see Policy 7A).
The exact location of such a facility, and the potential for additional pump-out stations, will depend on
the demonstrated demand for the facility, as well as the location of other pump-out stations along the
Hudson River. Any new or expanded marina facility providing additional boat slips will provide convenient
on-site vessel waste pump-out facilities or demonstrate that readily available and accessible vessel waste
pump-out capacity exists elsewhere in the HMA to meet their needs. 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.

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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, as determined by City staff. Policies and procedures for the City’s Department of Public Works will be written and disseminated to govern action steps in case of emergency spills.

(See Policies 2, 5, 7, 8, 18, 30, 33, 35, 36, 37, 38, 39, 40)

**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 DEC and the USACE.

(See Policies 7, 15, 24, 44)

**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.

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.

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.

(See Policies 30, 33, 34, 37, 39, 40)

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 by the City 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 will be followed as closely as possible.

2. Areas of steep slopes, where high cuts and fills may be required, will be avoided.

3. Extreme care will 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 will be maintained at or below pre-construction levels at all times.

4. Natural protective vegetation will 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 will be limited.

6. The velocity of the runoff water on all areas subject to erosion will be reduced below that necessary to erode the materials.

7. A ground cover will be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

8. Runoff from a site will 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 will be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures will be used only where vegetation and grading are not sufficient to control erosion.

10. The length as well as the angle of graded slopes will 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 Policies 30, 33, 34, 36, 39, 40)

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 Policies 30, 31, 33, 34, 36, 37, 39, 40)

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.

**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 Policies 30, 36, 40)

**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 Policies 30, 36, 37, 38, 39)

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 DEC 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.

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 DEC with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.
POLICY 43  
LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain 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.

11. 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 DEC’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.
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.

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.
SECTION IV: PROPOSED PROJECTS
1. FUTURE LAND USE

The proposed land and water uses recommended for the City of Newburgh’s LWRP area are reflected in the City’s 2011 Future Land Use Plan, which was adopted as an addendum to the City’s 2008 “Plan-It Newburgh” Sustainable Master Plan. The Master Plan and Future Land Use Plan support land uses that give preference to water dependent and water enhanced uses within the waterfront area, which is a major tenet of this LWRP. The Future Land Use Plan geographically illustrates general future land uses based on the policies stated in the City’s Master Plan and reinforced by this LWRP. The Future Land Use Plan is illustrated in Figure IV-1. Specifically, the Future Land Use Plan for the LWRP area is primarily focused on enhancing and improving the public recreation and water-access facilities in Newburgh, as well as supporting the redevelopment of under-utilized or vacant waterfront sites.

The Future Land Use Plan is a broad expression of the range of uses intended for the LWRP area and the City as a whole; it is not intended to describe the proposed land use pattern on a parcel-by-parcel basis. Ultimately, the Future Land Use Plan constitutes the regulatory framework upon which the City’s zoning regulations are drafted, amended and adopted. As such, the City of Newburgh adopted a city-wide update to its Zoning Code in September 2015. The Zoning Code update built upon the City’s Master Plan and the 2011 Future Land Use Plan. The Zoning Code update introduces form-based code into the waterfront and waterfront gateway districts to provide for the redevelopment and adaptive reuse of the City’s waterfront as well as those neighborhoods proximate thereto. No changes to the City’s Zoning Code are required in order to implement the LWRP.

The Future Land Use Plan is based on the overall goal of accommodating future development, as well as fostering the conversion of current uses to those that will promote a desirable and balanced land use pattern that meets the long-term needs of City residents. The Future Land Use Plan will also promote economic stability through targeted and well-planned land use. Specific goals1 for the LWRP area include the following:

- Provide convenient and attractive public access to the waterfront including improved access to Quassaick Creek.
- Revitalize underutilized and deteriorated buildings and redevelop vacant land.
- Embody “smart-growth” principles such as creating a range of housing opportunities and choices, creating walkable neighborhoods, providing a mix of land uses and preserving open space.
- Encourage new water-dependent and water-enhanced development.
- Improve public infrastructure and utilities to adequately support new development and redevelopment in the area.
- Promote façade and streetscape improvements that reflect Newburgh’s urban scale and historic character.

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1 Please note that these goals are not listed in order of priority of importance.
Figure IV-1: Future Land Use Plan
• Preserve and enhance existing public views of the Hudson River.
• Promote sustainable planning practices and green building design.
• Promote adaptive re-use and redevelopment of deteriorated and vacant buildings, rather than tearing them down, to promote the conservation of resources.

Anticipated future uses within the LWRP area are described below under six general land use categories.

The LWRP supports the proposed designation of thematic corridors from the Hudson riverfront up from the City’s waterfront upland to the City’s downtown area. In this approach, Washington Street will be cultivated and developed for its historic destinations, Broadway for its commercial destinations, Second Street for its cultural resources (Newburgh Free Library, Heritage Center), South Street for its residential neighborhood destinations, S. William Street for its connection to commercial, recreational and industrial destinations, and Quassaick Creek for its environmental and scenic destinations.

a. Park/Open Space (Waterfront Walkway/Greenway)

As Figure IV-1 illustrates, the Future Land Use Plan recommends that public access and open space be provided along the Hudson River waterfront (Waterfront Buffer/Walkway) as well as along Quassaick Creek and Muchatooes Lake (Greenway). Providing new quality waterfront public access and enhancing existing public access is a key goal of the LWRP. The following provides a description of potential future open space and recreational uses along the waterfront (Sub-Area C) and in the upland portions of the LWRP area (Sub-Areas A and B):

Waterfront Open Space and Recreation (Sub-Area C) - Future public access proposals include the creation of improved open spaces and amenities, linked by a continuous walkway along the riverfront (see below). Existing important waterfront public access includes Newburgh Landing Park, the existing pedestrian walkway, the First Street Fishing Pier, Ward Brothers Memorial Rowing Park, and the Municipal Boat Launch area. Future proposed improvements and additions include construction of South Street Park, expansion and reconfiguration of Newburgh Landing Dock, continued expansion of the public riverfront walkway and trail, renovation of riverfront bulkheads and the development of additional public and private recreation areas and other amenities. Specific proposals are described below under Proposed Projects.

New park and open space areas designed to enhance public access to the HMA may be established on privately owned properties in coordination with redevelopment of those properties according to any future development plans. Park and open space projects may also include projects to enhance existing City-owned waterfront properties, to provide safe and enjoyable recreational experiences for City residents and visitors, including projects to enhance the utility of those spaces for accommodating special water and waterfront events.

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**Upland Open Space and Recreation (Sub-Areas B and C)** - Broadway Park (Downing Vaux Park) is located at the foot of Broadway and is a major visual connection to the Hudson River. The park can be an important tourist attraction, as its designers, Calvert Vaux and Frederick Law Olmsted, designed New York City’s Central Park and other major parks in the U.S. Other key future amenities within the LWRP area include the passive estuary preserve and recreation trail along Quassaick Creek (see below), creating opportunities to establish a pedestrian link in the Greenway Trail System connecting Newburgh with the Town of Windsor, and the Snake Hill Trail being developed by Scenic Hudson.

**Greenway and Waterfront Walkway (Sub-Areas A, B and C)** - The Greenway and Waterfront Walkway shown on the Future Land Use Map represent an opportunity to create an interconnected system of open space on the riverfront to recreational sites throughout the City and region through the use of paths, sidewalks and trails. The Master Plan expressly supports this goal, along with improving the “quality of life for all City residents by maintaining an equitable distribution of parks and open spaces, and interconnectedness of same (pg. 74)”.

The thin green line represents a Greenway trail network, which will connect Newburgh with the Town of New Windsor to the south and the Town of Newburgh to the north as part of the larger Hudson River Valley Greenway Trail System (HRGWT). The Greenway will also connect the Snake Hill Trail being developed by Scenic Hudson. To protect and enhance sensitive watershed areas, the City shall seek public easements for trail connections around Muchattoes Lake as well as along Quassaick Creek. Partnering with agencies such as the Hudson River Valley Greenway, Orange County Land Trust and Scenic Hudson will help to advance park linkages and trail connectivity (Master Plan, pg. 75).

The thicker green hashed line located along the waterfront represents the proposed public walkway along the Hudson riverfront. Much of the walkway in the central portion of the waterfront has been completed, but opportunities to connect the waterfront walkway to the Greenway to the north and south still exist. The continuous waterfront walkway needs to include shared-use paths (including paved walkways and boardwalks) for walking, bicycling, jogging, wheelchair use, and other non-motorized uses, to the extent they can be implemented in a safe and environmentally sound manner. These actions are consistent with the Master Plan’s goal of providing ample active recreational opportunities through trail connections, increased pedestrian amenities and bike paths aimed to promote healthier lifestyles (Master Plan, pg. 37).

**b. Mixed Use with Residential**

The Future Land Use Plan recommends a mix of land uses for most of the LWRP area. Within this mixed use area, a variety of residential, commercial and office, open space and recreational, and cultural and institutional uses are proposed. The intent is to promote traditional urban/city neighborhoods that have a mix of uses; are pedestrian oriented; and provide for a diverse public to live, learn, work and play. Further, by promoting mixed-use development in this area, the City intends to re-establish a physical and walkable connection between the waterfront and the Broadway corridor.
The central portion of the LWRP area – approximately eight blocks bounded by Liberty Street to the west, South Street to the north, Washington Street to the south and Colden Street to the east – includes a broad mix of uses that incorporate governmental, institutional, office and residential use. Mixed in among residential uses, governmental and administrative services serving the City, as well as many administrative offices serving eastern Orange County, are concentrated in this location. City Hall, the police and fire departments, the City Courthouse, a U.S. Post Office, the Newburgh Free Library, Orange County Community College Campus including the former YMCA building and other facilities are found here. In addition, various social service agencies are located in the Civic Center, many of them housed in historic, formerly residential buildings. In addition to the central portion of the LWRP, a potential future mixed-use area is Lake Street Plaza, an office/retail center in the area just east of Muchattoes Lake. This center contains a number of vacant storefronts and is in need of redevelopment.

In the vicinity of the Lake Street Plaza, there is a significant opportunity to promote the re/development of a traditional urban/city neighborhood that has a mix of uses; is pedestrian oriented; and provides for a diverse public to live, learn, work and play. An increase in mixed-use development will promote an urban lifestyle typical of thriving urban areas where residences, related commercial and entertainment uses support one another. Further, by promoting mixed-use development and increasing residential density in this area, the City will re-establish a physical and walkable connection between the Broadway corridor and the waterfront. This area needs new underlying development controls that spur vitality and potential waterfront development. Commercial development will ease the tax burden on residential property owners.

The Future Land Use Plan recommends a continuation of community facilities, social services, transportation systems, general professional offices and existing residential uses within this key area. Representative uses anticipated in this land use area include health services, legal services, educational and social services, benevolent membership organizations, financial, insurance and real estate services, professional offices, urban public spaces and public administration. The adaptive reuse of historic residential buildings, the infill of vacant and underutilized parcels for mixed/residential uses and the rehabilitation of substandard housing for these types of uses is encouraged as a means of preserving the structure, as well as conserving building materials and other natural resources. Mixed-use residential development is also encouraged in the area identified on Figure IV-1: Future Land Use Map as mixed-use.

South of Spring Street and to the east of Liberty Street, the Future Land Use Plan also calls for mixed-use development. Land use in this area consists of ground-floor retail, office and service commercial uses with residential uses in the upper stories of existing buildings. The Future Land Use Plan encourages the continued conversion of vacant ground floor space to a mix of retail, office and service commercial uses. To promote visitor activity, restaurants, boutiques, artisan shops, antique shops and art galleries should be encouraged. Retail, personal and business services and office uses are also allowed. The present zoning of the area is Downtown Neighborhood; commercial mixed-use and higher density residential structures will reflect the historical development pattern of the area and capitalize on the cultural assets within the district.
c. Residential

The Future Land Use Plan recommends the continuation of existing residential uses in the areas shown in yellow on the map and encourages in-fill development of vacant of under-utilized residential parcels and rehabilitation of sub-standard housing in these areas, as follows:

1-4 Family - Residential uses are encouraged throughout the entire mixed-use land use area; however, the areas shown in yellow on Figure IV-1 are designated as predominantly single-use residential land use areas. The northern residential area is currently comprised of single-family residential uses, with a small area of multi-family development located in the northeastern portion of the area. In addition the southern portion of the LWRP area to the north of Bay View (the Washington Heights neighborhood) also largely consists of 104 family units.

5+ Family - There are several higher-density residential areas within the LWRP area. These areas consist of a concentration of multifamily uses in older structures, multifamily units, garden apartment complexes and senior housing buildings. Currently, two multifamily housing complexes are located in the immediate waterfront area: Ferry Crossing and Pier-Loun Point. It is anticipated that the current use of these properties will continue. In addition, Lake Street Apartments, a large, privately owned multifamily rental complex built in the 1970s, is expected to remain in the area around Lake Muchatooes. The mix of existing higher-density housing within the LWRP area, combined with any future redevelopment of the vacant urban renewal lands or underutilized waterfront properties, will help ensure that the waterfront area becomes an active, mixed-use neighborhood with residents in easy walking distance of retail, open space, entertainment and cultural facilities.

There are a number of public and private low- and moderate-income housing facilities in the LWRP area. The City’s Master Plan recommends the preservation of affordable housing within the City of Newburgh, via an affordable housing ordinance to establish a mechanism for creating and supporting permanently affordable housing opportunities. The Master Plan outlines a goal of approximately 10% of each Census tract in the City containing permanent affordable and special needs housing opportunities by 2020. While there are no plans to adopt a formal affordable housing ordinance in the immediate future, these affordable housing goals are among the key elements of the Master Plan, and the City is exploring methods to ensure affordable housing opportunities in the coming years.

d. Planned Waterfront Development

The Future Land Use Plan identifies the majority of waterfront lands east of Rev. Dr. Martin Luther King Jr. Boulevard and the CSX railroad right-of-way as Planned Waterfront Development. This area, shown in pink on Figure IV-1, is intended to be developed for a combination of water-dependent and water-enhanced uses. Such uses include retail, entertainment, dining, lodging, waterfront-related recreational uses, conference space and housing.
Construction of water-dependent marine and publicly accessible riverfront recreational uses is integral to the development of the waterfront commercial land use area. Water-dependent marine and recreational uses include, but are not limited to: marinas; piers; boat docks; boatyards for repair, storage, and sale of marine vessels; yacht clubs; and similar facilities, as well as a riverfront walkway paralleling the Hudson River.

e. Institutional

As illustrated on Figure IV-1, areas in blue are designated as institutional land use areas. These areas include Mount Saint Mary’s College, Orange County Community College, the Water Pollution Control Plant, and Washington’s Headquarters, a National Historic Landmark, as well as other sites listed on the National Register. These properties are key cultural/institutional anchors within the LWRP area and provide opportunities for linkages between other important cultural/institutional uses within the LWRP area such as, the East End Historic District and the Liberty/Grand Street Heritage Corridor.

f. Industrial/Commercial/Recreational

The southern portion of the waterfront area is developed with existing or former water-dependent uses, including the City of Newburgh Water Pollution Control Plant, the former Steel Style Shipyards, and the former City incinerator site. While this area has traditionally been used for water-dependent industrial uses, mixed-use redevelopment, including recreational and commercial uses, of vacant and under-utilized parcels in this area is encouraged in the future. Opportunities for increased open space and public access are also encouraged.

The Future Land Use Plan also identifies significant gateways into the City and to certain destinations within the City (i.e. the waterfront), five of these gateways are located within the LWRP area. These gateways have been identified as areas that can enhance Newburgh’s "front doors" by not only constructing improvements in the areas seen by the most people, but by doing so in a way that provides a unique identity and sense of place for each location and the edges of the City. Enhancing these gateways will provide a framework to orient visitors through wayfinding signage, link Lower Broadway to the waterfront and adjacent neighborhoods, increase greenspace/landscaping, and establish a strong sense of uniqueness and vitality.

Finally, the Future Land Use Plan recognizes that the City would benefit greatly from an increase in public plazas, which provide leisure, aesthetic value and opportunities for social interaction. The potential to integrate plazas into the urban fabric exists both in private and public projects. In addition to slowing traffic, public squares would make the surrounding land more valuable for development. Reduced parking requirements or density bonuses listed in the Master Plan, are incentives that can be offered to create these spaces for private developers (pg. 66). Two potential public plazas are located within the LWRP area. Clinton Square at Water Street and Fourth Street is recommended for consideration as a public plaza.
Before urban renewal, Clinton Square was one of the City’s vibrant centers. In addition to Clinton Square, the area around Water Street and First Street offers an opportunity for a civic square that could tie together the surrounding institutional uses.

2. PROPOSED PROJECTS

The following section describes a set of site-specific and programmatic projects that will be or are being implemented to improve the City’s LWRP area. All projects are intended to be consistent with the Sustainable Master Plan and to embody “smart growth” principles including the recognition of Sea Level Rise and utilization of mapping tools to plan accordingly. This section is not intended to anticipate all projects that would further the goals of the LWRP; future projects may develop that could also improve the LWRP area. The criteria for including specific projects in this list were developed by the City of Newburgh, the CAC, and public. Proposed projects described below are organized by geographic location (Sub-Areas A, B, C and Entire LWRP Area – see Figure II-3); projects in or having an effect on the Harbor Management Area (HMA) are included below under Sub-Area C and Entire LWRP Area.

a. Sub-Area A – Southern/Quassaick Creek Area (see Figure IV-2)

i) Quassaick Creek Preserve and Trail

The City is working to restore the ecological habitat along the Quassaick Creek. Such activities are being linked to scientific/educational research. The Quassaick Creek Trial and its restoration serves as a tool to teach students and the community about the unique ecological habitat of the area. Institutions such as the Hudson River Interpretive Center in Beacon, NY, SUNY New Paltz and the Newburgh Enlarged School District have all participated in learning opportunities. The City’s goal is to create a passive waterfront trail along the Creek for nature watching and trail walking, which will extend to Snake Hill. The trail will ultimately connect to the Hudson River walkway.

A watershed management plan including goals and initiatives to protect and restore the natural resources and water quality of the creek and provide appropriate recreational use of the creek and watershed has been prepared and should be implemented in coordination with the Town of New Windsor, concerned organizations and private landowners.

Consistent with the watershed management plan, efforts to restore and enhance the creek’s riparian ecosystem, including ecosystem water quality, fish and wildlife habitat and scenic quality, should be supported, including: a) removal of accumulated debris; b) selective removal of vegetation to enhance visual access to the creek and river; c) restoration of natural riparian vegetation; d) dredging to improve stream flow and enhance fisheries habitat; and e) application of nonstructural measures to reduce runoff and non-point source pollution.
Newburgh, NY
Local Waterfront Revitalization Program

Source: BFJ Planning

Figure IV-2: Proposed projects: Sub-Area A

1. Quassaick Creek Preserve and Trail
2. Quassaick Creek Stream Restoration
3. Lake Street Complete Streets Study
4. Lakeside Plaza Redevelopment/Muchattoes Lake Access Easements
Recreational use of the creek and watershed consistent with natural resource conditions and values should be supported, including fishing, hiking and nature observation. Establishment of a nature trail providing recreational and educational benefits and linked with public waterfront areas and other areas of the city should also be supported.

**ii) Quassaick Creek Stream Restoration**

The City is pursuing restoration of the Quassaick Creek through the partial removal of the Holden Dam and rechannelization and stabilization of portions of the Quassaick Creek. Approximately 1,000 linear feet of the Quassaick Creek, starting approximately 550 foot west of Holden Dam, will be rechanneled. An additional 1,700 linear feet of the Quassaick Creek, starting approximately 450 feet downstream of the Holden Dam will be stabilized and restored. The purpose of this restoration is to mitigate storm surges and infrastructure damage by removing the Dam and restoring the Creek’s natural floodplain.

**iii) Lake Street Complete Streets Study**

Orange County undertook a complete streets study, prepared by Alta Planning, of Lake Street from Washington Street to the City’s municipal boundary with the Town of New Windsor. According to Smart Growth American, “Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, skateboarders, motorists and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle or skate to work.”

The Complete Street recommendations for Lake Street considered the general character, current land uses, and future trends of the area surrounding the corridor (including the Lakeside Plaza shopping Center – see project iv. below). The Plan includes a road diet for Lake Street, reducing the number of travel lanes in order to provide sufficient space for bicycle and pedestrian facilities, stormwater management elements, and vegetation without hindering motorists’ ability to move through the corridor.

The concept plan recommends formalizing the trail designated on the City’s Future Land Use Plan (see Figure IV-1) by constructing a multi-use path around Muchatooes Lake and Lake Drive with future spur trails along Quassaick Creek. If implemented, these facilities would increase the number of recreational opportunities for both pedestrians and bicyclists as well as help connect residential areas to amenities and key destinations throughout the area.

A number of park enhancements are recommended in the area along the Quassiac Creek Trail and multi-use path to provide open space destinations for both bicyclists and pedestrians, alike. The Plan recommends that these parks include various amenities for visitors such as benches, trees, bike racks, water stations, and picnic tables.

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Finally, crossing improvements should be included in the Lake Street Road Diet to enable bicyclists and pedestrians to easily and safely access amenities on both sides of the street. Recommended intersection crossing improvements are located at Washington Street/Lake Street and Lake Street/South William Street. A mid-block crossing along Lake Street at the Quassaiack Creek is also proposed and seen as vital to the creation of a safe and connected trail along the creek.

The City strongly supports these recommendations and will work with Orange County on securing funding for implementation.

iv) **Lakeside Plaza Redevelopment/Muchattoes Lake Access Easements**

The Lakeside Plaza shopping center located on Lake Street, east of Muchattoes Lake has a number of vacant storefronts and is in need of redevelopment. The nearby properties that surround Muchattoes Lake contain a combination of residential and office/retail uses. This area’s proximity to open space, the lake and nearby commercial areas makes it a prime location for mixed-use commercial and residential use. Muchattoes Lake is a manmade lake created by damming a portion of Quassaiack Creek for mill use (Dickson Mill). To facilitate such redevelopment, as part of the 2015 City-wide rezoning, Lakeside Plaza and the commercial/office area located immediately to the north were rezoned from C-3 Planned Commercial to High Density Residential with a Neighborhood Commercial Overlay.

Future development along this property should be sensitive to the environment around the lake and should attempt to recapture green space by creating open space that exposes the lake for public use. Creating an easement buffer around the lake will help connect the lake to the Greenway Trail System along Quassaiack Creek as well as to the Snake Hill Trail being developed by Scenic Hudson, enabling the lake to be linked to the surrounding Greenway Trail System.

**b. Sub-Area B – Inland Area (see Figure IV-3)**

i) **Broadway – Waterfront Link**

Broadway not only provides spectacular views to the Hudson River, it serves as the main east-west link from the inland areas to the waterfront. The City seeks to emphasize the importance of Broadway as a potential transit route, providing opportunities for bus rapid transit or trolley connections between Stewart International Airport and the Newburgh-Beacon ferry service. Ideas under consideration by the City include:

- Development of a series of landscaped open spaces including the “greening” of Broadway between Grand and Colden Streets.
Newburgh, NY
Local Waterfront Revitalization Program

Source: BFJ Planning

Sub-Area B-Inland Area
1. Broadway-Waterfront Link
2. Washington’s Headquarters
   Tower of Victory
3. Liberty Street Streetscape Improvements
4. The Foundary at Washington Park and Surrounding Area

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Figure IV-3: Proposed Projects: Sub-Area B
Incorporation of uniform signage and markers, street signs and street amenities along lower Broadway, and the creation of safe and attractive walkways between Broadway and the waterfront, to tie together the areas east and west of the railroad tracks.

- Reduction of vehicular traveling speeds on Rev. Dr. Martin Luther King Jr. Boulevard.
- Provision of sidewalks along Renwick Street, Washington Street, First Street and Third Street between Rev. Dr. Martin Luther King Jr. Boulevard and the waterfront.
- Provision of lights in the tunnels under the railroad tracks.

In addition, as vacant land in the LWRP area is redeveloped the need for parking will grow. Overflow parking for the waterfront should be encouraged in Sub-Area B – Inland Area and shuttles to the waterfront from inland parking areas on special event days, and others as needed, should be provided. Any parking located in Sub-Area B must be compatible with the East End Historic. Also, as the Broadway – Waterfront link is improved opportunities for safe pedestrian access to the waterfront from upland parking will be created.

**ii) Washington’s Headquarters Tower of Victory Restoration**

The City supports the restoration of the historic Tower of Victory at Washington’s Headquarters. Nearly 130 years have passed since builders completed the Tower of Victory at Washington’s Headquarters in 1887 to commemorate the peace following the end of the Revolutionary War. The state is moving forward with restoration to save the peace memorial that has been in a state of disrepair since its hurricane-damaged roof was removed in the 1950s. Just over $1.6 million in public grants and private donations have been raised to support the restoration allowing the Palisades Interstate Park Commission to replace the roof - reopening to visitors the roof’s commanding views of the Hudson River. The City supports the restoration and ongoing maintenance of this important City asset.

**iii) Liberty Street Streetscape Improvements/City Sidewalk Standards**

The City has procured Community Development Block Grant (CDBG) Funding to undertake streetscape improvements to Liberty Street between Ann Street and Broadway. This key section of Liberty Street links the shops and galleries located to the south along Liberty Street to the Broadway Corridor. The improvements include the resurfacing of the existing roadway, traffic calming and pedestrian safety improvements, the addition of dedicated parking lanes on the east and west side of the street, a new sidewalk consisting of both pervious and impervious pavers, green infrastructure, and new street trees along the entire length of the corridor.

In addition, the City has adopted the design specifications employed in the Liberty Street streetscape improvements as universal “Sidewalk Standards” to be employed city-wide on all future streetscape and sidewalk projects. The City should seek funding for additional streetscape improvements throughout the LWRP area.
iv) **The Foundry at Washington Park and Surrounding Area**

The renovation of the Foundry building for residential development will result in the construction of approximately 100 new housing units. A total of 62 units were completed in the initial phases of renovation; an additional 48 units are expected to be completed during later phases. Development of this key site continues to be problematic; however, its successful completion remains imperative to the health of the community and the connection of the Washington Heights neighborhood to the waterfront. Likewise, the stabilization of this portion of Liberty Street will help connect the Washington Heights neighborhood with the lower portion of Liberty Street.

c. **Sub-Area C – Waterfront Area (see Figure IV-4)**

i) **Pier-Loun Condominium**

Existing bulkhead and boating access structures should be maintained, repaired and replaced as needed to support existing boating facilities, avoid any adverse impacts on navigation, and maintain environmental quality in the HMA. Continued safe and unobstructed boating access to and from the HMA and Hudson River by residents should be maintained. Best management practices for property maintenance, including landscape maintenance with reduced amounts of nutrients, should be encouraged to reduce the potential for nonpoint source pollution to enter the HMA from the property.

ii) **Newburgh Yacht Club**

Existing breakwater and shore protection structures and marina facilities should be maintained, repaired and replaced as needed to support water-dependent uses, avoid any adverse impacts on navigation, and maintain environmental quality in the HMA. Establishment, implementation and updating as necessary of a marina plan for stormwater pollution prevention should be encouraged to manage, reduce or otherwise control stormwater runoff into the HMA. The stormwater plan should include the identification of potential pollution sources; procedures for stormwater monitoring; and measures and controls for reducing the potential for stormwater pollution, such as measures and controls to capture any pollutants associated with boat storage and maintenance operations.

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2 Sub-Area C projects xv. – xx. below are area-wide projects and have not been mapped on Figure IV-4.
Figure IV-4: Proposed Projects: Sub-Area C

1. Pier Loun Condominium
2. Newburgh Yacht Club
3. Regal Bag Building
4. Adaptive Reuse
5. South Street Park
6. Newburgh Landing Dock
7. Front Street Improvements
8. Hudson Riverfront Walkway
9. Consolidated Iron and Metal Redevelopment Area
10. Newburgh-Beacon Ferry Terminal Relocation
11. Gull Harbour-American Dock Property
12. Newburgh Boat Launch Improvements
13. Water Pollution Control Plant
14. City Incinerator
15. Steel Style Redevelopment

Legend:
- City Boundary
- LWRP Area
- Railroad

Newburgh, NY
Local Waterfront Revitalization Program
Source: BFJ Planning

BFJ Planning
Regal Bag Building Adaptive Reuse

The Regal Bag Building is situated on a large 5.75-acre waterfront property with direct frontage along the Hudson River. As viewed from the river, the tallest portions of the main building are six stories high. The primary buildings were constructed in 1844 by the Newburgh Steam Mills, a cotton cloth mill. In the late 19th century, the building was converted by Caldwell Lawnmower Company to a lawnmower production factory.

The City’s goal is to encourage adaptive reuse to restore this underutilized building with a variety of uses, including residential, commercial, and institutional uses. The City has adopted various tax abatements which are intended to expedite restoration of the building. The building is currently occupied with a mix of artist loft and gallery spaces, but additional opportunities for reuse exist.

South Street Park

The City is seeking funding for its plans to construct South Street Park at the South Street right-of-way. The Park in envisioned as a neighborhood-oriented, waterfront City park which will provide opportunities for visual and physical access to the waterfront. Plans for the park have been developed in coordination with Scenic Hudson through a public planning process under the auspices of the CAC. The park includes an extension of the riverfront walkway, a viewing shelter and sitting area providing panoramic views of the Hudson River, a floating dock for car top or carried vessels and a robust landscaping program. Upon implementation of the plans for the South Street Park, the extension of the City right-of-way into the HMA should be maintained free of any encroachments, including private docks and other structures associated with properties adjoining the right-of-way.

Newburgh Landing Dock

The City has plans to expand and reconfigure the Newburgh Landing Dock, which was damaged in 2014 and has since been closed to the public. Improvements to commercial and recreational docking facilities, including potential extension of the public pier to accommodate more and larger vessels at the Landing, are being considered. However, such expansion should be based on historic usage of the dock and the anticipated demand by larger vessels. Any expansion should not unreasonably conflict with navigation and other beneficial uses of the HMA, and must be consistent with all applicable regulatory requirements.

Opportunities for permanent improvements to provide an extended berthing face to serve more and larger vessels than currently use the dock should be properly evaluated and pursued to the extent feasible, consistent with the riparian rights of the owners of adjoining properties. Use of the dock by excursion vessels and all other craft, including vessels participating in special events,
should be in accordance with all necessary advance approvals by the City to reduce potential conflicts for use of the dock and to otherwise ensure its continued beneficial use.

**vi) Front Street Improvements**

Front Street now provides direct access to recently developed businesses. At this time, Front Street extends only from South Street to just south of First Street. In the long term, the City hopes to extend Front Street to provide additional vehicular and pedestrian access to waterfront parcels to the south, toward River Street. As properties are redeveloped in this area, project plans should include provisions for the extension of Front Street. The City also intends to make necessary improvements to relieve traffic congestion and parking problems in this area.

**vii) Hudson Riverfront Walkway**

Currently, there is a walkway extending southward from the South Street terminus to 26 Front Street and from the Municipal Boat Launch south to Ward Brothers Memorial Rowing Park. From the Rowing Park, the walkway continues to the CSX underpass at Water Street and Renwick and continues on the sidewalk along the east side of the street south to Quassaick Creek. Conceptual plans propose to extend the walkway northward to connect to the Newburgh Beacon Bridge. Such a walkway will increase the public’s access to a larger portion of the riverfront, as well as promote greater pedestrian movement to more shops and restaurants. The walkway should be maintained, repaired and enhanced as needed to provide continued opportunities for safe and enjoyable public use, including opportunities for scenic views of the HMA and pedestrian access to waterfront activity areas. Related opportunities for public access include establishment of launching and landing facilities for hand-carried vessels such as canoes or kayaks and provision of scenic overlook structures and other amenities.

Extension of the riverfront walkway should be conducted in coordination with any future redevelopment of affected properties and in a manner that avoids potential conflicts between pedestrian use of the waterfront and appropriate commercial water-dependent uses.

The expansion and enhancement of the Hudson River Walkway and Quassaick Creek Trail (see above) may be implemented in coordination with waterfront redevelopment to provide safe and enjoyable connections between waterfront activity areas and other parts of the city, including Downtown Newburgh. These projects may also be implemented in coordination with State and regional organizations such as Hudson River Valley Greenway, which has designated two existing trails in the City of Newburgh as greenway trails: The Frederick Douglass Trail and the Tale of Two Cities Trail. Hudson River Valley Greenway has also identified two potential greenway trails in the City: one running from the Ulster County line through Newburgh utilizing the proposed Quassaick
Creek Estuary Preserve and Trail and land made available through waterfront development; and a trail linking the Quassaick Creek Trail with Storm King State Park.

viii)  **Consolidated Iron and Metal Redevelopment Area**

This City-owned seven (7)-acre property should be considered as an opportunity area for waterfront redevelopment with facilities and amenities for public access to the HMA. Any future redevelopment should be in accordance with a comprehensive development plan and include a substantial water-dependent component, as well as amenities for public access to the HMA, including construction of an extension of the riverfront walkway and provision of areas and facilities for: a) enjoyment of unobstructed scenic views; b) access for hand-carried vessels including rowing shells and kayaks; c) shore-based fishing; and d) special waterfront events. Construction of appropriate shore protection structures recognizing sea level rise and attendant storm surge events and treatments necessary to support public water-dependent uses should be encouraged and supported, including but not limited to vegetated slope stabilization measures.

ix)  **Newburgh-Beacon Ferry Terminal Relocation**

Opportunities to enhance the ferry terminal should be evaluated, including opportunities for relocation of the terminal to another site adjoining the HMA in coordination with future waterfront redevelopment. In addition, future plans for the ferry terminal should consider a shared dock to accommodate the City’s Fire Boat. Any proposals for enhancement and/or relocation of the ferry terminal should be designed to avoid or minimize any significant adverse impacts on navigation, coastal resources and upland areas adjoining the HMA. A suitable navigation channel for ferry operations should be maintained free of obstructions at all times between the ferry terminal and the federal navigation channel.

x)  **Gull Harbour**

Any future development projects that may affect established boating facilities should not result in significant reduction of currently available recreational boating services. Existing shore protection structures and marina facilities should be maintained, repaired and replaced as needed to support water-dependent uses, avoid any adverse impacts on navigation and maintain environmental quality in the HMA. Continued safe and unobstructed navigation access to and from the HMA and Hudson River should be maintained.

Any plans for docks, floats, piers and other marina structures should be carefully planned and reviewed to avoid adverse impacts on coastal resources and conflicts with navigation and other beneficial uses of the HMA.

Any future redevelopment of the Full harbor property must include the preparation of a
Stormwater Pollution Prevention Plan (SWPPP) to manage, reduce or otherwise control stormwater runoff into the HMA. The stormwater plan should include the identification of potential pollution sources, procedures for stormwater monitoring and measures and controls for reducing the potential for stormwater pollution.

This property should be considered as an opportunity area for waterfront redevelopment with facilities and amenities for public access to the HMA. Any future redevelopment should be in accordance with a comprehensive development plan and include a substantial water-dependent component utilizing the property's historically available and readily available access to navigable water.

Opportunities for public access to be considered should include: a) construction of an extension of the City's riverfront walkway; b) construction of boating facilities to serve as attractions or destinations for visitors to the City, including such facilities as a public marina, excursion/cruise ship dock, docks for short-term use by visiting recreational boaters and facilities to provide access to and from any nearby mooring locations that may be established in the HMA; and c) provision of scenic overlook structures and other amenities.

xi)  **Newburgh Boat Launch Improvements**

The Newburgh Boat Launch, located at the foot of Washington Street, is a safe public docking area for residents to launch their boats, canoes, and kayaks. There is also an area to sit and relax and observe the boating action on the Hudson River. The City intends to make improvements to better accommodate non-motorized watercraft (i.e. kayaks, canoes, etc.), including storage facilities and related equipment.

All available opportunities for enhancing the public water-access facilities and services available at the boat launching area should be properly evaluated and may be pursued to the extent feasible, including: a) relocation of trailered boat launching facilities to another site adjoining the HMA in coordination with future waterfront redevelopment; and b) development of a waterfront park to complement redevelopment of the former Consolidated Iron and Metal redevelopment area, including park facilities for rowing access, launching and landing of other hand-carried vessels and enhanced pedestrian connection to the Washington's Headquarters historic site. Any relocation of trailered boat launching facilities to another site adjoining the HMA should not result in any significant reduction of currently available boat launching opportunities.

xii) **Water Pollution Control Plant**

In addition to the City’s newly constructed waterfront trail along the shoreline of the Water Pollution Control Plant, the City should consider additional opportunities, consistent with requirements for plant operation, maintenance and expansion, for water-dependent use of the
plant’s shoreline to the extent feasible, including opportunities for: a) establishment of a vessel-waste pump-out station available for public use; b) provision of scenic overlook structures and other amenities for enjoyment of river views; and c) docking facilities for special purposes approved by the City and consistent with all other provisions of the HMP, including docking for aquaculture operations. The feasibility of the pump-out facility project will depend on the amount of reconstruction the bulkhead will require; the cost to man the pump-out station and security considerations. The impacts of sea level rise should be considered and long-term resiliency measures explored in all future planning decisions at the Plant.

xiii) **City Incinerator**

The City currently owns property that houses a former incinerator that has been closed since the early 1970s. The site is an opportunity area for development of a waterfront park providing opportunities for water-dependent recreational use, including visual and physical access to the HMA and special events that increase public use and enjoyment of the HMA and enhance the City’s culture and quality of life. All available opportunities for reuse of the site to accommodate public access to the HMA should be properly evaluated and may be pursued to the extent feasible, including: a) establishment of launching facilities for trailered boats; b) establishment of facilities for launching and landing of hand-carried vessels; and c) provision of scenic overlook structures and other amenities for enjoyment of river views. Safe and efficient pedestrian linkages between any public water-access facilities that may be established on this site and other public waterfront areas and areas of the City should be provided.

xiv) **Steelways, Inc.**

Steelways, Inc. is a privately owned marine industrial property that is in need of redevelopment. The property is located to the east of the Washington Heights neighborhood, west of the Hudson River and north of Quassaick Creek. Views of the property are largely unobstructed along Bay View Terrace. The property owner has been exploring opportunities to redevelop the property for a water-dependent or water-enhanced use. In redeveloping this property, consideration must be given to ensure that it does not result in adverse environmental impacts to the Washington Heights neighborhood. Because of the industrial nature of the project site, it is possible that some level of contamination may exist on-site. The City would encourage Brownfields redevelopment, as the site’s large size, existing piers and adjacency to the river make it a potential candidate for redevelopment. The Hudson River walkway could continue along this property, and the Quassaick Creek Trail could begin on this property at the Hudson River shoreline. Clearing and removing junk and debris starting with hazardous and unsafe materials from the lands adjacent to the future Quassaick Trail is needed.

The establishment, to the extent feasible, of appropriate buffers of vegetation to screen industrial uses and facilities from public recreation areas should be supported. Any plans for reconfiguration...
or expansion of existing water access structures should be planned and reviewed to avoid adverse impacts on coastal resources and conflicts with navigation and other beneficial uses of the HMA.

Establishment, implementation, and updating as necessary of a site plan for stormwater pollution prevention should be encouraged and supported to manage, reduce or otherwise control stormwater runoff into the HMA. The stormwater plan should include the identification of potential pollution sources; procedures for stormwater monitoring; and measures and controls for reducing the potential for stormwater pollution.

Development of facilities for public access to the HMA in coordination with any future redevelopment of the site should be encouraged and supported to the extent such facilities do not unduly conflict with appropriate commercial water-dependent uses. Opportunities for public access to be considered should include: a) construction of an extension of the City's riverfront walkway; b) construction of boating facilities to serve as attractions or destinations for visitors to the City, including such facilities as a public marina, excursion/cruise ship dock, docks for short-term use by visiting recreational boaters and facilities to provide access to and from any nearby mooring locations that may be established in the HMA; and c) provision of scenic overlook structures and other amenities to enhance the enjoyment of river views.

**Removal of Sunken Vessels and Debris and Assessment and Cleanup of Contaminated Properties**

Abandoned barges and other debris that litter Newburgh's shorefront are a navigational hazard and visual blight. The various logs, river debris and other materials that accumulate along the river banks impede the free and safe use of the harbor by the public. Children as well as adults use them as a fishing pier and diving platform, creating hazardous situations. The debris should be removed from the water by the adjacent property owners unless determined to have historic significance. The determination whether or not to remove sunken vessels will be coordinated with the interagency Ad Hoc Committee for Submerged Cultural Resources. This committee is comprised of the New York State Office of General Services; the State Office of Parks, Recreation and Historic Preservation; the New York State Museum; the New York State Department of Environmental Conservation and the Department of State, Coastal Resources. The City of Newburgh will coordinate with these groups during review of any plans that might potentially affect submerged cultural, historic or archeological resources.

However, a distinction should be made between abandoned vessels and other debris that impede navigation and visual quality along the Hudson River waterfront, and the shoreline structures that protect the shoreline from erosion and flooding. As discussed in a condition assessment of these shoreline structures (see Appendix B), most of the structures are in fair to good condition and do not require intervention to ensure that they function as intended. While some of these structures may be in need of minor repair, in general, removal of vegetation or established debris that is
protecting the shoreline should be undertaken with caution, as their removal could cause the structures to become unstable.

Environmental assessment and cleanup projects may include projects to address the extent to which properties potentially available for redevelopment, including redevelopment providing amenities for public access to the HMA, may be affected by any contamination that would affect redevelopment; projects to assess the type and extent of any contamination requiring remediation in upland areas and aquatic sediments; projects to identify appropriate remediation measures required for redevelopment and to avoid adverse impacts on the environmental quality of the HMA; and projects to implement those measures, including the development of remedial action plans.

xvi)  **Shoreline Stabilization**

The City completed the construction of approximately 1,700 linear feet of bulkhead along Newburgh Landing and the two adjacent City-owned parcels, except for the area abutting Newburgh Landing Park. This stabilization will protect the City’s investment in the river walkway. A condition assessment of Newburgh’s shoreline stabilization structures conducted as part of this LWRP process indicated that most of the structures are in fair to good condition and do not require intervention to ensure adequate protection to the Hudson River shoreline. Some areas may be in need of further investigation or minor repair, but in general the shoreline structures are fulfilling their function of shoreline protection. In general, removal of vegetation or established debris should be undertaken with caution, as their removal could cause the structures to become unstable. See Appendix B for the full condition assessment. The City will continue to pursue private/public investment, as necessary, to protect the land area immediately adjacent to the river from erosion.

xvii)  **Commercial Marina Facility Maintenance and Repair**

Existing shore protection structures and marina facilities should be maintained, repaired and replaced as needed to support water-dependent uses, avoid any adverse impacts on navigation, and maintain environmental quality in the HMA. Continued safe and unobstructed boating access to and from the HMA and Hudson River should be maintained.

Any future development projects that may affect established boating facilities should not result in significant reduction of currently available recreational boating services. Any plans for reconfiguration or expansion of existing docks, floats, piers and other marina structures should be carefully planned and reviewed to avoid adverse impacts on coastal resources and conflicts with navigation and other beneficial uses of the HMA.

Public and private projects to provide boat slips or docking space available on a short-term basis
should include an appropriate fee schedule for hourly and overnight use for recreational boaters who wish to visit waterfront attractions in the City. Projects may include the provision of water, electric, and pump-out service, restrooms, local transportation connections, showers, laundry facilities, wireless internet access and other amenities for visiting boaters.

xviii) Harbor Administration Ordinances

The City may investigate the future need and feasibility for adoption and enforcement, pursuant to Section 46-a of the Navigation Law, of a local ordinance to regulate the speed and operation of vessels in the HMA, including 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 do not affect the speed and operation of vessels operating in the Hudson River federal navigation project. In addition, the City may investigate the future need and feasibility for adoption and enforcement, pursuant to Article 42 of the Executive Law, of a local ordinance 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. Finally, the City may investigate the future need and feasibility of establishing a new Harbor Manager or Master of the City, or assigning responsibility to an existing office or official, to oversee activities on, in and contiguous to the HMA, including scheduling and coordination for the use of City lands and facilities, assistance to other agencies and officials of the City as needed for implementing the LWRP and generally advancing the safe and efficient operation of the HMA.

The decision by the City whether to adopt any or all of the above-described ordinances will be based on a careful evaluation of existing and likely future conditions of the HMA, as well as budgetary and other logistical concerns. Such evaluation will involve discussion with appropriate City agencies, such as the police and fire departments, waterfront property owners and other stakeholders and other relevant parties.

xix) Facilities for Trailered and Hand Carried Vessels

Projects to provide opportunities for launching and retrieving trailered vessels in the HMA may include enhancing the existing launching facilities for recreational and emergency services purposes (see subsections j and t, above) or providing new facilities, including new ramp and parking areas to accommodate anticipated boat and trailer lengths and with floating docks aligned perpendicular to the shoreline to support boat launching and retrieval. Facilities for trailered vessels should be designed to safely support beneficial use in accordance with design guidance provided by States Organization of Boating Access (SOBA), American Society of Civil Engineers (ASCE) and other accredited organizations concerning the required ramp (the inclined paved surface that extends into the water), boarding float (providing pedestrian access to and from a
boat in the water), gangway (providing pedestrian access between the shore and boarding float), launching fairway (into which boats are launched and from which they are retrieved) and other project elements. Projects to provide new facilities should be designed with consideration to the site's upland and in-water characteristics including the capacity of access roads to accommodate anticipated use; available space for maneuvering and parking of vehicles and trailers; security requirements; shoreline conditions affecting the need for cuts or fills to create the ramp; and exposure to wind, waves, currents and the effects of passing boat wakes.

Projects to support the launching and landing of hand-carried and hand-powered vessels may include the development of handicapped-accessible areas and structures engineered to safely accommodate the needs associated with stepping into and sitting in open vessels such as canoes, and decked vessels such as kayaks, without the substantial infrastructure investments in docks, floats and piers required to accommodate larger vessels. Areas and structures for launching and landing canoes and kayaks should be designed to provide safe access with minimal environmental impacts in accordance with design guidance provided by SOBA, the National Park Service's Rivers and Trails Program and other accredited organizations.

d. Entire LWRP Area³

i) Signs and Logo

Newburgh has many resources to attract visitors: the extensive East End Historic District, spectacular views of the Hudson River, a scenic drive, Washington's Headquarters and an extensive waterfront with a boat launch and docks. There is need for an information program to direct visitors to these sights. Informational brochures, kiosks, signs and a waterfront logo could also be used to remind residents of Newburgh's assets and to foster a sense of pride in the community. The City will work with Orange County and regional tourism promotion groups to ensure that Newburgh's resources are advertised.

A wayfinding signage program should be developed as one means of linking the tourism destinations along Broadway and Liberty Street and other inland locations to the waterfront. In addition, to provide additional historic and cultural interest along the waterfront walkway, the City proposes to develop interpretive signage.

Permitting, size, placement and design guidelines should be developed for all business advertising signs within the LWRP area.

ii) Educational Program

³ These projects are area-wide and have not been mapped.
Awareness of Newburgh’s historic, scenic and marine resources should begin with residents of the City and surrounding communities. Existing educational programs should be supported and new educational programs should be developed and incorporated into the City's recreational programs and offered to the schools. These should concentrate on activities that will bring children to the waterfront and adjacent historic district. Educational and cultural institutions, including the Newburgh Enlarged School District, Mount Saint Mary’s College, Orange County Community College, Newburgh Preservation Association, the Sloop Clearwater, Scenic Hudson, Riverkeeper, NYSDEC, the Coast Guard, Washington's Headquarters, the Hudson River Interpretive Center and the Historical Society will be regularly communicated with concerning cooperative programs.

The City will continue to develop and encourage education and outreach projects to provide information on a variety of topics to City residents and visitors, including information on coastal resources and the values of those resources in the HMA; best management practices for stormwater management; public recreation facilities and opportunities; applicable laws, regulations, and ordinances for use of the HMA and waterfront; and opportunities for public involvement in matters pertaining to the HMA and implementation of the LWRP. Specific educational programs include preparation and distribution of informational materials, design and placement of interpretive signs and displays and organization of special water and waterfront events.

iii) Waterfront and Water Trails

Projects to establish waterfront trails may include projects to extend shared-use paths (including paved walkways and boardwalks) for walking, bicycling, jogging, wheelchair use, and other nonmotorized uses along the City’s entire Hudson River and Quassaick Creek shoreline, to the extent they can be implemented in a safe and environmentally sound manner. Waterfront trails should be identified by signage and adequately separated from motorized vehicle traffic, and may be planned as elements of the Hudson River Valley Greenway Trail System. Trails should be designed to safely support beneficial use by the intended user groups (a minimum width of 10 feet is generally recommended) in accordance with design guidance provided by the American Association of State Highway and Transportation Officials (AASHO) and other accredited organizations. Projects to establish waterfront trails may include trailside amenities such as benches, bicycle racks, and landscape ornamental features. Waterfront trails projects shall be implemented in coordination with waterfront redevelopment to provide safe and enjoyable connections between waterfront activity areas and other uptown areas of the City, including Downtown Newburgh.

Water trails projects may include the identification and mapping of a water trail system for hand-powered vessels such as kayaks and canoes that may be developed in coordination with other Hudson River towns as an element of the larger Hudson River Greenway Water Trail (HRGWT).
Such projects should be consistent with the goals of the HRGWT to provide access and take-out points along the river to allow kayakers and canoeists to experience the river's scenic, natural, historic and cultural resources, and should be planned to create an enjoyable and rewarding experience for recreational paddlers who start their excursions in Newburgh or stop in the City in the course of their journeys on the river. Water trails projects may be linked with and complement existing and future elements of the City's waterfront trails network. Projects may include the design and construction of interpretive displays at waterfront locations providing access to the HMA for hand-powered vessels and waterproof brochures/trial maps including historical and environmental information and descriptions of points of interest on the City's waterfront and along the water trails.

iv) Water Quality Improvements

The City will continue to support projects aimed at the continued improvement of water quality and the reduction of stormwater runoff (quantity) into the HMA in accordance with the City's CSO Long Term Control Plan. Such projects may involve measures to reduce point and nonpoint sources of pollution, including:

- Capital projects for continued separation of stormwater and sanitary sewers and upgrading municipal wastewater collection and treatment systems using best available technology, projected demand for wastewater treatment and community development goals and plans;

- Properly sized (for the anticipated use) vessel-waste pump-out and waste receptacle facilities to receive and contain sewage from marine sanitation devices and portable toilets on recreational and commercial vessels and properly dispose of that sewage into the City's wastewater collection and treatment system (with consideration given to self-operated or attended units, portable units or units for stationary installation, and reasonable fees for facility use);

- Water quality sampling and testing programs (using volunteers as appropriate to collect stormwater samples) to determine and document the correlation between precipitation and any increased levels of bacteria in the HMA and to provide information for planning the application of appropriate technologies, facilities, and best management practices to manage stormwater to reduce nonpoint source pollution;

- Public education and outreach programs to increase awareness of water quality issues and opportunities for addressing them, including opportunities for applying “green infrastructure” technologies and practices and Low Impact Development (LID) strategies to manage stormwater, reduce runoff and prevent pollution in the HMA;
- Site-specific to Citywide and regional projects to apply cost-effective and sustainable “green infrastructure” and LID technologies, strategies and best management practices, including: rain gardens and bio-retention areas to provide on-site retention and treatment of stormwater runoff; bioremediation to consume and break down environmental pollutants; vegetated (“green”) roofs to reduce stormwater runoff; redirection of downspouts from sewer inlets to permeable surfaces; vegetated swales with engineered soils to treat and attenuate stormwater runoff; constructed wetlands to achieve pollutant removal through settling and biological uptake; urban reforestation to provide permeable areas where stormwater can infiltrate along public right-of-ways; porous pavement areas allowing stormwater to infiltrate the subsoil; and buffer zones of natural or established vegetation to filter runoff that would otherwise directly enter the HMA; and

- Projects to establish structural stormwater treatment systems and technologies (in accordance with plans prepared by professional engineers licensed by the State of New York with experience in the design and construction of such systems and technology), including catch-basin screens and filters, swirl-type grit chambers, heavy media collectors and other commercially available stormwater control devices to remove pollutants from stormwater. (Such projects should be planned and implemented in coordination with projects to apply nonstructural “green infrastructure” and LID technologies.)
SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION
This section of the LWRP describes the techniques for local implementation of the City of Newburgh LWRP. It includes a discussion of existing local laws and regulations and how they relate to LWRP policies, as well as the management structures to implement the LWRP. No changes to any local laws or regulations are proposed in this LWRP.

1. **EXISTING LAWS AND REGULATIONS**

a. **Adopt-A-Municipal Park, -Shoreline or –Roadway Program – Chapter 3**

This chapter authorizes the City Manager to enter into adopt-a-municipal-park, -shoreline or -roadway agreements with such volunteers or groups as he/she may deem appropriate.

b. **Building Construction – Chapter 122**

This chapter provides the structure and procedures for the City of Newburgh Code Compliance Supervisor, responsible for administration and enforcement of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures. The Code Compliance Supervisor may seek assistance from Health, Engineering and Public Works, Fire and Police Departments or officers and all other municipal officials as may be required for the inspection of premises within the scope of these standards and to the extent and limit determined by the City Manager.

c. **Demolition of Buildings – Chapter 125**

The general purpose of this chapter is to establish rules and regulations governing the demolition of buildings and accessory structures, to provide safety for employees engaged in demolition work, to safeguard the public in its use of sidewalks and roads adjoining the property on which the demolition is proceeding and to protect adjacent structures from damage resulting from the demolition work.

d. **Docks and Waterways – Chapter 147**

This chapter regulates uses and activities in, on and near City-owned docks and watercourses, including vehicle use, storage of materials, bathing and swimming, illicit discharges (i.e. refuse, sewage, putrescible matter), contamination of water supply, sinking of vessels and fishing. Violation of the rules and regulations of this chapter are punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both, on complaint of the Code Compliance Officer.

1 Full text of all laws referenced herein may be found online at [http://ecode360.com/NE1082](http://ecode360.com/NE1082).
e. **Environmental Quality Review – Chapter 158**

This chapter of the City Code implements the New York State Environmental Quality Review Act (SEQR). It establishes procedures necessary to assure full review of environmental impacts of proposed actions, improvements and developments within Newburgh.

f. **Conservation – Chapter 159**

This chapter recognizes that the preservation and improvement of the quality of the natural environment within the City are of vital importance to the health, welfare and economic well-being of present and future residents and require action by the City Council. The City recognizes its vulnerabilities to changing weather patterns and the need to take measures to both mitigate and adapt to them; the City also acknowledges that green infrastructure tempers warming, sequesters carbon and helps to absorb stormwater. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of natural resources while preventing: loss of living estuarine and riparian resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline and stream banks; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; encroachment on such other lands owned by the City that would negatively impact its drinking water sources; or permanent adverse changes to ecological systems.

Articles I and II of this chapter establish and empower the Conservation Advisory Council (CAC). The CAC is authorized to review materials and make recommendations to appropriate agencies regarding the development, management, and protection of the City's natural resources, designated in the Natural Resource Inventory, including, but not limited to, coastal resources, the City's drinking water sources, and City trees, as well as make recommendations on the consistency of actions proposed within the City's waterfront area according to LWRP policy standards and conditions.

Article III of this chapter establishes the City of Newburgh Waterfront Consistency Law. The purpose of this article is to provide a framework for agencies of the City of Newburgh to consider the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions located within the LWRP area and to assure that such actions and direct actions are consistent with the LWRP policies and projects. This article establishes the rules and procedures for conducting coastal consistency and empowers the CAC to provide advisory consistency review recommendations to the agency approving the activity located within the LWRP area.

Article IV of this chapter promotes the protection, planting and preservation of trees within Newburgh. This article establishes rules and regulations pertaining to the planting of trees within public areas, the treatment of public trees, permits for removal of trees in historic districts, removal of dead or diseased trees, protected trees, and penalties for non-compliance with the article.
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g. Flood Damage Prevention – Chapter 175

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- Control filling, grading, dredging and other development which may increase erosion or flood damages;
- Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- Qualify for and maintain participation in the National Flood Insurance Program.

h. Freshwater Wetlands – Chapter 178

This Chapter of the City Code regulates all activities subject to regulation under the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law) as shown on the freshwater wetlands map, as amended, filed by the New York State Department of Conservation and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland.

i. Parks and Recreation Areas — Chapter 220

This chapter provides rules and regulations related to hours of operation, allowed uses and activities, use of facilities, scheduling of activities and events, and permit and fee requirements for use of City park facilities (i.e. Newburgh Boat Launch) for all of the City’s parks including all parks located within the LWRP area.

j. Water Pollution — Chapter 295

This chapter prohibits the pollution of waters of the City of Newburgh.

k. Zoning Regulations – Chapter 300

The City’s Zoning Ordinance regulates how land can be used, and at what intensity and under what conditions development can occur. The City undertook a city-wide rezoning effort in 2015 to implement recommendations made in the City’s Master Plan and Future Land Use Plan, including the creation of new
form-based districts for a portion of the LWRP area. This includes the creation of the form-based Planned Waterfront, Broadway Corridor, Downtown Neighborhood and, Waterfront Gateway Districts.

The form-based zoning districts seek to promote a more urban, walkable, and vibrant downtown by providing flexibility and variety with respect to uses within buildings, ensuring that new development is compatible with the existing urban fabric of downtown, and by providing guidelines for the redevelopment of the waterfront. The most prominent waterfront-related districts in the LWRP area are the WG and PWD zones. The WG zone seeks is to maximize the residential and commercial density of new development. New projects in this zone should capitalize on the dramatic views of the Hudson River Valley, while protecting the views of the river from upland areas. Maximum permitted height in this district is 8 stories/95 feet.

The PWD zone is intended to revitalize the waterfront and establish the City as a regional destination along the Hudson River. Within this district, water-dependent and water-enhanced uses are encouraged. A broad mix of uses, including housing, commercial, cultural, and open space uses are allowed. The physical form and orientation of buildings within the PWD should reflect the importance of the Hudson River to the successful redevelopment of the waterfront and should encourage activation of the waterfront through increased pedestrian utilization. Shopfront buildings and rowhouses, along with civic buildings, are permitted within this district. Parking lots, both structured and surface, should be primarily located adjacent to the railroad tracks. This allows parking to be screened from vantage points to the east and west. Maximum permitted heights in the PWD are 6 stories/65 feet. The PWD zone also requires that all lots having the Hudson River as part of its boundary provide both physical and visual public access to the waterfront.

1. **City of Newburgh Urban Renewal Plan**

The Urban Renewal Plan was enacted in the 1960s to guide the redevelopment of urban renewal parcels. The Urban Renewal Plan is still utilized by the City to guide the disposition of former urban renewal parcels located within the LWRP area.

2. **MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP**

All State and Federal actions proposed within the City of Newburgh LWRP area will be reviewed in accordance with the guidelines established by the New York State Department of State. Locally, all municipal agencies will retain their current legislative and administrative responsibilities. However, when an action is proposed within the LWRP area, a consistency determination will be made prior to approving, funding or undertaking the action by the respective municipal agency to assure, to the maximum extent practicable, that the subject action is consistent with the policies and purposes of the LWRP. The City Council, Planning Board, Zoning Board, and any other municipal official empowered to make land and

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water decisions will be the municipal entities making consistency determinations. These boards will make these decisions with the benefit of an advisory recommendation from the CAC for all proposals affecting the LWRP area (including the LWRP's HMP).

Responsibilities related to the LWRP are assigned as follows:

a. **City Agencies and Authorities**

The City's jurisdiction over the LWRP area is influenced by state legislation that requires, permits, or restricts the types of jurisdiction the City may carry out. Principal state authorizing laws influencing the City's harbor management jurisdiction are the Municipal Home Rule Law, the Navigation Law and the Waterfront Revitalization and Coastal Resources Act (Article 42 of the New York Executive Law).

The Municipal Home Rule Law provides basic authorizations, requirements and procedures whereby the City may adopt local laws that are not inconsistent with the State Constitution and with general laws enacted by the State Legislature. Local law power is also restricted where the proposed local law action has been pre-empted by the State. Section 46-a of the Navigation Law provides the City with authority to regulate certain activities on any waters within or bounding the City to a distance of 1,500 feet from the shore.

The Waterfront Revitalization and Coastal Resources Act authorizes the City to prepare, amend and implement its LWRP to guide coastal area use and resource conservation in a manner consistent with the State's coastal management policies. The Act also authorizes preparation and implementation of the City's Harbor Management Plan (HMP) as an essential element of the LWRP, and allows the City, in the course of implementing the HMP, to regulate certain activities on any waters within or bounding its jurisdiction to a distance of 1,500 feet from the shore.

The City Charter and Code of Ordinances (Code) establish the powers, duties and regulations that guide the functions and operation of City government. The Charter and Code include, in addition to their sections that set forth the authorities of relevant City agencies, sections that specifically apply to the HMA. The Charter defines the territorial boundaries of the City including the waters of the Hudson River extending to the centerline of the river. Within that jurisdiction, the City has established its Waterfront Area for the purpose of its LWRP. In addition, the LWRP defines the NHMA as that part of the Waterfront Area waterward of the mean high water (MHW) line in the Hudson River and Quassaïck Creek and extending to the centerline of the Hudson River. The Waterfront Area is defined in Chapter 159 of the Code.

b. **Administration of City Government**
The two major components of the City's government are its legislative branch consisting of the City Council and its executive branch consisting of its various departments and agencies headed by the City Manager. The Council, comprised of the Mayor and six other members, is the legislative and policy-making body of the City, with the power, authority, and duty to make such local laws and adopt such resolutions as are deemed necessary for the conduct of the City's business. The Council also has final approval authority over the City's operating and capital projects budgets. The Council and Mayor provide leadership and direction for the City's waterfront revitalization and harbor management initiatives and help to set and advance the City's vision for use and conservation of its land and water resources. The City Council will be the entity responsible for adopting the LWRP and conducting the required New York State Environmental Quality Review Act (SEQRA) review.

As authorized by state statutes, the Council may adopt local laws to address navigation and other land and water-related activities in the LWRP area. All locally adopted laws must be filed with the New York Secretary of State. Any City law pertaining to navigation or boating safety must be approved by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP; see the later section on State Agencies and Authorities) in accordance with the state Navigation Law.

As authorized by Section 46-a of the Navigation Law, the Council may adopt local laws, rules, and regulations for:

- regulating and restricting the speed and operation of vessels within 1,500 feet from the shore;
- regulating and restricting the anchoring or mooring of vessels within 1,500 feet from the shore;
- regulating and restricting the anchoring or mooring of vessels used or occupied as living or sleeping quarters;
- restricting and regulating garbage removal from vessels; and
- designating and regulating the use of public anchorage areas.

While the Navigation Law does not grant to local governments the authority to regulate docks, piers, and other in-water structures below the MHW line, Article 42 of the Executive Law enables the City, and all other municipalities in the state preparing and implementing harbor management plans, to “adopt, amend and enforce local laws and ordinances... to regulate the construction, size and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures...” in or above the water, as well as the use of surface waters and underwater lands, to a distance of 1,500 feet from the shore.

The City Manager, as the chief administrative and executive officer of the City, also provides leadership to advance the City's waterfront revitalization and harbor management initiatives. Among the City Manager's basic duties are to see that the laws of the state and the ordinances of the Council are enforced in the City; to appoint and remove the heads of departments and members of certain boards and commissions; and to exercise supervision and control over the administrative departments of the City.
c. **City Boards, Commissions and Departments**

In addition to the Mayor, City Council and City Manager, a number of other City agencies and officials have authorities directly or indirectly affecting the LWRP area.

The **Newburgh Conservation Advisory Council**, established by Chapter 159 of the Code (in 2013), is responsible for reviewing proposals affecting the LWRP Area for consistency with the LWRP (including the LWRP's HMP) and making advisory recommendations to the appropriate agencies. The **Planning Board** has the authority to conduct investigations and prepare maps, reports and recommendations relating to the planning and development of the City and reviews site plans for construction or reconstruction on all land parcels in the City. The **Zoning Board of Appeals** enforces the City's zoning laws, including those laws that affect waterfront use and development, and hears applications for variances to those laws. The **Parks and Recreation Commission** advises the City Council, City Manager and Recreation Department with respect to the maintenance of all City parks and recreational facilities, including the Newburgh Landing and Newburgh boat launch. The authorities of other boards and commissions, including the **Architectural Review Commission** and the **Arts and Cultural Commission**, may also affect the LWRP area to the extent those authorities influence waterfront conditions and uses.

City departments with authorities and responsibilities affecting the LWRP area include: the **Police Department** whose Marine Unit is responsible for law enforcement in the HMA, including enforcement of City ordinances and state boating laws, and also provides boating-related services ranging from emergency response to boater education; the **Fire Department** which has emergency response functions as well as responsibilities regarding fire prevention and preparedness in and around waterfront facilities; the **Department of Public Works** which is responsible for construction, development, and maintenance of certain physical properties of the City, including the City's public waterfront areas, and whose responsibilities for stormwater management and sanitary sewers, including supervision of the operation of the City's Water Pollution Control Plant, are particularly significant with regard to the LWRP area; the **Department of Planning and Development**, which provides technical assistance to the City Council, City Manager and the community at large on housing, community development, economic development, and land-use issues, administers federal and state grant programs, and is responsible for preparation of the City's Master Plan, approved by the City Council, which includes the City's major policies for land-use and future development, including policies for the beneficial use and conservation of the City's waterfront; the **Building/Code Enforcement Department** within which the City Code Compliance Supervisor is responsible for enforcing the provisions set forth in Chapter 122 of the Code; and the **City Historian's Office** interested in documenting and promoting the City's maritime history associated with the Hudson River.

d. **Neighboring Towns**
It is recognized by the City that actions originating in or involving the municipalities with jurisdictions adjoining the LWRP area, including the City of Beacon and the towns of Newburgh and New Windsor, can affect the LWRP area. In addition, actions originating in other towns located on the Hudson River and in the upstream watershed of the river may also affect the waterfront area.

e. County Departments and Agencies

County departments and agencies concerned with the LWRP area include the Orange and Dutchess County Sheriff’s Departments, the Orange County Planning Department and the Orange County Tourism office. The two Sheriff's Departments carry out law enforcement responsibilities in the Hudson River, including enforcement of the state Navigation Law and any local laws pertaining to boating activity, within the jurisdictions of the two counties. The Sheriff's Departments share jurisdictional responsibility for marine law enforcement in the river with the City's Police Department, State Police and other state law enforcement agencies, including law enforcement divisions of the Department of Environmental Conservation (DEC) and the OPRHP.

The primary functions of the Orange County Planning Department are to plan for countywide development and to provide technical assistance to local governments in the county. In addition, any proposed action by the City to adopt or amend zoning regulations, approve site plans, issue special permits, or grant variances within 500 feet of its boundaries must be referred to the County Planning Department for recommendations prior to final action by the City.

The Orange County Tourism office provides visitors with information on waterfront activities, boat trips, and other attractions in the City and along the Hudson River.

f. Private Groups and Organizations

Several private groups and nongovernmental organizations also have significant interests concerning use of the LWRP area and protection of the environmental quality associated with it. These include not-for-profit groups and organizations such as Scenic Hudson, the Hudson River Sloop Clearwater, Inc., the Hudson River Valley National Heritage Area, Sustainable Hudson Valley, the Hudson River Foundation and the Hudson Riverkeeper Fund concerned with preserving and restoring the ecological, scenic, historic and recreational resources of the Hudson River.

Other interested organizations include the Orange County Land Trust which is working with governmental agencies and other not-for-profit groups to plan and establish a public park and trail system in the Quassaick Creek stream corridor; and Newburgh Rowing Club, which operates its programs from the City's Ward Brothers Memorial Rowing Park; and the Coast Guard Auxiliary based in Kingston, New York, a
voluntary organization that assists the U.S. Coast Guard with search and rescue efforts and with education for boating safety in this part of the Hudson River.

In addition, NY Waterways operates its ferry-rail link across the river between the City and Beacon, New York; the CSX Transportation company which carries freight on the West Shore rail line that generally follows the City's waterfront; the Newburgh Yacht Club which provides boating facilities for its members and guests; and the operators of water-dependent and water-enhanced businesses on the City's waterfront, including recreational marinas, excursion boats, marine-commercial facilities, and waterfront restaurants.

3. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

The implementation of the proposed projects identified in Section IV will require funding from a combination of public and private sources. These costs may include capital outlays and maintenance and operation costs. For many of the projects, costs are undetermined at this time. It is recognized that if the majority of the projects identified are implemented, they will be funded privately or supplemented by State and Federal funding. Where applicable, the City will work diligently to secure funding through grants available through State and Federal program funds, as well as other grants and in-kind assistance from governmental entities, elected representatives, quasi-governmental organizations and private entities, to support implementation of the identified LWRP projects.

Ongoing management of the LWRP will not require outside sources of funding. The City will include all necessary management costs in its regular municipal budget.

4. PROCEDURAL GUIDELINES FOR COORDINATING NYSDOS AND LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS AND GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS WHERE LWRPS ARE IN EFFECT

Please refer to Appendix C for an outline of procedural guidelines for coordinating with NYSDOS and LWRP Consistency Review of federal agency action. Guideline for notification and review of state agency actions where LWRPs are in effect can also be found in Appendix D.
SECTION VI: STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION
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State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The following state and federal authorities are part of the institutional framework for local waterfront planning and harbor management that includes planning initiatives as well as regulatory requirements. The City anticipates that all of the involved governmental entities identified in this section will likely have continuing roles affecting Newburgh’s waterfront area.

1. **State and Federal Actions and Programs**

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP.

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

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary for further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above may not apply; and that the consistency requirements cannot be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Sections IV and V, which also discuss State and Federal assistance needed to implement the LWRP.
a. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

i) State Agencies

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

DEPARTMENT OF AGRICULTURE AND MARKETS
1.00 Agricultural Districts Program
2.00 Rural Development Program
3.00 Farm Worker Services Programs.
4.00 Permit and approval programs:
   4.01 Custom Slaughters/Processor Permit
   4.02 Processing Plant License
   4.03 Refrigerated Warehouse and/or Locker Plant License

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

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

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

NEW YORK STATE BRIDGE AUTHORITY (Regional Agency)

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

OFFICE OF CHILDREN AND FAMILY SERVICES

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

DEPARTMENT OF CORRECTIONAL SERVICES
1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
1.00 Financing of higher education and health care facilities.
2.00 Planning and design services assistance program.

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

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department
2.00 Classification of Waters Program; classification of land areas under the Clean Air Act
3.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

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

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

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
   (a) Water Quality Improvement Projects
   (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects

7.00 Marine Finfish and Shellfish Programs

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

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

   **Construction Management**
   9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

   **Fish and Wildlife**

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

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

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

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

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

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

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

ENVIRONMENTAL FACILITIES CORPORATION
1.00 Financing program for pollution control facilities for industrial firms and small businesses

FACILITIES DEVELOPMENT CORPORATION
1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

OFFICE OF GENERAL SERVICES
1.00 Administration of the Public Lands Law for acquisition and disposition of State lands, including grants of land and grants of easement of land under water, including for residential docks over 4,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development
2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance
3.00 Facilities construction, rehabilitation, expansion or demolition
4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archaeological and paleontological objects under State water bodies
5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (Regional Agency)
1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy
2.00 Financial assistance/grant programs
3.00 Model Greenway Program
4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH
1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
2.00 Permit and approval programs:
   2.01 Approval of Completed Works for Public Water Supply Improvements
   2.02 Approval of Plans for Public Water Supply Improvements
   2.03 Certificate of Need (Health Related Facility - except Hospitals)
   2.04 Certificate of Need (Hospitals)
   2.05 Operating Certificate (Diagnostic and Treatment Center)
   2.06 Operating Certificate (Health Related Facility)
   2.07 Operating Certificate (Hospice)
   2.08 Operating Certificate (Hospital)
   2.09 Operating Certificate (Nursing Home)
   2.10 Permit to Operate a Children's Overnight or Day Camp
   2.11 Permit to Operate a Migrant Labor Camp
   2.12 Permit to Operate a Retail Frozen Dessert Manufacturer
   2.13 Permit to Operate a Service Food Establishment
   2.14 Permit to Operate a Temporary Residence/Mass Gathering
   2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
   2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
   2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES
1.00 Facilities construction, rehabilitation, expansion, or demolition.
2.00 Financial assistance/grant programs:
   2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
   2.02 Housing Development Fund Programs
   2.03 Neighborhood Preservation Companies Program
   2.04 Public Housing Programs
   2.05 Rural Initiatives Grant Program
   2.06 Rural Preservation Companies Program
   2.07 Rural Rental Assistance Program
   2.08 Special Needs Demonstration Projects
   2.09 Urban Initiatives Grant Program
2.10 Urban Renewal Programs

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

**HOUSING FINANCE AGENCY**

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

2.00 Affordable Housing Corporation

**HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (Regional Agency)**

1.00 Greenway Planning and Review

2.00 Greenway Compact Activities

3.00 Financial Assistance/Grants Program

4.00 Greenway Trail Activities

**JOB DEVELOPMENT AUTHORITY**

1.00 Financing assistance programs for commercial and industrial facilities

**MEDICAL CARE FACILITIES FINANCING AGENCY**

1.00 Financing of medical care facilities

**OFFICE OF MENTAL HEALTH**

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

2.00 Permit and approval programs:

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

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

2.00 Permit and approval programs:

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

**METROPOLITAN TRANSPORTATION AUTHORITY (Regional Agency)**

1.00 Facilities construction, rehabilitation, expansion or demolition or the
Section VI: State and Federal Actions and Programs Likely to Affect Implementation

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions

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

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

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

3.00 Funding program for recreational boating, safety and enforcement

4.00 Funding program for State and local historic preservation projects

5.00 Land and Water Conservation Fund programs

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

7.00 Permit and approval programs:
   7.01 Floating Objects Permit
   7.02 Marine Regatta Permit
   7.03 Navigation Aide Permit
   7.04 Posting of Signs Outside State Parks

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

9.00 Recreation services program

10.00 Urban Cultural Parks Program

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion or demolition
NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION
1.00 Corporation for Innovation Development Program
2.00 Center for Advanced Technology Program

DEPARTMENT OF STATE
1.00 Appalachian Regional Development Program
2.00 Coastal Management Program
3.00 Community Services Block Grant Program
4.00 Permit and approval programs:
   4.01 Billiard Room License
   4.02 Cemetery Operator
   4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND
1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

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

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

THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY
COMMISSION (Regional Agency)

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation and Canal Recreationway Commission

2.00 Facilities construction, rehabilitation, expansion, or demolition

3.00 Permit and approval programs:
   3.01 Advertising Device Permit
   3.02 Approval to Transport Radioactive Waste
   3.03 Occupancy Permit
   3.04 Permits for use of Canal System lands and waters

4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

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

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
   (a) Highways and parkways
   (b) Bridges on the State highways system
   (c) Highway and parkway maintenance facilities
   (d) Rail facilities

3.00 Financial assistance/grant programs:
   3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
   3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
   3.03 Funding programs for rehabilitation and replacement of municipal bridges
   3.04 Subsidies program for marginal branchlines abandoned by CSX
   3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:
   4.01 Approval of applications for airport improvements (construction projects)
   4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
4.05 Certificate of Convenience and Necessity to Operate a Railroad
4.06 Highway Work Permits
4.07 License to Operate Major Petroleum Facilities
4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
4.09 Real Property Division Permit for Use of State-Owned Property

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

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

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

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

2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
   (a) Tax-Exempt Financing Program
   (b) Lease Collateral Program
   (c) Lease Financial Program
   (d) Targeted Investment Program
   (e) Industrial Buildings Recycling Program

3.00 Administration of special projects.

4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.
ii) Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE
National Marine Fisheries Services
1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE
Army Corps of Engineers
1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
2.00 Land acquisition for spoil disposal or other purposes.
3.00 Selection of open water disposal sites.

Army, Navy and Air Force
4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
5.00 Plans, procedures and facilities for landing or storage use zones.
6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY
1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION
1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR
Fish and Wildlife Service
1.00 Management of National Wildlife refuges and proposed acquisitions.
Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, CSX

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

Coast Guard

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

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

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY

economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

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

Draft: January 18, 2017
1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

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

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

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

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

NUCLEAR REGULATORY COMMISSION


SURFACE TRANSPORTATION BOARD

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

DEPARTMENT OF TRANSPORTATION
Coast Guard

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

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068 Rural Clean Water Program
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.422 Business and Industrial Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

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

ENVIRONMENTAL PROTECTION AGENCY
66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants
66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)
GENERAL SERVICES ADMINISTRATION
39.002 Disposal of Federal Surplus Real Property

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
14.112 Mortgage Insurance -
Construction or Substantial Rehabilitation of Condominium Projects
14.115 Mortgage Insurance -
Development of Sales Type Cooperative Projects
14.117 Mortgage Insurance - Homes
14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
14.125 Mortgage Insurance - Land Development and New Communities
14.126 Mortgage Insurance -
Management Type Cooperative Projects
14.127 Mortgage Insurance - Mobile Home Parks
14.218 Community Development Block Grants/Entitlement
Grants
14.219 Community Development Block
Grants/Small Cities Program
14.221 Urban Development Action Grants
14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR
15.400 Outdoor Recreation -
Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
15.411 Historic Preservation Grants-in-Aid
15.417 Urban Park and Recreation Recovery Program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife Restoration
15.613 Marine Mammal Grant Program
15.802 Minerals Discovery Loan Program
15.950 National Water Research and Development Program
2. State and Federal Actions and Programs Necessary to Further the LWRP

a. State Actions and Programs

**OFFICE OF GENERAL SERVICES**

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

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Draft: January 18, 2017
Planning, development, construction, or expansion of recreational facilities/projects located on the waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

**OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION**
- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP – including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

**DEPARTMENT OF STATE**
- Provision of funding for implementation of an approved LWRP
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

**COUNCIL ON THE ARTS**
- Assistance from the Architecture and Environmental Arts program for a harborfront plan.

**DEPARTMENT OF TRANSPORTATION**
- Assistance for street repairs through the Consolidated Highway Improvements Program.

### b. Federal Actions and Programs

**DEPARTMENT OF DEFENSE**
- **Corps of Engineers**
  - A U.S. Army Corps of Engineers permit would be required for the following activities:
    - Dredging and shoreline stabilization
    - Repair or installation of boat ramps
§ Installation of piers and marina-related facilities

ENVIRONMENTAL PROTECTION AGENCY
1. Review of any proposed action within a National Register District pursuant to NEPA

DEPARTMENT OF THE INTERIOR
National Park Service
2. Provision of funding under the Land and Water Conservation Fund Program.
SECTION VII: CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES
During preparation of the LWRP, the following agencies were consulted for agency- or department specific information necessary to accurately prepare the LWRP.

1. **FEDERAL CONSULTATION**

   No direct federal consultation has taken place at this time.

2. **STATE CONSULTATION**

   The following State agencies were contacted during the preparation of the LWRP:
   - Department of Environmental Conservation - Information was requested concerning the classification of the Quassaick Creek and the status of SPEDES permit for discharges into the creek.
   - Office of General Services - Maps were requested showing ownership of lands under water along the Newburgh waterfront.
   - Department of State – Division of Coastal Resources - Input was requested regarding the structure and organization of the LWRP.

3. **REGIONAL CONSULTATION**

   - Orange County Department of Planning

4. **LOCAL CONSULTATION**

   - City of Newburgh City Council
   - City of Newburgh City Manager
   - City of Newburgh Planning Board
   - City of Newburgh Zoning Board
   - City of Newburgh Department of Planning and Development
   - City of Newburgh Recreation Department
   - City of Newburgh Conservation Advisory Council

Local consultation has consisted of numerous meetings with the Conservation Advisory Council (see Section VIII), which was formed to prepare Newburgh’s LWRP. The seven-member committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the policy standards of the LWRP. City of Newburgh staff were also consulted. The Newburgh City Council was also briefed during the development of the LWRP.
SECTION VIII: OBTAINING LOCAL COMMITMENT
1. **PUBLIC OUTREACH**

This Local Waterfront Revitalization Program (LWRP) was prepared in partnership with the New York State Department of State (DOS) and in accordance with regulations established by the DOS. The DOS initiated a review of the Draft LWRP by potentially affected State, Federal and local agencies to identify, and avoid, conflicts with existing projects, programs and policies.

In addition, the City undertook efforts to gain public input and comment on the LWRP. In conjunction with BFJ Planning, the CAC (formerly the WAC) hosted four public workshops – one in 2007, two in 2008 and one in 2016. The workshops in 2007 and 2008 provided an overview of the LWRP program and update process, a summary of existing conditions, input on proposed LWRP projects, and sought the Community’s input on the overall vision and proposed projects for Newburgh’s LWRP area. The fourth workshop, held on September 28, 2016 presented an overview of the LWRP process, an update of existing conditions and a proposed projects since 2007.

2. **LWRP PROCESS**

The City of Newburgh appointed the Waterfront Advisory Committee (now the CAC) to prepare its first draft LWRP. Members of the CAC represented the main community sectors interested in the coastal area, namely commercial marine interests, real estate agents and developers, historic preservationists, and general businessmen. City agencies represented on the CAC were the Recreation Department, the Fire Department, and the Office of Economic Development. The Planning Board Chairman, the Chairman of the Zoning Board of Appeals, and a City Councilmember were also members.

The WAC met with the City Manager and with the Mayor and City Council on several occasions to discuss the direction of the LWRP. The City also hosted a meeting for Hudson River municipalities which was conducted by Scenic Hudson. The meeting addressed the assessment of visual impacts of proposed development projects.

The WAC met regularly, including on the following dates:

- May 20, 1987
- July 13, 1987
- October 6, 1987
- November 9, 1987
- February 29, 1988
- March 14, 1988
- April 11, 1988
- May 16, 1988
- November 9, 1988
May 4, 1989

A draft LWRP was prepared in 1992 and adopted by the City of Newburgh. In 1999, because of redevelopment initiatives, the City determined it was timely to revise and update its locally adopted LWRP. This update was prepared by staff from several City departments and reflected current land uses, economic, natural, infrastructure and community service policies as they related to the City’s local waterfront revitalization area. The revised LWRP was adopted by the City Council and approved by the State in 2001.

In 2007, again because of redevelopment initiatives, the City determined it was appropriate to update its LWRP as well as prepare a HMP. The 2007 LWRP updated existing conditions within the LWRP area to reflect changes experienced in the area since 2001, with the following objectives:

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

The WAC met regularly throughout 2007 and into 2008 to prepare the amendments to the 2001 LWRP. The Committee met with the Director of Planning and Development and with members of department staff, as well as with the City’s LWRP and HMP consultants, on numerous occasions to discuss the direction of the LWRP and HMP; all of these meetings were open to the public. The City also hosted a public workshop on September 19, 2007 to present the preliminary sections of the amended LWRP. The City hosted two additional public workshops on May 3 and May 6, 2008 to present the draft LWRP to the public. The City’s LWRP consultants also met extensively with City staff.

The CAC met regularly, including the following dates:

- April 18, 2007
- May 9, 2007
- May 23, 2007
- June 13, 2007
- August 15, 2007
- September 19, 2007 (Public Workshop)
- October 17, 2007
In 2013, the City updated the City Code to establish a CAC (Chapter 159) to replace and fulfill the duties of the WAC. In 2014, the CAC, in coordination with City staff and the City’s LWRP consultant’s, made additional edits and revisions to the LWRP. Finally, in 2016, the City convened a working group, consisting of the CAC, a member of the City Council, Planning Board, Zoning Board and City staff to complete the LWRP. With assistance from the City’s planning consultant, BFJ Planning, the LWRP working group met on June 15, 2016, July, 27, 2016 and December 15, 2016. The working group also held a public workshop on September 28, 2016 to review changes to existing conditions and updates to proposed projects.
Appendix A

LWRP Glossary
GLOSSARY OF LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) TERMS

**Abandoned Vessel**: Any vessel not moored, anchored, or made fast to the shore, and left unattended for a period greater than 24 hours; also, any vessel left upon private property without consent from the waterfront property owner for a period greater than 24 hours.

**Accessory Marine Uses**: Facilities or services associated with a marina and/or boatyard and including, but not limited to: fuel supply; boating equipment sales and rental; bait and tackle sale; provision of potable water; prepared food and groceries; marine supplies; disposal of marine wastes; parking for vehicles; and administration of marina and/or boatyard functions.

**Accretion**: The addition of new land to the shoreline through the action of natural forces depositing waterborne or airborne material or by reason of an act of man such as the accretion formed as a result of groin or breakwater construction, or beach fill deposited by mechanical means; also defined as the process of gradual and imperceptible addition to riparian land made by the water to which the land is contiguous.

**Active Recreational Uses**: Recreational uses generally requiring facilities and organization for participation and/or having a more significant impact on the natural environment than passive recreational uses.

**Aids to Navigation**: Generally, all markers, including buoys, beacons, or other fixed objects on land or in the water, placed for the purpose of marking obstructions to navigation or to direct navigation through safe channels; defined in the state Navigation Law as buoys, beacons or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels. Aids to navigation include: a) federal aids placed and maintained by the U.S. Coast Guard; and b) “private” aids placed and maintained by all other government and private interests.

**Anchorage**: A non-channel water area specifically designated for the safe anchoring of vessels.

**Anchoring**: To secure a vessel temporarily to the bottom of a waterbody by employing an anchor which is removed from the bottom every time the vessel is underway.

**Aquaculture**: Cultivation or propagation of water-dwelling organisms, including finfish and shellfish.

**Aquatic Environment**: Waters of the United States, including wetlands that serve as habitat for interrelated, interacting communities and populations of plants and animals.

**Aquifer**: An underground geological formation, or group of formations, containing usable amounts of groundwater and capable of yielding considerable quantities of water to wells and springs.

**Avulsion**: The loss of lands, such as those bordering on the seashore, by sudden or violet action of the elements, perceptible while in progress.

**A-Zone**: That portion of the coastal floodplain, as marked on maps prepared by the Federal Emergency Management Agency, likely to be inundated by the one-percent (“100-year”) flood and not subject to wave action.

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1 The definitions included in the glossary are for the purpose of the Newburgh Local Waterfront Revitalization Program. The meaning and use of the included terms may differ in State and federal laws and regulations.
**Bathymetry**: The measurement of depths of water in oceans, seas, and lakes; also information derived from such measurements.

**Beach**: The zone of unconsolidated material, including a foreshore and backshore that extends landward from the low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). The seaward limit of a beach is the mean low water line.

**Beach Nourishment**: Natural or artificial placement of material, usually sand and sometimes including suitable dredged material, on or near a beach for the purpose of expanding an existing beach or replenishing an eroding beach.

**Benthic**: That portion of the marine environment inhabited by marine organisms that live permanently in or on the bottom of the sea.

**Benthos**: All marine plant and animal organisms living on or in the bottom of the sea.

**Berth**: An in-water area typically defined by floating walkways and finger floats, the purpose of which is to provide wet storage space for a vessel.

**Best Management Practices (BMPs)**: Regulatory, structural, or nonstructural techniques applied to prevent and reduce non-point source pollution. Some examples of BMPs are buffers of streamside vegetation to keep pollutants from entering a watercourse; improved management of livestock areas to reduce polluted runoff; construction of wetlands to act as natural filters; and better maintenance of lawns and septic systems.

**Bioaccumulation**: The uptake of substances (metals, for example) leading to elevated concentrations of those substances within plant or animal tissue.

**Bioassay**: A test whereby living organisms are used to measure the effect of a substance, factor, or condition through comparison of “before and after” data; determination of the concentration of a substance in the tissues of an organ or organism in this manner is often used to test the toxicity of sediments and water that may be contaminated with toxic substances.

**Biochemical Oxygen Demand (BOD)**: A measure of the demand on a water body's dissolved oxygen supply that will be generated, over a specified time period, by the biological decomposition of organic material.

**Bioconcentration**: The concentration of contaminants by an aquatic organism through its digestive tract or gill tissues.

**Biotic Community**: A naturally occurring assemblage of plants and animals that live in the same environment and are mutually sustaining and interdependent.

**Boat Basin**: A naturally or artificially enclosed or nearly enclosed harbor area for small craft.

**Boatyard**: A water dependent facility, the main function of which is the repair and servicing of vessels and related services, and generally including facilities for on-land boat storage. Boatyard facilities are often operated in conjunction with marina facilities.

**Breakwater**: A structure protecting a shore area, harbor, anchorage or boat basin from waves; defined in the state Navigation Law as a structure located within the shoreline of a body of water for the purpose of providing protection from wind and wave action.
**Bulkhead**: A vertical wall of wood, steel, or concrete built parallel to the shoreline; designed to control erosion and deflect waves; and which may also function as a retaining wall for fill material placed behind it.

**Buoy**: A float; especially a floating object moored to the bottom of a waterbody to mark a channel, mooring location, restricted speed area, or the location of something beneath the surface of the water such as a rock or shoal.

**Carrying Capacity**: A term generally used to refer to the level of use or extent of modification that environmental or man-made resources may bear without the occurrence of unacceptable resource deterioration or degradation.

**Channel**: A natural or maintained (dredged) waterway shown on navigation charts and marked in-water by aids to navigation, specifically designated for unobstructed movement of vessels, including federal navigation channels maintained by the U.S. Army Corps of Engineers (USACE).

**Clean Vessel Act**: Federal legislation intended to reduce overboard discharge of sewage from recreational boats and providing funds for the construction, renovation, operation, and maintenance of vessel waste pump-out stations for holding tanks and dump stations for portable toilets.

**Clean Vessel Act Program**: New York’s program to implement the goals of the Clean Vessel Act and through which federal funds for the purpose of the Act are distributed.

**Coastal Area**: The area defined by the State of New York in Article 42 of the New York Executive Law within which the provisions of local waterfront revitalization programs apply, and including coastal waters of the State of New York and the adjacent shorelands, to the extent such coastal waters and adjacent lands are strongly influenced by each other.

**Coastal Resources**: Natural and man-made resources within the coastal area of the State of New York, including, but not limited to, coastal waters, underwater lands, wetlands, estuaries, intertidal flats, fish and wildlife habitat areas, beaches, developed shorelines and historic/archaeologic sites.

**Coliform Bacteria**: Widely distributed microorganisms found in the intestinal tracts of humans and other warm-blooded animals and used as an indicator of the sanitary quality of water.

**Combined Sewer Overflows (CSOs)**: Discharges from a sewerage system that carries both sanitary sewage and stormwater runoff. Normally, combined sewers carry all wastewater to a treatment facility. During storm events, however, stormwater volume may be so great as to cause overflows. When this happens, untreated mixtures of stormwater and sanitary sewage may flow into receiving waters.

**Commerce Power**: The federal authority, established by the commerce clause of the U.S. Constitution, whereby the Congress has exclusive powers over interstate commerce and therefore jurisdiction over all navigable waters of the United States.

**Commercial Mooring**: A mooring defined by the USACE for which any type of fee is charged (excepting any fee charged by a municipality for a locally-issued mooring permit) and which must be authorized by a permit from the USACE. Commercial moorings include moorings offered by marinas for transient or seasonal rental, and moorings controlled by private clubs if the annual membership fee enables use of a club-controlled mooring.
**Commercial Vessel**: Any vessel, licensed or unlicensed, used or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

**Comprehensive Harbor Management Plan**: A plan, defined in Article 42 of the New York Executive Law, to address the problems of conflict, congestion, and competition for space in the use of harbors, surface waters, and underwater lands of the state within a city, town, or village or abounding a city, town, or village to a distance of 1,500 feet from shore. A harbor management plan must consider regional needs and, where applicable, must consider the competing needs of commercial shipping and recreational boating, commercial and recreational fishing and shellfishing, aquaculture and waste management, mineral extraction, dredging, public access, recreation, habitat and other natural resource protection, water quality, open space, and aesthetic values, and common law riparian or littoral rights and the public interest in such lands underwater.

**Confined Disposal Facility**: A diked area, either in-water or upland, used to contain dredged material. The terms confined disposal facility, dredged material containment area, diked disposal facility and confined disposal area are used interchangeably.

**Contaminant**: A chemical or biological substance in a form that can be incorporated into, onto or be ingested by and that harms aquatic organisms, consumers of aquatic organisms, or users of the aquatic environment. A contaminant that causes actual harm is sometimes referred to as a pollutant. (See Pollutant.)

**Controlling Depth**: The least depth in the navigable parts of a waterway, governing the maximum draft of vessels that can safely use that waterway.

**Corps of Engineers (USACE)**: The U.S. Army Corps of Engineers which is one of the principal federal agencies with responsibilities and authorities affecting the Newburgh Harbor Management Area, including authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain federal navigation and shore protection projects.

**Cultural Resources**: Natural and man-made resources related to open space, natural beauty, scientific study, outdoor education, archaeological and historic sites and recreation.

**Cumulative Impacts**: The impacts on environmental or man-made resources that result from the incremental impact of an action when added to other past, present and reasonably foreseeable actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

**Dissolved Oxygen (DO)**: The oxygen, vital to fish and other aquatic life, freely available in water. Traditionally, the level of dissolved oxygen has been accepted as the single most important indicator of a water body's ability to support beneficial aquatic life. Secondary and advanced waste treatment processes are generally designed to protect DO in waste-receiving waters.

**Dock**: A structure that can be used as a landing or berthing space for a vessel or vessels; defined in the state Navigation Law as a wharf or portion of a wharf extending along the shoreline and generally connected to the upland throughout its length. Docks may float upon the water or be fixed structures abutting the shoreline.

**Dockominium**: A marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title to the use of that slip or berth.

**Dolphin**: A cluster of piles, bound firmly together and driven into the bottom of a harbor, to which boats may be secured.
**Discharge of Dredged Material**: Any addition of dredged material into waters of the United States. Dredged material discharges include: open water discharges; discharges resulting from unconfined disposal operations (such as beach nourishment or other beneficial uses); discharges (such as effluent, surface runoff, or leachate) from confined disposal facilities which enter waters of the United States; and overflow from dredge hoppers, scows, or other transport vessels.

**Disposal Site**: An in-water or upland location where specific dredged material disposal activities are permitted.

**Dredged Material**: Material that is excavated or dredged from waters of the United States.

**Dredging**: The excavation of sediments and other material from aquatic areas for the purpose of maintaining adequate depths in navigation channels and berthing areas, as well as for other purposes.

**Dump Station**: A facility designed to receive sewage from portable toilets carried on vessels; dump stations do not include lavatories or restrooms.

**Ebb Current**: Tidal current directed away from shore or down a tidal watercourse; usually associated with decrease in the height of the tide.

**Ebb Tide**: A falling tide; the period of tide between high water and the succeeding low water.

**Ecosystem**: The interacting system consisting of a biologic community and its nonliving environment, each influencing the properties of the other and both necessary for the maintenance of life.

**Effluent**: Treated or untreated wastewater that flows out of a wastewater treatment plant, sewer, industrial outfall, marine sanitation device, or other source; generally refers to wastes discharged into surface waters.

**Emergency**: A state of imminent or proximate danger to life and property.

**Erosion**: The wearing away of the shoreline by the action of natural forces such as wave action and tidal currents and as a result of man-made forces.

**Estuary**: A semi-confined coastal water body with an open connection to the sea and a measurable quantity of salt in its waters. Estuaries are of particular ecological value and significance because they provide important natural values concerning, for example, fish and wildlife habitat, flood protection, and maintenance of water quality.

**Eutrophication**: The process through which overabundant plant life, nurtured by excessive nutrients such as nitrogen and phosphorus, causes hypoxia, depriving fish and shellfish of oxygen and underwater grasses of light.

**Excursion Vessel**: A vessel providing sight-seeing tours available to the general public.

**Fairway**: A specific water area, kept free of obstructions, to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages and berthing areas.

**Fecal Coliform Bacteria**: Specific coliform bacteria associated with the digestive tract of warm-blooded animals.
**Federal Navigation Project**: Authorized by Acts of Congress (or by the Secretary of the Army in accordance with Section 107 of the River and Harbor Act of 1960) and maintained by the USACE, federal navigation projects may consist of designated channels and anchorages as well as dikes, breakwaters and jetties designed to maintain ease and safety of navigation.

**Filling**: The act of adding or depositing material to replace a wetland or aquatic area with dry land or to change the bottom elevation of a water body.

**Fill Material**: Any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a water body for any purpose. The term does not include any pollutant discharged into the water primarily to dispose of waste. Dredged material can be used as fill material.

**Finfish**: Term used to distinguish fish with fins from shellfish.

**Float**: Any structure, buoyant on the water surface, extending seaward, and affixed and secured in place to the shore, a bulkhead, or a dock, whose purpose is to berth and secure vessels and provide a means of access to and from the shore; a floating dock.

**Floatable Debris**: Trash floating in coastal waters or washed upon the shore and which may reduce beneficial use and enjoyment of a waterbody, present a nuisance or hazard for boaters and harm wildlife.

**Floating Home**: Any structure constructed on a raft, barge or hull, moored or docked, and that is used primarily for single or multiple-family habitation or as the domicile of any individual(s), and is therefore not water dependent as defined in the New York Executive Law.

**Floating Objects**: Defined in the state Navigation Law as any anchored marker or platform floating on the surface of the water other than aids to navigation and including but not limited to bathing beach markers, speed zone markers, information markers, swimming or diving floats, mooring buoys, fishing buoys and ski jumps.

**Flood/Flooding**: A general and temporary condition of: 1) partial or complete inundation of normally dry land resulting from the overflow of inland and/or coastal waters; and/or 2) the unusual accumulation of waters from any source.

**Flood Current**: The tidal current toward shore or up a tidal water body and associated with the increase in the height of a tide.

**Flood Insurance Rate Map (FIRM)**: An official map of a community prepared by the Federal Emergency Management Agency identifying the elevation of the “100-year” flood and the areas that would be inundated by that level of flooding, and used to determine flood insurance rates.

**Flood Insurance Study (FIS)**: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain**: Land of low elevation adjoining the channel of a river, stream, watercourse, or other body of water, which has been or may be inundated by flood water, and those other areas, including coastal areas, subject to flooding.

**Flood Risk**: The probability of being flooded.
Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The floodway is intended to carry the deep and fast-moving flood water. Normally the base flood is defined as the “100-year” flood, and the designated height is one foot above the prefloodway condition.

Food Chain: A sequence of organisms in any natural community through which energy is transferred, each of which uses the lower member of the sequence as a food source, with plants being the ultimate basis of the sequence.

Food Web: The inter-related food relationships in an ecosystem including its production, consumption, and decomposition and the energy relationships among the organisms involved in the energy transfer cycle.

Freshwater: Inland waters, including runoff from precipitation and melting snow; waters that contain little or no salt; a term technically applied to water with salinity less than 0.5 parts per thousand.

Freshwater Wetlands: Wetlands subject to regulatory authority of the State of New York pursuant to Article 24 of the Environmental Conservation Law (The Freshwater Wetlands Act) and shown on maps prepared by the New York State Department of Environmental Conservation. Freshwater wetlands perform a variety of ecologically important functions, including functions related to maintaining and improving water quality, as well as providing important fish and wildlife habitat.

General Permit: A type of permit issued by the USACE for structures and work subject to the Section 10 and 404 regulatory programs. A general permit is an authorization issued on a nationwide or regional basis for categories of activities judged to be substantially similar in nature and to cause only minimal individual and cumulative adverse environmental impacts.

Geographic Information System (GIS): A computerized data base of land use, land cover and other types of information referenced to a location; enabling statistical analysis, comparison, and display of large quantities of data for planning purposes, including analysis of the relationship of land use to water quality.

Geomorphology: The science that applies the principles of physiography and geology to address the form and configuration of the land and submarine features of the earth's surface and the changes that take place in the evolution of landform.

Gray Water: Defined in the state Navigation Law as wastewater generated by water-using fixtures other than toilets, including but not limited to baths, sinks and laundry facilities used on residential vessels.

Greenbelt: A linked system of natural areas along the shoreline of a watercourse or body of water, often including public easements, open space land and public access walkways. A greenbelt typically provides a natural, protective buffer area between the upland and aquatic area, conserves valuable natural resources and may provide opportunities for passive recreational use.

Groin: A shore protection structure usually built perpendicular to the shoreline and intended to trap littoral drift or reduce erosion of the shore.

Groundwater: The supply of freshwater found beneath the earth's surface (usually in aquifers) which is often used for supplying wells and springs.

Habitat: The place where a human, animal, plant, or microorganism population lives, and the living and nonliving characteristics, conditions, and surroundings of that place.
**Harbor**: Any protected water area affording a place of safety for vessels.

**Harbor Commission**: A local commission that may be established, pursuant to authority provided by the New York Home Rule Law, and charged with specific responsibilities for managing a municipality's harbor facilities and resources, subject to the direction of the local legislative body.

**Harbor Management Law**: A local law to regulate the use and operation of vessels and the conduct of water-based activities within municipal jurisdiction for the purpose of protecting and promoting the public health, safety, and general welfare. A municipality may adopt a harbor management law pursuant to authority provided by the Home Rule Law, Section 46a of the state Navigation Law, and Article 42 of the New York Executive Law. A harbor management law may establish a “vessel regulation zone” within which a municipality may regulate certain activities on any waters within or bounding the municipality to a distance of 1,500 feet from the shore.

**Harbormaster**: A local official who may be appointed in accordance with authority provided by the New York Home Rule Law, and charged with responsibilities for overseeing the safe and efficient operation of the harbor and/or waterways within the local jurisdiction. Harbormaster responsibilities in New York communities generally include administration of mooring placement, management of public boating facilities, and assistance to local law enforcement agencies in the identification of violations and enforcement of State and local boating laws at the direction of a local board or commission.

**Hazard to Navigation**: Any obstruction, usually sunken, that presents a sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal or redefinition of a designated waterway to provide for navigation safety.

**Head Boat**: A commercial excursion vessel that may be chartered for group events but more commonly serves individuals or small groups, and typically having a draft ranging from three to seven feet and a maximum capacity of 30 to 85 persons.

**Heavy Metals**: Metallic elements of high molecular weight, including mercury, chromium, cadmium, arsenic, and lead, and generally toxic to plant and animal life in low concentrations. Such metals are often residual in the environment and exhibit bioaccumulation.

**High Tide Line**: The line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency, but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. The high tide line is a higher elevation than the mean high water line.

**High Water Line**: The intersection of the plane of mean high water with the shore; the shoreline delineated on nautical charts prepared by the National Ocean Service is an approximation of the high water line.

**Houseboat**: A boat, barge or other craft equipped for use primarily as a dwelling, as opposed for use primarily for transportation over water.

**Hydraulic Dredging**: One of the two primary dredging techniques (distinguished from mechanical dredging) utilizing suction dredging of sediments; the two primary types of hydraulic dredges are the cutterhead pipeline dredge and the self-propelled hopper dredge. The cutterhead dredge has a powerful pumping system that vacuums up the sediment and pumps it through discharge pipes either directly to the disposal
site or onto barges for disposal at designated sites. This dredging method is used quite often in areas requiring constant maintenance. The self-propelled hopper dredge also uses a vacuum suction technique and deposits the material directly into the hoppers on board a self-propelled vessel which can then move to the disposal site for discharge.

**Hydraulics**: The science dealing with the practical applications (such as the effects of flow and the transfer of energy) of water or other liquids in motion.

**Hydrocarbons**: An organic compound consisting solely of hydrogen and carbon. Petroleum is a mixture of many hydrocarbon compounds.

**Hydrology**: The science dealing with the properties, distribution, and circulation of water on the surface of the land, below the surface, and in the atmosphere, particularly with respect to precipitation and evaporation.

**Hypoxia**: A condition of degraded water quality characterized by reduced oxygen concentrations.

**Individual Permit**: A type of permit issued by the USACE for structures and work subject to the Section 10 and 404 regulatory programs. An individual permit is issued following evaluation of a specific proposal and involves public notice of the proposed activity, review of comments and, if necessary, a public hearing. In general, an individual permit must be received from the Corps for most activities that involve: a) filling of wetlands and navigable waters; b) placement of structures in navigable waters; and c) dredging and disposal of dredged material.

**Individual-Private Mooring**: A mooring belonging to an individual, as distinguished from a commercial mooring rented from a marina, controlled by a private club or used for commercial purposes. An individual-private mooring does not require an individual permit from the USACE.

**Knot**: The unit of speed used in navigation equal to one nautical mile (6,076.115 feet or 1,852 meters) per hour.

**Land-Use**: The character and condition of the use of land and which may be described in terms of general categories, such as “residential,” “commercial,” “industrial,” and “open space,” or with reference to the specific use or development of a specific site; also, a reference to the ways in which a community or area makes use of its natural resources.

**Launching Ramp**: A man-made or natural facility used for the launching and retrieval of boats; primarily providing facilities for boaters to launch trailered boats and park their vehicles and trailers while engaging in boating activities.

**Live-Aboard Vessel**: Any berthed, anchored, or moored vessel that is used as a temporary or permanent residence, secondary to the principal water dependent recreational or commercial use of that vessel.

**Local Waterfront Revitalization Program (LWRP)**: Authorized by the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, a local program prepared by a municipality and intended to: a) promote beneficial development enhanced by or dependent on waterfront resources; and b) balance this development with the protection of important coastal resources.

**Maintenance Dredging**: The generally periodic and repetitive removal of recurring, naturally deposited bottom sediment from an existing navigation channel or berthing area.

**Mariculture**: The cultivation of marine organisms in their natural habitats, usually for commercial purposes.
Marina: A water dependent facility, the main function of which is to provide boat dockage and related services for recreational vessels as a commercial enterprise or in association with a private club. Marina facilities are often operated in conjunction with boatyard facilities.

Marine-Commercial Use: A water-dependent use that serves as a marina, fuel dock, yacht club, barge or tanker terminal, boat rental or leasing facility, commercial fishing loading/off-loading facility, or as a structure designed to secure or make fast a vessel commercially operated.

Marine Facility: Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions, and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels, and located in and adjacent to marine or tidal waters.

Marine Sanitation Device (MSD): Any equipment installed on board a vessel to receive, retain, treat, or discharge sewage, including: a Type I MSD which is a device where sewage is treated with disinfectant chemicals before it is discharged (the treated discharge must meet certain health standards for bacteria content and must not show visible floating solids); a Type II MSD which is similar to Type I but is required to produce an effluent with lower fecal coliform bacteria counts and suspended solids (usually installed only in larger recreational vessels greater than 65 feet due to size and power requirements); and a Type III MSD which is any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge sewage. Type III MSDs are certified to a no-discharge standard, and include re-circulating and incinerating MSDs and holding tanks. Sewage is stored in the holding tank (the most common Type III MSD) until it can be discharged to a vessel waste pump-out facility or at sea beyond the territorial waters of the U.S.

Marine Toilet: Defined in the state Navigation Law as any toilet on or within any watercraft, excepting those toilets that have been permanently sealed and made inoperative.

Mean High Water (MHW) Line: A tidal datum; the arithmetic mean of the high water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the USACE and to state and local regulatory authorities as well. In general, most land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine. The mean high water line also marks the seaward boundary of the jurisdiction of a municipality's planning and zoning authorities.

Mean Low Water (MLW) Line: A tidal datum; the arithmetic mean of the low water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch).

Mean Lower Low Water: A tidal datum; the arithmetic mean of lower low water heights of a mixed tide observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Only the lower low water of each pair of low waters, or the only low water of a tidal day is included in the mean. Federal navigation projects now reference the Mean Lower Low Water.

Mean Sea Level: A tidal datum; the arithmetic mean of hourly water elevations observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Shorter series, such as monthly sea level and yearly mean sea level, may be specified.

Mechanical Dredging: One of the two primary dredging techniques (distinguished from hydraulic dredging) which utilizes mechanical methods of excavating dredged material such as buckets (clam-shell) and backhoes. Material removed by mechanical dredging may be deposited on barges that are towed to designated disposal sites. Advantages of this process include the ability to remove a wide range of materials, work in tight areas, and more efficiently excavate contaminated material.
**Metals**: Metallic elements that can cause harm to living organisms and can accumulate in the food chain. Often divided into common metals (e.g., zinc, iron, copper) and trace metals (e.g., chromium, cadmium, arsenic).

**Mitigation**: An action to lessen the severity of impact of another action, either natural or human. Mitigation may refer to an action taken to reduce or eliminate the risk to human life and property and the negative impacts that can be caused by flooding and other natural and technological hazards. Mitigation may also refer to actions designed to lessen the adverse impacts of proposed development activities on natural and cultural resources, including wetlands and water resources.

**Modeling**: An investigative technique using a mathematical or physical representation of a system or theory, often to test the effect of changes of system components on the overall performance of the system, and often applied to address water quality and shoreline change questions.

**Monitoring**: Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, animals, and other living things.

**Moor**: To secure a vessel to the bottom of a waterbody by the use of mooring tackle which includes an anchor that remains in position on the bottom while the vessel is underway.

**Mooring**: The place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator. Vessels may be secured at or with “fore and aft” moorings or a single, “free-swinging” mooring. Moorings are sometimes referred to locally as “permanent moorings.”

**Mooring Area**: A designated water area within which vessels may moor.

**Mooring Pile**: A pole or post secured to the underwater lands, protruding above the water surface, the sole purpose of which is to secure a vessel.

**Mooring Tackle**: The ground tackle/hardware (e.g., anchor, chain, cable) used to secure a vessel at a mooring.

**National Estuary Program**: The program established by the Federal Clean Water Act to identify nationally significant estuaries and to establish and oversee a process for improving and protecting their water quality and enhancing their living resources.

**National Geodetic Vertical Datum (NGVD)**: A fixed reference adopted as the standard datum of elevations throughout the U.S. For land-based vertical measurements, NGVD is usually given a value of 0.0 and all other points are measured according to their distance above or below. For navigation-related purposes, NGVD is not the most desirable datum, and MLW and MHW are usually assigned a value of 0.0 while still being measured in relation to NGVD.

**National Flood Insurance Program (NFIP)**: A program established by the National Flood Insurance Act of 1968 to provide relief from the impacts of flood damages in the form of federally subsidized flood insurance available to participating communities; such insurance is contingent on the incorporation of nonstructural flood loss reduction measures into local floodplain management regulations.
**National Pollution Discharge Elimination System (NPDES):** The federal program established by the Federal Clean Water Act and implemented by the U.S. Environmental Protection Agency for limiting, through the issuance of permits, the amounts of listed point source pollutants that can be discharged into waters of the United States. In New York, responsibilities for administration and enforcement of the NPDES, in accordance with the provisions of the Clean Water Act, have been turned over to the Department of Environmental Conservation.

**Natural Resource Values:** The qualities of, or functions served by, natural resources such as wetlands, floodplains, and water resources. Natural resources values include but are not limited to: a) water resources values (including water quality maintenance and natural moderation of floods); b) living resource values (fish, wildlife, and plant habitats); and c) cultural resource values (including values related to open space, natural beauty, scientific study, outdoor education, archaeological and historic sites, and recreation).

**Nautical Mile:** A unit of nautical measurement accepted as 6,076.115 feet, approximately 1.15 times as long as the U.S. statute mile of 5,280 feet.

**Navigable:** Capable of being navigated or passed over by ships or vessels.

**Navigable In Fact:** A body of water navigable in its natural or unimproved condition, affording a channel for useful commerce of a substantial and permanent character conducted in the customary mode of trade and travel on water.

**Navigable Waters of the State:** Defined in the State Navigation Law as all lakes, rivers, streams and waters within the boundaries of the State of New York and not privately owned, which are navigable in fact or upon which vessels are operated, except all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk counties.

**Navigable Waters of the United States:** Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**Navigate:** To go from one place to another by water by sailing or managing a boat; to use a waterbody as a highway for commercial, recreational, educational, or other purposes.

**Navigation:** The act, science, or business of traversing the sea or other navigable waters in ships or vessels.

**Navigation Servitude:** The public right of navigation for the use of the people at large. Any property right dependent for its exercise or value on the presence of navigable waters is subject to a defect of title, called a servitude, originating from an ancient common law principle whereby there is a right of way of the public to use a stream or other water body for navigation despite the private ownership of the bed or bank. Hence, in exercise of Congress’ power over navigation stemming from the Commerce clause of the Constitution, no further federal real estate interest is required for navigation projects in navigable waters below the ordinary high water mark.

**Neap Tide:** A tide of minimum extent occurring at the first and third quarters of the moon (compare with Spring Tide).

**New York Coastal Management Program (CMP):** The program administered by the New York Department of State and authorized by the New York Waterfront Revitalization of Coastal Areas and Inland Waterways Act which enables the state to manage its coastal resources pursuant to the provisions of the Federal Coastal Zone Management Act. The CMP covers the shores of lakes Erie and Ontario, the Niagara and St. Lawrence...
rivers, the tidal portion of the Hudson River, New York City, Long Island and Long Island Sound. The CMP establishes 44 management policies to carry out the legislative intent that a balance be established between economic development and coastal resource protection in the state's coastal area.

**New York State Department of State (DOS), Division of Coastal Resources:** The State agency responsible for administration of the New York Coastal Management Program (CMP), and which coordinates a number of programs essential to implementation of the Coastal Program. Major responsibilities and interests of the DOS Division of Coastal Resources include review of proposed development activities for consistency with the CMP, designation of Significant Coastal Fish and Wildlife Habitat Areas, assistance to municipalities for preparation of LWRPs and provision of planning and funding assistance for special projects.

**Nitrate:** A compound containing nitrogen and oxygen (NO\textsubscript{3}) that can exist in the atmosphere or in water and that can have harmful effects on humans and animals.

**Nitrification:** The biochemical process in which specific bacteria convert ammonia and organic nitrogen to nitrate. In wastewater treatment plants, ammonia and organic nitrogen come from human wastes and dead plant and animal matter. The nitrifying bacteria are cultured for use at the plants to convert ammonia to nitrite and nitrate. Nitrification occurs naturally in wetland ecosystems and can be established in wastewater treatment plants to remove ammonia and nitrogen from wastewater.

**Nitrogen:** An element present as organic nitrogen or in inorganic forms of ammonia, nitrite, and nitrate. The inorganic forms are preferentially used by phytoplankton to support their growth. Organic nitrogen is bound with organic material and is not available for plant growth until released in a usable inorganic form by decay processes.

**No Discharge Zone:** An area designated by the U.S. Environmental Protection Agency within which no sewage, untreated or treated, may be discharged from any vessel. An area particularly sensitive to contamination and that will benefit from a complete prohibition of all vessel sewage discharges may be designated by the EPA upon application by a state, contingent upon the certification by the state that adequate and reasonably available vessel waste pump-out facilities exist for boaters to use.

**Non-point Source (NPS) Pollution:** Pollution that does not originate from a single, easy-to-identify “point” source such as a sewage treatment plant or industrial discharge pipe. Types of NPS pollution include stormwater runoff from roads, parking lots and backyards, as well as wet and dry atmospheric deposition. Precipitation can carry pollutants from the air to the ground and then gather more pollutants as the water runs off pavement and land to the nearest waterway.

**Nonstructural Flood Protection Measures:** Planning, regulatory, and other techniques intended to discourage or avoid dangerous, uneconomic, or unwise use of floodplains and erosion-prone areas. Nonstructural flood protection measures are distinguished from the more traditional “structural” measures (such as dams, dikes, and seawalls) used to control flooding and erosion.

**Nutrient:** Any substance assimilated by living things that promotes growth, including any number of organic or inorganic compounds (nitrogen and phosphorous are important examples) used by plants in primary production.

**Obstruction to Navigation:** Anything that restricts, endangers, or interferes with navigation.

**“100-Year” Flood:** A term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equaled or exceeded in any given year. The “100-year” flood is the flood that is equaled or exceeded once in 100 years on the average, but the term should not be taken literally as there is no guarantee that the
“100-year” flood will occur at all within the 100-year period or that it will not recur several times. The “100-year” flood is the standard most commonly used for floodplain management and regulatory purposes in the United States, and is therefore often referred to as the “base flood” for floodplain management purposes.

**Open To All On Equal Terms:** A policy of the USACE whereby federal navigation projects, which must be managed in the general public interest, must be accessible and available to all on equal terms, and all citizens desiring mooring or other access to projects must be treated impartially.

**Open Water Disposal:** Placement of dredged material in rivers, lakes or estuaries via pipeline or surface release from hopper dredges or barges; distinguished from upland and ocean disposal.

**Ordinary High Water Mark:** The line on shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas.

**Outfall:** A structure (e.g., pipe) extending into a body of water for the purpose of discharging wastewater, stormwater runoff or cooling water.

**Passive Recreational Use:** Recreational activities, such as hiking, walking, picnicking, canoeing, and fishing, generally not requiring facilities and organization for participation and/or having little significant impact on the natural environment.

**Pathogen:** Microorganisms that can cause disease in other organisms or in humans, animals, and plants. Pathogens may be bacteria, viruses, or parasites transported in sewage and runoff from agricultural and other areas.

**Personal Watercraft:** A vessel propelled by machinery and that satisfies one or both of the following criteria: a) has a width not greater than 24 inches; 2) is capable of carrying at least one individual who while operating the vessel has no means of steerage other than shifting his or her body weight.

**Pier:** Generally, a structure, usually of open construction, extending out into the water from the shore to serve as a vessel landing place or recreational facility rather than to afford coastal protection; defined in the state Navigation Law as a wharf or portion of a wharf extending from the shoreline with water on both sides.

**Pile:** A long, heavy timber or section of concrete or metal to be driven or jetted into the earth or seabed to serve as a support or protection.

**Plane Datum:** Also called vertical datum, the horizontal plane to which soundings, ground elevations, or water surface elevations are referred. The plane is called a tidal datum when defined by a certain phase of the tide. A common datum used on topographic maps is based on mean sea level. To provide a safety factor for navigation, some level lower that mean sea level (such as mean low water or mean lower low water) is generally selected for use on hydrographic charts.

**Point Source Pollution:** Any discernable confined or discreet conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, vessel or other floating craft, from which pollutants are or may be discharged.

**Pollutant:** Generally, any substance introduced into the environment that adversely affects the health of plants and animals or the usefulness of a resource, and including toxic substances, nutrients and pathogens which adversely affect water quality.
Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of an aquatic ecosystem. (See Contaminant.)

Polynuclear Aromatic Hydrocarbons (PAHs): A group of petroleum-derived hydrocarbon compounds that are found in the water and in the tissue of aquatic organisms. PAHs have a tendency to bioaccumulate and many are known or suspected carcinogens; PAH loadings to a waterbody result from oil spills and other uncontrolled discharges of petroleum products.

Port: A place where vessels may discharge or receive cargo; it may be the entire harbor including its approaches and anchorages, or only the commercial part of a harbor where marine service facilities and docks, wharves and facilities for transfer of cargo are located.

Private Club: A water-dependent facility supporting recreational boating activities; restricted to the use of members and guests and therefore not open to the general public.

Public Access: Physical and/or visual access to marine or tidal waters that is available to all members of the general public and therefore not limited to any particular groups or individuals.

Public Trust Doctrine: The doctrine based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public uses should not be permitted.

Pump-out Station: A marine facility for pumping or receiving sewage from a Type III marine sanitation device installed on a vessel and then containing that waste before proper disposal into a sewage disposal system.

Ramp: A structure used to gain access from a bulkhead, fixed dock, or platform to a float; also, a uniformly sloping surface used for launching small craft.

Recreational Boating Facilities: Facilities for the support of recreational boating activities, including marina and boatyard facilities and private clubs providing docks, slips, moorings and launching ramps as well as sales, repair, service, and storage facilities, and private docking facilities constructed by waterfront property owners.

Reliction: A gradual increase of land as a result of the permanent recession of a body of water.

Revetment: A facing of stone, concrete, or other hard material, built to protect a scarp, embankment or shore structure against erosion by wave action or currents.

Riparian: Of or relating to or living or located on the bank of a watercourse.

Riparian Ecosystems: Distinct associations of soil, flora, and fauna occurring along a river, stream, or other body of water and dependent for survival on a periodically high water table.

Riparian/Littoral Rights: The rights of an owner of land contiguous to a body of water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, the rights are said to be littoral rights. The terms “riparian” and “littoral” are commonly used interchangeably. Riparian rights may be defined as principally the right of access to the water, the right of accretions and relictions and the right to all useful purposes to which the watercourse may be applied.
**Riprap**: A protective layer or facing of stone, usually well-graded and randomly placed to prevent erosion, scour, or sloughing of the shoreline; also the stone so used.

**Rubble-mound Structure**: A shore protection structure of random-shaped and random-placed stones protected with a cover layer of selected stones or specially shaped concrete armor units.

**Runoff**: That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water and can carry pollutants from the air and land into the receiving body of water.

**Salinity**: The measure of the quantity of dissolved salts in seawater; defined as the total amount of dissolved solids in seawater once the organic matter has been completely oxidized.

**Sand**: Material, larger than silt, consisting of particles with a grain size between 1/16 mm and 2 mm.

**Sanitary Sewer**: A system of pipes, usually underground, that carry only wastewater, not stormwater.

**Seawall**: A wall built parallel to the shore, and designed to halt shoreline erosion by absorbing the impact of waves.

**Section 10 and 404 Regulatory Programs**: The principal federal regulatory programs, carried out by the USACE, affecting structures and other work below the mean high water line. The USACE, under Section 10 of the River and Harbor Act of 1899, regulates structures in, or affecting, navigable waters of the United States, as well as excavation or deposition of materials (e.g., dredging or filling) in navigable waters. Under Section 404 of the Federal Water Pollution Control Act Amendments (Clean Water Act of 1977), the USACE is also responsible for evaluating applications for Department of the Army permits for any activities that involve the placement of dredged or fill material into waters of the U.S., including adjacent wetlands.

**Sediment**: Particulate material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by the forces of air, water, gravity or ice, including material deposited in a loose, unconsolidated form on the bottom of a water body. The term dredged material refers to material that has been dredged from a water body, while the term sediment refers to material in a water body prior to dredging.

**Sedimentation**: The process of transportation and deposition of particles onto the bottom of a body of water.

**Semidiurnal Tide**: A tide with two high and two low waters in a tidal day with comparatively little diurnal inequality.

**Septic Tank**: A watertight chamber used for the settling, stabilizing and anaerobic decomposition of sewage.

**Sewage**: The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment, or machine, together with such groundwater infiltration and surface water as may be present.

**Sewer**: A system of pipes, usually underground, that carries wastewater and/or stormwater runoff from the source to a treatment plant or receiving body of water. Sanitary sewers carry household, industrial, and commercial waste; storm sewers carry runoff from rain and melting snow; combined sewers are used for both purposes.
**Sheet Pile**: A pile with a generally slender, flat cross section to be driven into the ground or seabed and meshed or interlocked with like members to form a bulkhead or seawall.

**Shellfish**: An invertebrate having a rigid outer covering, such as a shell or exoskeleton; includes oysters, scallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles and conch.

**Significant Coastal Fish and Wildlife Habitat Area**: An area designated by the New York State Department of State to help protect especially valuable fish and wildlife habitat. Any future proposal that would affect a designated area will require careful review and be subject to specific requirements designed to reduce adverse impacts on fish and wildlife habitat.

**Shoal**: A detached elevation of the bottom of a waterbody, comprised of material that is not rock, that may endanger surface navigation. Also, to become shallow gradually; to cause to become shallow; to proceed from a greater to a lesser depth.

**Silt**: Material of intermediate size between clay and sand material, and consisting of particles with a grain size between 1/16 mm and 1/128 mm.

**Slack Tide**: The state of a tidal current when its velocity is near zero, especially the moment when a reversing current changes direction and its velocity is zero; sometimes considered the intermediate period between ebb and flood currents.

**Slip**: The water area occupied by a vessel when secured to a shoreside or structural installation; also defined as a berthing space for a single vessel alongside a pier, finger float or walkway.

**Spring Tide**: A tide that occurs at or near the time of new or full moon and which rises highest and falls lowest from the mean sea level (compare with Neap Tide).

**State Pollution Discharge Elimination System (SPDES)**: The program whereby the Department of Environmental Conservation regulates, with authority delegated by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, all industrial, commercial and municipal discharges as well as discharges from residential subdivisions of five or more lots into surface and ground waters.

**Storm Sewer**: A system of pipes, generally underground, carrying only stormwater runoff from building and land surfaces; as distinguished from a sanitary sewer.

**Storm Surge**: A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes that rise in water level due to atmospheric pressure reduction and wind stress.

**Stormwater Runoff**: The rainwater, melting snow, and associated material draining from natural and developed surfaces in a watershed into storm drains and water courses.

**Structural Flood Protection Measures**: Engineered measures such as dams, dikes, levees, seawalls, and channel alterations designed to modify the volume and location of flooding and extent of erosion, intended to help protect lives and properties from the impacts of floods and erosion.

**Sub-tidal Area**: The coastal waters and submerged land seaward of the mean low water line.
**Submerged Lands**: Lands covered by water at any stage of the tide, as distinguished from tidelands which are attached to the mainland or an island and are covered and uncovered by the tide.

**Subsurface Sewage Disposal System**: A sewage disposal system designed to treat and dispose of septic tank or other treatment facility effluent by application of the effluent to a soil surface at a depth below the surface of the ground.

**Tidal Cycle**: Elapsed time between successive high and low waters.

**Tidal Current**: The alternating horizontal movement of water associated with the rise and fall of the tide caused by the astronomical tide-producing forces.

**Tidal Prism**: The volume of water entering an estuary during an incoming tide; in other words, the difference between the volume of water in an estuary at high tide and the volume of water at low tide.

**Tidal Range**: The difference between successive high and low waters; the period of comparison can range over a week, month, year, or other time period.

**Tide**: Periodic rise and fall of the ocean surface and connecting bodies of water resulting from the gravitational attraction of the moon and sun acting upon the rotating earth.

**Tide Lands**: Land between the lines of the ordinary high and low tides, covered and uncovered successively by the ebb and flood thereof; land covered and uncovered by the ordinary tides.

**Tidewater**: Waters, whether salt or fresh and usually of coves, bays and rivers and not the open sea, wherever the ebb and flood of the tide from the sea is felt.

**Toxic Substances**: Substances, both naturally occurring and derived from human sources, that cause adverse biological effects or health risks when their concentrations exceed a certain level in the environment. Toxic substances include heavy metals and organic chemicals such as chlorine, polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs) and pesticides.

**Transient Boaters**: Persons traveling to a harbor or marine facility by boat and staying for a temporary period of time.

**Turbidity**: A state of reduced clarity in a fluid caused by the presence of suspended matter.

**Turning Basin**: An area within or adjacent to a designated fairway, channel or anchorage which is used and reserved for the purpose of unobstructed passage and turning of vessels.

**Unauthorized Encroachment**: Any structure (including docks, piers, floats, piles, moorings, and other structures) and any other work (including dredging and filling) extending into navigable waters or into any other areas below the mean high water line without necessary local, State and federal approvals.

**Underwater Lands**: Land seaward of the last known location (prior to the placement of any fill) of the mean high water line and administered in the public interest in accordance with the Public Trust Doctrine.

**Underway**: The condition of a vessel not at anchor and not made fast to the shore or aground.

**Undocumented Vessel**: Defined in the state Navigation Law as any vessel that is not required to have, and does not have, a valid marine document issued by the Federal Bureau of Customs.
**Upland**: Land lying above the ordinary high water mark.

**Upland Disposal**: Disposal of dredged material on upland sites where the material is contained in a manner such that it is isolated from the environment.

**Vessel**: Generally, every description of watercraft used or capable of being used as a means of transportation on water and specifically excluding floating homes. Defined in the state Navigation Law as any floating craft, excluding crew racing shells, and which shall be classified as either a public vessel or pleasure vessel.

**Vessel Regulation Zone**: Waters within or bounding a municipality to a distance of 1,500 feet from the shore and within which a municipality may regulate certain activities in accordance with authority provided by Section 46a of the state Navigation Law and Article 42 of the New York Executive Law. The governing body of a municipality may establish a vessel regulation zone and adopt, amend, and enforce local laws with respect to: a) regulating the speed and operation of vessels; b) restricting and regulating the anchoring or mooring of vessels; c) restricting and regulating garbage removal from vessels; and d) designating and regulating the use of public anchorage areas within the vessel regulation zone.

**Vulnerability**: Characterization of the nature and extent of damage that may occur during flooding.

**Wastewater**: Water that carries treated or untreated wastes, including dissolved or suspended solids, from homes, businesses, and industries.

**Water Column**: The water located vertically over a specific location on the sea floor.

**Water-Dependent Use**: An activity, defined in Article 42 of the New York State Executive Law, which can only be conducted on, in, over, or adjacent to a waterbody because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

**Water-Enhanced Use**: An activity, as defined by the New York State Department of State, which has no critical dependence on the waterfront, but the profitability of the use and/or the enjoyment level of the users are increased significantly because the use is adjacent to or has visual access to the waterfront.

**Water Quality Certification**: A State certification, pursuant to Section 401 of the Clean Water Act, that a proposed action, including an action to discharge dredged material, will comply with the applicable provisions of the Clean Water Act and relevant state laws.

**Water Quality Standard**: A law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an anti-degradation statement.

**Water Resources Values**: Natural values including those related to natural storage and conveyance of flood water, maintenance of water quality, and recharge of groundwater.

**Waters of the United States**: This term, as it applies to the jurisdictional limits of the authority of the USACE under the Clean Water Act, includes all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

**Watershed**: A drainage area; the region or area contributing ultimately to the water supply of a particular watercourse or water body;
Wharf: A structure built on the shore of a harbor, channel or canal so that vessels may be secured alongside to receive and discharge cargo or passengers.
Appendix B

LWRP Condition Assessment (Halcrow Report)
City of Newburgh
City of Newburgh
Local Waterfront Revitalization Program

Contents Amendment Record
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<th>Issue</th>
<th>Revision</th>
<th>Description</th>
<th>Date</th>
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1 Introduction

1.1 Location

The city of Newburgh is located on the west bank of the Hudson River approximately 60 miles upstream from the New York inner harbour in Orange County. With relatively deep water immediately riverside of the shoreline, Newburgh’s waterfront has been home to a variety of industries over the years.

The waterfront area covered in this report, defined as the “project area” is bounded to the north by the Newburgh-Beacon Bridge and to the south by the City’s boundary with the Town of New Windsor, specifically the confluence of Quassaick Creek with the Hudson.

1.2 Land Use

The project area is a combination of marine industrial, public recreation, light industry and private residential.

1.3 Objectives

This condition assessment was based on visual observations, both from land and from the water and review of the Draft Local Waterfront Revitalization Program. It is intended that this assessment will provide guidance as to the general performance of the waterfront and identify areas for further investigation.
# Existing Conditions

## Overview

The waterfront is split into various sectors based on current land use, each with a range of waterfront structures; each of these sectors will be evaluated separately. The location of the Sectors is shown in Appendix A. The breakdown is as follows:

<table>
<thead>
<tr>
<th>Sector</th>
<th>LAND USE</th>
<th>PROTECTION STRUCTURES</th>
</tr>
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<tbody>
<tr>
<td>Sector 1</td>
<td>Steel Style Shipyard facility</td>
<td>Riprap shore protection</td>
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<tr>
<td></td>
<td></td>
<td>Concrete slab piers</td>
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<tr>
<td></td>
<td></td>
<td>Concrete groins</td>
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<td></td>
<td></td>
<td>Stacked concrete rings</td>
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<tr>
<td>Sector 2</td>
<td>Brothers Memorial Rowing Park</td>
<td>Unprotected waterfront</td>
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<tr>
<td></td>
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<td>Concrete block bulkhead</td>
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<tr>
<td></td>
<td></td>
<td>Riprap shore protection</td>
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<td>Sector 3</td>
<td>City of Newburgh Wastewater</td>
<td>Riprap shore protection</td>
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<td></td>
<td>Treatment Plant</td>
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<td>Sector 4</td>
<td>Disused city incinerator &amp; Con-Ed</td>
<td>Riprap shore protection</td>
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<td></td>
<td>site (former salvage/scrap yard)</td>
<td>General waterfront debris (old structures)</td>
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<td>Sector 5</td>
<td>Public boat launch &amp; floating</td>
<td>Steel sheetpile bulkhead</td>
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<td></td>
<td>restaurant</td>
<td>Floating timber docks</td>
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<td>Sector 6</td>
<td>Marina &amp; commercial facilities</td>
<td>Floating docks protected by timber wave screen and flat-bottom barges</td>
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<td></td>
<td></td>
<td>Timber bulkhead</td>
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<td></td>
<td></td>
<td>Steel sheetpile bulkhead with timber fenders</td>
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<td>Sector 7</td>
<td>Newburgh landing &amp; waterfront</td>
<td>Floating docks</td>
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<tr>
<td></td>
<td>park (incl. marina)</td>
<td>Riprap shore protection</td>
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<tr>
<td></td>
<td></td>
<td>Steel sheet piles (driven behind riprap)</td>
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<td></td>
<td></td>
<td>Remnants of old timber structures (possibly original bulkhead)</td>
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<tr>
<td></td>
<td></td>
<td>Newburgh Ferry berth pier</td>
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<tr>
<td></td>
<td></td>
<td>Various short timber access piers</td>
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<tr>
<td>Sector 8</td>
<td>Commercial &amp; Regal Bag Company</td>
<td>General debris</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Old timber bulkhead</td>
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<tr>
<td></td>
<td></td>
<td>Steel sheet pile bulkhead</td>
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<td></td>
<td></td>
<td>Timber bulkhead</td>
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<td></td>
<td></td>
<td>Riprap shore protection</td>
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<td>Sector 9</td>
<td>Newburgh Yacht Club</td>
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<td>Riprap/general debris</td>
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<td>Sector 10</td>
<td>Pier Loun Development</td>
<td>Steel sheet pile bulkhead</td>
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<tr>
<td></td>
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<td>Timber docking facilities</td>
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</table>
2.2 Sector 1 Condition Assessment

The following pictures show typical details of the Sector 1 waterfront structures. The location of all the following features is shown in Appendix A.

1 - Riprap shore protection

2 - Concrete slab piers

3 - Concrete groins

4 - Stacked concrete rings

The riprap shore protection (1) around the mouth of the Quassaick Creek appears to be sufficient in controlling erosion; the amount of vegetation indicts a reasonably stable shoreline. Similarly, the stacked concrete slabs acting as a bulkhead (running parallel north of the creek) are heavily overgrown with vegetation indicating relative stability.

It should be noted that these structures are not in active erosion in their current state and under their current usage, however, removal of any vegetation could be detrimental to the stability.

Moving upstream along the Hudson, before reaching the southerly concrete slab pier, there appears to be a small beach formed between short concrete groins. There is a significant amount of debris, mainly tree trunks and other natural flotsam, again the amount of vegetation indicts that the shoreline is not in active erosion.

The two concrete slab piers (2) are being used as general storage and have a variety of vessels moored along side them, amongst which is the floating hospital. Although their overall stability is questionable, note the unevenness in picture 2 above, the risk of immediate failure under the current use appears to be minimal. Removal of the vegetation and/or significant static or dynamic loading is unadvisable however, given the unknown nature of the structure.
Continuing north of the piers the beach (3) is similar to previous with short concrete groins holding a small beach. The beach is littered with river debris (tree trunks) and also what appears to be an abandoned steel barge run up between the groins.

At this point the shoreline protrudes out into the Hudson, apparently held by loosely stacked concrete rings (4). Although the concrete rings are haphazardly placed with several either toppled or about to topple, the amount of stable vegetation behind the structure indicates that erosion of the frontage is not occurring.

2.3 Sector 2 Condition Assessment

The following pictures show typical details of the Sector 2 waterfront structures. The location of all the following features is shown in Appendix A.

5 – Unprotected waterfront

6 – Concrete block bulkhead

Despite the lack of protection along this area of waterfront (5), the shoreline does not appear to have suffered. There is debris such as tree trunks and old rubble along the sector, consistent with the entire project area; however this is not causing any damage to the shoreline.

A concrete block bulkhead (6) provides the Brothers Memorial Rowing Park with a launching area for their boats. Although the bulkhead is outflanking on either side, the erosion is not significant and unlikely to cause any detriment to the rowing facilities ability to function in the near future.

2.4 Sector 3 Condition Assessment

The following pictures show typical details of the Sector 3 waterfront structures. The location of all the following features is shown in Appendix A.

7 – Riprap shore protection
Generally, the riprap shore protection (7) through this sector is in good condition and is serving its purpose in protecting the wastewater treatment plant. The established vegetation above the riprap indicts stability. There is one area where the riprap appears to be compromised slightly; however, it appears that this has been done purposely during installation of some metal pillars. This may become a weak point in the defences during a storm event and could provide a route for flooding in advance of the general defence elevation.

2.5 Sector 4 Condition Assessment

The following pictures show typical details of the Sector 4 waterfront structures. The location of all the following features is shown in Appendix A.

8 – Disused city incinerator

9 – General waterfront debris

10 – General waterfront debris

The majority of this sector is protected by an assortment of rubble, riprap and broken concrete (8) along with what appears to be a piece of broken steel decking or remnants of an old pier (10). There is also evidence of numerous hidden structures and debris in the waters immediately offshore (9). Despite the unappealing visual nature of the defences through this sector, they are serving the purpose of protecting the frontage.

The vegetation is very established and the riprap/broken concrete is interspersed with trees growing through it. There is an area north of the disused city incinerator where the shoreline appears to cut back. This section is not protected as heavily as the surrounding frontage; it is possible that this is eroding. However, it is also possible that this was a feature of the original reclamation of the site.

2.6 Sector 5 Condition Assessment

The following pictures show typical details of the Sector 5 waterfront structures. The location of all the following features is shown in Appendix A.
11 - Public boat launch  

The steel sheet pile bulkhead (11) supporting the public boat launch appears to be in very good condition and requires no further consideration in this study. The floating restaurant facilities (12) are temporary, i.e. not part of the permanent infrastructure, and therefore do no affect the condition assessment of the frontage.

From appearance, all of the floating timber docks appear in good condition and fit for purpose. However, it is noted that no hand rails are provided on the river side of the docks. If this area is open to the public then, for health and safety reasons, some form of barrier should be provided. It is assumed that the facility is removed during the winter months.

2.7  

Sector 6 Condition Assessment

The following pictures show typical details of the Sector 6 waterfront structures. The location of all the following features is shown in Appendix A.
There are two aspects to this frontage, the shoreline and the outer sections of the marina. The marina facility is protected by a timber pile supported wave screen (13) and two flat-bottom barges. By default of the vessels using the facility, it is concluded that the wave screen is providing adequate shelter from wave action in the river during summertime conditions. However the structure is missing a number of timber slats and it is assumed that the barges are there because of the wave screen’s limitations. It is assumed that all of these structures plus the boats moored in the marina are removed during winter.

The shoreline is protected by a number of different structures as follows, steel sheet pile bulkhead (LHS of picture 14), timber bulkhead (14), dilapidated timber bulkhead in front of unprotected bank (15) and steel sheet piles with timber pile fenders (16). Despite the unsightly nature of the defences, they appear to be providing sufficient protection to the shoreline for the land use. Even the unprotected section, where the old timber structure has almost completely failed, does not appear to be suffering detriment from erosion.

The only area of particular concern under the current land use is the steel sheet pile structure protected by timber pile fenders.

Due to the proximity of the building to the waterfront, further investigation of the structural integrity would be required before the true condition can be determined. It is assumed that remediation is needed due to the picture below showing some very poor repair work.

2.8

Sector 7 Condition Assessment

The following pictures show typical details of the Sector 7 waterfront structures. The location of all the following features is shown in Appendix A.

17 – Restaurant Marina 18 – City dock
Similar to the previous sector, there are two difference aspects to this area of frontage, the actual shoreline and then the marina facilities / docks and piers. Although the condition and amount of debris build-up varies, the frontage is very similar, riprap (or broken up concrete) revetment interspersed with steel sheet piles where there are outfalls or piers.

Generally the riprap is adequate in providing shoreline protection although much of it has been placed in such a poor method with sections of broken concrete that it looks very visually unappealing. There appears to be very little debris collection or maintenance along the frontage as well, which does not add to the landscaped appearance.

There are a couple of areas along the frontage where it is possible wash-out could occur through gaps in the riprap during storm conditions causing erosion of the Newburgh Waterfront Park path. Although it appears that debris damage is the most obvious risk to this frontage. Similar to much of the project area the vegetation along the top of the revetment is substantial indicating a reasonable degree of stability.

Although no detailed inspection of the outfalls, piers and docks was undertaken, there is no particular or obvious evidence of instability. Further investigation would determine structural integrity.

As before, it is assumed that all temporary and floating structures are removed from the water during winter.

**2.9 Sector 8 Condition Assessment**

The following pictures show typical details of the Sector 8 waterfront structures. The location of all the following features is shown in Appendix A.
There is a varied selection of shoreline protection structures along this frontage. Starting from the south end, there is a small concrete boat ramp (21) protected with riprap (this is the only area along this sector with riprap), then an area of unprotected frontage littered with river debris (mainly drift wood). Despite the lack of man-made defences, this section of shoreline does not appear to be actively eroding, although it can be seen in the plan view (Appendix A) that the undefended shoreline has cut back from the areas with bulkhead.

There is a very small length of dilapidated timber bulkhead and then approx. 50 yards of steel sheet piles (22) that are being outflanked on the north end. The old timber bulkhead continues in a worsened state until it is practically non-detectible before the Regal bag company site begins.

The Regal bag company frontage is characterised by timber bulkhead (23&24). The bulkhead appears to have been constructed (or repaired) at different times and in slightly different configurations. However, it is in good condition along its entirety with some areas appearing to be relatively new in construction. The depth of water is not known along this piece of frontage, but it is assumed to be sufficient for mooring delivery vessels for the bag company. The buildings and car parks are relatively close to the waterfront, which indicates that flooding is not a particular problem for the Regal bag company. The small drainage stone placed immediately behind the cap of an area of bulkhead (24) apparently used for recreation does not appear to have been compromised. However it is not know how long this drainage stone has been there, nor whether there have been any storms since its placement.

The timber bulkhead terminates perpendicular to the shoreline and is protected from outflanking by riprap.

2.10 Sector 9 Condition Assessment

The following pictures show typical details of the Sector 9 waterfront structures. The location of all the following features is shown in Appendix A.
The area of riprap ends approx. 50 yards after the Regal bag company timber bulkhead terminates, leaving approx. 200 yards of unprotected shoreline littered with drift wood. Although it is difficult to accurately map due to access restrictions, it is assumed that the unprotected shoreline continues behind the Newburgh Yacht Club timber pile breakwater.

The breakwater itself is in disrepair (25). It is assumed that it was originally constructed from individual timber piles driven and held together by timber wales, this structure was then backfilled to provide a core. Currently a number of the piles are either broken or missing and the core material has started to washed out. It is likely that it is still providing the yacht club with protection from the Hudson, however it is expected that the structure will continue to deteriorate at an accelerated rate if left un-repaired.

There is a small boat lift and re-fuelling facilities located on top of what appears to be timber bulkhead (25). Although the concrete cap and facilities appear to be in good condition, from the water-side the bulkhead looks to be in a state of disrepair and further investigation is recommended to determine the true structural condition. The construction of the bulkhead changes to a steel sheet pile structure (26) apparently in far better condition, although the change in construction/condition is unlikely to be visible from above. It is assumed that the tarmac area above the steel sheet pile bulkhead is used to house the boats during the winter months.

The end of the steel sheet pile bulkhead is protected from outflanking by riprap (26) and closes a gap between the yacht club bulkhead and the start of the bulkhead for the Pier Loun Development.

### 2.11 Sector 10 Condition Assessment

The following pictures show typical details of the Sector 10 waterfront structures. The location of all the following features is shown in Appendix A.
The defences in front of this private development comprise a very small section of old timber bulkhead leading into what appears to be a relatively recently constructed steel sheet pile bulkhead (27). It is assumed that the timber piles driven in front of this bulkhead are used to moor vessels owned by the development tenants. It is difficult to determine whether the sheet piles continue along the entire Pier Loun frontage, as there is timber facing and timber pile fenders along the docking facilities (28). However, the condition of both the timber and visible steel structures is good.
3 Condition Conclusion

3.1 Current Land Use

3.1.1 Sector 1

Both the concrete slab piers/bulkhead and the stacked concrete rings appear to be in poor condition, either sagging or toppling. The removal of the established vegetation behind/on top of these structures is not recommended, as this action may cause the structures to become more unstable. However, the shoreline behind is supporting mature trees and substantial plant life. Therefore, it is concluded that, from a shore protection viewpoint, both the concrete piers/bulkhead and the concrete rings are providing adequate protection to the Hudson River bank under the current land use.

The riprap shore protection and the concrete groins appear to be in fair condition and sufficient to support the frontage. There is significant debris collected on the banks. However this does not appear to be damaging to the frontage, and may be helping to protect the beach.

Under the present land use, Sector 1 does not require intervention to maintain status quo.

3.1.2 Sector 2

The outflanking on either side of the rowing launch bulkhead is the only area requiring maintenance along this sector. However, even if the outflanking continues, it is unlikely to affect the rowing facility’s ability to launch for quite some time. Therefore it is concluded that, from a shoreline protection viewpoint, no further protection structures are required under the current land use.

3.1.3 Sector 3

The riprap shore protection is in good condition; however the area of lowered defence should be repaired in order to maintain the stability of the frontage during storm conditions.

3.1.4 Sector 4

Under its current land use this frontage is adequately protected and does require intervention. Closer inspection of the area of cut back, along with a review of the previous land uses should reveal whether it is a feature of erosion or merely a man-made characteristic.

Removal of any of the established debris, such as the steel platform or remaining steel piles should be considered with caution. Realignment of the shoreline in combination with the installation of riprap/rubble/debris should replace any structures that are removed in order to ensure outflanking of the existing defences does not occur.
Similar to the previous sectors removal of the vegetation may decrease the stability of the frontage.

3.1.5 Sector 5

Both the public boat launch and the shoreline in this sector are in good condition and do not require intervention under the current land use.

3.1.6 Sector 6

Generally the varied waterfront structures in this sector are providing adequate protection for the current land use. The only exception is the steel sheet piled structure at the northern end of the sector. It is recommended that a detailed structural assessment is carried out to determine the condition before any remediation commences.

3.1.7 Sector 7

The most obvious shoreline feature through this sector is the amount of river debris built-up behind the floating docks. Large tree trunks are causing weak points in the riprap revetment. It is recommended that a maintenance program to clear this flotsam after periods of high water is implemented, both for protection of the waterfront and for health and safety reasons.

A detailed walk over survey of riprap should be facilitated following clearance of the drift wood to identify areas where the defenses have been compromised and the riprap should be replaced or re-graded as necessary.

3.1.8 Sector 8

The Regal bag company timber bulkhead does not require intervention. However, it should be noted that this structure will deteriorate in condition without the regular maintenance it appears to be receiving.

Although the defences along the remainder of the frontage are in various states of disrepair, this does not appear to be compromising the current use of the area. Therefore it is likely that no intervention is required to maintain the shoreline in its current state.

3.1.9 Sector 9

Further investigation into the condition of the timber bulkhead beneath the re-fuelling facilities should be undertaken regardless of any changes in land use or further development.

As noted in Section 2.10 the breakwater is in disrepair and is likely to continue to deteriorate rapidly. However, this worsening of the condition of the breakwater is more likely to affect the yacht club facilities rather than the protection of the shoreline. Under the current land use, replacement or significant maintenance of the breakwater is only recommended for boating use, not shoreline protection.

3.1.10 Sector 10

The waterfront along this area of private development is in good condition and does not require any further intervention.
Appendix – Plan Views

1 - Riprap shore protection
2 - Concrete slab piers
3 - Concrete groin supported beach
4 - Promontory supported by stacked concrete rings
Riprap shore protection

6 – Concrete block bulkhead

5 – Unprotected waterfront
9 & 10 – General waterfront debris

Area of shoreline cut-back

8 – Disused city incinerator / gas pipeline

7 – Riprap shore protection

SECTORS 3 & 4
11 & 12 – Public boat launch & floating restaurant

SECTOR 5
13 & 14 – Marina protected by barges

15 – Commercial facilities

16 – Recreational facilities
17 – Restaurant Marina
18 – City dock
19 – Torches Rest marina (not shown on image)
20 – Newburgh waterfront park
Local Waterfront Revitalization Program

23 & 24 – Regal bag company

21 & 22 – Commercial

Unprotected area

SECTOR 8
Appendix C

SASS Map and Narrative
HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE

HH-27 Dutchess Junction Subunit

I. Location

The Dutchess Junction subunit is located on the east side of the Hudson River, south of the City of Beacon. The eastern boundary of the subunit follows NY Route 9D north from benchmark 14 to its intersection with Grandview Avenue, for the most part a common boundary with the HH-26 Hudson Highlands State Park subunit. The northern boundary of the subunit runs from the northern shorelands of Denning Point to the Conrail tracks and along the Conrail tracks adjacent to the Fishkill Creek, following the coastal area boundary as amended by the City of Beacon, to the intersection of the tracks with Wolcott Avenue. The boundary then follows Wolcott Avenue to its intersection with Simmons Lane, which it follows to the property line of Lot #6054-13-036494 and onto the Craig House property. The boundary then follows an imaginary line through the Craig House property at a distance of 400 feet from the Fishkill Creek to South Avenue and along South Avenue to Grandview Avenue. The subunit includes the Hudson River, sharing a common boundary with the HH-28 Pollepel Island subunit adjacent to the eastern shorelands and extends across to high water mark on the western shorelands of the Hudson River. The subunit is approximately 3.5 miles long and between 0.25 and 1 mile wide. It is located in the City of Beacon and the Town of Fishkill, Dutchess County and in the City of Newburgh, the Towns of New Windsor and Cornwall and the Village of Cornwall-on-the-Hudson, Orange County. Consult the Hudson Highlands SASS map sheets, numbers 1 and 2 for subunit boundaries.

II. Scenic Components

A. Physical Character

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. The vegetation is a mix of wetlands, woodlands, meadows and orchards. The shoreline curves gently with a moderate variety of shoreline indentation and elevation. There is one large cove created by Denning Point, a low, wooded, sand peninsula. The Fishkill Creek, which features a short section of rapids, meets the Hudson River at the cove, creating a rich estuary of marsh, tidal flats, and shallows. Wade Brook and Gordon Brook cross the subunit.

B. Cultural Character

The subunit includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad. NY Route 9D, the Bear Mountain-Beacon Highway, runs along the eastern boundary of the subunit. The subunit features several parcels of the Hudson Highlands State Park, a scattering of residential development, a trailer park and one small hamlet center, Dutchess Junction. Located around the hamlet during the mid to late 19th century were a number of active brickworks. Denning Point was the site of successful brickyards, and a derelict industrial building is a reminder of the point's industrial past. The former Hammond Brickyard lies between the railroad and the river, to the south of Denning Point.

The hamlet was once the junction of the Hudson River Railroad with the Dutchess and Columbia Railroad. The hamlet's historic settlement pattern can be seen in the farmland/woodland relationship, although the recent sprawling pattern of residential construction has modified this and detracts from the overall scenic quality of the area.

Dutchess Manor, a residence and carriage house built in 1889 and converted to a restaurant and residence, is listed on the State and National Registers of Historic Places. The two story Second Empire style brick house was part of the estate of Francis Timoney who owned the complex of brickworks in the area. Dutchess Manor is significant for its picturesque details and is one of the most architecturally distinguished residences of its type and period in the Hudson Highlands. Its association with one of the areas most prominent brick manufacturers, a significant local industry, adds further importance to Dutchess Manor.
Another significant building within the subunit is Tioronda, an impressive Gothic Revival villa. Originally built in 1859 as a residence, the building is now a sanatorium. Tioronda is eligible for listing on the State and National and State Registers of Historic Places. The building is significant for its mid-19th century estate architecture and as an example of the work of Frederick Clarke Withers.

The presence of wildlife provides ephemeral characteristics. Contrasts of an ephemeral nature are to be found in the subunit. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area.

The subunit is generally well maintained. Recent urban development and the railroad tracks are minor discordant features, although they are mostly screened within the landscape and do not detract from the scenic quality of the subunit.

C. Views

The subunit offers unobstructed views of the Hudson River and Fishkill Creek. Interior views are limited by vegetation and topography. Views from the Hudson River are of the low, wooded coastal shorelands; the gently rising uplands; Denning Point and the mouth of the Fishkill Creek. These features are set against the dramatic backdrop of the Hudson Highlands, notably the North and South Beacon Mountains, Sugarloaf Mountain and Breakneck Ridge in the adjacent HH-26 Hudson Highlands State Park subunit. Positive focal points include Denning Point, Bannerman's Castle on Pollepel Island, and distant views of the Newburgh-Beacon Bridge and Sugarloaf and Storm King Mountains. Views of the large, sprawling communities of Newburgh, New Windsor and Cornwall detract from the visual quality of views across the Hudson River.

III. Uniqueness

The subunit is not unique.

IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit restricts public accessibility to the Dutchess Junction subunit. The subunit is accessible from NY Route 9D, local roads, and the Hudson River and is visible from the passenger trains that run along the shoreline. The subunit is also visible from the uplands of the adjacent HH-26 Hudson Highlands State Park subunit; the Newburgh-Beacon Bridge to the north; from Newburgh, New Windsor and Cornwall; and from subunits on the western shorelands of the Hudson Highlands SASS, notably from the scenic overlook on NY Route 218, the Old Storm King Highway. Denning Point and the Hammond Brickyard site are part of the Hudson Highlands State Park and offer potential for informal access to the Hudson River.

V. Public Recognition

The Dutchess Junction subunit is recognized by the public as part of the northern gateway to the Hudson Highlands. The historical and architectural value of Dutchess Manor has been recognized through its listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State for its scenic and habitat values.

VI. Reason for Inclusion

The Dutchess Junction subunit has high scenic quality. It features a variety in and contrast between many positive landscape components including rolling wooded upland, a low wooded point, the Fishkill Creek and its confluence with the Hudson River and a mix of vegetative cover. The subunit is unified by topography and woodland coverage. The subunit is accessible from local roads, and the Hudson River and is visible from surrounding subunits on both shores of the Hudson River. The subunit is recognized as part of the northern gateway to the Hudson Highlands SASS. The historical and architectural value of Dutchess Manor has been recognized through listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State in recognition of its access, scenic and habitat values.
are some minor discordant features in the subunit, but these are screened from view and do not impair the scenic quality of the subunit.
Appendix D

Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect
I. **Purpose of Guidelines**

A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the DOS’s regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved LWRPs. These guidelines are intended to assist State agencies in meeting the statutory consistency obligation.

B. The Act also requires that State agencies provide timely notice to the local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

C. The Secretary of State is required by the Act to confer with State agencies and local governments when notified by a local government that a proposed State agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. **Definitions**

A. Action means:

1. A “Type 1” or “Unlisted” action as defined by the State Environmental Quality Review Act (SEQRA);
2. Occurring within the boundaries of an approved LWRP; and
3. Being taken pursuant to a State agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purpose of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
2. That will minimize all adverse effects on the policies or purpose of the LWRP to the maximum extent practicable; and
3. That will result in an overriding regional or statewide public benefit.

C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
III. Notification Procedure

A. When a State agency is considering an action as described in (b) above, the State agency shall notify the affected local government.

B. Notification of a proposed action by a State agency:
   1. Shall fully describe the nature and location of the action;
   2. Shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures or through an alternative procedure agreed upon by the State agency and local government;
   3. Should be provided to the local official identified in the LWRP of the local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency’s decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.

C. If the proposed action will require the preparation of a Draft Environmental Impact Statement (DEIS), the filing of this draft document with the chief executive officer can serve as the State agency’s notification to the local government.

IV. Local Government Review Procedure

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

B. If the local government cannot identify any conflicts between the proposed action and the applicable policies and purpose of its approved LWRP, it should inform the State agency in writing of its finding. Upon receipt of the local government’s finding, the State agency may proceed with its consideration of the proposed action in accordance with 19NYCRR Part 600.

C. If the local government does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purpose of the municipality’s approved LWRP.

D. If the local government notifies the State agency in writing that the proposed action does conflict with the policies and/or purpose of its approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in (e) below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.
V. Resolution of Conflicts

A. The following procedure applies whenever a local government has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the State agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days or the receipt of a conflict notification from the local government.

2. If the discussion between the local government and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19NYCRR Park 600.

3. If the consultation between the local government and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary of State or a DOS official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

6. The State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures apply.