

City of Peekskill Local Waterfront Revitalization Program

Adopted December 14, 2015



Prepared for:
The City of Peekskill Common Council

Prepared by:
The City of Peekskill Waterfront Advisory Committee

With assistance from:
BFJ Planning, McLaren Engineering, PACO Group and Urbanomics

**CITY OF PEEKSKILL
LOCAL WATERFRONT REVITALIZATION PROGRAM**

December 2015

**Prepared for
City of Peekskill, New York**

**Prepared by:
Waterfront Advisory Committee**

**With assistance from:
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115 Fifth Avenue
New York, NY 10003**

**In association with
McLaren Engineering Group
PACO Group
Urbanomics**

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Section I LWRP Boundary

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A. Boundary Description

The western boundary of the City of Peekskill LWRP boundary follows the opposite bank of Annsville Creek from Peekskill until the boundary reaches the Hudson River. The boundary follows the city boundary at the centerline of the Hudson River, per the City Charter, until it meets the Village of Buchanan boundary.

The northeasternmost point of the City of Peekskill LWRP boundary begins at the intersection of the City of Peekskill border with the Town of Cortlandt and the 100-year flood plain from the southeast bank of Peekskill Hollow Brook. The boundary follows the 100-year flood plain toward the southwest until it meets Highland Avenue. The boundary then follows Highland Avenue to the south, crosses Bear Mountain State Parkway and turns to the west along Pemart Avenue.

From Pemart Avenue, the boundary turns to the south and travels along Catherine Street, which becomes Nelson Avenue. The boundary follows Nelson Avenue to Phoenix Avenue, where it briefly travels west to Decatur Street. The boundary then follows Decatur Street to the intersection with Belden Street at the base of Fort Hill. Following Belden Street to the west-southwest, the boundary turns to the south-southeast on St Mary Street before turning back to the east-northeast along John Street. The boundary briefly follows John Street, then Spring Street to the south until it meets Main Street. This segment of the boundary was revised in the 2004 LWRP update to include the area surrounding the St. Mary's property on Fort Hill, as recognition of the importance of views of Fort Hill from the Hudson River. Further, the City views Fort Hill Park as an important resource that would contribute to a network of parkland in and around the waterfront.

Main Street brings the boundary to the east toward the Peekskill downtown. At this point, the boundary extends eastward to include the Central Avenue Corridor within the LWRP area, a reflection of the City's priority of establishing a connection between the central waterfront area and the downtown. The waterfront boundary includes this eastward portion of the Central Avenue Corridor to encompass an important potential connection between the waterfront and downtown, which is also part of the 100-year flood plain. The boundary follows Main Street to Nelson Avenue, where it travels to the south until it meets South Street. The boundary then follows South Street to the west and then south until South Street meets the U.S. Route 9 off-ramp. The boundary follows the off-ramp to meet U.S. Route 9, which it follows to the southern border of the City of Peekskill with the Town of Buchanan. The boundary then travels generally northwesterly along the Town of Cortlandt/City of Peekskill border until it meets the centerline of the Hudson River.

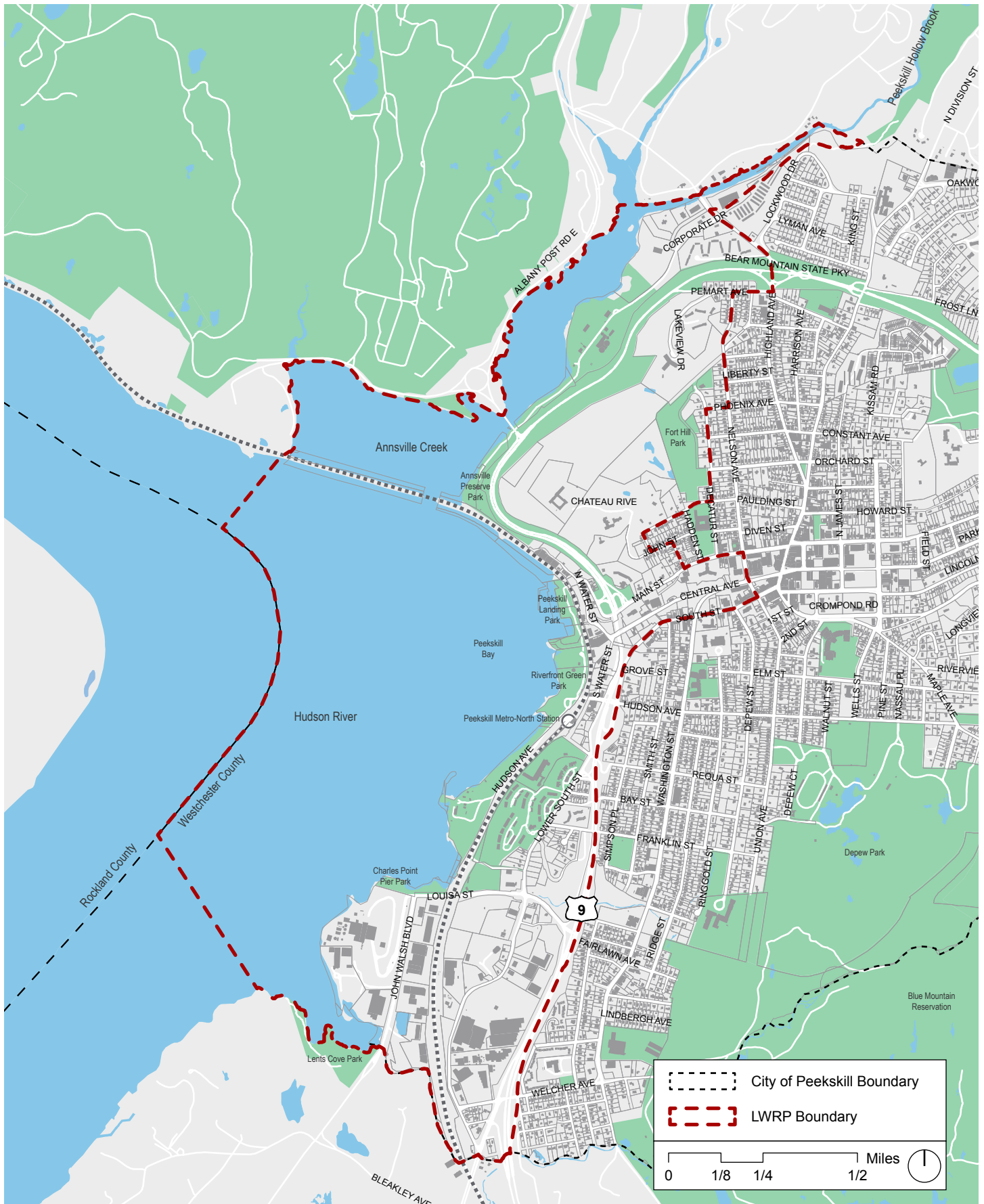


Figure I-1: LWRP Boundary

Section II Inventory and Analysis

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The Inventory and Analysis combines data, review and analysis of the City of Peekskill LWRP area presented in a narrative form with supporting maps, charts and photographs. This section is a collection of existing conditions in three broad categories (Existing Land and Water Uses, Natural Features, Infrastructure) to help understand what the waterfront has to offer and some of the challenges it faces. Findings from this section were used as the basis for developing Local Waterfront Revitalization Policies, identifying future land and water uses and projects and outlining implementation techniques and strategies.

The 2010 Census indicated a total City population of 23,583, which represents an increase of 5.1% since 2000. The City of Peekskill has a higher population density than Westchester overall, with 8.44 persons per acre compared with a county-wide population density of 3.44 persons per acre. It is the only city in the northern part of Westchester County (Figure II-1). Compared with southern Westchester communities with similar population, Peekskill is very similar to White Plains in population density. In comparison to other areas, it has half the density of the Village of Port Chester and roughly twice the density of Ossining (Table II-1).

Table II-1: Regional Population Density

	LWRP Area	Peekskill	Ossining	Port Chester	White Plains	Westchester County
Population (2010)	2,184	23,583	25,060	28,967	56,853	949,113
Acres*	652	2,795	7,396	1,492	6,251	275,518
Persons per Acre	3.35	8.44	3.39	19.42	9.09	3.44
Note: Excluding water land masses. Source: U.S. Decennial Census, 2010.						

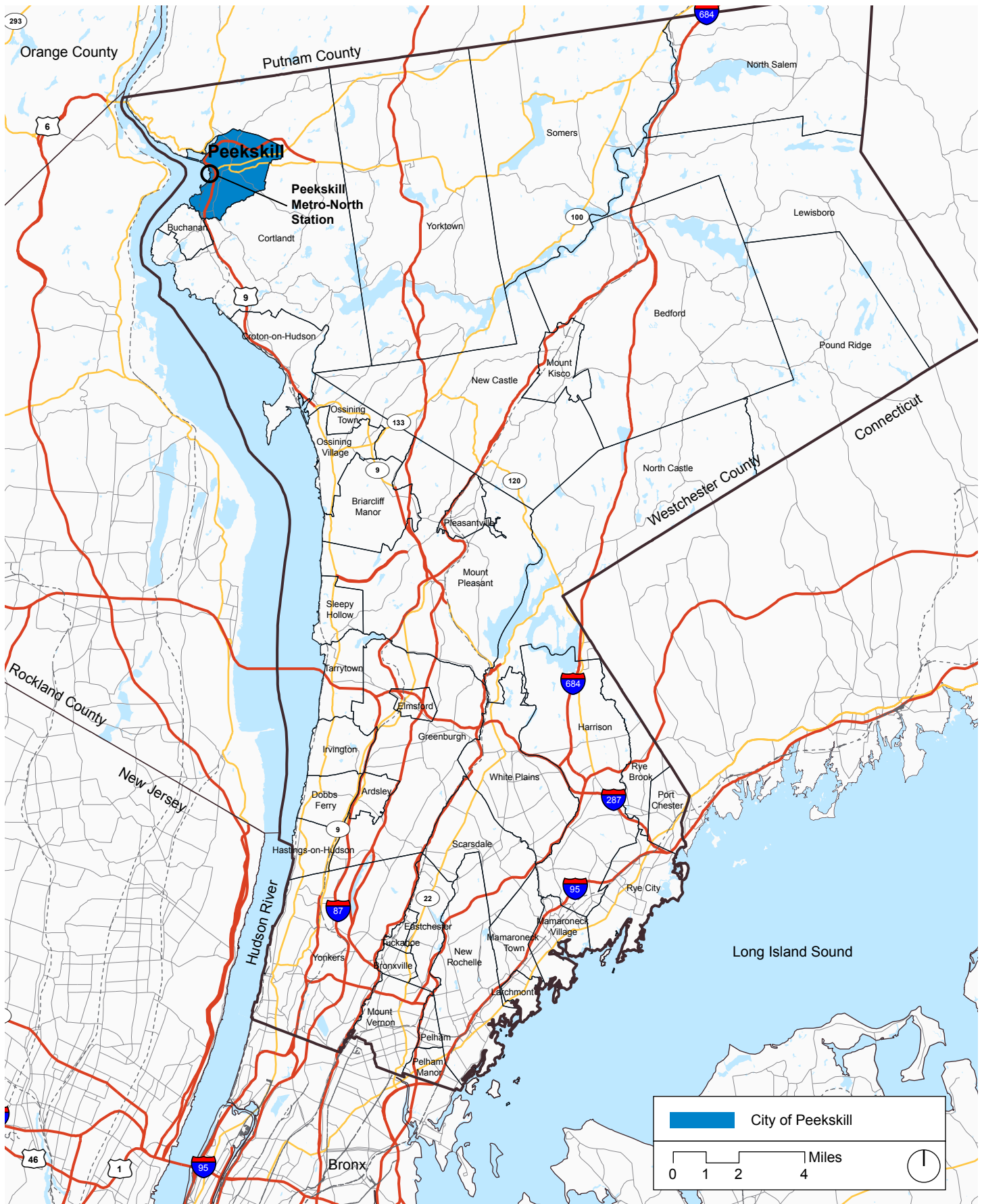


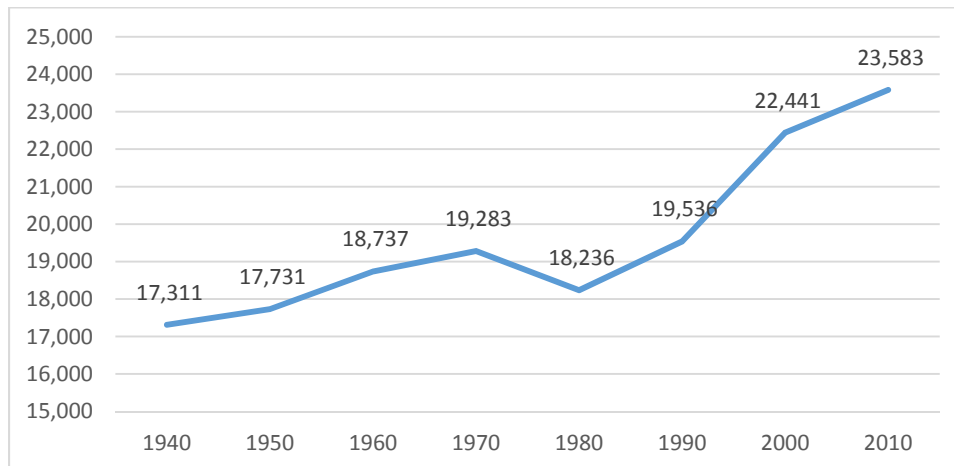
Figure II-1: Westchester County Map

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With several small nodes of commercial, residential, warehouse distribution and vacant land as well as larger areas of industrial, private institutional and public open space, the LWRP area is relatively low-density with 3.35 persons per acre, closer in character to Ossining and Westchester County as a whole.

Since Peekskill was incorporated as a City in 1940, the community has increased in population by 36%, adding 6,272 residents to reach a total population of 23,583 by 2010 (Figure 1). During the 1970s, Peekskill experienced a temporary loss of population, marked by its participation in the federally funded Urban Renewal Program, as private housing was torn down to be replaced with subsidized apartment buildings in and around the downtown core area. At the close of the City's urban renewal program, a severe budget crisis in 1975 added further stress on the community. By the end of the 1970s, Peekskill had lost 1,047 residents. This demographic change was not particularly unique to the City, as many other Westchester County communities experienced similar population losses during the 1970s. The following decades produced growth with the addition of 5,347 persons between 1980 and 2010, an average annual gain of 0.9%. This annual gain was relatively higher than Westchester County (+0.3%), Ossining (+0.7%), Port Chester and White Plains (both +0.6%).

Figure II-2: Peekskill Historic Population Growth, 1940 to 2010



Source: U.S. Decennial Census, 1940 to 2010.

Over the last decade, the population of Peekskill increased at a much slower rate than the period from 1990 to 2000, when the population expanded by nearly 15 percent.¹ However, the City's population grew faster than Westchester County from 2000 to 2010.

Over the same period, the LWRP area increased from 1,651 to 2,184 residents, a gain of 533 residents or 32.3 percent. (See Table 2.) Much of the LWRP area's recent population growth can be attributed to new residential developments including the Peekskill Art Lofts, a 28-unit affordable limited equity cooperative built for qualified artists in 2002, and the 201-unit luxury townhome community of Riverbend built in 2006. Peekskill's location on the Hudson River, proximity to New York City and access via Metro-North,

¹ The increase in population between 1990 and 2000 may be the result in part of much improved enumeration methods by the U.S. Census Bureau, which worked in partnership with the U.S. Postal Service to identify households.

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and burgeoning arts scene are all indications of potential for future growth, especially in areas adjacent to the waterfront.

As Table II-2 shows, the age distribution of Peekskill is unique in Westchester County, in that the City's population has a larger share of young working-age adults (18-34 and 35-44) and relatively fewer older working-age adults (45-54 and 55-64), seniors and youth under age 18. While the City's median age increased by 6.5 percent, from 35.2 to 37.5 years (similar to a 6.4 percent increase from 37.6 to 40 in Westchester), Peekskill experienced a particularly high increase in the median age of the female population, a gain of 9.1 percent from 36.3 to 39.6 years.

In the LWRP area, the differences in age characteristics are pronounced. While the population of the LWRP area skews much the same as Peekskill overall, with 46.1% of the 2010 population of both areas under the age of 35, the share of youth under age 18 totals just 12.4 percent in the LWRP area, a full 10 percentage points less than Peekskill at 22.4 percent. The difference is made up in the share of adults between 18 and 34, a potential indication that there are fewer families with children in the LWRP area and a greater proportion of younger adults. One-third of the population in the LWRP is between the ages of 18 and 34, compared with 24 percent and 20 percent in Peekskill and Westchester County, respectively. The population distribution of ages 45 and older are very similar across all three areas.

Table II-2: Population by Age Cohort, 2000 & 2010

	LWRP Area		Peekskill		Westchester County	
Age Groups	2000	2010	2000	2010	2000	2010
Total	1,651	2,184	22,441	23,583	923,459	949,113
Under 18	220	271	5,471	5,293	230,797	228,000
18-34	633	740	5,657	5,592	189,987	185,000
35-44	278	316	4,044	3,540	157,033	132,984
45-54	205	326	2,974	3,564	129,998	149,032
55-64	137	265	1,710	2,808	86,680	114,975
65 or Older	178	266	2,585	2,786	128,964	139,122
Median Age	NA	NA	35.2	37.5	37.6	40.0
Percent Share						
	LWRP Area		Peekskill		Westchester County	
Age Groups	2000	2010	2000	2010	2000	2010
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Under 18	13.3%	12.4%	24.4%	22.4%	25.0%	24.0%
18-34	38.3%	33.9%	25.2%	23.7%	20.6%	19.5%
35-44	16.8%	14.5%	18.0%	15.0%	17.0%	14.0%
45-54	12.4%	14.9%	13.3%	15.1%	14.1%	15.7%
55-64	8.3%	12.1%	7.6%	11.9%	9.4%	12.1%
65 or Older	10.8%	12.2%	11.5%	11.8%	14.0%	14.7%
Source: U.S. Decennial Census, 2000 and 2010.						

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Like the City of Peekskill, the LWRP area is home to a diverse population lacking any majority race-ethnic group (Table II-3). More than one-third of residents identify themselves as White Non-Hispanic (37%), while another third are Black Non-Hispanic (32%) and fully one-quarter are Hispanic/Latino (25%). The remaining population identifies themselves as Asian/Other Non-Hispanic (2.9%) or Two or More Races, Non-Hispanic (3.3%). The LWRP area is home to a larger share of Black Non-Hispanics than the City of Peekskill (32% vs. 21%) and a somewhat smaller share of Hispanics (25% vs. 37%). Compared with Westchester County, both the LWRP area and the City have a smaller share of White Non-Hispanics and a larger shares of Black-Non-Hispanics.

Table II-3: Population by Mutually Exclusive Race-Ethnicity, 2000 and 2010

	LWRP Area		Peekskill		Westchester County	
	2000	2010	2000	2010	2000	2010
Total	1,651	2,184	22,441	23,583	923,459	949,113
White Non-Hispanic	624	809	10,776	8,439	591,776	544,563
Black Non-Hispanic	684	697	5,483	5,052	125,227	126,585
Asian/Other Non-Hispanic	52	63	664	795	45,326	56,239
2+ Races Non-Hispanic	42	72	598	584	17,006	14,694
Hispanic/Latino	249	543	4,920	8,713	144,124	207,032
Percent Share						
	LWRP Area		Peekskill		Westchester County	
	2000	2010	2000	2010	2000	2010
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
White Non-Hispanic	37.8%	37.0%	48.0%	35.8%	64.1%	57.4%
Black Non-Hispanic	41.4%	31.9%	24.4%	21.4%	13.6%	13.3%
Asian/Other Non-Hispanic	3.1%	2.9%	3.0%	3.4%	4.9%	5.9%
2+ Races Non-Hispanic	2.5%	3.3%	2.7%	2.5%	1.8%	1.5%
Hispanic/Latino	15.1%	24.9%	21.9%	36.9%	15.6%	21.8%

Source: U.S. Decennial Census, 2000 and 2010.

Between 2000 and 2010, the LWRP area experienced a gain of 533 total residents. Those identifying as Hispanic/Latino accounted for the majority of the population growth, with a net gain of 294 residents (55% of the total increase). During that time, the number of residents identifying as White Non-Hispanic increased by 185 (30% of the total increase). The number of residents identifying as Black Non-Hispanic, Asian/Other Non-Hispanic or Two or More Races increased by a total of 54. Similarly, in Peekskill overall and Westchester County, Hispanics were also responsible for the majority of the growth in the decennial population. In all three areas, residents identified as Asian/Other Non-Hispanics also increased in number by roughly 20 percent. The White Non-Hispanic as well as the 2+ Races Non-Hispanic population expanded only in the LWRP area. In Peekskill, the White Non-Hispanic population decreased by 2,337 persons (-22%) compared with a loss of 47,213 persons (-8%) in Westchester County. The Black Non-Hispanic population was relatively stable in the LWRP area and the County, but in Peekskill as a whole, that population decreased in number by 7.9 percent.

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The City of Peekskill was largely built out over the period from 1870 to 1930, when it was then a Village incorporated within the Town of Cortlandt. According to the U.S. Census Bureau's 2007-2013 American Community Survey, roughly one-third of the City's total housing units were constructed prior to 1940. Another half were built from 1940 to 1979. Of the remaining units, 915 units (9%) were constructed during the 1980s, 663 units (6.6%) from the 1990s and 825 units (8.2%) built from 2000 to the present. In the two Census Block Groups that encompass the LWRP area, a greater proportion of housing units are newer, with nearly one-quarter of units were built since 2000, largely reflecting the Riverbend development.

The City has a variety of housing units in buildings of various sizes, including 3,406 multifamily units (34%) in buildings with two to nine units and another 2,447 units (24%) in multifamily buildings with 10 or more units. One out of seven units (1,411 units) are in the form of townhomes, while the remaining third are single-family homes. The LWRP area has a similar distribution of its housing stock, though one out of five units are townhomes, and the shares of single-family and multifamily homes are slightly smaller than the City.

The LWRP area and the City as a whole have been the focus of several redevelopment plans in the past. Most recently, several significant residential developments have been constructed in the LWRP area including the Peekskill Art Lofts, completed in 2002 (28 total units) and Riverbend, a 201-unit luxury townhome community built in 2006. Citywide, roughly 2,000 units have been planned, proposed or completed with more than 500 units completed over the period from 2002 to 2007, most of them in the city center.² Other notable recent developments include Chapel Hill, a condominium townhome development constructed in several phases from 1990 to 2003.

Over the period from 2000 to 2010, the LWRP area's housing stock gained 293 units as the neighborhood added 533 residents (see Table 5). Similarly, in the City of Peekskill overall, 656 housing units were added as the community expanded by 1,142 residents. These trends have produced a reduction in household sizes, from a ratio of 2.27 persons per unit in the LWRP area down to 2.14 persons per unit in 2010. Similar trends occurred in the City as a whole, with a decline in household sizes over the decade from 2.48 to 2.43 persons per unit. These trends may be indicative of changes in local household preferences as smaller-sized non-family households have increased in number, while the number of family households with children has remained stable.

Table II-4: Housing Supply

	2000		2010		Absolute Change	
	LWRP Area	Peekskill	LWRP Area	Peekskill	LWRP Area	Peekskill
Housing Units	726	9,053	1,019	9,709	293	656
Population	1,651	22,441	2,184	23,583	533	1,142
Persons per Unit	2.27	2.48	2.14	2.43	-0.13	-0.05
Source: U.S. Census, 2000 and 2010.						

² Peekskill News, April 2007.

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Over the past decade, the majority of the gain in LWRP area occupied units was in the form of owner-occupied dwellings (72% of the net gain). Likely a result of residential conversions and demolitions, in the City as a whole the number of renter-occupied units fell from 4,652 to 4,161 units (-11%) as owner-occupied units increased in number by 21 percent (+855 units). These changes effectively altered the tenure distribution of the City's occupied housing stock, as the share of renter-occupied units decreased from 54 percent to 46 percent in Peekskill and from 71 percent to 59 percent in the LWRP area.

It is expected that in the next five years, an additional 563 units of housing will be constructed in Peekskill, of which 431 units will be in the LWRP study area. Future projects include:³

- Abbey at Fort Hill (178 units)
- 653 Central Avenue (33 units)
- The Lofts at Peekskill (70 units)
- One Park Place-Alma Realty (150 units)

As Westchester County's Hudson River waterfront has become further developed over the past decade and home prices in neighboring towns have become out of reach for middle class prospective homeowners, demand has increased for owner housing in the LWRP area. Consequentially, the homeowner vacancy rate dropped 2.1 percentage points, from 5.2 to 3.1 percent from 2000 to 2010. Despite the loss in the number of rental units, the rental vacancy rate jumped 4.1 percentage points, from 3.8 to 7.9 percent. A similar trend was experienced among Peekskill rental housing with a vacancy rate increase from 2.8 percent to 7.4 percent. Meanwhile, homeowner vacancy rate citywide remained largely stable, increasing from 1.7 percent to 1.8 percent over the past decade. As a 5 percent vacancy rate is typically viewed as the benchmark between a tight versus an oversupplied housing market, the homeowner market in 2010 appeared to be very healthy, while a housing glut was clearly underway in the rental market for both the LWRP area and the City as a whole. As local property values have increased in the last five years from a 10-year low in 2011, the rental market in 2015 is likely considerably healthier.

As a share of the LWRP area's total land area (

³ Development in the pipeline drawn from the Westchester County Interactive Map: Major Development Proposals as of December 31, 2014.

<http://www.arcgis.com/home/webmap/viewer.html?webmap=d113f6d4699641b7960dc998ec1f5bf6&extent=-74.7134,40.7142,-72.7428,41.5417>

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Table II-5), the largest land uses include Transportation, Communication and Utilities land uses (23% or 152.1 acres), Public Parks, Parkway Lands and Nature Preserves (20% or 132.7 acres) and Manufacturing, Industrial and Warehouse land uses (18% or 115 acres). Residential land uses of various densities account for another 17 percent of the land area (109.3 acres). While approximately two-thirds of the area's 91.3 acres of vacant or undeveloped land are primarily residential in character, another 27.6 acres are formerly commercial or industrial land uses which will require environmental remediation before being redeveloped for other land uses. The Lower South Street Redevelopment is one such site that has recently applied for the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program.

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Table II-5: LWRP Area Land Uses, 2014

Land Use Category	Acres	Percent Share
Commercial-Retail	14.6	2.2%
High Density Residential	5.4	0.8%
Institutional and Public Assembly	34.5	5.3%
Low Density Residential	11.3	1.7%
Manufacturing, Industrial, Warehouse	115.0	17.6%
Medium High Density Residential	69.8	10.7%
Medium Low Density Residential	22.8	3.5%
Mixed Use	2.3	0.3%
Nature Preserves	14.8	2.3%
Office and Research	3.2	0.5%
Public Parks, Parkway Lands	118.0	18.0%
Transportation, Communication, Utilities	152.1	23.2%
Vacant/Undeveloped	91.3	13.9%
Source: City of Peekskill Assessor's Office, 2014.		

The areas directly along the waterfront are predominantly industrial use and public open space, with small pockets of general commercial, low-density residential, warehouse and distribution, municipal uses and vacant land. Although there is a substantial amount of underutilized industrial land and several deteriorated properties throughout the waterfront area, there are also several recent developments that speak to the great opportunities presented by Peekskill's waterfront, as described below.

With the largest population concentration in northern Westchester County and Putnam County, the City has developed as a regional center for commerce with retailers and services concentrated in the central business district and the Beach Shopping Center in the eastern end of the City. Peekskill has a diverse range of employers, including manufacturing firms specializing in plastics and chemicals, metal fabrication and food processing as well as a professional business service firms providing legal and health services. Several regional banks are located in Peekskill, providing services businesses and residents primarily in the northern area of Westchester County.

According to 2014 business and worker data collected by Dun and Bradstreet,⁴ the LWRP area is comprised of 199 businesses which collectively employ 2,148 workers (see Table 8). As a share of the total in Peekskill, the LWRP contains 13 percent of the City's businesses and 28 percent of its workers. Although to a lesser extent than the past, the waterfront continues to be dominated by manufacturing uses. With 11 manufacturing firms in the LWRP area, roughly one out of 10 City workers (744 workers) are employed

⁴ For analysis of small neighborhood areas such as the LWRP area, Dun and Bradstreet business data should be considered with caution, as business and worker counts are subject to a small degree of error. In particular, the Arts, Entertainment and Recreation industry sector may have significantly under-reported citywide businesses and workers.

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in that sector. Some examples of manufacturing firms that are located within the LWRP area include BASF and the Wheelabrator Westchester L.P. waste-to-energy facility.

More than one out of 13 citywide workers are employed in the Other Services sector, which includes workers employed in Repair and Maintenance; Personal and Laundry Services; and Religious Civic and Professional Organizations. One of the largest firms in the Other Services sector is White Plains Linen. The third-largest industry sector in the LWRP area is Retail Trade, which employs 208 workers or 2.7 percent of Peekskill workers. The Construction sector employs another 111 area workers, accounting for 1.4 percent of Peekskill's workforce but one-fifth of citywide jobs in that sector. A portion of the LWRP area is within the City's Artist's District, and nine of the City's 48 Arts, Entertainment and Recreation sector businesses are located there.

A. Existing Land and Water Uses

1. Planning Areas

For the purpose of this study, the waterfront area may be divided into three planning areas (Figure II-3): Southern Planning Area, Central Planning Area and the Northern/Annsville Creek Planning Areas. By dividing the waterfront area, the City was able to develop targeted planning strategies and policies specific to the conditions and needs within each area. Existing land use patterns are presented in Figure II-4.

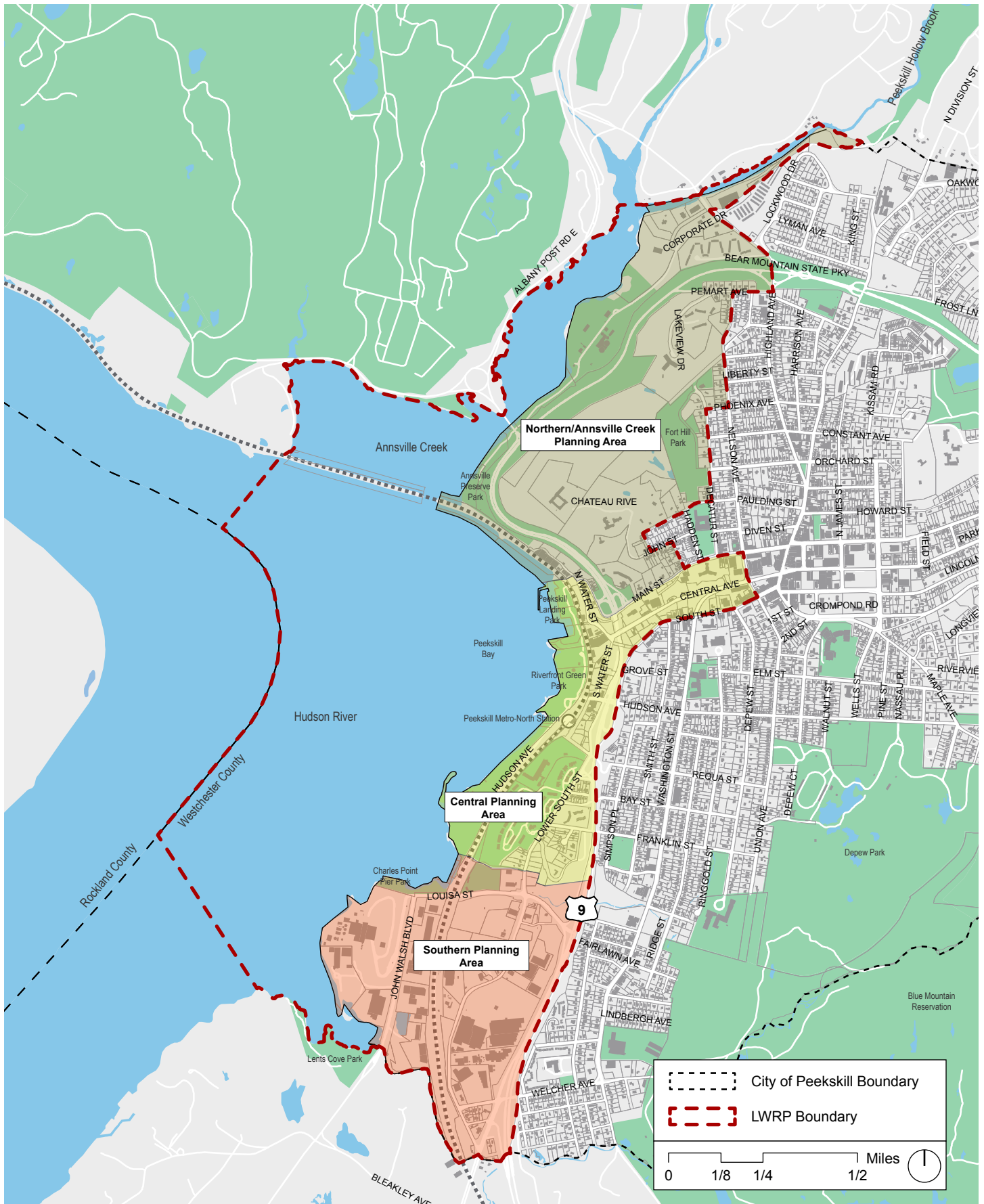


Figure II-3: LWRP Planning Areas

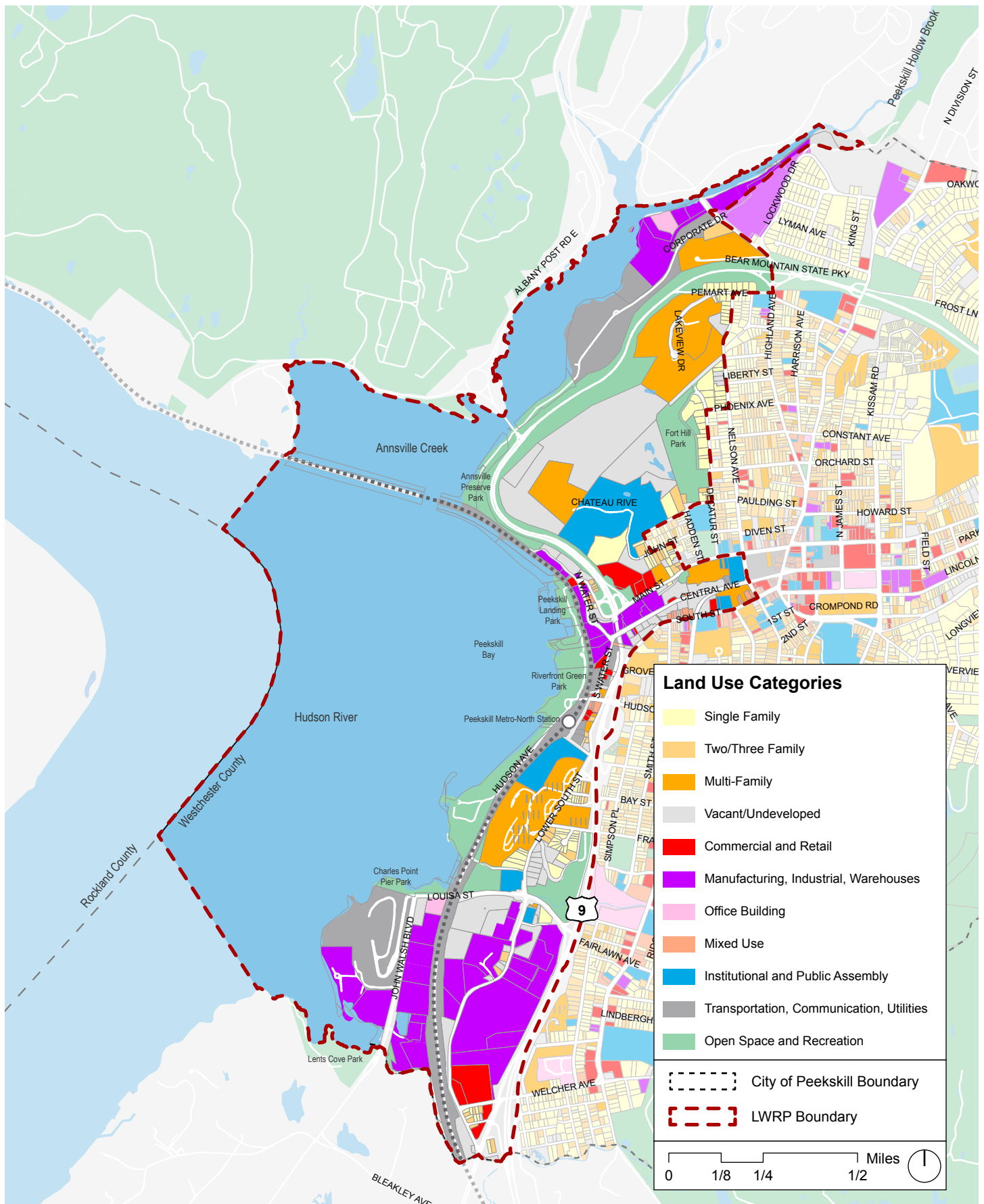


Figure II-4: Land Use Map

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1) Southern Planning Area

The Southern Planning Area consists of the far southwestern portion of Peekskill. The eastern boundary is Route 9 and the northern boundary includes Peekskill Stadium, the Department of Public Works (DPW) garage and vacant wooded parcel just north of Louisa Street.

The intersection of Lower South Street and Louisa Street is a potential key gateway between the City's industrial district and the residential, commercial and waterfront uses in the Central Planning Area. Currently, the parcels to the south of Louisa Street along Lower South Street are largely characterized by a concentration of industrial uses including manufacturing and outdoor storage (scrap metal, automobile and used machinery parts and contractors' materials and construction materials). This portion of the Southern Planning area consists of some primary uses that are non-conforming with current zoning. The City recently acquired approximately 13 acres of land to the southeast of the intersection of Louisa Street and Lower South Street. These parcels have been accepted into the State's Brownfield Opportunity Area program, and the City hopes to attract new retail and commercial uses with a lesser environmental impact. The southern end of Lower South Street is the location of a large BASF Corp. facility, which has been in operation since 1952. Activities at this facility include manufacture of pigments for use in automotive paints, cosmetics and electronic devices.

West from Louisa Street and across the Metro-North tracks, one enters the Charles Point Industrial Park. This area consists primarily of light manufacturing and commercial uses, but also includes the Wheelabrator Westchester L.P. waste-to-energy facility. Additional uses include a newly constructed Holiday Inn hotel, the White Plains Linen facility and other commercial uses, distribution uses and a privately owned marina and boat repair shop. The Wheelabrator facility is located on the water's edge and is considered a non-conforming use. The hotel is largely targeted toward business travelers due to its proximity to White Plains Linen and BASF Corporation in Peekskill, as well as Indian Point Energy Center in Buchanan and Hudson Valley Hospital in Cortlandt. Adjacent to Wheelabrator is Charles Point Pier Park, a 2.9-acre City-owned parcel that is highlighted by Fleischmann Pier. Fleischmann Pier has formerly served as a highly utilized public access point to the Hudson River; however it requires structural repairs for safe pedestrian access and use as a location for deep-water tour boats to dock. Charles Point Marina is owned by the City of Peekskill Industrial Development Agency. Although this property requires renovations, it has development potential to support water-dependent, water-enhanced and complimentary uses.

Issues

The key issues in the Southern Planning Area that can be addressed in the LWRP generally involve potential changes in land use. While there are many productive businesses currently operating in this area, including Wheelabrator, BASF, Holiday Inn, White Plains Linen and the Welcher Avenue Shopping Center, among others, there are also a number of vacant and underutilized parcels that are under control of the City. Potential uses of these City-owned parcels should be addressed in a way that encourages active commercial and large-scale retail to move to this section of Peekskill, with an emphasis on retail typologies that would not detract from small-scale businesses in the waterfront district or downtown.

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Opportunities

The Southern Planning Area also presents a number of opportunities based on the strong base of industrial and commercial jobs, as well as the potential for the City to guide future development on the municipally owned parcels.

There has been discussion within the City for a number of years on the potential to relocate the City DPW facility at the northwest corner of Lower South Street and Louisa Street. This intersection could become a gateway between the commercial and industrial district of the Southern Planning Area and the recreational, residential and retail character of the Central Planning Area. The City also owns approximately 13 acres of land at the southeast corner of this intersection and previously had an option to purchase property currently owned by BASF at the southwest corner. Between these three components, the City is in a strong position to implement components of the Lower South Street Area Conceptual Plan from 1997 and the Lower South Street/Louisa Street Charrette from 2009.

There are also opportunities for increased open space and waterfront access in the Southern Planning Area. Fleischmann Pier in Charles Point Pier Park is currently structurally unsound, but if repaired, the Pier could provide a unique location for fishing as well as the City's only potential deep water location for docking of large tour boats. The Charles Point Marina property is owned by the City of Peekskill Industrial Development Agency and has the potential to support future uses such as a waterfront restaurant and/or catering hall or entertainment complex.

2) Central Planning Area

The core of Peekskill's waterfront is located in the Central Planning Area and includes the Metro-North Train Station, Riverfront Green and Peekskill Landing, retail and restaurant uses and the Central Avenue corridor which extends into the City's downtown. The Central Planning Area includes the Peekskill Yacht Club at Travis Point and Riverbend at the southern end, extends north along Route 9 to the intersection of Main Street at North Water Street. The Central Planning Area also crosses Route 9 to the east, extending up Central Avenue to Nelson Avenue.

To the east of the Metro-North tracks, Riverbend is a 26-acre condominium community of 201 homes on a portion of the property that was subdivided from the convent for the Missionary Sisters of the Third Order of Saint Francis. Construction of the Riverbend condominium facility was completed in 2006. West of the tracks, along the Hudson River, is the Peekskill Yacht Club. North of the yacht club is the Riverfront Green municipal park, with a combined land and underwater acreage of 53 acres along the waterfront. Immediately north of Riverfront Green west of the railroad tracks is the newly constructed Peekskill Landing Park. This former industrial area was purchased by Scenic Hudson and ownership was transferred to the City upon completion of park construction. The acquisition of this strategic parcel has allowed for the expansion of Riverfront Green Park and other City improvements on the waterfront and will serve as a major component of a more connected waterfront.

The area north from Requa Street to the northernmost portion of North Water Street between the tracks and U.S. Route 9 consists predominantly of a mixture of industrial, general

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commercial, automotive commercial, warehouse and distribution uses and parking. Small concentrations of low-density and multifamily residential uses are located along South Street (between Requa Street and Hudson Avenue) and Water Street (near the Main Street/ U.S. Route 9 interchange).

The Central Avenue corridor that extends east toward the City center includes a long-standing home mason supply business, enclosed outdoor storage, warehouse/ distribution, industrial and office uses as well as a restaurant. The Peekskill Art Lofts, located on Central Avenue between Depew Street and Nelson Avenue, were completed in 2002 opposite the municipal/community center. Many parcels along Central Avenue are vacant because of urban renewal and street improvement activities and steep slopes on the south. The area is also affected by the McGregory Brook drainage basin.

Issues

The prospect for new development in the Central Planning Area has the greatest potential to impact activity on the waterfront, connections to downtown and changes in building scale—all high priorities expressed by the Waterfront Advisory Committee, participants at public workshops and City staff. The most important issues in this area include the continued development and success of Riverfront Green, Peekskill Landing and the Southern Waterfront Trailway; balance between encouraging new development with maintaining appropriate building scale and use; and improving comprehensive transportation issues ranging from parking to pedestrian access and trolley service.

Opportunities

The Central Planning Area also has great opportunities to continue the revitalization of Peekskill's waterfront. The City hopes to encourage increased mixed-use activity in this area that serves residents, businesses and visitors alike. Peekskill Landing, Riverfront Green and the Lincoln Depot Museum are all anchors that will help to draw additional attention to the waterfront. The Metro-North station makes it easy for visitors to find their way to Peekskill and for commuters to relocate to a revitalized waterfront district. City-owned parcels that are currently being used as surface parking could become opportunities for the kind of mixed-use development that the City envisions drawing residents and new businesses to the area.

3) Northern/Annsville Creek Planning Areas

The Northern Planning Area follows the Hudson River waterfront and then crosses the Metro-North tracks to extend along the bank of Annsville Creek up to the Westchester County-owned Peekskill Wastewater Treatment Plant. The Northern Planning Area also crosses Route 6 to include Fort Hill, Chateau Rive Apartments and the former Convent of St. Mary.

A hotel and restaurant are located on the north side of Main Street at U.S. Route 9. North of the hotel is an 83-acre parcel of institutional land formerly owned by the Sisters of Saint Mary as well as Chateau Rive, a 49-unit residential complex, created from a building from the institutional complex. Another 42-acre parcel to the north, locally known as Fort Hill, is zoned for planned residential development but is expected to be donated to the City in coordination with future development of the St' Mary's site. The donated land would be appended to the

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adjacent City-owned Fort Hill Park, approximately 20 acres of land on the northwest perimeter of the property (east of U.S. Route 9).

Annsville Preserve Park is located in the area along Annsville Creek between the Metro-North Railroad and the Jan Peek Bridge connecting the Bear Mountain Parkway and the Town of Cortlandt. The small single-family dwellings that once occupied the area have been demolished, and public access to the area was blocked until the park was restored in 2004. Upon completion of the park, the unpaved roadway from the northernmost portion of North Water Street was reopened and signalized at each end to allow for safe passage to the park along the one-way road.

The Northern/Annsville Creek Planning Area includes the Peekskill Wastewater Treatment Plant and multi-family housing facilities on the east side of Bear Mountain Parkway. The Planning Area extends to Nelson Avenue and Highland Avenue to the east. At Highland Avenue, the boundary narrows to include the Annsville Creek waterfront up to the 100-year floodplain.

A construction company, industrial storage, an industrial park and the Peekskill Wastewater Treatment Plant, and a vacant City-owned parcel at 9 Corporate Drive make up the eastern portion of the Annsville Creek Planning Area. The industrial use adjacent to the Westchester County Peekskill Wastewater Treatment Plant (WWTP) is used for the outdoor storage of construction materials and equipment. A variety of industrial and commercial uses are permitted by the current zoning for the portions of land adjacent to Annsville Creek.

The western portion of the Annsville Creek Planning Area consists primarily of a small wetland. To the south of the wetland is municipally owned open space with an unpaved trail. While the buffer land surrounding the wetland is not suitable for development, there is the potential to open this site to public access through the development of a pedestrian trail.

Issues

The Northern/Annsville Creek Planning Area faces unique challenges due to its varied settings along the Hudson River, Annsville Creek and on Fort Hill. On North Water Street along the Hudson River, there are several privately-owned parcels that could conceivably be redeveloped for residential use, but are located on difficult, narrow sites and will likely be limited by height restrictions that are meant to protect views from the highlands and from the River. Annsville Creek Park is recently upgraded parkland that includes a limited network of paths. The objective of the City is to link these pathways to the waterfront pathway under development to the south and to connect them to the northeast along the remainder of Annsville Creek. This plan is complicated by steep topography and the location of the Peekskill Wastewater Treatment Plant on Annsville Creek.

Opportunities

Despite these varying conditions within the Northern/Annsville Creek Planning Area, this section of the waterfront is also in a good position to build upon a number of opportunities. It may be difficult to develop on the North Water Street parcels, but the potential exists. The Annsville Preserve Path provides opportunities for recreation and access to the waterfront.

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The existing section of the path could be better maintained and extended farther along Annsville Creek to improve access to the Creek.

2. Water-Dependent and Water-Enhanced Uses

Water-dependent uses include those that rely on direct waterfront access in order to operate. Water-dependent uses within the waterfront area include Fleischmann Pier at Charles Point, the Peekskill Yacht Club, the Charles Point Marina, the boat launch and docks in Riverfront Green, the kayak launch at Peekskill Landing, the pier at Annsville Preserve, and the proposed dock at Riverfront Green South.

As defined by the New York State Department of State (DOS), a water-enhanced use has no critical dependence on the waterfront, but the profitability of the use and/or the enjoyment level of the users is increased significantly because the use is adjacent to or has visual access to the waterfront. Based on this definition, water-enhanced uses in the waterfront area include Peekskill Landing Park, Riverbend, Fort Hill Park, the new Holiday Inn and scattered residential and non-residential uses throughout the area. For the most part, non-residential establishments within the waterfront area do not enhance and/or take advantage of the waterfront location, unless paired with a water-dependent use.

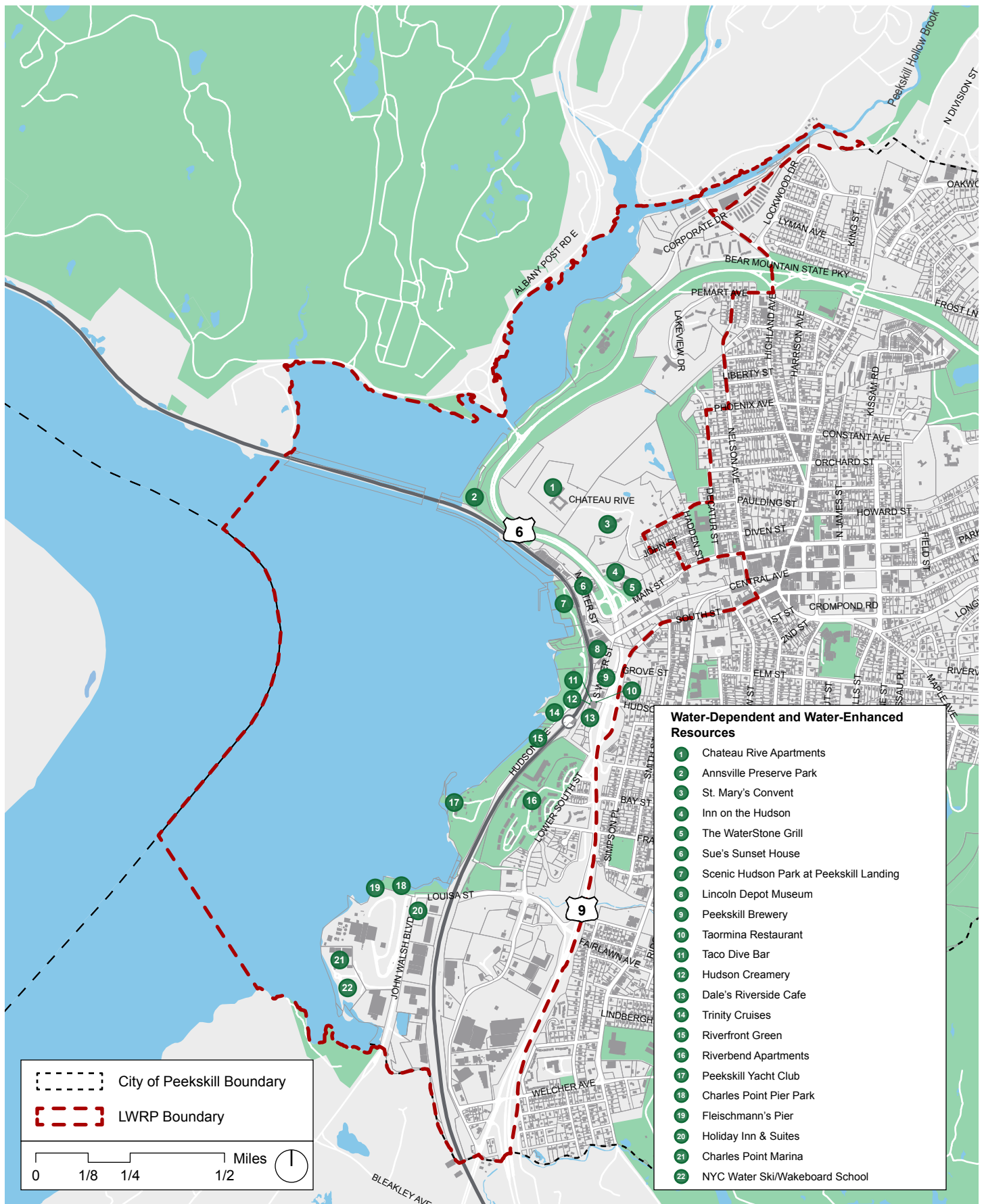


Figure II-5: Water-Dependent and Water-Enhanced Uses

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3. Underutilized, Vacant, or Deteriorated Sites

Although the Peekskill waterfront contains some areas in deteriorating condition, much progress has been made over the preceding 10 years to revitalize the waterfront with open space and new development. Recent improvements to the Peekskill waterfront that upgraded underutilized sites include: the Southern Waterfront Trail and Park, Peekskill Landing Park, Riverbend, the Holiday Inn, White Plains Linen, Lincoln Depot Museum, Art Loft Co-ops, Annsville Preserve Park and Charles Point Pier Park. Through these projects, the City has built momentum to carry additional projects forward that substantially improve the use of publicly owned vacant land.

The Southern Planning area has a number of underutilized and abandoned sites. In addition to vehicle storage facilities, a site maintained by the City of Peekskill's DPW and other privately owned garages, a number of parcels located south of Louisa Street and along Lower South Street provide scrap metal storage services and recycle used machinery.

The core of Peekskill's waterfront is developed with commercial, retail and light industrial uses and contains many underutilized and deteriorating parcels. There are also surface parking lots and storage areas within the area, with many structures showing signs of deterioration due to age and lack of maintenance. Central Avenue and the north side of South Street have similar characteristics and show similar signs of deterioration. Deteriorating structures coupled with vacant and underutilized parcels make these areas prime for redevelopment.

Properties north of the Riverfront Green to the east of the railroad tracks demonstrate recent revitalization of the area as well as the need for additional development. The historic Lincoln Depot Museum has recently been renovated; however there are also vacant parcels and underutilized buildings to the west of North Water Street (between Dain's Lumber Supply and former industrial buildings on the northernmost portion of North Water Street). There are deteriorated docks and bulkheads and other miscellaneous structures along the shore and at the water's edge that are blighted and may cause navigational hazards.

The vacant area along Annsville Creek, north and east of the Bear Mountain State Parkway was once the site of single-family, bungalow-type houses. While access is closed along the Creek to the north of the Route 9/Jan Peek Bridge, the Annsville pedestrian trail could be extended that would increase public access opportunities to the shoreline. Currently, the Annsville Preserve Path extends along two short routes: at the northern terminus of the northernmost portion of North Water Street one follows the topography of the creek bed to the base of the Jan Peek Bridge; the other slopes upwards toward the Bear Mountain Parkway and links with a pedestrian crossing of Annsville Creek along the Jan Peek Bridge.

The western portion of this area includes a small municipally owned strip of land wedged between the Bear Mountain State Parkway and Annsville Creek. While this land is primarily undevelopable, the potential exists to extend a pedestrian trail from the Northern Planning Area of the Peekskill Wastewater Treatment Plant. To the east of the Peekskill Wastewater Treatment Plant is the City-owned 9 Corporate Drive, a vacant parcel that could support a potential future recreational use.

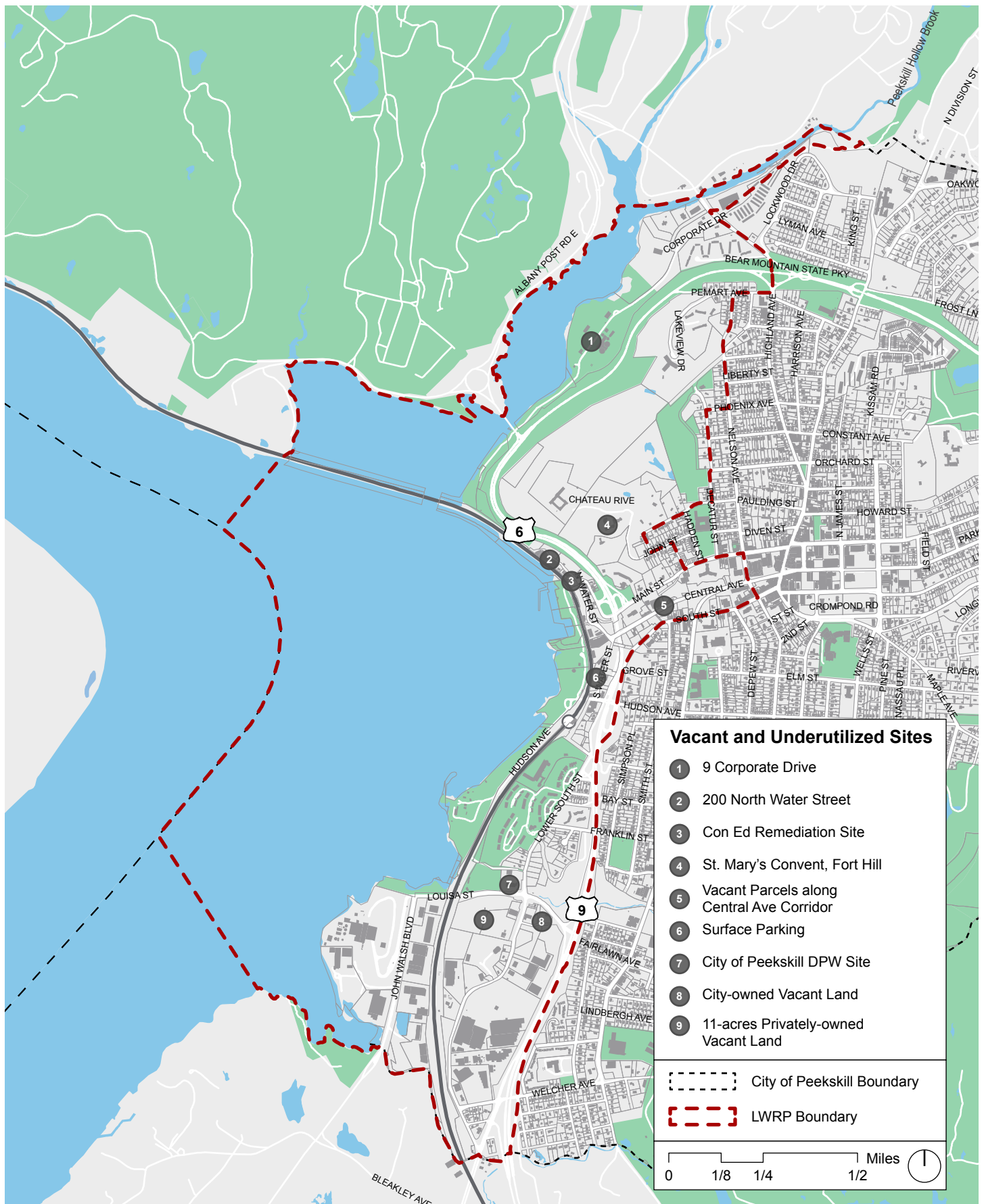


Figure II-6: Underutilized, Vacant or Deteriorated Sites

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4. Public Access Areas and Recreational Facilities

The City of Peekskill has made great strides in terms of public access and recreational facilities in recent years, with ongoing plans to continue to connect waterfront access points. Peekskill Landing and Annsville Preserve Park are both recent additions to the City's waterfront resources. Riverfront Green and Charles Point Pier Park are the two other significant recreational facilities on the waterfront.

In addition, the City is in the process of implementing the Southern Waterfront Park & Trailway Master Plan. The objective of the Master Plan is to provide linear connections between the City's waterfront park spaces, including, from south to north, Lents Cove Park in Buchanan, Charles Point Park, Travis Cove and Travis Point, Riverfront Green and Peekskill Landing. The trail begins in Riverfront Green and travels to the south through the new Riverfront Green South Park and along the west edge of the Metro-North tracks. Current segments of the trail are under construction on Travis Point and into Charles Point Pier Park. The segment of the trail from Charles Point Pier Park, around Wheelabrator and into Lents Cove, require additional funding.

Fort Hill is another open space in the City. Fort Hill is an elevated overlook that includes the Chateau Rive Apartments and former St. Mary's Convent. Adjacent to open space associated with these privately owned parcels is approximately 10 acres of publicly owned parkland known as Fort Hill Park. Fort Hill was the site of a Revolutionary War encampment in 1777 and efforts to preserve the site from development began as early as 1929, when the City obtained 10 acres of wooded land. In 2007, the City reached an agreement with the owner of the former St. Mary's convent to preserve an additional 40 acres from development. Although remnants of the Revolutionary War embattlements remain, the site is largely overgrown.

Although not directly related to waterfront activities, the LWRP public outreach process has revealed a need for soccer fields in the city of Peekskill. The open space within the LWRP area is not an ideal location for additional publicly operated athletic fields. However, consideration by Westchester County should be given to maintaining public soccer fields in Blue Mountain Reservation.

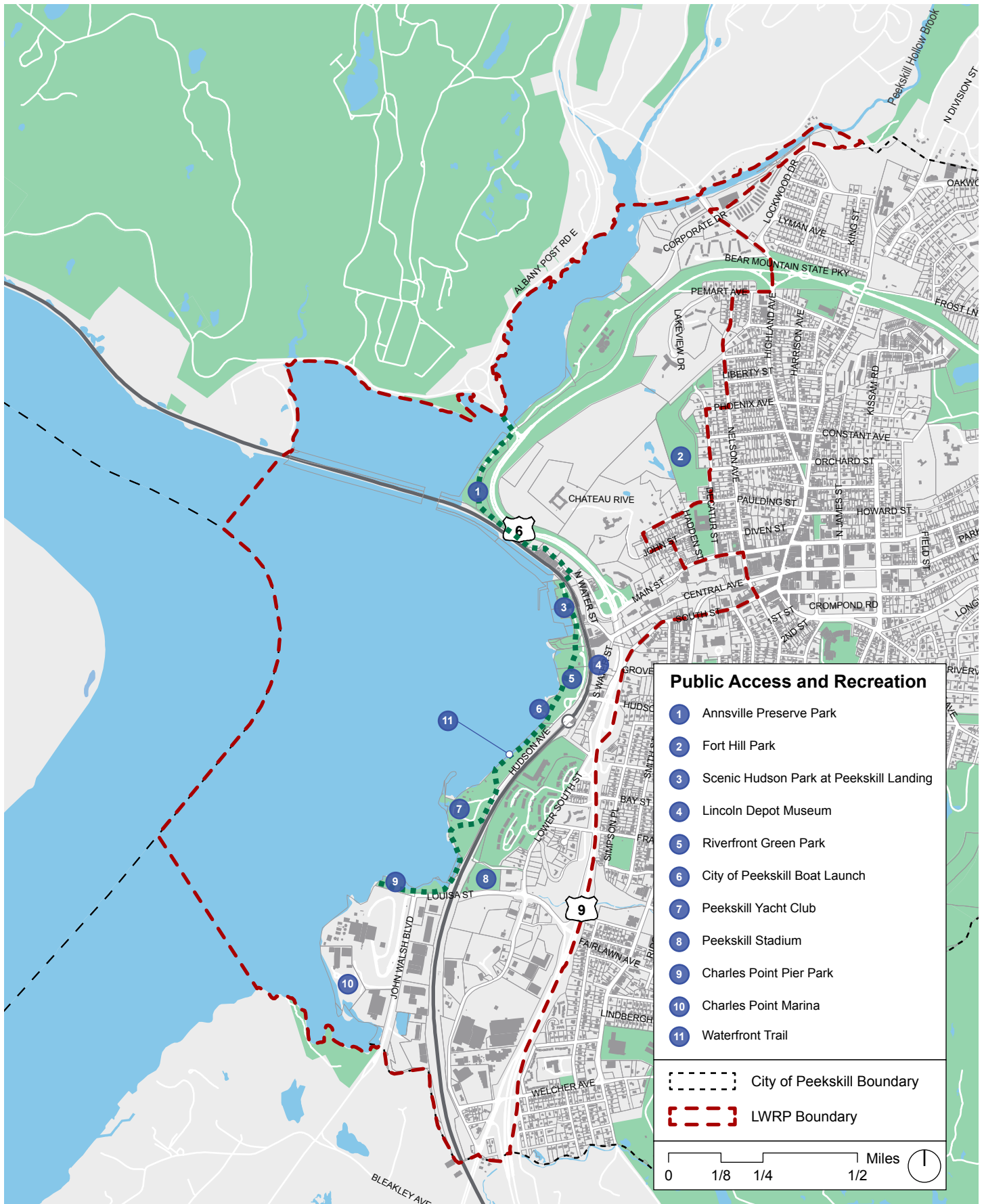


Figure II-7: Open Space, Parks and Recreation

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5. Existing Zoning

Zoning is the primary land use control device available to the City. The current zoning designation of a given area is indicative of the type of development that is permitted and reflects the City's intent, rather than necessarily the existing land use or development. The City of Peekskill Zoning Ordinance has 23 districts, 13 of which are found within the waterfront area. The City's Zoning Ordinance has been amended several times in recent years to implement recommendations for development policies in the waterfront area, as described in detail in Section V. These zoning districts are indicated in Table II-6 and are illustrated in Figure II-8.

Table II-6: Zoning Districts

Zoning District	Description of City Zoning Districts	
R-1A	One Family Residence	7,500 SF Minimum Lots
R-1B*	One Family Residence	6,000 SF Minimum Lots
R-1C	One Family Residence	5,000 SF Minimum Lots
R-2	One and Two Family Residence	Single Family: 5,000 SF Minimum Lots Two Family: 7,500 SF Minimum Lots
R-3*	One, Two and Three Family Residence	One and Two Family: Same as "R-2" Three Family: 10,000SF Minimum Lots
R-4	Low Density Multiple Residence	
R-5	Medium Density Multiple Residence	
R-6*	Central Multiple Residence	
PRD*	Planned Residential Development	
C-1	Shopping Center District	
C-1A*	Shopping Center District – Limited	
C-2	Central Commercial	
C-3	General Commercial	
C-4*	Neighborhood Commercial	
M-1*	Light Industrial	
M-2*	General Industrial	
M-2A*	Design Industrial	
M-3	Industrial Park	
PCD*	Planned Commercial Development	
WF	Waterfront District	
WF-1*	Waterfront/Water Adjacent Water-Related or Enhanced Uses	
WF-2*	Waterfront/Inland Parcels Dense Mixed Commercial/Residential	
WF-PRD*	Waterfront Planned Residential Development	
* - Districts Located in the Waterfront Area		

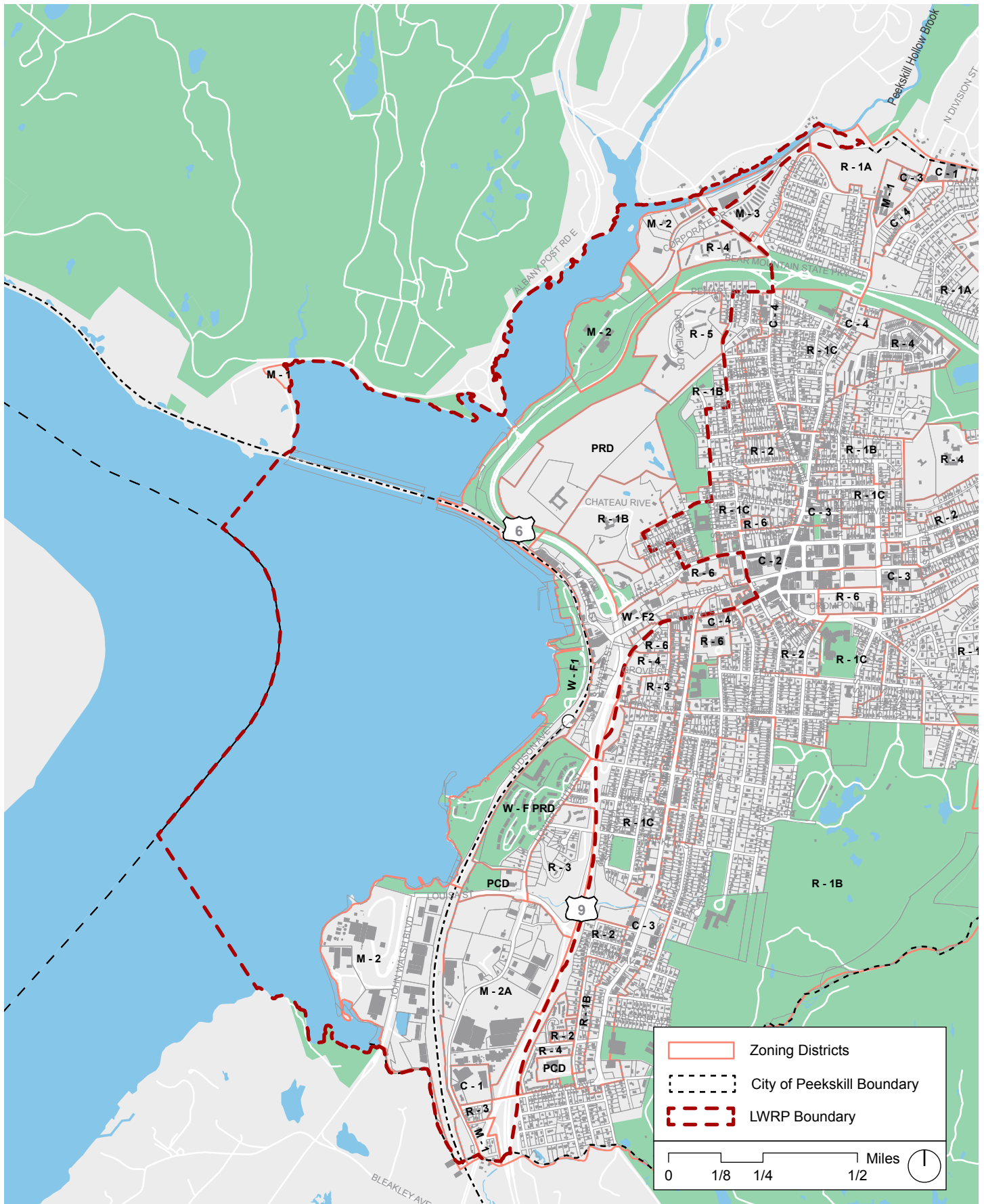


Figure II-8: Existing Zoning

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6. Historic Structures, Sites and Districts

At present the Standard House (located at 50 Hudson Avenue), the Lincoln Freight Depot (located at 41 South Water Street) and the U.S. Post Office Building (located at 738 South Street) are the only structures in the LWRP area listed on the National Register of Historic Places.

In 2011, the City published the City of Peekskill Cultural Heritage Tourism Strategic Plan, which assessed market trends and analyzed the City's cultural heritage attractions. An inventory of historic sites was compiled as part of the plan and provides an updated view of important cultural heritage assets in the City. The plan identified the following as historical assets in the City that are located within the LWRP boundary:

- Union Stove Works Building (444 Central Avenue)
- Fleischmann Pier (Charles Point Pier Park)
- The Lincoln Depot Museum

In addition to the City's historic resources, the Hudson Highlands Scenic Area of Statewide Significance is located adjacent to Peekskill, and the City benefits from this natural resource.

There is also some overlap between the Peekskill Downtown Historic District and the Nelson Avenue-Fort Hill Historic District with the LWRP Boundary. Parcels within the Peekskill Downtown Historic District that are also within the LWRP area include properties on the north side of South Street to the West of Union Avenue, and the south side of Main Street east of Decatur Avenue. Parcels within the Nelson Avenue-Fort Hill Historic District that are also within the LWRP area include properties on the west side of Decatur Avenue north of Belden Street, and on the west side of Nelson Avenue north of Phoenix Avenue.

B. NATURAL FEATURES

1. Scenic Resources and Important Vistas⁵

Peekskill Bay is surrounded on almost all sides by high ground ranging in elevation from 600 feet to more than 1,300 feet. Bear Mountain, which is northwest of Peekskill, is more than 1,300 feet in height. Dunderberg Mountain to the west of Peekskill has a peak elevation of 1,086 feet. Mine Mountain and Anthony's Nose to the north and northwest have elevations of more than 800 feet. To the east and within the City of Peekskill, the hills are more than 500 feet high. To the southeast is the Blue Mountain County Reservation (County Park) with elevation in excess of 600 feet. The only extensive low areas are to the south in Verplanck and the Village of Buchanan. At Peekskill Bay, the Hudson River turns nearly 90 degrees in its course. Located along the outside edge of this turn, Peekskill Bay is the setting of panoramic water vistas of great beauty. Views toward the southwest and north include the Hudson River, an American Heritage River, as a foreground against a background of the hills and mountains that border it. The Hudson Highlands, a Scenic Area of Statewide Significance (SASS), begin just to the north of Peekskill Bay, where Mine

⁵ This section is based on "Hudson River and Peekskill Bay Past and Present Environment" and from "701 Waterfront and Uplands Study: Urban Design Considerations, Planning Determinants, Land Use Opportunities and Constraints."

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Mountain, Manitou Mountain, Anthony's Nose and Bear Mountain are some of the striking land forms visible from the Peekskill Bay. Fort Hill sits above a cliff-like hillside which partially rims the northern side of Peekskill Bay. These cliffs are among the most dominant land features visible from the Bay in this direction.

There are interesting views from points in the Bay west of the shoreline, as well as from higher elevations near the shoreline. Likewise, there are interesting views to the east of the City's developed areas, including the business district and the surrounding higher elevation developments.

The Peekskill Bay area views contain interesting and exciting contrasts between natural and synthetic features. The hills, mountains, forests and river are constantly visible and dominant. Interesting contrasts are provided by such synthetic features as the developed urban areas of Peekskill to the east, including Riverbend, Chateau Rive apartments, the St. Mary's building on Fort Hill and the brick single-family home south of St. Mary's. The Metro-North rail line is visible at the shoreline's edge. Also visible east of the Bay is the newly reconstructed U.S. Route 9. River traffic, ranging from small pleasure boats to moderate sized river tour boats, is also visible from the shore.

Visitors to Riverfront Green and Peekskill Landing enjoy a variety of views and vistas. The St. Mary's and Riverbend parcels are visible from the park. The park offers spectacular views of Dunderberg and Bear Mountains beyond the River and of Peekskill Bay. Charles Point Pier Park, Fleischmann Pier and the Harbor at Charles Point provide views across the Hudson to the peaks in Bear Mountain State Park and Bear Mountain Bridge, as well as upriver to Fort Hill and the central waterfront area.

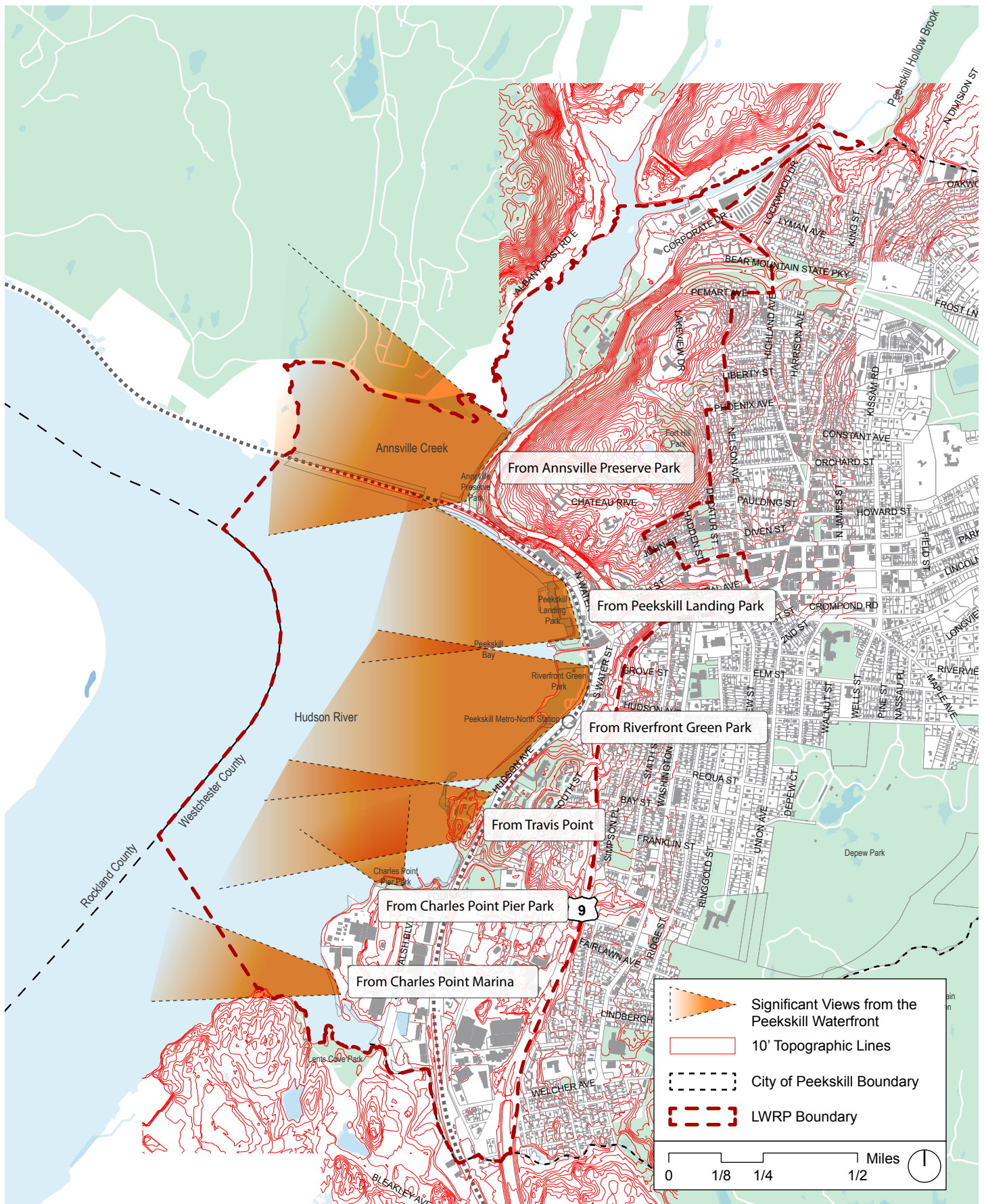


Figure II-9: Significant Views

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2. Land Resources

Land Resources refer to both topography and soil and geology. This section includes a description of the City's topography within the LWRP boundary. The degree of slope in areas near the waterfront helps to dictate types of uses and activities that should be promoted in those areas. For example, one objective of the City has long been to encourage development along the Central Avenue corridor. While this may remain a goal, one reason that the corridor has seen little change over the years is the difficulty of building on the steep slopes north and south of Central Avenue.

The section also includes a description of soil classifications and geologic conditions. The City includes a combination of naturally occurring soils, bedrock outcroppings and man-made fill.

1) *Topography*

Topography in the waterfront area is characterized by relatively flat areas along the water's edge, usually consisting of a combination of landfill, and moderate to excessive slopes further inland. The Southern Planning area is largely flat, with most changes in topography ranging between 0-15% slopes. North of Louisa Street and into the Central Planning area the topography begins to change. Although there are some areas with slight slopes (0-15%), much of this area has slopes between 15-35%. This area is also characterized by rock outcroppings and stony soils, which continue northward to include the Central Planning area and a majority of the Northern Planning area including Fort Hill. To the west and north of Fort Hill are areas of excessive slopes (35-60%), extremely stony soils and numerous rock outcroppings.

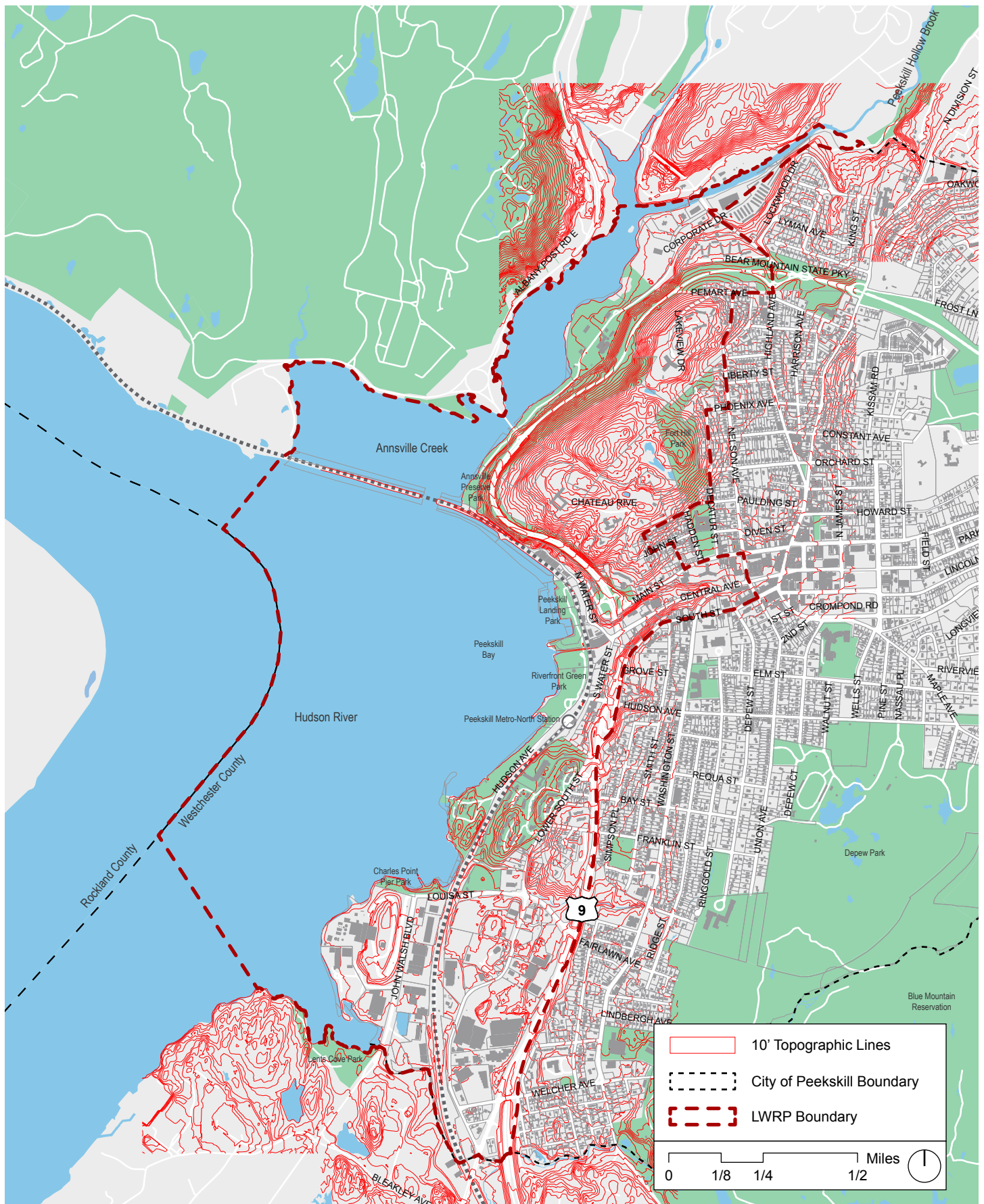


Figure II-10: Topographic Map

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2) *Soil and Geology*

All of the soil classifications in the waterfront area, as noted by the United States Department of Agriculture's Soil Conservation Service, are those identified as having "severe" limitations for non-farm uses, including recreational use. Soil Classifications in the area include:

1. Charlton and Narragansett Extremely Stony Soils (22)
2. Hollis Association (70)
3. Hollis Rock Outcrop Association (17)
4. Salt Water Marsh (102)
5. Cut and Fill Land (104)
6. Made Land (105)

It is important to note that both cut and fill and landfill could have development potential, however, site-specific soil borings would be necessary to determine soil composition and the type of development possible. Cut and fill soils can be found along the shoreline and include the majority of Charles Point and most of Riverfront Green extending north to the marina. In the Central Planning area, on the landward side of the railroad tracks, cut and fill land can be found around Riverbend and up Central Avenue. Landfill (sanitary landfill composed of clean construction and demolition debris) can be found in the Annsville Creek Planning Area at the Peekskill Wastewater Treatment Plant site.

Hollis Association and Hollis Rock Outcrop Association classifications can be found throughout the waterfront area, with concentrations occurring in the Central Planning Area south of Hudson Avenue, on the landward side of the railroad tracks and at the crest of the St. Mary's property. Charlton and Narragansett Extremely Stony Soils are found along the base of Fort Hill landform to the north, east and south. Excessive slopes ranging from 15-60%, characterize Charlton and Narragansett Extremely Stony Soils.

Finally, when discussing soils and bedrock, it is important to mention that a majority of the waterfront area has shallow soils and a high water table. According to information provided by the New York State Coastal Management Program, only a few areas within the waterfront boundary do not have shallow soils. These areas are along Lower South Street south of Charles Point; parts of Charles Point; Louisa Street north to Riverbend; the Riverfront Green area; areas around Central and Main Streets; and along Annsville Creek.

3. Water Resources

The Water Resources section covers FEMA Flood Hazard Areas, wetlands and water quality. Flood Hazard Areas are those areas within the 100-year floodplain as determined by the National Flood Insurance Program (NFIP) under the Federal Emergency Management Agency (FEMA). The Flood Insurance Rate Map (FIRM) for the City of Peekskill was last updated in 2007 to designate those areas prone to flooding at the 100-year flood level. FEMA has also released Preliminary FIRMs for Westchester County which will update the boundaries of the 100-year flood level once they are finalized. Tidal and freshwater wetland areas along the Hudson River and Annsville Creek shorelines are regulated under the NYSDEC's freshwater wetland regulations and the City's

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wetlands law. Water quality is classified by the New York State Coastal Management Program. This section identifies the water quality classification of samples taken in multiple locations along the City's waterfront.

1) *Flood Hazard Areas*

Flood Hazard Areas are those areas within the 100-year floodplain as determined by the National Flood Insurance Program (NFIP) under the Federal Emergency Management Agency (FEMA). The Flood Insurance Rate Map (FIRM) for the City of Peekskill, dated September 28, 2007, designates those areas prone to flooding at the 100-year flood level. Due to steep topography adjacent to the waterfront, the flood hazard areas do not extend far into the City, with the exception of the following areas: the area around the Peekskill Wastewater Treatment Plant, the southern portion of Charles Point and the McGregor Brook Valley, which runs from the Hudson River's edge past the waterfront boundary along Central Avenue. In most cases, due to topography, the flood plain extends landward less than 100 feet from the shore. The Flood Hazard Map reflects the drainage and storm water management improvements that have been constructed over the years to alleviate flooding along McGregor Brook. The City's Flood Damage Prevention Law can be found in Chapter 287 of the City Code.

Following Hurricane Sandy in 2012, FEMA has produced Preliminary FIRMs to update flood hazard maps. The Preliminary FIRMs for the City of Peekskill are dated December 8, 2014. The Preliminary FIRMs for Westchester County were released on April 3, 2015, and the 90-day public comment period concluded on July 1, 2015. Final updates have not yet been released by FEMA, however, there are potential changes represented in the Preliminary FIRMs that would impact parcels within the Peekskill LWRP area. Based on preliminary analysis of the revised FIRMs by the Westchester County Department of Planning, 31 parcels that are not currently in a Special Flood Hazard Area (SFHA) on the 2007 FIRM will now be located in a SFHA in the new maps. Additionally, 47 parcels that are currently in a SFHA in the 2007 maps will be located in a more restrictive SFHA on the new maps.

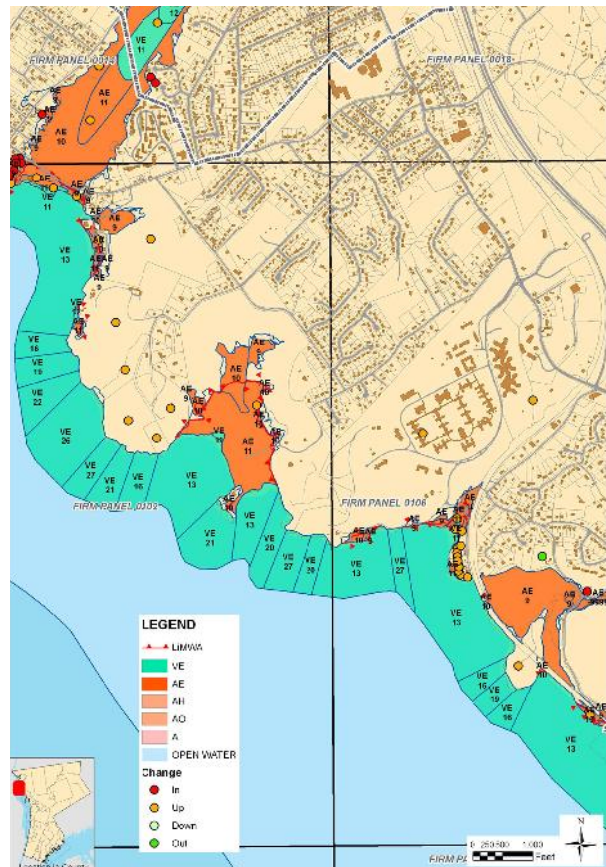
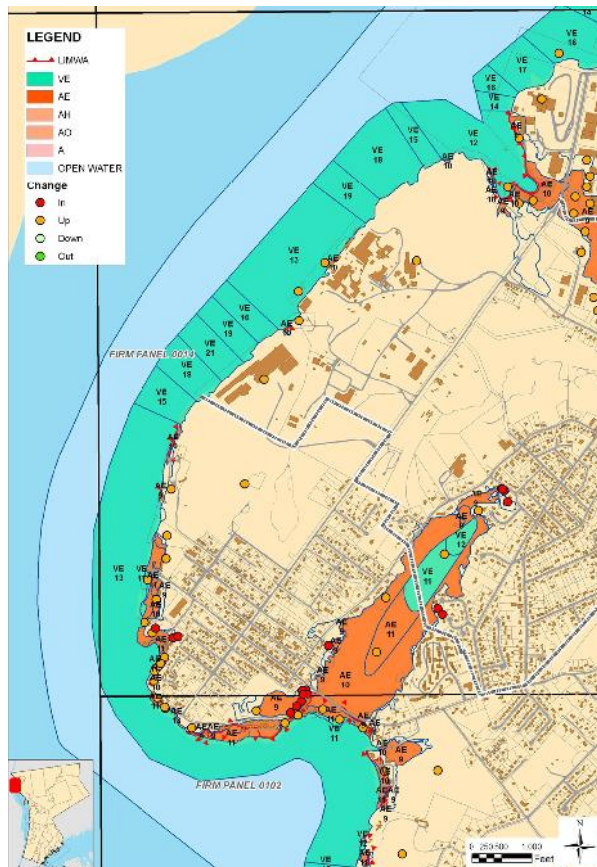
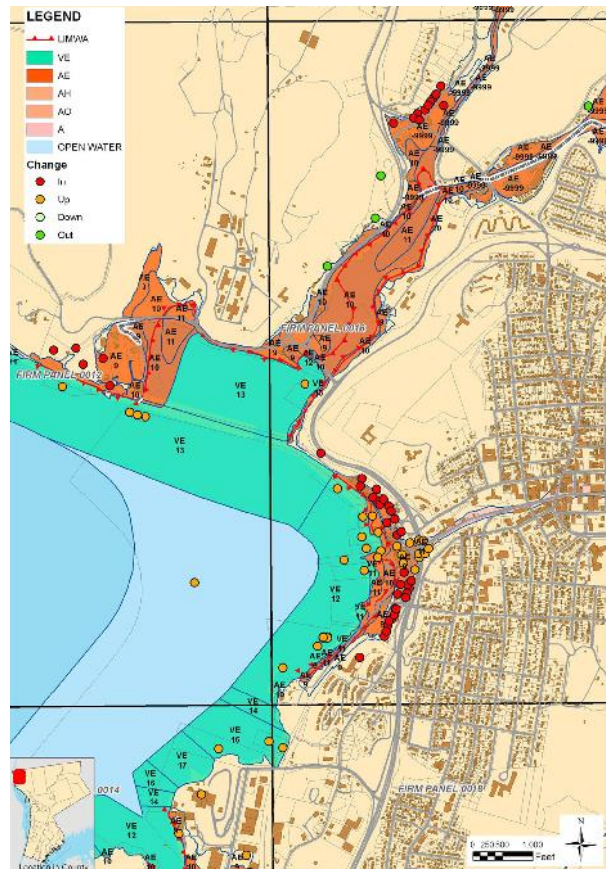
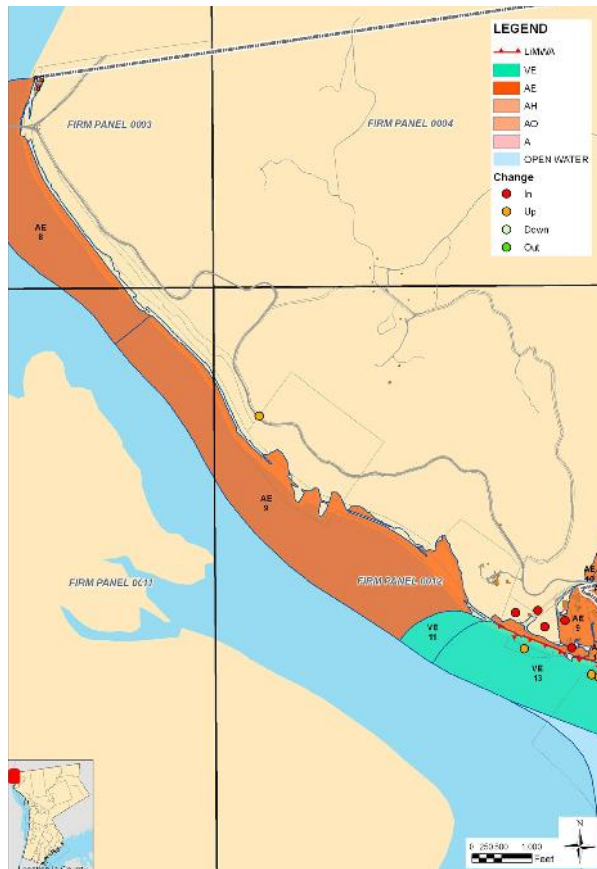


Figure II-11: FEMA Coastal FIRM Panels

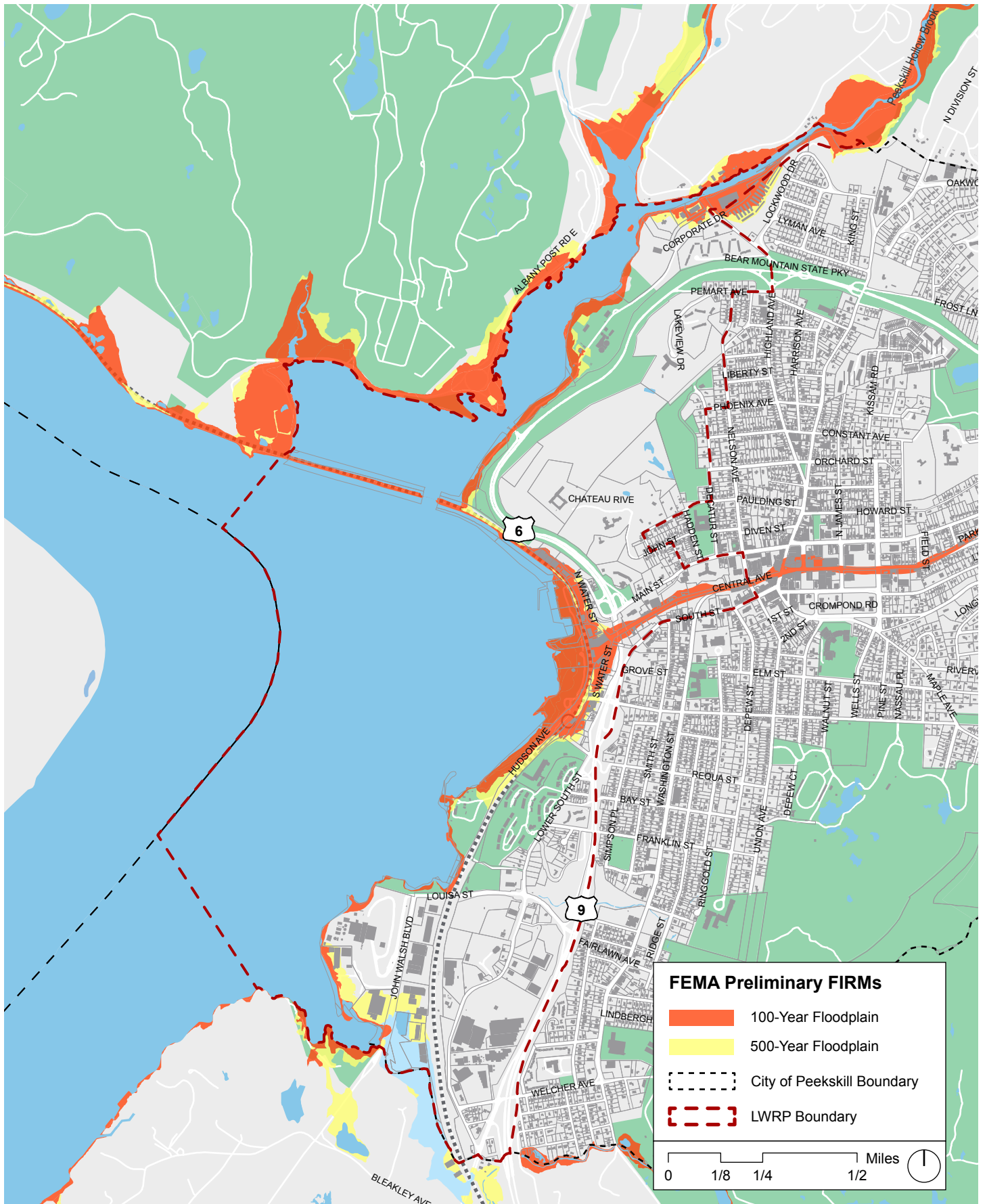


Figure II-12: FEMA Special Flood Hazard Areas

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2) *Tidal and Freshwater Wetlands*

There are two freshwater wetlands, as identified by the NYSDEC and regulated pursuant to Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act), within or adjacent to the Peekskill waterfront area. Wetland number P-5 is a Class II wetland located in the southern portion of Charles Point on the inland side of Broadway from Lent's Cove. Class II wetlands provide important wetland benefits and the loss of these wetlands is only acceptable in limited circumstances. A wetland permit shall be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweigh the loss of or detriment to the benefits of the Class II wetland. The proposed activity must be combatable with the public health and welfare. The proposed activity must be the only reasonable alternative that could accomplish an applicant's objectives. The proposed activity must minimize degradation to, or loss of, any part of the wetland.

Wetland number P-4 is a Class I wetland and is wholly or partially contained within the Camp Smith Marsh and Annsville Creek habitat described below under Significant Fish and Wildlife Areas.

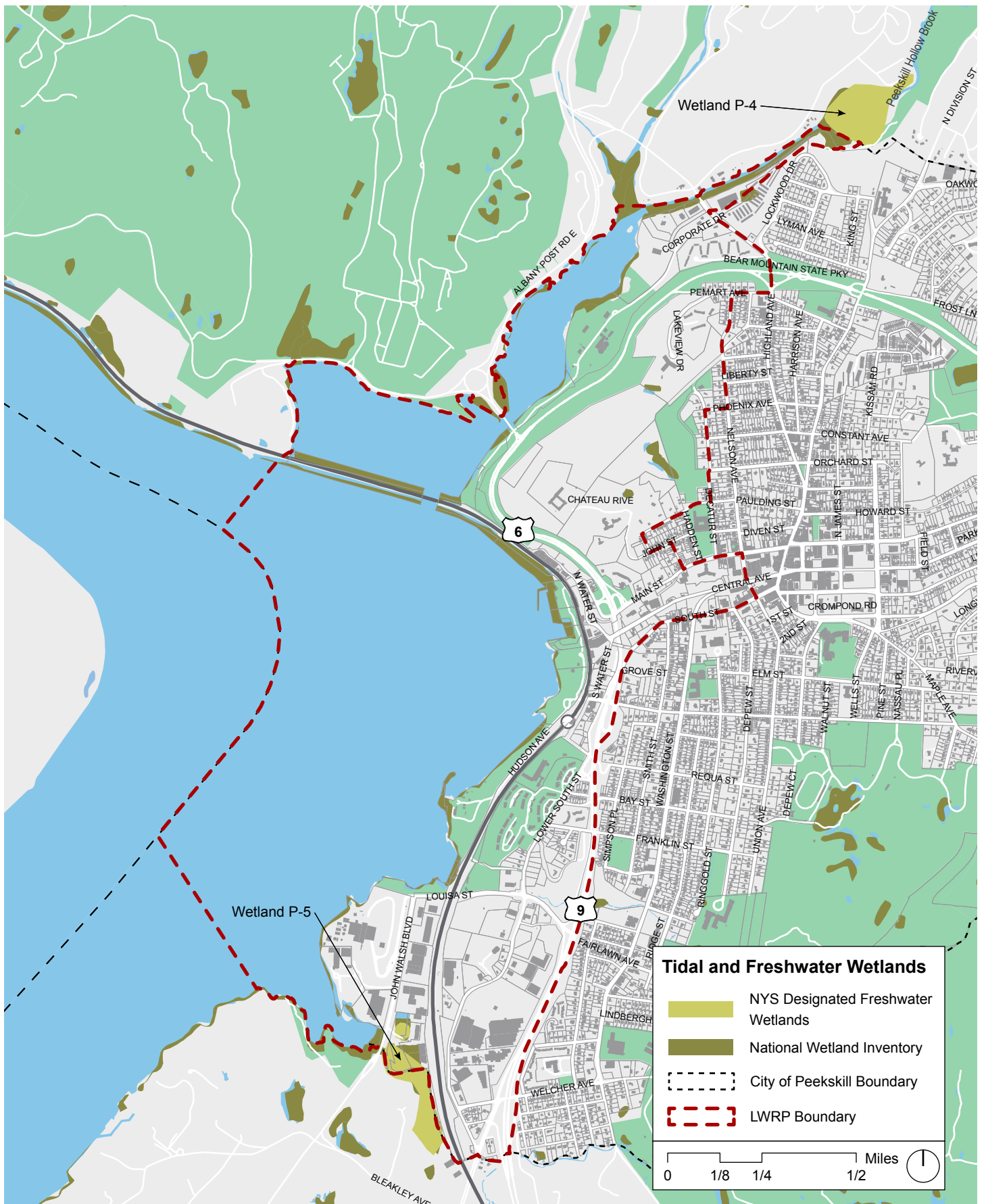


Figure II-13: Tidal and Freshwater Wetlands

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3) Water Quality

According to the New York State Coastal Management Program water quality classifications in and around Peekskill are indicated in the following table:

Table II-7: New York State Coastal Management Program Water Quality Classifications

Location	Classification
Lent's Cove	SC
North of Charles Point (At Hudson River)	SB
Hudson River	SB
Peekskill Bay	SB
Lower Annsville Creek	SC
Upper Annsville Creek	B

Of those water classifications found in Peekskill, two are fresh surface water classifications, two are saline surface waters and one is a special classification. Class "B" is the highest quality fresh surface water located in the area. Class "B" waters are suitable for fishing and many other uses. The second fresh surface water classification, Class "D" is suitable for primary and secondary contact recreation. Secondary contact recreation includes those activities where water contact and the chance of ingestion are minimal, such as boating and fishing; however, because of natural water quality conditions in most cases fish reproduction is limited.

Class "SB" and Class "SC" are both saline surface water classifications. Class "SB", the higher quality of the two classifications, is suitable for both primary and secondary contact recreation and activities. Class "SC" waters are suitable for fishing and other secondary contact activities. Class "I" is a special classification. These waters, found around Charles Point, are also suitable for secondary contact activities but specifically exclude shell fishing for market purposes.

4. Natural Resources and Habitats

Significant Coastal Fish and Wildlife Habitats, as designated by NYSDEC, are created to evaluate the significance of coastal fish and wildlife habitat areas. This section will be based on a habitat map and narrative record of the basis for the significant coastal fish and wildlife habitat's designation.

Westchester County Critical Environmental Areas (CEAs) are based on exceptional or unique character with respect to either a benefit/threat to human health, a natural setting, agricultural, social, cultural, historic, archaeological, recreational or educational values or an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change. CEAs in and around the Peekskill LWRP boundary include Peekskill Hollow Brook, the Hudson River and Blue Mountain Reservation.

1) Significant Fish and Wildlife Habitats

Although no Significant Coastal Fish and Wildlife Habitats have been designated in the City of Peekskill by the NYSDEC, there are two locally significant fish and wildlife habitats at Camp Smith Marsh and Annsville Creek and Peekskill Bay. Outside the Peekskill municipal

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boundaries, but adjacent or proximate to, the Peekskill waterfront area are three Significant Coastal Fish and Wildlife Habitats: Haverstraw Bay, Hudson River Mile 44-56 and Iona Marsh, as well as two other locally significant fish and wildlife habitats: Anthony's Nose and Bald Mountain.

a. Locally Significant Habitats:

Camp Smith Marsh and Annsville Creek: Although the Camp Smith Marsh and Annsville Creek Habitat did not meet the threshold for designation by the NYS DOS, it is recognized by the NYS Heritage Program, the NYS Department of State, the NYSDEC and the Nature Conservancy as an important tidal habitat. The habitat consists of a small marsh area near a small tributary stream at Camp Smith, and a medium to large shallows and creek area associated with Annsville Creek with smaller amounts of mudflats and upper marsh. The small creek at Camp Smith is very important as a spawning and nursery area for marsh fish species, among these are the banded killifish and the mummichogs. It is a low-diversity habitat of fair quality that has experienced moderate disturbance. It contains a rare plant species; spongy arrowhead, and has a moderate to heavy invasion by common reed.⁶ The tidal flats of the greater Annsville Creek area have significant quantities of submerged aquatic vegetation (SAV), among these are wild celery, pondweed species and Eurasian water milfoil. The Annsville Creek tide flats are significant resting and feeding areas for several species of wading birds (e.g., Great Blue Heron, Great Egret, Green Heron and the Black-crowned Night Heron), migrating waterfowl (e.g., the Mallard, Black Duck and Canada Goose) and migratory shorebirds (e.g., sandpipers and killdeer). River Herring studies for the Hudson River Foundation in 1999 revealed a significant springtime spawning run of white sucker in both Annsville Creek and Sprout Brook.

Peekskill Bay: Historical studies of the ecology in Peekskill Bay have found it to be an excellent area for biological activity.⁷ Peekskill Bay is in a location of the salt front that is characterized by high levels of dissolved oxygen and variable water temperatures that attract fish with different temperature preferences. Peekskill Bay has a silt-clay bottom and sandy shoreline. Large stones and riprap along the shoreline act as shelter for small animals while also providing shoreline stabilization. Shallow bottoms in the Bay have low currents, while areas with greater depth have higher currents. Peekskill Bay has been found to provide a suitable environment for marine fish and freshwater fish that tolerate brackish water, anadromous marine fish that spawn upstream and catadromous freshwater fish that spawn in the ocean.

An abundance of estuarian life has been catalogued in the Peekskill region of the Hudson River. There are at least 70 species of phytoplankton, fourteen species of attached plants, 133 species of invertebrates (lower animals including mussels and zooplankton protozoa and shrimp) and 46 species of fish. According to the 1974 study, there are 10 important fish species in the Peekskill region of the Hudson River, including Shortnose Sturgeon,

⁶ Significant Habitats and Habitat Complexes of the New York Bight Watershed: Mid-Hudson River Estuary. http://nctc.fws.gov/resources/knowledge-resources/pubs5/web_link/text/mhr_form.htm

⁷ Hudson River and Peekskill Bay: Past and Present Environment, 1974.

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Atlantic Sturgeon, Striped Bass, American Shad, Bay Anchovy, Atlantic Tomcod, Hogchoker, Whiteperch, Alewife and Blueback Herring. There are also three common invertebrates in the Peekskill Region, including Blue Crab, Barnacles and Polychaete Worms.

In recent years, there has been an increase presence of wintering Bald Eagles in Peekskill Bay from Fleischmann Pier to Roa Hook (river miles 43-44). In the case of a hard winter freeze, eagles will perch on the ice offshore of Riverfront Green. Wintering Bald Eagles use Peekskill Bay as a foraging and feeding ground. As a federally protected species, their presence must be considered in terms of their alert distance of 250 meters, their flight distance of 125 meters and any onshore activities.

b. Surrounding Habitats of Statewide Significance

Three habitats adjacent or proximate to the waterfront area have been designated by the State as Significant Coastal Fish and Wildlife Habitats, Haverstraw Bay, Hudson River Mile 44-56 and Iona Island Marsh.

Haverstraw Bay extends approximately 6 miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County. The fish and wildlife habitat encompasses the entire river over this approximate 6-mile reach, which is the widest section of the Hudson estuary. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing predominantly brackish water habitats. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, although much undeveloped forestland also remains. Despite various habitat disturbances, Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River estuary. The regular occurrence of brackish water over extensive areas of shallow bottom creates highly favorable conditions for biological productivity within the estuary, including submergent vegetation, phytoplankton and zooplankton, aquatic invertebrates and many fish species.

Hudson River Mile 44-56 extends roughly from Cornwall Bay to Peekskill Bay, in the Towns of Cornwall and Highlands, Orange County; Stony Point, Rockland County; Philipstown, Putnam County; and Cortlandt, Westchester County. The fish and wildlife habitat encompasses all of the main river channels below mean low water over an approximate twelve-mile reach. This area is a very narrow and deep (up to 200 feet deep) section of the Hudson River, with strong currents and a rocky bottom substrate. The land area bordering Hudson River Mile 44-56 is predominantly steep, rocky hillsides, with a variety of land uses, including undeveloped forest land (e.g., Storm King, Bear Mountain, and Hudson Highlands State Parks), small urban centers and the West Point Military Reservation. In addition, railroad tracks closely follow the shoreline on both sides of River Mile 44-56. The habitat also includes most of Iona Island, which is part of the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education).

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River flows in this segment of the Hudson River are considerably larger than in upstream narrow areas, because of the additional input of three major tributaries (Wappinger, Fishkill, and Moodna Creeks). This area is also significant because it is the southernmost extent of essentially freshwater in the Hudson River estuary during fish spawning periods. The combination of rocky substrates, swift currents, and freshwater (during spring runoff), over this large area provides highly favorable conditions for reproduction by anadromous fishes, especially striped bass. Although the commercial fishery for striped bass in the Hudson River was closed in 1985 due to high contaminant polychlorinated biphenyls (PCBs) levels, River Mile 44-56 contributes significantly to commercial and recreational fisheries throughout this migratory range.

The fisheries in Hudson River Mile 44-56 attract a significant concentration of wintering Bald Eagles. Apparently, upwellings along the river shoreline bring fish concentrations near the surface, and because this area rarely freezes, it provides a dependable prey base for these birds.

Iona Island Marsh is located between Iona Island and the west shore of the Hudson River, approximately 3 miles northwest of the City of Peekskill, in the Town of Stony Point, Rockland County. The fish and wildlife habitat is an approximate 270-acre tidal, freshwater to brackish, wetland, dominated by narrow-leaved cattail. Non-vegetated tidal flats, sub tidal aquatic beds, and rocky uplands also occur in the area. Tidal creek channels meander through the marsh, but account for a very limited amount of open water. Iona Island Marsh receives freshwater inflows from Doodletown Brook, a small, high gradient, stream.

The land area surrounding Iona Island Marsh is steep, rocky, undeveloped, forest land, subject to limited human disturbance. Principal habitat disturbances in the area are limited to traffic on Route 9W and the Conrail railroad, and recreational activities on Iona Island, including use of a man-made causeway for access to the island. This causeway bisects the marsh, but culvert pipes that run under the road accommodate the flow of tidal water. Iona Island Marsh is located within Bear Mountain State Park, and is owned by the Palisades Interstate Park Commission (PIPC). Iona Island Marsh is one of the largest, undeveloped, tidal wetlands on the Hudson River. Tidal marshes and flats such as those found in Iona Island Marsh are between the most valuable fish and wildlife habitats in the Hudson Valley. The ecological importance of Iona Island Marsh has been recognized in several formal designations: it is one of four sites comprising the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education); and, it is registered as a National Natural Landmark with the U.S. Department of the Interior. Iona Island Marsh is a highly productive wetland, with minimal human disturbance, providing favorable habitats for a variety of fish and wildlife species. The marsh is especially important for marsh-nesting birds; probable or confirmed breeding species include green-backed heron, least bittern, Canada goose, mallard, wood duck, Virginia rail, sora, common moorhen, spotted sandpiper, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Shallow bay areas and creek channels in Iona Marsh provide spawning and nursery habitats for a variety of anadromous and resident

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freshwater fishes. Species found in the area include alewife, blueback herring, white perch, striped bass, banded killifish and mummichog.

2) *Critical Environmental Areas*

Westchester County has designated three areas within Peekskill as Critical Environmental Areas (CEAs): the Hudson River CEA, Peekskill Hollow Brook CEA and Blue Mountain Reservation County Park CEA. According to the County, these areas have exceptional or unique character due to their history, ecology, scenery, and recreational opportunities associated with the shoreline.

To be designated as a CEA, an area must have an exceptional or unique character with respect to one or more of the following:

- A benefit or threat to human health;
- A natural setting (e.g., fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality);
- Agricultural, social, cultural, historic, archaeological, recreational, or educational values; or
- An inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change.

As described in New York State's Environmental Quality Review Act (SEQRA), a CEA has special protection under SEQRA. Following designation, the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance.

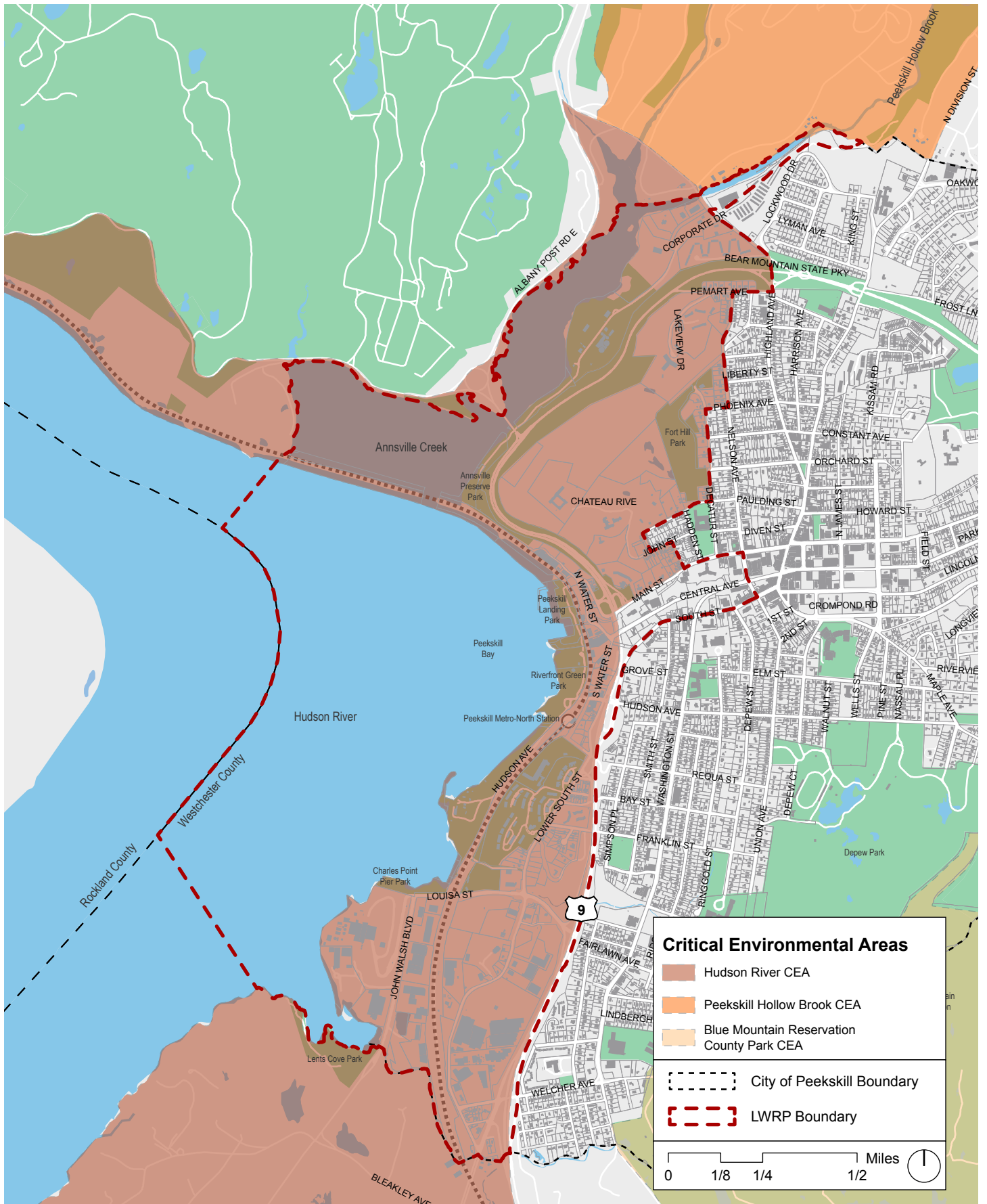


Figure II-14: Critical Environmental Areas

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5. Air Quality

This section evaluates the extent and types of potential air pollutants that negatively impact the LWRP area. Air pollution can stem from point (stationary) sources (such as power plants); area sources (the cumulative impact of small individual sources such as body shops or dry cleaners); mobile sources (such as automobiles); and biogenic sources that naturally occur in vegetation. The most significant sources of carbon monoxide emissions are single-occupancy automobiles.

National Ambient Air Quality Standards (“NAAQS”) have been established for six air pollutants – particulates, sulfur dioxide, nitrogen oxides, carbon monoxide, ozone, and lead. In 1990, ultrafine particulate matter was added to the list of criteria pollutants. This is associated with the combustion of fossil fuels, including natural gas and propane. Primary and secondary standards for varying exposure times have been established for each of these criteria pollutants. Primary standards are designed to protect public health, while secondary standards are established to prevent other adverse environmental impacts and to protect the public welfare.

C. Infrastructure

1. Public Water and Sewer Service

This section describes the capacity, maintenance and extent of water and sewer service within the LWRP boundary, including a discussion of whether sites within the area are adequately served under current conditions as well as the potential for the system to serve and future development.

a. Sewer

The LWRP area is located within the Peekskill Sanitary Sewer District and is serviced by existing gravity sewer mains located within area roadways. Gravity sewers flow to the existing Westchester County Water Street Pump Station located at 99 North Water Street in the Central Planning Area and five City-operated pump stations located throughout the LWRP area. These pump stations convey wastewater from lower elevations to points where it can be discharged to the Westchester County Peekskill Sewer Treatment Plant located on Hallenbeck Road, along Annsville Creek. The wastewater is treated at the Westchester County Peekskill Sewer Treatment Plant and, ultimately, discharged to the Hudson River.

In addition to servicing the LWRP area, the Water Street, Louisa Street, Charles Point A and B, Travis Point, and Riverfront Green Pump Stations and Westchester County Peekskill Wastewater Treatment Plant provide services to other portions of the City and surrounding communities. Sewage flows from those areas are transported to the pump stations via collector sewers, which flow through the LWRP area. Communication with County and City personnel has indicated that pump stations, force mains, collector facilities, and the treatment plant, have adequate capacity to service redevelopment of the area. However, the Louisa Street and Charles Point A and B pump stations are in need of upgrades, and may require full replacement with modern, above-ground pumping stations due to their dilapidated condition and susceptibility to stormwater inflows. In addition, a study should be prepared to determine the capacity and condition of the sanitary sewer system both within and beyond the LWRP area.

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Existing sanitary sewage facilities within the LWRP area include:

- Local 9-inch diameter tile collection system within North Water Street and Pemart Avenue flowing to the County-owned Water Street Pump Station.
- 12-inch diameter collector sewer from Main Street flowing to the Water Street Pump Station.
- 12-, 18- and 24--inch diameter collector sewers in Central Avenue to the Water Street Pump Station.
- 8-inch diameter collector sewer within Hudson Avenue and 14-inch diameter collector within South Street to South Water Street.
- 12-inch diameter collector sewer within South Water Street. Receives Riverfront Green Pump Station flows. Includes an inverted syphon under the box culvert at Central Avenue.

There are three force mains, 24-, 16- and 12-inch diameter along North Water Street between Water Street Pump Station and Westchester County Peekskill Sewer Treatment Plant. Presently, there is an estimated 20,625 gallons per day of sewer flow from the LWRP area.

b. Water

Peekskill's primary water supply is from the Peekskill Hollow Brook, which has 1.4 billion gallons of storage within the Wiccoppee Reservoir located upstream in Putnam Valley. Connections are also available to the Montrose Water System, where 500,000 gallons per day is accessible from the New York City Aqueduct System. Peekskill is serviced by two distribution systems, a low-pressure system servicing the lower elevations of the City west of Broad Street, and a high-pressure system servicing the higher elevations to the east. The distribution systems work off 2.2 million gallons of system storage on the low-pressure system and 1.4 million gallons on the high-pressure system. The LWRP area is serviced by the low-pressure system.

Existing water distribution facilities within the LWRP area include:

- 12-inch diameter water main within North Water Street and Pemart Avenue
- Two 12-inch diameter water mains within South Water Street
- 16-inch diameter water main within Requa Street and Railroad Avenue
- 6-inch diameter water main within Hudson and South Street

c. Storm Drainage

Currently, all stormwater is discharged directly into the Hudson River. There are no sedimentation basins other than manhole and catch basin sumps in place at this time. Additionally, there are no oil separators contained in the current system.

In the event that new development or demolition of existing structures within the LWRP area causes realignment of existing storm drainage infrastructure or exposes inadequate capacity of existing infrastructure for particular locations, a new collection system must be installed as required to service new development. Additionally, since the area of development is directly adjacent to the waterfront, new development will be required to manage stormwater runoff onsite and should result in no net increase in stormwater runoff.

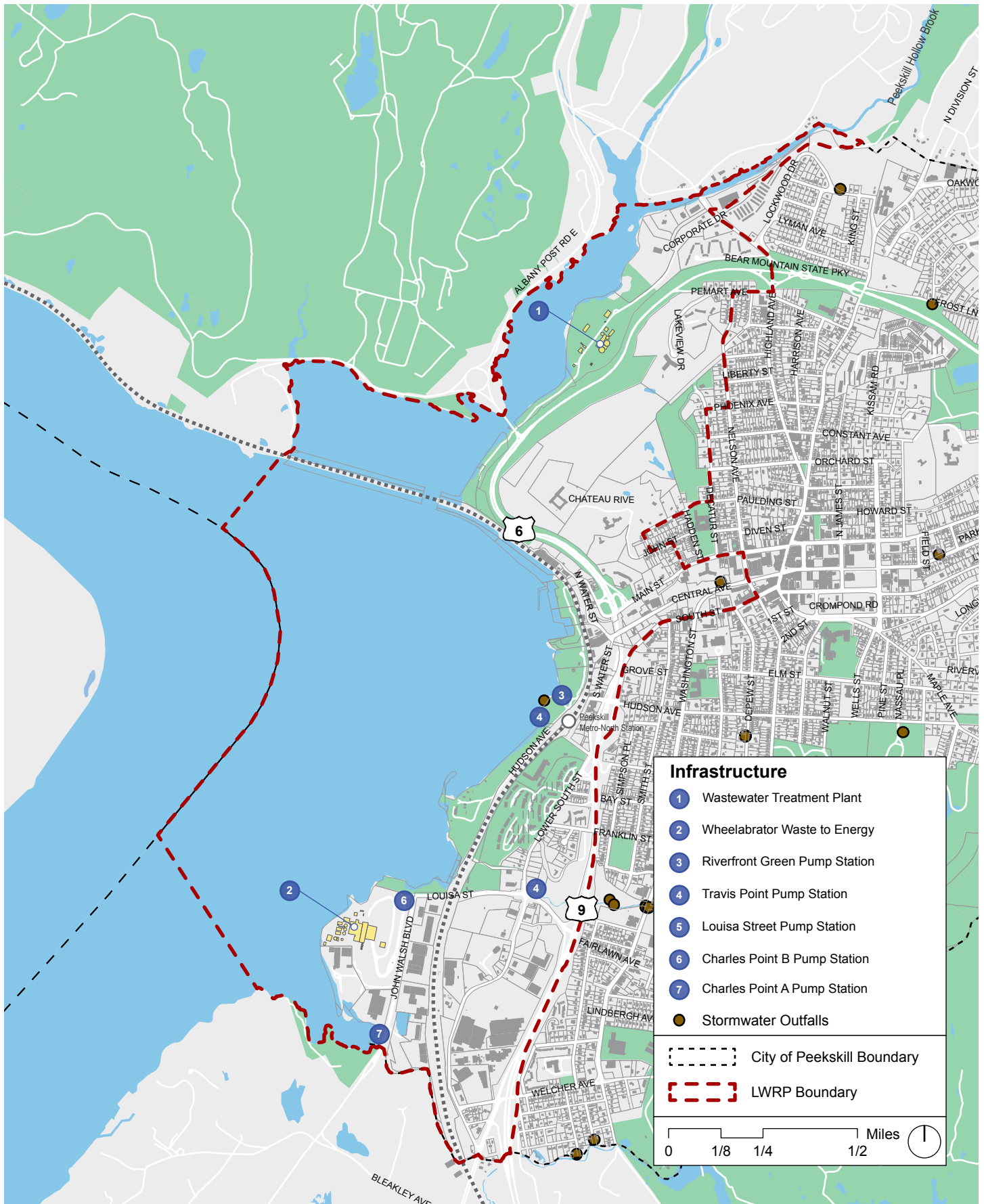


Figure II-15: Infrastructure

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2. Transportation

Transportation resources within the LWRP boundary include U.S. Route 9, Bear Mountain State Parkway, major City arterial roads, Metro-North railroad and the Bee-Line bus route operated by Westchester County. To the south, U.S. Route 9 links with other major roadways through Westchester County and into New York City, including the Taconic State Parkway, I-87, I-287 and the Sprain Brook Parkway. To the north, U.S. Route 9 links with U.S. Route 202, which continues across the Hudson River on the Bear Mountain Bridge.

The Metro-North Hudson Line stops on the Peekskill Waterfront, bringing commuters into New York City and providing visitors an easy access point to the Peekskill waterfront. Trains arrive from Grand Central Station approximately every half hour to hour throughout the day. The trip between Grand Central and Peekskill Station takes approximately 60 minutes. Westchester County Bee Line bus service stops at Peekskill Station and also travels throughout the City. Three routes pass through the LWRP area: the 16, 18 and 31.

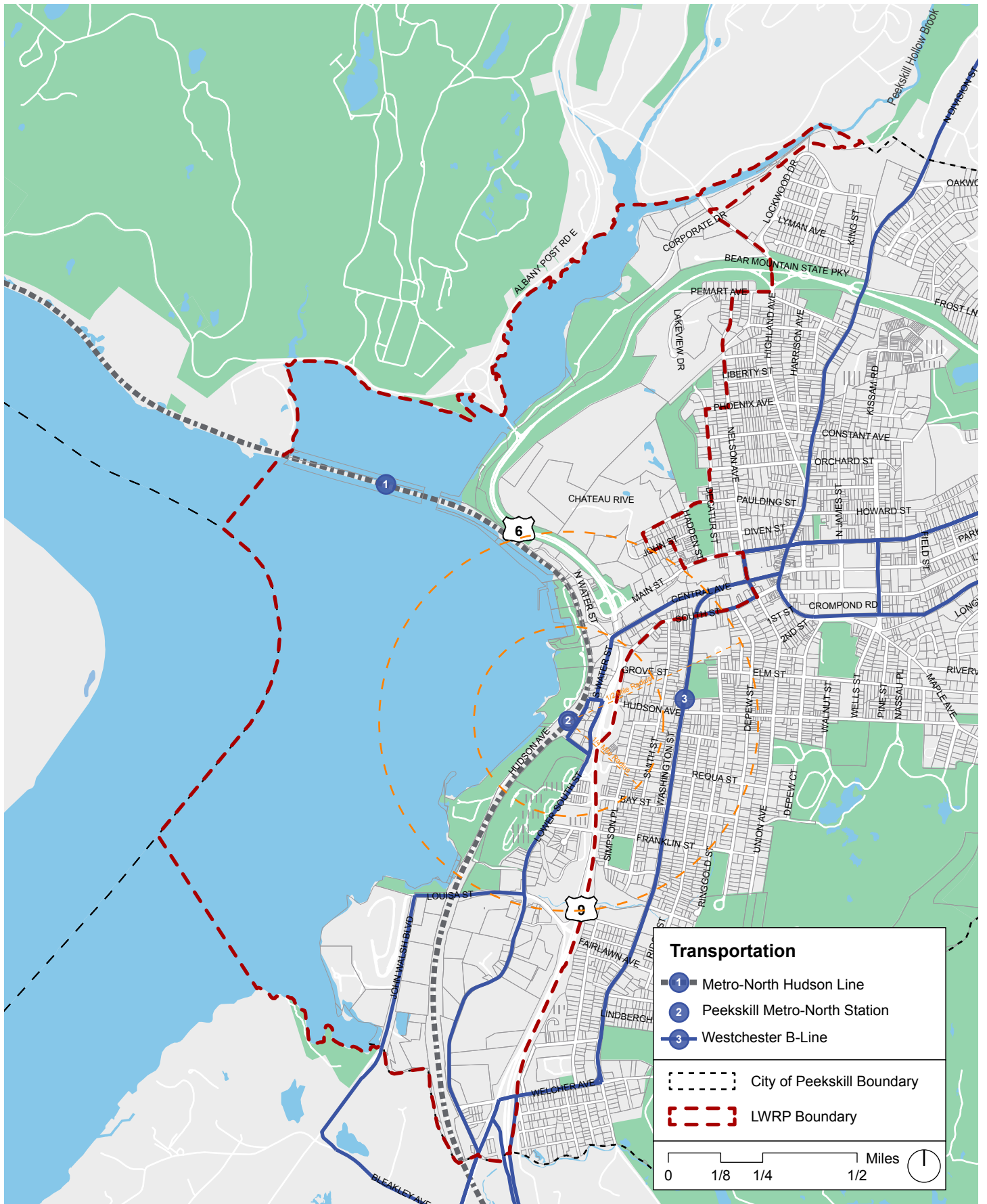


Figure II-16: Transportation Resources

Section III State and Local Policies

City of Peekskill Local Waterfront Revitalization Program

City of Peekskill Local Waterfront Revitalization Program

A. DEVELOPMENT POLICIES

Policy 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, Industrial, cultural, recreational and other compatible uses.

Policy 1A

Promote a physical, economic and cultural link along Central Avenue between the central business district (CBD) and the Hudson River, by encouraging infill development, landscaping, facade improvements, lighting, wayfinding signage and the development of attractive pedestrian ways and publicly-oriented space.

Policy 1B

Promote the continued redevelopment of the Southern Planning Area with a mix of destination retail, commercial, office, light industrial uses and entertainment uses, and where feasible, with water-dependent and water-enhanced uses for parcels abutting the Hudson River.

Policy 1C

Encourage redevelopment and building renovations on the St. Mary's property for residential and other complementary uses.

Policy 1D

Facilitate mixed-use development in the Central Planning Area that promotes economic development while preserving the waterfront district's character and viewsheds.

Explanation of Policy

Revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

The transfer and purchase of property; construction of a new office building, highway or park; the provision of tax incentives to a business; and the establishment of enterprise zones are all examples of governmental means for spurring economic growth. When any such action, or similar, is proposed, it must be analyzed to determine if it would contribute to or adversely affect a waterfront revitalization effort.

Properties to which this policy most directly applies and which will be the subject of City revitalization efforts include: the Lower South Street area south of Louisa Street; portions of the Central Planning Area along North and South Water Streets, Central Avenue, Hudson Avenue and Railroad Avenue; the Department of Public Works (DPW) site on Louisa Street; former industrial buildings on the northernmost portion of North Water Street; lands along Annsville Creek including 9 Corporate Drive.

Properties such as the St. Mary's site, and the site of former industrial buildings on the northernmost portion of North Water Street are suitable for redevelopment including residential uses and can add to the activity and diversity of uses in the waterfront area. Other sites, including the DPW facility and major

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portions of the Southern and Central Planning Areas, are appropriate for a range of uses including commercial, office, light industrial entertainment and residential uses. The City-owned parcel on Travis Point should be developed for a permitted use or for a special permit use such as a restaurant or maritime center, as consistent with its current zoning.

Existing neighborhoods will benefit from development of infill housing on vacant lots and conversion of non-residential structures or vacant structures to residential use.

The following guidelines will be used in implementing development or redevelopment actions within the LWRP area and reviewing actions proposed by government agencies and private developers:

1. On water-fronting parcels, priority will be given to appropriate, conforming uses that are water-dependent or water-enhanced;
2. Any action should enhance existing and anticipated uses that conform with the intent of this plan;
3. The action should serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site, and, at a minimum, must not cause further deterioration;
5. The action must lead to development that is compatible with the desired character of the area, with consideration given to scale, architectural style, density and intensity of use;
6. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
7. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner or detract from views as seen from the water; and
8. The action should improve the potential for multiple uses of sites where appropriate. Unsuitable or inappropriate commercial or industrial uses are those which a) pose potential pollution hazards; b) obstruct or degrade views of or impede access to the water; and c) reduce the attraction of the waterfront for other water-related uses by virtue of visual or operational characteristics.

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

Policy 2

Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

Policy 2A

Water dependent and water enhanced uses and activities of a recreational or commercial nature will be encouraged on parcels abutting the Hudson River, particularly on the following sites: Charles Point Marina, Fleischmann Pier, Riverfront Green (Upgrades), Travis Point, the northernmost portion of North Water Street, and Corporate Drive. The location of water-enhanced or non-water dependent uses on

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waterfront parcels will be encouraged if a water-dependent use, such as a public walkway, pier, or marina, is existing or included in the proposed development.

Explanation of Policy

A water-dependent use is one which requires a waterfront location in order to function. A water-enhanced use is defined as a use which has no critical dependence on a waterfront location; nonetheless, the use is more profitable and the enjoyment level of users is significantly greater by virtue of its location adjacent to the water.

The following uses and facilities are considered as water-dependent for the purpose of this Peekskill Waterfront Revitalization Program:

1. Uses that depend on the utilization of resources found in coastal waters (for example: fishing, aquaculture activities);
2. Recreational activities and facilities that depend on access to coastal waters (for example: fishing, boating, a public walkway for scenic vista and wildlife viewing, piers, docks, moorings, beaches);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Scientific/educational activities that, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
8. Support facilities which are necessary for the successful performance of permitted water-dependent uses (for example: parking lots, restaurants, first aid stations, a ticket booth, information kiosks, dock attendant kiosk, harbor master office, restrooms and other facilities that service the water-dependent uses). Since these uses must be near the given water-dependent use, they should, as much as possible, be sited near the water-dependent use, even if it is near the shoreline.

The following actions will be taken toward promoting and facilitating water-dependent uses:

1. Water-dependent uses will be given priority when considering new developments on water-abutting sites.
2. City-owned water-abutting parcels within the waterfront area, when available for re-use, will be considered for water-dependent uses first. Water-enhanced uses will be given second priority. Other uses may also be considered for these sites if a water-dependent or water-enhanced use is not available.

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3. Permit procedures for the development of water-dependent uses will be facilitated.
4. Local land-use controls and zoning districts within the LWRP area will be developed to favor water-dependent uses for water-abutting parcels. Development incentives for such uses will be considered.

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

1. Favored treatment to water-dependent use on water-abutting parcels with respect to capital programming.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements will be given to water-dependent uses.
3. Where possible, consideration will be given to providing water-dependent uses with loan guarantees, or loans at below-market rates.
4. The Peekskill Industrial Development Agency (IDA) and the City of Peekskill Department of Planning and Development will work with the State to actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses will be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to water-dependent uses.
6. Local land-use controls, especially the use of zoning provisions that give priority to waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water-dependent uses. Such controls have been incorporated into the City's Zoning Code (i.e., the Waterfront (WF) District regulations).

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

1. **On-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 should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply;
 - b. Vehicular access to the area; and
 - c. Access to public transportation, if a high number of person trips are to be generated.

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2. **Access to navigational channels** – if commercial shipping, commercial fishing or recreational boating are planned, a site within a sheltered harbor with good access to navigation channels should be given preference.
3. **Compatibility with desirable, conforming adjacent uses and the protection of other coastal resources** – water-dependent uses should be located so that they enhance the surrounding community. Consideration must also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should be used 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, fishing pier, recreational use, public waterfront walkway, or swimming area would enhance, and in turn be enhanced by, nearby restaurants, hotels, entertainment facilities and other non-water-oriented tourist activities. A water-dependent use such as a marina, dock, or waterfront walkway may also work well in conjunction with a multi-family residential use that provides public access to the water. Water-dependent uses must also be sited to avoid adverse impacts on significant coastal resources. Parcels inland of the Metro-North rail line shall not be considered waterfront parcels.
4. **Preference to underutilized sites** – actions to stimulate development of water-dependent uses, capital programming, permit expediting, state and local actions shall be given priority in those portions of the waterfront which are currently underutilized.

In addition to water-dependent uses, uses that are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. Residential uses and tourist commercial development certainly fall within this category, especially if development is designed to preserve open space along the water's edge and views of and from the water.

(See Policies 1, 1B, 1C, 1D, 4, 19, 21 and 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.

Explanation of Policy

Policy 3 is not applicable. The City of Peekskill does not contain any of the State's existing major ports.

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.

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Explanation of Policy

Policy 4 is not applicable. The City does not have a harbor area.

Policy 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

Explanation of Policy

The City of Peekskill is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development. As described in the Inventory and Analysis, according to consultation with City staff, the LWRP area has adequate water and sewer capacity to accommodate anticipated future development. Development in the LWRP area, particularly large-scale development, will be encouraged to be located and designed so as to maximize opportunities to connect to existing public services. Water and sewer improvements will be made where necessary and where economically feasible to support new development, including but not limited to the Louisa Street Pump Station.

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

1. The street and highways 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 wastes generated by the development;
4. The energy needs of the proposed land development can be accommodated by existing utility systems;
5. All stormwater runoff from the proposed site can be accommodated by on-site and/or off-site systems; and
6. The existing schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop or conduct business in the area as a result of the development.

The 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.

The following guidelines will be used in implementing development or redevelopment actions:

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1. Uses will be promoted that will not be out of character with, nor lead to development that would be out of character with, conforming existing development in terms of the area's desired scale, intensity of use and architectural style.
2. Uses that significantly detract from views of the water, specifically in areas where visual quality is an important component of its appeal and identity, will not be permitted.
3. Uses which enhance and promote the waterfront and uses in the public interest, such as pedestrian walkways, hotels, motels, restaurants, museums, specialty commercial establishments, recreational facilities, tour boats and boating, will be encouraged.
4. Only water-dependent and water-enhanced uses will be permitted as-of-right within the WF-1 Zoning District, directly adjacent to the water. All other non-water-related uses will be considered special exception uses and will require a special permit and comprehensive staff review.

Pursuant to the Peekskill Local Waterfront Revitalization Program, the City-owned parcel on Travis Point has been identified as an area with a land tract large enough to accommodate a water-enhanced use such as a restaurant. Such development would have to be consistent with the future public waterfront access in this area, as well as the adjacent Peekskill Yacht Club, as a contingency for any approvals.

5. Non-water-dependent uses will be permitted on waterfront parcels only as part of a mixed-use development which includes or provides a water-dependent usage and/or public access to the water, such as a marina, a public walkway or riverfront promenade, boat launching facilities and/or public open space or recreational areas.
6. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner.
7. Priority of low-interest financing as available will be given to activities that restore, revitalize and redevelop deteriorated and underutilized areas.

(See Policies 1, 11, 14, 18, 19A, 21, 30 and 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 the City of Peekskill will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the procedures and regulations is not jeopardized. Finally, regulatory programs and procedures will be coordinated and synchronized between and within each agency and level of government.

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When proposing new regulations or legislation, an agency will determine the feasibility of incorporating the regulations within existing procedures or laws if this reduces the burden on a particular type of development and does not jeopardize the integrity of the regulations' objectives.

B. FISH AND WILDLIFE POLICIES

Policy 7

Significant coastal fish and wildlife habitats, as identified on the Coastal Area Map, will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Policy 7A

Fish and wildlife habitats of local importance are of value to the City and its natural resource inventory and shall be protected, preserved and, where practical, restored so as to maintain their viability.

Explanation of Policy

Habitat protection in the coastal area is necessary to assure the survival of fish and wildlife populations in a variety of habitats considered to be of local importance. If these habitats are not protected, recreational fishing will not be. Although no Significant Coastal Fish and Wildlife habitats have been identified within the Peekskill Local Waterfront Revitalization Area, as described in the Inventory and Analysis, there are several locally significant fish and wildlife habitats: the Camp Smith Marsh and Annsville Creek, Peekskill Bay, Peekskill Hollow Brook and McGregory Brook. In addition, in close proximity to the Peekskill waterfront area are three Significant Coastal Fish and Wildlife Habitats: Haverstraw Bay, Hudson River Mile 44-56 and Iona March, and two other locally significant fish and wildlife habitats: Anthony's Nose and Bald Mountain, both in the Town of Cortlandt.

New development will be monitored to assure the protection of fish and wildlife. Actions that destroy or significantly impair a habitat will not be permitted. New industrial development, especially in the Southern Planning Area, may not be undertaken if it destroys or significantly impairs a biological habitat. An action would significantly impair a habitat if it reduces a vital resource or changes environmental conditions. Mitigating measures will be undertaken if any adverse condition occurs or if required to prevent impairment.

Activities in the coastal area that may affect fish and wildlife include, but are not limited to, the following:

1. **Draining wetlands, ponds:** Causes changes in vegetation, or changes in groundwater and surface water hydrology.
2. **Filling wetlands, shallow areas of streams, lakes, bays, estuaries:** May change physical character of a substrate (e.g., sandy to muddy), or smother vegetation, alter surface water hydrology).
3. **Grading land:** Results in vegetation removal, increased surface runoff or increased soil erosion and downstream sedimentation.

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4. **Clear cutting:** May cause loss of vegetative cover, increase fluctuations in the amount of surface runoff or increase streambed scouring, soil erosion, sediment disposition.
5. **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.
6. **Dredge spoil disposal:** May induce shoaling of littoral areas or change circulation patterns.
7. **Physical alteration of shore areas through channelization or construction of shore structure:** May change volume and rate of flow or increase scouring, sedimentation.
8. **Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills:** May cause increased mortality or sub-lethal effects on organisms, alter their reproductive capabilities or reduce their value as food organisms.

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

Policy 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate 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 [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 when improperly treated, stored, transported, disposed or otherwise managed.” A list of hazardous wastes as defined by NYSDEC can be found in 6 NYCRR Part 371.

The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste list (NYCRR Part 366) is strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State’s air, land and waters. Such controls should effectively minimize possible contamination of and bioaccumulation in the State’s coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders. Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous waste but controlled through other State laws.

The City will use zoning and land-use controls to avoid the siting of industrial or manufacturing facilities within the LWRP area that could introduce hazardous wastes into the environment.

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(See Policies 5, 30, 33, 34, 35, 36, 37, 39 and 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. Such efforts shall be made in a manner that ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting as well as non-consumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and that takes into consideration other activities dependent on these resources. Also, such efforts must be completed 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, efforts will be made to expand the existing marinas, make physical improvements to existing docks and piers (e.g. Fleischmann Pier) and provide additional locations for recreational fishing where feasible and as land becomes available.

The NYSDEC is primarily responsible for managing the State's fish and wildlife resources. All efforts to supplement existing stocks in the vicinity of Riverfront Green, Fleischmann Pier and Annsville Creek and the enforcement of a fish and wildlife resource management program will be encouraged.

The following guidelines shall be used to determine whether or not a proposed action is consistent with this policy:

1. Consideration shall be made as to whether an action will harm 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 the habitat. Sometimes, such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area. The effect of increased access shall be evaluated on a case-by-case basis.
3. 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 implemented in accord with existing State law.
4. Public- or private-sector initiatives to improve the Hudson River ecological habitat in an effort to enhance the resource population shall be implemented.

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(See Policies 1, 2, 19, 19A, 20, 21 and 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, maintaining adequate stocks, and expanding aquaculture facilities.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the NYS DEC and the management plans developed by the Regional Fishery Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200-mile offshore boundary of the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) 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.

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

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

Policy 10 is applicable; an American shad and herring fishery exist. Protection of Hudson River tributary streams within the Peekskill LWRP area is important to maintain various fish populations.

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C. FLOODING AND EROSION POLICIES

Policy 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

The City of Peekskill participates in the National Flood Insurance Program in conjunction with the Federal Emergency Management Agency (FEMA) and has developed a Flood Damage Prevention program designed to promote the public health, safety and welfare and to minimize public and private losses due to flooding. This program applies to all flood hazard areas as delineated by the FEMA Flood Insurance Rate Map (FIRM). In August 2007, the City of Peekskill enacted Chapter 287 of the City Code, a Flood Damage Prevention Law to regulate potential development in the designated floodplain.

Residential, industrial and commercial development within flood hazard areas is restricted by the City. Development within a flood hazard area, defined as “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials,” requires a floodplain development permit subject to the procedures provided in Chapter 287.

There are no coastal erosion hazard areas or coastal high hazard areas designated under Environmental Conservation Law, Article 34, within Peekskill.

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. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

Explanation of Policy

Although offshore flooding and erosion are not a problem 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 landform and will be prohibited. Activities or development in, or in proximity to, natural protective features must ensure that any such adverse effects will be minimized.

(See Policies 11 and 17.)

Policy 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

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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 that 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.

(See Policies 12 and 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 or flooding at the site of such activities or development, or at other locations.

Explanation of Policy

Erosion and flooding are processes that occur naturally. However, man, by his actions, 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, or the use of impermeable docks that block the littoral transport of sediment to adjacent shore lands, 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 shore lands; and the placing of structures in identified floodways so that the base flood level is increased, causing damage in otherwise hazard-free areas.

Most development proposed within the Peekskill LWRP area must receive site plan approval as per Section 575-56 of the City's Zoning Ordinance. Site plan review will monitor developments to ensure that actions will not be taken that may result in the damage to or loss of property and endangerment of human lives. All new developments will be required to implement erosion control plans and adhere to the Best Management Practices set forth in Policy 37, as well as Chapter 287 (Flood Damage Prevention) and Chapter 492 (Stormwater Management and Erosion and Sediment Control) of the City Code.

(See Policies 1, 2, 11, 12 and 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 near-shore or offshore waters that changes the supply and net flow of such materials can deprive shore lands or their natural regenerative powers. Such mining, excavation and dredging should

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be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shore lands.

Any dredging, mining or excavation activities proposed under this program will be implemented in a manner that is consistent with State and Federal permit programs and the City's Soil and Excavation Ordinance and in a manner that does not increase shoreline erosion.

Excavation, removal of materials from, filling up, draining, cleaning, operating and using any land, whether for commercial or non-commercial purposes, shall not be conducted in a manner which:

1. Creates hazardous or dangerous conditions by creating pits, holes or hollows in the earth, by creating or leaving unprotected banks or ledges of exposed earth or by permitting or creating conditions which cause the collection of water.
2. Impairs the usefulness of the property involved or any surrounding properties, fails to take into consideration the relation of residential and commercial areas and the contouring of land with relation to remaining portions of the land affected by neighboring areas, and tends to reduce the value of the property in question or other property in the City.
3. Causes soil erosion that depletes the land of vegetative cover and supply of organic material and results or tends to result in the washing of the soil, erosion or interference with normal drainage.
4. Diverts or causes water to collect on the property of others, interferes with or overloads any existing or planned drainage facilities of the City, causes unnatural runoff or results in the collection of pools of water, with the possibility of health and safety hazards or the lowering of value of the property affected.
5. Interferes with surface drainage, endangers any street, road, highway or municipal facility or interferes with support or drainage of adjoining properties.
6. Causes soil erosion, drainage problems or disturbance of land in conflict with established zoning ordinances and/or local laws.
7. Causes substantial traffic hazards, vibrations, noise, dust or sand.
8. Alters the natural topography of land or changes the established character of the neighborhood or depresses the value of lands in the neighborhood.
9. Results in operations that are more objectionable to nearby properties by reason of noise, fumes, vibration or lights, than would be permitted by-right under the current City of Peekskill Zoning Ordinance requirements.

(See Policy 35.)

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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

This policy recognizes the public need for the protection of human life and existing investments in development and for new developments that 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 costs prior to expending public funds.

Policy 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such non-structural measures shall include (I) the setback of buildings and structures outside the flood hazard area; (II) the planting of vegetation and the installation of sand fencing; (III) the reshaping of bluffs; and (IV) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

Flooding problems in Peekskill are largely due to stormwater runoff and offshore flooding. In some cases, structural measures, such as rip-rap, may be required along Riverfront Green and at the mouth of McGregory Brook.

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

Within special flood hazard areas identified under Chapter 287 of the City Code, and subject to the permit requirements on all regulated activities and site development established under the Law, (a) the use of minimum setbacks; and (b) the strengthening of coastal land forms by the planting of appropriate vegetation on bluffs, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for erosion and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the land forms.

Within identified special flood hazard areas, (a) whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) flood-proofing of buildings or their elevations 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 determine 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

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consistency with the policy would require the use of such measures, whenever possible. It must be recognized, however, that where non-structural measures are not feasible, due to natural conditions on the use of the property, structural solutions will be required in a manner that is consistent with Policies 11 and 14. Nevertheless, the potential adverse impacts of flooding and erosion on development and on natural protective features within the coastal areas, as well as the costs of protection against those hazards which structural measures entail, is recognized.

(See Policies 1, 2, 11, 12, 14 and 16.)

D. 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 may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards that the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage and recreation. Review of applicable projects under the SEQR process will allow a weighing of the costs and benefits of such actions.

Any major action that may take place within Peekskill's LWRP area will be carefully monitored to ensure the protection of valuable resources. New development should be consistent with LWRP policies, as well as site plan and development requirements.

E. PUBLIC ACCESS POLICIES

Policy 19

Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

Policy 19A

Improve pedestrian (waterfront walkways) and vehicular access to Riverfront Green, Peekskill Landing, the Travis Point area and waterborne and pedestrian access to the Annsville Creek area as appropriate. Also, improve Central Avenue as a link between the waterfront and the Central Business District.

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Policy 19B

New structures shall not significantly decrease public access to the water. New structures shall not infringe upon existing public access points leading to the water in a manner that will decrease public awareness of said access points.

Policy 19C

Efforts to increase public access will be carefully considered during site plan review and special use permit review for all properties in the coastal zone. These efforts shall include, but not be limited to, the provision of trails and easements for future access connecting to existing and future components in the City's trail system.

Explanation of Policy

This policy calls for a balance among the following factors: 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, such as Riverfront Green, Peekskill Landing, Travis Point, Charles Point Pier Park, the Charles Point Marina, Annsville Preserve, Corporate Drive, and Peekskill Stadium. In addition, priority will be given to increasing the ability of residents and visitors to reach recreation areas by continuing to develop and maintain boardwalks or trails, including the existing and future Southern Waterfront Trailway and the Annsville Preserve Park, and to connect activity centers along the water's edge and between the waterfront and the downtown by making pedestrian infrastructure improvements.

In addition, because of the greater competition for waterfront locations within urban areas, this LWRP encourages mixed-use areas and multiple uses of facilities to improve access to the water and provide water-related recreation opportunities, including, for example, the Charles Point Marina and Fleischmann Pier, the northernmost portion of North Water Street, Corporate Drive, and on Travis Point.

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 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.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use.
 - b. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource or facility.

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3. State, Federal and local agencies, through their actions, will not permit reductions in existing levels of public access. Reductions of existing levels may include, but would not be limited to, the following:
 - a. A significantly reduced number of parking spaces at a public water-related recreation resource or facility.
 - b. A significantly reduced service level or increase in fares for public transportation and/or admission fees to a public water-related recreation resource or facility, especially during peak season use, if such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - c. 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.
 - d. Construction of private or institutional buildings near such an access point that render the site inaccessible on a psychological level.
 - e. New construction resulting in the development of structures or objects that would block public access sites from view or would make public access psychologically uninviting. Examples include the construction of towers or structures sited within 50 feet of a public access entry point or pathway to the water.

(See Policies 1B, 1C, 2, 9, 20, 21 and 22.)

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. Such lands shall be retained in public ownership, but licensing for water-dependent uses shall be permitted.

Explanation of Policy

Access to water fronting land within the LWRP area should be provided for activities that 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. Such publicly owned foreshore lands are located at: Travis Point, Charles Point Marina, Wheelabrator property, Riverfront Green, Peekskill Landing, Charles Point Park and lands along Annsville Creek.

For these activities, these are several methods of providing access. These include: the development of a waterfront trails system; the provision of access across railway and highway facilities to the waterfront;

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the improvement of access to waterfronts in urban areas; and the promotion of mixed- and multi-use development.

While such publicly owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent on-shore property owners are consistent with this policy, as well as licensing by a private entity, provided such easements and licenses do not substantially interfere with continued public use of the public lands on which the easement and licenses are 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 coastal 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 access way.

When waterfront land becomes available for possible reuse, 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 and 22.)

F. RECREATION POLICIES

Policy 21

Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation activities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Explanation of Policy

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

Provided that 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 that 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. Similarly, a non- water dependent use that is developed in conjunction with a water-dependent use such as a waterfront walkway, marina, pier, or beach will have a higher priority than one that does not provide a water-dependent amenity. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses, if they are feasible and a demand exists. Determining a priority among coastal-dependent uses will require a case-by-case analysis.

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. Priority shall be given to recreational development of such lands, including areas along Annsville Creek and Charles Point Marina. (See Policy 19.)

The siting and design of new development in a manner which would result in a barrier to the recreational use of a major portion of the City's shore will be prohibited, except for water-dependent and water-enhanced public uses, which should be designed to allow for public access to the shoreline where practicable. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, pump-out facilities, ticket offices, attendant kiosk and other appropriate support facilities.

(See Policies 1, 2, 4, 9, 19, 20 and 22.)

Policy 22

Development, when located adjacent to the shore, will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, particularly at Charles Point Marina, Travis Point, and Corporate Drive, they should, to the fullest extent practicable, provide for some form of water-related or enhanced recreation, including public waterfront walkways.

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Although there are limited opportunities for most of these cases, the types of development that can generally provide water-related recreation as a multiple use in Peekskill include but are not limited to:

- Hotels,
- Restaurants,
- Marinas,
- Parks,
- Utility transmission rights-of-way,
- Sewage treatment and waste management facilities,
- Nature preserves,
- Residential developments,
- Office buildings, and
- Excursion boats and boat rentals.

New developments and/or the rehabilitation or expansion of existing developments located along the waterfront, especially in the Central and Northern/Annsville Creek Planning Areas, will be encouraged to provide public access such as fishing access, walkways and bike paths to and along the shore, unless such access would be considered unsafe. 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 should be encouraged to locate adjacent to the shore.

(See Policies 1, 19 and 20.)

G. 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.

Explanation of Policy

Among the most valuable man-made resources are those structures or areas that 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 also with areas of significance and with the area around specific sites. The policy is not to be construed as just a passive mandate, but also suggests effective efforts, when appropriate, to restore or revitalize resources through adaptive reuse. While the policy is concerned with the preservation of all such resources within the coastal boundary, the preservation of historic and cultural resources which have a coastal relationship is of particular significance.

Peekskill's historic and scenic policies include recognition of the existence of potential submerged resources and the related economic benefits these resources can provide to the local economy as heritage tourism and sport diving attractions.

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At present the Standard House (located at 50 Hudson Avenue), the Lincoln Freight Depot (located at 10 South Water Street) and the U.S. Post Office Building (located at 738 South Street) are the only structures in the LWRP area listed on the National Register of Historic Places.

In 2011, the City published the City of Peekskill Cultural Heritage Tourism Strategic Plan, which assessed market trends and analyzed the City's cultural heritage attractions. An inventory of historic sites was compiled as part of the plan and provides an updated view of important cultural heritage assets in the City. The plan identified the following (that are located in the LWRP area) as historical assets in the City:

- Union Stove Works Building (444 Central Ave)
- Fleischmann Pier (Charles Point Pier Park)
- The Lincoln Depot Museum (10 S. Water Street)

The City owns the 1.1-acre Lincoln Depot Museum property, which was the location of a number of historic events, most notably a stop by Abraham Lincoln on his inaugural train ride. Work has been completed to develop the building into a museum operated by the Lincoln Depot Foundation. The museum and adjacent plaza and new Visitor Center will serve as focal points between the downtown and the waterfront area via Central Avenue, and will also be a destination on the Hudson River Greenway/RiverWalk Trail.

Two structures within the LWRP area, Chateau Rive and the Standard House, have been determined to be local landmarks. Chapter 322 of the City Code provides for the designation of local historic districts and landmarks. It establishes a Historic and Landmarks Preservation Board to make recommendations on areas or structures to be designated as landmarks or historic districts; issue or deny certificates of appropriateness for such resources; formulate design guidelines for historic districts; make recommendations on the establishment of a signage or marker system for historic resources; and advise property owners on preservation issues relating to their properties. The Peekskill downtown area was established in 2001 as the City's first local historic district.

There is also some overlap between the Peekskill Downtown Historic District and the Nelson Avenue-Fort Hill Historic District with the LWRP Boundary. Parcels within the Peekskill Downtown Historic District that are also within the LWRP area include properties on the north side of South Street to the West of Union Avenue, and the south side of Main Street east of Decatur Avenue. Parcels within the Nelson Avenue-Fort Hill Historic District that are also within the LWRP area include properties on the west side of Decatur Avenue north of Belden Street, and on the west side of Nelson Avenue north of Phoenix Avenue. All practicable means shall be explored in order to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the City, State or nation. Such means shall include the consideration and adoption of any techniques, measures or controls to prevent a significant adverse change to such significant structures, districts, areas or sites.

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 archaeological resource that 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 the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* of any building, structure, site or earthwork, or component thereof, of a recognized historic, cultural or archaeological resource.

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Policy 24

Prevent impairment of scenic resources of statewide significance, as identified on the Coastal Area Map. Impairment shall include (I) the irreversible modification of geologic forms, vegetation or structures, whenever they are significant to the scenic quality of an identified resource; and (II) the addition of structures that, 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, such as the Hudson Highlands Scenic Area of Statewide Significance.

Explanation of Policy

Although there are no scenic resources of statewide significance located within Peekskill, the Hudson Highlands Scenic Area of Statewide Significance (SASS) is located adjacent to the City's shoreline. The City will take this into consideration when undertaking any waterfront actions that could potentially impact this resource.

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

Views and vistas in the City of Peekskill need to be protected, particularly with regard to the St. Mary's landform in the Annsville Creek/Northern Planning Area. Views from inland areas to the Hudson River and Annsville Creek should not be blocked by new development. Impairment of resources that contribute to the overall quality of Peekskill will be prevented.

Impairment shall include:

1. The irreversible modification of geologic forms, vegetation or structures, whenever they are significant to the scenic quality of an identified resource; and
2. The addition of structures that, 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 will be used to achieve this policy and will supplement the detailed Design Guidelines for the Waterfront District that are included in the City's Zoning Ordinance. Recognizing that each development situation is unique, the guidelines will be applied accordingly. They include:

- Siting structures and other development such as highways, power lines, wireless telecommunications facilities, cell towers or antennae and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- Clustering or orienting structures to retain views, save open space and provide visual organization to a development;

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- Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- Removing deteriorated and/or degrading elements;
- Maintaining or restoring the original landform, 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;
- Preserving existing landforms which give Peekskill its unique character; and
- Removing vegetation (brush, undergrowth and weeds) at key points to improve visual access to the water.

Height, setback and mass restrictions must be applied to new developments, particularly for structures sited on parcels abutting or visible from the water. The following guidelines, taken from the City's Waterfront District Design Guidelines, shall be applied to protect existing views and vistas:

1. Structures located on parcels abutting the water's edge must be set back at least 50 feet from the water, with the exception of structures that are intended to facilitate water-dependent or water-enhanced uses, such as marinas or restaurants and clubhouses where public access to the water is provided.
2. Buildings enjoying a location on a water-abutting parcel must step down in mass and form so as not to appear monolithic or to create a visual barrier at the water's edge.

Wireless communications facilities shall not be sited on ridgelines, or be visible in views to or from the Hudson River.

(See Policies 1, 4, 12 and 18.)

H. AGRICULTURAL LAND POLICY

Policy 26

Conserve and protect agricultural lands in the State's coastal area.

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Explanation of Policy

Policy 26 is not applicable. There are no significantly productive agricultural lands within Peekskill's LWRP area.

I. 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.

Policy 27A

Decisions on the siting and construction of major regional water dependent energy facilities in the Peekskill coastal area must evaluate the potential cumulative impacts associated with pre-existing facilities, such as Indian Point Nuclear Power Plant located in the Village of Buchanan and the Bowline Plant located in the Town of Haverstraw.

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used to ensure consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City of Peekskill, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

When considering Peekskill as a potential site for major energy facilities, consideration must be given with regard to the cumulative air, water and other impacts associated with existing energy facilities located in the Peekskill Bay area (i.e., the Indian Point Nuclear Power Plant located in the Village of Buchanan and the Bowline Plane located in the Town of Haverstraw, and the Wheelabrator Westchester facility located in Peekskill). This topic must be included within the scope of any Environmental Impact Statement. The

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EIS must disclose specific information regarding the types and quantities of pollutants resulting from the proposed project in conjunction with emissions generated from the aforementioned existing facilities as well as other non-energy-related facilities.

Policy 28

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding or interfere with the production of hydroelectric power.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats, flood levels and damage rates of shoreline erosion damage and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

Policy 29

Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

Explanation of Policy

Policy 29 is not applicable. This policy will not be included in the local LWRP because the outer continental shelf and Lake Erie energy activities occur outside of the City of Peekskill coastal areas.

J. 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, spillage, sludge and other waste disposal, and drainage from raw material storage sites. Regulated industrial discharges are both those that directly empty into receiving coastal waters and those that pass through municipal treatment systems before reaching the State’s waterways.

New developments within the waterfront area will be reviewed to ensure the adequacy of the existing water and sewer system to support them. Necessary improvements and expansions will be made in any areas where the system is inadequate. Priority will be given to water and sewer projects that will eliminate or prevent the discharge of pollutants into the Hudson River and Annsville Creek.

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State and national water quality standards are followed and enforced as necessary in Peekskill. The Westchester County treatment plant located along Annsville Creek is monitored to avoid the discharge of pollutants. State and City standards and requirements for stormwater runoff will be met by all new developments. Such activities will also be controlled through the City of Peekskill's subdivision and site plan review procedures.

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

Policy 31

State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint.

Explanation of Policy

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

Currently, water quality classifications around Charles Point and at the mouth of Annsville Creek are I and SC, respectively. All efforts will be made by applicable agencies to improve the water quality in these areas. Water quality improvements would allow for a greater variety of recreational activities, especially fishing and primary contact activities such as swimming and/or water skiing. Because recreational fishing is popular in Peekskill, water quality improvements along the shoreline and around Charles Point, Riverfront Green, and Annsville Creek will help promote reproduction and reduce possible health hazards caused by contaminated fish.

Policy 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Explanation of Policy

Policy 32 is not applicable. The Westchester County Sewage Treatment Plant, which provides secondary treatment for sewage, is currently effective and has adequate capacity for current County needs and undergoes regular capital improvements and maintenance.

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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 sewage overflows.

Priority will be given to sanitary and storm 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 Annsville Creek and the Hudson River. The expansion and improvement of existing drainage and sewer service facilities to accommodate new development and revitalization strategies will be implemented pending the availability of funds. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

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. In addition, all development must conform to the standards and procedures of § 492 (Stormwater Management and Erosion and Sediment Control) of the Peekskill City Code.

(See Policies 2, 5, 7, 8 and 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.

Policy 34A

Pump-out facilities will be required in all new or expanded marina development in order to minimize or eliminate the discharge into the Hudson River, of sewage from the growing boat population at the Peekskill waterfront.

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. Shellfish beds and other significant fish and wildlife habitats, beaches and public water supply intakes need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 637). The City will follow these standards.

Pump-out stations will be required for all new or expanded marina development occurring within the Peekskill coastal zone, unless sufficient and convenient existing facilities are available.

Receptacles for garbage, rubbish and other solid and liquid materials will be required in waterfront recreation areas, especially around the Charles Point Marina area, Travis Point area, Riverfront Green,

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Peekskill Landing, Annsville Creek, and at any other new recreational sites. These receptacles must be large enough to adequately support peak usage, and regularly emptied and maintained.

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

Policy 35

Dredging and filling in coastal waters and disposal of dredged material 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 and docking areas 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 development pursuant to the Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (Local Waterfront Revitalization Program Policies 7, 15, 24 and 44).

The Charles Point Marina and Fleischmann Pier areas, and the Federal navigation channel in Peekskill Bay near the floating dock area at Riverfront Green, have been identified as potentially requiring dredging. If dredging permits become necessary in connection with this program, all necessary standards set by NYS DEC and the U.S. Army Corps of Engineers will be followed.

(See Policies 7, 15, 24 and 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.

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities, but also to residential and other users of petroleum products and radioactive and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters, are included under this policy. Such materials are present in the Peekskill coastal area at the Westchester County Sewage Treatment Plant (fuel and chemicals for sewage treatment), and in some of the cargo being shipped along the railroad. Additional activities, such as development of a full-service marina at Charles Point, will result in more petroleum and/or other

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hazardous material handling. Any such marina shall provide for the proper handling of petroleum products and boat maintenance and repair wastes. Hazardous materials are defined in Policy 39.

The City prohibits a number of noxious and offensive uses, and requires all uses to adhere to performance standards relative to the emission of odor, dust, noise, smoke, gas, fumes or radiation which presents a hazard to public health or safety or which is otherwise inconsistent with the general goals of the City's industrial districts.

Clean-up of discharges is the responsibility of the State and other applicable authorities. Restitution for damages would be the responsibility of the discharger or the property owner. 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 and 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. Best management practices that are available to reduce those sources of pollution include, but are not limited to, encouraging alternative and organic fertilization and pest control practices, soil erosion and sediment control practices and surface drainage control techniques. The use of fertilizers and chemical pesticides will be discouraged in the waterfront area.

All development in the Peekskill coastal area must be consistent with § 492 (Stormwater Management and Erosion and Sediment Control) of the City Code, as well as best management practices, including but not limited to those contained within the NYS DEC Stormwater Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control.

(See Policies 30, 33, 34, 36, 39 and 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

Water from the Wicopee Reservoir in the Town of Putnam Valley, Putnam County, New York, is the principal source of drinking water for the City of Peekskill and must be protected.

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Protection of the Hudson River and Annsville Creek for their recreation value must be considered in planning and decision-making. Impacts to be evaluated include those from construction activity, land use management, point- and non-point pollution sources and direct action on waterways.

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

(See Policies 30, 31, 33, 34, 36, 37, 39 and 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 treatment and transport of hazardous and solid wastes are controlled primarily at the State level. In addition, at the City level, as outlined in § 575-18 of the City Zoning Code, uses specifically not listed in the City Zoning Code as a permitted or special permit use are prohibited. The definitions of the terms “solid wastes” and “solid waste management facilities” are taken from New York’s Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge 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 the 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.

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.

The Westchester Wheelabrator waste-to-energy facility located at Charles Point in Peekskill is a solid waste management facility as defined by this policy. Wheelabrator Technologies, Inc., the manager of the facility as part of a public-private partnership with Westchester County, has agreed to maintain the facility in good condition, including necessary repairs and replacements, consistent with solid waste handling, secondary materials recovery and energy production standards. The company has also agreed that it will maintain the safety of the facility at a level consistent with applicable law and good boiler and electrical generating practices. Furthermore, the company will provide all necessary labor, materials and equipment

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for the proper operation and maintenance of the facility in compliance with applicable Federal, State and local laws and regulations.

Identification of hazardous wastes and other solid wastes of unusual origin, and information as to the transport, storage, treatment and disposal of such wastes, disclosed during the City's site plan review process will assure consistency with the LWRP policies and adequate, environmentally conservative handling of wastes.

(See Policies 30, 36 and 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 must consider 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, public health and public enjoyment of the receiving waters." The siting board, when evaluating an applicant's request to construct a new steam electric generating facility, will consider the effects of thermal discharges on water quality and aquatic organisms. All applicable activities within the City will abide by these standards and regulations.

Untreated effluent discharges from industrial facilities into coastal waters are not permitted within the City of Peekskill.

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

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

City of Peekskill Local Waterfront Revitalization Program

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 Local Waterfront Revitalization Program 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 waterfront areas or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon the Local Waterfront Revitalization Program.

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 and Peekskill's Local Waterfront Revitalization Program incorporate the State's policies on acid rain into their program, and they 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; and agricultural, scenic and water resources.

The State-enforced Air Pollution Control Permit Program covers this policy. Necessary State and Federal approvals concerning acid rain and the generation of nitrates and sulfates will be required where applicable.

K. WETLANDS POLICY

Policy 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Explanation of Policy

No regulated tidal wetlands are located within Peekskill. However, wetlands along the Hudson River and Annsville Creek shorelines are subject to regulation under the NYS DEC's Article 15 (Stream Disturbance) regulations. As identified by the DEC, there are two Critical Environmental Areas (CEAs) designated in Peekskill: the Hudson River and Peekskill Hollow Brook (the source of the City's drinking water).

Freshwater wetlands include marches, 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.

Freshwater wetlands within or adjacent to the Peekskill waterfront area include Wetland P-4, a Class I wetland that is wholly or partially included in the Camp Smith Marsh and Annsville Creek significant tidal

City of Peekskill Local Waterfront Revitalization Program

habitat, and Wetland P-5, which is a Class I wetland located in the southern portion of the Charles Point Industrial Park on the inland side of Broadway from Lents Cove.

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

- Habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties, and contribution to associated aquatic food chains;
- Erosion, sediment, 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.

Wetland restoration shall be undertaken, where practical, in accordance with a plan that adheres to the objectives of the State's Freshwater Wetland Law and is reviewed by the NYS Department of Environmental Conservation. The plan should consider the following:

1. Enhancements to water circulation and selective deepening of existing wetland areas to favor indigenous plant species (e.g. cattails rather than purple loosestrife); and
2. Excavation of gravelly upland areas surrounding wetlands to create new, shallow, open water areas that could serve as habitat for appropriate plant and animal species.

New roads and walkways that would traverse wetlands should be elevated wherever possible so that water circulation is not impeded. The maintenance or upgrading of existing roads and rail lines should not impinge in any way upon wetlands, either by widening the existing right-of-way or by releasing deleterious materials and substances.

Areas adjacent to wetlands shall be designed so as to:

1. Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands;
2. Direct runoff away from adjacent waters and wetlands, to the extent feasible, by site grading or other methods; and
3. Remove runoff from parking lots, maintenance, fueling and washdown areas in a manner that will prevent oils, grease and detergents from reaching adjacent waters and wetlands.

(See Policies 7 and 24.)

Section IV Proposed Land and Water Uses

City of Peekskill Local Waterfront Revitalization Program

City of Peekskill Local Waterfront Revitalization Program

A. Land Use

1 Southern Planning Area

In the Southern Planning Area, proposed uses will provide for increased access to the waterfront, greater variety of commercial and industrial uses and a targeted area that allows residential units in mixed-use buildings. The largest section of the Southern Planning Area that can be expected to see changes to land use are the parcels on either side of Lower South Street, south of Louisa Street. This area is currently zoned M2-A but will be rezoned to a new M2-B zone which allows a broader mix of commercial, office, retail and entertainment uses, in addition to the light industrial uses that are currently permitted.

The City's Department of Public Works (DPW) lot on the northeast corner of Lower South Street and Louisa Street will be rezoned to a new WF-3 zone which would allow for a future mixed-use residential building to be constructed on the site. This parcel sits at the gateway between an area of the Central Planning Area that is more residential in character, and the Southern Planning Area. The zoning changes south of Louisa Street, described in more detail below, will create a more gradual transition from residential to mixed-use to light industrial. Topography and vegetation will prevent any new construction on this site from obstructing upland views.

Increased access to the waterfront will be achieved by revitalization of both the Charles Point Marina and Fleischmann Pier. Charles Point Marina will include a mix of uses, potentially including some combination of retail, restaurant and/or entertainment uses, as well as water-dependent uses associated with repairs to the docks. Fleischmann Pier will provide greater access for fishing and recreation in addition to providing the only deep-water location for docking of tour boats in Peekskill.

2 Central Planning Area

The Central Planning Area consists of a multi-family residential development (River Bend); Franciscan Sisters convent; the Peekskill Metro-North station; a mix of retail, commercial and light industrial uses; and surface parking lots. This area also includes much-improved waterfront access, with the recently completed Peekskill Landing, improvements to Riverfront Green and ongoing construction of the Southern Waterfront Trailway.

Changes in land use are primarily expected along Railroad Avenue and Water Street between Requa Street to the south and the northernmost portion of North Water Street to the north. Land use changes are also expected along Central Avenue from Water Street to Nelson Avenue. These areas currently consist of a combination of surface parking lots and industrial buildings. Many of the older industrial buildings have been repurposed with uses that are more attractive to a destination waterfront district, including restaurants, brew pubs and retail. This area also includes commercial uses that are important to the City's local economy, including home improvement stores and an auto body shop.

New development guided by the LWRP in these areas is expected to be focused on infill of underutilized sites, such as vacant land and surface parking lots. Availability of parking for local residents and employees, commuters and visitors is an important concern in the Central Planning

City of Peekskill Local Waterfront Revitalization Program

Area; therefore the LWRP identifies three areas to redistribute parking and achieve a net-increase that can support future land use changes that add residents and new businesses to this part of the City. The most substantial of these would be a parking structure on Railroad Avenue across from the train station. The LWRP also identifies the site underneath U.S. Route 9 at the corner of South Water Street and Central Avenue as a new surface lot. In addition, more parking spaces could be added along Central Avenue by delineating parallel parking spaces on the street, as well as along a portion of South Water Street with a restructuring of the roadway.

On the northernmost portion of North Water Street, the parcel containing former industrial uses will be rezoned to the new WF-3 district, which will allow greater building heights than the existing structures on the site. The future land use of this site is expected to include multifamily residential. Any change of use or demolition of the existing buildings in this area should take into account the important services that the Jan Peek House provides. In order for this project to proceed, the Jan Peek House will first need to find or be provided with an acceptable alternative space, which may include a combination of a mixed-use headquarters facility with emergency shelter, supportive housing on-site and potentially scattered site supportive housing units.

3 Northern/Annsville Creek Planning Area

The Northern/Annsville Creek Planning Area are largely occupied by open space and multifamily residential buildings, but also include some single-family homes, the Westchester County Sewage Treatment Plant and industrial sites in the Corporate Drive area. Improvements to the Annsville Preserve Park trail system would not represent a change in use, but rather would help to improve access to the waterfront. The primary changes in use would occur on the St. Mary's property on Fort Hill and at 9 Corporate Drive.

The St. Mary's property is currently under review for a mixed-use development that would include multifamily residential in new construction and adaptive reuse of the existing buildings on site for recreational uses such as a spa, inn and restaurant. As part of this development, at least 40 acres of undeveloped woodland will be transferred to the City for inclusion in Fort Hill Park. This expansion of Fort Hill Park may provide an expanded viewshed of the Hudson River.

9 Corporate Drive is currently a vacant, City-owned property. The site was contaminated from a previous use and has been capped, which limits the feasibility of some types of future development. The City is seeking out private uses for this site.

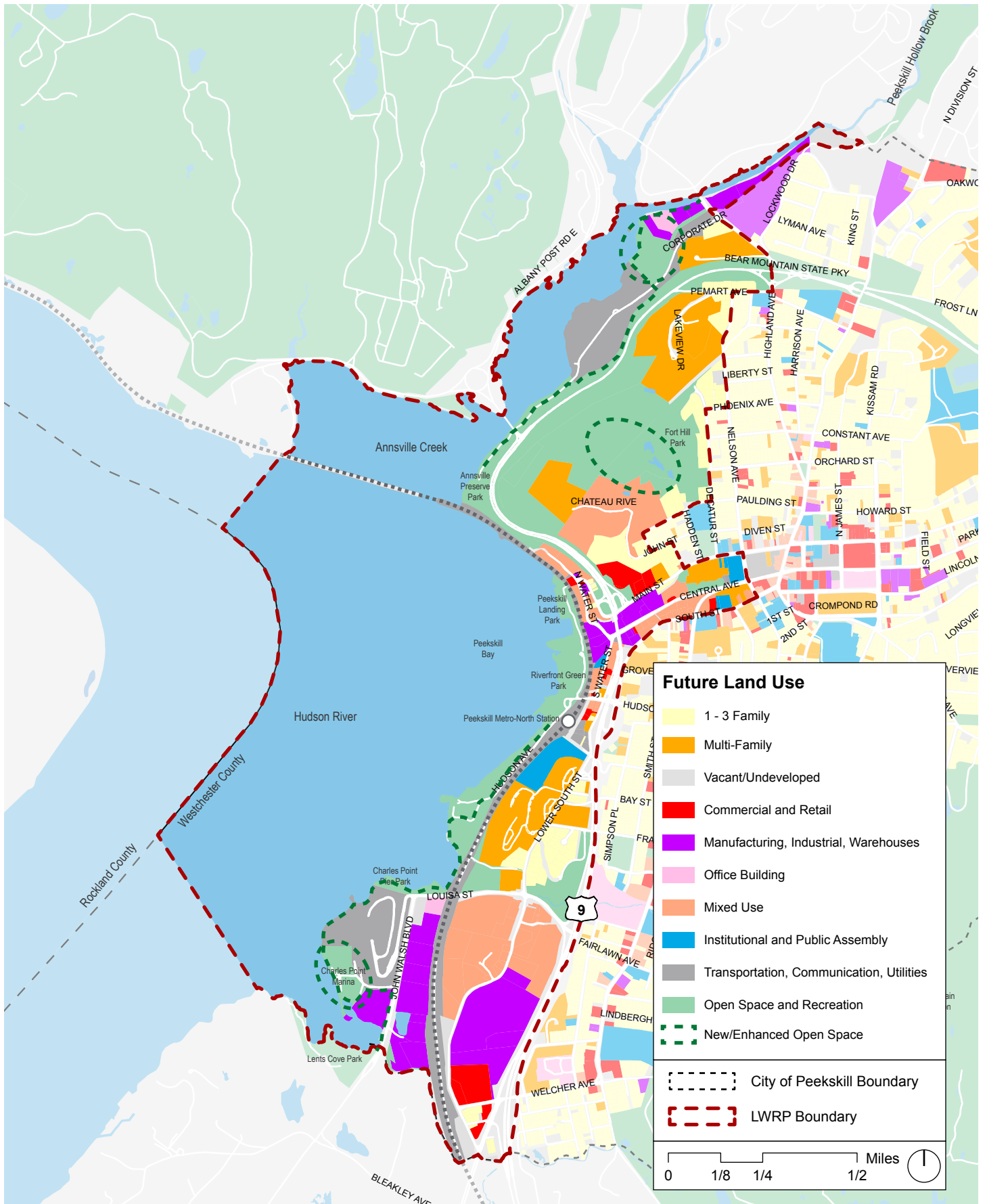


Figure IV-1: Future Land Use Plan

Figure IV-2: Revised Zoning

City of Peekskill Local Waterfront Revitalization Program

B. Proposed Public and Private Projects

The proposed public and private projects listed below are not ranked by priority, but rather are organized by geography. In prioritizing projects, the primary objective of the City of Peekskill is to identify those projects that most directly facilitate an enhancement of the tax base and improvement to key infrastructure. To that end, upon adopting this LWRP, the City should proceed with adopting zoning changes recommended in this document that are intended to promote appropriate development within the LWRP area. Infrastructure improvements that should follow the updated zoning should include reconstruction of Lower South Street and creation of a surface parking lot underneath Route 9 on Central Avenue.

1. Southern Planning Area

- 1) *Rezone property south of Louisa Street to a new commercial mixed-use zone (destination retail, commercial, offices, light industrial, entertainment)*

The area of this rezoning include 13 acres of parcels southeast of the intersection of Lower South Street and Louisa Street, which were recently acquired by the City and awarded Brownfield Tax Credits. The rezoning also includes privately owned parcels west of Lower South Street and east of the Metro-North tracks. These parcels are currently zoned M2-A, which is the City's Design Industrial District. The new M2-B district would be based on allowable uses in the M2-A with some additions to allow for a greater mix of retail, commercial, office and entertainment uses. No uses would be allowable in the M2-B district that are not presently permitted elsewhere in the City.

Currently, principal permitted uses in this area include warehousing and distribution, light manufacturing, auto repair and offices. Special permit uses include construction businesses, hotels, adult uses, storage and tattoo studios. The objective of the new Commercial Mixed-Use district is to encourage destination retail and entertainment uses that will benefit Peekskill residents while also drawing visitors from outside of the City. The new zone would also permit existing light industrial, warehouse and distribution and office uses, so any existing businesses on-site are not made to be non-conforming under the new zoning.

- 2) *Rezone existing DPW parcel to new WF-3 zone (6-8 stories)*

The area of this rezoning includes the City of Peekskill DPW site at the corner of Louisa Street and Lower South Street. The new WF-3 zoning district would allow 6-story buildings up to 65 feet in height as-of-right. Density bonuses would allow property owners to build up to 8 stories or 85 feet, based on participation in one of two programs: payment into an infrastructure fund or achieving green building certification. This rezoning would require the City to explore alternative locations to relocate the DPW facility in order for the parcel to be transferred to a private developer for construction.

The WF-3 zone is meant to encourage residential buildings and/or mixed-use development with retail or commercial uses on the ground floor and residential uses on upper floors. Principal permitted uses on the ground floor are the same as the commercial uses permitted under the existing WF-2 zone. In addition, WF-3 also allows residential uses, including

City of Peekskill Local Waterfront Revitalization Program

townhouse, garden apartment and mid-rise apartment configurations, in accordance with the standards and guidelines of the WF Zoning District.

3) *Reconstruct Lower South Street*

Reconstruction of Lower South Street is a capital project that would include roadway and streetscape improvements of the street from Louisa Street to the intersection with Route 9A. The project would include reconstruction and realignment of the roadway, installation of sidewalks, upgrades to subsurface water and sewer utilities, improved lighting and planting of street trees. This project could be coordinated with future development associated with the new Commercial Mixed-Use zoning district in this area and may be funded in part by new development.

4) *Completion of Southern Waterfront Trailway*

This project would support the completion of the Southern Waterfront Trailway to Lents Cove, per the 2009 Waterfront Master Plan. Construction of the Southern Waterfront Trailway is currently underway to Charles Point Park. Construction documents are funded for the section of the trail from Charles Point Park to Charles Point Marina, but this section requires construction funding in order to enter the construction phase. The City also requires funding for both construction documents and construction for the section of the trail from Charles Point Marina to Lents Cove.

5) *Facilitate improvements to Charles Point Marina*

The docks at Charles Point Marina sustained damage during Hurricane Sandy, and the main building is currently underutilized. The property is owned by the City of Peekskill Industrial Development Agency (IDA) and leased to Diamond Properties, which has plans for a renovation. The objective of this project is to coordinate between the IDA and Diamond Properties to facilitate any necessary improvements to the marina and the building on-site. These improvements may include dredging the channel entrance to the marina and dock area, as necessary, and repairs to the protective breakwater.

6) *Funding for study to upgrade Fleischmann Pier*

Fleischmann Pier is the only location along the Peekskill waterfront with the capacity for docking of deep water vessels, including large tour boats and historic ships. However, the pier is in substantial disrepair after many years of neglect. The pier requires structural improvements in order to make it safe for visitors or fishing and to allow for boats to dock.

Through the Regional Economic Development Council, Peekskill has received a grant of \$175,000 to conduct design and engineering analyses and a market study for Fleischmann Pier to determine structural repairs and future use of the pier. Upon completion of the study, the City will also require additional funding in order to implement recommendations and capital improvements to Fleischmann Pier.

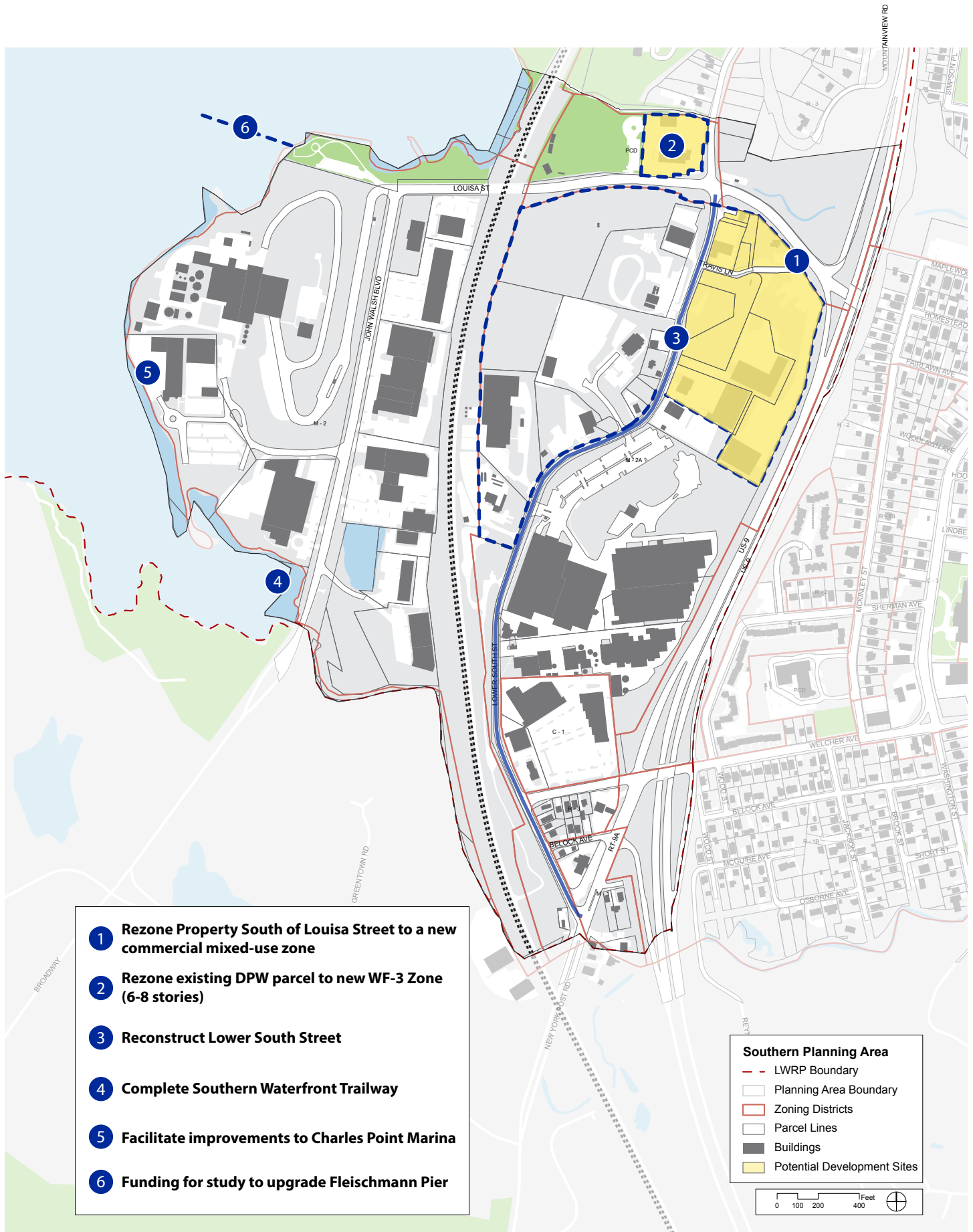


Figure IV-3: Southern Planning Area Project Map

1

Rezone property south of Louisa Street to a new commercial mixed-use zone (destination retail, commercial, offices, light industrial, entertainment)



2

Rezone existing DPW parcel to new WF-3 zone (6-8 stories)



3

Reconstruct Lower South Street



4

Completion of Southern Waterfront Trailway



5

Facilitate improvements to Charles Point Marina



6

Funding for study to upgrade Fleischmann Pier



Figure IV-4: Southern Planning Area Project Profiles

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2 Central Planning Area

1) Amend WF-2 zoning district to allow 4 to 5 stories and up to 55 foot building heights

This project involves amending the existing WF-2 zoning district to encourage new mixed-use development in the Central Planning Area. The proposed zoning changes would allow incremental increases in building heights that would make new development more feasible while still preserving the waterfront district's character and historic viewsheds. The amendments to the WF-2 district would facilitate private development of City-owned parking lots for residential use with parking underneath and retail uses fronting on Water Street.

The existing WF-2 zoning allows building heights up to 38 feet or three stories, with two exceptions: 1) For parcels fronting on Pemart Avenue or east of Route 9, the maximum building height is increased to 52 feet; and 2) Bonus height may be granted by the Common Council to developments that provide retail uses on the ground floor of residential buildings with a limit of one additional story and 12 feet of additional height (4 stories and 50 feet). Currently, residential uses require a special permit in this district.

The proposed zoning change would increase the as-of-right building height to 4 stories and 45 feet, with the potential to achieve a bonus height of 5 stories and 55 feet. Revisions to the WF-2 also include reduced parking requirements within one-third of a mile of the Peekskill Metro-North train station. The revised WF-2 would also allow residential uses with ground-floor retail as a principal permitted use. Height bonuses could be achieved through one of two provisions: payment into an infrastructure fund or achieving green building certification.

The Central Avenue corridor, which is currently in the WF-2 zoning district, has a number of vacant lots and buildings. The City's objective for this corridor is an increase of mixed uses to increase activity on the corridor and improve the pedestrian experience on this link between downtown and the waterfront. Existing businesses should be supported, but vacant and underutilized sites should be identified for redevelopment.

Specific sites that are anticipated as being most feasible for new construction include the vacant parcels along North Water Street, surface parking lots on South Water Street, vacant parcels on the Central Avenue corridor and a portion of Travis Point.

Finally, as described in the following project, there are parcels within the existing WF-2 district that could support additional building heights without negatively impacting viewsheds. These parcels, which include the site of former industrial buildings on the northernmost portion of North Water Street and the DPW facility on South Street, are proposed to be rezoned as a new WF-3 district that allows additional building heights.

2) Rezone the parcels containing former industrial buildings on the northernmost portion of North Water Street to a new WF-3 zoning district (6-8 stories)

The proposed WF-3 zoning district would be applied to the parcels containing former industrial buildings on the northernmost portion of North Water Street (as well as the current DPW site in the Southern Planning Area as previously discussed). The new WF-3 zoning district would allow 6-story buildings up to 65 feet in height as-of-right. Density bonuses would allow

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property owners to build up to 8 stories or 85, feet based on participation in one of two programs: contribution to an infrastructure fund or construction to green building certification.

The WF-3 zone is meant to encourage residential buildings and/or mixed-use development with retail or commercial uses on the ground floor and residential uses on upper floors. Principal permitted uses on the ground floor are the same as the commercial uses permitted under the existing WF-2 zone. In addition, WF-3 also allows residential uses, including townhouse, garden apartment and mid-rise apartment configurations in accordance with the standards and guidelines of the WF Zoning District.

3) *Facilitate private development of City-owned parcel on Travis Point*

The City should facilitate potential private development of the vacant City-owned property on Travis Point south of the Peekskill Yacht Club for a permitted use such as a hotel, or for a special permit use such as a restaurant or maritime center. The site is located within the WF-1 zone, and any new use should be compliant with current restrictions of this district.

4) *Amend design guidelines in waterfront zoning districts to reflect the historic industrial and maritime character of the area*

The Design Guidelines for the WF waterfront zoning districts should be amended to reflect the historic and existing character of the Peekskill waterfront. The current design guidelines include requirements for pitched roofs and dormers, which are not typical of the historic buildings in the area. Revised design guidelines would better preserve the industrial and maritime character of the waterfront by promoting adaptive reuse of historic buildings.

5) *Construct Metro-North pedestrian crossing*

The master plan for Peekskill Landing and the Southern Waterfront includes construction of a new pedestrian overpass to cross the Metro-North tracks at the intersection of Main Street and North Water Street. This crossing would provide an additional access point to the City's waterfront park system. There is currently no funding for design or construction of the crossing.

6) *Improve pedestrian connection along Central Avenue between the waterfront and downtown*

The goal of improving the pedestrian connection along Central Avenue has been expressed many times in planning documents over the years. Currently, this corridor is considered to be unfriendly to pedestrians due to a lack of activity and signage. This project would encourage improvements to Central Avenue that make the pedestrian experience more positive.

The proposed improvements include installing additional lighting and providing wayfinding signage and public art along Central Avenue. Lighting would help to ease a perception of unsafe conditions, while signage would help to direct visitors to historic sites and local businesses. Signage could be part of a City-wide cultural heritage trail that directs tourists to destinations and the central business district. Repairs to and widening of the sidewalks would also improve the pedestrian experience, while painting the location of on-street parking

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spaces would make it easier for visitors to park along Central Avenue while visiting both the City's downtown and waterfront.

In addition to the pedestrian experience, there are other improvements to Central Avenue that would increase the connection between the downtown and the waterfront. For example, a new trolley service that brings residents and visitors from the Metro-North train station into the downtown would help support local businesses and make it easier for commuters to get to the train station without driving. A marked bicycle route from the Metro-North station into downtown, including around other parts of the City, would help to direct bicyclists visiting the Blue Mountain trail system into Peekskill's business district. Finally, an informational kiosk at the train station could provide regular updates and guidance to visitors about sites of interest within the City.

7) *Explore public Access to McGregory Brook*

The section of McGregory Brook directly west of the Police Station is currently daylight, but public access is limited. Pathways from Central Avenue to the Brook on City property would provide a recreational opportunity near the downtown. The proposed project would improve City-owned property along McGregory Brook. Expanding public access would require coordination with owners of private property along the Brook to secure easements for additional access.

8) *Create surface parking under Route 9*

The parcel at the intersection of Central Avenue and South Water Street underneath the Route 9 overpass is currently vacant and underutilized. Most recently, this site has been used for snow storage by the City in the winter. However this parcel is well located to be used as a surface parking lot for shoppers and visitors to the Peekskill waterfront and the Lincoln Depot Museum. The site requires surface improvements and paving in order to be retrofitted for parking. Design and construction would require coordination with New York State Department of Transportation, since the site is underneath the Route 9 overpass.

9) *Facilitate construction of parking structure with retail buffer on Railroad Avenue site*

The Railroad Avenue site has been proposed in the past for a new, multi-story parking structure. This is a beneficial location for a parking structure, due to the site's proximity to the Metro-North station and the prospect of providing adequate commuter parking, which would ease the parking burden in surface lots in the waterfront area while also attracting new residents to the area who rely on Metro-North to commute to other parts of Westchester County and New York City.

The proposed project includes a 4-story parking garage with landscaped rooftop parking. The structure would not include additional stories that would have an impact on upland views of the Hudson River. Also a mitigating factor in the viewshed is the reconstructed U.S. Route 9, which is now at a higher elevation than in the past. The location of Route 9 would also block direct views of the parking structure from upland neighborhoods.

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The parking structure should include retail frontage on Railroad Avenue, which would provide a visual buffer from the street and also offer storefront locations for retail and surfaces that would benefit commuters and visitors arriving at the Metro-North station. Access to the facility should be configured such that there would be three entrance/exit points: along Railroad Avenue, Requa Street and South Street.

10) Widen South Water Street to allow for on-street parking (from Homestyle Desserts to West Street)

South Water Street is a narrow roadway with no on-street parking. A wider street would provide for parallel parking that is favored by storefront retail establishments and prevent a “canyon” feeling when new infill buildings are constructed. Due to existing buildings, the only section of South Water Street that could be widened is south of Homestyle Desserts to West Street (the yellow brick road). This street widening could be completed in conjunction with any new development on the existing surface parking lot on the west side of South Water Street, with costs shared or entirely paid for by developers.

11) Upgrades to Riverfront Green (per Southern Waterfront Master Plan)

The City should pursue funding to construct the missing section of trail along the shoreline from the City’s floating dock to Peekskill Landing Park. Riverfront Green also requires additional shoreline stabilization and erosion repair. The City should also explore the need for dredging near the floating dock to facilitate docking, and make improvements to the City dock. Also, the City should explore the potential to add a beach and swimming area at Riverfront Green. Finally, the City should encourage non-motorized boat rental at Peekskill Landing, potentially coordinated with Hudson River Expeditions, which is located nearby at the Annsville Paddlesport Center in Cortlandt.

12) Realign the northernmost portion of North Water Street

In coordination with future development of the former industrial buildings on the northernmost portion of North Water Street, the City and the developer should explore the potential to shift alignment of the northernmost portion of North Water Street so that the roadway is adjacent to the Metro-North tracks. This realignment would allow potential new development on the site to set back from the Metro-North tracks, shifting the building site closer to the cliff face below Route 9. Potential realignment would need to occur at the same time as demolition and reconstruction of existing buildings in this area and should also be coordinated with potential sewer main upgrades undertaken by Westchester County. In addition, any change of use or demolition of the existing buildings in this area should take into account the important services that the Jan Peek House provides. In order for this project to proceed, the Jan Peek House will first need to find or be provided with an acceptable alternative space, which may include a combination of a mixed-use headquarters facility with emergency shelter, supportive housing on-site and potentially scattered site supportive housing units.

City of Peekskill Local Waterfront Revitalization Program

13) Encourage MTA to lease train station building as a restaurant or other appropriate use.

The train station building is currently underutilized and could be repurposed as a destination restaurant, shop or museum at a central location. The building is owned by Metro-North and may require upgrades before a new tenant begins operations. Any renovation of the train station building should maintain some indoor space for passengers waiting for trains during inclement weather.

14.) Facilitate installation of floating dock on Riverfront Green South

A permanent location is needed to accommodate a tour boat operation on the riverfront. Day use docking by the general boating community is needed as well. A location off the new Riverfront Green South Park has been determined to have sufficient depth to accommodate these types of vessels and could fulfill both needs. The location of support facilities, such as a ticket booth and utilities, should be adjacent to the water-dependent use for maximum functioning and efficiency.

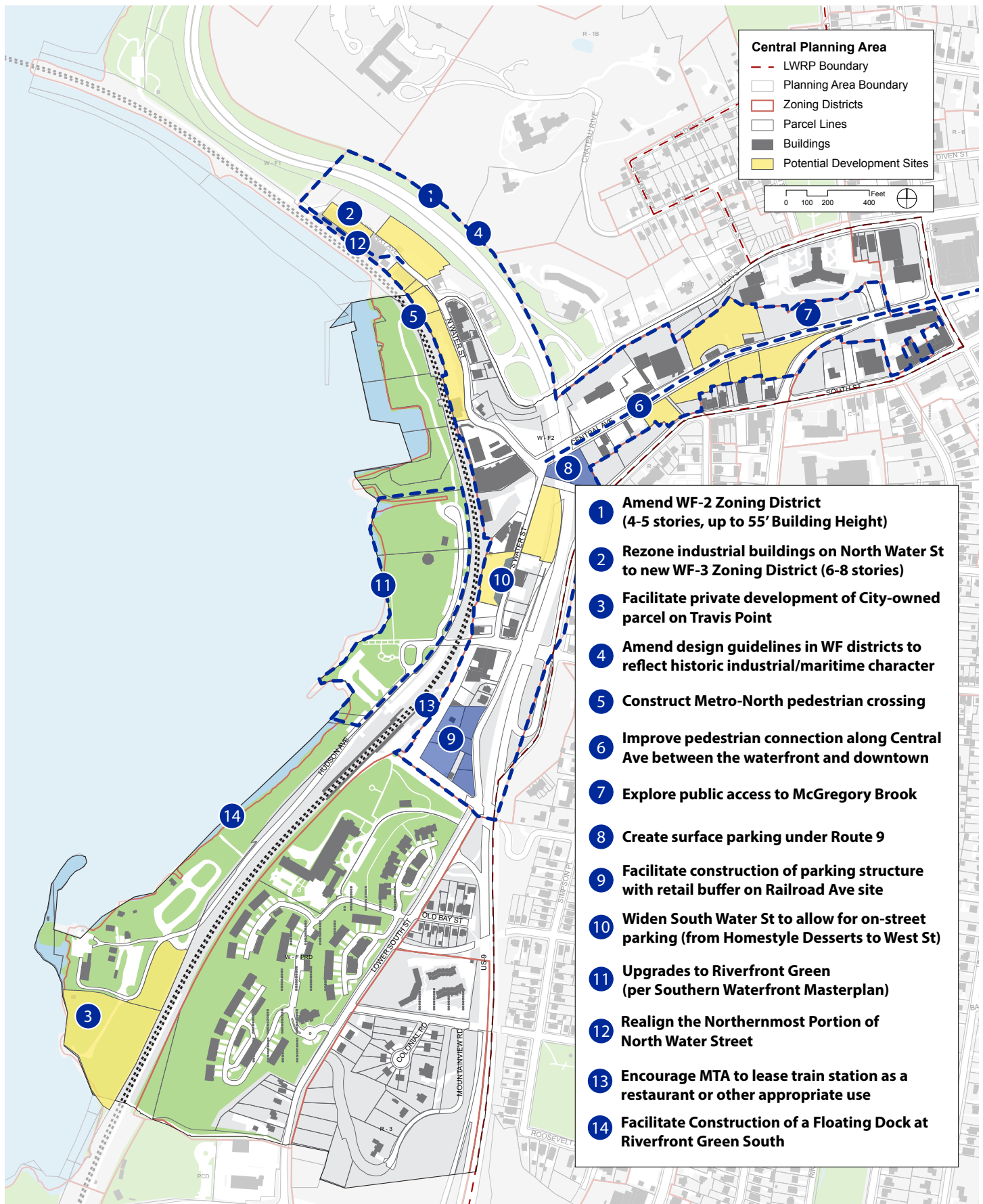
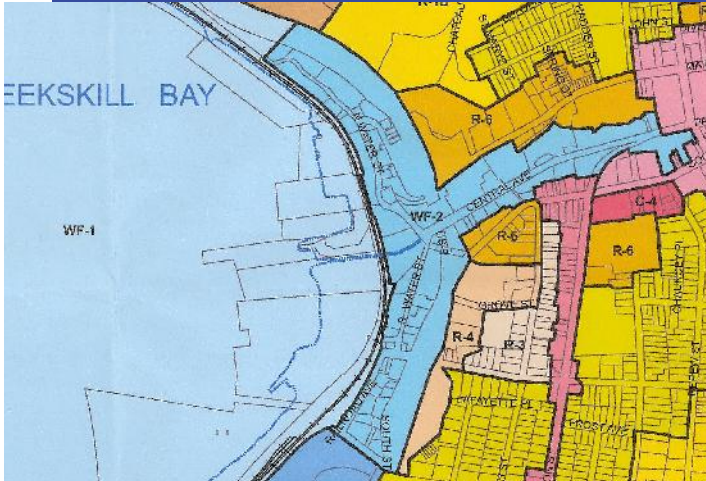


Figure IV-5: Central Planning Area Project Map

1

Amend WF-2 zoning district to allow 4 to 5 stories and up to 55 foot building heights



2

Rezone the industrial buildings on North Water Street to a new WF-3 zoning district (6-8 stories)



3

Facilitate private development of City-owned parcel on Travis Point



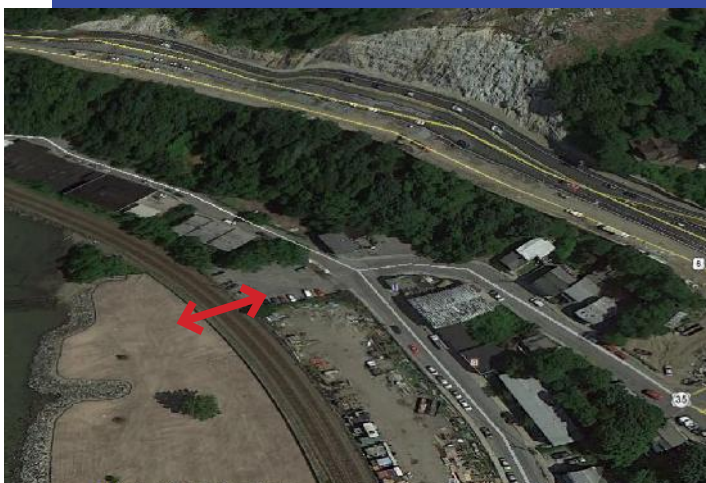
4

Amend design guidelines in waterfront zoning districts to reflect the historic industrial and maritime character of the area



5

Construct Metro-North pedestrian crossing



6

Improve pedestrian connection along Central Avenue between the waterfront and downtown

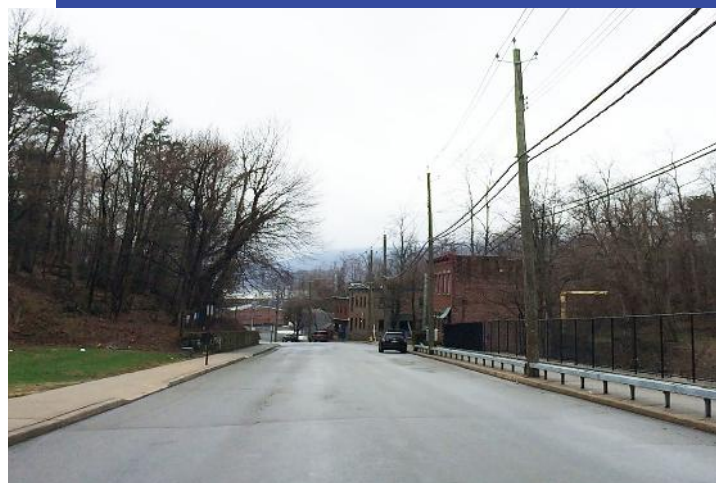


Figure IV-6: Central Planning Area Project Profiles

7 Explore public Access to McGregory Brook



8 Create surface parking under Route 9



9 Facilitate construction of parking structure with retail buffer on Railroad Avenue site

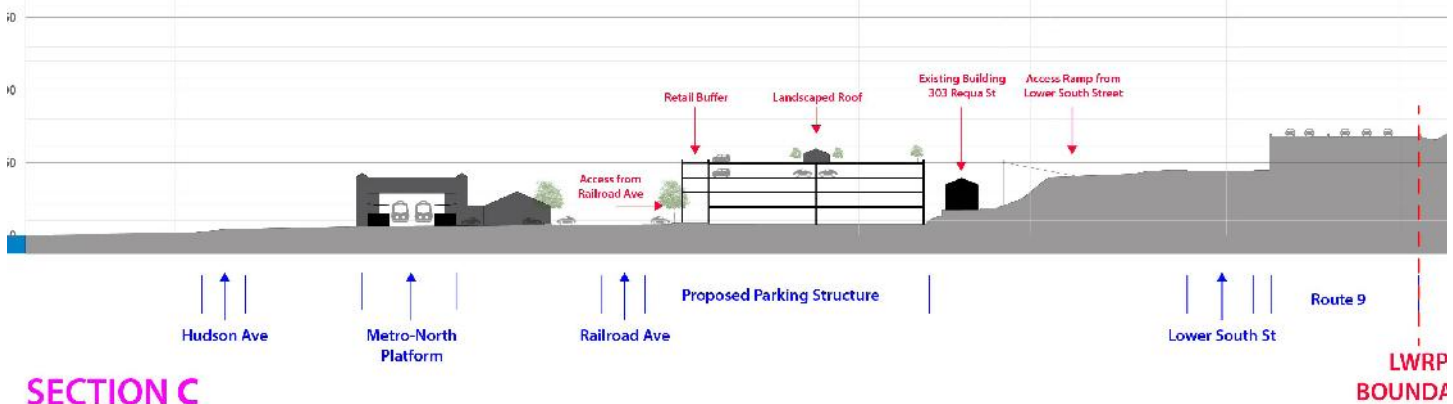
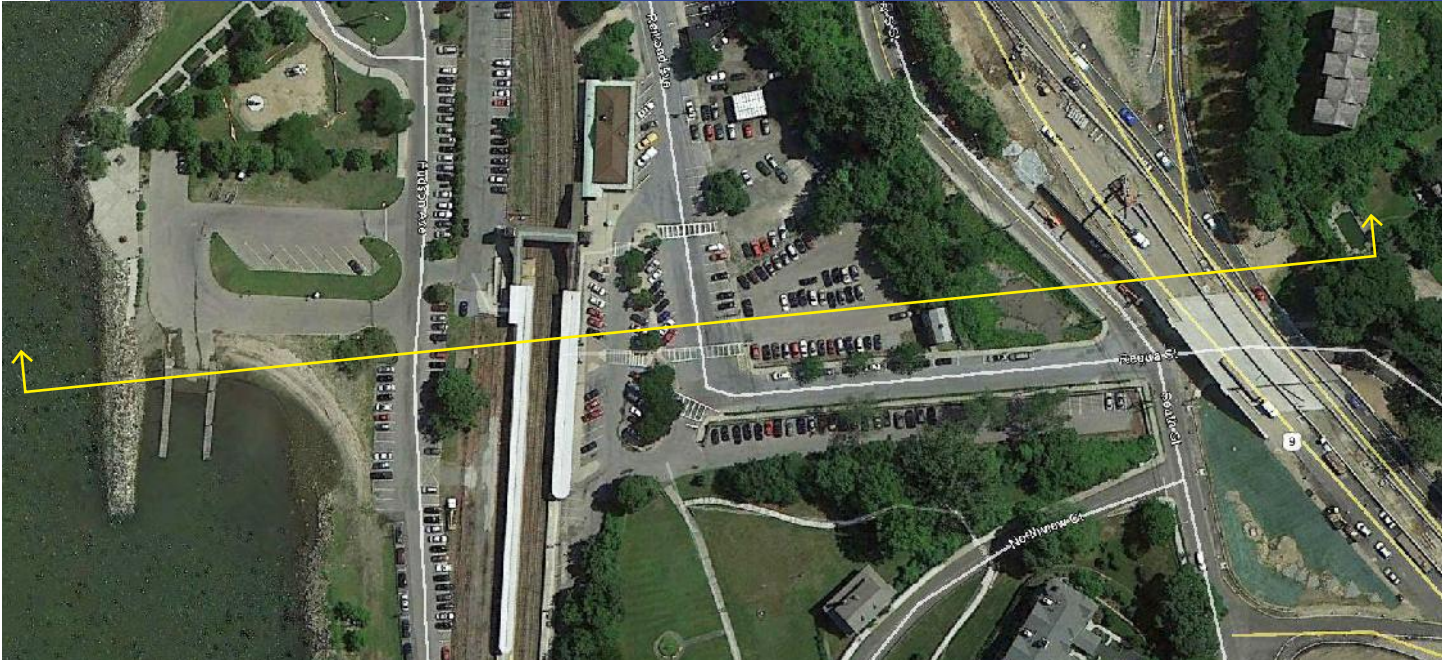


Figure IV-6: Central Planning Area Project Profiles

10

Widen South Water Street to allow for on-street parking (from Homestyle Desserts to West Street)



11

Upgrades to Riverfront Green (per Southern Waterfront Master Plan)



12

Realign the northernmost portion of North Water Street



13

Encourage MTA to lease train station building as a restaurant or other appropriate use.



Figure IV-6: Central Planning Area Project Profiles

City of Peekskill Local Waterfront Revitalization Program

3 Annsville Creek and Northern Planning Areas

1) *Support redevelopment of 9 Corporate Drive*

The City has received proposals for adaptive reuse of the City-owned 9 Corporate Drive site, a former landfill that has been capped, limiting feasibility of building construction. The objective of this project is to encourage the City to continue to pursue appropriate reuse of the site. In coordination with any development in the Corporate Drive area, the City should require the developer to restore or create a shoreline trail in easement areas along Annsville Creek.

2) *Support St. Mary's redevelopment plan, including transfer of open space to Fort Hill Park*

The goal of this project is to facilitate approvals for the current proposed St. Mary's Redevelopment Plan by Ginsberg Development Corp., including official transfer of the unused acres of open space to be combined with Fort Hill Park, and rezoning of parcels to facilitate development.

3) *Undertake master plan for Fort Hill Park*

In coordination with the transfer of open space from the St. Mary's property, a master plan should be developed for Fort Hill Park to determine recommended upgrades to improve the visitor experience at the park and create a cultural heritage attraction. Potential upgrades include expansion of trails, restoration of the Revolutionary War-era sites within the park and plans for ongoing maintenance.

4) *Annsville Creek trail completion*

The Annsville Preserve Park is the start of a relatively calm and remote trail network with would benefit from expansion and maintenance to extend further along Annsville Creek and to connect to the Town of Cortlandt across the Route 9/Jan Peek Bridge. Completion of the Annsville Creek Trail is broken out into four subsequent phases that emphasize implementation of the most effective and feasible components first:

- 4a: Encourage Cortlandt to extend the Annsville Creek Trail from the Route 9/Jan Peek Bridge to the Paddlesport Center in Cortlandt.
- 4b: Secure easements from the properties along Corporate Drive to complete the section of the Annsville Creek Trail from 9 Corporate Drive to Highland Avenue.
- 4c: Explore right-of-way to extend Annsville Creek Trail alongside Westchester County Sewage Treatment Plant. Currently, the Annsville Creek Trail concludes under the Route 9/Jan Peek Bridge and does not connect with the potential extensions of the path along the Annsville Creek frontage of the Corporate Drive properties. This project would explore the potential of securing an easement from the County to extend the path along the eastern edge inland of the plant.
- 4d: Restore section of the Annsville Creek Trail that extends from Route 9/Jan Peek Bridge northwest to the southern edge of the Sewage Treatment Plant. Additionally, restore the deteriorated overlook platform along this portion of the trail before reaching the Sewage Treatment Plant.

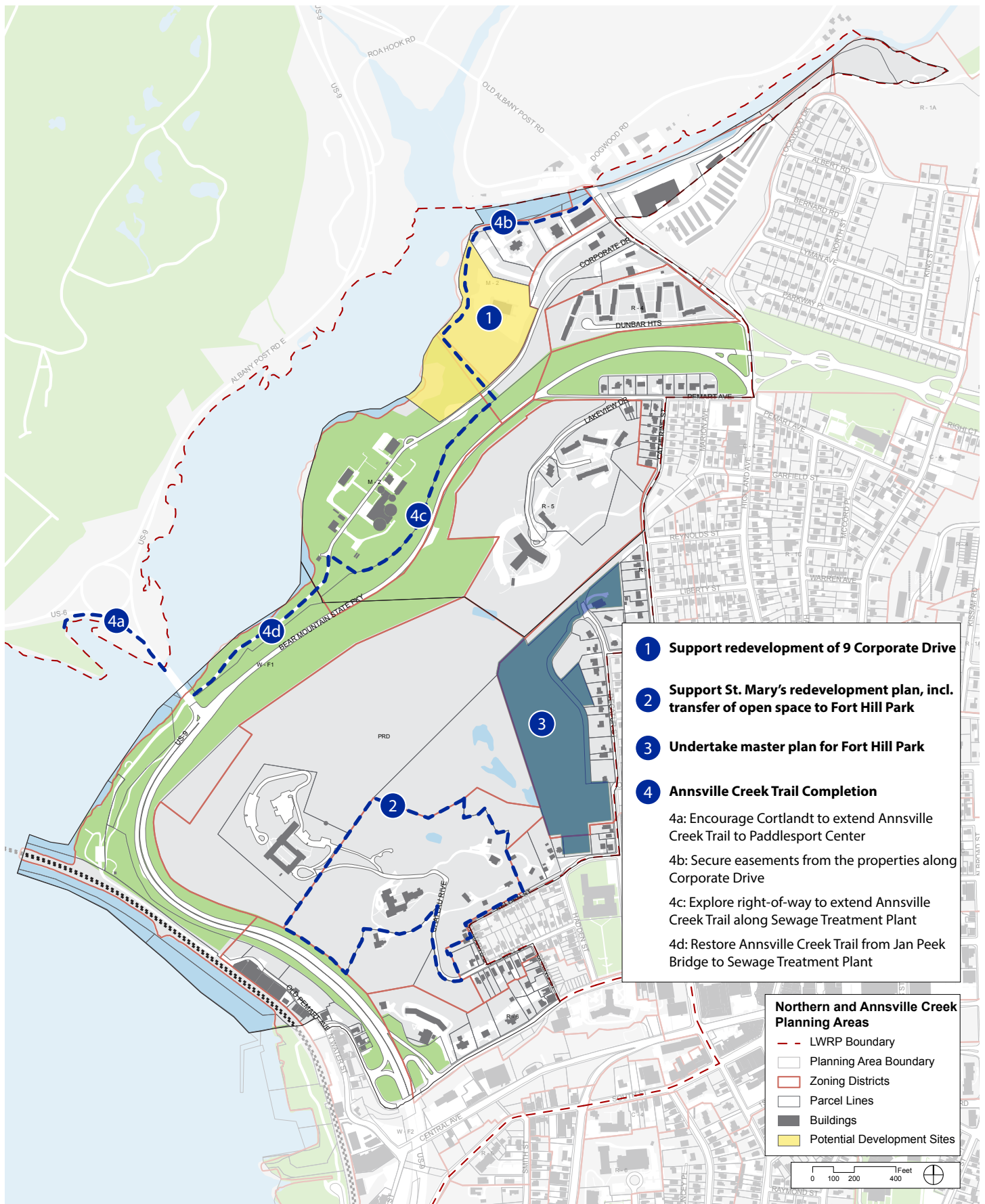


Figure IV-7: Northern and Annsville Creek Planning Areas Project Map

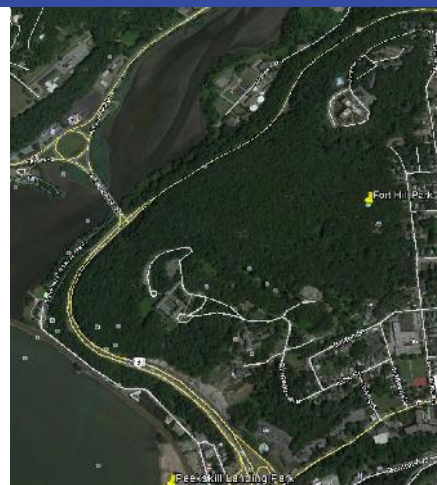
1 Support redevelopment of 9 Corporate Drive



2 Support St. Mary's redevelopment plan, including transfer of open space to Fort Hill Park



3 Undertake master plan for Fort Hill Park



4 Annsville Creek trail completion



Figure IV-8: Northern and Annsville Creek Planning Areas Project Profiles

Section V Implementation

City of Peekskill Local Waterfront Revitalization Program

City of Peekskill Local Waterfront Revitalization Program

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Laws and Regulations (Note: all existing City Code chapters referenced herein, as amended, may be found online at <http://ecode360.com/PE0161>.)

- a. Building Construction – Chapter 202

- i. This Ordinance regulates development activities within the waterfront area. It establishes rules and regulations pertaining to the construction, alteration, removal, demolition, use, occupancy, maintenance and location of buildings and other structures.
 - ii. This Ordinance is most closely associated with Policies 1 and 2 that concern development and redevelopment within the LWRP area.

- b. Environmental Quality Review – Chapter 267

- i. This Chapter of the City Code implements the State Environmental Quality Review Act (SEQRA). It establishes procedures necessary to assure full review of environmental impacts of proposed projects, actions, improvements and developments within the City of Peekskill.
 - ii. This Ordinance pertains to the majority of the policies included in the Local Waterfront Revitalization Program (LWRP), especially those dealing with development issues and the protection of important man-made and natural resources.

- c. Flood Damage Prevention Program – Chapter 287

- i. This Chapter of the City Code includes provisions designed to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. It includes methods and provisions for restricting or prohibiting uses which are dangerous due to water or erosion hazards or which result in damaging increases in erosion, in flood heights or velocities; requiring uses vulnerable to floods be protected at the time of initial construction; controlling the alteration of natural floodplain, stream channels and natural protective barriers; controlling filling, grading, dredging and other activities which may increase flood damage; and preventing and/or regulating the construction of flood barriers which will unnaturally divert floodwater or increase flood hazards.

City of Peekskill Local Waterfront Revitalization Program

- ii. This Ordinance deals most closely with Policies 1 and 2, which relate to development and redevelopment activities in the waterfront area, and policies which relate to flood and erosion hazards and related protective features, including: Policy 11, siting structures to minimize damage; Policy 12, protection of natural protective features; Policy 14, preventing increases in flooding; Policy 15, control of alteration of coastal waters; and Policy 17, use of non-structural measures to minimize damage from flooding.
 - iii. Any development within flood hazard areas delineated on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) is required to be built in compliance with the City's Flood Damage Prevention Law.
- d. Freshwater Wetlands – Chapter 294
 - i. This Chapter of the City Code implements the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law) as it pertains to the City of Peekskill. The Ordinance gives the City the right to undertake and exercise its regulatory authority with regard to activities in freshwater wetlands subject to regulation under the Act.
 - ii. This Ordinance deals most closely with Policy 44, preservation of wetlands.
- e. Littering – Chapter 359
 - i. This Ordinance was designed to prohibit the throwing or depositing of litter in any park, public place, fountain and body of water or vacant lot.
 - ii. This section in the Municipal Code is most closely associated with the LWRP Policy 8, the protection of fish and wildlife resources from the introduction of hazardous wastes and other pollutants; Policy 34, the limitation of the discharge of waste materials from vessels so as to protect fish and wildlife habitats, recreational areas and water supply areas; and Policy 38, the conservation and protection of surface water and groundwater supplies.
- f. Local Waterfront Revitalization Program – Chapter 365
 - i. This Chapter is intended to implement the City's LWRP and provides a framework for agencies to consider the LWRP policies and purposes when reviewing applications for consistency with the LWRP.
 - ii. Chapter 365 is relevant to all LWRP policies applicable in Peekskill.

City of Peekskill Local Waterfront Revitalization Program

g. Parks – Chapter 416

- i. This Ordinance regulates all activities within, and uses of, all parks, reservations, playgrounds, recreation centers and/or all other areas owned or used by the City for active or passive recreation. The Ordinance includes listings of prohibited uses and activities such as loitering, camping or lodging in undesignated areas and the drinking of alcoholic beverages; and regulates activities such as bathing or swimming, boating, games and picnics, meetings and performances. The Ordinance also includes regulations that protect property, fish and wildlife and prohibit and monitor pollution and litter.
- ii. This Ordinance deals most closely with the LWRP policies relating to public access, recreation and the protection of fish and wildlife. More specifically, Policies 19, 20 and 21, dealing with the protection, maintenance and expansion of recreation resources and the levels and types of access to them, and Policies 7, 8 and 9, concerning the protection of fish and wildlife resources from the introduction of hazardous wastes and other pollutants, and the expansion of recreational usage of fish and wildlife resources, respectively, are addressed by this Ordinance.

h. Riverfront Green – Chapter 449

- i. This Ordinance regulates the use of the City of Peekskill Riverfront Green. It outlines prohibited activities; penalties for offences; permit requirements and restrictions; and use requirements.
- ii. This Ordinance relates most directly to those policies concerning recreation and public access, especially Policy 19, protecting, maintaining and increasing the levels and types of access to public water-related recreation resources and facilities; Policy 20, providing access to the publicly owned foreshore; and Policy 21, encouraging and facilitating water-dependent and water-enhanced recreation.

i. Sewers – Chapter 462

- i. This Ordinance provides for the proper design, construction, maintenance, operation, use and regulation of all main sewers, house connection sewers, trunk sewers, sewer connections, interceptors and related special structures.
- ii. The Sanitary Sewer Code relates most closely with the policies concerning protection and conservation of water resources, more specifically Policies 30, 33, 38, 39 and 40, as well as Policy 8, which deals with the protection of fish and wildlife resources from hazardous wastes and other pollutants.

City of Peekskill Local Waterfront Revitalization Program

j. Soil Removal and Excavations – Chapter 480

- i. This Ordinance provides for the proper use of land and regulations and/or prohibits excavation, removal of materials, filling, draining, clearing, operating and using any land in a manner which: creates hazardous or dangerous conditions; creates or leaves unprotected banks or ledges of exposed earth; permits or creates conditions which cause the collection of water; impairs the usefulness or value of the subject property or any surrounding properties; causes soil erosion which depletes the land of vegetative cover and other organic materials; results in the washing of soil, erosion or the interference of normal drainage; and/or interferes with or overloads any existing or planned drainage facilities of the City.
- ii. This Ordinance relates most closely with LWRP Policy 12, on protection of natural features, and Policy 15, on excavation in coastal waters. Both policies concern protection against or minimizing potential erosion and flood hazards.

k. Solid Waste Disposal Ordinance – Chapter 485

- i. The purpose of this Ordinance is to provide for the disposal of all solid waste in compliance with Federal and State standards, and for the control of air, water and ground pollution through participation in the Plan for Solid Waste Management in Westchester County, New York.
- ii. This Ordinance is most applicable to fish and wildlife protection Policies 7 and 8; Policy 25, the protection of natural and man-made resources; Policy 30, which ensures that municipal, industrial and commercial discharge of pollutants into coastal waters conform to State and Federal water quality standards; Policy 34, the limitation of waste material discharge from vessels into coastal waters; Policy 36, concerning the shipment of petroleum and other hazardous materials; Policy 38, the conservation and protection of surface water and groundwater supplies; and Policy 39, concerning the transport, storage, treatment and disposal of solid wastes.

l. Steep Slope Protection – Chapter 488

- i. This Ordinance is intended to regulate, preserve, protect and conserve steep slope areas, so as to maintain and protect the natural terrain and its vegetative features; preserve wetlands, water bodies and watercourses; prevent flooding; protect important scenic views and vistas; preserve areas of wildlife habitat; provide safe building sites; and protect the subject property and the adjoining property by preventing erosion, creep and sudden slope failure.

City of Peekskill Local Waterfront Revitalization Program

- ii. This Ordinance is most applicable to flood and erosion hazards Policies 12, on protection of natural features; 14, preventing increases in flooding; 15, control of alteration of coastal waters; and 17, use of non-structural measures to minimize damage from flooding. The Ordinance also relates to fish and wildlife Policy 7, on protection of fish and wildlife habitats; historic and scenic resource Policy 25, on protection of natural and man-made resources which contribute to scenic quality; water and air resources Policy 33, on control of stormwater runoff; and wetlands Policy 44, on protection of freshwater wetlands.
- m. Stormwater – Chapter 491
 - i. This Ordinance regulates non-stormwater discharges into the storm drainage system, by establishing methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) and the New York State Pollutant Discharge Elimination System (SPDES) permit processes.
 - ii. The Ordinance most directly relates to water and air resources Policy 33, on control of stormwater runoff and combined sewer overflows; and fish and wildlife Policy 8, on protection of fish and wildlife resources from hazardous waste and other pollutants.
- n. Stormwater Management and Erosion and Sediment Control – Chapter 492
 - i. This Chapter establishes minimum stormwater management requirements and controls to meet the requirements of the SPDES permit process; minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature and stream bank erosion and to maintain the integrity of stream channels; minimize increases in pollution caused by stormwater runoff; minimize the total annual volume of stormwater runoff; and reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution.
 - ii. The Chapter is most applicable to water and air resources Policies 33 and 37, on the control of stormwater runoff and combined sewer overflows and minimizing the discharge of excess nutrients, organics and eroded soils into coastal waters, respectively; as well as fish and wildlife Policy 8, on protection of fish and wildlife resources from hazardous waste and other pollutants. The Chapter also helps to implement Policies 18 and 25, safeguarding vital economic, social and environmental interests and protecting natural and man-made resources.

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o. Streams and Watercourses – Chapter 497

- i. This Ordinance regulates and provides for the protection of streams and watercourses within the City of Peekskill by requiring that any person, firm or corporation obtain a permit from the Common Council before filling or diverting any streams or watercourses, except where authorized by a State or Federal agency. The Ordinance gives the Common Council the authority to deny, at its discretion, any permit if it determines that a proposed filling or diversion is detrimental to local drainage or to the general welfare of the City.
- ii. This Ordinance deals with a number of LWRP policies. The policies most closely associated with this Ordinance are: Policy 15, mining, excavation or dredging in coastal waters as they relate to natural, coastal processes and erosion; Policy 35, dealing with dredging and dredge spoil disposal and the protection of natural and man-made resources; Policy 37, dealing with minimizing the discharge of excess nutrients, organics and eroded soils into coastal waters; and Policy 44, the protection of wetlands. The Ordinance also helps to implement Policies 18 and 25, safeguarding vital economic, social and environmental interests and protecting natural and man-made resources.

p. Subdivision of Land – Chapter 510

- i. This Ordinance ensures the orderly growth and development of the City; the conservation, protection and proper use of land; the provision of adequate housing, recreation, circulation, utility and service facilities; and safeguards the City from unnecessary expenditures for the maintenance of streets, utilities and public space by regulating the layout, design and development of subdivisions.
- ii. This Ordinance relates most directly to the development and redevelopment policies and policies concerning development in areas where the infrastructure is adequate, i.e., Policies 1, 2 and 5 of the LWRP.

q. Zoning Ordinance – Chapter 575

- i. The City of Peekskill's Zoning Ordinance regulates how land can be used, and at what intensity and under what conditions development can occur. This Ordinance deals most closely with Policies 1 and 2 that relate to development and redevelopment activities in the waterfront area.

2. New or Revised City Laws and Regulations

a. Revisions to the Zoning Ordinance

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Revisions to the Zoning Ordinance (Chapter 575 of the City Code) with regard to the LWRP include the updating of the Ordinance section describing the LWRP; creation of a new M-2B Design Industrial District to facilitate desired redevelopment of a portion of the Southern Planning Area; revisions to the regulations for the WF-2 Waterfront District to allow for greater height in certain areas; and creation of a new WF-3 Waterfront District to allow greater height than permitted in the WF-2 District. In addition, revisions are proposed to the Waterfront District Design Guidelines (575 Attachment 2) to facilitate development that is in keeping with the existing historic maritime setting of the Peekskill waterfront area. See Appendix A.

i. Local Waterfront Revitalization Program Provisions

Revised language for § 575-19 of the City Code is proposed to incorporate the date of adoption of this LWRP.

ii. New M2-B District

A new zoning district is proposed for a portion of the Southern Planning Area that is currently zoned M2-A Design Industrial District, and includes the 13-acre City-owned parcel southeast of the intersection of Lower South Street and Louisa Street, as well as privately owned parcels west of Lower South Street and east of the Metro-North tracks. The objective of the new zoning district is to encourage destination retail, restaurant and entertainment uses that would benefit Peekskill residents while also drawing visitors from outside the City. The M2-B zone would also permit the existing light industrial warehouse and distribution and office uses, so that current business do not become non-conforming.

In addition to all uses allows in the M2-A District, the M2-B District permits a range of the above uses that are currently allowed in the C-3 (General Commercial) District, including:

- restaurants (not drive-through);
- retail stores (not to exceed 100,000 square feet);
- business, professional or governmental offices and schools;
- personal services;
- dance studios, martial arts studios, health clubs gyms and similar indoor recreational uses used solely for commercial purposes;
- museums, artist studios, art galleries, theaters and auditoriums; and
- amusement centers and children's amusement centers.

In addition, all special permit uses currently allows in the M2-A District are also allowed by special permit in the M2-B District, as well as day-care centers and school-aged child-care, restaurants with a designed seating capacity of 200 or

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more patrons and restaurants having accessory outdoor dining. Accessory uses in the M2-B District are the same as those in the M2-A District. It is important to note that there are no uses proposed in the M2-B District that are not presently allowed in Peekskill.

All lot and building requirements for the proposed M2-B District are the same as those in the M2-A District, as are the provisions for location of accessory buildings on lots. Parking and loading requirements are generally the same as in the primary zoning district where they are presently allowed (in most cases, C-1 Shopping Center, C-3 General Commercial). An exception is amusement centers; the parking requirement for this use is based on the requirement in the M-1 Light Industrial District, but simplified to derive from the combination of square footage in enclosed structures and designed patron capacity of outdoor facilities, rather than from the sum of individual use requirements for all uses contained in the amusement center. The primary reason for this is that each use within an amusement center would not require a separate parking provision, given that each patron can be expected to partake in many of the uses or activities within an amusement center during the course of one visit.

The Design Guidelines for the M2-A District will also control development in the M2-B District, and the guidelines will be revised to reference the M2-B District (see Appendix A).

iii. Waterfront District Revisions

Revisions are proposed to the current WF-2 Waterfront District to increase the overall allowable height to four stories, or 45 feet, from the current three stories, or 38 feet. In addition, the existing bonus height provision is proposed to be increased to five stories, or 55 feet, in height throughout the WF-2 District, and to six stories, or 65 feet, in height on the south side of Central Avenue. This proposed bonus height may be granted by the Common Council to developments that provide payment into an infrastructure fund to be used for municipal improvements including parking facilities, water and sewer, stormwater management or flood control; or that involve building construction certified by industry-accepted green building standards. The existing bonus height provision requiring ground-level retail is removed; however, a provision is added that dwelling units located in a flood hazard must comply with the City's flood damage prevention regulations, which would generally discourage ground-level residential uses.

In addition to the revisions on height, changes to some permitted uses in the WF-2 zone are proposed, either to streamline and clean up the current list of uses (e.g., dry-cleaning stores to be incorporated in personal services rather than listed

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separately) or to add uses that are compatible with the WF-2 District (e.g., health clubs and gyms; farmer's markets; cultural arts facilities, performing arts centers and theaters; and educational facilities).

Also, a new WF-3 District is proposed, to allow building heights of up to six stories, or 65 feet, with a potential bonus height of up to eight stories, or 85 feet, under the same requirements as in the WF-2 District. All other provisions of the new district would be the same as the WF-2 District. The new WF-3 District would be mapped on the former industrial building parcel on the northernmost portion of North Water Street and the City's Department of Public Works (DPW) parcel on Louisa Street.

Finally, revisions to parking requirements are proposed for all waterfront districts, as follows:

- Addition of standards for uses that have been added to the WF-2 District and incorporated in the new WF-3 District (e.g. theaters and auditoriums, educational facilities);
- Addition of clarifying standards (e.g. addition of doctor's and dentist's offices as differentiated from other offices, addition of separate requirement for studio apartments; and
- Addition of the ability for the Planning Commission to waive a portion of the parking requirements within a quarter-mile of the train station.

iv. Waterfront Design Guidelines

The Waterfront District Design Guidelines (§ 575 Attachment 2) will be revised to reflect the historic industrial and maritime character of the area, as well as to promote a pedestrian-scaled development pattern that is consistent both with Peekskill's waterfront and with the area's proximity to a train station. Generally, revisions to the guidelines are focused on the WF-2 subarea, and include:

- For residential buildings in the WF-2 subarea:
 - A preference for flat roofs, as consistent with existing buildings such as the Standard House and the Peekskill Brewery. The existing design guidelines required pitched roofs with dormers.
 - A provision that building entries on the front façade should face a public space, including streets, squares, parks or plazas, but not parking lots. Amenities such as squares, parks or plazas should be landscaped to prevent empty "dead" space in front of the building.

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- Stone, masonry and stucco are added as acceptable exterior building materials (in addition to brick and clapboard).
- Provision that service bay opening should not face onto the street (in addition to the prohibition of street-facing garage doors).
- For non-residential buildings in the WF-2 subarea:
 - Provision that building footprints and form should reflect the maritime industrial character of existing buildings in the area. The existing design guidelines required that building footprints reflect a “village-like” character.
 - Provision that building entries on the front façade should face a public space, including streets, squares, parks or plazas, but not parking lots. Amenities such as squares, parks or plazas should be landscaped to prevent empty “dead” space in front of the building.
 - Provision that ground-level retail, service and trade uses fronting a public space should have clear glass on at least 60% of their facades between 3 feet and 8 feet above grade, and that windows should be kept visible and unshuttered at night, with any security bars allowing for a view of interior spaces.
 - Limitation of blank walls without doors to no more than 40% of the façade that abuts a sidewalk (or 50 feet, whichever is less) and provision for landscaping, murals, articulation of the wall plane and street furniture, to break up blank walls.
 - Addition of stucco as a permitted exterior building materials (in addition to stone, brick, masonry or clapboard).
 - Limitation of the amount (no more than 20%) of street frontages that should be faced directly by garages, service bay openings or surface parking lots.
 - Provision that parking structures should be accompanied by architectural and/or landscaping elements that enhance the structure and break up its mass, as well as design that blocks the visibility of vehicle headlights from outside the structure. In addition, the street-facing ground-floor level of the parking structure should be wrapped with retail, personal-service or similar use that promotes pedestrian activity.

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- For the WF-PRD subarea:
 - Provision that the amount of street frontages that is devoted to garages or service bays should be limited.
 - Provision that parking structures should be accompanied by architectural and/or landscaping elements that enhance the structure and break up its mass, as well as design that blocks the visibility of vehicle headlights from outside the structure.

b. Revisions to Chapter 365 (Local Waterfront Revitalization Program)

§ 365-6 of Chapter 365 lists each of the policies within Peekskill's previous LWRP. This section is proposed to be deleted and replaced with the policies contained within this LWRP. In addition, to reduce confusion, the new list contained in § 365-6 will not include policies that are not applicable to Peekskill. See Appendix B.

B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

1. Relocation of the City DPW yard in order to make the parcel at the northwest corner of Louisa and Lower South Streets available for redevelopment.
2. Reconstruction of Lower South Street

A combined public and private effort is needed to complete roadway and streetscape improvements of this street from Louisa Street to the intersection with 9A. Activities may include the reconstruction and realignment of the roadway, installation of sidewalks, upgrades to subsurface water and sewer utilities, improved lighting and planting of street trees. These efforts should be coordinated with future development associated with the new M2-B District, and may be funded in part by new development.

3. Completion of Southern Waterfront Trailway

The City of Peekskill will complete construction planning and development of the Southern Waterfront Trailway from Charles Point Park south to Lents Cove, as per the 2009 Waterfront Master Plan.

4. Improvements to Charles Point Marina

The City will coordinate with the lessee of the Charles Point Marina property on potential improvements to the marina and building, as well as in-water improvements, necessary to

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facilitate a successful use of the property. Such improvements may include dredging of the channel entrance to the marina and dock area and repairs to the protective breakwater.

5. Fleischmann Pier Upgrades

A design and engineering analysis is necessary to determine the need for structural repairs and the future use of the pier, which is in substantial disrepair. The City has received a grant of \$175,000 for the study.

Upon completion of the study, the City will seek additional funding to implement its recommendations and conduct necessary improvements to the Pier.

6. Development on Travis Point

The City will facilitate potential development of the vacant City-owned property south of the Peekskill Yacht Club, to a permitted use such as a hotel, or special permit use such as a restaurant or maritime center. Such development will need to be coordinated with the Yacht Club.

7. Metro-North Pedestrian Crossing

The City will seek funding to construct a pedestrian overpass at the intersection of Main Street and North Water Street, as consistent with prior plans.

8. Improved Pedestrian Connection between the Waterfront and Downtown

A combined public and private effort is needed to improve the connection along Central Avenue between the Central Business District and the waterfront. Activities may include installing additional lighting, providing wayfinding signage and public art, sidewalk repairs, striping of on-street parking spaces; and exploring amenities such as a trolley service, marked bicycle route and informational kiosk at the train station.

9. Public Access to McGregory Brook

The City will undertake improvements to its property along McGregory Brook, and will seek easements for additional access from privately owned property, to increase public access to the brook.

10. Surface Parking Under Route 9

The City will seek funding for surface improvements and paving to reuse the parcel at the intersection of Central Avenue and South Water Street underneath the Route 9 overpass for surface parking. This activity will require coordination with the New York State Department of Transportation.

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11. Parking Structure on Railroad Avenue

The City will seek funding for construction of a four-story parking garage with landscaped rooftop parking and retail frontage on Railroad Avenue.

12. South Water Street Infrastructure Improvements

The City will undertake a widening of South Water Street south of Homestyle Desserts to West Street, to provide parallel on-street parking for shoppers. This improvement could be completed in conjunction with new development on the existing surface parking lot on the west side of South Water Street, with costs shared or covered by private developers.

13. Riverfront Green Upgrades

The City will seek funding to construct the missing section of trail along the shoreline from the municipal dock to Peekskill Landing. Other improvements to Riverfront Green include shoreline stabilization and erosion repair; exploration of the need for dredging near the floating dock; potential boat rental; and exploration of an additional beach and swimming area.

14. Improvements to the Northernmost Portion of North Water Street

In conjunction with any future development at the former industrial building site, the City will consider the potential realignment of the northernmost portion of North Water Street to facilitate a larger development site and increase the setback of the development from the Metro-North tracks. This effort could be funded in part by the future developer, and should be coordinated with Metro-North.

15. Lease and Reuse of Peekskill Train Station

The MTA will seek a lessee of the train station building for reuse as a restaurant or similar appropriate use.

16. Development of 9 Corporate Drive

The City will facilitate redevelopment of its site by a private developer, and will also secure access easements along Annsville Creek at the site, to continue the shoreline trail.

17. St. Mary's Redevelopment

A private developer has proposed a redevelopment of the former convent site, including the transfer of the unused acres of open space to be combined with Fort Hill Park. The City will continue to facilitate this effort through its land-use boards.

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18. Master Plan for Fort Hill Park

This study is necessary to determine the appropriate upgrades to improve the park's functionality, enhance the visitor experience, create a cultural heritage attraction and incorporate additional acreage from the St. Mary's redevelopment. Potential activities include expansion of trails, restoration of the Revolutionary War-era sites and plans for ongoing maintenance.

19. Annsville Creek Trail Completion

The City will work with the Town of Cortlandt to extend the trail from the Route 9/Jan Peek Bridge to the Paddlesport Center in Cortlandt, and will seek funding to complete the trail along Corporate Drive to Highland Avenue via access easements secured from property owners. The City will also initiate discussions with Westchester County on the feasibility of securing an easement from the County to extend the trail along the eastern edge inland of the Sewage Treatment Plant. If such easement is granted and this portion of the trail is completed, the City will seek funding to restore the section of the trail extending from the Jan Peek Bridge to the southern edge of the Sewage Treatment Plant.

C. MANAGEMENT STRUCTURES NECESSARY TO IMPLEMENT THE LWRP

1. Lead Agency and Responsible Local Official

The Lead Agency for the management and implementation of the LWRP will be the City's Common Council. The local official responsible for the overall management and coordination of the LWRP will be the Director of Planning and Development.

The Peekskill Department of Planning and Development (DPD) will be responsible for carrying out the plans, provisions and policies outlined in the LWRP document. Long-range planning and consistency review will be the major activities.

2. Specific Responsibilities for Implementation and Management

All City departments, offices and agencies will retain their present responsibilities for programs, projects and regulation. Public and private proposals will be reviewed and approved or denied by the agency with jurisdiction over the action, e.g., the Common Council for zoning changes and some special permits; the Planning Commission for site plan, subdivision and some special permits; and the Zoning Board of Appeals for use and area variances.

The Director of Planning and Development will also recommended legislation, facilitate funding efforts and coordinate the City's implementation efforts within the waterfront area.

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The Common Council has the authority to approve and fund, or secure funding for, specific improvements necessary to implement the LWRP.

3. Procedures to Assure that Local Actions Comply with the LWRP (see Chapter 365 of the City Code)

Any agency, group or individual proposed a “Type 1” or “Unlisted” action as defined by the State Environmental Quality Review Act (SEQRA) will be required to complete a Coastal Assessment Form (CAF) in addition to an Environmental Assessment Form (EAF) and all other application documents as may be required by the DPD. Staff of the DPD will review the CAF in light of the policies and sub-policies outlined in the LWRP. Actions that are deemed to be consistent with the LWRP will be recommended to the Planning Commission and/or Common Council or other responsible agency for approval, and those that are inconsistent will be so indicated and recommended for disapproval unless:

- a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- b. The action will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
- c. The action will result in an overriding public benefit.

The CAF will be distributed to all agencies and made part of or attached to regular applications for projects within the City.

Once the LWRP is adopted, each agency of the City, including the Common Council, will have a copy and will be instructed to refer all development, regulatory, review or investment actions to the staff of the DPD for review and comment.

Staff from the DPD will review any proposed actions for consistency with the LWRP and will respond within 30 days of receiving the request.

4. Procedures for Department of state and City of Peekskill Review of Federal Actions for Consistency with the LWRP

a. Permits and Licenses

- i. The DOS will acknowledge the receipt of an applicant’s consistency certification and application materials, and at that time forward a copy of the submitted documentation to the City of Peekskill DPD.
- ii. Within 30 days of receiving such information, the DPD will contact the assigned DOS reviewer to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.

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- iii. When the DOS and the DPD agree that additional information is necessary, the DOS will request the applicant to provide the information. A copy of this information will be provided to the DPD upon receipt.
- iv. Within 30 days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the DPD will notify DOS of the reasons why a proposed action may be consistent or inconsistent with City coastal policies.
- v. After that notification, the DPD will submit its written comments on a proposed permit action to the DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the DPD has no opinion on the consistency of the proposed action with City coastal policies.
- vi. If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the DPD on a proposed permit action, DOS will contact the DPD to discuss any differences of opinion prior to issuing its letter of “concurrence” or “objection” to the applicant.
- vii. A copy of the DOS “concurrence” or “objection” letter to the applicant will be forwarded to the DPD.

b. Direct Actions

- i. After acknowledging receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the DPD and other interested parties.
- ii. This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- iii. The review period will be about 25 days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the DPD has no opinion on the consistency of the proposed direct Federal agency action with City coastal policies.
- iv. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the DPD, DOS will contact the Department to discuss any differences of opinion or questions prior to agreeing or disagreeing

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with the Federal agency's consistency determination on the proposed direct action.

- v. A copy of the DOS "agreement" or "disagreement" letter to the Federal agency will be forwarded to the DPD.

c. Financial Assistance

- i. DOS will request information on a proposed financial assistance action from the applicant (State or City agency) for consistency review purposes. A copy of this letter will be forwarded to the DPD and will serve as notification that the proposed action may be subject to review.
- ii. If the applicant is a City agency, the DPD will contact the agency and request copies of any application documentation for consistency review purposes.
- iii. The DPD will acknowledge receipt of the requested information and send a copy to the DOS.
- iv. If the applicant is a State agency, the DOS will request the agency to provide a copy of the application documentation to the DPD.
- v. The DOS will acknowledge receipt of the requested information and provide a copy of this acknowledgement to the DPD.
- vi. The review period will conclude 30 days after the date on the DPD's or the DOS's letter of acknowledgement.
- vii. The DPD must submit its comments and recommendations on the proposed action to DOS within 20 days from the start of the review period. If comments and recommendations are not received within that 20-day period, DOS will presume that the DPD has no opinion on the consistency of the proposed financial assistance action with local coastal policies.
- viii. If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the DPD, the DOS will contact the DPD to discuss any differences of opinion prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed financial assistance.
- ix. A copy of the DOS "no objection" or "objection" letter to the applicant will be forwarded to the DPD.

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d. Guidelines for Notification and Review of State Agency Actions where LWRP Programs Are in Effect

i. Purpose of Guidelines

1. 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.
2. 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.
3. 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

1. Action means:
 - a. A Type 1 or Unlisted action as defined by SEQRA;
 - b. Occurring within the boundaries of an approved LWRP; and
 - c. 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.
2. 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:

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- a. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 - b. That will minimize all adverse effects on the policies or purpose of the LWRP to the maximum extent practicable; and
 - c. That will result in an overriding regional or statewide public benefit.
 3. 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
1. When a State agency is considering an action as described in (ii) above, the State agency shall notify the affected local government.
 2. Notification of a proposed action by a State agency:
 - a. Shall fully describe the nature and location of the action;
 - b. 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;
 - c. 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.
 - d. 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.

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iv. Local Government Review Procedure

1. 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.
2. 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.
3. 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.
4. 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 (v) below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

v. Resolution of Conflicts

1. 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.
 - a. 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

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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.

- b. If the discussion between the local government and the State agency results in the resolution of the identified conflicts, then, within 7 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 Part 600.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

Section VI State and Federal Actions

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State and federal actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (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.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

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

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

1 STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Grants from the Environmental Protection Fund

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

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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)

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- 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

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.

EMPIRE STATE DEVELOPMENT/ 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.

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-Re-packer of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

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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 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 7.00 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.
- 8.00 Marine Finfish and Shellfish Programs.
- 9.00 New York Harbor Drift Removal Project.
- 10.00 Permit and approval programs:
 - Air Resources
 - 10.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
 - 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
 - 10.04 Permit for Burial of Radioactive Material
 - 10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
 - 10.06 Permit for Restricted Burning
 - 10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
 - Construction Management
 - 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
 - Fish and Wildlife
 - 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
 - 10.10 Commercial Inland Fisheries Licenses
 - 10.11 Fishing Preserve License
 - 10.12 Fur Breeder's License

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- 10.13 Game Dealer's License
- 10.14 Licenses to Breed Domestic Game Animals
- 10.15 License to Possess and Sell Live Game
- 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11- 0511)
- 10.17 Permit to Raise and Sell Trout
- 10.18 Private Bass Hatchery Permit
- 10.19 Shooting Preserve Licenses
- 10.20 Taxidermy License
- 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 10.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 10.28 Floating Object Permit
- 10.29 Marine Regatta Permit
- 10.30 Navigation Aid Permit

Marine Resources

- 10.31 Digger's Permit (Shellfish)
- 10.32 License of Menhaden Fishing Vessel
- 10.33 License for Non-Resident Food Fishing Vessel
- 10.34 Non-Resident Lobster Permit
- 10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 10.36 Permits to Take Blue-Claw Crabs
- 10.37 Permit to Use Pond or Trap Net
- 10.38 Resident Commercial Lobster Permit
- 10.39 Shellfish Bed Permit
- 10.40 Shellfish Shipper's Permits
- 10.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 10.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 10.43 Mining Permit
- 10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 10.45 Underground Storage Permit (Gas)
- 10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 10.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 10.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 10.49 Approval of Plans for Wastewater Disposal Systems
- 10.50 Certificate of Approval of Realty Subdivision Plans
- 10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

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- 10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 10.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 10.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 10.56 Approval - Drainage Improvement District
- 10.57 Approval - Water (Diversions for) Power
- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification
- 11.00 Preparation and revision of Air Pollution State Implementation Plan.
- 12.00 Preparation and revision of Continuous Executive Program Plan.
- 13.00 Preparation and revision of Statewide Environmental Plan.
- 14.00 Protection of Natural and Man-made Beauty Program.
- 15.00 Urban Fisheries Program.
- 16.00 Urban Forestry Program.
- 17.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 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.

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

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DEPARTMENT OF HEALTH

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

DIVISION OF HOMES 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

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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 FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit

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- 7.02 Marine Regatta Permit
- 7.03 Navigation Aide Permit
- 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

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.
 - 2.01 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DEPARTMENT OF TRANSPORTATION

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

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- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
 - 3.06 Financial assistance to local governments for transportation enhancement activities.
- 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 subarea 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

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- (f) Administration of special projects.
- 3.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2 FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

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3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Federal Aviation Administration

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

Federal Highway Administration

3.00 Highway construction.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

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

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

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

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

5.00 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 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 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

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- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Bureau of Ocean Energy Management Regulation and Enforcement

- 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

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

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.

City of Peekskill Local Waterfront Revitalization Program

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 Inter-modal Transportation
11.509 Development and Promotion of Domestic Waterborne Transport Systems

COMMUNITY SERVICES ADMINISTRATION

49.002 Community Action

City of Peekskill Local Waterfront Revitalization Program

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
15.951 Water Resources Research and Technology - Assistance to State Institutes
15.952 Water Research and Technology - Matching Funds to State Institutes

SMALL BUSINESS ADMINISTRATION

59.012 Small Business Loans

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59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans

59.025 Air Pollution Control Loans

59.031 Small Business Pollution Control Financing Guarantee

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program

20.103 Airport Planning Grant Program

20.205 Highway Research, Planning, and Construction

20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations

20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares

20.506 Urban Mass Transportation Demonstration Grants

20.509 Public Transportation for Rural and Small Urban Areas

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

City of Peekskill Local Waterfront Revitalization Program

B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP

1 Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

Permitting for Riverfront Green shoreline stabilization and erosion control measures, potential dredging near the Riverfront Green floating dock and at Charles Point Marina and completion of the Southern Waterfront Trailway.

b. Department of the Interior, National Park Service

Provision of funding under the Land and Water Conservation Fund Program.

c. Department of Housing and Urban Development

Community Development Block Grants (CDBG) funding for future capital projects.

2 State Actions and Programs

a. Office of General Services

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

b. Department of Environmental Conservation

Permits for bulkheads or other erosion control measures needed along the Hudson River waterfront.

Upgrades to Riverfront Green, including construction of the missing section of trail along the shoreline from the City's floating dock to Peekskill Landing and addition of a beach and swimming area; improvements to the Charles Point Marina shoreline area; completion of the Southern Waterfront Trailway; and potential improvements to Fleischmann Pier.

c. Department of Commerce

Any action or provision of funds for the development or promotion of tourism-related activities or development.

d. Office of Parks, Recreation and Historic Preservation

Planning, construction, rehabilitation or expansion of recreational facilities or the provision for funding for such facilities as Riverfront Green and Annsville Preserve Park.

Provision of funding for public recreation facilities and public access improvements from the Land and Water Conservation Fund.

e. Department of State

City of Peekskill Local Waterfront Revitalization Program

Provision of funding for the implementation of the Local Waterfront Revitalization Program.

f. Department of Transportation

Coordination of design and construction of a surface parking lot under Route 9 at the Central Avenue/South Water Street intersection.

3 Regional Authorities

a. Metropolitan Transportation Authority

Lease the Peekskill Train Station building to a restaurant or other appropriate use

Coordination on design and construction of pedestrian bridge over the Metro-North tracks at the Main Street/North Water Street intersection.

Section VII Consultation with other Affected Federal, State, Regional and Local Agencies

City of Peekskill Local Waterfront Revitalization Program

City of Peekskill Local Waterfront Revitalization Program

A. Federal Consultation

No direct Federal consultation has taken place at this time.

B. State Consultation

The Department of State, Office of Planning & Development, was consulted for clarification on structure of the LWRP document.

C. Regional Consultation

No direct Regional consultation has taken place at this time.

D. Local Consultation

Local consultation has consisted of meetings with the Waterfront Advisory Committee (see Section VIII), a task force charged with updating Peekskill's 2004 LWRP. The seven-member committee is authorized to review and make recommendations regarding the content of the LWRP document. City of Peekskill staff, including the Director of Planning and Development, the Director of Public Works and the Water & Sewer Superintendent, were also consulted. The Common Council was briefed several times during the development of the LWRP.

In addition, two public workshops were held as part of the LWRP update. A workshop on March 30, 2015, provided an overview of the LWRP program and update process and a summary of existing conditions, and sought input on the community's overall vision for Peekskill's waterfront area. A second workshop was held June 16, 2015, to seek feedback on proposed LWRP projects. Also, during the public review process, a public hearing was held on October 26, 2015, to review the draft LWRP.

City of Peekskill Local Waterfront Revitalization Program

Section VIII Local Commitment

City of Peekskill Local Waterfront Revitalization Program

City of Peekskill Local Waterfront Revitalization Program

A. 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. The Waterfront Advisory Committee (WAC) held two public workshops (see Appendix D for workshop summaries) and a public hearing on the Draft LWRP, and the Draft LWRP was made available on the City's website.

B. LWRP Process

The City of Peekskill received a grant from the DOS, Environmental Protection Fund, to prepare an update to its 2004 LWRP. In 2015, the City appointed a Waterfront Advisory Committee (WAC) to guide the update process, consisting of representatives of the Planning Commission, Zoning Board of Appeals, Conservation Advisory Council and Parks Advisory Board, as well as owners of businesses within the LWRP area.

The WAC met regularly throughout the LWRP update process, on January 29, March 4, April 8, May 19, June 23 and August 18, 2015. The City also hosted two public workshops and a public hearing to solicit community feedback and present the Draft LWRP.

In addition, the Common Council was briefed during the LWRP process to discuss potential waterfront projects and the overall update.

This LWRP update has been prepared by the City's planning consultant, BFJ Planning, with assistance from McLaren Engineering, PACO Group and Urbanomics, and technical assistance from the WAC and City staff.