

## **Appendix B: Revisions to Chapter 365 (Local Waterfront Revitalization Program)**

## Chapter 365. Local Waterfront Revitalization Program

§ 365-6 (Policy standards and conditions) is deleted and replaced with the following:

### § 365-6. Policy standards and conditions.

A.

Actions to be undertaken shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which is on file in the City Clerk's office and available for inspection during normal business hours. In the case of direct actions, the responsible board shall also consult with Section III of the LWRP in making its consistency determination. The action shall be consistent with the following policies ~~(policies not listed herein are not applicable to the City of Peekskill):~~:

(1)

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

(2)

Policy 1a: Promote a physical, economic and cultural link along Central Avenue between the Central Business District (CBD) ~~[Business Improvement District (BID)]~~ 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.

(3)

Policy 1b: Promote the continued redevelopment of the ~~Charles Point~~ portion of the southern planning area with a mix of destination retail, commercial, office, and light industrial and entertainment uses, and where feasible, with water-dependent and water-enhanced uses for parcels abutting the Hudson River.

(4)

Policy 1c: Encourage redevelopment and building renovations of the St. Mary's property ~~and St. Joseph's property~~ for residential and other complementary related uses and support in fill and conversion of existing buildings in residential neighborhoods.

(5)

Policy 1d: Facilitate mixed-use development in the central planning area that promotes economic development while preserving the waterfront district's character.

(6)

Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

(7)

Policy 2a: Water-dependent uses will be encouraged on parcels abutting the Hudson River ~~water-abutting parcels, Industrial Park and in the Central Planning Area in the vicinity of Riverfront Green, particularly on the following sites, Resource Recovery Plant at Charles Point, Pier at Riverfront Green, Peekskill Yacht Club, and the former Hudson Valley Yacht Club site. The location of water-enhanced or non-water dependent uses on 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.~~

(7)

~~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 waterborne transportation of cargo and people.~~

(8)

~~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.~~

(8)

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.

(9)

Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

(10)

Policy 7: Significant coastal fish and wildlife habitats, as identified on the Coastal Area Map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

(11)

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.

(12)

Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which ~~bio~~Accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

(13)

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.

(14)

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.

(15)

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.

(16)

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.

(17)

Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs,

(18)

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.

(19)

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.

(20)

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.

(2122)

Policy 17: Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such nonstructural measures shall include: (I) the set back 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.

(22)

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.

(23)

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.

(2425)

Policy 19a: Improve pedestrian (waterfront walkways) and vehicular access to Riverfront Green, and the Travis Point area Peekskill Yacht Club 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.

(2526)

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.

(27)

~~Policy 19c: Due to its topography, which provides sweeping and unique views of Peekskill Bay and the Hudson Highlands, public access across the St. Joseph's landform would be a desirable extension of the City's Greenway Trail System.~~

(2628)

Policy 19cd: 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.

(2729)

Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership, but licensing for water-dependent uses shall be permitted.

(28)

Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing transportation services and to those areas where the use of the shore is severely restricted by existing development.

(2934)

Policy 22: Development, when located adjacent to the shore, will provide for water-related recreation, ~~as a multiple use~~, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

(30)

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.

(31)

Policy 24: Prevent impairment of scenic resources of statewide significance, as identified on the Coastal Area Map. Impairment shall include: the irreversible modification of geologic forms, vegetation, or structures, whenever they are significant to the scenic quality of an identified resource; and the addition of structures that because of siting or scale will significantly reduce identified views or which because of scale, form, or materials, will significantly diminish the scenic quality of an identified resource, such as the Hudson Highlands Scenic Area of Statewide Significance.

(32)

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.

(33)

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 storefront location.

(35)

~~Policy 26: To conserve and protect agricultural lands in the state's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the Coastal Area Map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or if there is no agricultural district, in the area surrounding such lands.~~

(3437)

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 preexisting facilities such as Indian Point Nuclear Power Plant located in the Village of Buchanan; and the Bowline Plant located in the Town of Haverstraw; ~~and the Lovett Plant located in the Town of Stony Point~~.

(35)

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.

(36)

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.

(37)

Policy 31: State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

(38)

Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

(39)

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.

(40)

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.

(41)

Policy 35: Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands.

(42)

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.

(43)

Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

(44)

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.

(45)

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.

(46)

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.

(47)

Policy 41: Land use or development in the coastal area will not cause national or State air quality standards to be violated.

(48)

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.

(49)

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.

(50)

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

(39)

~~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.~~

(42)

~~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.~~