

# Village of Piermont

Local Waterfront Revitalization Program



**June 5, 2018**

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## Village of Piermont

Local Waterfront Revitalization Program

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by New York State Department of State for comment.

Prepared for  
Village of Piermont, New York

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## Preface

The Village of Piermont and its residents are intricately bound to the Hudson – born and privileged by its presence, benefiting from its beauty and bounty, but always mindful of its demeanor and at the mercy of its temperament. We enjoy the river at its best - wondrous, tranquil and benevolent - and have also borne its fury, overwhelming its banks and inundating the Village during nor'easters and tropical storms. As Piermonters, the river is in our blood and we have learned to adapt to its many moods. This document reflects the work of Village residents – volunteers and municipal leaders – to establish strategies to continue to thrive along our waterfront throughout the next 25 years and beyond.

In the past 40 years, the Village of Piermont has weathered enormous changes that have impacted its waterfront and subsequently the Village's character. The Pier was once the site of a major industrial use, a paperboard and corrugated box manufacturer that was a central focus of the Village economy. Piermont

experienced the closing of the mill in the late 1970's and the reclamation of the site throughout the 1980's as the Village's economy slowly evolved. In 1992, the Village completed its Local Waterfront Revitalization Program (LWRP) in part to address the challenges presented by the geographic and economic replacement of heavy industry with a mixed residential and commercial business use on the Pier. The original LWRP was instrumental in guiding the successful redevelopment of this site, integrating the new development into the Village and establishing a Pier park whose beauty is unparalleled in the greater Hudson River Valley.

Since the adoption of the LWRP over 25 years ago, the Village's marinas, once the lifeblood of Piermont's commercial fishing and crabbing industry, have suffered in parallel with the decline of those commercial uses, only to be further plummeted by Superstorm Sandy in 2012. While the damage of marina infrastructure was ultimately repairable, the economic impact from the loss of pleasure boat clientele has been more difficult to overcome and will present a challenge for this updated LWRP to address.

Over this same period, gradual deterioration of the shoreline and erosion of the Village hillsides have occurred - exacerbated by runoff damage, extensive flooding, and wave action from nor'easters and major tropical storms including Floyd, Irene, and Sandy. Stronger storms and rising sea levels will impact the future of the Village, the damage from Superstorm Sandy alone caused as much as \$20 million in losses. Growing threats from rapid climate change and rising sea levels were not remotely anticipated 25 years ago when the original LWRP was developed. Piermont residents and Village leadership now understand these global changes and are intimately aware of their local impact.

After Superstorm Sandy, the Village sought financial assistance from NY DOS to update the LWRP through the Environmental Protection Fund - Local Waterfront Revitalization Program. This updated LWRP represents work from initial fact-finding efforts prior to Superstorm Sandy, the on-going work of the Waterfront Commission, the LWRP Steering Committee, the Mayor and Trustees, and Village staff, as well as input from community residents.

This LWRP also builds on the tremendous work of the Resiliency Task Force that was formed immediately after Superstorm Sandy and engaged in numerous workshops and community outreach. This effort resulted in a consensus contained within the *Resilience Roadmap for the Village of Piermont*, which was completed in September 2014.<sup>1</sup> This was a Village response to the impacts of major storms such as Superstorm Sandy and the potential vulnerability to coastal flooding related to sea level rise. Finally, the *Roadmap* details specific recommendations to create a more resilient village.

The New York Department of State reviewed the progress of the "LWRP Update" in 2015 and concluded that the "Village has made great strides in implementing the projects identified in the LWRP and increasing the public's enjoyment and access to its waterways".<sup>2</sup> This LWRP provides recommended legislative and zoning changes that will continue to strengthen the resilience of our waterfront and improve access to the Hudson.

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<sup>1</sup> Village of Piermont. September 2014. *Resilience Roadmap: Planning for Piermont's Future. Report of the Piermont Waterfront Resilience Task Force*. Available at: <http://www.scenichudson.org/ourwork/riverfrontcommunities/waterfrontresilienttaskforces/piermont>.

<sup>2</sup> New York Department of State, Office of Planning and Development, Village of Piermont, LWRP Monitoring Report, June 2015.

The LWRP updating process has benefitted from the knowledge and local history of committed Piermont residents who have remained connected to flooding and environmental initiatives within the Village. This LWRP has also been enhanced by input from a survey of community residents who weighed in on project priorities as well as providing salient comments to be integrated into project descriptions. This input has been of tremendous assistance in the program's inventory including identifying historic resources, updating the status of the Piermont Marsh, evaluating repetitive flooding in the low lying areas of the Village, noting the existing and potential vulnerability due to sea level rise, and protection of the waterfront, downtown, and vulnerable residential areas. New information for this LWRP include current status of the Piermont Marsh - the effects of inundation of the marsh, its subsidence, and the ability of the marsh to buffer wave action and protect the Village from debris during storms. Unlike the renovation of the former paper mill site addressed in the previous LWRP, this updated LWRP will face challenges on a Global scale and will need to be flexible to address these challenges and their local economic impact.

It is the intent of the Village of Piermont to implement recommendations and strategies in this LWRP that will reduce risk to Village infrastructure, public and private property from sea level rise, revitalize the economy, and conserve the Village's coastal resources. While this LWRP is intended to guide the Village and its land use until the year 2045, I would strongly recommend that the LWRP program be reviewed on a scheduled basis. I would suggest revisiting the LWRP every five years, starting in 2025, to evaluate calculations of sea level rise and implement recalibrations as needed, update the status of identified projects and the overall status of the program, identifying and proposing any necessary changes. Longer-term decisions, such as a "managed retreat", do not need to be made today but rather preserved as an option for the future.

A Harbor Management Plan (HMP) has also been developed as part of this updated LWRP, which establishes a 1,500 ft. extension of the Village's jurisdiction around the end of the Piermont Pier. The HMP is designed to encourage the usability of the waterfront, requiring dredging in the shallow Piermont Bay, supporting existing marinas, the future possibility of a public marina and generally encouraging public access and waterfront commerce.

My heartfelt thanks to the volunteers, who worked throughout the update process, and have made this LWRP a reality. Notably, I extend the Village's appreciation to Trustee Rob Burns, Trustee Lisa DeFeciani, Klaus Jacob, Steven Silverberg, Sylvia Welch, and the Monarch Planning Group for their input and guidance. I especially express my debt of gratitude to Stan Jacobs, whose depth of knowledge, steadfast efforts, and consistent focus kept this project moving forward. Lastly, I wish the best to Mayor-elect Bruce Tucker and future Mayors and Boards of Trustees in facing the challenges ahead. I truly hope they find this document a helpful guide for sensible development in keeping the Village secure.

Chris Sanders  
Mayor, Village of Piermont  
December 15, 2017

## Introduction

*Sparkill Creek and Piermont Marsh*

## Introduction

The Village of Piermont is situated at the mouth of the Sparkill Creek on the banks of the Hudson River. The Village is decidedly oriented towards the scenic beauty of the Hudson River and all the value it holds. The history, culture, and development of Piermont have all been defined by the river; and the future of the Village is tied to the river and the forces that will shape it.

The purpose of this Local Waterfront Revitalization Program (LWRP) is to act as a comprehensive guide for the future of development in both the short and long term for the Piermont waterfront. This program is intended to guide the Piermont waterfront until the year 2045. As a New York State program under the umbrella of the State Coastal Management Program, this plan is intended to review and implement a



feasible and comprehensive program that will result in the enhancement and revitalization of waterfront resources in the Village of Piermont. While the program is sponsored and encouraged by New York State, the inventory, policies, and proposed projects outlined in this program are tailored specifically to the local needs of the Village of Piermont. Nonetheless there are several major elements that are required by New York State including:

- Identification of the boundaries of the local waterfront revitalization area and harbor management area.
- An inventory and analysis of the characteristics of the identified areas.
- Management policies adapted from the policies expressed in the State Coastal Management Program that are aimed at balancing the needs of economic development and preservation with potential adverse impacts on coastal resources.
- Proposed land and water uses for the waterfront revitalization area and proposed waterfront projects. In the case of Piermont, it is expected that a number of the proposed projects will be directly or indirectly related to sea level rise. A Harbor Management Plan has been integrated in this LWRP Update.

A major issue identified by the LWRP Steering Committee at the outset of the LWRP process is sea level rise. This is the priority issue that must be addressed as a portion of the Village is at risk of inundation as soon as the 2040s. In addition, the Village is at risk of increased flood damage as sea levels rise and flood occurrence intervals decrease. As such, the scope of this LWRP is broader in that it will focus policies and proposed projects beyond typical revitalization and regulatory activities in an effort to prepare the Village of Piermont for the impacts of sea level rise.

## **Background**

The Village of Piermont adopted its first LWRP in 1992, which has guided waterfront development for the past twenty-five years. The 1992 LWRP utilized the 44 policy framework devised by the Department of State over thirty years ago. Since that time, a number of changes have occurred within the Village of Piermont and its surrounding area. In addition to local changes, there have been a number of new issues that were not contemplated by the original LWRP, most notably climate change and its effects. The issue of sea level rise has become even more pronounced in the wake of the devastation of Superstorm Sandy, which flooded 150 properties, both residential and commercial, throughout the coastal areas of the Village resulting in an estimated 20 million dollars in damages. It became apparent in the post-Sandy world that the issue of sea level rise and the compounding issue of flooding must be addressed and that the existing policies and projects outlined in the 1992 LWRP simply did not contemplate them. Prior to Sandy, Mayor Sanders had invited residents from 5 overlapping districts to collaborate on an LWRP update. The update was suspended in the wake of Superstorm Sandy in order to focus attention on recovery. In the wake of Sandy, the Board of Trustees created a new resiliency task force committee which was comprised of members of the LWRP update committee, residents, business owners, and trustees, to investigate the problem and ultimately make feasible recommendations. This LWRP

will integrate those recommendations into the policies and proposed projects in an effort to adapt the Village to the effects of sea level rise. Furthermore this report will incorporate earlier efforts by the district teams that culminated in several informal and formal reports that were discussed and profiled at an October 31, 2015 public meeting at Village Hall. The Sparkill Creek Corridor team succinctly summarized the major issue facing Piermont in their report:

"Unless remedial steps are undertaken to reduce increasing flood risks to vulnerable properties, the sustainability of buildings and businesses will be in jeopardy. In the worst case, increased flood risks may force residents to leave and/or relocate, which in turn can erode the Village's property tax base, economic vitality and livelihood."

As the 1992 LWRP has provided a working framework for the Village of Piermont, this update will include aspects of the original LWRP, namely portions of the inventory and analysis chapter that are still relevant, while incorporating new and vital information to ensure the strength and viability of the program for the next twenty-five years. The Village of Piermont does not presently have a Comprehensive Plan that guides the long term decision making with respect to development, quality of life and sustainability. As such this document is envisioned as a substitute for a Comprehensive Plan and thus will incorporate other items that are not typically found in LWRPs, such as detailed demographic information in the inventory chapter, and proposed uses and zoning concepts within the proposed projects chapter.

## Section I

### LWRP Boundary

## LWRP Boundary

### **1. LWRP Boundary**

The Local Waterfront Revitalization area under the jurisdiction of this program corresponds with the Village of Piermont boundary and includes both waterfront areas, portions of the Hudson River and the Piermont Marsh, and the upland areas along the Palisades Ridgeline. As all areas within the Village of Piermont have an impact on waterfront resources the LWRP steering committee has determined that the policies established within this program shall apply to all areas of the Village.

### **2. Harbor Management Plan Boundary**

New York State Law<sup>3</sup> authorizes the Village of Piermont to exercise jurisdiction over the use of waters to a distance of 1,500 linear feet from the low water mark on the shore. The Village of Piermont is somewhat unique in that its municipal boundaries extend beyond the 1,500' distance from the shoreline to accommodate the extension of Piermont Pier into the Hudson River. The Village's northern and eastern boundaries encompass Piermont Bay which is situated on the north side of Piermont Pier and is bordered by the Village's northern and eastern boundary which

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<sup>3</sup> NYS Executive Law, Sects. 915,922; and Navigation Law Sects. 46, 46-a, 130.17, 33-c.10, 45-b, and 130.11.

extends to the end of the Piermont Pier. The Village's southern boundary extends from the end of the Pier along the southern side extending through water and marsh area to the shoreline. The Piermont Harbor Management Plan (HMP), the section of the LWRP which concerns the Village's control of water use within its jurisdiction, is integrated into the Piermont LWRP and shares the same northern, eastern, southern and western boundaries as the LWRP area boundary. Piermont's HMP boundary extends a distance of 1,500' including all surface waters of the Hudson River around the north, east and south sides of the Piermont Pier.

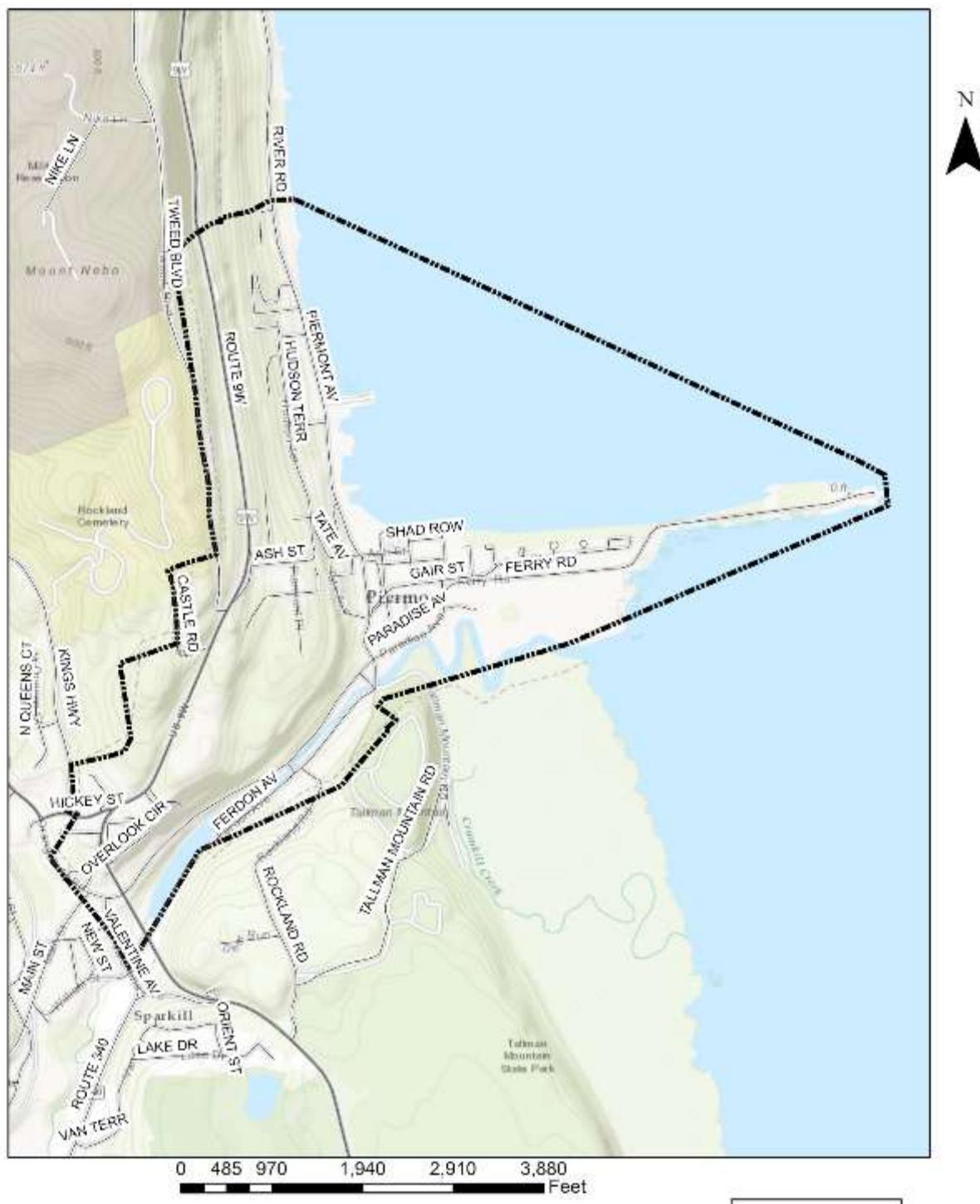
Beginning at the northern boundary of the Village, the Harbor Management Plan boundary extends in a line directly east to a point 1,500' distant from the low water mark on the shore and then continues south in a line 1,500' from the shoreline until it meets the Village's eastern boundary and then runs in a southeasterly direction until it reaches a point 1,500' from the north side of the Piermont Pier, continuing east in a line parallel to the north side of the shoreline of the Pier until it reaches a point 1,500' distant from the northeast corner of the Pier, then continuing south in a line perpendicular to the east side of the Pier's shoreline until it reaches a point 1,500' distant from the southeast corner of the Pier, then continues west until it meets the Village's southerly boundary and then follows the southerly boundary in a generally southwesterly direction until it reaches the low water mark on the shoreline.<sup>4</sup>

The Piermont Harbor Management Area includes a natural channel that comes in from the main channel of the Hudson River along the north side of the Piermont Pier providing a marked and lit route into Piermont Bay and access to the Village's three marinas. The U.S. Coast Guard has established Regulated Navigation Areas (RNAs) that stretch 500 yards north and south of the New NY Bridge. No vessel may stop, moor, anchor or loiter within the RNAs. During the construction of the bridge, the U.S. Coast Guard has established a prohibited safety zone extending north and south of the bridge into Piermont Bay. No unauthorized vessels are allowed in the Safety Zone surrounding 16 construction barge mooring locations. Lighted buoys mark the zone and mooring locations.

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<sup>4</sup> In all instances the harbor management area extends from the low water mark, extending 1,500' waterward.

## Figure 1 Municipal and LWRP boundary, Harbor Management

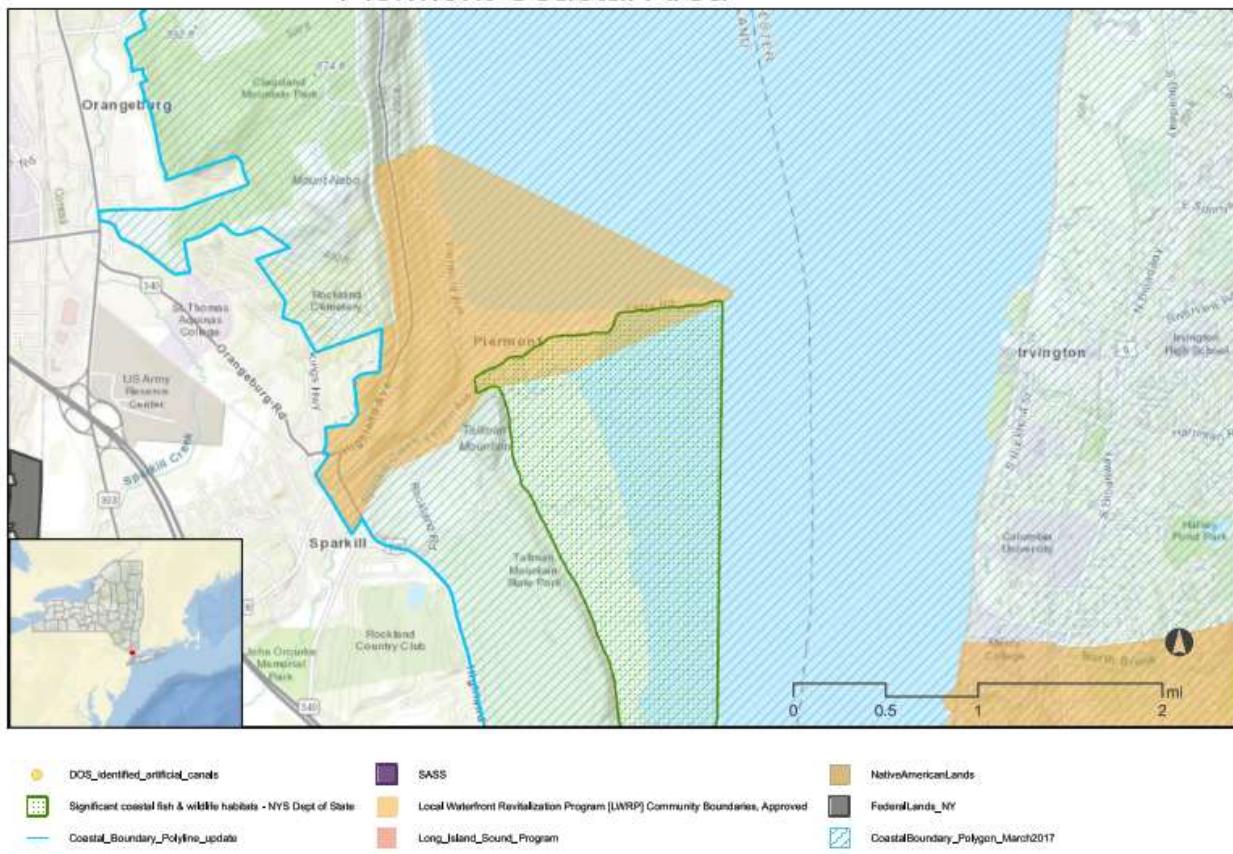


Source: Rockland County GIS



## Figure 2

### Piermont Coastal Area



## Section II

### LWRP Inventory and Analysis

# LWRP Inventory and Analysis

## 1. Demographics

The Village of Piermont has experienced dramatic change due to the conversion of large industrial sites along the waterfront into a mixed-use residential and commercial area. The Village's population has grown significantly between 1990 and 2010 with 2,163 residents in 1990 and 2,510 residents in 2010, representing a 16% increase in population.<sup>5</sup> The most significant jump in population in recent years occurred between 1990 and 2000 following the construction of the 150 unit Piermont Landing condominium and townhouse complex on the former sites of the paper mills, when the population peaked at 2,607 residents. The census estimates that the 2015 population was comprised of 2,557 residents, which indicates a slowing in population growth. Utilizing simple linear extrapolation, the population is expected to break the 2,600 resident mark once more by 2020.



**2557 Residents**

**68% Owner Occupied**

**32% Renter Occupied**

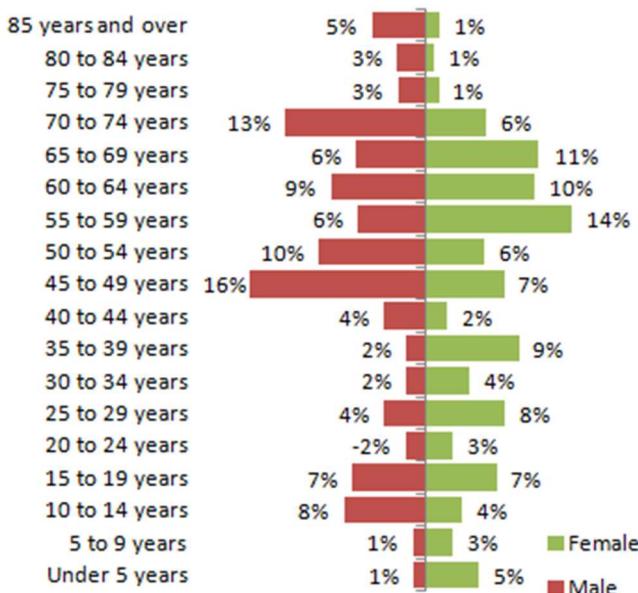
**\$92,445 is the median household income**

**68% of residents have a bachelor's degree or higher**

**6% of residential units are vacant**

<sup>5</sup> According to the 1970 US Census Bureau "Census of Population" and the 2015 American Community Survey estimates.

*Demographic table is sourced from 2015 American Community Survey estimates.*

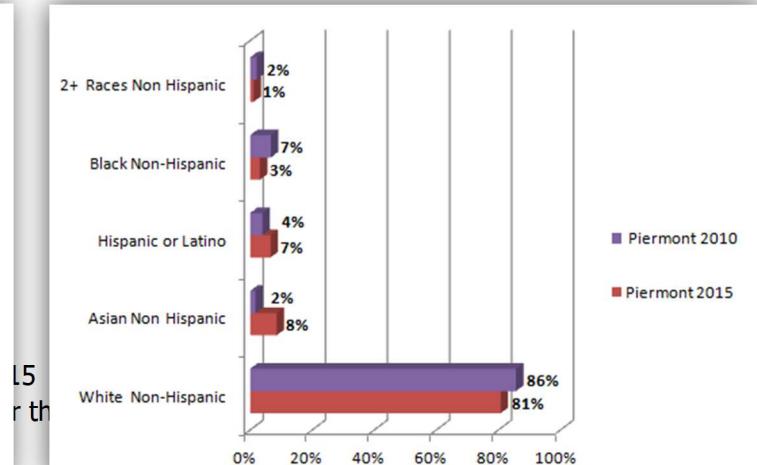
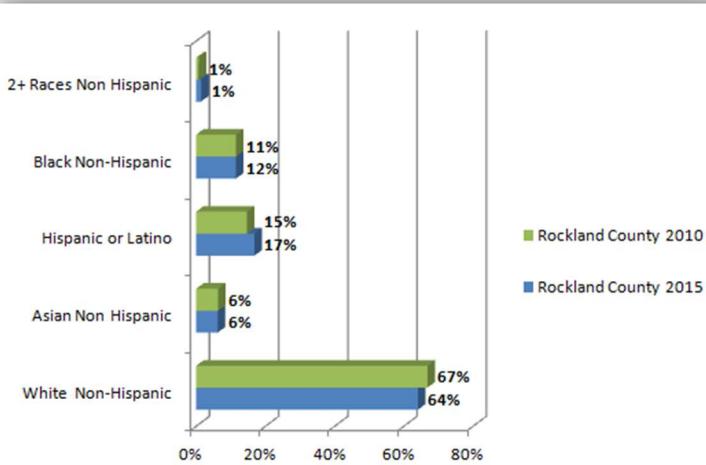


Piermont has a substantial population over the age of 50. In fact, the median age of a Piermont resident is 51 years old which is significantly higher than the median age of a Rockland County resident at 36 years of age. Furthermore, there is limited natural growth, and very few school-aged children or children under 5 years of age. As such the Village of Piermont should ensure that planning activities remain cognizant of the aging population and a low natural growth rate.<sup>6</sup> The median household income of Piermont exceeds that of Rockland County on the whole with \$92,445 compared to \$84,855.

The largest racial/ethnic group in Piermont is white non-Hispanic which comprises approximately 81% of the population. The next largest group is Asian non-Hispanic at 8% followed closely by the Hispanic population at 7% and the black population at 3%. Individuals of two or more races comprise approximately 1% of the population in Piermont. When compared to Rockland County, Piermont has a higher percentage of white non-Hispanic and Asian non-Hispanic individuals, but has a lower percentage of black, Hispanic, and individuals of two or more races.<sup>7</sup>

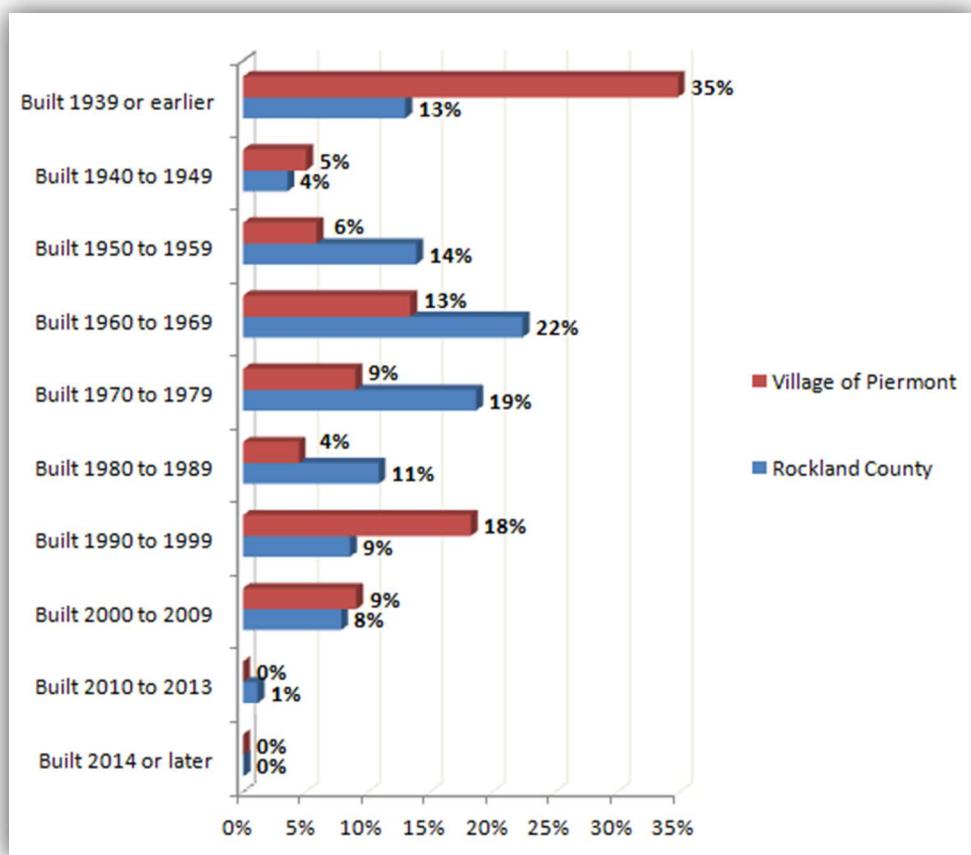
#### Piermont Racial Makeup

##### Rockland Racial Makeup



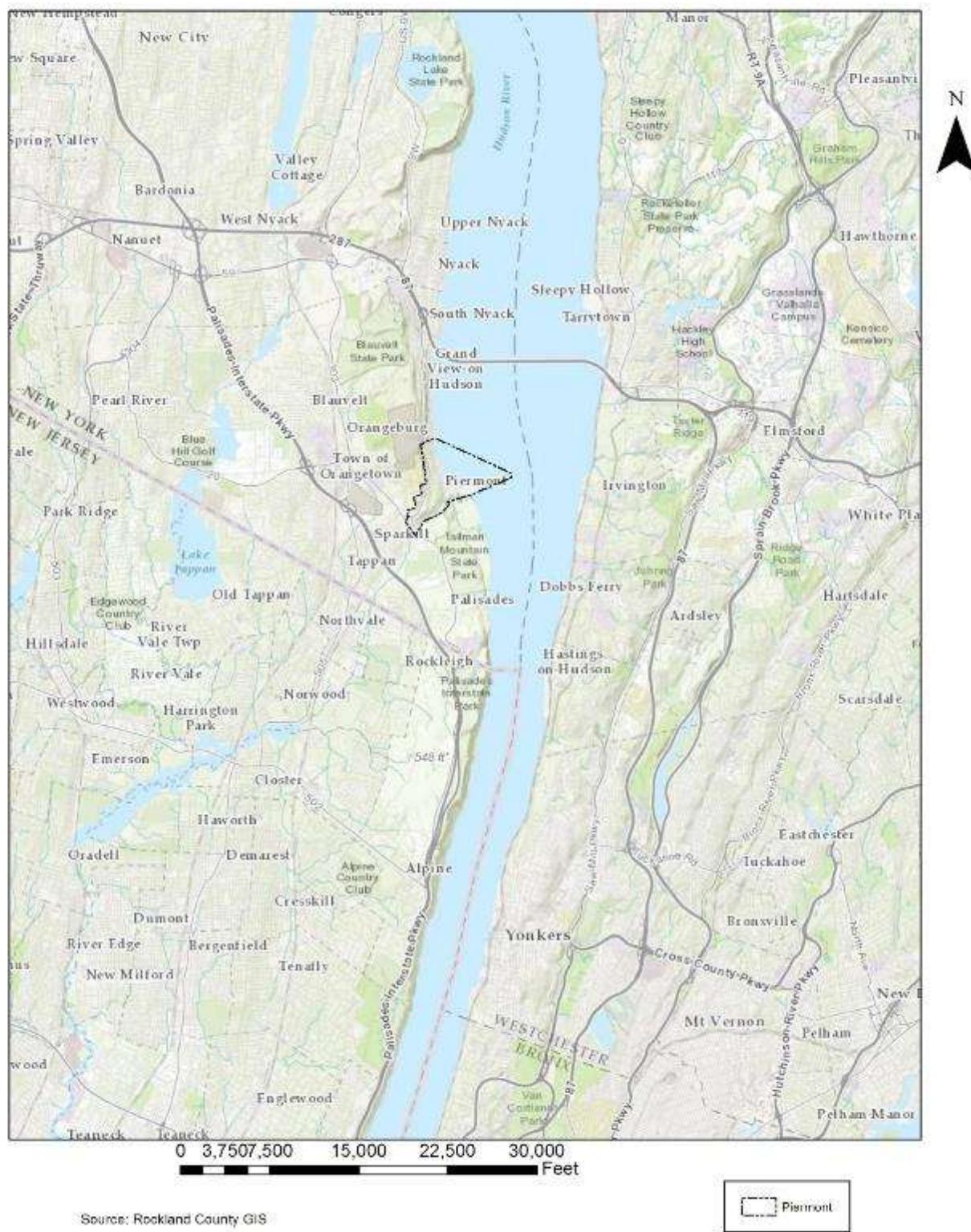
## Housing

As an older and historic community, many of the homes and buildings in Piermont were built several decades ago. This is evident in the median age of a structure which is 54 years. About 35% of the homes in Piermont were built before 1939, more than double that of Rockland County. If these older homes are located in the coastal areas, they are at a higher risk than homes built in recent years as FEMA floodplain development regulations began to be implemented in 1968. Piermont's housing stock is primarily owner-occupied with 68% of residents living in the home they own, while 32% of residents' rent. The median value of an owner-occupied home in Piermont is \$626,300 which is significantly higher than the Rockland County median home value of \$419,100.<sup>8</sup>



<sup>8</sup> American Community Survey 2011-2015 for the Village of Piermont and Rockland County.

**Figure 3**  
**Regional Map**



## **2. Zoning**

The Village of Piermont has 12 zoning classifications, including six single-family residential districts, one multi-family residential district, 2 waterfront districts, a river front district designated as East and West and one business district. See Zoning Map for the existing zoning districts. The single-family residential allow for single family residences on minimum lot sizes ranging from 1,250 square feet (R-1.25), 7,500 square feet (R-7.5), 10,000 square feet (R-10), 15,000 square feet (R-15) and 20,000 square feet (R-20).

The R-1.25 zone centers on an older residential area bounded by Ash Street, Elm Street and Tate Avenue just west of the Piermont business district. The R-10, R-15 and R-20 zoning districts are found in the northern section of the Village. The R-10 zone is located in the relatively flat ground between the waterfront and Franklin Street. The less dense residential zones are situated on the steeper properties extending up to Rte. 9W and Tweed Blvd. The R-15 zone is located between Franklin Street and Rte. 9W with R-20 extending up to Tweed Blvd. The R-10 district also extends along Ash Street and continues south along Piermont Place. This zoning district also covers the properties south of Sparkill Creek and along Ferdon Avenue. The R-7.5 zone is located in the north central portion of the Village between Piermont Avenue and Hudson Terrace extending from Bay Street to Ash Street and then continuing along the east side of Tate Avenue. The R-7.5 zone is also located in the southern portion of the Village beginning from the Village's southern boundary and extending along Piermont Avenue generally north of Sparkill Creek. A small portion of the properties south of the Creek below Rockland Road are also zoned R-7.5. The R-7.5 zoning continues along Paradise Avenue and covers the Patch neighborhood as well as parking lot D, the Goswick Pavilion and ballfield. The Village has dedicated the Goswick Pavilion and ballfield as parkland.

The lowest density mapped single-family district, R-40, with a minimum lot size of 40,000 square feet, is found in the southern portion of the Village north of Piermont Avenue extending past Rte. 9W. The R-40 District covers the former Tappan Zee school and vacant property on Route 9W, extending beyond Route 9W to the Village's western boundary. The zoning code includes R-80, single-family development on minimum lot sizes of 80,000 square feet. However, the zone is not mapped on the Village's Official Zoning Map nor does it appear in the Tables of General Use and Bulk Regulations.

The Piermont Pier is zoned for river front development to accommodate the mixed use development. The river front development zone is split between RD-East which covers the eastern residential section of the Pier (Piermont Landing) with the remaining eastern section of the Pier zoned R-7.5 and RD-West which is at the bottom portion of the pier including the commercial shopping area. The Village's Business B zone covers the Village's retail business district along Main Street. It also covers general commercial establishments located on Route 9W at its intersection

with Hickey Street and with Piermont Avenue. Business A is also included in the Village's Zoning Code but is not mapped on the Village's Official Zoning Map.

Both the Waterfront 1 (WF-1) and Waterfront 2 (WF-2) Districts are located in the northeastern section of the Village along the shoreline and in-water. WF-1 includes single family homes and private wharves and docks. WF-2 includes waterfront properties and close in-water land. WF-2 adds to special permit uses of the residential zone by including marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities. The WF-2 zone also covers the waterfront properties lying south of the eastern non-residential section of the Pier.

The Multiple Residences (MR) District permits single-family residences, garden apartments and condominiums. The MR District includes properties located along the eastern side of Route 9W in the southwestern portion of the Village. The MR District includes the following apartment complexes at Overlook at Piermont (108 units), Roundtree Circle and Lawrence Drive which are all adjacent to each other.

Legislation adopted by the Board of Trustees in December 2016 provides a special permit for long-time residents with the ability to convert their one family residence to a two family residence under specific conditions such as the voiding of the special permit with change in ownership. The legislation attempts to provide economic means for these residents to remain in the Village.

**Figure 4**  
Zoning Map

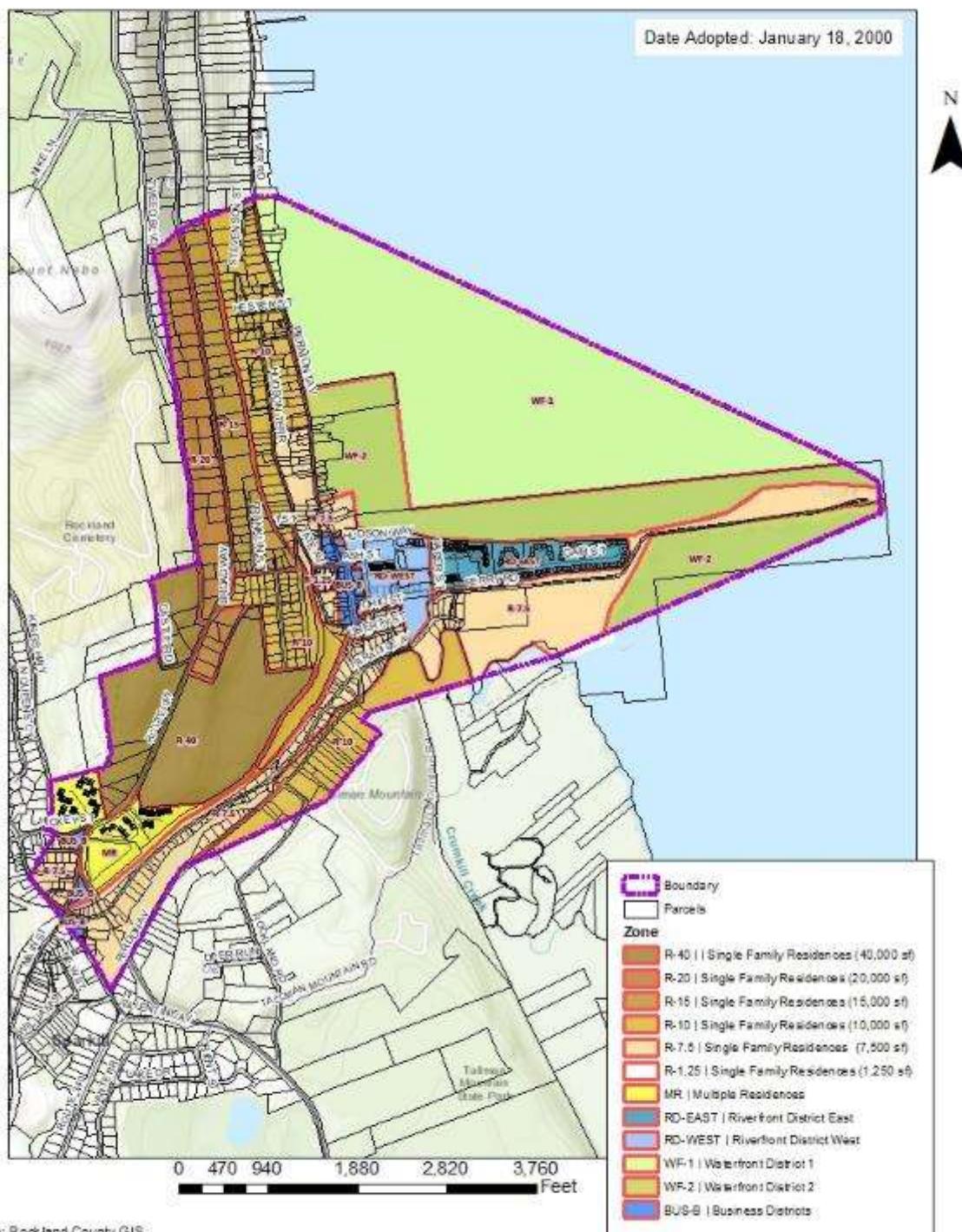
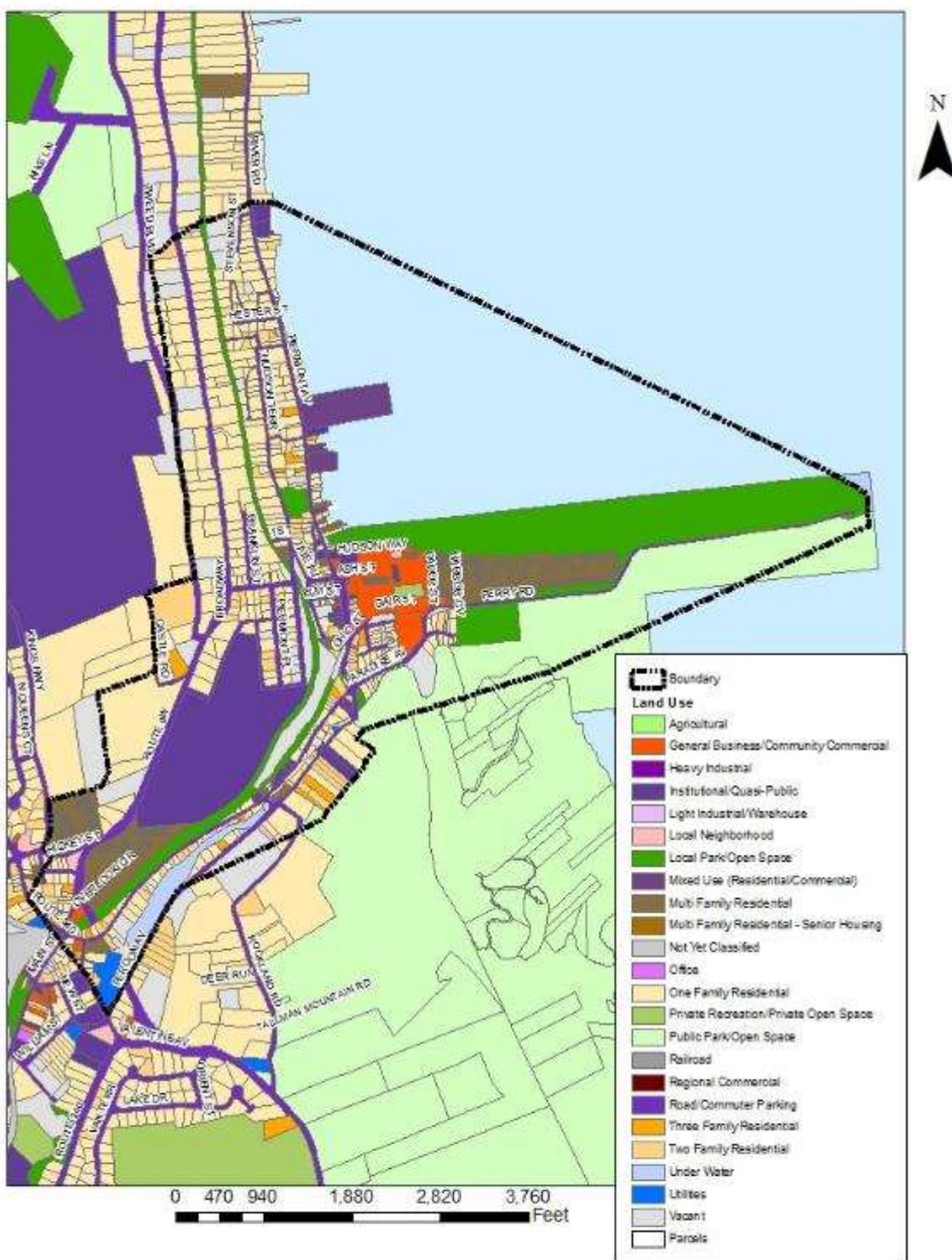


Figure 5  
Land Use



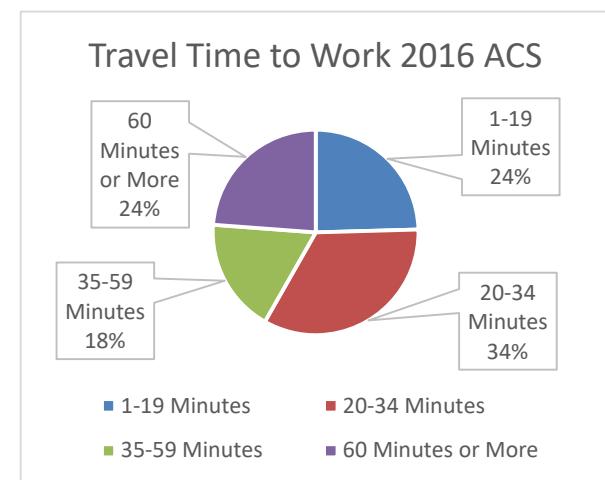
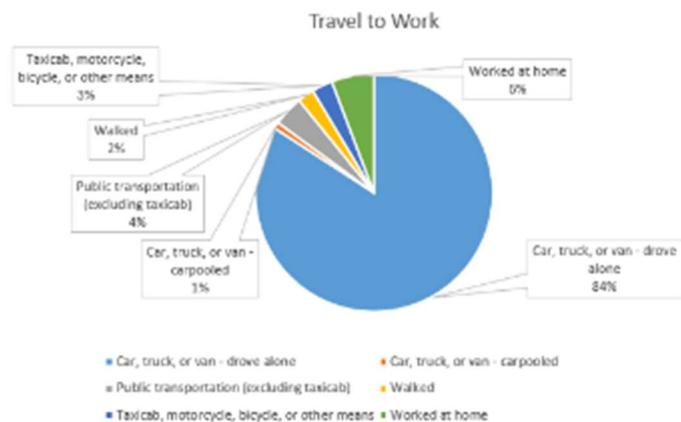
### 3. Transportation

The Village of Piermont transportation system is primarily comprised of local roadways, collector roadways, one arterial roadway, and private bus operations. The major arterial roadway is State Route 9W which traverses in a north-south direction near the western boundary of the Village. There are three collector roadways, Piermont Avenue, Ferdon Avenue, and South Tweed Boulevard. Piermont Avenue traverses in a north-south direction and provides the main street through the Village downtown. South Tweed Boulevard also runs in a north-south direction near the ridgeline of Clausland Mountain, west of 9W. The Village is also serviced by three Coach USA bus lines 9, 9A, and 9AT. The Village roadways are primarily owned and maintained by the Village of Piermont with two exceptions: Route 9W, which is maintained by New York State, and South Tweed Boulevard which is maintained by Rockland County.

Average daily traffic counts are provided by New York State Department of Transportation and were last updated in 2015. Route 9W between Piermont and South Nyack had an average daily traffic count of 13,862 vehicles which is down slightly from 2010 when the average daily traffic was 13,981 vehicles. Piermont Avenue in the downtown had an average daily traffic count of 1,914 vehicles in 2015, and no historical data to compare as a baseline. Outside of Route 9W, Ferdon Avenue had the highest average daily traffic of 3,107 vehicles in 2015. A map of the 2015 average daily traffic counts is shown in the figure below. New York State Department of Transportation provides up-to-date information on their mapping service online at: <https://gis3.dot.ny.gov/html5viewer/?viewer=tdv>

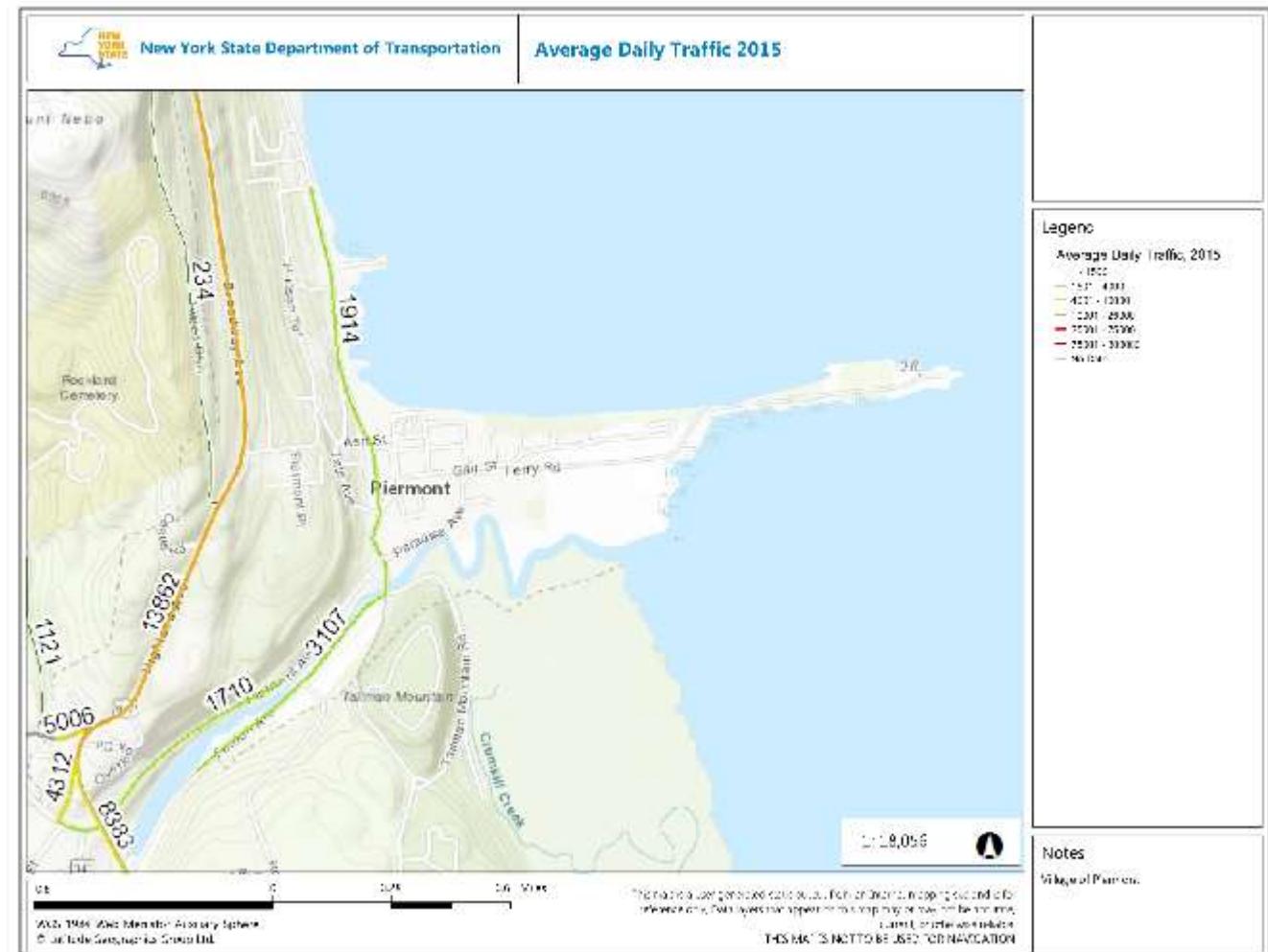
The primary alternative form of travel to New York City is through the "Red and Tan" Rockland Coaches, operated by Coach USA. The bus service provides commuter service from Piermont to both the George Washington Bridge Station and the Port Authority Terminal. The service is frequent during the peak morning and evening hours with trips running approximately every half hour.<sup>9</sup>

The dominant form of travel is personal automobile which accounted for approximately 84% of travel to work trips, followed by public transportation at 4% and other means

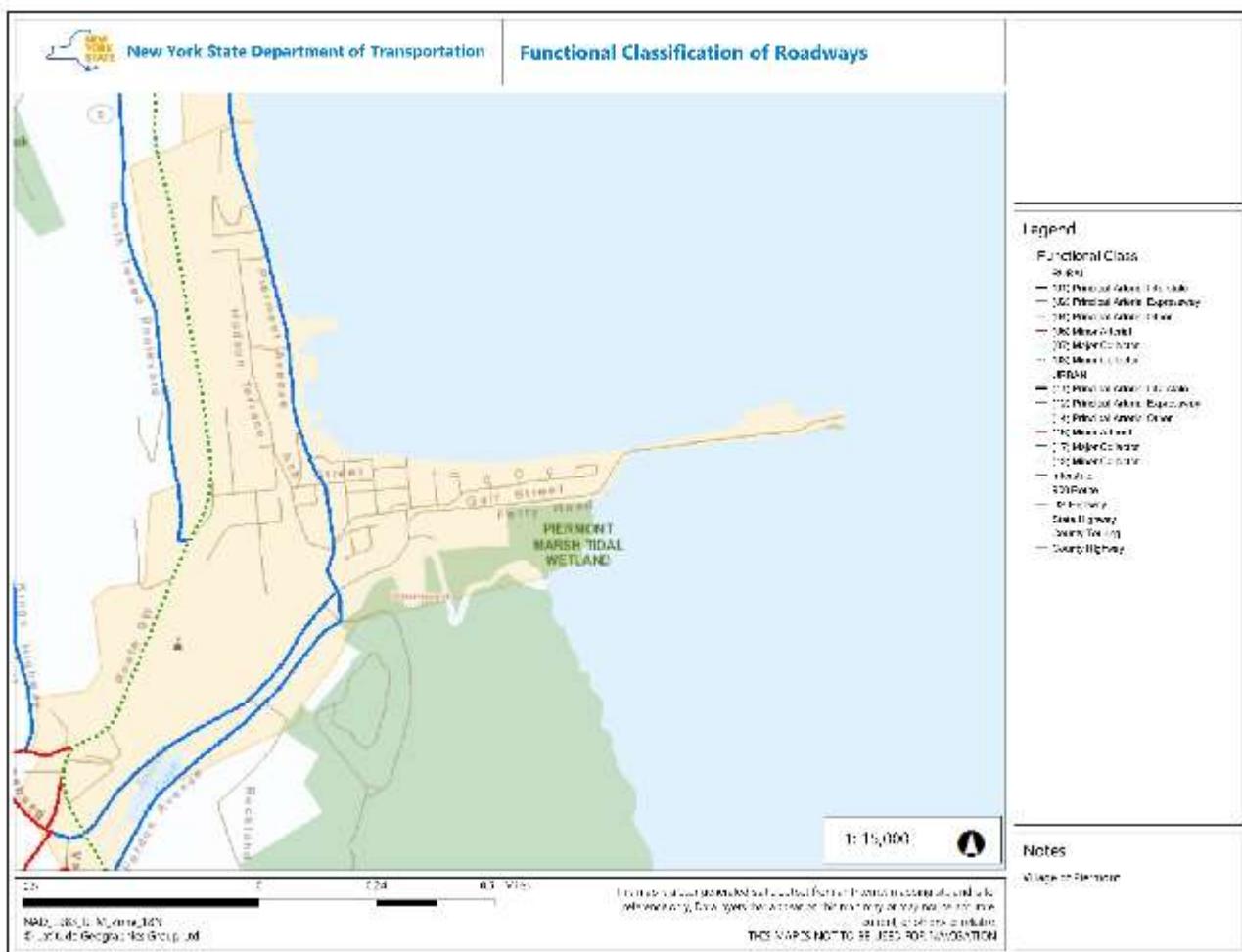


<sup>9</sup> Route information pulled from Rockland Coach website: <https://web.coachusa.com/rockland/ss.commuter.asp>

at 3%. Approximately 6% of the population worked from home. The Village of Piermont should encourage alternate forms of travel to work, such as biking, walking or public transit, in an effort to reduce the reliance on greenhouse gas emitting vehicles.



## Figure 7



## 4. Local Economy

The Village of Piermont local economy is diverse and ever changing. Piermont has transformed through the decades from a predominantly industrial location to an area with a broad range of economic activity including tourism, retail trade, marine uses, and recreation. Still the Village remains largely a bedroom community with the majority of residents commuting elsewhere to work. In 2015, approximately 985 workers commuted out of Piermont daily, while 284 workers came in, and 48 workers lived and worked within Piermont. Employment is centralized in the downtown area where between 74 and 114 individuals are employed.<sup>10</sup>

The lion's share of employment is the in the Accommodation and food service sector. There were 275 jobs in the Accommodation and food service sector, which represents 62% of jobs in the Village. The second largest sector is Arts, entertainment, and recreation which has 39 employees, representing 9% of total employment. The next three largest sectors were Professional, scientific, and technical services, with 24 employees, Health care and social assistance with 21 employees and Retail also with 21 employees each of which represents approximately 5% of the total employment.

The level of employment grew significantly in the ten year period between 2006 and 2016. In 2016 there were approximately 439 jobs in the Village up from the 347 jobs in 2016, representing a 27% increase in employment. The sectors with the strongest growth were Finance and insurance, which grew in employment from 3 employees to 9 employees (183% growth), Information which grew from 9 to 13 employees (53% growth), Accommodation and food services which grew from 181 employees to 274 employees (52%). The sectors with the largest decline between 2006 and 2016 were Construction which went from 15 employees in 2006 to 6 employees in 2016 (59% decline), Retail which went from 29 employees to 21 employees (29% decline), and Arts, entertainment and recreation which went from 44 employees to 39 employees (10% decline).

Sector	2006 Emp	2016 Emp	Change	% Change
Construction	15	6	-9	-59%
Manufacturing	3	2	-1	-50%
Retail	29	21	-8	-29%
Information	9	13	4	53%
Finance and insurance	3	9	6	183%
Real estate and rental and leasing	5	6	1	33%
Professional, scientific, and technical services	24	24	0	0%
Health care and social assistance	16	21	5	28%
Arts, entertainment, and recreation	44	39	5	-10%
Accommodation and food services	181	275	93	52%
Other services (except public administration)	15	18	3	20%

Overall the economy is heavily reliant on the Accommodation and food service sector. The Village should attempt to diversify its mix of businesses in an effort to promote a more resilient economy in the event of

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<sup>10</sup> 2015 Census OntheMap

economic downturn. The downtown area and the area around Flywheel Park are relatively robust with restaurants, retail shops, boutiques, services, art galleries, bicycle shop, recreation, fitness and wellness and number of real estate offices. A new Community Market is coming to the Village's downtown returning a much needed grocery store for Village residents after a two year+ hiatus. Additionally, two weekly farmer's markets also contribute to a lively retail environment.

# Figure 8

## OnTheMap

### Inflow/Outflow Report

#### Primary Jobs for All Workers in 2015

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 05/31/2018

#### Inflow/Outflow Counts of Primary Jobs for Selection Area in 2015

All Workers



#### Map Legend

##### Selection Areas

Analysis Selection

##### Inflow/Outflow

- Employed, and Live in Selection Area
- Employed, in Selection Area, Live Outside
- Live in Selection Area, Employed

Note: Overlay arrows do not indicate directionality of weaker flow between home and employment locations.



# Figure 9

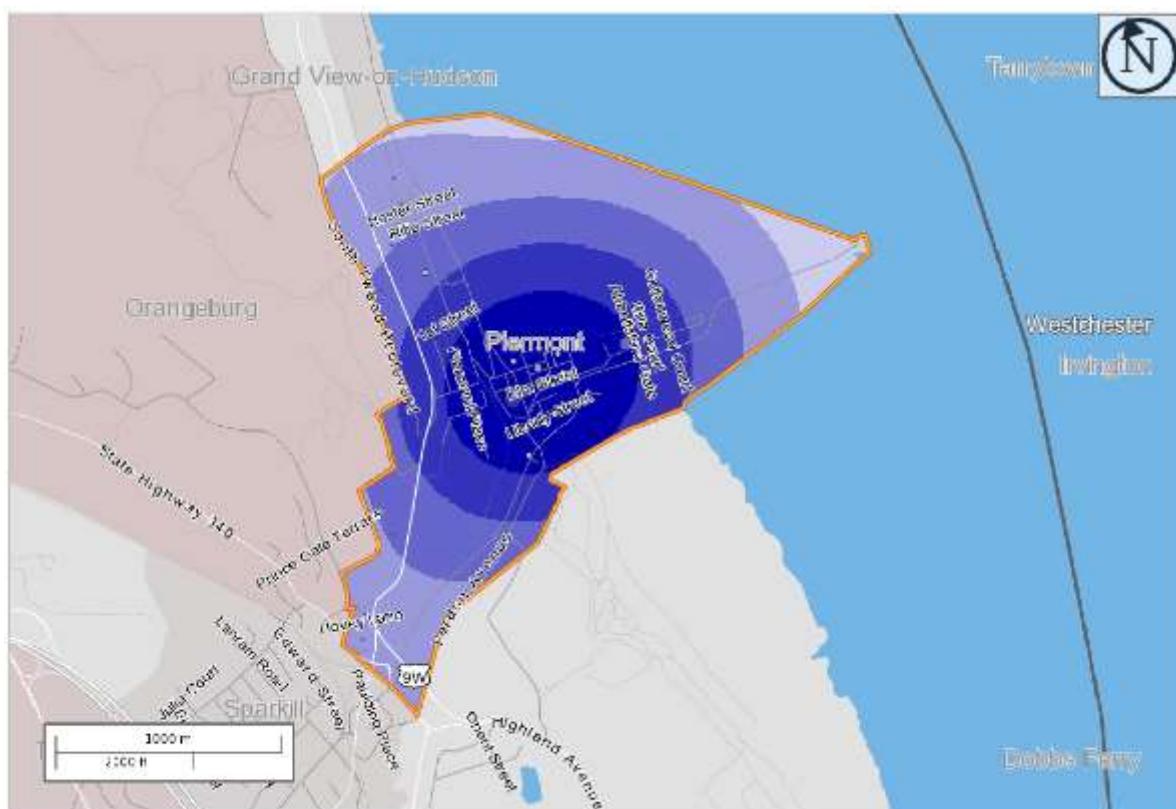
## OnTheMap

### Work Area Profile Report Primary Jobs for All Workers in 2015

Created by the U.S. Census Bureau's OnTheMap: <http://onthemap.census.gov> on 05/31/2018

#### Counts and Density of Primary Jobs in Work Selection Area in 2015

All Workers



#### Map Legend

Job Density [Jobs/Sq. Mile]	
■	5 - 29
■	30 - 102
■	103 - 294
■	225 - 306
■	307 - 616

Job Count [Jobs/Census Block]	
■	1 - 5
■	6 - 10
■	11 - 42
■	43 - 73
■	74 - 115

**Selection Areas**

- Analysis Selection



United States  
**Census**  
Bureau

## 5. Land and Water Conditions

Land use in Piermont was divided into six subsections in the original LWRP:

### 1) Residential riverfront

From the northern boundary of the Village with Grand View, south to the Tappan Zee Marina, with 0.4 miles of shoreline, is residential in character and zoned for 1/4 acre density single family houses. The water-dependent use here centers on individual private moorings, piers, and decks.



*View of Piermont from the North Shore*

### 2) Commercial waterfront

From the Tappan Zee Marina south to Parelli Park, with 0.3 miles of shoreline, is the existing commercial waterfront, which provides about 500 slips for recreational boating use. The Waterfront-1 (WF-1) zoning district had previously hosted three commercial fishing operations but now is home to four restaurants with bars, and a mix of residential dwellings. The Waterfront-2 (WF-2) zoning district adds to special permit uses of the residential zone by including marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities.



*Commercial Marina*

### 3.) Mixed use residential and commercial development

The former industrial site extending east from the base of the Piermont Pier with 0.6 miles of shoreline along the north side, has been developed for mixed uses. The mixed-use development includes a walkway along the north shore of the Piermont Pier. Located in the middle of town opposite a block of 19th century Main Street buildings, the industrial operations were once

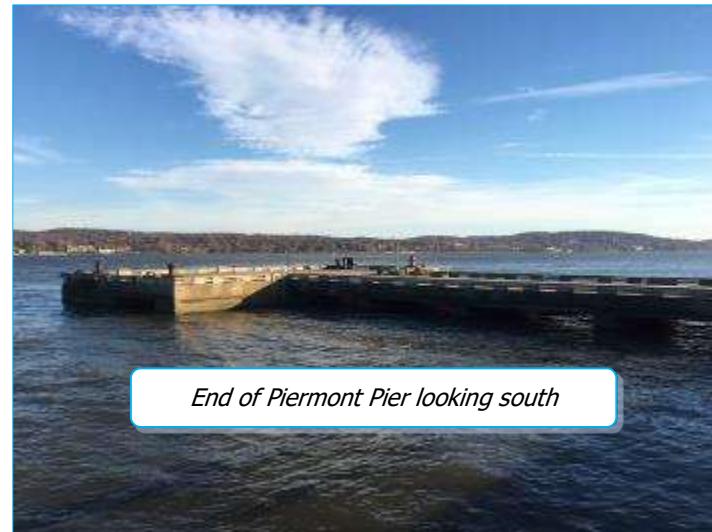


*Mixed-use river front district*

central to the life of the Village for a century-and-a-half, in the 19th century as the Erie Railroad terminus and repair shops and in the 20th century as a paper manufacturing and boxboard printing complex. The paper and boxboard factories moved out in the early 1980's and the property became the object of speculation. A used clothing recycling operation occupied a portion of the site, as did a small trucking business originally accessory to the factory operations. The zoning here was changed to "River Front District" in 1988 and last amended 1998 to reflect a newly approved mixed use development. Main Street retail stores adjacent to the factory lots are zoned "Business B."

#### **4) Mid-river Village Park**

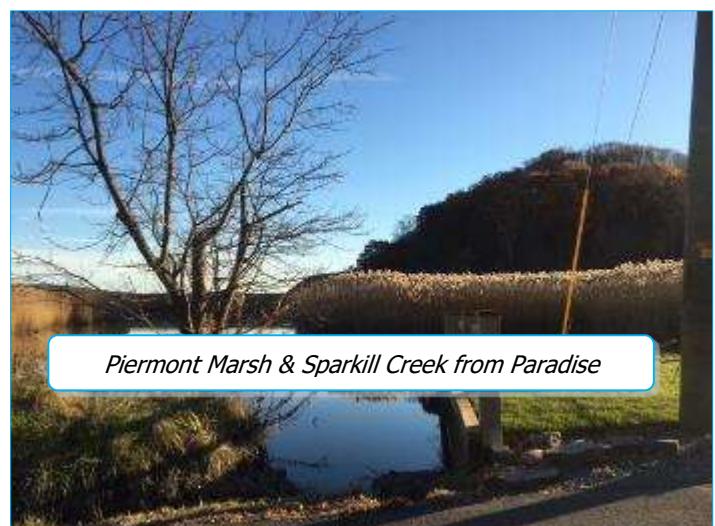
The end-section of the Piermont Pier with 0.5 miles of shoreline on each side, is now a mid-river Village Park. It is the principal public access point to the Hudson River in Piermont. It is used year-round for fishing and wildlife viewing and simply walking along admiring the wide angle view of river, sky, and mountains. This narrow rock-fill construction was built in the 1838 to enable the Erie Railroad cars to reach deep draft boats. The dock at the end of the Pier is approximately 1 mile out into the Hudson east of Parelli Park and is used by the Lamont-Doherty Earth Observatory, the Beacon Institute for Rivers and Estuaries, and Clarkson University to collect atmospheric and hydrological information. On the north side of the end-section of the Pier is a marsh area that floods at high tide known as the "duck ponds" where swans have been known to nest. Along the south side of Ferry Road, the Goswick Pavilion and ball field has been well-utilized since its construction in 1984. The Pavilion and ball field area once contained the Village dump. This area was tested in May, 1989 for a wide variety of toxins and was found to pose no problems for use by residents and their children. As of April 2017 the site remained classified as requiring no further action for remediation by the DEC. The Village is committed to keeping this area free from commercial development and has designated it as parkland.



*End of Piermont Pier looking south*

#### **5) Tidal and freshwater creek**

The Sparkill Creek and marsh south of Ferry Road, includes 0.3 miles of marsh shoreline on the River, 0.9 miles of tidal water on the Sparkill, and 0.6 miles of freshwater Sparkill. The character of this area is mixed, beginning with undeveloped marshland of the National



*Piermont Marsh & Sparkill Creek from Paradise*

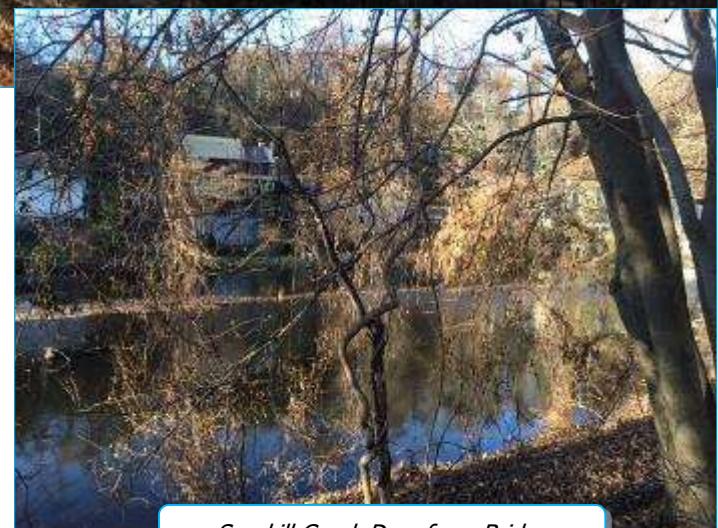
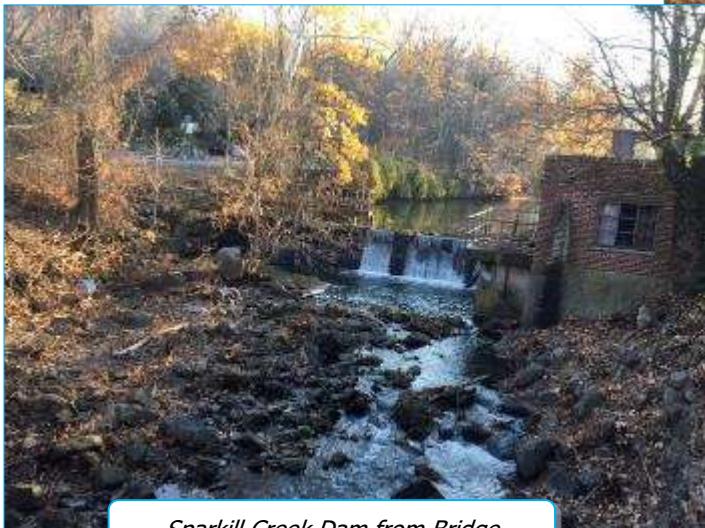
Estuarine Research Reserve at the mouth of the Creek and a nature sanctuary and a skating pond on the freshwater portion; but the predominant use along the Sparkill Creek is residential with density zoned at 1/4 and 1/6 acre single family houses. The area is also home to the Post Office, Paradise Avenue, Bogertown, the Goswick Pavilion and ball fields, Kane Park, the Drawbridge, the Army Bridge, and the Silk Mill Bridge.

About a dozen boats are moored along the tidal portion of the Creek. Access at low tide is limited to shallow draft boats, such as rowboats, canoes, and sailboats with centerboards. Access at high tide is limited upstream by the low clearance under the historic drawbridge which is fixed in the down position. Canoeists often manage, with some difficulty, to put-in from Tallman Park beside the Army Bridge at the fire road entrance. This area, similar to Area 2 (the commercial waterfront) was once home to commercial fishing operations that have since ceased operations.



## 6.) Upland Viewshed

The upland viewshed of the waterfront is situated on the Palisades slope overlooking the River and Creek. The area is zoned residential with density ranging from 1 acre single family to multiple occupancy buildings with 13.3 units per acre. The area includes a lot with upwards of 40 undeveloped acres that is part of the former Tappan Zee Elementary School, which was closed



in 2015. The area also includes the Erie Path, a former railroad right-of-way now a Village Park that overlooks the waterfront along a woodland walkway. These same distinct neighborhoods remain to this day and no significant changes to the zoning have occurred since the former industrial sites were rezoned in the 1980s for either business uses or residential condominium and townhouse uses. By and large the Village of Piermont is a residential community with an industrial past and a thriving downtown.

## **6. Underwater Lands**

### **Public Trust Doctrine**

The Public Trust Doctrine is a set of American property law principles that defines the nature of public and private interests in lands beneath "navigable waters," including those subject to the ebb and flow of the tides. The Hudson River, which is tidal to the Federal Dam at Troy, falls under the Public Trust Doctrine. The doctrine, derived from ancient and English common law principles, provides the historic understanding that the air, the running waters, and the sea are common to all people, guarantees the public's right to reach and use tidal lands and waters. The doctrine serves two functions. The first is to define the geographic extent of public ownership of lands under water. In New York State, the boundary is the mean high water line. Therefore, the State has sovereign control and ownership of the foreshore, tidal waters and submerged land under tidal waters - below the mean high water line.

The second primary function of the Public Trust Doctrine is to define the nature of the State's ownership interest in these lands. The State holds title to these lands as trustee for the public, and must administer the use of these lands in the public interest. In New York State, the courts have established that uses including navigation, commerce, and fishing as well as recreation and ecological preservation, are valid uses of public trust lands and waters. When the tide is in, the public has the right to use public trust lands for swimming, fishing, boating and other lawful recreational activities. When the tide is out, the public has the right to gain access to these lands to lounge or walk along the foreshore.

Property owners whose lands abut public trust resources have rights such that the public cannot access public trust land across private land without the owner's permission. Additionally, these property owners possess riparian rights to the Hudson River entitling them to access navigable water. These rights are limited as to the type of use, which may be placed in the water, and they must be reasonably exercised. By the nature of location over the water, the exercise of these rights almost always interferes with public use of the water and lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase or lease underwater lands. During the 18th and 19th centuries, the State of New York sold large expanses of public trust lands and waters to adjacent landowners to promote the development of commerce. In

many cases, these owners placed fill in the Hudson River to create new land. In more recent years, private uses of public trust waters include marinas, commercial fishing operations, and docks and piers for shipping, and recreational boating. For the most part, grants were limited and a public interest in the underwater land remains intact. While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of grants of public trust land to riparian owners. The courts have held that where some types of grants have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights are extinguished, although the State may still regulate such lands under its police power and may authorize local governments to do so as well. The courts have also held that some grants may be invalid if the grant is not in the public interest.

There has been a recent emphasis on the importance of the public's right to access and enjoy Public Trust lands as a recreational resource and the use of the Public Trust Doctrine to better protect New York's coastal areas and their living resources. The use of trust lands by the public generates billions of dollars for the State economy. The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The tidal areas provide habitat and breeding areas for shellfish and finfish of commercial and recreational importance. Private actions that interfere with these activities diminish the public's use and enjoyment of these vital public resources.<sup>11</sup>

In 1992, the NYS Legislature passed Chapter 791, codifying, in part, the public trust in underwater lands. The Legislature found that regulation of projects and structures, proposed to be constructed in or over State-owned land underwater, was necessary to responsibly manage the State's proprietary interests in trust lands. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the State. The intent of the Act was also to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

Title to the bed of numerous bodies of water is held in trust for the people of the State of New York under the jurisdiction and administration of the Office of General Services located in, on, or above state-owned lands under water are regulated under the Public Lands Law and may require authorization from the State.<sup>12</sup> Structures, including fill, located in, on, or above state-owned lands

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<sup>11</sup> *Putting the Public Trust Doctrine to Work: The Application of the Public trust Doctrine to the Management of Lands, Waters and Living Resources of the Coastal States*; prepared by David C. Slade, published in 1990.

<sup>12</sup> <http://codes.findlaw.com/ny/public-lands-law/> - Public Lands, Article 2: Office of General Services.

under water are regulated under the Public Lands Law and may require authorization from the State.<sup>13</sup>

An accurate inventory of the public trust lands and those lands that have been leased or granted to private interests within the Village of Piermont is very important since the ownership of underwater lands may have an important impact on the ability to implement some of the policies of the Village's LWRP. Before considering any development activity or land purchases along the waterfront area, prospective developers and owners are advised to check on the ownership of the adjacent underwater lands. This must be done at the NYS Office of General Services (OGS) office in Albany. OGS is the administrator of State lands, including underwater lands, and maintains a series of "Water Grant Index Maps" that identify lands within State ownership, as well as grants, easements, and leases previously issued by the State to various public and private entities.

The OGS also reviews NYSDEC and Army Corps of Engineers (USACE) comments for proposed projects that affect State-owned bottom lands to ensure that the benefits of the public will not be deprived and that the environment will not be adversely impacted. Under Section 404 of the Clean Water Act, the USACE regulates physical disturbance below the ordinary high water mark when adjacent wetlands are absent and to the limits of the adjacent wetlands when those are present.<sup>14</sup>

Municipal, State, and federal agencies should consider the public's rights under the Public Trust Doctrine during their regulatory review of development proposals. In many cases it can provide a rationale for modifying or denying permits when an activity would impair public trust resources or if the use is inconsistent with the Public Trust Doctrine. It is important to understand the nature of the ownership of underwater lands since existing State grants, easements and leases to upland owners for use of public trust lands do not necessarily extinguish the public's rights to use these resources. Remaining public rights depend on the specific grant, easement or lease and in some cases require judicial interpretations. In addition, the federal government has tremendous powers under the Federal Navigation Servitude to regulate, and even absolutely prohibit, activities in the navigable waters of the United States, which includes the Hudson River.

The Village of Piermont owns extensive underwater rights in the Hudson River, immediately north of the Piermont Pier peninsula and east of Parelli Park. The Village also owns the coastal strip adjoining the underwater property. Development and use of these underwater rights to increase public access to the Hudson River and to generate revenue for the Village has been a goal of the Village since the coastal strip was deeded to the Village by Continental Can Corporation in 1973. (See map of underwater lands)

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<sup>13</sup> <http://www.ogs.ny.gov/BU/RE/LM/EGLP.asp>.

<sup>14</sup> [http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rq105-05.pdf?\\_sm\\_au\\_=iVWrSjsjnvDQP2Vj](http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rq105-05.pdf?_sm_au_=iVWrSjsjnvDQP2Vj) - Ordinary High Water Mark Identification

Figure 10

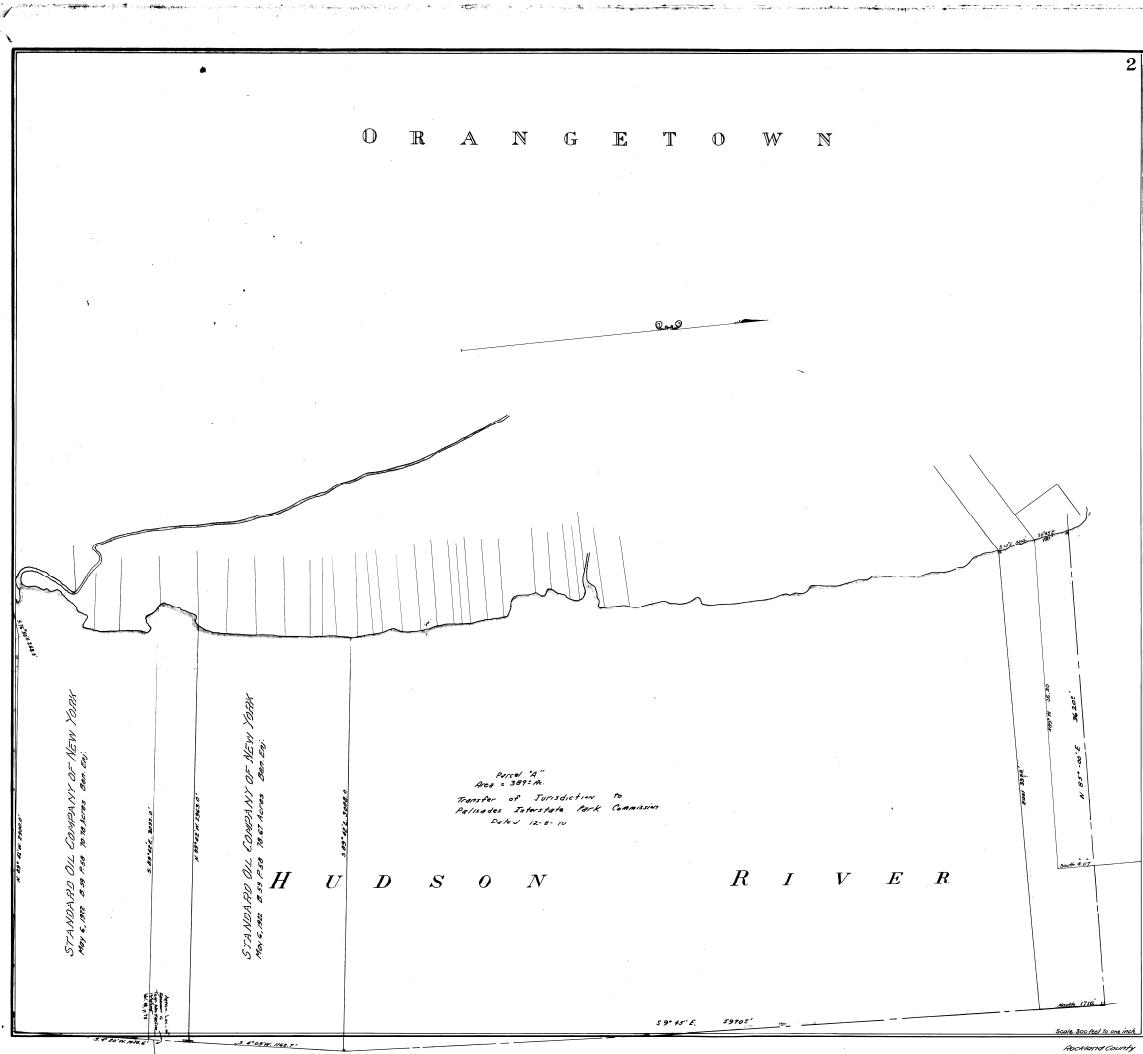
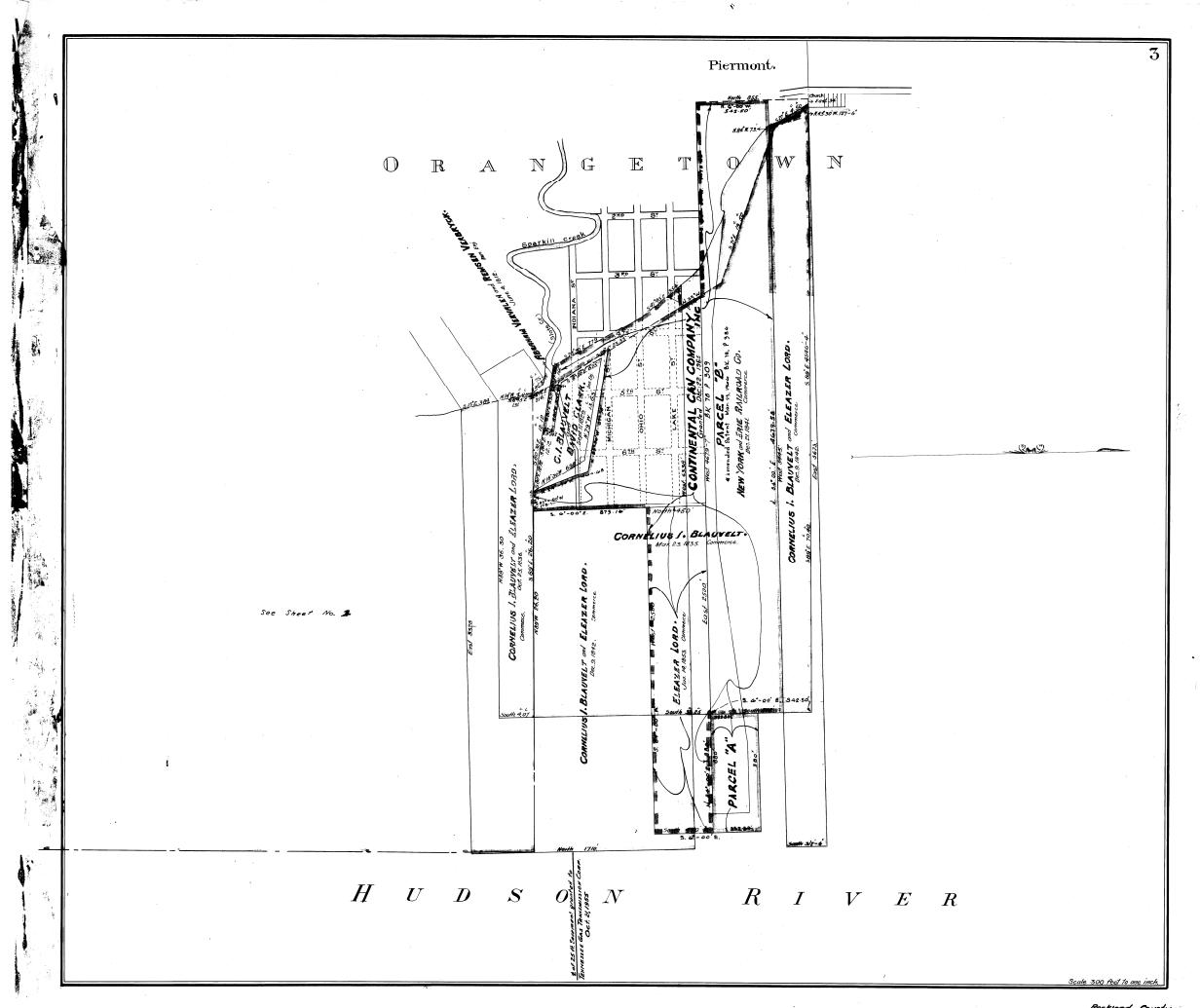


Figure 11



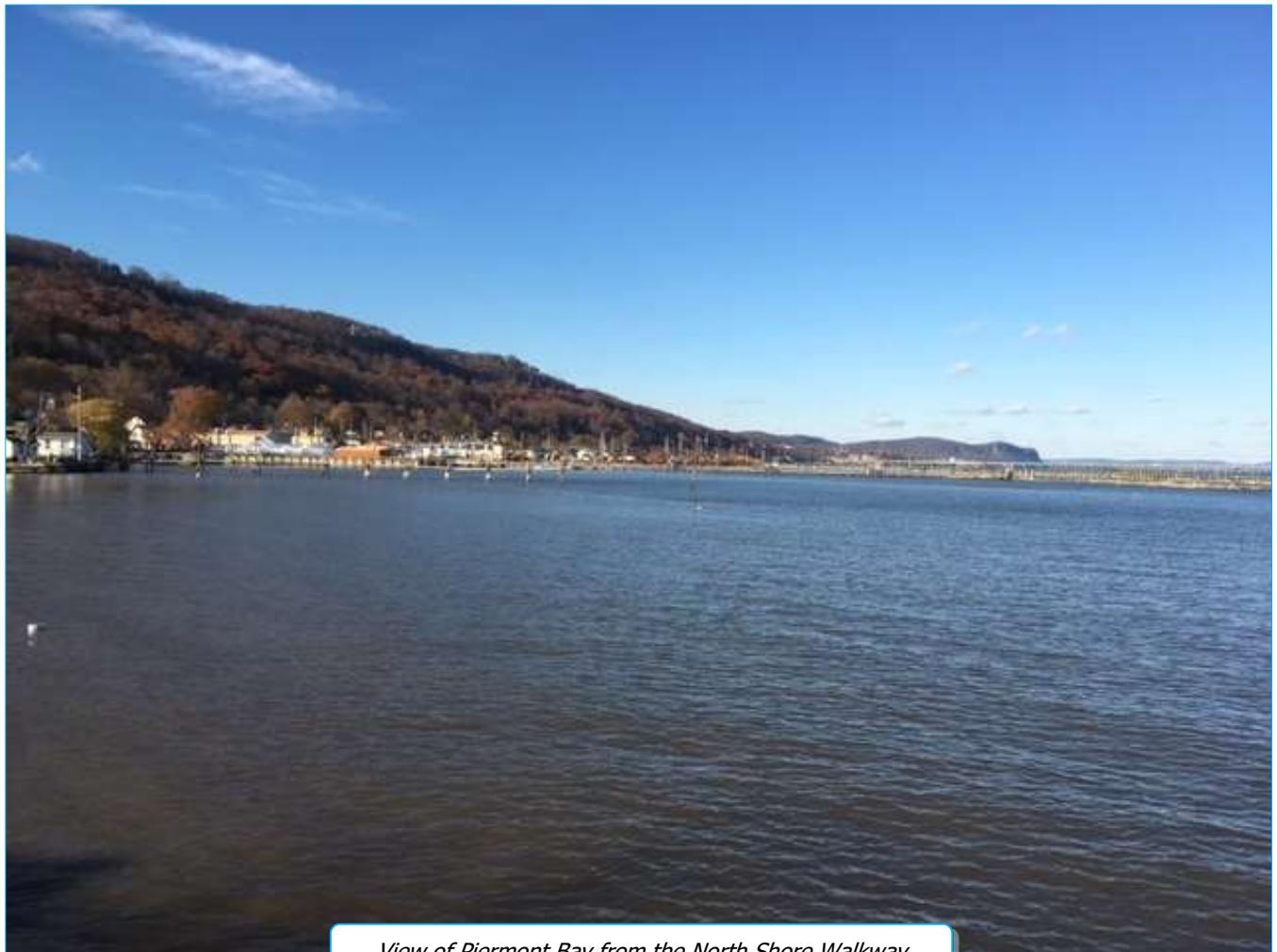
## **7. Scenic Qualities**

Piermont is home to a number of unique natural and scenic features that have been identified as areas of local scenic significant and warrant protections. The Village, in its original LWRP, identified a number of viewsheds that should be protected from impediments including:

- 1)** along Route 9W at the southern end of the Village from the viaduct over the Sparkill Creek, an aerial-like view of the Sparkill Creek Valley including the Brookside Sanctuary and Tallman Mountain with the Hudson River and Tappan Zee Bridge in the distance
- 2)** along the Erie Path a little south of Ash Street from an overlook where the Sparkill Creek Valley opens out onto the Hudson River, an aerial-like view of the tidal portion of the Sparkill Creek including the Piermont Marsh and Tallman Mountain, the dwellings along Paradise Avenue dating from c. 1800, the base of the Piermont Pier, the end of the Piermont Pier, and the Tappan Zee across to Irvington and Dobbs Ferry
- 3)** along the Erie Path from an overlook a little upstream of the Silk Mill bridge, an aerial-like view of the freshwater Sparkill Creek and dwellings including some dating from c. 1700 with Tallman Mountain in the background.
- 4)** along Hudson Terrace by the Community Center Park and from the Half Moon Park walkway down to Piermont Avenue, a view of the Piermont waterfront including the marinas provided with several benches and floral plantings.
- 5)** along Piermont Pier and the North Shore Walkway are views both out to the river and towards the Tappan Zee Bridge and inland views to the Village upland areas to the northeast and Tallman State Park to southeast.

There are scenic views from many other sites along Route 9W, the Erie Path and Hudson Terrace, as well as from Ash Street, Tate Street, Kinney Street, Bay Street, Ritie Street, Orchard Terrace, Hester Street, and Stevenson Street; and many views open up considerably for the six months or so when the deciduous trees are bare.

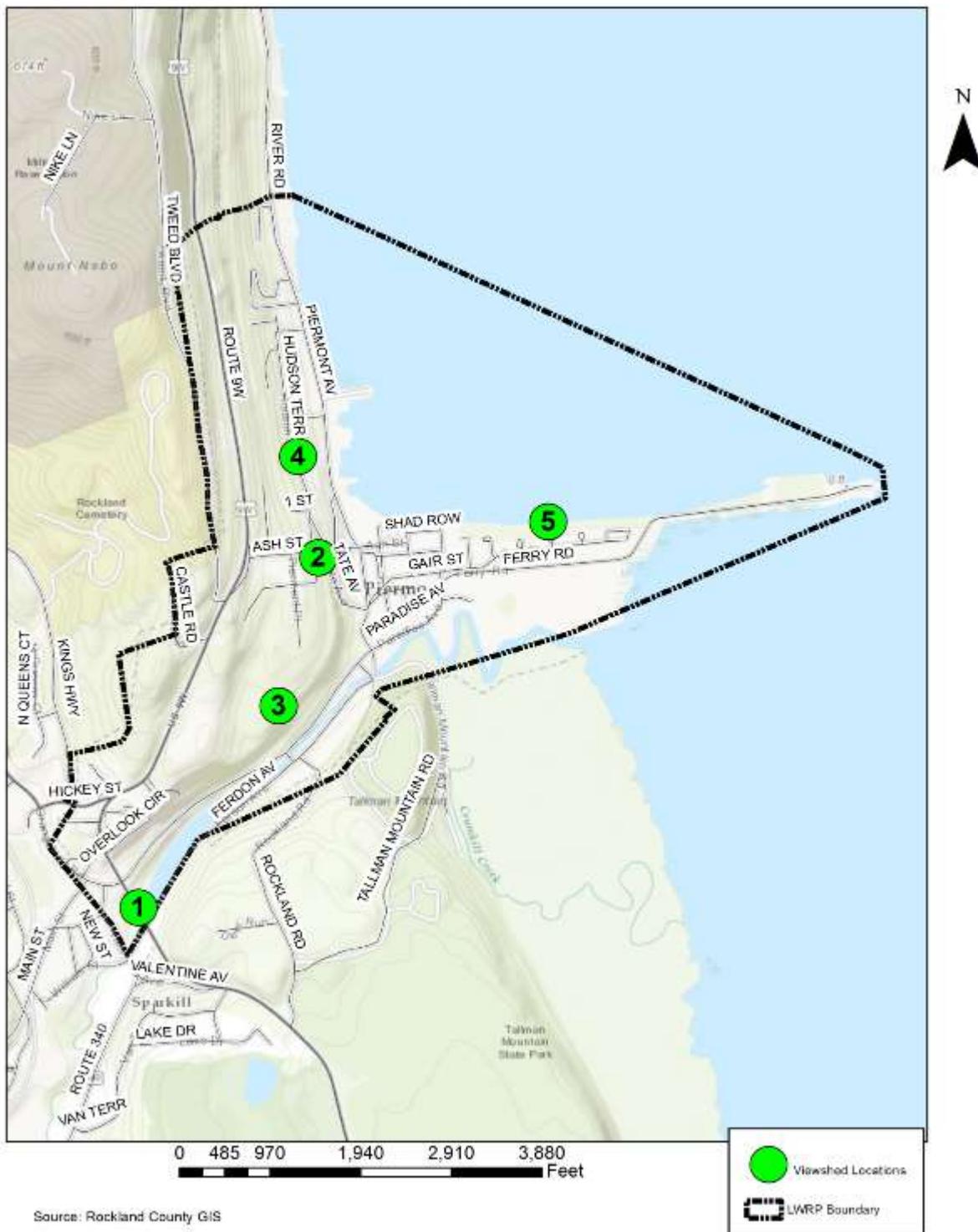
In addition to the areas of local scenic significance, the Village of Piermont lies within the Tappan Zee Scenic District that starts at the New York- New Jersey border and continues northward to Hook Mountain. Municipalities located within the Tappan Zee Scenic District are encouraged to protect, manage, and enhance the scenic and historic qualities within the district.



*View of Piermont Bay from the North Shore Walkway*

## Figure 12

### Scenic Viewsheds



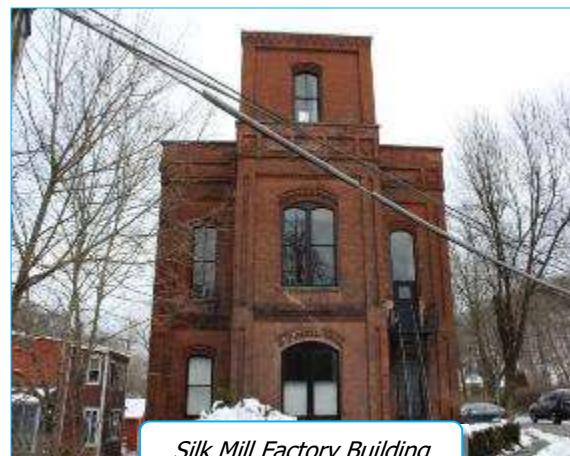
## 8. Historic, Architectural, and Archeological Resources



Historic photo of the paper mills courtesy of the Piermont Historical Society

For the purpose of this document, the definition of historic places rests in the meaning they bring to our lives in Piermont as places that define and mark our rich history and culture. They are also over 100 years old or are associated with a specific historic or cultural event such as Piermont's role in WWII. For example, a building or place may be historic because it was designed by a well-known architect or housed a person of historic or cultural significance or is the place where a significant event occurred. A building may also be historic because it signifies patterns of settlement and trade, or because it is typical of the time it was built. A historic building is one that also retains its architectural integrity. This means that the building's original appearance has not been compromised through insensitive alteration and still conveys a visual sense of time past.

The Village of Piermont with its unique geography nestled between the Hudson River at one of the few breaks in the Palisades made it an attractive site for both the Tappan Native Americans who initially inhabited the area in pre-colonial times, and later colonial settlers who first arrived in the 17th century. The history of Piermont may be divided into several different eras 1) Early exploration 2) Revolutionary Era 3) Industrial Era 4) WWII and 5) Tourism.<sup>15</sup>



<sup>15</sup> "About Piermont" History from the Village of Piermont website <http://piermont-ny.gov/history>

## **1) Early Exploration**

Henry Hudson sailed up the river that would bear his name in 1609. Although there is no record of his crew setting foot here, the Sparkill provides the first natural break in the Palisades and would have invited exploration. This break, and the creek that ran through it, provides a passageway to the interior, making it an ideal place for commerce and trade. The first commercial settlement grew up along the creek, which was then called Tappan Slote. The area around the present day Rockland Road Bridge was the first settlement of a few buildings, including a gristmill. A dam had been built at this location to provide power for the mill wheels, and the mill pond exists to this day.

## **2) Revolutionary Era**

The Onderdonk House, at the corner of Ritie Street and Piermont Avenue, was the home of declared patriots and was a target fired upon by British ships. The house was completely restored in recent years and retains many of the elements of the original structure. In 1783, at the end of the war, George Washington met with Sir Guy Carleton, Commander-in-Chief of the British forces in America. General Washington dined aboard Carleton's ship, the HMS Perseverance, anchored in the river off the Onderdonk House. Upon boarding the ship, Washington was greeted with a 17-gun salute, the first recognition of our new sovereign nation.

## **3) Industrial Era**

Piermont, as we know it, was developed in the 1830s when the Erie Railroad began the project of creating rail service from New York City to Lake Erie. The railroad created a long pier extending almost a mile out to the deep water channel of the Hudson to access barges to NYC. In 1839, Eleazar Lord, owner of the Erie Railroad, decided that Tappan Slote should be renamed Piermont, combining a reference to the Erie Pier and the mountain above on which he was building his country estate.

The glory days of the railroad were short lived. As soon as interstate regulations were changed a year later allowing railroads to cross state lines, the Erie moved their main terminus to Jersey City. The population declined by close to half, and the railroad shops were closed by 1869 – left abandoned and ultimately destroyed by



*Last Stop U.S.A Memorial  
Image courtesy of Piermont Historical Society*

fire.

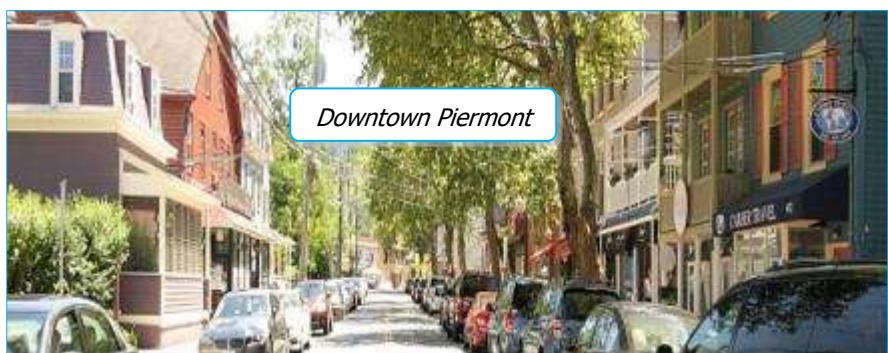
Early in the 20th century, the Piermont Paper Company built a new industrial complex on the old rail yards. In 1920 Piermont Paper merged with the Robert Gair Company of Brooklyn, which had developed new ways of folding paperboard into cartons. The Gair operation expanded, and employment eventually reached 1,200. Gair in turn merged with Continental Can Company in 1957, and in the late 1970's Federal Paperboard and Clevepak were still operating in some of the original brick and concrete buildings. By the early 1980s, economic and environmental issues had rendered the operations unprofitable, the mills were closed and the property was sold for real estate development. One of the flywheels from the mill's electrical generating plant was unable to be moved and was left in place as a testament to Piermont's industrial past.

## **World War II**

During World War II, the pier was taken over by the U.S. Government, extended, improved, and used as a principal embarkation point of soldiers heading to Europe. Over 40,000 U.S. troops per month, including many Hudson Valley residents, marched from nearby Camp Shanks out to the end of the pier where ships were waiting to take them to France in support of the D-Day invasion forces. Piermont became known as "Last Stop USA" for nearly 1.3 million soldiers, many to never return. After the war was won over half a million men returned home through the very same pier. The Piermont VFW and Vietnam Vets sponsor a watchfire each year at midnight on Memorial Day (May 30th) to commemorate those who sacrificed their lives for our country and those that are still missing in action.

## **5) Tourism**

In the late 19th and turn of the 20th century, a growing tourist business developed in the Hudson Valley. People streamed out of the hot and dirty city to find healthful air and tranquility along the banks of the river. The Fort Comfort Inn and Realty Company converted an old mansion along the west side of



Piermont Avenue into a hotel. In 1903, a recreational enterprise called "Fort Comfort Resort" or "Old Fort Comfort Park" was situated on the peninsula between Piermont Avenue and the river a short distance southeast of the hotel. It included an ice cream parlor, bathing beach, a merry-go-round and a shooting gallery. Tweed Boulevard, running along the spine of the Palisades in

Piermont & Upper Grandview, was planned and developed by Boss Tweed to be a 'modern' roadway to access mansions, which would be built for his wealthy acquaintances. The demise of his political career ended this ambitious project. Today, cyclists from as far away as Brooklyn and day-trippers from NYC & NJ visit Piermont to take in beautiful landscape, enjoy the Hudson River, shop the galleries and boutiques on Main Street and the Pier, and dine at its world-class restaurants.

## Historic Resources Inventory

*National Register properties are highlighted in green<sup>16</sup>*

Site ID	Site Name	Site ID	Site Name
1	264 Piermont Avenue	27	486 Piermont Avenue
2	272 Piermont Avenue	28	489 Piermont Avenue
3	269 Piermont Avenue	29	500 Piermont Avenue
4	Silk Mill Bridge/ Rockland Road Bridge	30	516 Piermont Avenue
5	290 Ferdon Avenue	31	525 Piermont Avenue
6	277 Ferdon Avenue	32	556 Piermont Avenue
7	20 Rockland Road	33	62-64 Ash Street
8	321 Ferdon Avenue	34	50 Ash Street
9	335-345 Ferdon Ave	35	46 Piermont Place
10	355 Ferdon Avenue	36	57 Piermont Place
11	361 Ferdon Avenue	37	6 Franklin Street
12	352 Piermont Avenue	38	26 Franklin Street
13	369 Ferdon Avenue	39	153 Hudson Former Piermont Library
14	379 Ferdon Avenue	40	170 Hudson Terrace
15	Drawbridge	41	211 Hudson Terrace
16	Army Bridge	42	259 Hudson Terrace
17	38 Paradise Avenue	43	Knights of Columbus
18	54 Paradise Avenue	44	680 Piermont Avenue
19	120 Paradise Avenue	45	688 Piermont Avenue
20	118 Paradise Avenue	46	696 Piermont Avenue
21	117 Paradise Avenue	47	712n-720n Piermont Avenue

<sup>16</sup> Please note that detailed descriptions of each identified historic resource are available in the appendix.

22	454 Piermont Avenue	48	730 Piermont Avenue
23	468 Piermont Avenue	49	758 Piermont Avenue
24	474 Piermont Avenue	50	25 Ritie Street
25	478 Piermont Avenue	51	20 Ritie Street
26	482 Piermont Avenue		

### **Rockland Road Bridge Historic District**

The Rockland Road Bridge Historic District contains within its 5.38 acre boundary 20 contributing features. The district's primary axis is formed by the course of the Sparkill Creek, known at one time as the Tappan Slote, with various buildings and structures deployed on either side of the creek on Piermont and Ferdon Avenues. The two main roads are connected by the Rockland Road Bridge which is a masonry arch bridge constructed in 1874. A small section of Rockland Road, to the south of Ferdon Avenue, is also included within the district boundary. The contributing historic resources are primarily residential with the exception of the large Haddock Hall building, a converted firehouse (269 South Piermont Avenue), a former livery stable and storehouse (239 South Piermont Avenue), and the masonry bridge. There is a twentieth century pump house and dam in the district, located west of the bridge. The full list of contributing buildings and structures are available in the appendix.

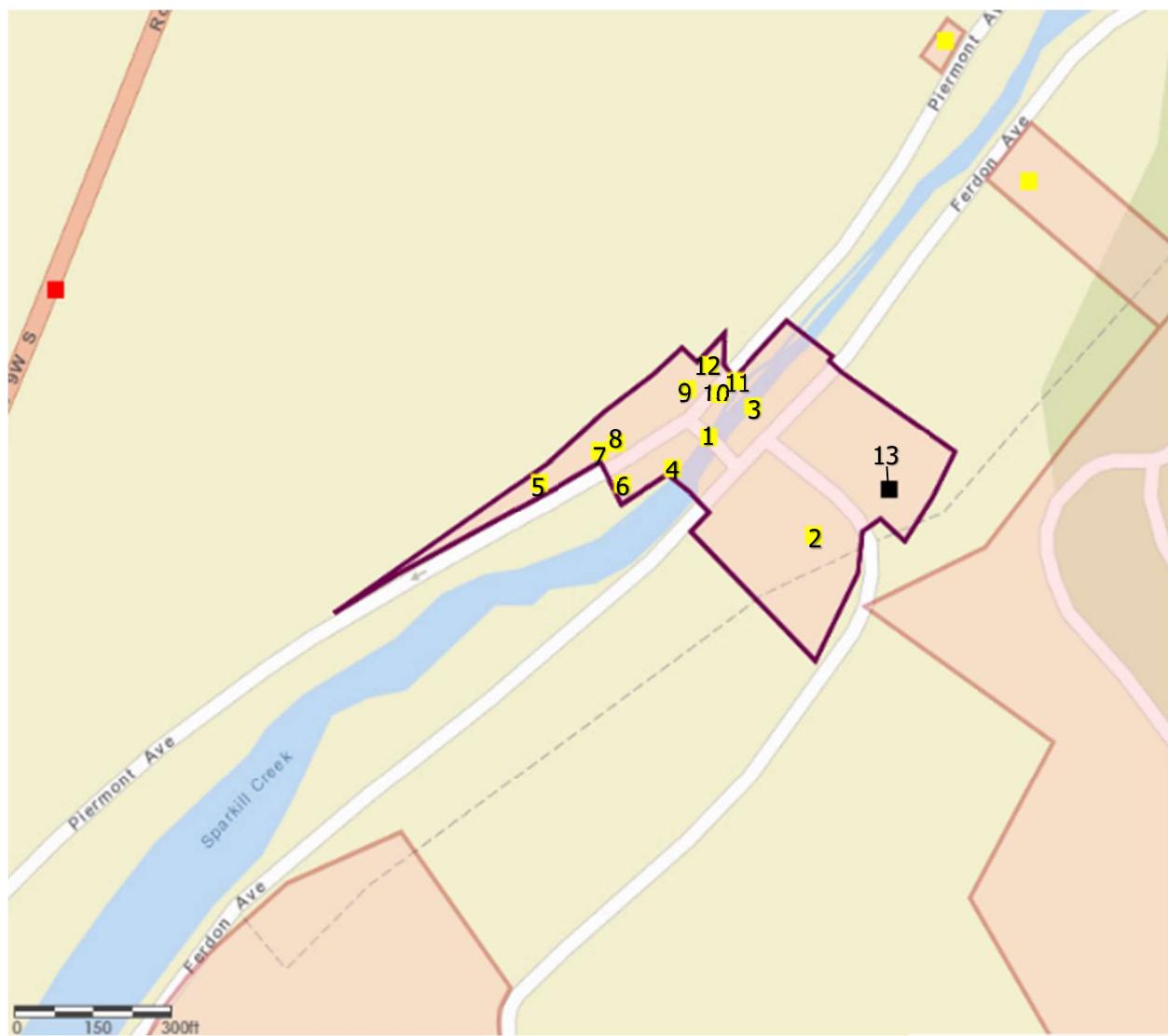
### **Contributing Buildings and Structures- Numbers reference Figure 13 map**

1. Rockland Road Bridge – 1874 – National Register
2. William Ferdon House – 1835 - 277 Ferdon Avenue – National Register
3. Haddock Hall – 1876 - 300 Ferdon Avenue – National Register
4. Sparkill Pump House & Dam – 1940 – National Register
5. 236 South Piermont Avenue – 1870
6. 239 South Piermont Avenue – 1856 – (former livery stable and storehouse)
7. 250 South Piermont Avenue – 1800
8. 254 Piermont Avenue
9. 264 Piermont Avenue – 1800
10. 265 Piermont Avenue
11. 269 South Piermont Avenue – 1851 - (former firehouse – Protection Engine Company)
12. 272 South Piermont Avenue – 1785
13. 20 Rockland Road- 1835
  - The Mine Hole – 1940 - (two shaft extraction mine)
  - Automotive Garage – 1920
  - 20 Rockland Road – 1835
  - Cast-iron fencing

- Stone wall with concrete coping
- Stone wall (between 236 & 239 South Piermont Avenue)
- Stone retaining wall (between 254 & 264 South Piermont Avenue)
- Dry laid stone wall

Figure 13

**Rockland Road Bridge Historic District**



Source: Cultural Resource Information System (CRIS), New York State Office of Parks, Recreation and Historic Preservation.

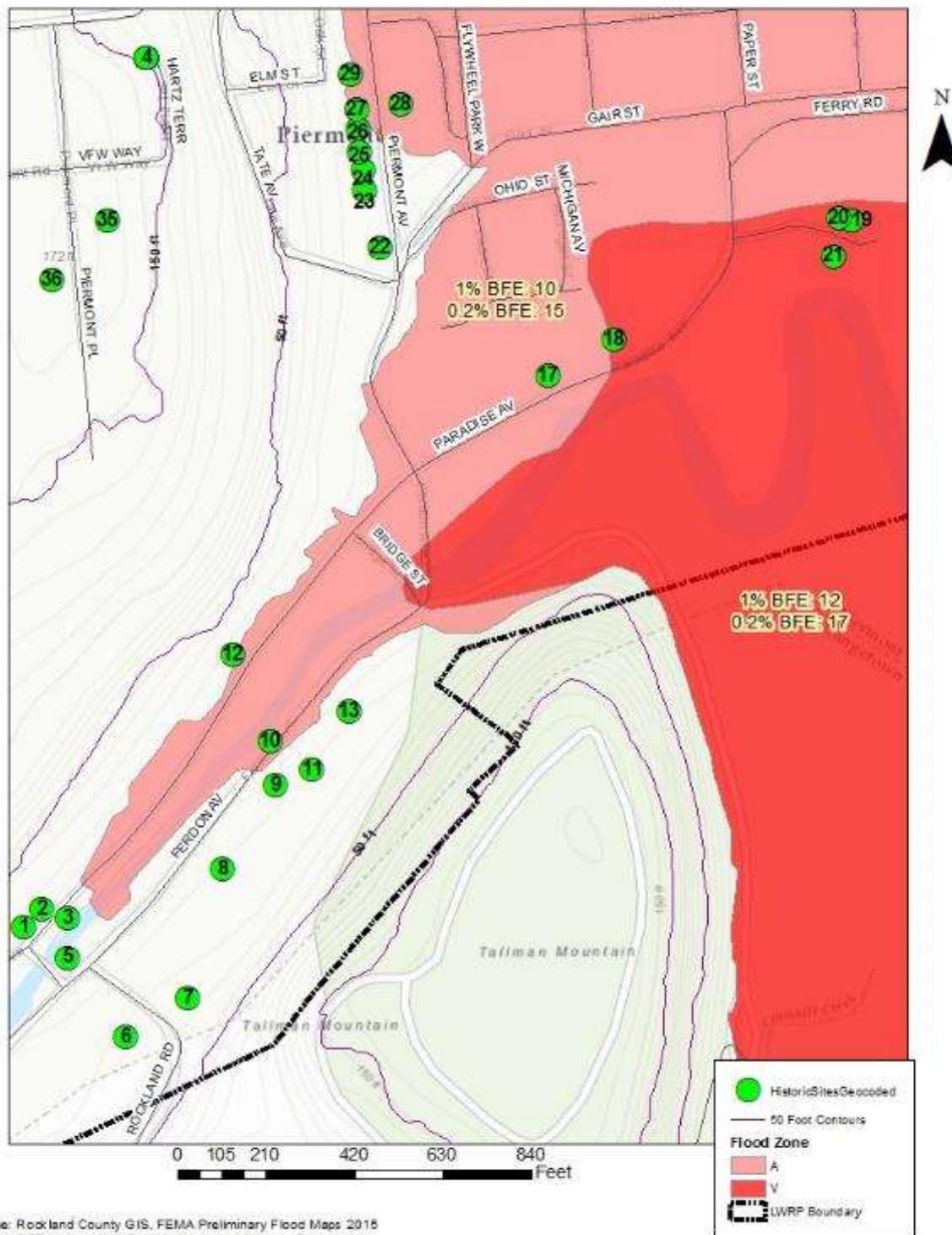
## Figure 14

### Historic Sites North & Floodplain



## Figure 15

### Historic Sites South & Floodplain



## **9. Flooding, Stormwater, and Drainage**

### **9.1 Flooding**

The unique location of Piermont along the waterfront puts the community at a high risk of flood damages during severe weather events such as nor'easters or hurricane events. The Village of Piermont experienced significant damages totaling approximately \$20 million due to Superstorm Sandy, and is continuing to repair property that was damaged during the 2012 storm. While Piermont was *mostly* spared from rain and land/mudslides during Sandy, floating debris pushed ashore in the waterfront presented a hazard that caused more significant damage than the floodwaters. Sewage backups into basements along Piermont Avenue were also a problem. Emergency equipment and facilities are located in areas vulnerable to extreme weather events, and need to be re-located or made less vulnerable. Following Sandy, FEMA has begun the process to update the coastal maps for the northeastern region, including Rockland County and Piermont. The new maps have incorporated the new data on base flood elevation data collected after superstorm Sandy and Hurricane Irene. The new maps, which are presently under review, vary significantly from the pre-sandy maps that did not include areas of Piermont that were in fact inundated during the storm event. The new preliminary maps portray a higher base flood elevation for both the 100 year, or 1% annual chance flood, and the 500 year, or 0.2% annual chance flood. The new maps represent the best available data and FEMA is encouraging their use for planning purposes even though they have not been formally adopted. As sea levels rise, the floodplain will extend further into inland areas, this will be discussed further in the sea level rise portion of the inventory.

The Village of Piermont is subject to both estuarine and tributary flooding. The Village lies at the bottom of the drainage basin of the Sparkill Creek and near the bottom of the drainage basin of the Hudson River where the incoming tide will back-up storm-water runoff. The Sparkill Creek watershed includes the area between the Hudson and Hackensack River systems in Orangetown in Rockland County and extends into northern Bergen County in New Jersey.

The Piermont waterfront along the Sparkill Creek is subject to frequent flooding, especially along the tidal portion, and high flood flows have resulted in extensive damage to residential properties. During flood conditions, the roadway of the historic drawbridge across the tidal Creek at Bridge Street is completely submerged. Nuisance flooding has become routine in the low lying Bogertown neighborhood where residents regularly move vehicles before rain events to prevent damages. The frequent flooding also results in harbor siltation and significant degradation of coastal water quality.

The Piermont Pier and the Tappan Zee shoreline to the north make a bight (a bend in the river) that protects Piermont Bay from storms out of the west and south. However, the bight is open to the northeast, and major storms blowing in from the north and northeast can wreak havoc. Parelli

Park, located at the center of the bight where northeasterly storm winds and waves are focused, has required several major repairs to its bulkhead in the first decade since its construction.

The most severe flooding area in the Village is along the tidal reach of the Sparkill Creek, which receives the increased runoff from the Sparkill Creek watershed caused by upland development combined with the tidal rise of four feet or more between low and high tide. When stormwater runoff from the freshwater Creek meets the opposing surge of a flood tide, the Creek overflows its banks. While communities upstream see the solution to their drainage problems in projects designed to increase the rate of stormwater runoff, this "solution" serves only to intensify the drainage problem downstream, exacerbating flooding in Piermont.

In December 2013, the Village of Piermont adopted new flood damage protection legislation ([Chapter 112](#)). The code has the stated intent to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

This LWRP will review additional or modified flood control measures that incorporate sea level rise in the proposed project chapter. The Village may benefit from revisiting these regulations to ensure the long term resilience of low lying areas.

## **9.2 Stormwater and Drainage**

In addition to the flood protection legislation the Village of Piermont has additional legislation that regulates 1) soil erosion and sediment control 2) stormwater control and 3) stormwater management.

### **Soil Erosion and Sediment Control**

[Chapter 168](#) of the Piermont Code regulates soil erosion and sediment control in an effort to prevent the indiscriminate disturbance and clearing of land to preserve the physical and aesthetic character of the Village, to ensure erosion control, to promote minimal adverse disturbance to

existing vegetation, to minimize the need for additional storm-drainage facilities, to retain trees and other vegetation for wind protection, to reduce air pollution and to preserve and to enhance wildlife and wildlife habitats. The chapter requires that land disturbance activities require a permit by the Planning Board and that appropriate measures are taken to reduce soil erosion during and after construction activities. In addition to Chapter 168, the Village regulates steep slopes construction which also furthers the goal of reducing erosion and sedimentation of the riverways - this is discussed in detail in the steep slopes chapter of this program.

### **Stormwater Control and Stormwater Management**

Chapters [169](#) and [170](#) adopted in 2007 and 2010 regulate stormwater control and stormwater management in relation to the New York State SPDES general permit and the MS4 permit. The purpose of these chapters are to regulate land development activities in an effort to reduce stormwater runoff, water-borne pollutants, illicit discharges into the separate storm sewer system, soil erosion, nonpoint source pollution, and any other hazards that may enter the rivers and impair ecological systems.

### **Special Flood Hazard Area Map**

The FEMA preliminary flood zone maps portray two distinct flood hazard zones: the A zone and the V zone. The Advisory 1% annual chance floodplain includes both A and V Advisory flood hazard zones: Advisory Zone V is comprised of the area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Advisory Zone A is comprised of the area subject to storm surge flooding from the 1% annual chance coastal flood. These areas are not subject to high velocity wave action but are still considered high risk flooding areas.<sup>17</sup>

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<sup>17</sup> FEMA ABFE Metadata,  
[http://abfe.services.femadata.com/arcgis/rest/services/ABFE\\_pub/ABFE2/MapServer/11](http://abfe.services.femadata.com/arcgis/rest/services/ABFE_pub/ABFE2/MapServer/11)

## Floodplain Map

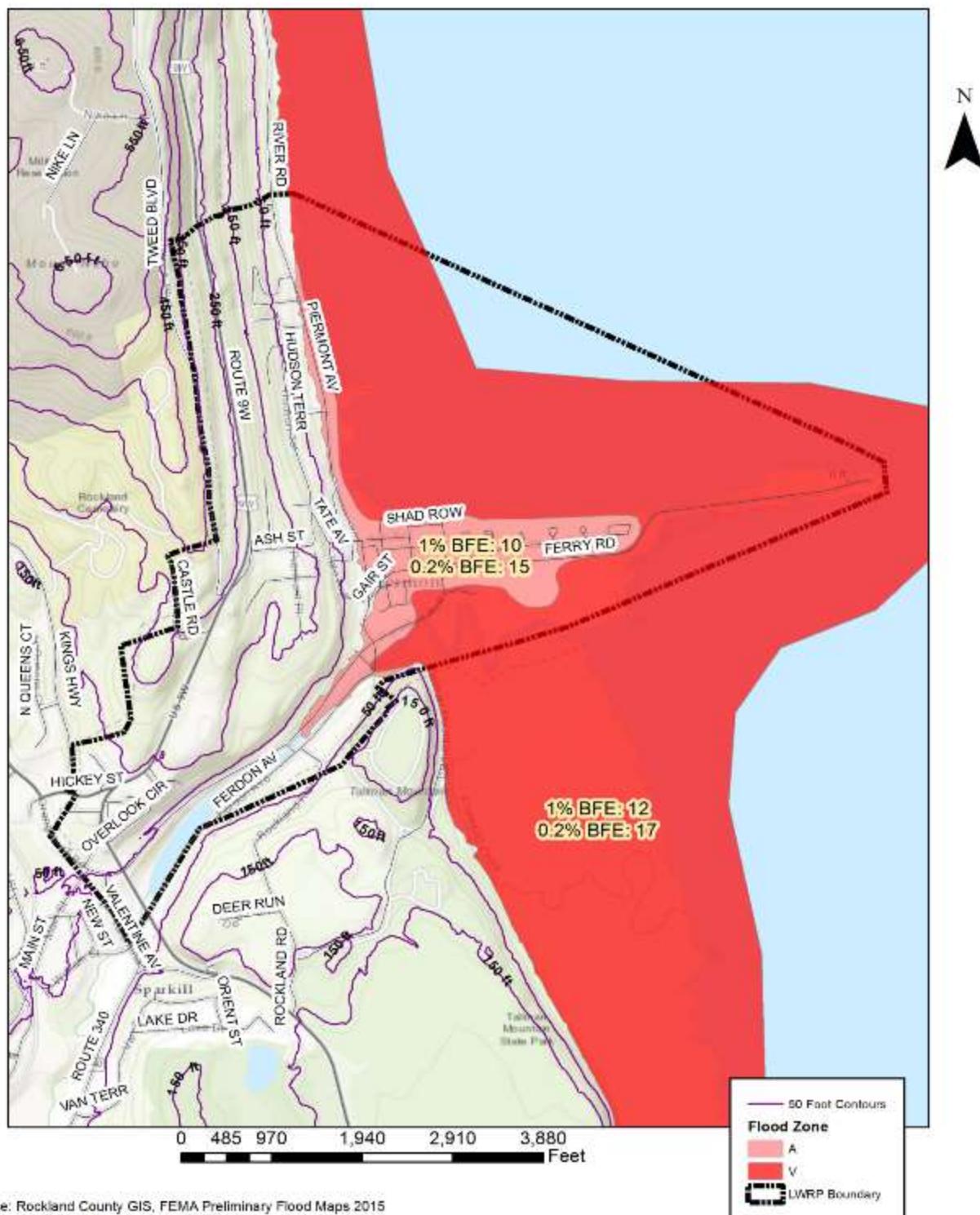


Figure 16

## 10. Water Quality

As Piermont is located on the Hudson River and also hosts the Sparkill Creek, a major tributary, water quality is a primary concern. The New York State Department of Environmental Conservation (DEC) classifies major waterbodies based on their best uses. The Sparkill Creek is a C classified waterbody in both the tidal portions and the portions north of the Silk Factory Bridge, while the Hudson River is a SB classified waterbody. Classification B indicates a best usage for swimming and other recreation, and fishing. The C classification for the Sparkill Creek indicates the best usage is fisheries and non-contact uses.<sup>18</sup> Fecal coliform is a major concern in the Sparkill Creek, the Crumkill Creek, and the Hudson River. Urban stormwater remains a significant source of pathogens and oxygen demand. The non-profit water advocacy organization Riverkeeper, in partnership with the Sparkill Creek Watershed Alliance and other citizen water testers, publishes water quality tests for fecal coliform in the Sparkill Creek near the drawbridge, in the Hudson River the end of the Piermont Pier, in the Hudson River at Orangetown outfall pipe, and in the Piermont Harbor near Parelli Park.

Of the 32 samples taken from the Sparkill Creek at the drawbridge location since 2011 only one had low enough levels of enterococcus to be classified as acceptable. Every sample taken in 2016 (7 samples total) had sustained enterococcus levels that were greater than 2,420.<sup>19</sup> This indicates that the water quality of the Sparkill Creek has not improved and that further work is warranted to eliminate illicit discharges of sewage and other pollutants into the creek. The Town of Orangetown was awarded a \$220,000 grant in 2017 to replace an inadequately sized and deteriorated culvert along the Sparkill Creek under Route 303 (outside of Piermont's jurisdiction). The project is expected to enhance water flow and water quality by removing a deteriorated pump house in the stream, and restoring the streambank. This project may have a positive impact on downstream water quality.

In 2016, all measurements taken at the end of the Pier indicate acceptable levels of enterococcus, a fecal indicator- which may indicate improved water quality due to mitigation measures taken in communities and Village properties upstream on the Hudson. While recent readings appear to show improvement, it should be noted that there were far fewer samples taken in 2016. There were 23 samples taken during 2015 as compared to only 6 samples taken in 2016. In 2015, nearly half of the samples (12 in all) exceeded levels acceptable for swimming, with one reading of 3,448 which is 57 times the acceptable enterococcus count.<sup>20</sup>

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<sup>18</sup> Waterbody classifications were accessed through the DEC Environmental Resource Mapper in April, 2017- <http://www.dec.ny.gov/gis/erm/> The NYS Final 2016 Section 303(d) List of Impaired/TMDLWaters was approved by EPA in July 2017.

<sup>19</sup> Riverkeeper data for the drawbridge sampling site. <https://www.riverkeeper.org/water-quality/citizen-data/sparkill-creek/piermont-old-draw-bridge/>

<sup>20</sup> Riverkeeper data for Piermont Pier site. <https://www.riverkeeper.org/water-quality/hudson-river/rockland-westchester/piermont-pier/>

In 2016 one of the six samples taken at the Orangetown outfall pipe exceeded the acceptable levels for enterococcus. The same was true for 2015 with one extremely high reading of 24,196 while all other readings remained at acceptable levels.<sup>21</sup> From a desktop review, it appears that the water quality near the outfall has improved but further study is warranted. In 2016 there were six samples taken in the Hudson River near Parelli Park of which half exceeded acceptable levels of enterococcus. Of the 22 samples taken since 2013, a total of eight exceeded acceptable levels of enterococcus. Additional work to improve water quality is warranted given the use of the park as a popular canoe and kayak launch.

Water quality at all testing sites remain compromised and future decisions should aim to improve water quality. Improved water quality may contribute to improved recreational access and the beneficial use of the Village's hydrological assets. Riverkeeper water quality data is available on the [Riverkeeper Website](https://www.riverkeeper.org/water-quality/hudson-river/rockland-westchester/orangetown-stp/).

## **Sewer**

Sanitary sewage in Piermont enters sewer lines and is conveyed to three pump stations, two located at Piermont Landing and one on Ferdon Avenue. The Piermont Landing stations pump to the Ferdon Avenue pump station and the Ferdon Avenue pump station pumps to the Sparkill pump station on William Street in Sparkill. That station pumps directly to the Orangetown Wastewater Treatment Plant (WWTP) located along Route 303 north of the Palisades Interstate Parkway. The Orangetown WWTP treats sewage from the Town of Orangetown including sanitary sewage from Piermont. The treated sewage is tested daily at its discharge point on the grounds of the WWTP and is piped to an outfall line originating from the Rockland County Sewer District #1. This outfall is under the Pier and extends 600 feet into the Hudson River at the final discharge point. As reported by the Town of Orangetown Commissioner for the Department of Environmental Management, only treated and tested effluent is discharged into the River with no raw sewage discharge or combined sewer discharge occurring.

Like many older communities, portions of Orangetown's sanitary sewer system are aged and in need of repair or replacement. Problems in pipes can cause back-ups and allow wastewater to leak into surrounding soils. Cracks and breaks in the system also allow groundwater and stormwater to enter into the sanitary sewer system; these flows are referred to as infiltration and inflow. Infiltration and inflow can cause substantial increases in wastewater flows during rainfall events. When the system is clogged or choked with flows beyond its capacity, sanitary sewer overflows (SSOs) can occur. During SSOs, a mixture of untreated sewage, groundwater, and stormwater overflows through pipes or sewer manholes. High fecal coliform levels are often attributed to these infrastructure issues.

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<sup>21</sup> Riverkeeper data for the Orangetown Outfall Site <https://www.riverkeeper.org/water-quality/hudson-river/rockland-westchester/orangetown-stp/>

The Town of Orangetown is in the process of rehabilitating sanitary sewers to reduce inflow and infiltration in response to a consent order from the DEC. The Town has bonded nearly \$50 million in funds for the rehabilitation of its treatment plant, pumping stations, and sewer mains.<sup>22</sup> It has completed three years of lining the sanitary sewers in the Village of Nyack for \$3 million. Over 75% of that cost was funded by a grant/loan from the NYS Environmental Facilities Corporation from the federally funded Stormwater Mitigation Loan Program. The Town has also imposed a sewer “rent” charge since 2005 that supports administration, maintenance, and repair of the Orangetown sewer system.<sup>23</sup> Orangetown is considering further investigations of sanitary sewers town-wide, but does not have plans to line the sanitary sewers in Piermont in the near future. The Village should actively encourage the Town to prioritize the extension of its infiltration and inflow remediation to the Village of Piermont.

Harbor sedimentation is another water quality issue present in Piermont, it is discussed at length in the Harbor Management Needs section of this inventory.

## **11. Critical Environmental Areas and Hydrological Features**

### **11.1 Significant Coastal Fish and Wildlife Habitats**

#### **Piermont Marsh**

The Piermont Marsh and adjoining shallows are classified as a Significant Coastal Fish and Wildlife Habitat (SCFWH) and thus require special attention in terms of consistency with the New York State Coastal Management Program. Management activities must be consistent with the maintenance and recovery of habitat for native fish and wildlife species and the impact assessment considerations in the SCFWH narrative. The Piermont Marsh SCFWH encompasses 1,017 acres and lies at the southern edge of the Village of Piermont, four miles south of Nyack in the Town of Orangetown in Rockland County. (7.5' Quadrangle: Nyack, N.Y.). The Piermont Marsh is on the western shore of the Tappan Zee. It occupies two miles of shoreline south of the mile-long Piermont Pier. The fish and wildlife habitat is an approximate 780 acres area, encompassing a large, intertidal, predominantly brackish marsh; extensive tidal shallows (less than 6 feet deep below mean low water); uplands to the west and north of the marsh; and the mouths of Sparkill and Crumkill Creeks. The Sparkill Creek drains 11.1 square miles of watershed. There is a picnic area on Paradise Avenue in Piermont.

Piermont Marsh is bounded on the north by a mile-long earthen pier, constructed in 1838 as the eastern terminus of the Erie Railroad. Most of Piermont Marsh and the land area to the west (predominantly steep, undeveloped, forest land) are within Tallman Mountain State Park, owned by the Palisades Interstate Park Commission. The NYSDEC owns an approximate 100-acre portion at the north end of the marsh. Piermont Marsh is the largest, undeveloped, intertidal brackish

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<sup>22</sup> Town of Orangetown Minutes 1-26-2010 <http://orangetown.com/wp-content/uploads/2016/08/M01-26-10.pdf>

<sup>23</sup> Town of Orangetown Code. <http://ecode360.com/26865144>

marsh within the Hudson River Estuary. It provides water quality filtering for a significant portion of the southern part of the Village including upland areas.<sup>24</sup>

## **11.2 Hudson River National Estuarine Research Reserve**

### **Piermont Marsh Reserve**

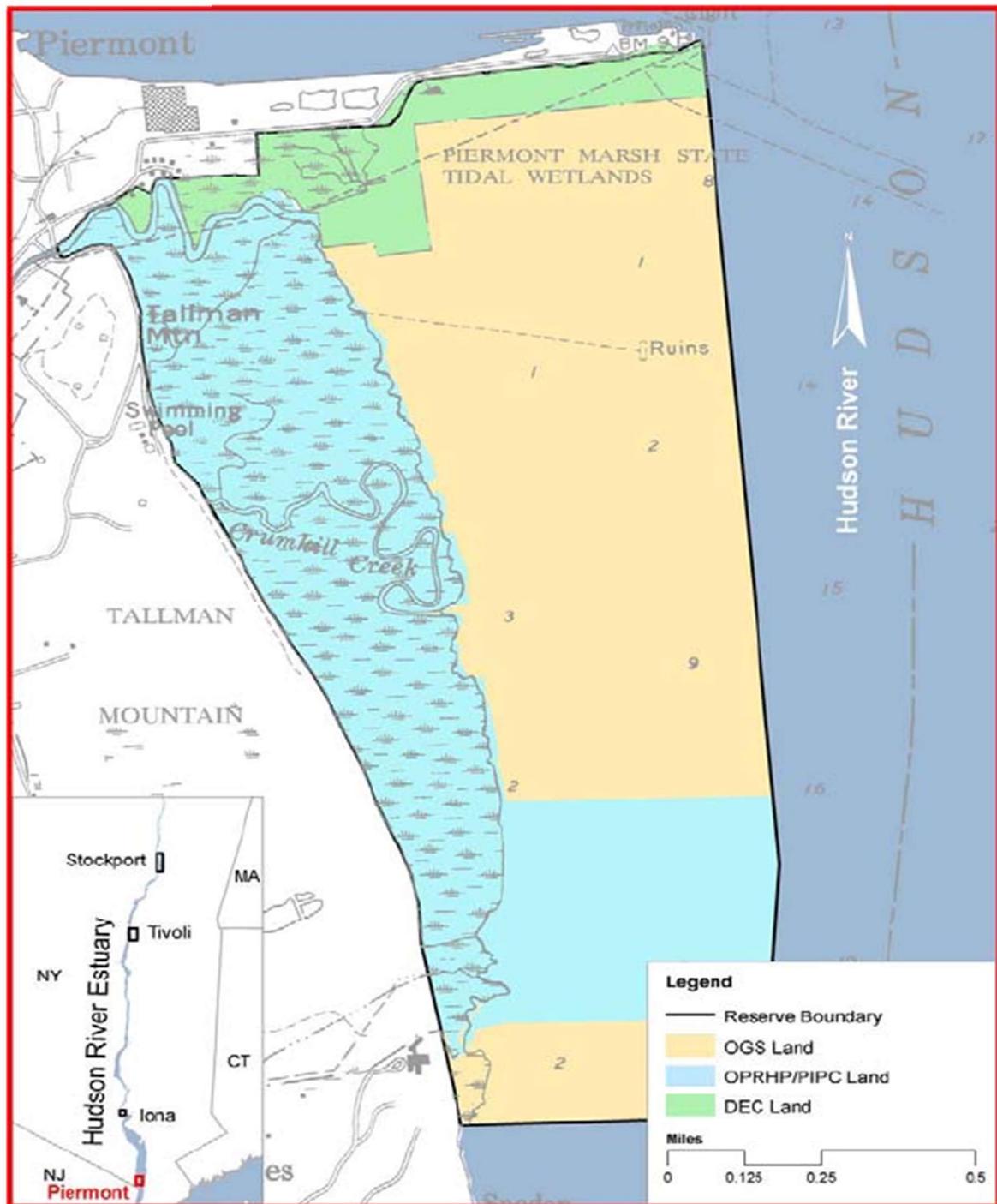
The Piermont Marsh and the adjoining shallows also comprise the Piermont Marsh component of the Hudson River National Estuarine Research Reserve (NERR), aka the Piermont Marsh Reserve. The Hudson River NERR is part of the National Estuarine Research Reserve System, a network of 29 estuarine areas—places where freshwater from the land mixes with saltwater from the sea—established across the nation for long-term research, education, and coastal stewardship. The reserves are a partnership between NOAA and the coastal states and territories. NOAA's Office for Coastal Management is responsible for administering the reserve system. The Hudson River NERR program is managed on a day-to-day basis by lead state agency DEC in partnership with NYS Parks and Palisades Interstate Park Commission, with input from local partners. The mission of the reserves is to practice and promote coastal and estuarine stewardship through innovative research and education, using a system of protected areas. Further information about the Piermont Marsh Reserve is available in the Draft Piermont Marsh Reserve Management Plan.

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<sup>24</sup> Department of State Significant Coastal Fish and Wildlife Areas.

[https://www.dos.ny.gov/odp/programs/consistency/Habitats/HudsonRiver/Piermont\\_Marsh\\_FINAL.pdf](https://www.dos.ny.gov/odp/programs/consistency/Habitats/HudsonRiver/Piermont_Marsh_FINAL.pdf)

## Figure 17



Source: Hudson River National Estuarine Research Reserve 2009-2014 Management Plan.

The Piermont Marsh Reserve Draft Management Plan described the site's natural resources in detail. Eleven distinct ecological communities have been identified at the Piermont Marsh Reserve,

including brackish tidal marsh, saltwater tidal creek, brackish intertidal mudflat, and floodplain forest. The marsh and shallow-water habitats are regionally rare, ecologically significant, and were historically home to a host of specially-adapted plants and animals. Until recent decades, Piermont Marsh was mainly a high salt marsh community dominated by saltmeadow cordgrass, also known as salt hay. Along the tidal creeks and at lower elevations, the marsh also supported a low salt marsh community comprised of saltmarsh cordgrass. These two community types sustained a host of fish, crabs, and other wildlife adapted to live in conditions that vary from wet to dry, and salt to fresh. Salt hay was also a vital resource for many local residents, who harvested it from their family plots in the marsh. Today, this native community is all but gone from Piermont Marsh, and only found in small areas where Phragmites are less dense.

While the draft management plan contemplated the removal of 10 to 40 acres of invasive Phragmites, there is considerable community concern with this proposal for a number of reasons. The Phragmites have become part of the character of the Village and there is consensus among residents that they should remain, especially near the residences. Residents were also concerned that the removal of Phragmites with herbicide may negatively impact local fish and wildlife. Furthermore, there is growing evidence that the Phragmites may minimize damage from wave action and storm surge.

A research team of scientists, including United States Geological Survey staff and marsh managers from DEC and the Palisades Interstate Park Commission, in collaboration with the Village of Piermont's Waterfront Resiliency Commission and with funding from the National Estuarine Research Reserve System (NERRS), Science Collaborative, is performing a three year study (2016 – 2019)<sup>25</sup> to better understand the marsh's capacity to buffer against waves, flood, and debris under difference management scenarios, and the economic values associated with these functions.

The project team is conducting marsh vegetation field surveys, as well as hydrologic and hydrodynamic surveys during flooding events. This data will be used to develop storm surge, wave, and coastal flooding simulations, and risk maps. The project will apply state-of-the-art, predictive models of climate, coastal, and ecological processes that will evaluate alternative marsh management scenarios. The project team will also complete an ecosystem valuation to better understand the economic benefits of the storm protection services provided by the marsh. To ensure that the work is informed by and useful to the village and creates products tailored to local needs, the project team includes a resident who is a leader in resilience planning. The team will also conduct regular briefings with the Piermont Waterfront Resilience Commission.

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<sup>25</sup> Understanding the Role Coastal Marshes Play in Protecting Communities from Storm Surge and Flooding, (2016

- 2019) Dr. Y Peter Sheng, Project Leader, Engineering School of Sustainable Infrastructure and Environment, University of Florida, study funded by NOAA, Office for Coastal Management, National Estuarine Research Reserve System (NERRS) Science Collaborative and NYS DEC and Parks.

The purpose of the study is to provide marsh managers and the Village and its adaptation planners with information and tools to help in making well-informed decisions.

### **11.3 Critical Environmental Areas**

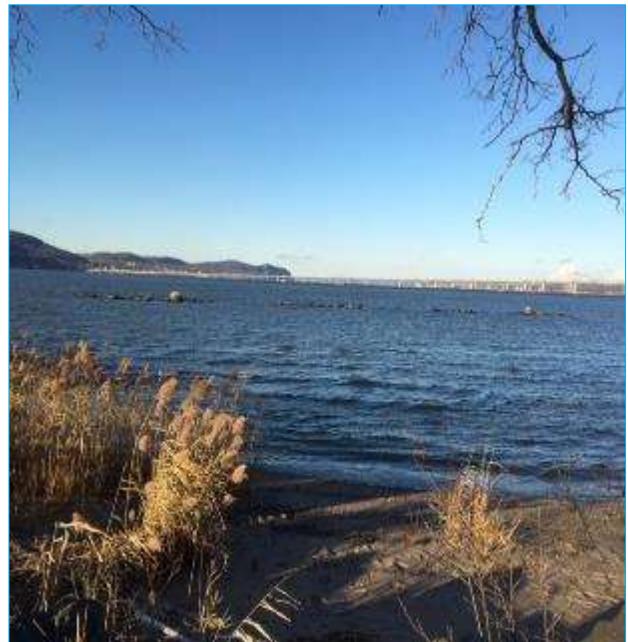
The Village of Piermont has identified and designated several critical environmental areas (CEA) in its 1992 LWRP. CEA's are commonly identified as areas that have vulnerable environmental conditions and are thus subject to a higher degree of environmental review. The Village of Piermont has identified the following locations as critical environmental areas:

#### **1. The Piermont Marsh**

While the Majority of the Piermont Marsh is outside the Village of Piermont the northern section which includes the Sparkill Creek lies within the jurisdictional boundary of this LWRP.

Since the Hudson estuary is quite narrow with few marshes and shallows, the Piermont area is of particular importance to the continued viability of estuarine wildlife. The Piermont Marsh and the marshy area on the north side of the Piermont Pier, known as the "duck ponds", not only support many nesting birds; but also many thousands of migrating birds that stop here, along the Hudson flyway, to rest and feed in the spring and fall. There have been recent sightings of Belted Kingfishers (*Megaceryle alcyon*) in the Piermont Marsh.

A number of endangered species were identified in the environmental impact statement for the New Tappan Zee bridge located directly north of Piermont. It is assumed that the species identified as threatened, endangered, or of special concern for the New Tappan Zee Bridge project would also be found in and around the Village of Piermont including the Piermont Marsh.



## Threatened, Endangered, Candidate, and Special Concern Species <sup>26</sup>

Species	Scientific Name	Status
<b>Plants</b>		
Late flowering boneset	<i>Eupatorium serotinum</i>	NY-E
<b>Birds</b>		
Golden eagle	<i>Aquila chrysaetos</i>	NY-E
Bald Eagle	<i>Haliaeetus leucocephalus</i>	NY-T
Peregrine falcon	<i>Falco peregrinus</i>	NY-E
Osprey	<i>Pandion haliaetus</i>	NY-SC
Sharp-shinned hawk	<i>Accipiter striatus</i>	NY-SC
Cooper's hawk	<i>Accipiter cooperii</i>	NY-SC
Red-shouldered hawk	<i>Buteo lineatus</i>	NY-SC
Northern goshawk	<i>Accipiter gentilis</i>	NY-SC
Northern harrier	<i>Circus cyaneus</i>	NY-T
Pied-billed grebe	<i>Podilymbus podiceps</i>	NY-T
Common loon	<i>Gavia immer</i>	NY-SC
<b>Mammals</b>		
Indiana bat	<i>Myotis sodalis</i>	US-E
New England cottontail	<i>Sylvilagus transitionalis</i>	US-C
<b>Reptiles and amphibians</b>		

Northward view of the Duck Ponds from Piermont

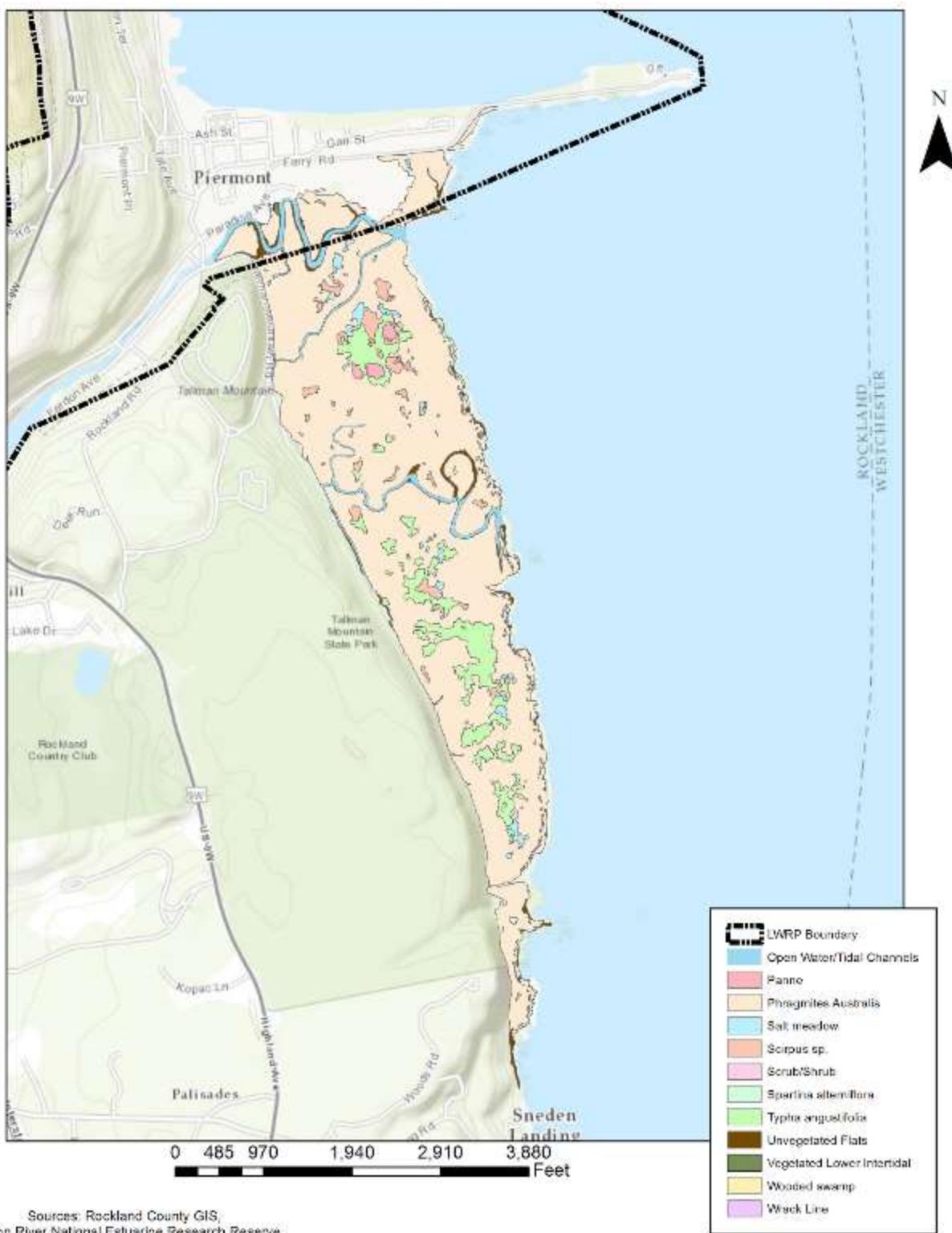
Bog turtle	<i>Clemmys [Glyptemys] muhlenbergii</i>	US-T, NY-E
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<sup>26</sup> Source: The New New York Bridge DEIS, <http://www.newnybridge.com/documents/deis/16-ecology.pdf>

Eastern box turtle	<i>Terrapene carolina</i>	NY-SC
Spotted turtle	<i>Clemmys guttata</i>	NY-SC
Marbled salamander	<i>Ambystoma opacum</i>	NY-SC
Southern leopard frog	<i>Rana sphenocephala</i>	NY-SC

Figure 18

Piermont Marsh



## 2. The tidal portion of the Sparkill Creek

The tidal portion of the Sparkill Creek runs from the Silk Factory Bridge to the Hudson River and is an important habitat for the many species of fish that breed in the Hudson estuary and for all forms of wildlife that feed on the fry. The freshwater wetlands in and around the Brookside Sanctuary on the Sparkill Creek supports a great variety of wildlife, particularly waterbirds.

It should be noted that the former Tappan Zee Elementary School has been removed from the list of Critical Environmental Areas in contrast to the 1992 LWRP. The original LWRP notes that the South Orangetown School District was seeking to sell the undeveloped portion of the property and that the Village of Piermont may consider purchasing the property to ensure its continued benefit to local wildlife. Today the needs of the community have shifted as a direct result of sea level rise, and the use of the property should remain flexible. As sea levels rise, the Village of Piermont may need to relocate Village facilities, including the Village Hall, Police, Fire, and DPW facilities. As the property is upland from the areas that will be most impacted by sea level rise, the Village may consider the purchase of the former elementary school property for civic uses. In addition, the site may be used for relocation of other areas that are expected to be inundated due to sea level rise including the Village's downtown commercial center and residential uses along the waterfront. This may mitigate the expected tax impacts that will result from the potential loss of property due to sea level rise.

### **3. The Clausland Mountain Ridgeline**

As noted in Article XIX of the Village's zoning ordinance, ridgeline is defined as "a swath or breadth of land, with the associated vegetation which connects the highest elevation of land along a ridge, hill crest, hilltop, or series of hill crests, hilltops, or prominent knolls." Article XIX identifies Clausland Mountain Ridgeline as an environmentally sensitive site (§210-113(f)). The Clausland Mountain Ridgeline with its steep slopes is particularly subject to downslope flooding and erosion and is more suitable for preservation than development. Preserving the existing vegetation reduces the level of erosion and sedimentation while also providing valuable wildlife habitat. Efforts should be made to minimize clear cutting and indiscriminate disturbance of land within this critical environmental area. Policy 25 of the LWRP also recognizes the importance of protecting views from the River and waterfront areas to the Palisades ridge.

The Clausland Mountain Ridgeline Critical Environmental Area is defined generally as the area between the border with Orangetown to the west and Route 9W extending from Tweed Boulevard in the south to the Grandview border in the north. This critical environmental area is depicted on Figure 19.

### **4. Other Designated Critical Environment Areas**

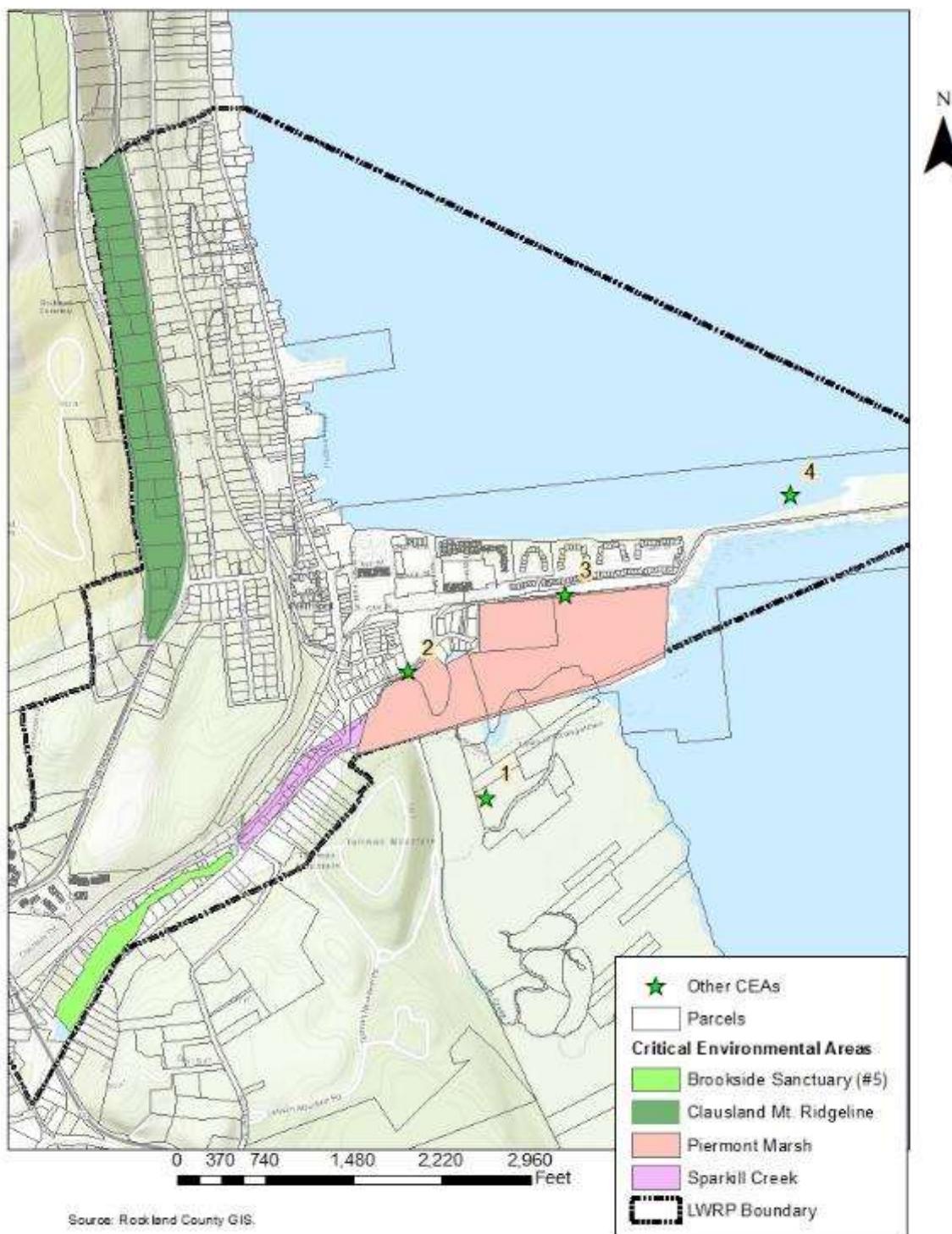
The Village of Piermont identified the following areas as conservation areas in the original LWRP. These sites host specific natural features that are vital in providing habitat for Piermont's diverse flora and fauna. As such, they deserve designation as Critical Environmental Areas and receive the

additional level of scrutiny under SEQRA for anything that may be done within or adjacent to these areas. The following areas (see figure 19) have been included as Critical Environmental Areas in the Village of Piermont:

1. The Palisades Interstate Park Marsh -- area to the south of the Sparkill Creek owned by the Palisades Interstate Park and part of Tallman Mountain State Park.
2. Paradise Avenue Department of Environmental Conservation Marsh
3. The Department of Environmental Conservation Marsh -- area to the south of Ferry Road on the Pier acquired by the Department of Environmental Conservation in 1981, part of which is a former landfill.
4. Parts of Piermont Bay, in particular, the "duck ponds," and the marshy area on the north side of the Pier, which are frequented by rafts of waterbirds, especially in winter. They support many nesting birds, and during spring and fall thousands of birds migrating along the Hudson flyway stop there to rest and feed.
5. Brookside Sanctuary - a Village-leased property north of the pump station on the Sparkill Creek. (leased from Suez Water)

## Figure 19

### Critical Environmental Areas

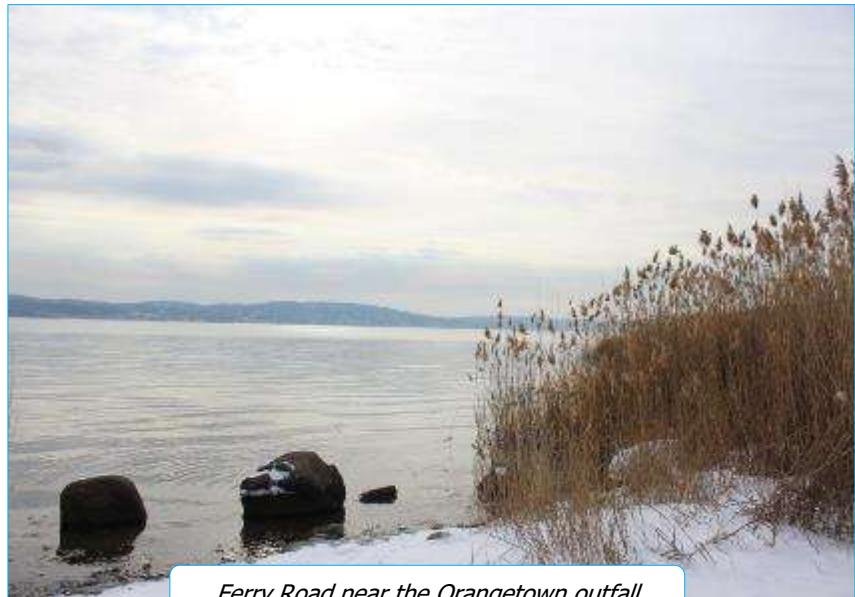


## 12. Climate Change and Sea Level Rise

As the rate of global warming increases and polar ice sheets continue to melt, our oceans and coastal areas face ever-increasing sea levels. Piermont, with its location hugging the Hudson River faces sea level rise challenges as a majority of the Village's downtown and mixed-use residential and commercial districts are projected to be inundated by 2100. Not only does sea level rise inundate areas that are presently land, it also puts a larger swath of Piermont at risk during flood events as surges go further inland. This puts many of the businesses and residents in the Village of Piermont at risk of economic losses associated with the loss of property subject to sea level rise and coastal flooding events. As an LWRP community, the Village of Piermont may utilize the

coastal policies and proposed projects enumerated within this program as a long-range comprehensive approach to mitigate or adapt to the impacts of sea level rise. This section of the inventory will look at several different sea level rise scenarios utilizing the official New York State DEC projections provided as a result of the NYS Community Risk and Resiliency Act. It should be noted that Piermont has been at the forefront of planning for sea level rise through its waterfront resiliency task force and their joint study with Scenic Hudson, the New England Interstate Water Pollution Control Commission, Hudson River Estuary Program, New York State Department of Environmental Conservation, the Lincoln Institute of Land Policy, and the Consensus Building Institute and Catalysis Adaptation Partners. The report from the Waterfront Resiliency Task force will inform the recommendations and proposed projects detailed later in this LWRP. The report may be found online at

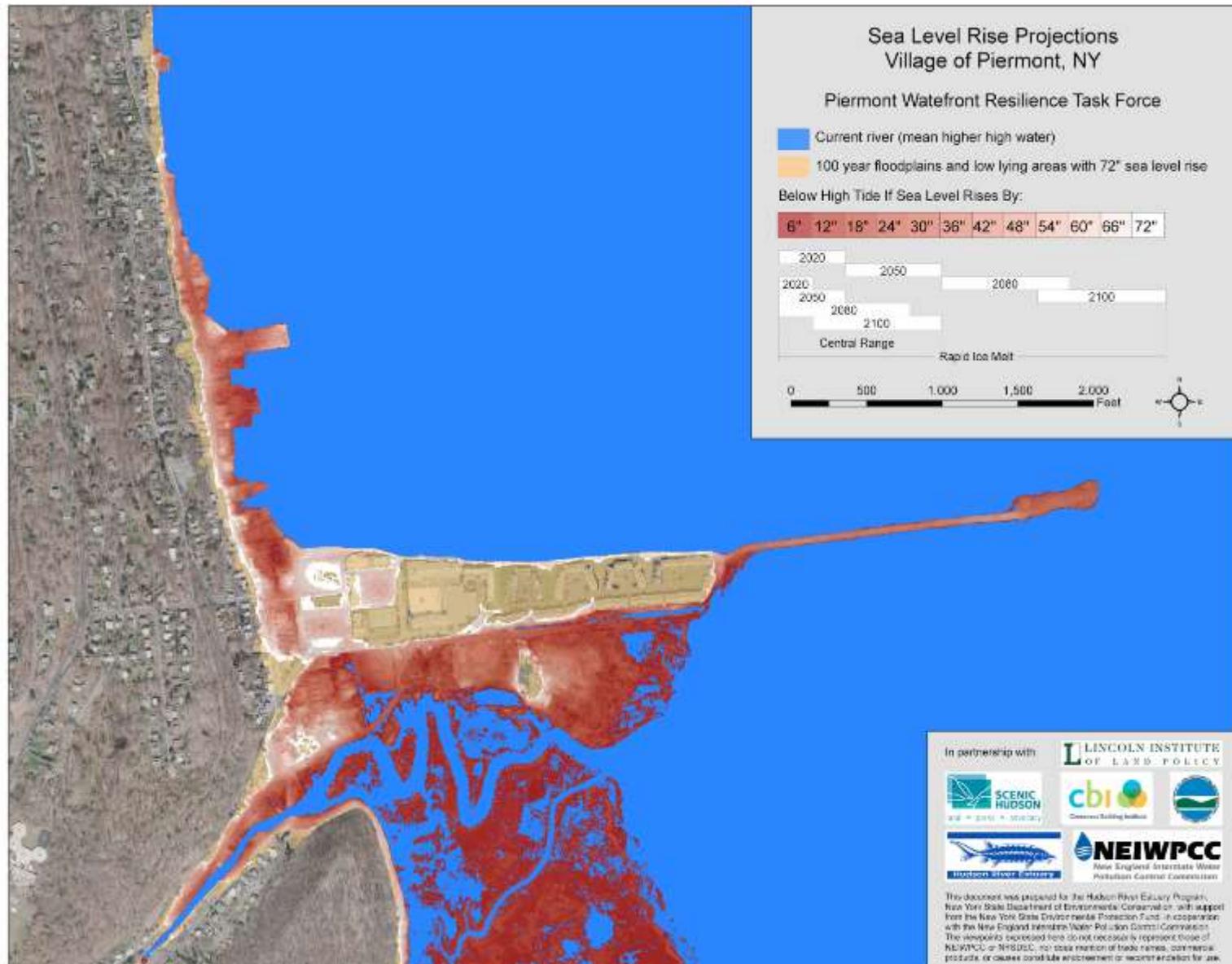
<http://www.scenichudson.org/ourwork/riverfrontcommunities/waterfrontresiliencetaskforces/piermont>



*Ferry Road near the Orangetown outfall*

### 10.1. Sea Level Rise Inundation Map

Figure 20



## 12.2. Sea Level Rise Risk Assessment- Resiliency Task Force <sup>27</sup>

In January 2014 the Village of Piermont Resiliency Task Force in conjunction with Scenic Hudson published an asset inventory and coastal risk assessment. The risk assessment utilized a risk assessment formula to examine trends in coastal or riverine flooding risk, and to plan for risk reduction by geography or sector (e.g. critical facilities, vulnerable populations).

Risk scores were calculated according to the formula:

**Risk Score = Exposure \* Vulnerability \* Hazard**

**Exposure** = a sum of Risk Area and Landscape Attributes

**Risk area** = a score based on location of asset in relation to three modeled risk areas: **Moderate** (=0.5), **High** (=1), or **Extreme** (=2)

**Landscape Attributes** = an additive score based on six features of the landscape that lie between the assets and the source of flood waters (each feature contributes a score of 0.5 if its character contributes to flood risk, for a possible total range of 0-3).

**Vulnerability** = an assigned score representing the capacity of an asset to return to service after a storm, ranging from **Insignificant** (highest capacity, =1) to **Major** (lowest capacity, =5).

**Hazard** = a constant representing the likelihood and magnitude of future storm events (100 year storm = 3, 500 year storm = 4)

For a 100 year storm event (Hazard = 3), risk scores can be categorized as follows:

Risk category	Risk score	Consequences of flood
Residual	< 8	Minor or infrequent
Moderate	6-23	Moderate to serious
High	32 – 70	Significant
Extreme	> 70	Dangerous

### Methods

As part of the Piermont Waterfront Resilience Task Force initiative, project partner Scenic Hudson and task force members completed the Inventory and Coastal Risk Assessment created for the NY Rising Community Reconstruction Program. Assets were identified through remote analysis and a series of task force and public input exercises. They were categorized according to their class (e.g. Infrastructure Systems, Housing, Economic), class sub-category (e.g. Transportation, Single-Family Residence, Restaurant), importance to socially vulnerable populations, and critical facilities. Individual assets were grouped based on proximity and similar characteristics.

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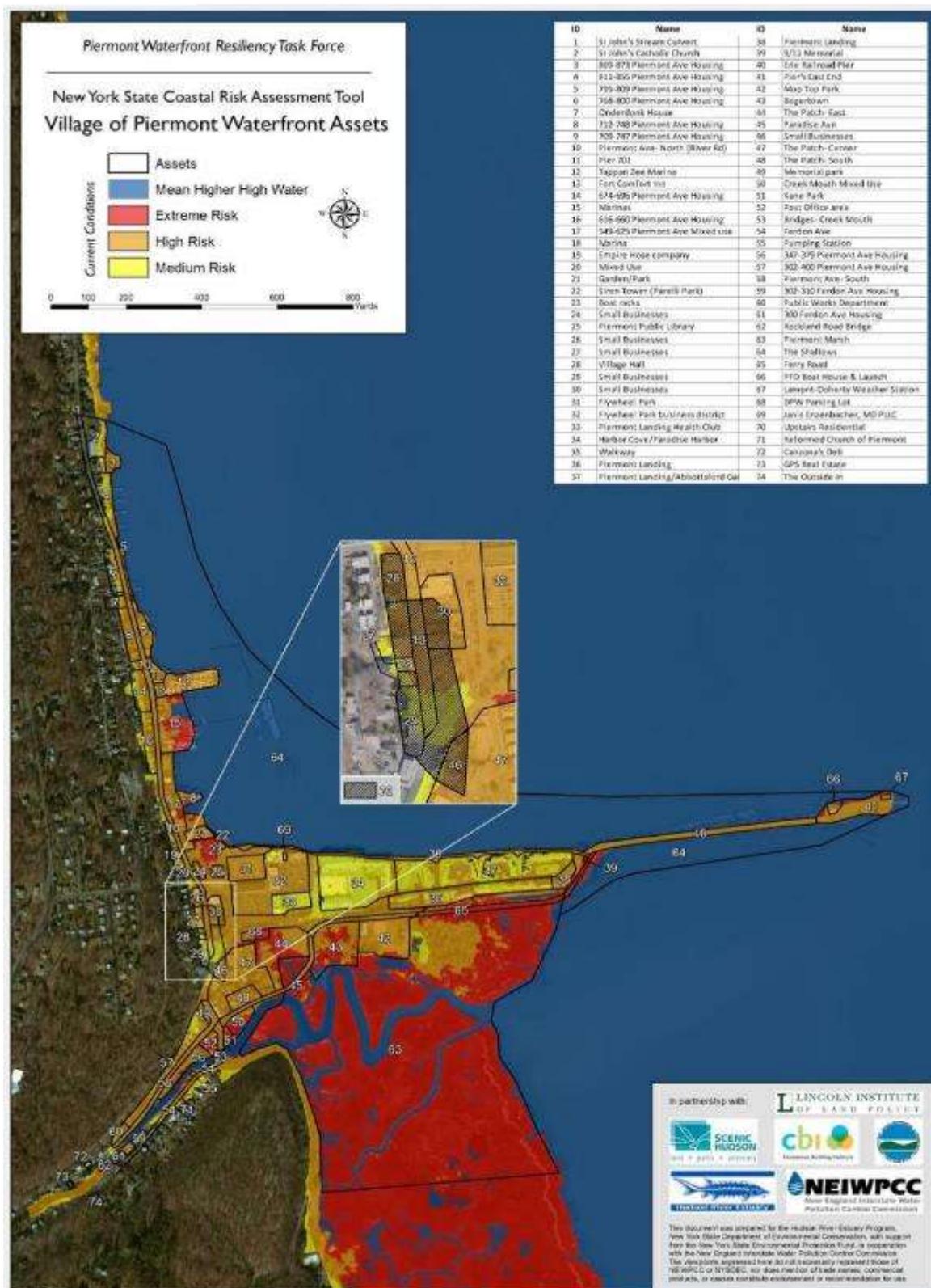
<sup>27</sup> Most of section 9.2 is sourced from the Resiliency Task Force and Scenic Hudson Risk Assessment Report- <http://www.scenichudson.org/sites/default/files/files/Piermont%20Risk%20Assessment%20report-%20FINAL.pdf>

Current risk areas were modeled by Scenic Hudson (a project partner) using methods defined by the New York Rising Community Reconstruction Program, and the following data: a current working model of Hudson River elevation (a vertical datum modeled by New York Harbor Observing and Prediction System), LiDAR elevation data, and FEMA's Advisory Base Flood Elevations. Risk areas were also modeled for the 2020s, 2050s, and year 2100, using 10, 29, and 72 inches of sea level rise (SLR), respectively. The Piermont task force had chosen these values, which represent the upper end of ranges predicted in these time frames under future rapid ice melt conditions, to guide all of their planning work. The projected SLR values for the Hudson River under two SLR scenarios were published by the New York State Task Force on Sea Level Rise and the NYS 2100 Commission, and they match almost exactly the high-estimate (90th percentile) projections made by the New York City Panel on Climate Change for the greater New York City Metro Region, which includes the Village of Piermont.

Landscape attribute values were scored based on the modeled risk areas, local knowledge, and remote analysis. Vulnerability scores, which represent the level of impairment or consequences that assets experience from a storm event, were developed in discussion with the Task force, village officials and other community members based on their knowledge of the assets and recent storm events (Superstorm Sandy, in particular). Vulnerabilities were estimated where a value was not otherwise available.

Risk scores were calculated for a 100 year storm event (Hazard = 3) for current, 2020s, 2050s, and 2100.

# Figure 21



## Results

The results below are described for current, 2020s, 2050s and 2100 time frames (corresponding to predicted sea level rise of none, 10", 29", and 72", respectively). It is important to note that while in reality the time frames of these sea level rise projections may be different, the trends are likely to hold under most conditions. It is also important to note that changes described for these individual time frames in fact describe the range of time leading up to each of them; that is, changes described in the 2100 time frame could in fact occur between the 2050s and 2100 (between 29" and 72" SLR).

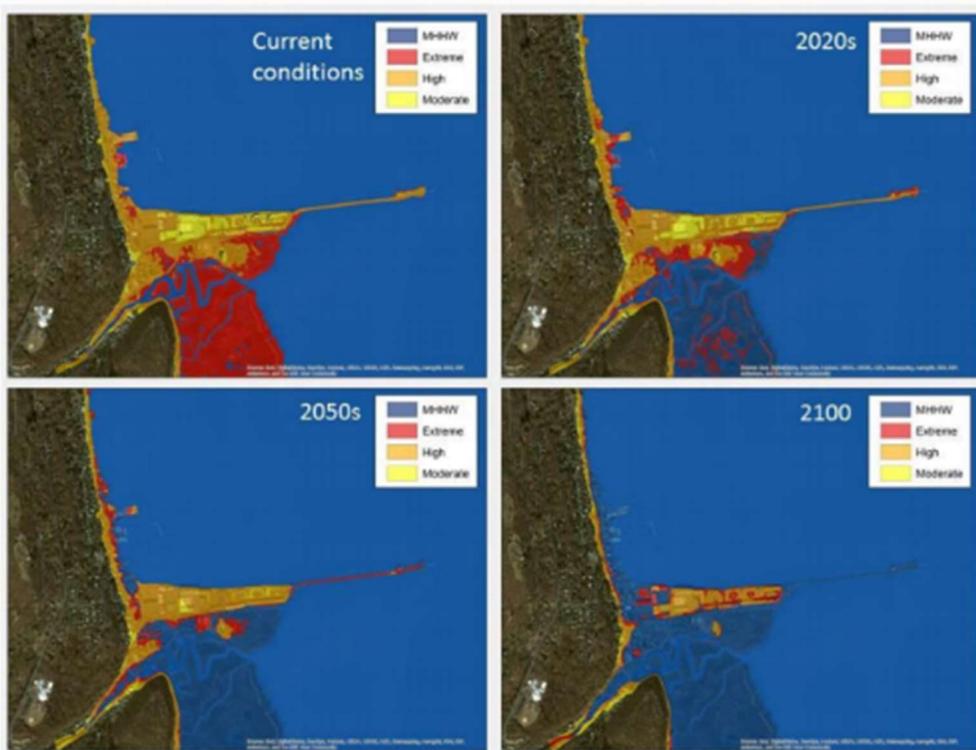
## Risk Areas

Piermont's small immediate Hudson River and Sparkill Creek waterfronts generally meet a steep, water-facing topography. Thus sea level rise and its associated risk areas are expected to make relatively little inland advancement beyond the current waterfront and risk areas over the next century. Rather, a gradual yet dramatic shifting into higher risk categories is expected for assets already within the low-lying waterfront over time.

In the 2020s the most dramatic predicted shift in risk areas will be to regular (higher) inundation in Piermont Marsh and the southeast flank of the pier <sup>28</sup>(e.g. Ferry Road). Inundation at high tides will also begin in a spotty pattern both north and south of the pier. A small, general shift from moderate to high risk areas is also expected throughout the village.

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<sup>28</sup> In this section (9.2) "The Pier" generally refers to the entire peninsula extending into the Hudson River. The long, narrow, easternmost extension is referred to in the risk assessment tool as the "Erie railroad Pier", and its assets as the "Pier's east end" assets.



Modeled risk areas under current, 2020s, 2050s, and 2100 conditions for Village of Piermont waterfront assets.

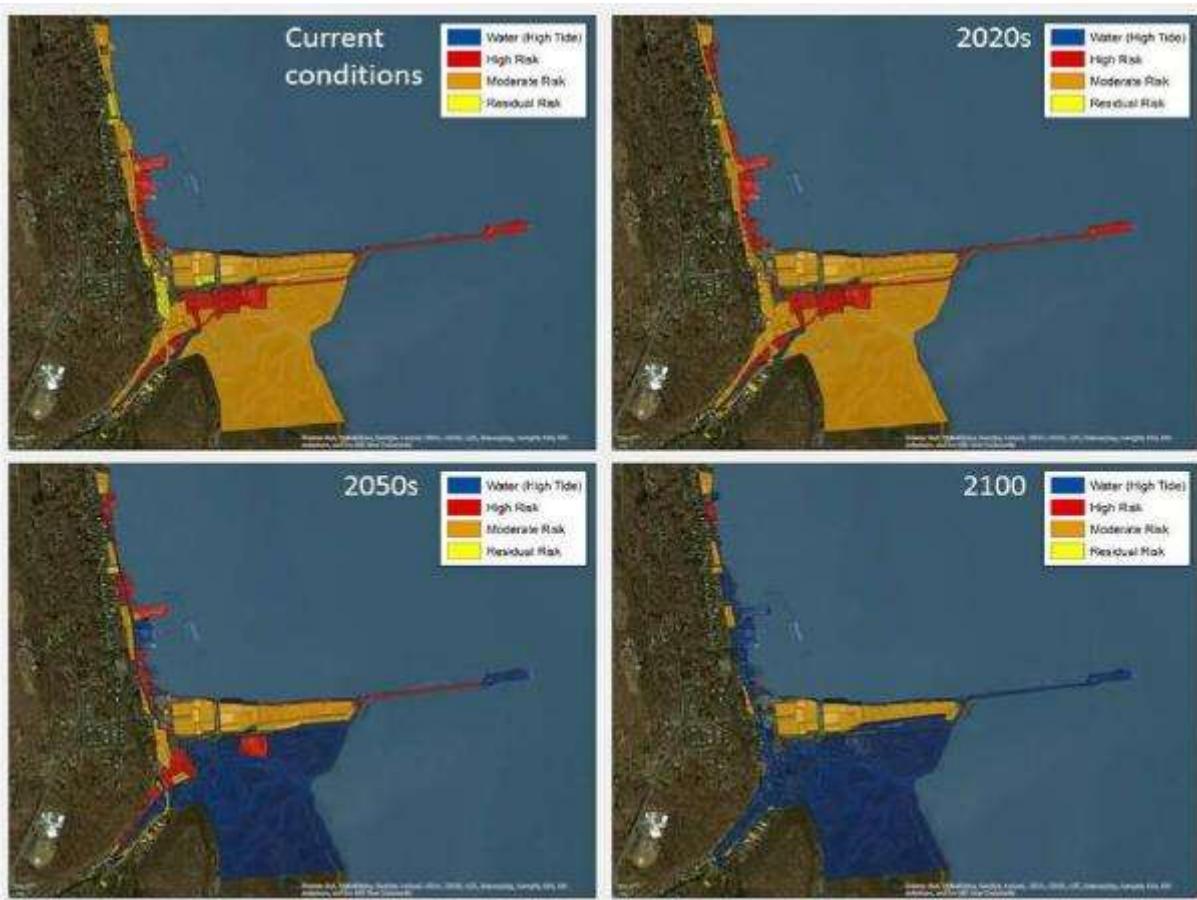
continued pattern of increasing risk and inundation is expected in all shore areas (Hudson River and lower Sparkill Creek) over the remainder of the century. By the 2050s a pattern of water pinching in from both north and south of the pier will develop, and is expected to lead to the pier's isolation from the mainland by 2100. Unless mitigated, this pattern will cause regular inundation for core business district assets (commercial and residential) at the base of the pier, with assets on the remaining pier experiencing extreme and high risk. In the north, Parelli Park, southern portions of a mixed use area (549-625 Piermont Ave) and the community garden will be in the path of this pinching pattern of inundation. From the south, flooding of the core business district will advance primarily through the eastern section of the Patch and the DPW Parking Lot. The village may wish to consider specific fortification adaptations to preserve the viability of the business core into the mid-term future. Examples of such adaptations may include repurposing Paradise Avenue to function as a levee, and elevating or adding protective shore defenses to key assets at the northern base of the pier.

## Risk Scores

Risk scores in this analysis ranged from 0-60 (Residual to High). While not all assets fell in the Extreme risk category, many were projected to become regularly inundated (that is they were in a permanent risk area which is not scored by this tool). One asset was projected to experience regular tidal inundation by 2020s, 20 assets by 2050s, and 50 of the 74 assets by 2100. Most assets were scored relatively low for vulnerability, with only 16 assets receiving a score of 4 or 5 (Significant or Major). Many of these 16 assets were among those predicted to be regularly

inundated by the 2050s and 2100. Since Vulnerability is one of the main factors in the calculation of risk score, these relatively low numbers were a main contributor to the absence of Extreme risk scores.

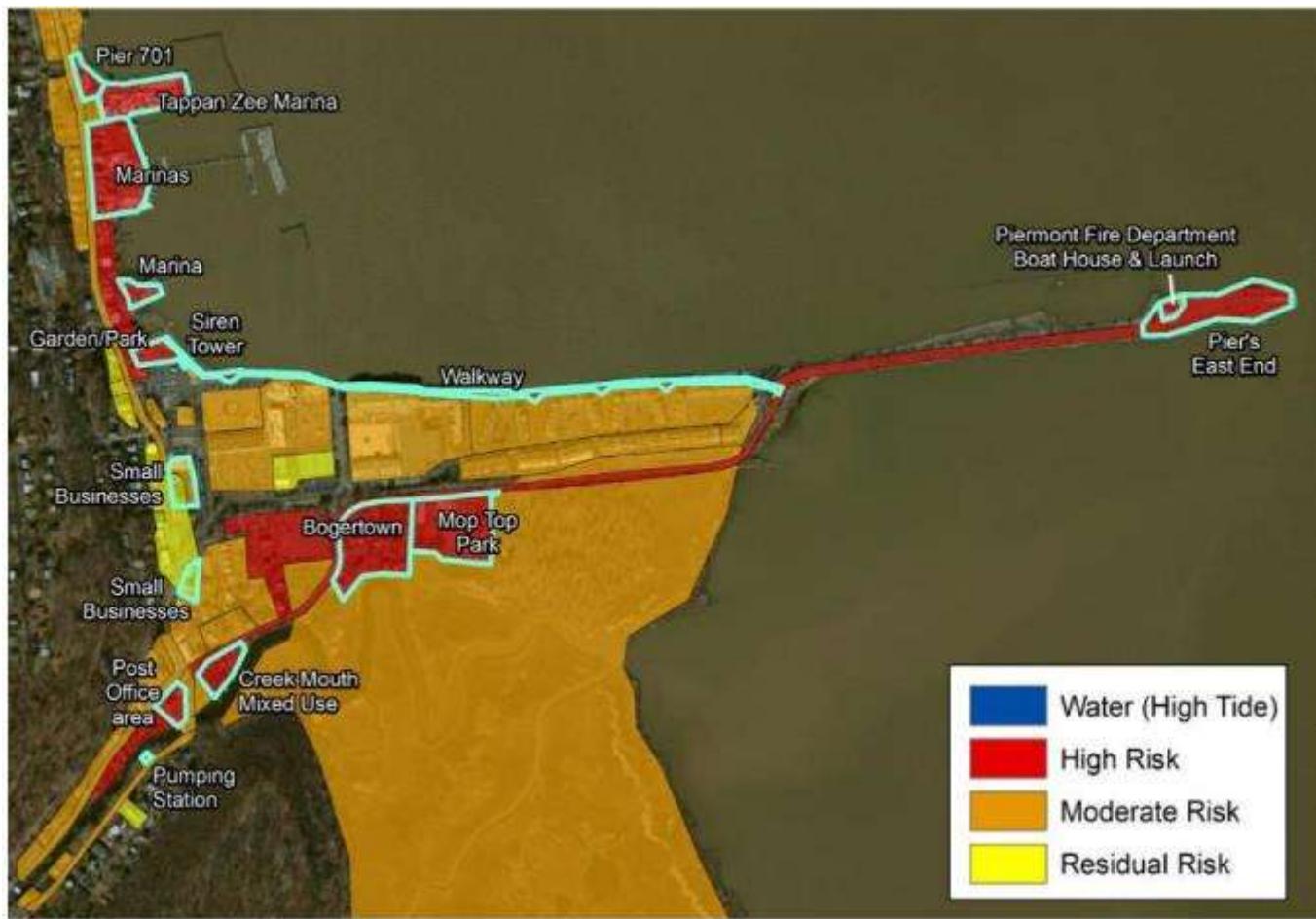
The overall pattern of risk scores is similar to that of the modeled risk areas, but the risk scores take into account additional ground and situational conditions that are relevant to the overall risk of assets in the village. For instance, an asset in a High or Extreme risk area could have a relatively low risk score if the property has several protective landscape attributes and low vulnerability (due to a flood adapted building design, for example). Below are additional results as examined by components of risk score or various asset categories.



*Risk scores under current, 2020s, 2050s, and 2100 conditions for Village of Piermont waterfront assets.*

## High Vulnerability

Sixteen assets were rated with the highest vulnerability scores (Significant and Major). Among those, the Siren Tower (at Parelli Park), the Pumping Station, and the Piermont Fire Department Boat House are critical facilities<sup>29</sup>. Mop Top Park and the Walkway both represent highly vulnerable parks/recreational resources, and the remaining most vulnerable assets are small businesses. Examining the specific conditions that cause high vulnerability in assets (e.g. mechanics in the basement) may present opportunities for effective adaptation actions. This may be a particularly productive line of investigation for highly vulnerable assets that have relatively low exposure, such as two of the small business asset groups along the commercial core of the village (#30 and #46), and to a lesser degree the Pumping Station, Mop Top Park, and the Walkway.

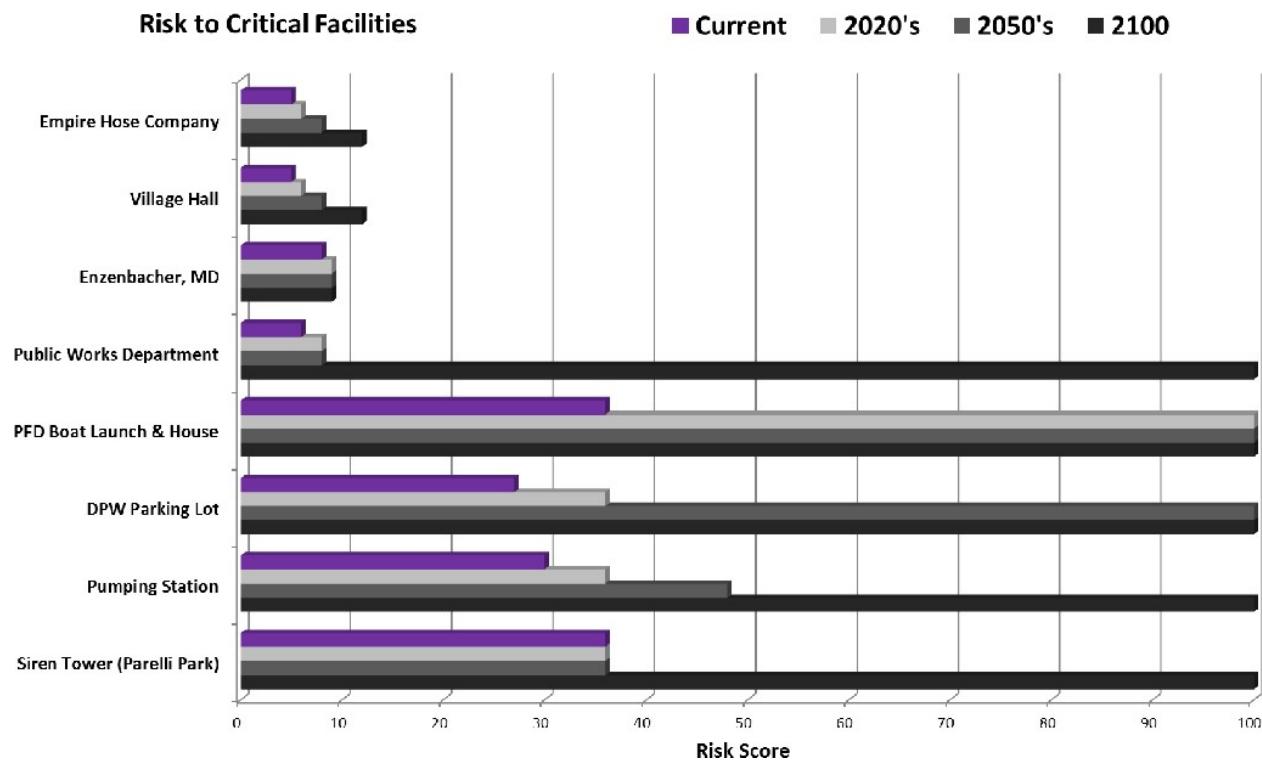


*Assets with the highest vulnerability scores in the Village of Piermont waterfront (shown with current risk scores).*

<sup>29</sup> According to FEMA, critical facilities are those essential to the health and welfare of the whole population, and are especially important following hazard events.

## Critical facilities and transportation/access assets

The analysis identified eight assets that are considered critical facilities according to FEMA's definition. Those at highest risk under current conditions are the Siren Tower (in Parelli Park), the Pumping Station (Ferdon Avenue), the PFD Boat Launch & Boat House, and the DPW Parking Lot. Of these, the PFD Boat Launch (though not the House) and DPW Parking Lot are the first expected to be regularly inundated (in the 2020's and 2050s, respectively). At lower current risk (moderate or residual risk categories) are the Public Works Department, a Medical facility (J. Enzenbacher, MD), Village Hall, and the Empire Hose Company. By the end of the century the Public Works Department and all currently high risk critical facilities will experience regular inundation.

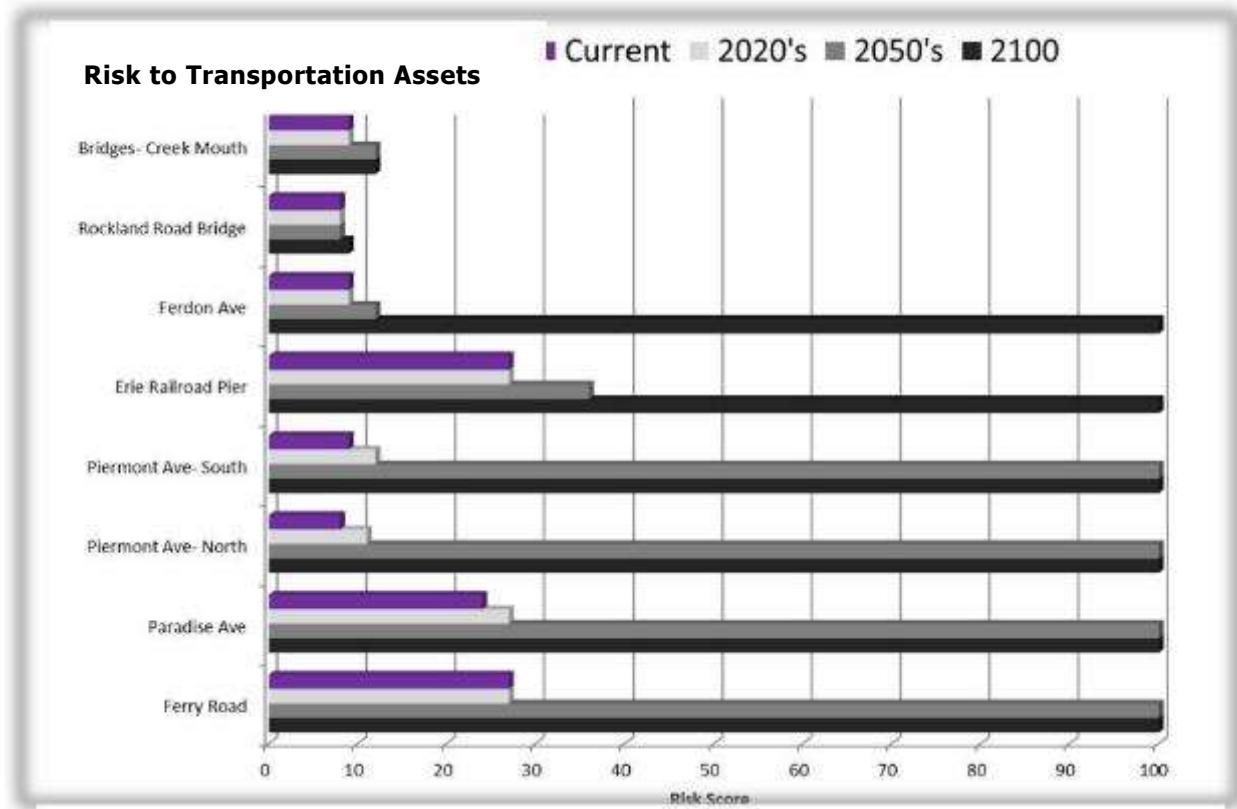


*Risk scores of critical facilities in Piermont's waterfront. A score of 100 is used to represent assets that are predicted to be inundated.*

Of the eight transportation/access assets included in the analysis<sup>30</sup>, Ferry Road, Paradise Avenue, and the Erie Railroad Pier (the narrow, easternmost extension of Ferry Road) are at the highest current risk. The north and south sections of Piermont Avenue, along with Ferdon Avenue and the three bridges over Sparkill Creek, are all currently in a moderate risk category. No changes in risk category are expected for transportation/access assets before the 2020s, but by the 2050s

<sup>30</sup> This includes roads and bridges, but excludes the DPW Parking Lot, which is a transportation asset but not directly related to access.

portions of Ferry Road, Paradise Avenue, and north and south Piermont Avenue are expected to be inundated regularly. The Pier road will be at high risk in the 2050s, and along with Ferdon Avenue is expected to be regularly inundated by 2100. If the village determines that extending the longevity of current access routes throughout the municipality is a priority, it may wish to examine specific actions such as seeking alternate driving access to the Pier (e.g. via Piermont Landing/Abbotsford Gate) and elevating the lowest portions of North and South Piermont Avenue (i.e. just north of Pier 701, near the Post Office, across from the Pumping Station, and just north of DPW).



*Risk scores of transportation assets in Piermont's waterfront. A score of 100 is used to represent assets that are predicted to be inundated.*

## Natural

The most significant natural resources of the Piermont waterfront are Piermont Marsh and the shallow areas surrounding the pier and along the shore to the north. These natural assets are by definition already inundated regularly, and their landscape attributes (which contribute to the exposure score) were somewhat difficult to quantify using this tool. However, it is likely that by the 2020s the characteristics of these assets that provide shoreline protection will be impacted, and by the 2050s they could be considerably diminished. The longevity of Piermont Marsh's protective services may be extended by marsh adaptation and/or migration, through natural or human assisted processes (e.g. assisted accretion).

For information on the risk assessment tool limitations and assumptions refer to the full risk assessment report.<sup>31</sup> The Hudson River NERR is following NOAA sentinel protocols to monitor surface elevation and vegetation change at Piermont Marsh beginning in 2018, and staff are part of a regional network evaluating best practices for promoting marsh accretion to keep up with sea level rise. Both will guide near- and long-term marsh management.

### **12.3. Sea Level Rise Vulnerability Assessment & COAST Model- Resiliency Task Force<sup>32</sup>**

In August of 2014 Catalysis Adaptation Partners, with the support of Scenic Hudson and the Resiliency Task Force, published a report that builds on the earlier Scenic Hudson risk assessment efforts by incorporating data on the fiscal impacts of sea level rise. The report utilized the COAST modeling tool to:

- Conduct a vulnerability assessment for the Village from the threat of future storm surges, made worse by sea level rise over time.
- Calculate a prediction of cumulative damages to real estate over time if no action is taken (utilizing Village of Piermont assessment data).
- Calculate a prediction of one-time damages from 100-year storms that might occur in the future.
- Evaluate three sets of actions, or scenarios, that Village might pursue to mitigate future damages, with benefit-cost analysis.

The alternatives provided by the COAST model will be outlined in the proposed projects section of this report.

The COAST Vulnerability Assessment predicted:

- By the year 2100, there will be \$192.2 million in cumulative damages to buildings over time in Piermont, from all storms, as sea level increases by 6.00 feet above today's level.
- By the year 2100, that 178 parcels will be permanently inundated by the Hudson River, as sea level increases by 6 feet over today's level, with a total taxable assessed value of \$105.5 million.
- During a 100-year storm in the year 2055, \$35.7 million in damages will occur from this one-time event, significantly higher than from Superstorm Sandy, as it would arrive on top of a sea level increased by 2.42 feet over today's level.

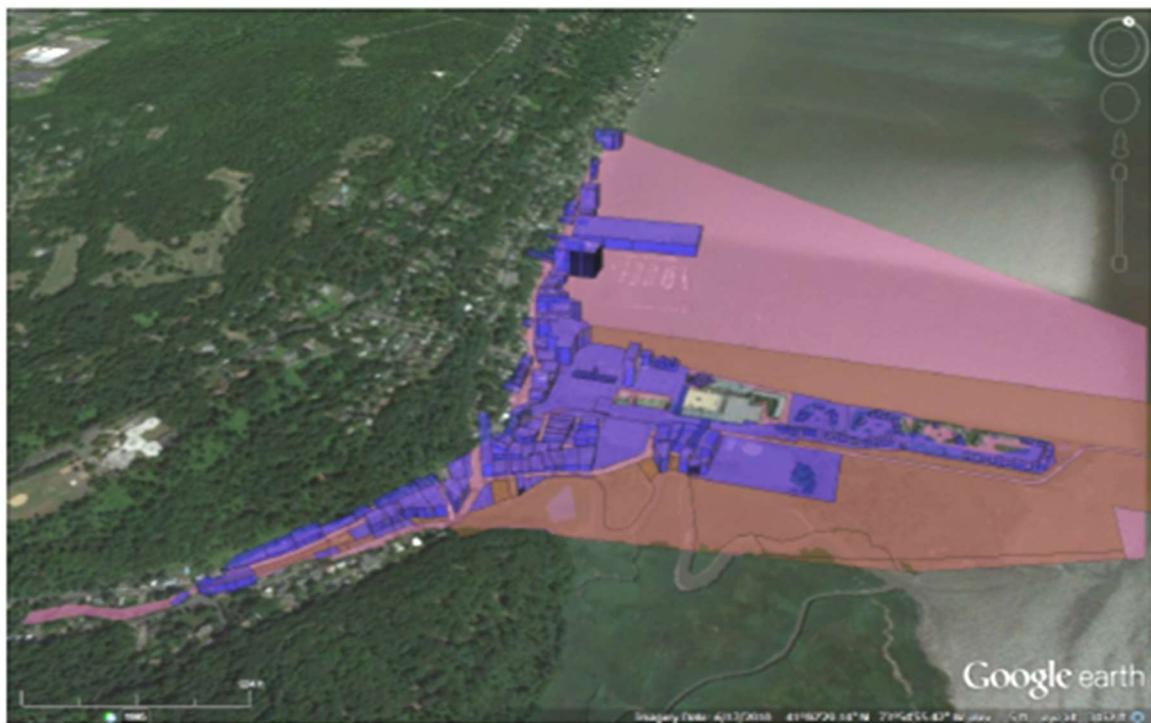
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<sup>31</sup> Full report can be downloaded online-  
<http://www.scenichudson.org/sites/default/files/files/Piermont%20Risk%20Assessment%20report-%20FINAL.pdf>

<sup>32</sup> This section relies on the COAST model findings outlined in the report for the resiliency task force and Scenic Hudson provided by Catalysis Adaptation Partners-  
<http://www.scenichudson.org/sites/default/files/files/Piermont%20Final%20COAST%20report.pdf>

- By the year 2055, the COAST model predicts that there will be \$70.8 million in cumulative damages to buildings over time in Piermont, from all storms, as sea level increases by 2.42 feet above today's level.
- By the year 2055, the COAST model predicts that 87 parcels will be permanently inundated by the Hudson River, as sea level increases by 2.42 feet over today's level, with a total taxable assessed value of \$56.6 million.
- During a 100-year storm that might occur in the latter half of the century, and with the specified increase in sea levels, the Piermont peninsula would be breached by Hudson floodwaters, creating a channel of water down Piermont Avenue in the Village center.

### **Sea Level Rise Flood Event Scenarios for the years 2025, 2055, and 2100**



#### Village of Piermont

COAST Model Results, 100 Year Storm + Sea Level Rise in 2025  
Total Elevation of A Zone Flooding -10.83 Feet (NAVD 88)



Buildings & Land Damaged by Storm Surge from this Single Event (Height of Bar indicates relative damage amount)



Buildings & Land Permanently Inundated due to Sea Level Rise by this Year, if No Action is Taken

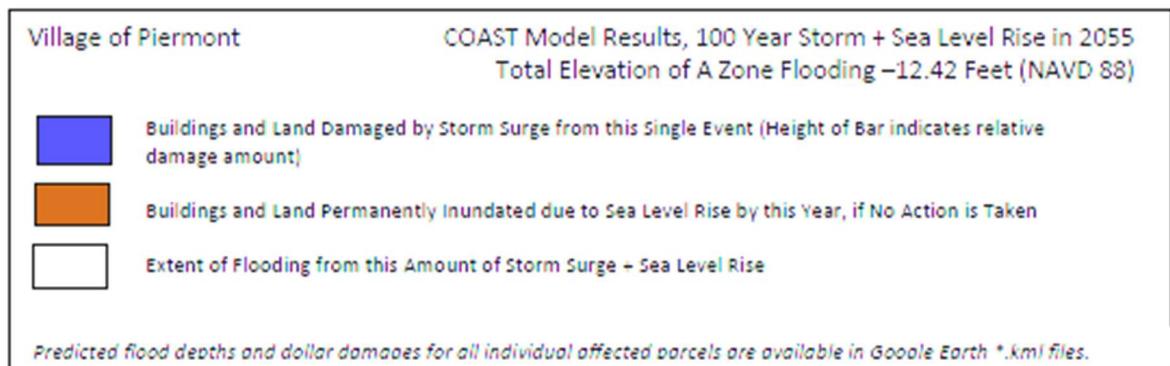


Extent of Flooding from this Amount of Storm Surge + Sea Level Rise

*Predicted flood depths and dollar damages for all individual affected parcels are available in Google Earth \*.kmz files.*

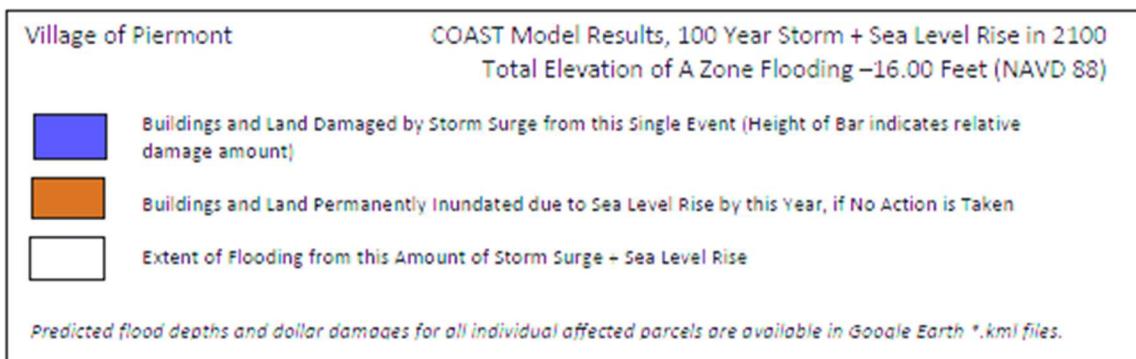
Source: Catalysis COAST Model report

<http://www.scenichudson.org/sites/default/files/files/Piermont%20Final%20COAST%20report.pdf>

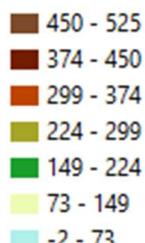


Source: Catalysis COAST Model report

<http://www.scenichudson.org/sites/default/files/files/Piermont%20Final%20COAST%20report.pdf>

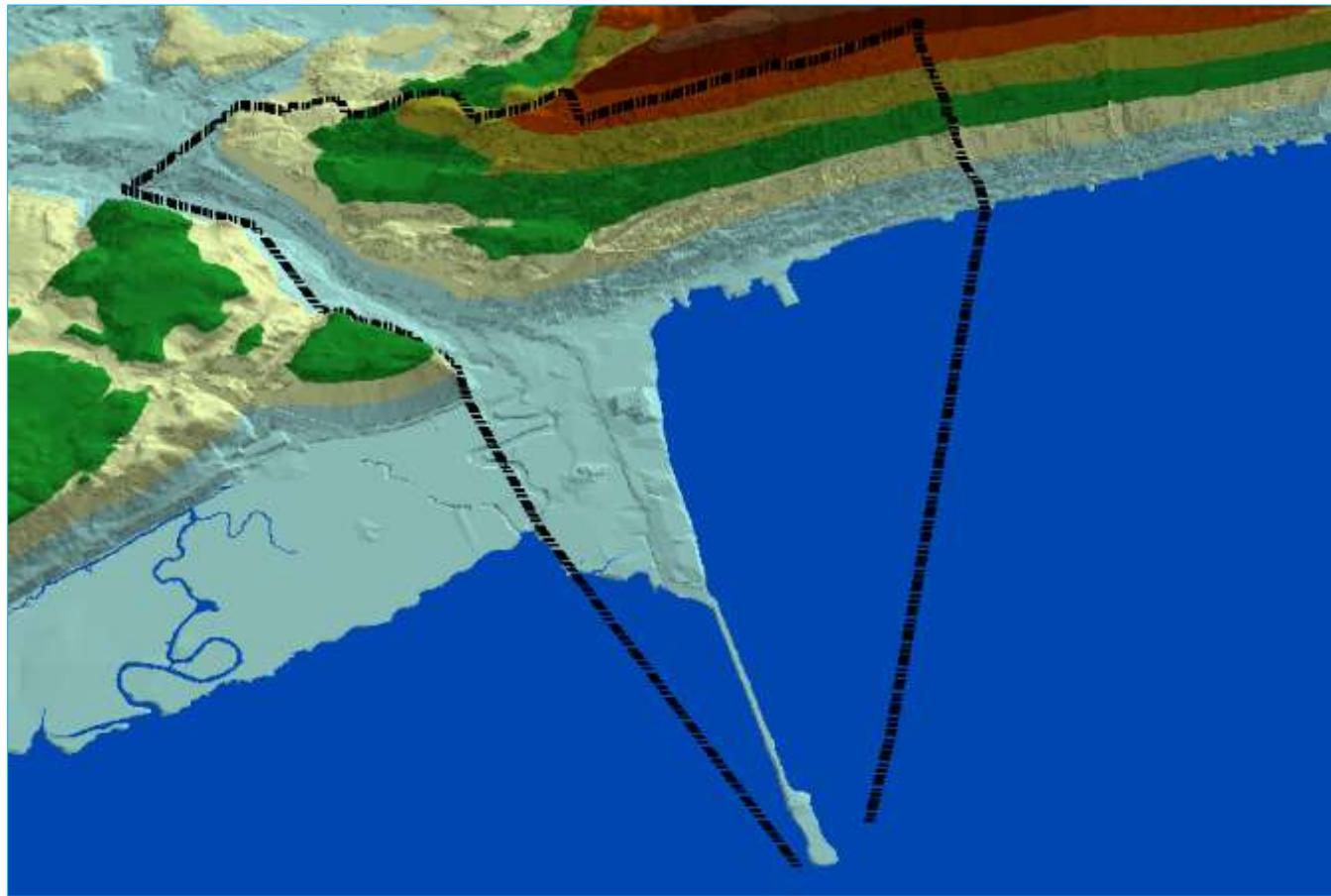


Source: Catalysis COAST Model report  
<http://www.scenichudson.org/sites/default/files/files/Piermont%20Final%20COAST%20report.pdf>



Units in Feet

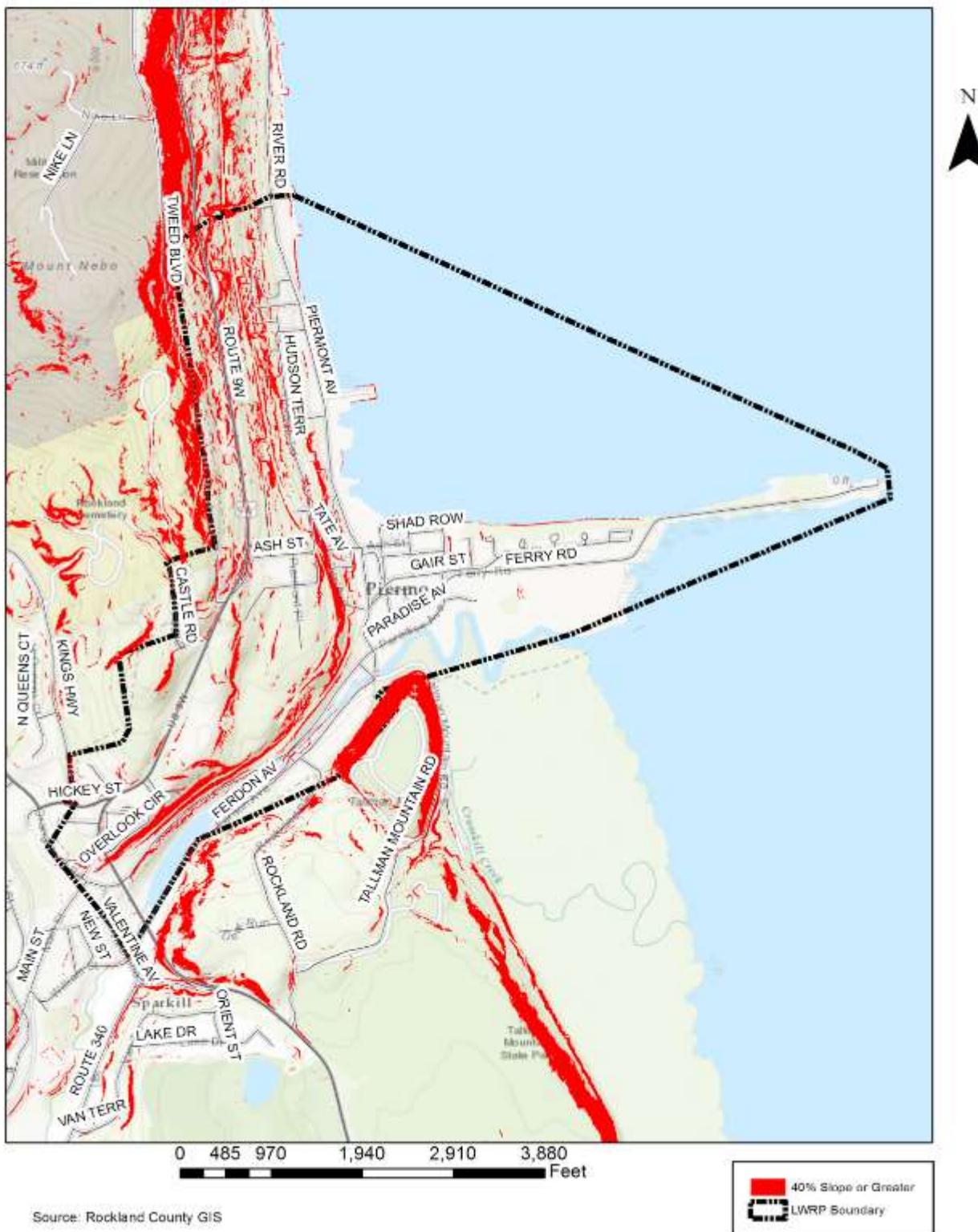
## 13. Steep Slopes



3d Rendering of the terrain in the Village of Piermont. Village boundary is the black dot-dash line. Z coordinates in NAVD 1988.

According to the Piermont Village code "no land having a slope equal to or greater than 40% shall be developed or disturbed except for conservation measures or measures intended to remove debris which inhibits the functioning of a swale. Natural vegetation and topography shall be retained to stabilize soils and reduce the volume of stormwater flow." As such this plan identifies areas within Piermont that have slopes that exceed 40% where development should be precluded. Slopes should be reviewed on a site specific basis utilizing accurate survey data and should not rely entirely on the map provided within this inventory.

Figure 22  
Steep Slopes



## 14. Superfund Sites

The Village of Piermont has two identified New York State DEC superfund sites, both of which are located in the coastal areas adjacent to the Hudson River: 1) The Piermont Papermill and 2) The Piermont Landfill. According to the DEC superfund database neither site requires action at this time. The Piermont Paper Mill superfund site was redeveloped and is now classified as a category 4 superfund site which means that the site has been properly closed but requires continued site management consisting of operation, maintenance and/or monitoring. The Piermont Landfill site located adjacent to the Art Rittenburg field is classified as a category N superfund site which indicates that the site requires no further action at this time.<sup>36</sup> As the status of superfund sites change over time, the NYSDEC has created an [environmental remediation database](#) that provides access to up-to-date information on remediation activities.

## 15. Public Access

The now defunct Piermont Conservation Advisory Commission inventoried open space in the Village. The following locations provide open space for public access:

**1. Parelli Park**, a "vest pocket" size park at the base of the Piermont Pier and the southern end of the existing marinas, was constructed by the Piermont Lions Club on land acquired by the Village and furnished with park benches and a flagpole with a plaque in memory of Frank Parelli. The park also includes a canoe and kayak launch.



*End of Piermont Pier looking south*

**2. The end of the Pier**, the long narrow area to the east of the former industrial site acquired by the Village in 1981, is used for passive recreational purposes, primarily fishing and wildlife viewing, with motor vehicle access regulated by a permit system. The Pier was originally constructed in the 1838 to provide access to deep water for the Erie Railroad terminus.

**3. North Shore Public Walkway on Piermont Pier**, a public walkway, that was constructed as part of the condominium development on the pier to ensure that

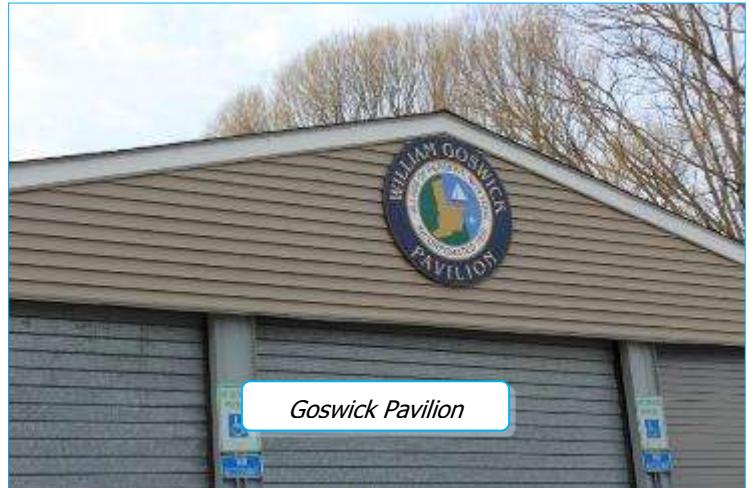


*North Shore Walkway*

<sup>36</sup> NYSDEC Environmental Remediation Database Accessed April, 2017-  
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

public access to the Hudson River was maintained and enhanced. The walkway is located along the entire length of the northern edge of the site.

**4. Goswick Pavilion**, the area south of the Ferry Road on the Pier just east of Paradise Avenue, is owned by the Village and is the site of a ball field and pavilion constructed in 1984. Village recreational opportunities were greatly improved by the 1983-84 construction of the Goswick Pavilion and field with the provision of a full-size softball diamond, horseshoe pits, a volleyball area, and pavilion amenities including shelter from rain or shine, picnic tables, a kitchen, and toilets. The Pavilion area serves as the principal public active recreation site in the Village.



**5. Kane Park**, a vest pocket park on the Sparkill Creek is equipped with recreational facilities popular with children, as well as a gazebo constructed by the Piermont Civic Association. This small park serves as a children's playground for residents of Grandview, Sparkill, Tappan and other areas around Piermont, as well. It is also a viewing point, proving a delightful entranceway to downtown Piermont.

**6. Skating Pond**, a winter recreation facility leased by the Village and owned by Suez serves as a stormwater retention basin. It was formerly used as a site for ice-making and as a mill pond for water power.

**7. The Erie Path**, a former rail line bed, was dedicated as a park by the Village in 1975 and is used for walking, jogging, and bicycling.

**8. The Community Center Park** is the site of a demolished high school building on the slope overlooking Piermont Bay. It has recreational equipment and playing space used by the Teen Center located in an adjacent former elementary school building.



**8. Half Moon Park** is located in the rear of the Community Center on the slope that leads down to Piermont Avenue. The park has a series of terraces and staircases that lead to up to the

community center. On the Piermont Avenue side there are a number of picnic tables and park benches available for passive use.

## **16. Marine Uses**

### **16.1 Commercial and Sport Fishing**

The existing marinas and boat clubs have been a major part of the identity of Piermont since the turn of the century when Fort Comfort was a popular summer recreational site. Commercial fishing has been a part of Village life since its first days; however, there is no commercial fishing activity today.



### **16.2 Water Dependent and Water Enhanced Uses**

Water-dependent uses in Piermont consist of:

1. Existing private marinas including:
  - Pier 701/Cornetta's – 641 Piermont Avenue -160 slips
  - TZ Marina – 695 Piermont Avenue – 26 slips
  - T&R Marina – 675 Piermont Avenue – 55 slips
2. Recreational and sport fishing. The current prevalent site is in the Pier Park. Fin fish and blue fin crabs are taken.
3. Recreational river viewing. Parelli Park and the Pier Park provide spectacular public river view sites. The North Shore Public Walkway provides 3300 ft. of river-edge viewing access.
4. Small, human-power craft on the creek and estuary. The bridge barrier at Bridge Street is to be eased (drawbridge raised, spans elevated). The DEC canoe launch at Parelli Park has parking for ten vehicles.
5. Residential docks on the river and creek.

It should be noted that commercial fishing operations are no longer in existence. At present, these would be limited to shad because of PCB contamination in the river. Before this problem arose striped bass were also fished commercially. At one time, sturgeon were commercially fished; this was banned in 1996. In addition to commercial fishing operations other commercial water related uses such as boat showrooms and sporting goods shops have also shuttered during the past 25 years. Currently, three existing marinas provide private access to the waterfront. At present there

is no public marina which could increase access to the public for on-water access. The Village may wish to explore a public/private facility providing water-dependent uses in connection with any future development of the Knights of Columbus property. The Village does not currently regulate moorings within its extended in-water jurisdiction, so any boat can theoretically moor in the Village waters. However, the Village has the jurisdiction to manage and regulate mooring fields within the harbor management area as defined in the LWRP. If recreational water uses and facilities increase over time, however, the Village can consider this option.

### **16.3 Harbor Management Needs**

Access to the Piermont Bay marinas is difficult at low tide because navigation is obstructed by an offshore shoal and by shallow water at the docks (see map below). The rapid loss of water depth due to siltation is a problem that has occurred in the years since the construction of the Tappan Zee Bridge and has reached the point that the long term viability of the marinas has been called into question. The U.S. Coast Guard and TZ Constructors worked with the Village and marina owners to mark a safe route from the main channel of the Hudson River to Piermont Bay. In August of 2014, new channel markers were installed by the U.S. Coast Guard and TZ Contractors for a natural channel that comes in along the north side of the Piermont Pier. The channel has been marked by six signed, painted and lit pilings. TZ Constructors has agreed to maintain the channel and its markers until it finishes constructing the new bridge. This highlights the importance of removal of siltation in Piermont Bay and restoring depth for recreational boating. This will be vital to maintaining meaningful public access to the waterfront. All along the developed shoreline, bulkheads, seawalls, and docks have been constructed; and these structures require periodic maintenance and renewal. The work done to construct North Shore walkway has extended the seawall's life along that section of the shoreline. The infrastructure along the shoreline will need to adapt to the changing needs in response to sea level rise and provide shoreline protection.

There are several navigation hazards within the waterfront revitalization program area but the primary hazard is a sunken barge just north of the Pier which is in line with the natural channel that the waterfront revitalization program proposes to dredge, mark, and maintain. This sunken barge is now marked by a buoy. In the context of the many tasks associated with maintenance of navigation in the Hudson estuary, removal of this hazard has not achieved priority status. However, in the context of establishing the Piermont Bay navigation channel, the logically connected project of removing this hazard should be included.

In addition, there are several sunken barges alongside the Pier that were abandoned by the Army at the end of World War II when the use of the Pier as an embark station point ceased. These barges are now disintegrating and releasing timbers that are a hazard to all boat traffic in the Hudson estuary.

The lowered drawbridge over the Sparkill Creek is an obstacle to further upstream navigation at high tide. Its original function in addition to providing a vehicular crossing was to permit boats to travel as far upstream as the silk mill. The roadway is rendered impassable itself by flooding following every major storm. In recent years, the Village has converted the drawbridge into a pedestrian bridge, thereby eliminating a dangerous intersection and minimizing maintenance requirements.

The Sparkill Creek is subject to siltation from upstream runoff, especially at its mouth, so that access for motorboats is limited by the tide, while shallow draft boats can get in and out even at low tide. Except for boats moored along the creek, few motorboats now venture into the creek. More motorboats in the creek would be dangerous because as it reaches its mouth, the creek meanders through tall reeds in the Piermont Marsh National Estuarine Sanctuary, and the unwary motorboater here is a hazard to others who may be coming toward him unseen around a bend. Also, the wildlife may be disturbed by a marked increase in motorboat traffic, and dredging would be particularly damaging to aquatic life.

Removal of debris that has collected in the tidal reach would improve navigation as well as drainage. Much of the upstream drainage area was originally wetlands. However, land development in wetlands and in the floodplain in both Orangetown and northern Bergen County has greatly reduced the absorption capacity of the watershed. As a result, floods have become higher and more frequent as more and more absorbent land is paved over and built upon. Impervious surfaces in areas upstream serve to speed stormwater runoff which exacerbates flood conditions in Piermont.

### **Harbor Sedimentation**

Soil, stripped of vegetation, washes into the Sparkill and ends up contributing to shoaling of Piermont Bay. Similarly, recent development in the Hudson River watershed, as well as agricultural activities has increased the burden of silt carried downstream. The siltation in Piermont Bay has increased significantly so that where native Piermonters dove into the Hudson above sandy bottom as youths; now as adults they see mudflats at low tide. This decrease in water depth jeopardizes the long-term survival of the established marine recreational use of Piermont Bay and the marinas that cater to this use. The commercial fishermen based along the shore are also hampered by inadequate low tide water depth. A significant increase in the volume of stormwater, silt runoff and flow down the Sparkill Creek may adversely impact the Piermont Marsh National Estuarine Sanctuary.

## Hudson River Bathymetry

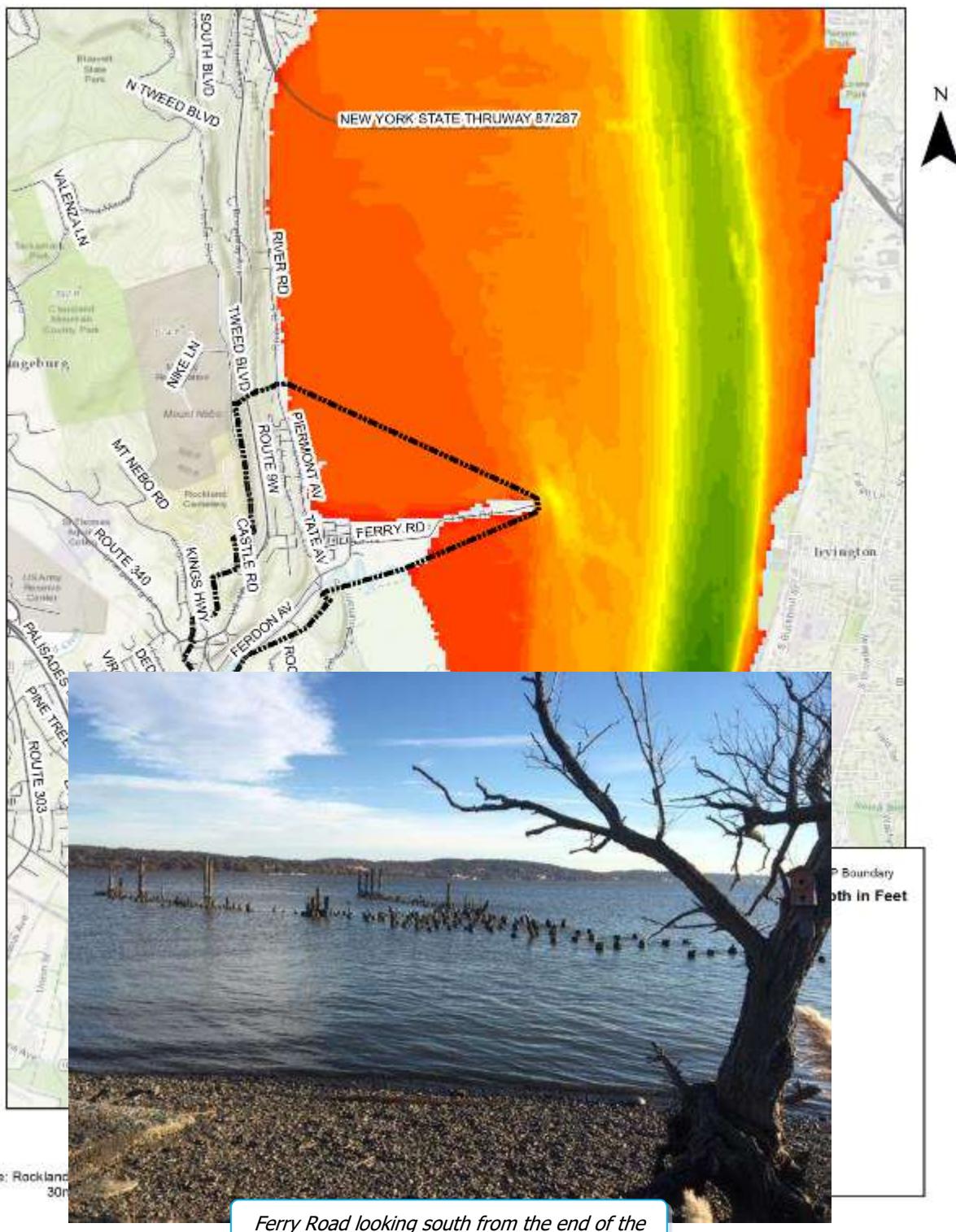
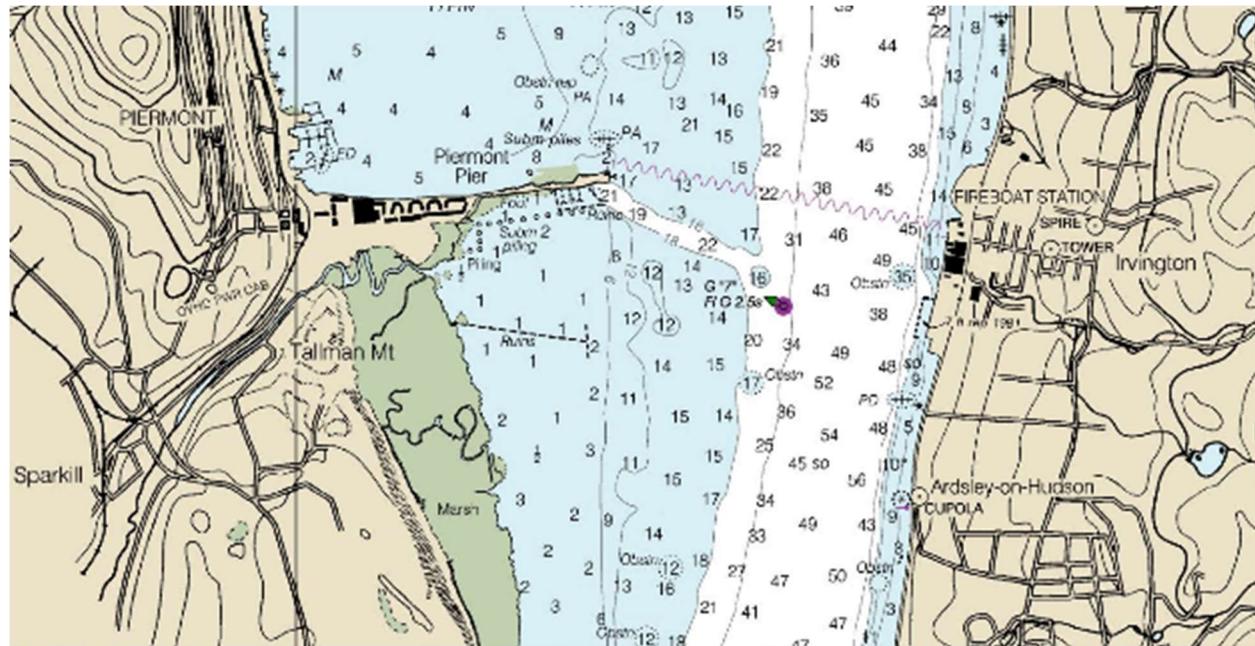
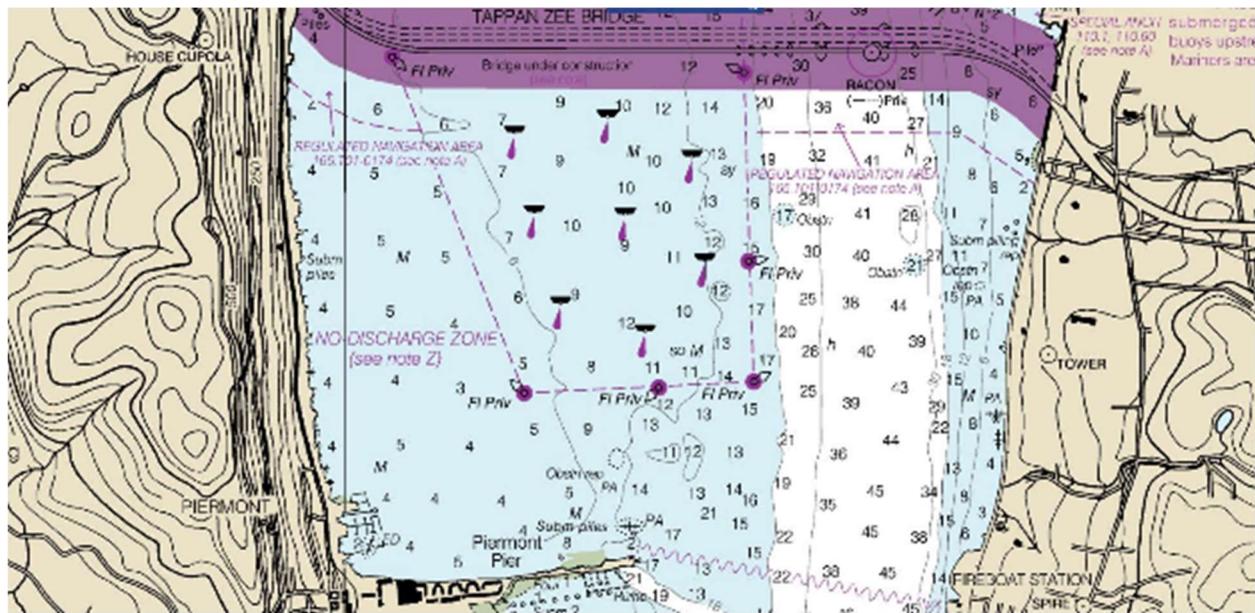


Figure 23

Figure 24  
NOAA Charts



## Section III

### LWRP Policies

# Introduction

The policies in this chapter consider the economic, environmental, and cultural characteristics of the coastal area, seeking a balance between economic development and preservation that will enable beneficial use of and prevent adverse effects on coastal resources. Forming the basis for local, federal, and state consistency determinations for activities affecting the Village of Piermont, these policies are organized under the headings of developed, natural, public, and working coasts.

## A. Development Policies

### Policy 1

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

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

It must be recognized that 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.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort. (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

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

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for redevelopment, the following guidelines will be used:

- a. Priority should be given to uses which are dependent on a location adjacent to the water (see Policy 2)
- b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development
- c. The action should serve as a catalyst to private investment in the area
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use
- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand
- g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner
- h. The action should have the potential to improve the potential for multiple uses of the site

2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

The Village of Piermont has particular concerns due to sea level rise that preclude concentrating redevelopments directly on the waterfront. Close attention must also be given to proposed projects within its floodplains. The Village of Piermont shall maintain and enhance its waterfront character and ensure that developments near the waterfront are compatible with the existing community while at the same time encourage development in resilient upland locations and discourage development in low lying high-risk locations.

Stable residential areas shall be maintained and protected by the best available methods. The siting of new residential buildings should only be encouraged in areas unlikely to experience storm surges and flooding, or in areas where floating, amphibian or elevated structures are feasible and

consistent with building code. New residential and other development should not reduce public access to coastal resources, nor impinge on or eliminate inventoried scenic vistas to or from Village upland areas.

New non-residential uses in residential areas of the Village should be avoided when the use, size, and scale will significantly impair neighborhood character. New construction, redevelopment and screening, including fences, lighting and landscaping, should not reduce or eliminate vistas that connect people to the water. Relocation of flood-endangered historical resources should follow the same guidelines.

## **Policy 2**

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

There is a finite amount of waterfront space suitable for development purposes.

Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non water dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses; furthermore, agencies will utilize appropriate existing programs to encourage water dependent activities.

Water dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

The following uses and facilities are considered water-dependent:

- a. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities )
- b. Recreational activities which depend on access to coastal waters (for example: boating, swimming, fishing, scenic and wildlife viewing)

- c. Uses involved in the sea/land transfer of people and goods (for example: piers, docks, loading areas, pipelines, short-term storage facilities)
- d. Structures needed for navigational purposes (for example: dams, locks, shoal and channel markers, lighthouses, foghorns)
- e. Flood and erosion protection structures (For example: breakwaters, bulkheads, pilings, berms, seawalls, levees)
- f. Facilities needed to store and service boats and ships (for example: marinas, boat repair, servicing and construction yards, boating clubs)
- g. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants) (N/A in Piermont)
- h. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near shipping facilities be obtained (for example: coal export facilities, cement plants, quarries) (N/A in Piermont)
- i. Uses which operate under severe time constraints that require proximity to shipping facilities become critical (for example: firms processing perishable foods) (N/A in Piermont)
- j. Scientific and educational activities which, by their nature require access to coastal waters (for example: marsh studies, meteorological measurements, landing for research and river-monitoring vessels)
- k. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first-aid and river-rescue stations, short-term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water enhanced use.

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

permanent structures are uses or facilities which would likely be considered as "temporary" non-water dependent uses.

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

1. Competition for space - competition for space, or the potential for it, should be indicated before any given site is promoted for water dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.
2. In-place facilities and services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
  - a) The availability of public sewers, public water lines and adequate power supply;
  - b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
  - c) Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels - if commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources – water dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
5. Preference to underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.
6. Providing for expansion - a primary objective of the policy is to create a process

by which water dependent uses can be accommodated well into the future.  
State agencies

and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

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

1. Favored treatment to water dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water dependent uses.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements should be given to water dependent uses.
3. Where possible, consideration should be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. State and local planning and economic development agencies should actively promote water dependent uses. In addition, a list of sites available for non-water dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and Federal agencies should work together to streamline permitting procedures that may be burdensome to water dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

## 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.**

Not Applicable in the Village of Piermont

## 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.**

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of state agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry.

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.
7. In applying the above guidelines the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

## Policy 5

### **Encourage the location of development in areas where public services and facilities essential to such are adequate.**

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services

are adequate, where topography, geology, and other environmental conditions are suitable for

and able to accommodate development.

The above policy is intended to accomplish the following:

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

For any action that would result in large scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the coastal area may also be suitable for development, if three or more of the following conditions prevail:
  - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
  - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one mile radius of the proposed site are vacant;
  - c. Proposed site is served by or is near to public or private sewer and water lines;
  - d. Public transportation service is available within one mile of the proposed site; and

- e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
- 3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
  - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
  - b. Development's water needs (consumptive and firefighting) can be met by the existing water supply system;
  - c. Sewage disposal system can accommodate the wastes generated by the development;
  - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
  - e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
  - f. 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.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

- 1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
- 2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
- 3. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
- 4. Water dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- 5. Development which because of its isolated location and small scale has little or no potential to generate and/or encourage further land development.
- 6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
- 7. Rehabilitation or restoration of existing structures and facilities.
- 8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

Redevelopment should be located where infrastructure is adequate or can be suitably upgraded. In the Village of Piermont the determination of appropriate locations to situate development should include considerations of topography, geology, and general environmental conditions in addition to the provision of adequate public services and facilities. Special attention should be given to proposed projects within areas subject to tidal flooding by mid-century, based on official New York State sea level rise projections. Wherever possible, new development and buildings should be sited in areas unlikely to be inundated by 2100. Such locations should be in upland areas that will experience low risks associated with sea level rise and storm-driven flooding events.

## **Policy 6**

### **Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

When implementing existing regulations and proposing new regulations efforts should be made to review permit procedures as they relate to the appropriate siting of development activities. The Village of Piermont shall make efforts to expedite permit procedures that result in the siting of development activities in resilient upland locations.

## **B. Fish and Wildlife Policies**

## Policy 7

**Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.**

### Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- (a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- (b) support populations of rare and endangered species;
- (c) are found at a very low frequency within a coastal region;

- (d) support fish and wildlife populations having significant commercial and/or recreational value; and
- (e) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include, but are not limited to the following:

1. Draining wetlands, ponds: Cause 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 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.
4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
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 include 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 sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife

populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- (f) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- (g) support populations of rare and endangered species;
- (h) are found at a very low frequency within a coastal region;

- (i) support fish and wildlife populations having significant commercial and/or recreational value; and
- (j) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include, but are not limited to the following:

9. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.
10. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
11. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
12. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
13. 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.
14. Dredge spoil disposal: May include shoaling of littoral areas, or change circulation patterns.
15. Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increase scouring, sedimentation.
16. 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 sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

The range of physical, biological and chemical parameters which should be considered include but are not limited to the following:

1. Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

In cooperation with the State's Coastal Management Program, the Department of Environmental Conservation has developed a rating system incorporating these five parameters (The Development and Evaluation of a System for Rating Fish and Wildlife Habitats in the Coastal Zone of New York State, Final Report, January 1981, 15 pp.).

To further aid Federal and State agencies in determining the consistency of a proposed action with this policy, a narrative will be prepared for each significant habitat which will: (1) identify the location of the habitat; (2) describe the community of organisms which utilize the habitat; (3) identify the biological, physical and chemical parameters which should be considered when assessing the potential impacts of a project on that habitat; (4) identify generic activities which would most likely create significant impacts on the habitat; and (5) provide the quantitative basis used to rate the habitat. Prior to formal designation of significant fish and wildlife habitats, copies of the individual habitat narratives plus copies of habitat maps and completed rating forms will be provided to Federal and State agencies and the public for the review and comment.

4. Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
5. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns and migratory patterns; and
6. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

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The Piermont Marsh/Sparkill Creek has been designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State and constitutes the southernmost portion of the Hudson River National Estuarine Sanctuary.

In reviewing consistency with this policy, the Village of Piermont shall work to protect Piermont Marsh/Sparkill Creek from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range, i.e., the ecological range of conditions supporting the species population or having the potential to support a restored population, where practical. Where destruction or significant impairment of habitat values cannot be avoided, the Village shall minimize potential impacts through appropriate mitigation. Wherever practical, the Village of Piermont shall aim to enhance or restore designated habitats to foster their continued existence as natural systems.

## Policy 8

**Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.**

### Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible illness, 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 (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation 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 wastes, but controlled through other State laws.

## 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.**

### Explanation of Policy

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

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

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

1. Consideration should be made by federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should 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.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

The Village will ensure that recreational uses of living marine and wildlife resources are managed for sustained useable abundance and diversity of the marine resource, does not interfere with population and habitat maintenance and restoration efforts, uses best available scientific information and interpretation, minimizes waste, and reduces discard mortality of marine fishery resources.

They will protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

The Village will also provide opportunities for recreational use of the estuary, including adequate infrastructure, appropriate fishing piers, dockage, parking, and related services.

## **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 states 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 principals developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (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 above policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.

2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
3. Consideration should be made by State and Federal agencies whether an action will impede existing utilization or future development of the state's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

Foster occurrence and abundance of marine resources by protecting spawning grounds, habitats, and water quality, and by enhancing and restoring fish and shellfish habitat, particularly for oysters, clams and anadromous fish.

Oysters thrived in the lower Hudson in the past, and small oysters can still be found along the present Village shoreline. Assuming improvements in Hudson River and Sparkill Creek water quality and sediment suspension can be made, Piermont should consider the cultivation of oyster reefs, and the potential gastronomic and commercial value and a possible means of reducing wave action.

## C. Flooding and Erosion Hazards 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

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks, and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs, and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6 NYCRR Part 505.2(x).

Prior to its construction, an erosion hazard areas permit must be approved for the structure.

Existing non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide, and no mobile home shall be sited in such area. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

Use the following management measures, listed in order of priority.

- a. Avoid redevelopment other than water-dependent uses in coastal hazard areas.
- b. Locate or move development and structures as far as practical from probable flooding and erosion.
- c. Use vegetative non-structural measures with a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition.
- d. Enhance existing natural protective features and processes, and where feasible use nonstructural measures likely to manage erosion.
- e. Use hard structural erosion protection measures for erosion control only where the above measures are insufficient for protection, or the use is water-dependent or reinforces the role of a maritime center or waterfront redevelopment area.

Mitigate the negative impacts of erosion and flooding control structures.

Manage development in floodplains beyond coastal hazard areas to avoid adverse environmental effects, minimize the need for structural flood protection measures, or meet federal flood insurance program standards.

## **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.**

Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures,

inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

There are no beaches, dunes, barrier islands, or bluffs on the Piermont waterfront. Recognizing that Piermont has few remaining natural protective features, and a shoreline that is predicted to move inland over future decades, maximize existing protective capabilities by:

- a. Avoiding unnecessary alteration or interference with shorelines in a natural condition;
- b. Enhancing or restoring any existing or impaired natural protective features;
- c. Managing activities to minimize interference with, limit damage to, or reverse damage that has diminished any protective capacities that the natural shoreline still provides.

Minimizing interference with natural coastal processes can include providing similar unconsolidated materials, and limiting the intrusion into coastal waters of structures that would enhance erosion. Siting of the Hudson River outfall from sewage treatment plants in Orangetown, and replacement of the TZ Bridge a few miles upstream were arguably unavoidable, and can have adverse impacts on 'natural' coastal processes in Piermont.

## **Policy 13**

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

### **Explanation of Policy**

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

In the Village of Piermont the construction or reconstruction of erosion protection structures shall consider and design to the official New York State Sea Level Rise projections when constructing erosion protection and flood control structures.

## **Policy 14**

**Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.**

#### Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by our actions, humans can increase the severity and adverse effects of those processes, causing damage to, or loss of, property and endangering human lives. Those actions include:

- a. The use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession;
- b. The failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion or weakening of shorelands; and
- c. The placing of structures in identified floodways so that the base flood elevation is increased causing damage in otherwise hazard free areas.

### Policy 15

**Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.**

#### Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

Dredging or other mining or excavation of river bottom materials would be undertaken primarily for channel maintenance. Whenever such dredging takes place near docks, bulkheads or an unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on the adjacent lands and will not cause a reduction of supply, and thus an increase of erosion to the shorelands.

### Policy 16

**Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long-term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.**

#### Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires 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 and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

Recognizing that Piermont has few remaining natural protective features, and a shoreline that is predicted to move inland over future decades, actions shall maximize existing protective capabilities by:

- a. Avoiding unnecessary alteration or interference with shorelines in a natural condition;
- b. Enhancing or restoring any existing or impaired natural protective features;
- c. Managing activities to minimize interference with, limit damage to, or reverse damage that has diminished any protective capacities that the natural shoreline still provides.

Minimizing interference with natural coastal processes can include providing similar unconsolidated materials, and limiting the intrusion into coastal waters of structures that would enhance erosion. Siting of the Hudson River outfall from sewage treatment plants in Orangetown, and replacement of the TZ Bridge a few miles upstream were arguably unavoidable, and can have adverse impacts on 'natural' coastal processes in Piermont.

## **Policy 17**

**Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.**

#### Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

"Non-structural measures" shall include, but not be limited to: (1) within coastal erosion hazard areas identified under Section 0104 of Coastal Erosion Hazard Areas law (Environmental

Conservation Law Article 34), and subject to the permit requirements on all regulated activities and development established under that law, (a) the use of minimum setbacks as provided for in Section 0108 of Environmental Conservation Law Article 34; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (2) within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation about 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 ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

## **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 resources areas.**

#### **Explanation of Policy**

Proposed major actions may not 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 which 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 their citizens in such matters that would affect natural resources, water levels and flows, shoreline

damage, hydro-electric power generation and recreation. Review under the SEQR process will allow a weighing of the cost and benefits of such actions.

## **E. Public Access Policies**

### **Policy 19**

#### **Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.**

This policy calls for achieving 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. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the Public Access Planning Process.

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

1. The existing access from adjacent or proximate public lands or facilities to public water related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such actions are found to be necessary by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

The following is an explanation of the terms used in the above guidelines:

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.
- b) Public water related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c) Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has

access or could have access, including underwater lands and the foreshore.

d) A reduction in the existing level of public access - includes, but is not limited to, the following:

- (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
- (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

There are substantial increases in the following: already existing special fares (not to include regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.

e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities
- (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility
- (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities

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. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Provide a level and type of public access and recreational use that accounts for public demand, resident and natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups.

Include public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit public use and enjoyment of public coastal lands and waters.

Provide additional public access and recreation facilities at public sites.

Increase visual access wherever practical, avoid its loss by limiting physical blockage due to development or activities, and mitigate loss by providing alternative on-site or off-site access.

## **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 recreation policies.**

### Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; 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 onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

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

1. Existing access from adjacent or proximate 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.

The following is an explanation of the terms used in the above guidelines:

- a) (See definitions under first policy of "access", and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
  - (1) 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.
  - (2) Pedestrian access is diminished or blocked completely by public or private development.
- c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
  - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and /or waters
  - (2) Sale, lease, or other conveyance of public lands that could provide public

- access to public coastal lands and/or waters
- (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
  - a) A reduction or elimination in the existing level of public access - includes, but is not limited to, the following:
    - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
    - (2) Access is reduced or blocked completely by any public developments
3. 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, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. 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.
4. The State will not undertake or directly fund any project which increases access to a water- related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
  - a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to

preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

This policy promotes increasing and enhancing public access to coastal resources including public lands and waterways. Piermont has unusually high levels of public access to the waterfront as afforded by several parks and the Pier. The Village should continue to provide, maintain and enhance this access as sea level rise and storm surges claim waterfront properties and Piermont Marsh. In an effort to enhance access to publicly-owned coastal areas the action should:

Provide convenient, well-defined public access to and along the coast for water related recreation.

Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.

## **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.**

#### **Explanation of Policy**

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

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

Department of State, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

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

Among the types of water dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity; provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. Ground water contamination presents a threat to Fire Island National Seashore water resources.

This policy shall apply to both public and private uses.

In addition to encouraging and facilitating water-dependent and water enhanced uses every effort shall be made to protect and maintain existing water-related recreation.

## 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 they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- parks
- highways

- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities\*
- hospitals\*
- prisons\*
- schools, universities\*
- military facilities\*
- nature preserves\*
- large residential subdivisions (50 units)
- shopping centers
- office buildings

*\* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.*

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and if there is an approved local waterfront program, with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide OPRHP and the municipality with the opportunity to participate in project planning.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreation facilities.

Whenever a proposed development would be consistent with CMP 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 (this situation would generally only apply within the more developed portions of urban areas).

In addition, the Village of Piermont will include public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit public use and enjoyment of public coastal lands and waters.

The Village of Piermont will also provide incentives to private development that encourage public access and/or water related recreation facilities.

## **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 manmade resources are structures or areas of historic, archeological, architectural or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. This policy is not to be construed as a passive mandate but must include active efforts, when appropriate, to restore or revitalize through adaptive reuse.

While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation comprise the following resources:

- (a) A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places
- (c) A resource on or nominated to be on the State Nature and Historic Preserve Trust
- (d) An archaeological resource which is on the State Department of Education's inventory of archaeological sites
- (e) A local landmark, park, or locally designated historic district which is located within the boundary of an approved local waterfront revitalization program
- (f) A resource that is a significant component of an Urban Cultural Park

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to 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. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of

building materials, entry ways and doors, fenestration, lighting fixtures, roofing, sculpture and carving, steps, rails, fencing, windows, vents and other openings, grillwork, signs, canopies, and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building, structure or earthwork.



VILLAGE OF PIERMONT, NY

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

The LWRP is particularly concerned with resource protection within the floodplains, and will actively promote related preservations throughout the Village. Examples of historic resources that have been identified in Piermont are listed and mapped in the Inventory and Analysis. Special attention to preserve and enhance the historic character of the Rockland Road Bridge Historic District shall be made with respect to any proposed developments within its boundaries. The Village will contact the Division for Historic Preservation in the Office of Parks, Recreation and Historic Preservation to determine the locations of any local archeological sites, and make that information available to the Planning Board for consideration during specific development proposals.

Actions that are subject to consistency review shall:

**Maximize preservation and retention of historic resources.**

Preserve the historic character of a resource by protecting historic materials and features or by making appropriate repairs.

Provide for compatible use of a historic resource, while limiting modern exterior alterations.

Minimize loss of historic resources or character when complete preservation is not possible.

Relocate historic structures where feasible and the resource cannot be preserved in place.

Allow demolition only when and where alternatives for retention are not feasible.

Avoid potential adverse impacts on historic resources by nearby redevelopment.

### **Protect and preserve archaeological resources.**

If archaeological sites exist in Piermont according to inventory maps prepared by the State Department of Education, include a cultural and archaeological sensitivity investigation when actions are proposed on or near such locations.

- a. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.
- b. If cultural resources are discovered as a result of the initial survey, conduct a more detailed evaluation providing adequate data to allow a determination of the resource's archaeological significance.

If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:

- a. Redesigning projects,
- b. Reducing direct impacts on the resource,
- c. Recovering artifacts prior to construction, and documenting the site.

Archaeological resources are protected under § 233 of New York State Education Law, and may not be appropriated for private use.

### **Protect and enhance resources that are significant to the waterfront culture.**

Extensive bottom surveys have not revealed historic shipwrecks or navigational structures in the Hudson River near Piermont. Artifacts might emerge in connection with eventual removal of sunken barges, a potential hazard to navigation and contributor of

shoreline flotsam, but diving on barge remains for such prospects in the interim should not be encouraged.

Protect and enhance Piermont Pier, a major riverine asset closely related to the history and character of the Village of Piermont.

## Policy 24

### **Prevent impairment of scenic resources of statewide significance**

Not Applicable in the Village of Piermont

## Policy 25

### **Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.**

#### Explanation of Policy

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

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

Piermont is home to a number of unique natural and scenic features identified as areas of local scenic significance that warrant protection. Expansive views are available from upland areas looking out toward the river, and from the river and waterfront areas looking back toward the Palisades ridge. These scenic features contribute to the overall aesthetic and character of the Village and shall be enhanced and protected. Special consideration is required when actions may affect specific view shed corridors defined in the inventory section of this program. In reviewing impacts to visual quality and scenic resources the Village of Piermont shall protect, restore and enhance resources by reviewing consistency utilizing the following standards:

### **Protect and improve visual quality throughout the waterfront area.**

Prevent the impairment of scenic resources that significantly contribute to the scenic character, e.g. as identified in this program in Section 2(8) with map.

Enhance existing scenic characteristics by minimizing introduction of discordant features.

Restore or remove degraded visual elements and screen activities and views that detract from visual quality.

Preserve existing vegetation and establish new vegetation to enhance scenic quality.

Group or orient structures to preserve open space and provide visual organization.

Anticipate and prevent impairment of dynamic landscape elements that contribute to scenic qualities.

Recognize water-dependent uses as important additions to the visual interest of the waterfront.

Protect scenic values associated with public lands, waters, and natural resources.

### **Protect aesthetic values in recognized areas of high scenic quality.**

While there are no designated Scenic Areas of Statewide Significance in Piermont, the Village provides ravishing views from upland areas toward the Tappan Zee, and vice-versa. The siting and architecture of new developments and major renovations within prime view shed corridors should thus be accorded special attention. Structures, buildings and landscaping should be carefully designed and inconspicuously situated in ways that maintain the natural and developed scenic aesthetic.

## **H. Agricultural Lands Policy**

### **Policy 26**

#### **Conserve and protect agricultural lands in the state's coastal area.**

Not Applicable in the Village of Piermont

## **I. Energy and Ice Management Policies**

### **Policy 27**

**Decision on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment and the facility's need for a shorefront location.**

**Explanation of Policy**

New York's overall annual energy demand has begun to flatten over time, in part due to the success of State and utility energy efficiency programs. However, peak load (the highest amount of energy consumption in a given year) has continued to increase at a more rapid pace. Renewable power sources—hydro, solar, wind, and other carbon-free solutions—also continue to grow as a share of the total energy produced in the State. Significant investments in the billions of dollars are needed to replace New York's aging electric transmission and distribution infrastructure just to meet currently projected energy demand. To respond to these significant shifts in the State's energy infrastructure, State energy policies are being designed to maintain energy system reliability during peak load in ways that improve the grid's overall system efficiency, from both energy transmission and capital investment perspectives.

The New York State energy planning process provides a comprehensive framework for improving the State's energy system, addressing issues such as environmental impacts, resiliency, and affordability. Fifty-nine key areas of focus for New York's energy planning and implementation policies include integration of renewable energy generation; local energy generation that can foster both economic prosperity and environmental stewardship; seeking innovative energy solutions across the State's public facilities and operations; increasing energy efficiency; and decreasing greenhouse gas emissions. New York's energy policy is also central to how the State responds to the challenges presented by a changing climate. New York State's energy planning recognizes that extreme weather events demand more resilient energy infrastructure, and that climate change presents both challenges and opportunities to lead and innovate.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in Article 6 of the New York State Energy Law. That Article requires the preparation of a State Energy Plan. With respect to transmission lines and the siting of major electric generating facilities, Articles 7 and 10 of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for providing additional electric capacity. The policies derived from these proceedings 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 of Coastal Areas and Inland Waterways Law. That law is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

The Department of State will present testimony for the record during relevant certification proceedings under Articles 7 and 10 of the Public Service Law when appropriate; and use the State SEQR and DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles 7 and 10 of the Public Service Law) which would affect the coastal area are consistent with coastal policies. **Policy 28**

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

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, 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**

**The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.**

Not Applicable in the Village of Piermont

## **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.**

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

### **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 overburdened with contaminants will be recognized as being a development constraint.**

**Explanation of Policy**

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

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

In reviewing consistency with policy 31 the Village of Piermont shall seek to:

Protect water quality by ensuring watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas particularly susceptible to erosion and sediment loss.

Limit the impacts of individual development projects to prevent cumulative water quality impacts on the watershed that would contravene water quality standards.

**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.**

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive.

## **Policy 33**

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

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined systems with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

## **Policy 34**

### **Discharge of waste materials into coastal waters from vessels subject to State jurisdiction into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational area and water supply areas.**

All untreated sanitary waste from vessels is prohibited from being discharged into the State's coastal waters. Where coastal resources or activities require greater protection than afforded by this requirement the State may designate vessel waste no discharge zones. Within these no discharge zones the discharge of all vessel waste whether treated or not is prohibited. A determination from EPA that an adequate number of vessel waste pump out stations exists is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the coastal waters for which no discharge of other wastes from vessels is limited by State law.

Priority should be given to the enforcement of this law in significant habitats and beaches which need protection from contamination by vessel wastes. Expansion or development of new marinas will be required to provide onshore pump out stations unless it can be shown that such facilities are not feasible. In cases where permanent facilities are not feasible, the use of portable pump out stations should be considered.

## **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.**

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, and other coastal management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material spoil disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection and use of coastal resources (State Coastal Management policies 7, 15, 19, 20, 24, 26, 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**

In reviewing consistency with policy 36 the Village of Piermont shall seek to:

Minimize adverse impacts from potential oil spills by opposing shipment of petroleum by train, and mooring sites for tankers using the Hudson River.

Have adequate plans for prevention and control of petroleum discharges in place at local marinas and other fuel dispensing sites.

Prevent discharges of petroleum products by following approved handling and storage, facility design and maintenance principles.

Report oil sheens on the river and creek to the DEC, and clean up any petroleum discharges, giving first priority to minimizing environmental damage.

## 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

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques.

Non-point source pollution originates from sources that are not localized or easily identifiable, and includes contaminated surface water runoff from driveways, streets and parking lots.

Limiting such pollution sources can be accomplished by:

- a. Reducing or eliminating the introduction of materials such as road salts that contribute to non-point source pollution;
- b. Avoiding activities that would increase storm water runoff;
- c. Controlling and managing storm water runoff;
- d. Retaining or establishing vegetation or providing soil stabilization;
- e. Preserving natural hydrologic conditions through maintenance of natural water surface flows, thereby retaining natural watercourses, wetlands, and drainage systems.

## 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

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected. Since Long Island's groundwater supply has been designated a "primary source aquifer," all actions must be reviewed relative to their impacts on Long Island's groundwater aquifers.

Local groundwater supplies and surface water of the Hudson River must be protected. The impact of an action on the quality of the Hudson River water will be a major factor in planning and decision making. Such impacts include those resulting from construction activity, land use management, point and non- point pollution sources, and direct actions on the water ways.

Piermont's potable water supply is provided by a private company, currently Suez Water. The Village should work with the water company to:

Prevent contamination of their water supplies by limiting discharges of pollutants and land uses likely to undermine surface and groundwater quality classifications.

Prevent depletion of existing potable water supplies by limiting saltwater intrusion into lakes and aquifers through conservation methods or restrictions on water supply use, and allowing for aquifer recharge.

Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

Limit demand and usage through appropriate pricing and conservation measures.

Proactively replace aged infrastructure increasingly causing system breakdowns.

## **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 land, and scenic resources.**

### **Explanation of Policy**

The definitions of 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 and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [527-0901.3](Section 27-0901[3]) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) [1] cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b)[2] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, , disposed, transported or otherwise managed". A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC (6NYCRR Part 317) within 6 months after EPA formally adopts its list.

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 waste is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

## 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 on 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 shall "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The effect of thermal discharges on water quality and aquatic organisms is considered by the siting board when evaluating any applicant's request to construct a new steam electric generating facility.

## 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.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating

major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

This policy provides for protection of the coastal area from air pollution generated within or beyond its area, and adversely affects its air quality. In reviewing consistency with policy 41 the Village of Piermont shall seek to:

**Control or abate existing and prevent new air pollution.**

Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans and requirements.

Recycle or salvage air contaminants using best available cleaning technologies.

Limit pollution resulting from vehicle or vessel movement or operation, e.g. by encouraging use of public transportation and carpooling.

Increase actions that directly or indirectly improve transportation uses or operations in ways that result in decreased pollution.

Restrict emissions to the outdoor atmosphere of contaminants that are potentially injurious or unreasonably interfere with enjoyment of life or property.

Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards.

**Limit discharges of greenhouse gases to the atmosphere.**

State air quality standards regulate chlorofluorocarbon pollutants. For actions with potential negative impacts on the regional and planetary atmosphere, assist the State and other entities in limiting the emissions of greenhouse gases and other dangerous pollutants.

**Limit sources of atmospheric deposition of pollutants to the waterways, particularly from nitrogen sources.**

State air quality standards regulate sources of nitrogen pollution. For actions with a potential impact on air quality, whenever possible the Village shall assist the State in minimizing the release and deposition of pollutants in the region, including nitrogen oxides.

## Policy 42

**Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.**

### Explanation of Policy

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

## Policy 43

**Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

### Explanation of Policy

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

## **K. Wetlands Policy**

### Policy 44

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

### Explanation of Policy

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

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and

semiaquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act (Water Resources Law, Environmental Conservation Law Article 15).

The benefits derived from the preservation of tidal and 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, flood and storm control
- natural pollution treatment
- groundwater protection
- recreational opportunities
- educational and scientific opportunities;
- aesthetic open space in many otherwise densely developed areas

The Village of Piermont shall :

Comply with statutory and regulatory requirements of the state's wetland laws.

Use the following management measures, listed in order of priority.

- a. Prevent the net loss of vegetated wetlands by fill or excavation.
- b. Minimize adverse impacts from unavoidable fill, excavation, or other activities.
- c. Provide for compensatory mitigation for unavoidable adverse impacts.

Restore tidal and freshwater wetlands wherever practical to foster their continued existence as natural systems.

Provide for achievement of a net increase in wetlands when practical opportunities exist to create new or restore former tidal wetlands.

Contribute to management plans for regionally important natural areas, and work to mitigate sea level rise, which could eventually drown Piermont Marsh.

## Section IV

### Proposed Projects

## **Proposed Projects**

Overall, the Village has made great strides in implementing projects identified in the LWRP and increasing the public's enjoyment and access to its waterways. Since its adoption in 1992, the Village has implemented several projects and actions outlined in the LWRP. The implementation of the LWRP has included the following projects and actions:

- Construction of a boat launch at Parelli Park
- Construction of a public walkway along north shore of Piermont Pier
- Development of steep slope legislation
- Improvement of public access to the Hudson River
- The Ferry Road project has been completed, elevating the road from the beginning of the dogleg to the Fred C. Scheffold Memorial with a \$250,000 grant secured from the New York Bridge fund.

- Secured grant funding from other state agencies including New York State Office of Parks, Recreation and Historic Preservation, NYS Department of Environmental Conservation and the Hudson River Valley Greenway.<sup>37</sup>

This outline of projects and goals was derived from meetings and discussions among 25-30 Villagers who volunteered to assist Mayor Sanders with an update of the existing 1992 LWRP. The work extended over several years, bridging Superstorm Sandy and work on the Resilience Roadmap (RR), including a public meeting in October 2015.<sup>38</sup> It was motivated by the substantial changes that have occurred in Piermont since the early 1990s, and the realization that remedial steps are necessary to limit the damage from increasing risks of flooding, improve public access to the waterfront, and maintain the Village's property tax base and economic vitality. Note that next to each project there are icons that relate to the estimated time and cost of each project.

### **Implementation Feasibility Legend**

- ⌚ 1-5 years
- ⌚⌚ 5-10 years
- ⌚⌚⌚ 10+ years

- \$ Less than \$250,000
- \$ \$ Between \$250,000-\$500,000
- \$ \$ \$ More than \$500,000

### **1. Updating Zoning, Planning and Building Codes**

Fifty-eight percent (58%) of those surveyed responded favorably to the proposed project of updating zoning, planning, and building codes.

The revision of the Village's Zoning Code by a professional planning firm is a high priority project for the Village. A digital zoning map has been prepared as part of the LWRP and provided to the Building Department. The zoning district Business A appears in the zoning text but does not exist on the Zoning Map. It does appear on the Tables for General Use and Bulk Regulations. The Business A zone appears to be redundant and should be considered for removal as part of the zoning study. Sustainability measures should be incorporated into the

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<sup>37</sup> New York Department of State, Office of Planning and Development, Village of Piermont, LWRP Monitoring Report, June 2015.

<sup>38</sup> Village of Piermont. September 2014. *Resilience Roadmap: Planning for Piermont's Future. Report of the Piermont Waterfront Resilience Task Force.* Available at: <http://www.scenichudson.org/ourwork/riverfrontcommunities/waterfrontresiliencetaskforces/piermont>.

Village's zoning code to realize the resiliency goals established by the Village. The Village can consider revising height limits to measure height from the base flood elevation as well as adding impervious surface coverage limits into the zoning bulk tables for residential zoning districts with the exception of the R-1.25 district.

a) With the aid of professional planners, develop a long-term land-use plan envisioning how Piermont can remain a viable community, given extreme sea level rise (SLR) and storm surge projections for 2100, and beyond. Utilize that vision when developing short- to mid-term infrastructure regulations and guidelines over the probable 25-year lifetime of this LWRP (through the mid-2040s). Specifically include measures to integrate the Village's resiliency goals into the Village Zoning Code.

⌚ | \$

“Better zoning to ensure that any renovation of properties in these [flood] zones includes remediation is the only way to go”

- Survey Respondent

b) Review and update Village building, zoning and planning codes to accommodate the need for growth, preservation of open space and valuable structures, elevation and flood-proofing to cope with flooding, and for consistency with town, county, state and federal guidelines. Require that new development, rebuilding and restoration projects be designed, landscaped and unobtrusively scaled, with heights and facades that complement the waterfront, hillside and overall Village appearance.

⌚ | \$

c) Evaluate the zoning of publicly and privately owned developed and undeveloped properties for their most appropriate future uses. Some have recreational, conservation, or 'viewscape' potential; others may be needed for upland development to maintain the Village tax base, or to provide future roadways in worst-case scenarios.

⌚ | \$

d) Assess regulations that apply to commercial establishments in relation to waterfront issues, including traffic and the parking that is essential for most businesses and tourist activity. Efficient parking lot design, elevation and monitoring can assist the parallel needs of Village residents and help to alleviate frustration with seasonal tourism.

⌚ | \$

e) Weigh the pros and cons of utilizing or discarding the as yet unmapped R-80 district, other re-zonings, existing and possible conservation easements, buffer or setback zones, and changes in the boundaries or allowances in some districts. This zone may be utilized to rezone the TZ

Elementary School and Cowboy Fields in order to use it as a holding zone. This could be done in concert with a new Traditional Neighborhood Development (TND) overlay zone which includes an appropriate density encompassing a variety of housing types and land uses including public spaces, civic buildings, commercial establishments located within walking distance of homes and encouragement of adaptive reuse of existing buildings. These zoning and legislative changes should be incorporated into the work plan to be undertaken as part of the zoning and legislative implementation follow up to the LWRP. The Village should also negotiate a right of first refusal for future possible acquisition of this property from the South Orangetown School District.

⌚ | \$

f) During planning processes, urge the use of permeable surfaces in lieu of hardscapes, the planting and maintenance of shade trees, sidewalk shrubs and planters, and the use of berms to deal with 'nuisance' flooding. The addition of impervious surface coverage limits into the zoning bulk tables can be an effective means of accomplishing this goal. Require that development, major renovation and landscaping projects be planned and inspected for conformance with elevation standards, and appropriate storm water drainage into the river and creek.

⌚ | \$

## **2. Implementing Comprehensive Emergency Management Planning**

Seventy-seven percent (77%) of those surveyed responded favorably to the proposed project of implementing comprehensive emergency management planning.

a) Improve training and communications before and during storm-related emergencies, including coordination with Town, County and State units and utilities, with multiple contact points for vital information. Require that Village employees, board members, and FD personnel pass basic National Incident Management training. Note that Orange & Rockland's storm emergency plan is to 'follow the local DPWs' lead to remove downed wires from roads.'

Public Comment referred to emergency equipment and facilities being located in areas vulnerable to extreme weather events, and explore possibility for re-location or making less vulnerable

⌚ | \$

b) Devise a flood notification system that widens current informal Co-Flow alerts, add coded emergency alarms prior to confirmed large storm surges, and directs outreach to all properties

within probable flooding zones. Determine how best to access and institutionalize such early warning communications, including benchmarks for highly probable flood levels that would trigger emergency activities. Potential resources may include:

<http://hudson.dl.stevenstech.edu/sfas/d/index.shtml?station=U246>.

⌚ | \$

c) Define, monitor and maintain evacuation routes and sites allocated to provide space for displaced residents and for parking, such as upland streets, the South Orangetown Central School District (SOCSD) property, and regional hotels.

⌚ | \$

d) Provide evacuation assistance as needed or requested prior to emergencies, in particular for those with special needs, including pets. Refine and widely distribute the Waterfront Resiliency Commission's Flooding Preparedness Guide, and urge participation in their Community Emergency Response Teams (CERT), comprised of members of a neighborhood or workplace who can assist with public safety activities before and during emergencies. Ensure that CERT teams are annually retrained and updated for new conditions and developments.

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### **3. Become a NYSDEC Certified Climate Smart Community**

Sixty-two percent (62%) of those surveyed responded favorably to the proposed project of becoming a NYSDEC certified Climate Smart Community.

Climate Smart Communities are municipalities that have pledged to reduce their carbon footprint and promote resilient infrastructure, reduce greenhouse gases, and develop energy efficiency programs to adapt to a changing climate. The CSC program includes:

a) Continuing the process of CSC certification and participation. Making flood preparedness information and flood-resilient building and mitigation resources available on the Village website, in the Library and Piermont Newsletter, and via meetings and mailings.

“Develop diversified power option in the Village including solar and wind power would help with resiliency during and after weather events.”

- Survey Respondent

“When storms occur in the future, let's make sure to take all the boats out of the water and secure them properly so they don't fly down the streets”

- Survey Respondent

⌚ | \$

b) Determining the current municipal energy use and carbon footprint, including buildings, Village-supported vehicles and their uses. Devising plans to more than halve CO2 emissions over the LWRP timeframe. Raising funds for related installations and monitoring.

⌚ | \$

c) Developing information and incentives to encourage residential and business property owners to also lower their carbon footprints. Making residents aware of available utility and other programs, e.g. using solar panels; providing property tax rebates for documented energy reductions; collaborating with the business community to install a battery charging station for Village, residential and visiting electric vehicles.

⌚ | \$

d) Planting and maintaining appropriate species of trees and other vegetation to stabilize soils, provide shade or windbreaks, shield unsightly operations and take up CO2 from the atmosphere. Supporting wildlife where feasible, but controlling deer, geese, rabbits and other pests that damage and dirty the environment and put individuals at risk.

⌚⌚ | \$\$

e) Educating the public regarding the environmental and economic aspects of solid waste disposal, improving the ratio of recyclables to garbage and trash, using the County hazardous waste facility, composting, and minimizing the use of plastic bags in cooperation with business and shopping centers.

“Seal up the culvert pipe onto Ohio Street- prevent overflow of water onto Ohio Street from the parking lot”

- Survey Respondent

⌚ | \$

#### **4. Improve Sewage and Stormwater Infrastructure**

Eighty-six percent (86%) of those surveyed responded favorably to the proposed project of improving sewage and storm water infrastructure.

a) Arrange meetings with Town and County sewer system officials in order to better understand their facilities, operations, and vision for the capital needs of Piermont’s sewer system to function under projected future sea level and storm surge conditions. Determine if tertiary sewage treatment is a viable option. Advocate for sewer taxes that are tied to water usage rates.

⌚ | \$

b) Seek improved separation between sewage and storm drains throughout the treatment plant service areas in order to reduce potentially dangerous overflows during heavy rain and flooding events, and for more timely and targeted notifications of those overflows. The Village Code, Chapter 169: Stormwater Control, adopted in 2007, follows state guidelines and regulates connections to the municipal storm sewer system and non-stormwater discharges. It includes public information, outreach, involvement and participation; illicit discharge detection and elimination; construction site stormwater runoff control; and post construction storm water management.

“Clean up the Sparkill Creek downstream from the sewage pump station”

-Survey Respondent

⌚⌚⌚ | \$\$\$

c) Initiate regular inspection of all Piermont and through-Village links to the Town and County sewage systems, accompanied by essential upgrades, including check-valves to minimize backups into basements. Land development activities are subject to the NYS Department of Environmental Conservation (DEC) Storm water Management Design Manual, and NY Standards and Specifications for Erosion and Sediment Control. The Village's 'MS4' Phase II Storm Water Management Annual Report appears at <http://piermont-ny.gov/dpw>.

⌚⌚⌚ | \$\$\$

d) Investigate the need for upgrades, repairs and extension of the combined Town and County Hudson River outfall. Determine if the ongoing DEC-supported University of Florida study can provide information on outfall effluent dispersal over full tidal and storm surge ranges.

⌚⌚⌚ | \$\$\$

e) Advocate for greater retention capacity on public and private properties to decrease peak runoffs during heavy rainfalls. This might include more permeable paving, gutter barrels, terraced landscaping, and engineered holding basins such as an enlarged Whiton Pond basin (17).

⌚ | \$

f) Identify areas and properties that are particularly subject to downslope flooding and erosion, e.g. along stream corridors and on steep slopes more suitable for preservation than development. Evaluate the currency of Village slope legislation, Orangetown Comprehensive Plan, Rockland County Plan for the 21st Century, Hudson River Valley National Heritage Area,

Tappan Zee Scenic District, and relevant sources in the NY LWRP Guidebook (2009) appendix [www.nyswaterfronts.com](http://www.nyswaterfronts.com).

⌚ | \$

## 5. Improving Power and Communications Utilities

Seventy-eight (78%) of those surveyed responded favorably to the proposed project improving power and communications utilities.

a) Work with O&R and telecommunication companies to improve overall resilience, efficient recovery after large storms and flooding events, and to learn about their plans for dealing with changes in storm intensity and sea level.

⌚ | \$

b) Investigate the feasibility of an alternate route for electric power supply to the Village, as a potential means of avoiding lengthy outages. Consider the need for flood-safe generators at appropriate locations.

⌚⌚ | \$\$

c) Determine if rising sea and groundwater levels pose risks to underground power and communication lines. If feasible, plan for the burial of overhead lines in concert with raising road and sidewalk levels. Identify and remove unused overhead lines.

⌚ | \$

d) In the redesign and upgrade of utility service and Village infrastructure, which might include local aggregations of solar panels, generators and other equipment and buildings, apply cost-benefit and risk analyses beyond the 25-year term of this LWRP.

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## 6. Improving Freshwater Supply and Management

Seventy-six percent (76%) of those surveyed responded favorably to the proposed project improving freshwater supply and management.

a) Determine if Suez Water Company (SWC) has plans for updating existing infrastructure beyond responding to frequent emergency failures. Seek more timely and focused alerts when problems are encountered, and system alerts other than notices taped on doors.

⌚ | \$

b) Determine SWC follow-up on notices about water quality testing, the range of contaminants assessed, including sediment episodes, and the results from such surveys.

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c) Consider the feasibility of operating a water system in collaboration with Nyack, including cost, maintenance, and capacity during droughts.

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## **7. Advocate for Changes and Improvements to the National Flood Insurance Program**

Fifty-nine percent (59%) of those surveyed responded favorably to the proposed project to advocate for changes and improvements to the National Flood Insurance Program.

a) Participate in the National Flood Insurance Program (NFIP) Community Rating System, given its potential to limit the costs of rapidly increasing flood insurance premiums.

⌚ | \$

b) Assess the distribution of flood-insured and uninsured properties in the Village, the past effectiveness of the NFIP and related insurance coverage in Piermont.

⌚ | \$

c) Maintain contacts with elected representatives at the state and federal levels regarding the ongoing debates about major changes in NFIP policies. Try to obtain improved coverage for essential infrastructure such as sewage ejector systems. Ensure that realtors disclose risks to properties in floodplains.

⌚ | \$

d) Ensure that current, best available information on flood insurance is made available to all property owners and tenants in floodplains, in particular to new Piermont residents.

⌚ | \$

e) Critically review the Federal Emergency Management Administration (FEMA) post-Sandy Advisory Flood Zone Elevation (ABFE) Maps for Rockland County, and assist the County with a coordinated response for improvements and finalization.

⌚ | \$

## **8. Planning for managed retreat in response to sea level rise and flooding**

Sixty-seven percent (67%) of those surveyed responded favorably to the proposed project of planning for managed retreat in response to sea level rise and flooding.

a) Identify areas and properties increasingly subject to flooding and storm surge damage. Complete the installation of easily understandable Sandy high-water marks throughout the 100-year floodplain, and indicate their locations on an LWRP chart.

⌚ | \$

b) Consider buyout programs for properties repeatedly and severely damaged by storms, and their conversion to open space and related public uses. Raise or facilitate access to buyout funds, and devise implementation strategies equitable to owners and other taxpayers. Monitor the availability of applicable state and other funding sources.

⌚⌚⌚ | \$\$\$

c) Commission the construction of an affordable low-carbon footprint residence on an upland site, coupled with a first refusal offer to owners of extensively damaged or endangered waterfront properties, in turn convertible to open space. Design the project and related taxes to minimize profit or loss to any party on the transaction.

⌚⌚⌚ | \$\$\$

d) Evaluate publicly- and privately-owned upland properties that are or might become available as potential upland relocation sites (17, e.g.) for storm-damaged waterfront structures. Where feasible, try to balance new construction on undeveloped properties by new or extended open space areas.

⌚ | \$

## **9. Investing in infrastructure protection features**

Seventy-three percent (73%) of those surveyed responded favorably to the proposed project of investing in infrastructure protection features such as seawalls and levees.

a) Left to their own devices, some property owners along the Piermont waterfronts are opting for seawalls and berms of various types for protection from storms and high water levels. Consider to what extent such construction should be encouraged, standardized, inspected and evaluated for performance during flooding events.

⌚ | \$

b) Planning competitions associated with other projects have included the construction of arrays of offshore breakwaters in Piermont Bay. If strategically located, such structures could provide a degree of protection from the waves and large drifters that have contributed substantially to damage during major storms. Past damage from ice seems likely to wane as the climate warms, but wave heights could rise due to stronger winds, and may be less damped by the new bridge than its predecessor (12).

⌚⌚⌚ | \$\$\$

c) A longer-term solution might link breakwaters into a gated levee, broad enough to be raised over time, and extending from the Ferry Road dogleg to the Piermont-Grandview boundary. If a complementary gated barrier from the dogleg along Ferry Rd and Paradise Ave also bridged the Sparkill to Tallman Mt, then large, reliable pumps would be needed to handle the creek outflow and upland runoff. That would substantially transform the present waterfront, protect most current residences and infrastructure, and gain an actual harbor and linear park along the eastern shore. Its cost would likely be prohibitive, however, and if not properly built, operated, and maintained its 'protective' aspects could generate a false sense of security on the landward side.

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## **10. Accommodating existing structures in flooded areas**

Forty-nine percent (49%) of those surveyed responded favorably to the proposed project of accommodating existing structures.

a) Expand private accommodation projects in increasingly flooded areas by organizing and assisting with the design and financing (20, 21) of neighborhood building elevations, flood-proofing, and the conversion to amphibian or floating structures and utilities in wave-protected neighborhoods, also considering the related implications for access and parking.

⌚⌚⌚ | \$\$\$

b) Experiment with landfill options by using fill and aggregate, perhaps including a dredge spoil admixture, to raise the Village DPW road salt and equipment storage area, and/or the

adjacent Parking Lot D so that we can accommodate the use remaining in this flooding area or find a more appropriate location for the DPW operation.

⌚⌚⌚ | \$\$\$

c) Coordinate public and private projects by combining building elevations with the raising of adjacent streets and parking areas.

⌚⌚⌚ | \$\$\$

## 11. Invest in greater public access to the waterfront

Forty-seven percent (47%) of those surveyed responded favorably to the proposed project to invest in greater public access to the waterfront.

“Try to make modifications to roads that suffer from nuisance flooding”

- Survey Respondent

a) Acquire and renovate suitable waterfront property for a public landing, boathouse, and related parking, including launch and storage for human-powered watercraft. Include restrooms, boating safety classes, and fueling and pump-out facilities for visiting boats, or require that commercial marinas cover those needs.

⌚⌚⌚ | \$\$\$

b) Establish a public landing for kayaks and other non-motorized watercraft at a site accessible to water at low tide, parking and restrooms. Possible locations might include Parelli Park, Tallman Park near the ‘Army Bridge,’ or Kane Park if its present function is relocated (16).

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c) Obtain lower-cost permits for Piermont residents’ access to Tallman Park and pool. On the longer term, and assuming improvements in Sparkill and Hudson River water quality, plan for a public swimming beach at a suitable location north of the Pier.

“Develop Knights of Columbus waterfront property”

- Survey Respondent

d) In collaboration with the NYSDEC, Town of Orangetown, Lamont Doherty Earth Observatory and other entities, elevate, renovate and maintain the Piers End. Ongoing planning and engineering work includes: Raising Ferry Road near the dogleg, which has been completed; Blockhouse modifications to make it a more functional and attractive research and education site; Evaluations of the concrete dock underpinnings and a proposal to attach floating fireboat docks. Other recommendations have included: A seasonal jitney for Pier access and

“Repair and upgrade Village marinas, better access points for kayaks and canoes”

- Survey Respondent

transport of visitors arriving and departing on boats; A combination windmill-lighthouse-digital foghorn-fire & flooding alarm; A Pierkeeper office; Winding down the atmosphere-polluting 'watchfire' spectacle; Landscaping with salt- and wind-hardy trees and shrubs; Replacing water, sewage and power lines to Piers End facilities.

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## 12. Investing in Improving Marinas and Waterways through Dredging

Fifty-six percent (56%) of those surveyed responded favorably to the proposed project of investing in improving the marinas and waterways through dredging or other renovations.

a) Waterfront revitalization projects should encourage public and private marina related activities, and not preclude the return of commercial fishing and other appropriate business uses of the river and creek.

⌚ | \$

b) Some believe the old TZ Bridge increased sediment accumulation in Piermont Bay, and an opportunity will soon arise to study changes resulting from transition to the new bridge.

Removal of TZB's concrete supports, and increased southward flow resulting from the fewer support pylons under the new bridge could alter sedimentation rates in the Bay. The new bridge design may also result in larger waves in Piermont Bay at times of strong northerly winds, given the long and soon to be less interrupted N-S fetch of the Tappan Zee. On the longer term, however, sediment accumulation may not keep up with the large projected increases in regional sea level.

⌚ | \$

“Dredge the Marinas”

“Love to see small charters that leave from Piermont for day trips on the Hudson”

- Survey Respondents



c) Maintain a well-marked channel from near marinas to deeper waters offshore by trawling the existing channel bottom during ebb tides. If marina access and channel maintenance require periodic, permitted dredging, discuss that issue with Tarrytown and other riverfront communities with similar needs.

⌚⌚⌚ | \$\$\$

d) Make use of any dredge spoils from the river and creek in environmentally sensitive ways, such as filling the slough that parallels Ferry Rd from the gate to the dogleg, or enhancing the Piermont Marsh.

⌚⌚ | \$\$

e) Reduce the sediment in upland runoff by improved containment at construction sites and more regular inspections and cleaning of street drains and retention basins.

⌚ | \$

### **13. Sparkill Creek Corridor- Reduce Flooding and Pollution**

Eighty-three percent (83%) of those surveyed responded favorably to the proposed project of reducing flooding and pollution in the Sparkill Creek Corridor.

a) In collaboration with the Sparkill Creek Watershed Alliance, Riverkeeper and other organizations, identify and eliminate the current sources of Creek pollution. Seek information about other pollutants, less-commonly measured than enterococcus, that may be entering the creek, river, and waterfront properties at times of flooding and sewage overflows.

⌚⌚ | \$\$

b) Try to influence upstream runoff and development policies within the Sparkill drainage basin via provisions of the General Municipal Law or Critical Environmental Areas legislation. Petition Orangetown, Bergen County, and Rockland County Drainage Agency authorities to require upstream retention basins or equivalent measures that can mitigate runoff from recent development within the Sparkill watershed, and limit future development in its wetlands.

⌚ | \$

c) Develop plans to clean, maintain and improve the Mill Pond and land in the 'Brookside Wildlife Sanctuary' upstream of the Mill Dam. Consider removal and reuse (12) of the silt that has nearly filled that basin. Evaluate the success of the recently installed fountain in the skating pond. Periodically remove materials that accumulate and block flow on the upstream sides of creek bridges and culverts.

⌚⌚⌚ | \$\$\$

d) Test the Mill Pond Dam for its ability to periodically flush pond sediments. Monitor the functionality of the recently installed ladder at the dam to allow the upstream movement of spawning fish. Consider removal of the dam, restoring upstream to a stream rather than a pond.

⌚ | \$

“Stewardship program for improving/raising sea walls for homes lining Sparkill Creek”

- Survey Respondent

#### 14. Preserve Piermont Marsh

a) Work with the DEC, Palisades Interstate Park officials and others to develop acceptable plans for the preservation of Piermont Marsh. Oppose the use of herbicides to control Phragmites, but support work that can increase overall marsh biodiversity. Consider fact-finding documents from recent public meetings related to its evolving fish, wildlife and plant populations. Monitor the progress of ongoing work that includes an investigation of how well the Marsh acts as a 'horizontal levee' in providing protection from storm-generated waves and floating debris. Available online at <http://thebayinstitute.org/page/detail/370>.

⌚ | \$

b) Long-term survival of the marsh depends on its subsidence and accretion rates, along with projected increases in sea level and salinity. If studies indicate that submergence could be balanced by upward growth from biological debris and silt, consider recommending an experimental application of dredge spoils over a limited area of the marsh.

⌚⌚ | \$\$

c) Support multi-year experimental trials on plant management techniques within small patches in the central and southern marsh. Consider the construction of a walkway and educational signs through northern parts of the Marsh within the Village boundary, after evaluating related risks of fire and disturbance to wildlife.

⌚⌚ | \$\$

## 15. Improve Traffic and Parking

**Fifty-two percent** (52%) of those surveyed responded favorably to the proposed project "improve traffic and parking."

a) Since successful waterfront businesses attract vehicles to the Village, regularly monitor and evaluate traffic levels and related parking. As seasonal parking can be problematical, metering has been suggested, perhaps with exceptions for stickered Village resident and business employee vehicles. Any metering plan should only follow a careful review of its pros and cons in comparable municipalities, given the potential for unintended consequences, or receipts being exceeded by capital costs, maintenance and servicing.

⌚⌚ | \$\$

b) Devise more effective ways of enforcing speed limits and other regulations for all vehicles, including bicycles, motorcycles and boats. Post related policing activity and fine income on the Village website.

⌚ | \$

c) Evaluate the potential benefits and problems of one-way traffic along the main street shopping area, and on both sides of Sparkill Creek west of the Army Bridge, which could allow room for more street parking and a bike lane.

⌚ | \$

"Create a pathway, boardwalk into Tallman Mountain Park so that we can walk through the Marsh"

- Survey Respondent

"Develop above ground parking for residents and street meter parking for visitors"

- Survey Respondent

d) As a means of reducing Main Street and Pier auto traffic, consider the feasibility of a seasonal jitney between the Piers End, business district, parking lots and Tallman Park. Periodic loops including Route 9W, Grandview and Hudson Terrace could assist residents in those areas. This was also a priority concern expressed in the survey with numerous comments on limiting or banning vehicle traffic from the Pier.

⌚ | \$

e) Advocate for a transition from the noisy, polluting Rockland Coaches to greener, quieter buses such as those as used by Transport of Rockland (TOR).

⌚ | \$

## 16. Open Space Preservation and Use

Eighty-four percent (84%) of those surveyed responded favorably to the proposed project "preserve open space and use."

a) Along and between Piermont streets are a variety of trails and open spaces that provide recreation, scenic views, and serve other purposes. In particular, the lengthy Erie Path (Piermont's "High Line"?) should be preserved and maintained from Sparkill past the restored train station to the Grandview border. A former railroad right-of-way now lightly used by pedestrians and bikers, it may help to relieve Piermont Ave bike traffic if upgraded to a Rails-to-Trails route more suitable for road bikes. It overlies a primary sewer line between communities to our north and the Orangetown wastewater treatment facility, and can also provide emergency access to some properties.

⌚ | \$

b) Similarly, the former lower Erie rail line from 'Main St.' to Sparkill should be protected from development, and encroachment by neighboring properties. Like the southern Erie Path, it could eventually be needed for emergency if not regular access to and from the Village.

⌚ | \$.

c) Smaller parcels now serve as or could become 'vest-pocket' parks. Village acquisition of undeveloped or abandoned properties could provide scenic pull-offs, and waterfront access in some locations. A downside of waterfront sites will be increased flooding and related pollution, including sewage backups. The beloved Kane Park is already in that category, and might thus better serve as a boat launch site (11) than a children's playground. Its current function might

"We need to start actively purchasing open space"

- Survey Respondent

be moved to a safer location, such as Hudson Terrace south of the Community Center, where more parking could also be available.

Ⓐ ⓒ | \$\$

d) Some upland open spaces could be preserved, with others slated for eventual development as residential or other properties are abandoned or bought out due to rising waters. In some cases development may be the most viable option, keeping in mind that the Village already contains a variety of other open spaces, from its Pier, commons and small parks to being almost completely surrounded by large parks, the marsh, and the broad and beautiful Tappan Zee.

Ⓐ ⓒ ⓓ | \$\$\$

## **17. Use of the South Orangetown Central School District (SOCSD) Property**

**Forty-five percent** (45%) of those surveyed responded favorably to the proposed project "consider the use of the former Tappan Zee Elementary property as a relocation site."

a) By virtue of its size, upland location and relocation of Tappan Zee Elementary, the SOCSD site could play a critical role in a viable economic future for the Village. It is thus important to maintain a dialog with school officials and others regarding the eventual use of that property. The Village may want to rezone or obtain a right of first refusal in order to preserve the option of future acquisition, if needed.

Ⓐ ⓒ ⓓ ⓔ | \$\$\$

b) In the interim, determine to what extent the SOCSD can make interior, parking and playing field spaces available for use by local residents at times of flooding and storm-surge emergencies.

Ⓐ | \$

c) Consider leasing or purchasing existing SOCSD property structures for municipal office space, financed in part by the sale or lease of the existing Village Hall. Vacating the latter would provide 'downtown' space for business use, and related parking along Main Street.

Ⓐ ⓒ ⓓ ⓔ | \$\$\$

d) Consider the restoration of Whiton Pond, or enlarging it as a centerpiece for residential development, making use of the unearthed material where needed for lowland fill.

Ⓐ ⓒ ⓓ ⓔ | \$\$\$

## **18. Support Historical Resources**

a) Support Piermont Historical Society (PHS) projects in addition to the nicely renovated train station, including tours and the placement of historical signage. Support the PHS and Piermont Library acquisition and maintenance of documents and information related to Village history.

⌚ | \$

b) Seek PHS and other assistance in identifying and defining the significance of historical structures (Section II) worthy of protection from tear down, inappropriate renovation, and flooding. Identify the ages and attributes of all historical structures within ABFE floodplains as potential candidates for elevation or relocation.

⌚ | \$

c) Consider re-use of the Community Center as a small movie theater, entertainment center, Village Hall, or Library extension.

⌚⌚ | \$\$

## **19. Harbor Management Plan**

Forty-nine percent (49%) of those surveyed responded favorably to the proposed implementation of a Harbor Management Plan.

During the course of drafting this LWRP, the Village of Piermont has recognized the need to ensure the proper management of the water activities in the Harbor Management Area. To that end, the Harbor Management Plan (HMP) has been integrated into this LWRP. The HMP which addresses conflict, congestion, and competition for space in the use of a community's surface waters and potentially underwater land, is a required element for the approval of a LWRP. Piermont's Harbor Management Plan is provided in Section V which identifies the various elements of the Harbor Management Plan and where they are addressed within the LWRP. Section I of this LWRP identifies the Harbor Management Plan Boundary, Section II identifies (14.3) Harbor Management Needs, Section III contains policies which provide guidance for both the LWRP area and the HMP area, Section IV (this section) and Section V recommends specific implementation projects, policies and management structure, and Section VI identifies the authorities of New York State Agencies.

⌚ | \$

a) Evaluate the potential advantages of forming a revenue generating Piermont Harbor Authority, led by at least a part-time Harbor Master or Pierkeeper. A viable PHA should generate sufficient revenue to be self-sustaining. A seasonal Pierkeeper could manage related facilities, jitney operations, permits and fees along with the parking of boats & trailers. S/he could also

oversee waterfront events, coordinate regular Pier, Creek and coastline clean-ups, and the removal of obstacles to navigation.

⌚ | \$

b) In collaboration with the Village Engineer, a Pierkeeper could inspect stream banks and retaining walls, assist owners and Village officials with obtaining funding and expertise for elevations and repairs, and alert marinas and residents about loose boats and other floatables that should be removed or secured. S/he might also investigate Piermont Bay sedimentation and handle the details of dredging operations. In tandem with Riverkeeper, the DEC, Orangetown, and Sparkill Creek Watershed Alliance, s/he could monitor fishing and coastal water quality, and represent the Village at meetings involving local waterfront issues.

⌚ | \$

## **20. Long-term Planning**

Eighty percent (80%) of those surveyed responded favorably to the proposed project of continuing long-range planning activities.

The Climate-Adaptive Design (CAD) Studio links Cornell Landscape Architecture students with Hudson riverfront communities faced with flooding and sea level rise to explore design alternatives for more climate resilient, beautiful, and connected waterfront areas. Student teams work with community stakeholders, non-profit partners, and technical experts in an interdisciplinary process of waterfront design. CAD shows the community options for development and revitalization that also deal with expected sea-level rise and flooding. By taking a comprehensive design approach, the student teams incorporate human and natural systems to inspire adaptation and innovation. The CAD Studio focused on Piermont during the Fall of 2017, and featured five design teams that included students from the Landscape Architecture, Biological and Environmental Engineering and Urban and Regional Studies departments. The CAD Studio is a collaboration between Cornell University Landscape Architecture department, the NYS Water Resources Institute, NYS DEC Hudson River Estuary Program, and participating communities. The CAD studio presented initial concept plans at a second workshop on October 16, 2017 to community residents, Village staff and elected officials. A final integrated design was presented to the community on December 12, 2017. CAD will continue to work with the Village to investigate conceptual designs, costs and implementation strategies. Concepts include migrating marshes; seed marshes on north side of the pier; breakwater and natural buffer with walking pier provided to north side of the marinas in Piermont Bay.

a) During the ~25-yr term of this LWRP, the Village should periodically reassess its prospects on the longer term, based on updated predictions and observed rates of waterfront flooding. Sea level rise and its impacts will depend on the success of local to global mitigation efforts, improved modeling of regional responses to the impacts of climate change, and the implementation of protection, accommodation and relocation options.

⌚ | \$

b) Address predictions of rapid sea level rise and increased storm intensity by sponsoring a Planning Competition, whereby architectural/engineering firms would develop 'visionary yet realistic' plans for a gradual transition from the current state, similar to NYC's Rebuild by Design, San Francisco's Resilient by Design, or as might arise from the ongoing Cornell student (CAD) project in Piermont. In proposals, the Village might thereby present itself as a model community capable of developing innovative centennial solutions that could be transferred to other waterfront villages.

⌚ | \$

c) Some Village residents will be reluctant to change with the climate, or may even favor a "Venetian Option," as considered in the Resilience Roadmap. If widespread, such a response could take 'Accommodation' to its extreme, with boats and gondoliers replacing cars and bikes throughout the floodplains. While that may be inevitable, and more romantically attractive to tourists than residents, it would generate a new suite of protection, relocation, infrastructure, parking and traffic problems.

## 21. Financial Considerations

a) Implementing some LWRP projects will require new funding sources, along with alternative ways of utilizing existing resources and income. The Village should persistently seek related government and foundation grants, along with assistance from Scenic Hudson et al. as a follow-up to the Resilience Roadmap work. Assuming that competition for available funding intensifies and favors larger municipalities, and that property tax increases remain capped at low levels, substantial other revenue sources will be needed.

⌚ | \$

b) Departmental mergers with other municipalities, such as a gradual assumption of Village Police Department operations by Orangetown, might eventually loosen funding for other needs. In addition, a larger-scale 'River-City' municipal merger with other villages could consolidate duplicate services and wield more regional influence.

⌚ | \$

c) Suggested modifications to existing facilities to at least cover operating and maintenance costs have included: Adding a train to the train station and leasing both as a restaurant; Capitalizing on seasonal Pier traffic by leasing the Goswick Pavilion as a seasonal ice cream/coffee/café/outlet for existing Village businesses; Ferry service between lower Hudson villages and towns, augmented on summer weekends by "hors d'oeuvre enroute to restaurant" cruises. Coupled with jitney service, such initiatives might support local businesses without adding undesirable car traffic on Ferry Road or much additional parking.

⌚⌚ | \$\$

d) At a minimum, raise and set aside capital funds for specific projects, or components thereof, in annual Village budgets. Pursue options and funding for buy-outs of endangered waterfront properties with residents, foundations, and businesses, along with state and federal agencies. Regularly update property assessments and intervene where key properties languish on the market, remain vacant for lengthy periods, or appear to be destined for development that is contrary to Village goals.

⌚⌚ | \$\$

## Section V

### Local Laws and Regulations for Implementation

## **Local Laws and Regulations for Implementation**

Section V of the Piermont LWRP has been organized to provide an understanding of how the policies and the proposed uses and projects will be implemented by the Village. The section includes a summary of local legislative techniques and tools and other public and private actions necessary to implement the LWRP. A management structure, including the procedures for coordinating LWRP consistency review of federal and State actions, and financial resources are also discussed. Section V also includes the Harbor Management Plan which has been integrated within the LWRP. The HMPs specific elements are identified with their location within the text.

This section is divided into five main parts: Part A which reviews existing laws; Part B which provides recommendations for implementation; Part C which reviews the management structure; Part D other public and private actions necessary to implement the LWRP; and Part E financial resources necessary to implement the LWRP.

### **A. Local Laws and Regulations Necessary to Implement the LWRP**

The following existing laws and regulations are used by the Village to regulate or review land use and development activity in the coastal area:

1. Existing Laws and Regulations

**a) *Harbor Advisory Commission – Chapter 15***

This chapter established the Harbor Advisory Commission (1986) describing the responsibilities and authority of the harbor advisory commission relative to waterfront structures, mooring and operation of watercraft within the Village limits and overview and future recommendations for harbor management. The Harbor Advisory Commission which had been inactive has been reactivated with the appointment of a Chairman by the Board of Trustees in a January 9, 2018 resolution.

A part-time Harbor Master (recommended in Section IV-19) has been appointed by the Board of trustees on January 9, 2018. The Harbor Master manages water-related facilities, jitney operations, permits and fees along with the parking of boats and trailers. A Harbor Master could also oversee waterfront events, coordinate regular Pier, Creek and coastline clean-ups, and the removal of obstacles to navigation. The Board of Trustees appointed a part-time Harbor Master on January 9, 2018.

**b) *Building Construction – Chapter 70***

This chapter controls all matters related to construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all existing and proposed buildings and structures.

**c) *Environmental Quality Review- Chapter 96***

This chapter outlines the necessary legal framework for compliance with the State Environmental Quality Review Act.

**d) *Flood Damage Prevention – Chapter 112***

This chapter protects public health, safety, and general welfare by minimizing public and private losses due to flood conditions. It includes methods and provisions for regulating uses which are dangerous due to 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.

*e) Landmark Preservation– Chapter 126*

This chapter intends to conserve, protect and preserve places, sites structures and buildings of special historic significance of places, sites structures and buildings which, by reason of famous events, their antiquity or uniqueness of architectural construction and design, are of particular significance to the heritage of the Village of Piermont, town, county, state and country.

The Village's Landmark Preservation legislation is voluntary. Applications from residents are reviewed by the Building Inspector who refers them to the Village Board of Trustees. The Village Board of Trustees refers proposed landmarks to the Planning Board for report and recommendation. The Board of Trustees makes the final decision on the landmarking of structures.

*f) Stormwater Control – Chapter 169*

This chapter regulates non-stormwater discharges into the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and New York State law. It establishes methods for controlling the introduction of pollutants into the MS4, including prohibiting illicit connections, activities, and discharges into the MS4; establishes legal authority to carry out all inspection, surveillance, and monitoring procedures to ensure compliance, and promotes the public awareness of the hazards involved in the improper storage and/or discharge of pollutants.

*g) Stormwater Management – Chapter 170*

This chapter establishes minimum stormwater management requirements and controls to protect and safeguard general health, safety, and welfare of the public. It requires that land development activities conform to the requirements of the NYS DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities. It also minimizes increases in stormwater runoff from land development to reduce flooding, increases in stream temperature, siltation, and stream bank erosion. These regulations help reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution through stormwater management practices.

*h) Waterfront and Waterways – Chapter 198*

Article 1 of this chapter is intended to regulate waterfront structures and operation of watercraft, other in-water activities and recommendations for implementation of the harbor management plan. Article II provides for the implementation of the Village's LWRP, providing a framework for agencies of the Village to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications or direct agency actions

located in the coastal area and to assure that such actions and direct actions are consistent with said policies and purposes.

*h) Zoning – Chapter 210*

This chapter regulates the use, height, bulk, and density of new and existing building stock, as well as, alterations to the natural environment. The purpose of the chapter is to promote the health, safety, morals and general welfare of the community by conserving land and building values and encouraging the most appropriate use of land throughout the Village of Piermont.

**B. Proposed Revisions Necessary to Implement the LWRP**

**Chapter 96 (Environmental Quality Review) – Article II – Critical Environmental Areas**

Revise Article II - Schedule A indicates every property in the Village is a CEA. The law needs to be revised to reflect existing CEAs highlighted in the inventory of this program. A revised Chapter 96 has been provided in the Appendix.

**Chapter 198 (Waterfront and Waterways) Article II, Waterfront Consistency Review Legislation**

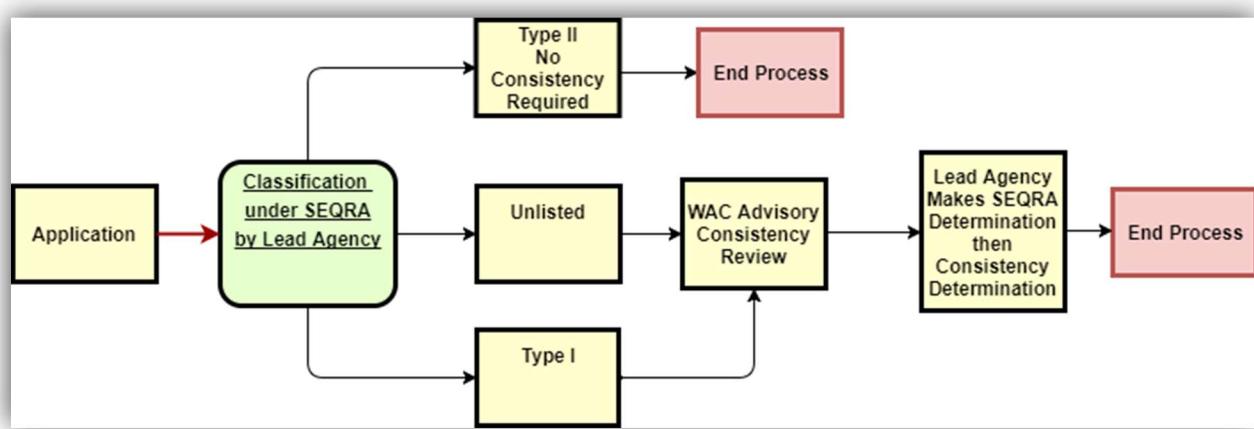
Language in Article II of this chapter should be revised to describe the consistency process in a clear and consistent manner. Actions that require consistency shall only apply to those that are classified as type 1 or unlisted. Type II actions are considered to be consistent with the LWRP. In evaluating an action for a consistency determination the lead agency shall consider whether it is “consistent to the maximum extent practicable.” Planning Board should determine consistency as lead agency. The Board of Trustees as lead agency shall determine consistency on legislative and funding actions. The Waterfront Advisory Committee shall provide advisory consistency review to the lead agency including the Board of Trustees.

A revised Chapter 198 has been included in the Appendix, reflecting the establishment of a Waterfront Advisory Committee, its composition, and its role in the LWRP consistency review process.

**C. Management Structure to Implement the LWRP**

At all levels of government, the LWRP can be used as a tool to help a municipality achieve the most beneficial development and use of its waterfront. Any proposal, whether it be put forth locally or by a higher level of government, should be examined for conformance with the LWRP. A project not in conformance can be refused the necessary permits. In the event that this is not successful in stopping an undesirable project, recourse can be made to the courts. This LWRP document has been distributed widely to governmental agencies and to appointed and elected officials at all levels. It will act as a guide to all and will lead to the enhancement and protection of Piermont's waterfront area.

### Consistency Flowchart



### Local Management Structure

The Village's Management Structure described below is based on the Waterfront Consistency Review Law which the Village has adopted to ensure that local actions are consistent with LWRP policies as recommended below for revision (see Appendix for the complete law). For the purposes of this law, an "action" means either a Type I or unlisted action as defined in the State Environmental Quality Review Act regulations (NYCRR 617.2).

#### a) **Lead Official**

The local official responsible for overall management and coordination of the Piermont LWRP is the Mayor or his/her designee.

There is no Village Manager or Administrator in Piermont - The Mayor (part-time) is the chief executive officer.

The Village should explore hiring a Village Manager or Administrator - *The regulatory environment and the functions and management of local government has become more involved and complicated. Not only can the Village Manager or Administrator direct staff,*

*implement policies of the Mayor and Board, project management, work with State/Federal /County agencies, prepare budgets with the Clerk-Treasurer for the Mayor and Board, etc.), the Manager or Administrator would be responsible for the overall management and coordination of the Piermont LWRP.*

**b) *Lead Agency***

Depending on the action the Lead Agency may be the Board of Trustees or the Planning Board.

**c) *Assignment of Specific Responsibilities (as specified in the Waterfront Consistency Law)***

**Village Board of Trustees**

Since no single existing Village agency had responsibility for the wide range of issues and actions affecting the coastal area, the LWRP Steering Committee was formed to evaluate the problems and possibilities facing the coastal zone. Upon adoption of the LWRP, however, the Committee's task was completed. The continued responsibility to monitor and coordinate implementation of the Local Waterfront Revitalization Program has been assumed by the Village Board. This responsibility includes the following actions:

1. Establishing implementation priorities, work assignments, timetables, and budgetary requirements of the program.
2. Reviewing applications for coastal development permits, zoning changes, subdivisions and public works projects in the coastal area and advising the appropriate Village agency regarding the consistency of the proposed action with the LWRP.
3. Making application for funding from State, Federal, or other sources to finance projects under the LWRP.
4. Maintaining liaison with related Village bodies, including but not limited to the Planning and Zoning Boards, and with concerned non-governmental bodies, in order to further the implementation of the LWRP.
5. Evaluating in a timely fashion proposed actions of State agencies within the coastal zone in order to assure consistency of such actions with policies of the LWRP, advising State agencies of any conflicts, and participating in discussion to resolve such conflicts.
6. Reviewing proposed federal actions referred to it by the Department of State and advising the DOS as to its opinion concerning the consistency of the action with local coastal policies.
7. Developing and maintaining liaison with neighboring municipalities and with county agencies.

8. Performing other functions regarding the coastal zone as may be appropriate from time to time. Proposed federal and State actions in the coastal area will be reviewed in accordance with the guidelines established by the NYS Department of State.

#### Other Local Agencies

Whenever a proposed action is located in the Village's coastal area, the agency that receives application for approval shall prepare a coastal assessment form (CAF) and shall make a determination of whether the proposed action is consistent with the LWRP policy standards.

#### Harbor Advisory Commission

Responsible for enforcing the regulations in Article XIV regarding marine structures, bulkheads and seawalls and the operation and mooring of all watercraft and vessels in the limits of the Village of Piermont and recommending long term plans and legislation for harbor management planning.

#### Waterfront Resilience Commission

To develop and recommend to the Village Board of Trustees steps necessary for the Village of Piermont to develop and implement ongoing resiliency strategies for the Village, to advise the Village Board on steps necessary to implement the recommendations generated by the Piermont Waterfront Resilience Task Force in 2014, and to identify potential sources of funding to assist in the implementation of the recommendations.

#### Waterfront Advisory Committee

This committee will need to be codified by the Board of Trustees after the adoption of the LWRP Update. It is anticipated that the current LWRP Steering Committee will become the Waterfront Advisory Committee. The responsibility of the committee will be to advise the lead agency on LWRP consistency. It is recommended that the Waterfront Advisory Committee include a member of the Planning Board and the Waterfront Resilience Commission. The ultimate consistency decision will remain in the purview of the lead agency. The responsibilities of the inactive Harbor Advisory Commission should also be transferred to the Waterfront Advisory Committee.

#### Building Inspector

Provide initial review of applications to determine compliance with the Village zoning ordinance, work with Village Planning Board and other Village agencies in expediting all necessary reviews, issue permits, and enforce zoning ordinances and the Waterfront Consistency Law.

#### Planning Board

Responsible for reviewing and approving all site plans and subdivisions in the Village. In its capacity of lead agency under SEQRA, responsible for LWRP consistency determinations. Provide advice and assistance to the Board of Trustees.

Zoning Board of Appeals

Hear and render decisions on variances, special permits, and appeals from any requirement or determination made by the Village agencies.

Village Attorney

The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce the LWRP.

2. Procedures to Assure that Local Actions Comply with the LWRP (see Chapter 342 of the Village Code) Any agency, group or individual that proposes 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 Village Code. The Village Board will review the CAF in light of the policies and sub-policies outlined in the LWRP and will provide a recommendation to the appropriate agency. Actions that are deemed to be consistent with the LWRP will be recommended to the 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 Village.

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

The Village Board will review any proposed actions for consistency with the LWRP and will respond within 30 days of receiving the request.

3. Procedures for Department of State and Village of Piermont 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 the time forward a copy of the submitted documentation to the Village Board.
- ii. Within 30 days of receiving such information, the Village Board 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.
- iii. When the DOS and the Village Board 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 Village Board upon request.
- 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 Village Board will notify DOS of the reasons why a proposed action may be consistent or inconsistent with Village coastal policies.
- v. After that notification, the Village Board 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 Village Board has no opinion on the consistency of the proposed action with Village coastal policies.
- vi. If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village Board on a proposed permit action, DOS will contact the Village Board 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 Village Board.

*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 Village Board 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 Village Board has no opinion on the consistency of the proposed direct Federal agency action with Village coastal policies.

iv. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village Board, DOS will contact the Department to discuss any differences of opinion or questions prior to agreeing or disagreeing 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 Village Board.

*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 Village Board and will serve as notification that the proposed action may be subject to review.

ii. If the applicant is a Village agency, the Village Board will contact the agency and request copies of any application documentation for consistency review purposes.

iii. The Village Board 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 Village Board.

v. The DOS will acknowledge receipt of the requested information and provide a copy of this acknowledgement to the Village Board.

vi. The review period will conclude 30 days after the date on the Village Board's or the DOS's letter of acknowledgement.

vii. The Village Board 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 the 20-day period, DOS will presume that the Village Board 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 Village Board, the DOS will contact the Village Board 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 Village Board.

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

i. Purpose of the 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:

- 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 of 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.

4. Municipal Chief Executive Officer is the Village Mayor.

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).

3.. If the proposed action will require the preparation of a Draft Environmental Impact Statement (DEIS), the filing of this draft document with the chief executive officer can serve as the State agency's notification to the local government.

iv. Local Government Review Procedure

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 would 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 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) "Resolution of Conflicts" 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 representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of 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 seven days of the discussion, the local government shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19NYCRR 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 requested 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 of 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.

## **PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

### **i. DIRECT ACTIONS**

1. After acknowledging the 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 program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

### **ii. PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and

application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS 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.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to 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 municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
7. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

### iii. FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant submit additional information for review purposes.

3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

#### **D. Other Public and Private Actions Necessary to Implement the LWRP**

There are many public and private actions and projects that involve the potential redevelopment or enhancement of certain locations within the LWRP boundary. These actions are intended to assist in the revitalization of the waterfront area, protection and improvement of the environment, adaptation and resiliency and the long term economic vitality of the Village of Piermont. These actions are enumerated in detail in the Proposed Projects Section (Section IV) of this program.

#### **E. Financial Resources Necessary to Implement the LWRP**

The implementation of the proposed projects outlined in Section IV will require funding from both public and private sources. These costs include capital costs, maintenance costs as well as costs associated with acquiring new properties. For most of the projects enumerated in this plan the source of funding remains undetermined. It is expected that many of the projects will be funded with the help of State and Federal sources in addition to private and local funds. Wherever possible the Village will continue to seek funds from State and Federal programs to support the implementation of this LWRP. Ongoing management of the LWRP will not require additional sources of funding.

#### **F. Harbor Management Plan**

##### **Introduction**

Article 42 of the New York State Executive Law, Section 922 – Waterfront Revitalization of Coastal Areas and Inland Waterways – authorizes local governments to prepare a Harbor Management Plan (HMP) as part of their Local Waterfront Revitalization Program (LWRP). The HMP has been integrated into this LWRP. A HMP addresses conflict, congestion, and competition for space in the use of a community's surface waters and underwater land and is a required element for the approval of a LWRP. The HMP is designed to encourage the usability of the waterfront, requiring dredging in the shallow Piermont Bay, supporting existing marinas, the future possibility of a public marina and generally encouraging public access and waterfront commerce.

Section I of this LWRP identifies the Harbor Management Plan Boundary, Section II (14.3) identifies Harbor Management Needs, Section III contains policies which provide guidance for both the LWRP area and the HMP area, Section IV identifies specific implementation projects, Section V (this section) recommends specific implementation projects, policies and management structure, and section VI identifies the authorities of New York State Agencies. Piermont's HMP identifies the various elements required in a Harbor Management Plan and lists where they are located in the text within the LWRP as follows:

### **Harbor Management Boundary**

a. The HMP boundary area is described in Section 1 and identified on Figure 2.

The Village of Piermont is somewhat unique in that its municipal boundaries extend beyond the 1,500' distance from the shoreline to accommodate the extension of Piermont Pier into the Hudson River. The Village's northern and eastern boundaries encompass Piermont Bay which is situated on the north side of Piermont Pier and is bordered by the Village's northern and eastern boundary which extends to the end of the Piermont Pier. The Village's southern boundary extends from the end of the Pier along the southern side extending through water and marsh area to the shoreline. The Village has zoning authority within its water boundaries. Additionally, the Harbor Management Plan establishes a 1,500' extension of the Village's jurisdiction around the end of the Piermont Pier to provide additional control and protection.

### **Inventory of Uses, Features and Conditions in the Harbor Management Area**

b. A complete inventory and analysis covering both the upland and water areas within the Village of Piermont's boundaries is located in Section II of this LWRP. The following subsections are particularly relevant to the water areas and storefront properties covered by this HMP:

II-14 – Marine Uses

II-14.3 – Harbor Management Needs and Harbor Sedimentation

Figures 19 and 20 - Hudson River depths

c. An identification and analysis of issues of local importance can specifically be found in the following subsections of Section II:

II-5 and Figure 12 - Scenic Qualities and Viewsheds  
II-7 – Flooding, Stormwater and Drainage  
II-8 – Water Quality and Sewer  
II-9 and Figure 19 – Critical Environmental Areas (CEAs) and Conservation Areas  
II-9.1, 9.2, 9.2.1 and Figures 17 and 18 – Piermont Marsh and Sparkill Creek (tidal)  
II-10 and Figure 20 - Climate Change and Sea Level Rise  
II-11 – Steep Slopes  
II-12 – Superfund Sites  
II-13 – Public Access

d. An identification of the utilization of public underwater lands and navigable waters and description of Public Trust Doctrine is located in Section II-3 and Figures 10 and 11.

### **Analysis of Harbor Management Issues and Opportunities**

e. A discussion of water dependent uses is located in Section II-14.1 and 14.2.

f. An identification and analysis of issues of regional importance can specifically be found in Section II, IV and V as follows:

II-5 and Figure 12 - Scenic Qualities and Scenic Viewsheds  
II-8 and Figures 13, 14 and 15– Historical, Architectural and Archeological Resources  
Appendix E – LWRP Historical Resources Detail  
IV-7 – Flood Insurance  
IV-20 – Long-Term Planning  
V- Consultation

g. A discussion of the Village's demographic, housing, income, age and socio-economic profile is provided in Section II-1

h. A discussion on the Village's zoning and land use are presented in Section II-4 and Figure 4 (Zoning Map) and Figure 5 (Land Use Map). The Village's proposed zoning, planning and building projects are included in Section IV- 1. The Piermont Pier is zoned for River Front Development to accommodate the mixed use development. It is split between RD-East which covers the eastern residential section of the Pier (Piermont Landing) with the remaining eastern section of the Pier zoned R-7.5 and RD-West which is at the bottom portion of the pier including the commercial shopping area. The Village is somewhat unique in that it controls through

waterfront zoning in-water uses as well as potentially underwater lands within its Village boundaries.

## **Harbor Management Goal, Objectives, and Policies**

i. The LWRP goals and objectives of the Village of Piermont are set forth in the Policies, comprising Section III of this LWRP. Almost all of these policies are relevant to this HMP. See Section III for a full discussion of the policy and local explanation.

## **Harbor Management Plan Implementation**

j. Identification of capital projects with relative timing and costs necessary to implement the HMP can be found in Section IV, specifically IV-9 (*Protection*), IV-11 (*Parks and Waterfront Access*), IV-12 (*Marinas and Dredging*), IV-19 (*Harbor Management Plan*), IV-20 (*Long-Term Planning*) and IV-21 (*Financial Considerations*). The Village conducted a public survey which has been summarized in the Appendix. The comments from the survey have been integrated into specific projects within Section IV.

k. Specification of existing and proposed techniques to implement the HMP can be found in subsection B and C in Section V.

Appendix C contains Chapter 15: *Harbor Advisory Commission* which describes the responsibilities and authority of the harbor advisory commission in enforcing the regulations regarding marine structures, bulkheads and seawalls and the operation and mooring of all watercraft and vessels in the limits of the Village of Piermont and recommending long term plans and legislation for harbor management planning. Appendix D includes Chapter 198: Waterfront and Waterways. Article I of this Chapter provides the specific regulations regarding waterfront and in-water activities within the Village of Piermont. Article II of this Chapter details the LWRP consistency process.

l. Other applicable needs to describe the HMP can be found in discussions throughout the LWRP document.

Relevant details from the LWRP that pertain to the HMP are reported in the text below.

The harbor management issues of local and regional importance are discussed in the Preface and Section II. The priority issue is sea level rise that must be addressed as a portion of the Village is at risk of inundation as soon as the 2040s. The Village has developed a *Resiliency Roadmap* through the consensus building efforts of the Resiliency Task Force Post-Sandy. The projects and policies in the LWRP and HMP are oriented toward the remediation of impacts of sea level rise. Focus has also been placed on flooding issues, the health and management of the Piermont Marsh and navigation and dredging issues. The Village is involved with the Piermont Marsh Management Study and ongoing research on marsh migration and management approaches and coordination with various other groups addressing sea level rise impacts (see Section VII – Consultation).

The Village of Piermont presently does not have any public marinas but does have three existing private marinas that support surface water activities. One of the Village's proposed projects is the development of a public marina to increase water-dependent uses and public access. Chapters 15 and 198 (Article I) provide authority and legislation regulating surface water activities and mooring regulations as well as marine structures including docks, bulkheads and sea walls. The Village also has in-water zoning potentially controlling Piermont Bay, its underwater lands and shoreline as well as the area on the Piermont Pier and south of the Pier. The extension of the Harbor Management Plan boundaries to encompass 1,500' around the end of the Pier provides additional protection and control around this significant Village feature.

Other applicable regulations in the Coastal Management Zone are imposed by NYSDEC and the ACOE. The NYSDEC requires a Protection of Waters Permit for the disturbance of the bed or banks of the Hudson River, the construction or repair of docks, platforms or installation of moorings, and the excavation or placement of fill in the Hudson River. The ACOE regulates the Hudson River under the Coastal Zone Management Act of 1972 requiring permits for certain activities. These include requiring the obtaining of a permit for activities including the construction or placement of structures and for the discharge of dredged or fill material into the Hudson River.

The HMP is designed to encourage the usability of the waterfront, requiring dredging in the shallow Piermont Bay, supporting existing marinas, the future possibility of a public marina and generally encouraging public access and waterfront commerce. The proposed water uses, sites for water-dependent and water-enhanced uses are identified in Section II (14 - Marine Uses, 14.3 - Harbor Management Needs and Harbor Sedimentation and Section IV – Proposed Projects).

The Village's Zoning Code includes the Waterfront 1 (WF-1) and Waterfront 2 (WF-2) Districts (II-4). Both zones are located in the northeastern section of the Village along the shoreline and in-water. WF-1 includes single family homes and private wharves and docks. WF-2 includes waterfront properties and close in-water land. WF-2 adds to special permit uses of the residential zone by including marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities. The WF-2 zone also covers the waterfront properties lying south of the eastern non-residential section of the Pier.

The Village of Piermont invokes its authority to implement its Harbor Management Program, integrated within the LWRP.

## Section VI

### Federal and State Actions Likely to Affect Implementation

## **Federal and State Actions Likely to Affect Implementation**

State and federal actions will affect and be affected by implementation of the LWRP. Under State Law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be consistent, or consistent to the maximum extent practicable, with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions, and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

### **State Actions and Programs Which Should be Undertaken in a Manner Consistent with 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 that are to be undertaken in a manner consistent with approved LWRPs. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identifies those elements of the program that can be implemented by 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 that may affect the achievement of the LWRP.

### **List of State and Federal Agencies Likely to Effect Implementation**

#### OFFICE FOR THE AGING

- 1.0     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 Program
- 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 Implementation Grant
- 6.00 Agricultural Nonpoint Source Abatement and Control Program

#### 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

## OFFICE 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.

## 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 CORRECTIONS AND COMMUNITY SUPERVISION

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

#### DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

#### EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archeological and paleontological objects under the waters of the State.

#### OFFICE OF EMERGENCY MANAGEMENT

- Hazard identification,
- Loss prevention, planning, training, operational response to emergencies,
- Technical support, and disaster recovery assistance.

#### 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.

#### ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.

3.00 Existing Facilities Program – offers incentives for a variety of 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

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

(a) Water Quality Improvement Projects

(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs

9.00 Permit and approval programs

#### Air Resources

9.01 Certificate of Approval for Air Pollution Episode Action Plan

9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility

9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust

or Ventilation System

- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System Construction Management
- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

Hazardous Substances

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

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit

9.29 Marine Regatta Permit

9.30 Navigation Aid Permit

**Marine Resources**

9.31 Digger's Permit (Shellfish)

9.32 License of Menhaden Fishing Vessel

9.33 License for Non Resident Food Fishing Vessel

9.34 Non Resident Lobster Permit

9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits

9.36 Permits to Take Blue Claw Crabs

9.37 Permit to Use Pond or Trap Net

9.38 Resident Commercial Lobster Permit

9.39 Shellfish Bed Permit

9.40 Shellfish Shipper's Permits

9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

9.42 Permit – Article 25, (Tidal Wetlands)

**Mineral Resources**

9.43 Mining Permit

9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)

9.45 Underground Storage Permit (Gas)

9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

**Solid Wastes**

9.47 Permit to Construct and/or operate a Solid Waste Management Facility

9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

**Water Resources**

9.49 Approval of Plans for Wastewater Disposal Systems

9.50 Certificate of Approval of Realty Subdivision Plans

9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District Approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

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

#### **DEPARTMENT OF FINANCIAL SERVICES (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 Corp. 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 DeNovo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

#### 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 Shared Health Facility Registration Certificate

#### DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

#### 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)

#### DIVISION OF MILITARY AND NAVAL AFFAIRS

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

#### NATURAL HERITAGE TRUST

- 1.0 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety, and enforcement.
- 4.00 Funding program for State and local historic preservation projects.

- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan 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.

#### 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

#### 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.

#### METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

3.00 Increases in special fares for transportation services to public water-related recreation resources.

#### 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.

2.10 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

1.0 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.

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 branch lines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

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

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

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

## DIVISION OF YOUTH

1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

## Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State

*Note: This LWRP's list of the federal agency activities is identical to the most recent version of the Table 3 list in the New York State Coastal Management Program as approved by the federal Office of Ocean and Coastal Resources Management on May 7, 2017. Please contact the New York State Department of State, Office of Planning and Development, at (518) 474-6000, for any updates to New York State Coastal Management Program Table 3 federal agency activities list that may have occurred post-approval of this LWRP.*

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities requiring:

1. the submission of consistency determinations by federal agencies;
2. the submission of consistency certifications by entities other than federal agencies; and
3. the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

### 1. ACTIVITIES UNDERTAKEN DIRECTLY BY OR ON BEHALF OF FEDERAL AGENCIES

The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

Department of Commerce, National Marine Fisheries Service:

- Fisheries Management Plans

Department of Defense, Army Corps of Engineers:

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

Department of Defense, Air Force, Army and Navy:

- Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

- Plans, procedures and facilities for handling or storage use zones. - Establishment of impact, compatibility or restricted use zones.

Department of Energy:

- Prohibition orders.

General Services Administration:

- Acquisition, location and design of proposed federal government property or buildings, whether leased or owned by the federal government.

Department of Interior, Fish and Wildlife Service:

- Management of National Wildlife refuges and proposed acquisitions.

Department of Interior, National Park Service:

- National Park and Seashore management and proposed acquisitions.

Department of Interior, Bureau of Ocean Energy Management

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

Homeland Security, Coast Guard:

- Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- Location, placement or removal of navigation devices which are not part of the routine operations under-the Aids to Navigation Program (ATON).
- Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Department of Transportation, Federal Aviation Administration:

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

Department of Transportation, St. Lawrence Seaway Development Corporation:

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

Department of Transportation, Federal Highway Administration: - Highway construction

## 2. FEDERAL LICENSES AND PERMITS AND OTHER FORMS OF APPROVAL OR AUTHORIZATION

The following activities, requiring permits, licenses, or other forms of authorization or approval from federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

Department of Defense, Army Corps of Engineers:

- 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).
- Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 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).
- Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).
- 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).
- 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, Federal Energy Regulatory Commission:

- 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).
- Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (15 U.S.C. 824 a (b)).
- 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. 717 f (c)).
- Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717 f (b)).

Department of Energy, Economic Regulatory Commission:

- 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.
- Exemptions from prohibition orders.

Environmental Protection Agency:

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

Department of Interior, Fish and Wildlife Services:

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

Department of Interior, Bureau of Ocean Energy Management:

- 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.
- 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.

Surface Transportation Board:

- 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 slurry pipelines.

Nuclear Regulatory Commission:

- 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.

Department of Transportation:

- Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Department of Transportation, Federal Aviation Administration:

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

### 3. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

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 Rental Housing Loans  
10.416 Soil and Water Loans  
10.418 Water and Waste Disposal Systems for Rural Communities  
10.419 Watershed Protection and Flood Prevention Loans  
10.422 Business and Industrial Loans  
10.423 Community Facilities Loans  
10.424 Industrial Development Grants  
10.426 Area Development Assistance Planning Grants  
10.429 Above Moderate Income Housing Loans  
10.430 Energy Impacted Area Development Assistance Program  
10.901 Resource Conservation and Development  
10.902 Soil and Water Conservation  
10.904 Watershed Protection and Flood Prevention  
10.906 River Basin Surveys and Investigations

Department of Commerce

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

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 - Manages ant 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 the 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

Department of Transportation

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction Railroad Rehabilitation and Improvement - Guarantee of Obligations

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

General Services Administration

39.002 Disposal of Federal Surplus Real Property

Community Services Administration

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

Small Business Administration

59.012 Small Business Loans

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

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 Area-wide 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

66.800 Comprehensive Environmental Response, Compensation and Liability (Superfund)

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

State and Federal Actions and Programs Necessary to Further the Village of Piermont's LWRP

This part is a more focused and descriptive list of State and federal agency actions that are necessary for further implementation of this LWRP. It is recognized that a State and 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 discusses State and federal assistance needed to implement the LWRP.

## 1. STATE ACTIONS AND PROGRAMS

### DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Technical assistance, review, and approval of the following proposed projects:
  - Remove Navigation Hazards near the Piermont Shoreline
  - Study issues related to siltation and dredging in the Piermont Marina Area
  - Implement the Piermont Brook Improvement Project to alleviate stormwater flooding.
  - Explore resilient infrastructure strategies to protect the Piermont Marina and waterfront residential development from the impacts of sea level rise and flooding.
  - Provide waterfront improvements to support recreational ferry service.
  - Provide waterfront improvements to support commuter ferry service
  - Extend the Memorial Park Pier to create a fishing pier in the Hudson River
  - Encourage New York State to restore wetland on the state-owned parcel at the southern boundary of the Village.

### ENVIRONMENTAL FACILITIES CORPORATION

- Funding assistance for the planning, design and construction of sewer extensions or other improvement projects within the Orangetown Sewer District.

### DEPARTMENT OF STATE

- Funding and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of this Program.
- Funding assistance through the Environmental Protection Fund for Memorial Park improvement projects and the development of the waterfront trail.

### NEW YORK STATE DEPARTMENT OF TRANSPORTATION

- Funding assistance for streetscape improvements.

### OFFICE OF GENERAL SERVICES

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

### OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

- Funding assistance for the planning, design, and construction of the Memorial Park Master Plan.
- Funding assistance for preservation of the John Greene House.

## 2. FEDERAL ACTIONS AND PROGRAMS

### FEDERAL HIGHWAY ADMINISTRATION

- Funding and technical assistance for the design and construction of streetscape improvements.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Funding assistance for community projects through the Community Development Block Grants program.

### SMALL BUSINESS ADMINISTRATION

- Funding and technical assistance for local businesses along the waterfront to stimulate economic development.

## Section VII

### Local Commitment and Consultation

## **Local Commitment and Consultation**

### **Local Commitment**

The Village of Piermont initiated its efforts to update its Local Waterfront Revitalization Program in the 2016 following a recommendation outlined in the *Resiliency Roadmap*. The LWRP Steering Committee was established to oversee and guide the preparation of the update. The Committee was comprised of members of the resiliency task force, including members of the public, the local government, and business owners.

In order to garner public support and commitment the Village of Piermont LWRP steering committee held public workshops and provided an LWRP website. Moreover the Steering Committee has met over the course of several years in an effort to create a citizen informed local waterfront plan and program. The first two public workshops were held at public meetings on April 18, 2017 and May 16, 2017 to discuss and solicit input related to the inventory and analysis chapters.

In addition to the multiple public meetings and public hearings a survey was compiled and distributed to Village residents. The survey yielded 109 respondents who answered questions regarding proposed projects and priorities. Ultimately the results of the survey informed the projects outlined in this LWRP. The survey will also serve to inform decision making in the future. The summary of the survey has been included in the appendix for future reference.

Prior to adoption, the Village of Piermont Board Trustees will hold a public hearing on the LWRP. This hearing allows the general public an opportunity to hear a presentation of the program and gives the Village Trustees an opportunity to hear resident's general support or concern about the LWRP and projects.

### **Consultation**

The LWRP Steering Committee has continued to forward draft documents to the Department of State throughout the planning process. Furthermore the steering committee has involved the Village's Board of Trustees and other involved agencies throughout the planning and drafting of this LWRP. The draft LWRP document has been provided to Elizabeth Blair of the NYS DEC for review of the Piermont Marsh information and the current NERRS funded study being conducted on the Piermont Marsh.

The draft LWRP was reviewed and approved by the Village of Piermont Trustees and forwarded to the New York State Department of State. The Department of State initiated a 60-day review period for the draft program pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the draft LWRP were distributed to all applicable Federal agencies, potentially affected State agencies, Rockland County Planning Department and the adjacent Town of Orangetown and the Village of Grandview on the Hudson. Comments received on the draft LWRP were reviewed by the Village and Department of State, and changes were made, as required, to reflect the substantive comments.

It should be noted that Piermont has been at the forefront of planning for sea level rise through its waterfront resiliency task force and their ongoing study with Scenic Hudson, the New England Interstate Water Pollution Control Commission, Hudson River Estuary Program, New York State Department of Environmental Conservation, the Lincoln Institute of Land Policy, the Consensus Building Institute and Catalysis Adaptation Partners. The Village of Piermont is one of three communities involved in an ongoing regional planning study with Scenic Hudson, NYS Department of Environmental Conservation and the Consensus Building Institute on impacts and approaches to remediate sea level rise.

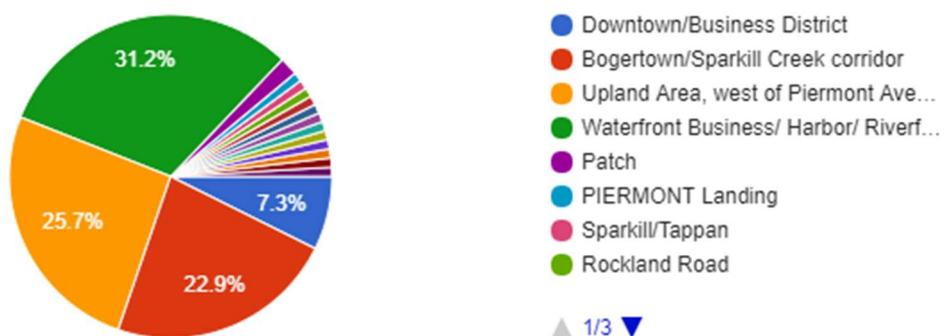
## Appendix

## **APPENDIX A**

### **SUMMARY OF PIERMONT LWRP SURVEY RESPONSES**

## What neighborhood best describes where you live?

109 responses



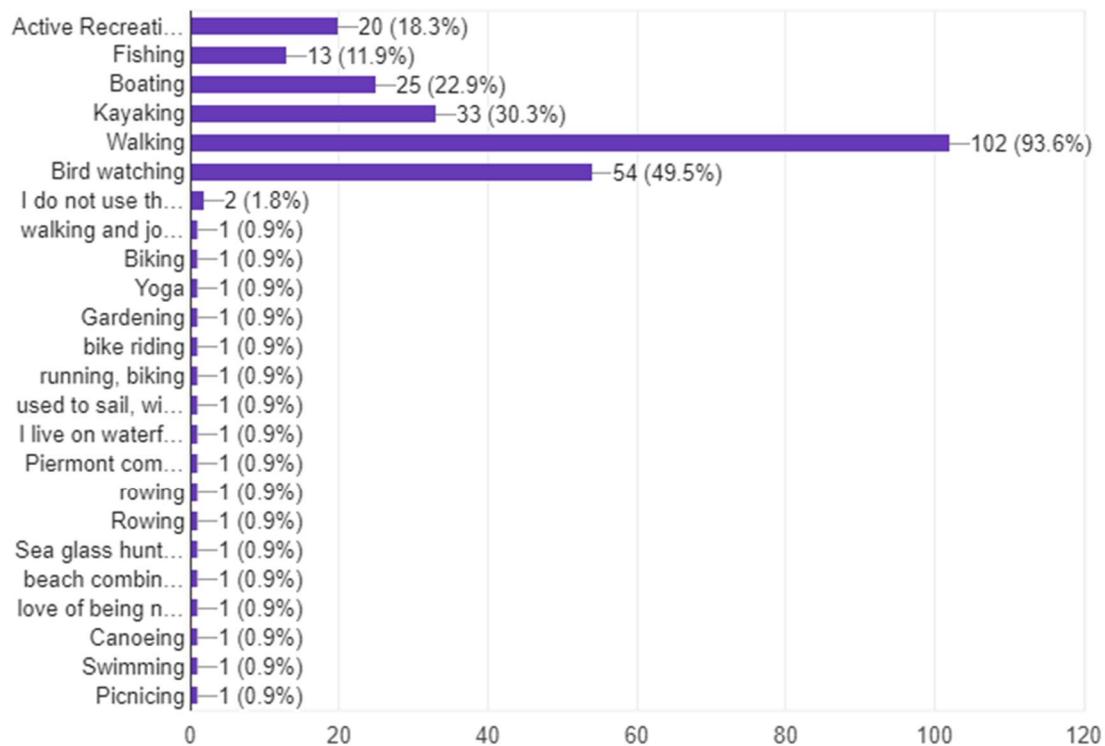
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## LWRP Survey Results

- 31% Waterfront Business/ Harbor/ Riverfront
- 25.7% Upland Area, west of Piermont Avenue
- 23% Bogertown/ Sparkill Creek corridor
- 7.3% Downtown/ Business District
- 14% Misc

## Which activities do you use the Piermont waterfront for? (select all that apply)

109 responses

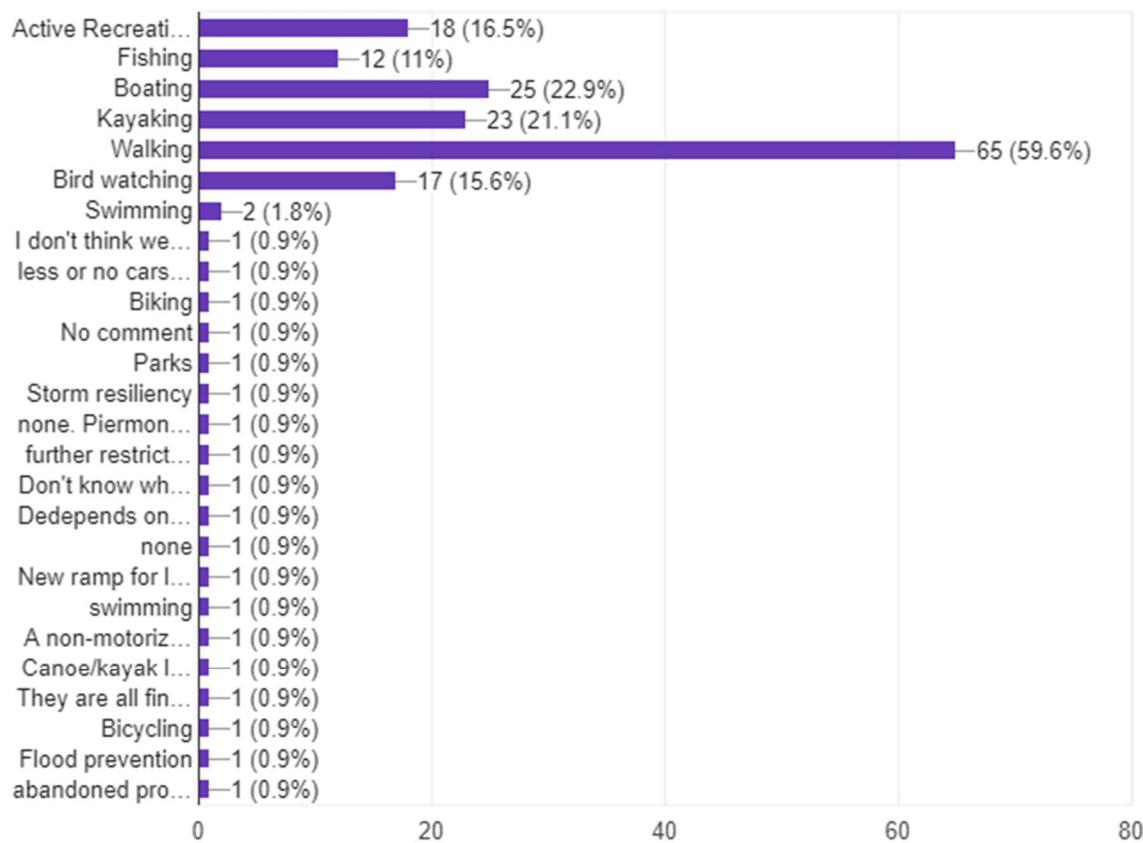


## Why do you not use the Piermont waterfront? 10 responses

1. Too noisy with too many cars
2. Too many cars
3. Better access would be great
4. Cars on the pier make it unappealing and unhealthful. There is very little access to waterfront other than pier. it would be great if Village purchased some of the properties for sale such as boatyard for recreational use by Village residents ONLY
5. It's beautiful and inspiring. It's a healthy safe place to walk and exercise
6. Not my lifestyle. I would swim if the water were clean.
7. Not good for swimming.
8. I do walk out on the pier and love it.
9. Its beauty, convenience
10. Walking difficult for me!

## For each of the activities select all that need improvement

109 responses



Please describe the improvements you would like to see 65 responses

1. No cars on the pier (2)
2. Dredge near marinas
3. Dredge the marinas. dredge the Sparkill Creek above the dam. Clean up the Sparkill Creek downstream from the sewage pump station - very high fecal bacteria counts there. Enforce steep slope preservation regulations, ban clear cutting of trees.
4. A launch/ramp for kayaking/rowing for better access during lower tides
5. I'd like to see a plan in place to deter the geese and the mess they leave
6. Less cars, more pedestrian exclusive walkways
7. I would like to see walkways, boardwalks, and signage.

8. Between the Goswick Pavilion and the pier a part of the high grass could be cut back to dedicate more space for bikers and scooter riders. I take little kids for a bike ride and the cars go too fast, and there is no visibility around the corner. Speed bumps, anything that could make it safer.
9. A protected walkway where one isn't dodging cars/bikes is needed. Also, open condo walkway for longer hours.
10. I'm happy with the pier as it is, I enjoy my walks and jogging on the pier and around the community.
11. Continued work on walkway maintenance and sea level rise correction.
12. I would love to see small charters that leave from Piermont for day trips on the Hudson, or even a ferry to Irvington or other river towns.
13. Better patrolling of the bikes and speeding cars in the area.
14. More car-free days on Pier, or maybe a dedicated walking lane painted on the tarmac of ferry rd. longer open hours of walkway north of condos--why does it close so early on beautiful summer nights?
15. Less cars on the Pier - more vehicle free days!
16. Pave the walkway to the pier
17. Public space for paddle sports and soccer
18. Improve park spaces
19. dredging
20. Less cars
21. More river and walkway access
22. Pier could be such a fantastic local park with areas of grass and some limited weekend commercial business like food trucks.
23. Fewer cars on the Pier.
24. The pier and paths need repaving
25. Better maintenance of ferry Rd, walkway if funding can be found. Walkway into marsh for birding?
26. More closures of Ferry Road to cars; better kayak launching into Sparkill, and from near end of Ferry Road near the pier (not allowed presently).
27. More access
28. Sealing up the culvert pipe onto Ohio Street.
29. Improved walking area on the pier
30. It would be good to have the pier closed to all vehicles except emergency and handicap vehicles. Far too many people drive, and it is a very fine place to walk and birdwatch.  
The level of noise from the Tallman Pool is excessive and the decibel limit on amplification of music should be at least halved. It can be heard from the end of the pier. Walking in Tallman is greatly impacted and it is impossible to listen for birds or enjoy the sounds of nature. It is ok to have a concession but not to take over the audible space of the park and pier.
31. More control of speeding cars and bicycles
32. River taxi to Westchester NYC and upstate
33. I would like the area to be kept as natural as possible. Benches, gravel and pruning are not necessary. Speed bumps might be useful on the pier.
34. Eliminate all bikes and cars on pier walk
35. Mitigation of the water becoming shallower due to silt build up.

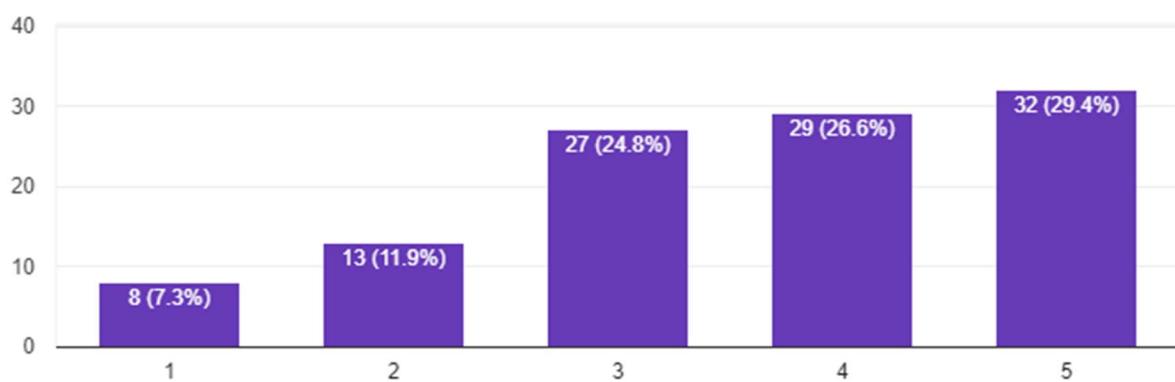
36. Walking on the Pier is challenging with the cars with children. A walking path or boardwalk which could incorporate access to the marsh would be a great way to get out on the riverfront for families.  
Access for kayaks into the creek at the draw-bridge through provision of a launch would be good.  
Marsh restoration to bring back bird diversity should be pursued with DEC- seems to have fallen off the radar.
37. Again, would like to see Village purchase waterfront property for village residents only
38. I do fine with everything just as it is today.
39. More beach space for swimming
40. Ban cars from the Pier unless the driver is disabled.
41. In my opinion, there should be more signs clearly indicating that pedestrians are to walk on the left side facing traffic. Most, but not all, pedestrians actually walk on the wrong side, and end result of walkers on both sides of the road walking in both directions is a vehicle hazard to pedestrians. It's unfortunate that non-official and non-handicapped vehicles are allowed on the pier at all, but I gather that's a state, not village, issue. Also, the amount of trash in and along the water seems silly in the age of "Adopt a highway." Is there no local school that could incorporate an educational nature walk/clean up into their recreation curriculum?  
Thanks.
42. Repair and upgrade of village marinas. Better access points for craft like kayaks and canoes. Storm surge protection.
43. no cars on the pier places for fishermen to sit and place gear
44. I'd like to see the pier closed to cars
45. Less vehicle traffic on the pier, additional access points to river for kayaks.
46. Sometimes the walkway is flooded. Garbage on walkway from fishermen. Cars.
47. And all access areas for fishing that are appropriate for all ages in circumstances.
48. None. We have good facilities and don't always need to spend money when it is not needed.
49. Develop the beach area near where the Piermont Rowing Club is located
50. Prune the vegetation which block the views from the river walk along the condominiums.
51. Car access on the pier is a tricky issue for pedestrians. At the very least it would be nice to restrict cars on the pier to certain times of day or week. Handicap access is undoubtedly an issue, but we could certainly strike a happy medium that goes beyond the token 3 Sundays each summer on which the pier is closed.
52. No cars/driving allowed on the pier
53. Less cars driving on the pier.
54. Repave the pier, minimize car traffic on pier, basic landscape improvements (trim weeds from rocks that are overgrown onto the fence)
55. A bicycle path is needed.
56. Restricting automobiles on pier; enforcing leash laws; more signage and painting lines on pier for lanes for walking and biking (people walk on left and on right)
57. Paving, landscape grooming and plantings, cleanup, recycling receptacles
58. Limiting vehicles on pier
59. As you turn the corner to the water maybe there is a way to grade the land so it does not flood...maybe some dim lighting on the path, dim enough to see but not too bright to affect seeing the sky clearly.
60. Add launch sites to enable folks to launch their own boats on Sparkill creek.
61. Cars speeding. Narrow sidewalks (telephone poles in the middle of sidewalk).

62. As most walkers-I wish cars were banned!
63. Research into sea walls and water mitigation.
64. Better access; redevelopment

## Potential Projects Prioritization

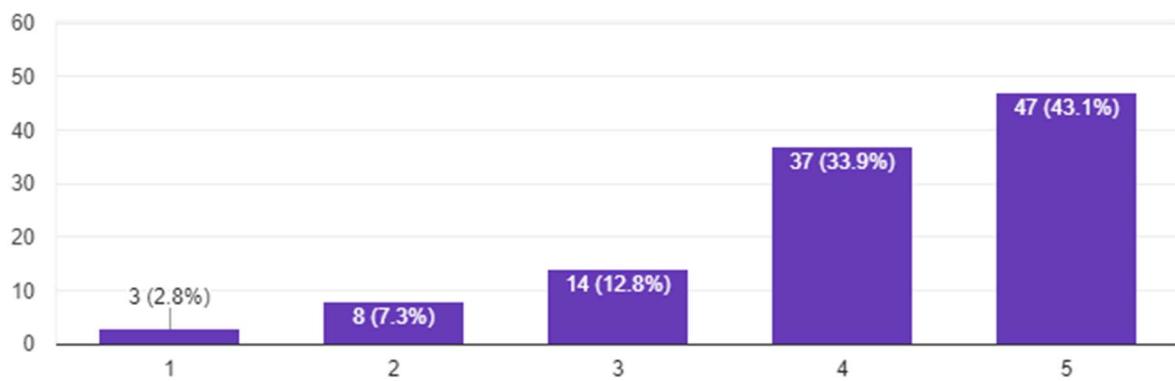
### Review and Update Zoning, Planning, and Building Codes and Processes

109 responses



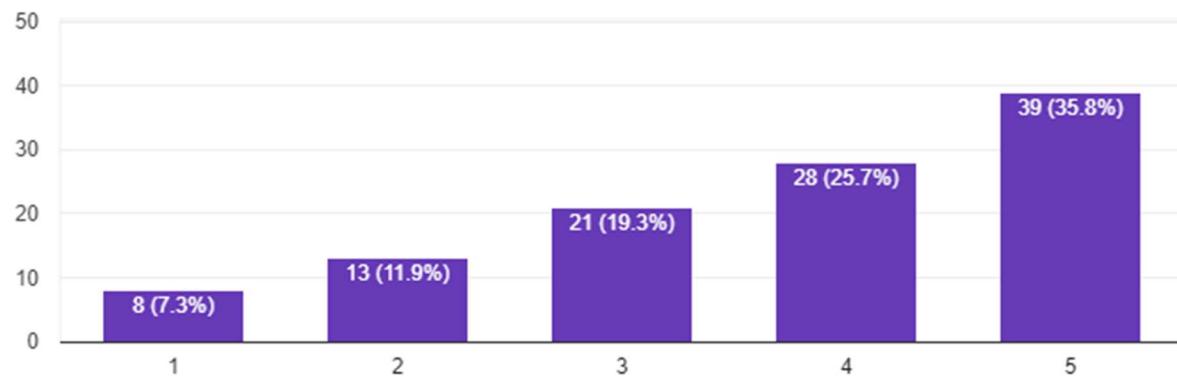
### Preparing comprehensive emergency management plans and procedures.

109 responses



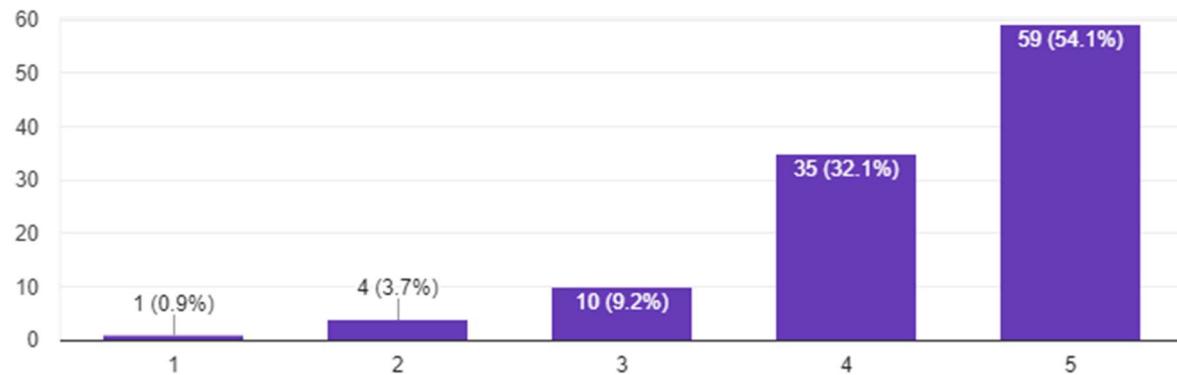
## Becoming a certified Climate Smart Community.

109 responses



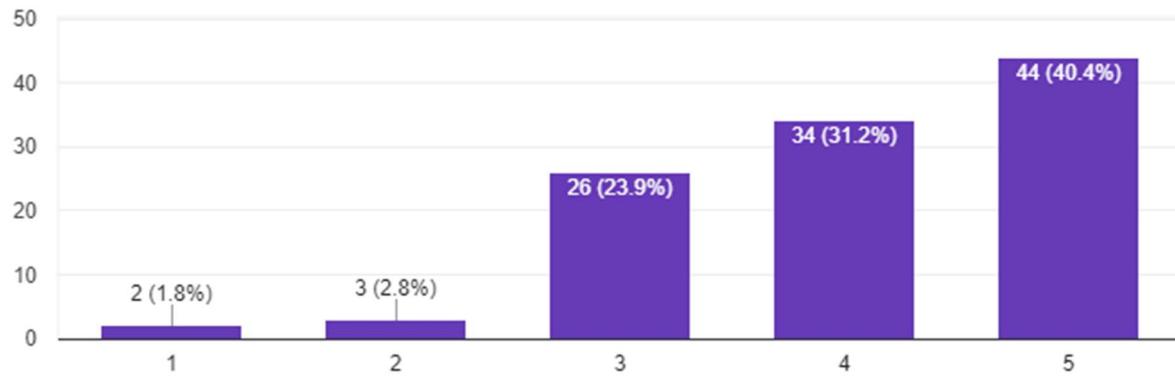
## Improving Sewage and Storm water infrastructure.

109 responses



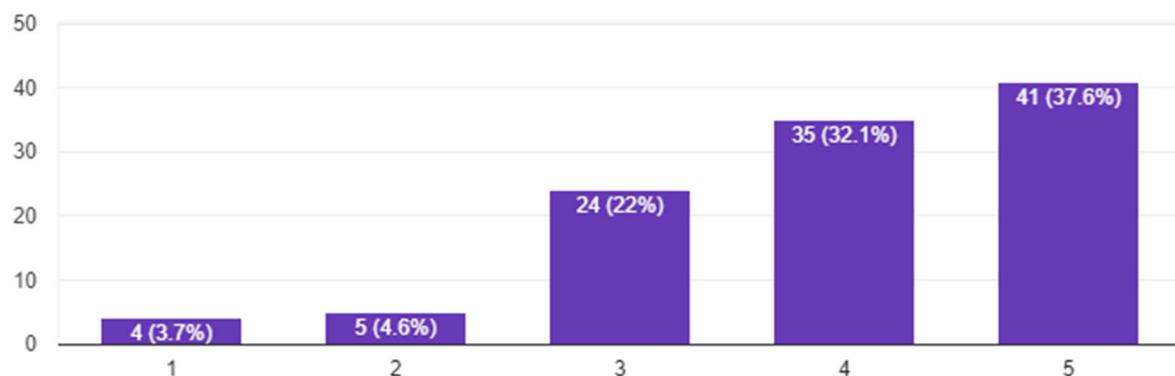
## Improve Power and Communications Utilities (work to improve overall resilience of utility infrastructure)

109 responses



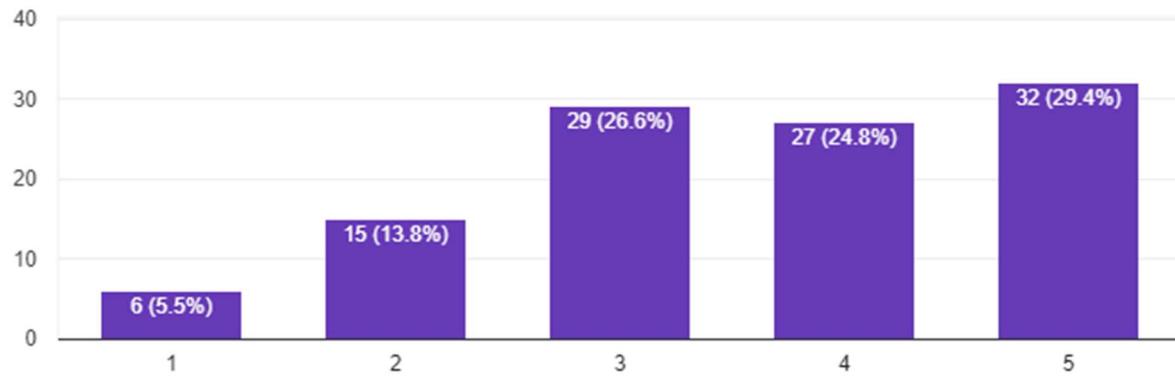
## Improve Freshwater (Drinking water) Supply and Management.

109 responses



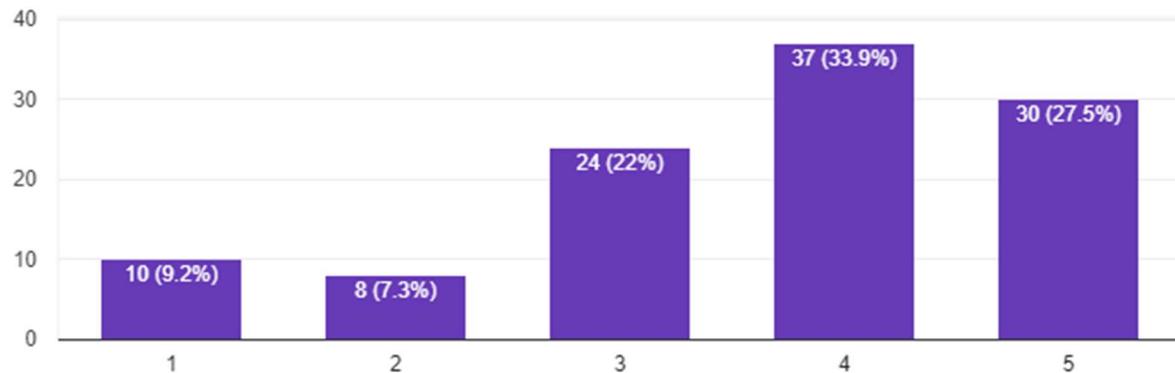
Advocate for changes and improvements in the national flood insurance program.

109 responses



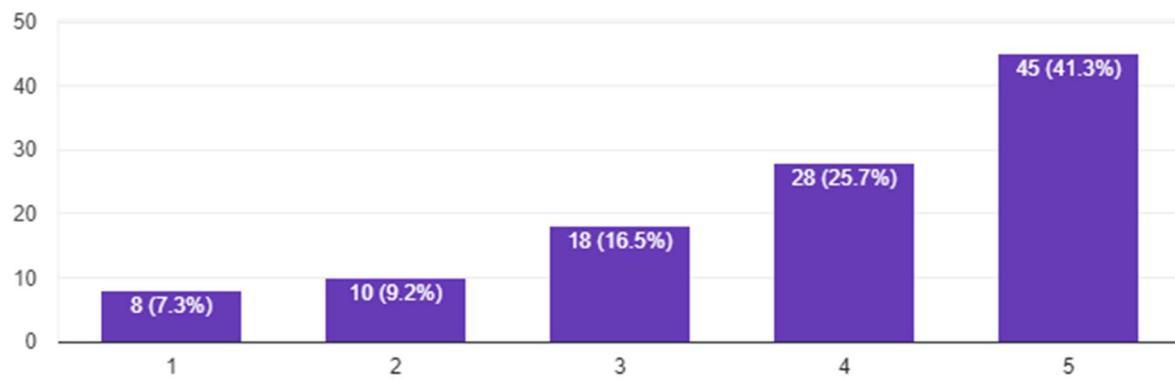
Prepare a plan for managed retreat. (relocation of residential, commercial, and municipal facilities to protected areas in response to flooding and sea level rise)

109 responses



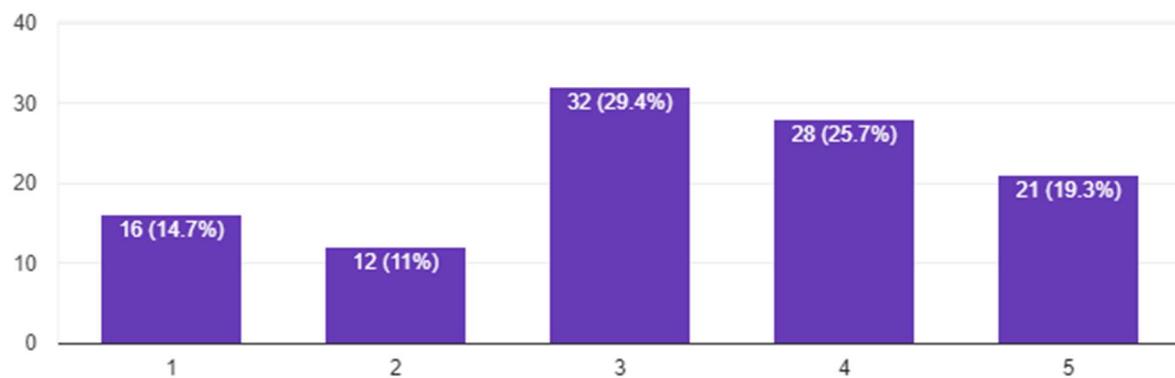
Invest in sea level rise and storm surge protection measures (private and public seawalls and more radical solutions like gated levees/dikes)

109 responses



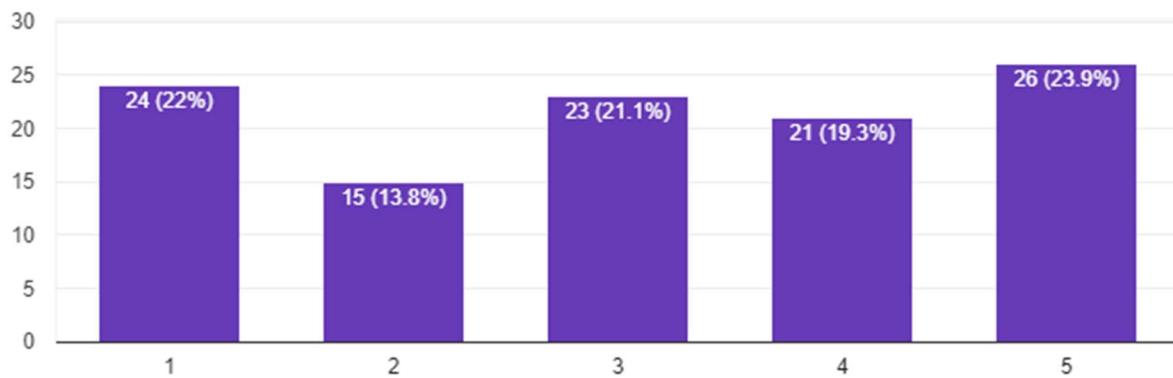
Accommodate existing structures by assisting with financing of neighborhood building elevations.

109 responses



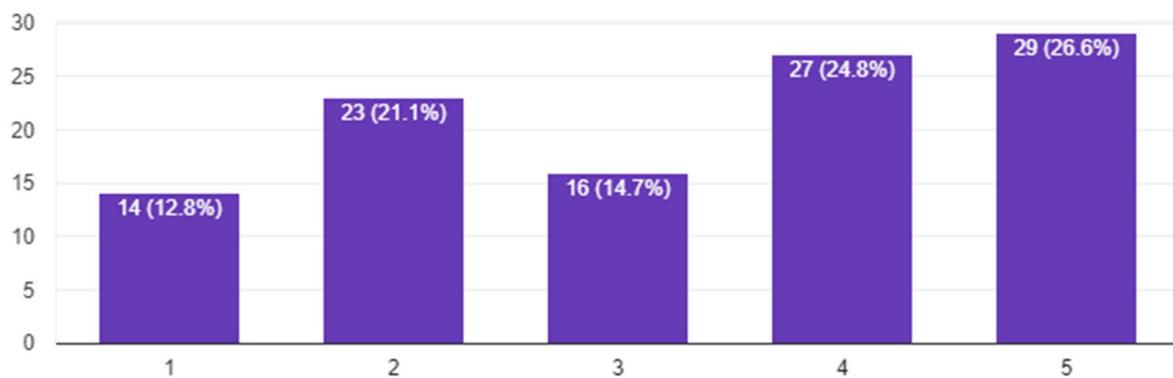
## Invest in greater public access to the waterfront.

109 responses



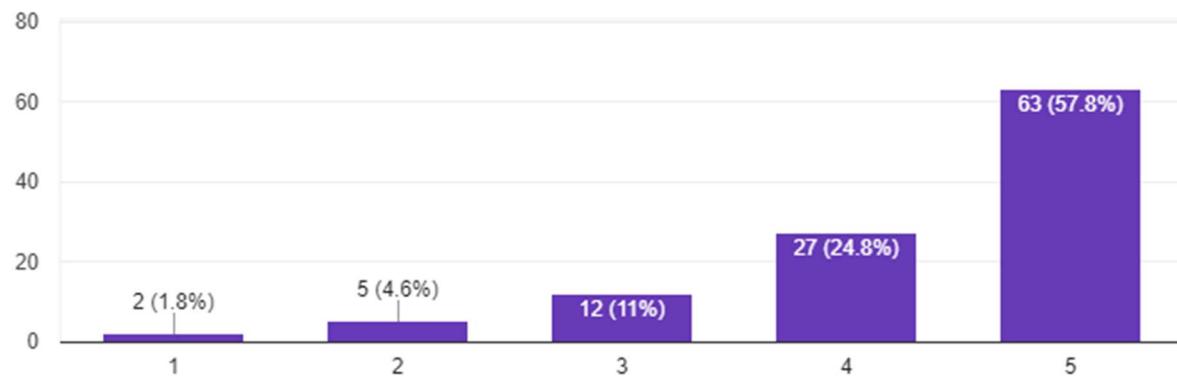
## Invest in improving the marinas and waterways (ie dredging or other renovations).

109 responses



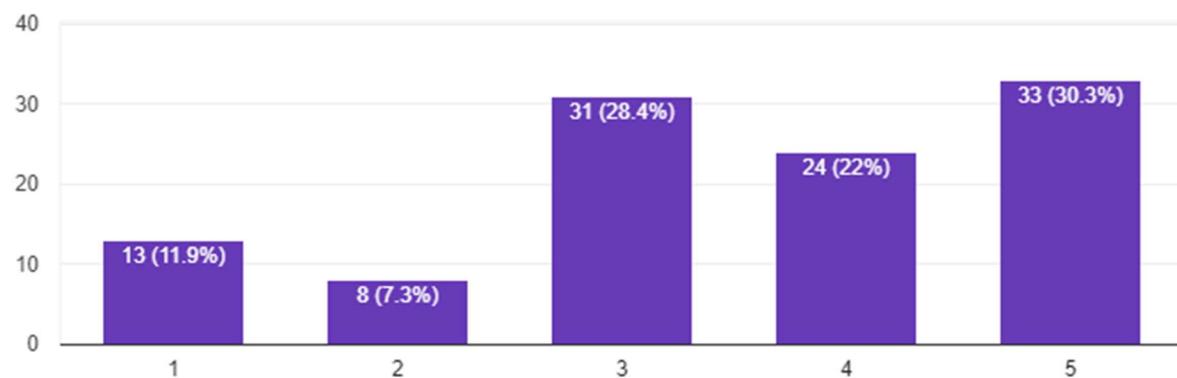
## Reduce flooding and pollution in the Sparkill Creek Corridor.

109 responses



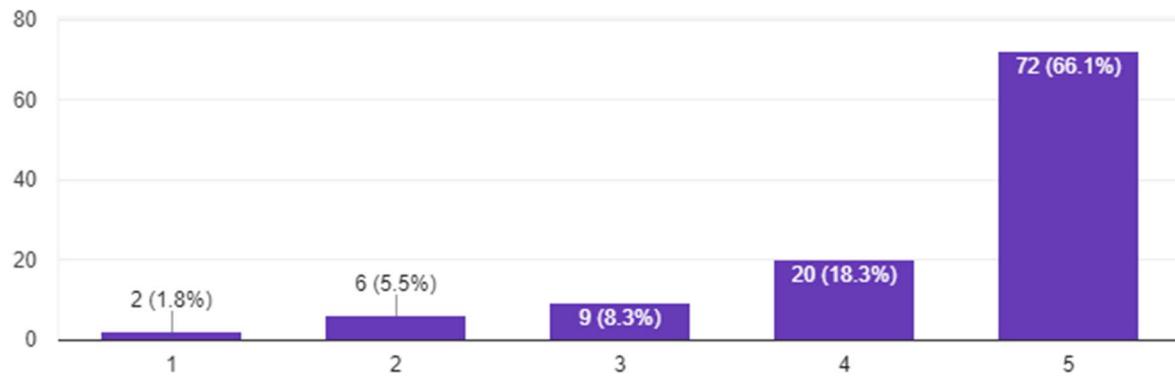
## Improve traffic and parking.

109 responses



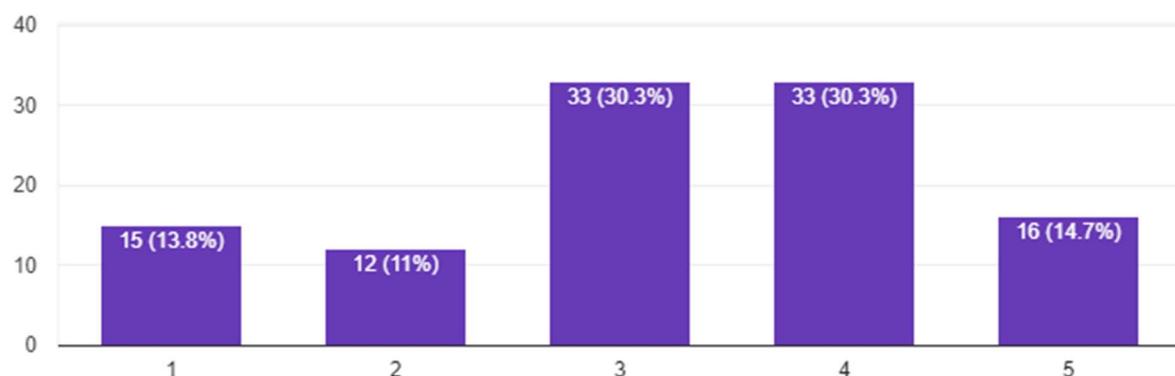
## Preserve open space and use.

109 responses



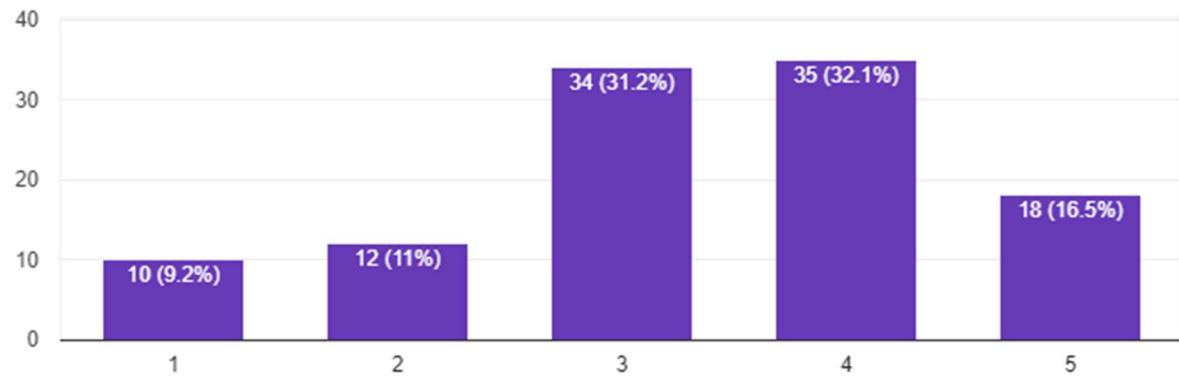
## Consider the use of the former Tappan Zee Elementary property as a relocation site (for village offices and ...response to sea level rise and flooding.

109 responses



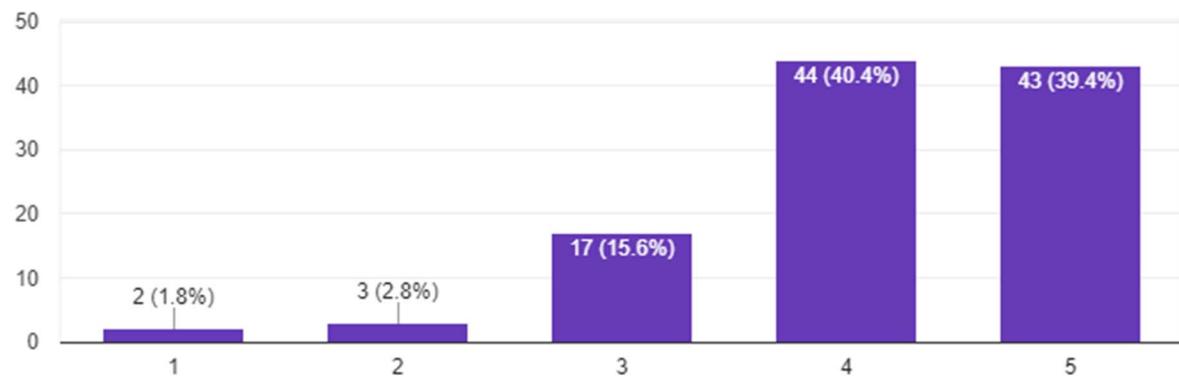
## Create a Harbor Management Plan.

109 responses



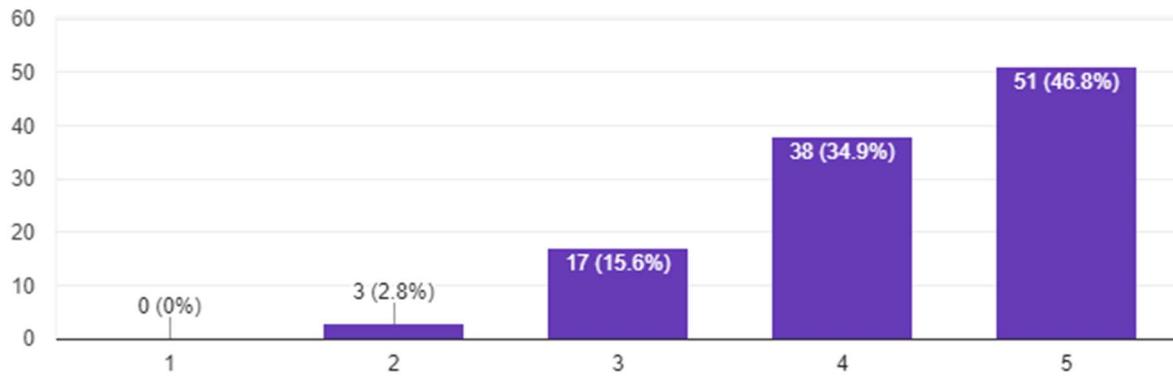
## Continue long-range planning

109 responses



Ensure financial responsibility of all new projects (i.e. utilize grant funds, consider shared-services with neighbor... look for alternative revenue streams)

109 responses



Are there any projects you believe should be included that are not listed above? 27 responses

1. Develop Knights of Columbus waterfront property. Protect, strengthen and enforce steep slopes and steep slope regulation to preserve property downhill from erosion.
2. A public multi-level parking system
3. Do something about the Community Market.
4. Work with state agencies and scientists to make the surrounding areas of the village, (marsh, Tallman Mountain, mud flats) of scientific study regarding climate change.
5. Thank you for asking. I think it would be helpful for the Village to provide detailed information for flood preparedness and post-storm events and challenges, far more detail than a FEMA brochure, with community contacts. I'd like to see the Village lead in organizing volunteers from the community to

provide help and support for those in need, before and after a flood. That includes all kinds of volunteers, from people who can provide a place to stay if needed, help filling out forms, navigating construction or insurance, getting back on your feet after a storm, short-term and longer-term help and community support, organized cooperation from community landlords and real estate brokers, schools, contractors, the library and any other type of support. This community effort needs to go far beyond hand-outs of mops & Clorox and a couple of nights of hot food. The mayor, the Village leaders should know who has been affected by a flood and follow up with those individuals, especially since our Village is small. The Village should have a record of which homes were affected by flooding, what has been done with those homes. Have the solutions been a success? Will elevation provide protection for the long run? How long? Is there advice that is reliable? What does the Village recommend for homeowners that are in a flood zone? Also, should homes that have been flooded be allowed for resale? If they are resold, should there be stricter rules about what information is disclosed to a potential buyer. The Village and all homeowners should be transparent and provide all factual and historical information regarding previous flooding.

6. Long range visionary development of sustainable businesses and nonprofit allies such as the RCC culinary school partnership with Nyack.
7. Stewardship program for improving/raising sea walls for homes lining Sparkill Creek.
8. Mass transit street hardware improvements, street lighting
9. Restore Piermont Marsh
10. Expand Community Emergency Response Team training.
11. Consider amphibian and /or floatable buildings
12. Yes, prevent overflow of water onto Ohio Street from parking lot
13. Getting our stores/businesses filled again in the downtown area
14. Crystal river cruise
15. The resident and visitor parking problems should be addressed, providing safe, above-ground permit parking for residents (who should not have to leave during storms) and street-level metered parking for visitors and residents.
16. Pesticide use and management including leaf blowing (dirt blowing in many instances) and general landscape maintenance practices in the river village are important.
17. Purchase waterfront property for village residents only. I am not interested in paying taxes so that people from all over the county, NJ and NYC can come use Piermont as a free park. I want amenities for members of this community who pay taxes here.
18. A non-motorized boat launch site.
19. I'm concerned about noise pollution. The fire alarm near Flywheel Park is way too loud and damaging to residents' and visitors' hearing, not to mention young children and babies. That alarm is NOT necessary given that all fire volunteers have cell phones. One blast of the alarm would suffice to let residents know that emergency vehicles are on their way to a site.
20. I would love to see a small public beach area for safe, clean swimming and maybe non-motorized boating.
21. Community center
22. A bicycle path that will take bicycle traffic off Piermont roads
23. Raise level of pier roadway and other areas to act as a barrier for water
24. Move funds for police and fire to more supportive community programs
25. Apply for federal funding for buyouts and begin that process now.

26. Are you thinking of putting electric wires underground?
27. Remove dam on Sparkill Creek. Fix up Pier. Make old railroad path a Rails to Trails route. Move rowing club site to renovated KC Marina. Build affordable housing. Get Trader Joe's to take over former Community Market.

Please provide any additional comments or concerns you may have.

30 responses

1. There are several areas that overgrow each year that need cutting
2. I think it would be helpful if we somehow create a pathway, boardwalk into Tallman Mountain Park so that we can walk through the marsh to help with traffic, parking etc. Partner with Lamont to study the village, marsh, mountain, river and the effects of climate change and solutions etc., which would attract scientists and experiments which could benefit us all.
3. Good job team!
4. Sparkill Creek is literally in (and sometimes part of) my backyard. My family, along with so many others, would benefit greatly from a higher sea wall. If there were a program that could help steward us through the process of improving our homes' vulnerability, many would be grateful.
5. Wish we could go back to the days when permits were required to drive on the pier.
6. Consider relocating children's parks from the flood zones
7. I want to thank the members of the LWRP committee for working so tirelessly on this project.
8. Make it harder for new structures to be placed in current or future flood zones. Try to make modifications to roads that suffer from nuisance flooding
9. More attention needs to be given to management of the weekend influx of bicyclists
10. A bit of a strange survey. Questions belong to different categories, so impossible to meaningfully compare and rate. e.g., who wouldn't want things as general (if vague) as long-range planning and financial responsibility? In contrast, possibilities of relocating village offices or assisting with the finances of neighborhood building elevations (and whose buildings?? public? private? commercial? residential?) are very specific. And what is meant by "improve traffic and parking"? More parking spaces? Increased traffic control? More traffic on the pier? Less? Overall, I don't see how this survey will help much, unless it is somehow meant to provide the green light to plans already in the works.
11. Ohio and Ladik Streets have been severely affected by parking lot culvert pipe diverting water directly into our yards.
12. Empty storefronts
13. There is plenty of public access to the waterfront. The problem is the vehicular traffic which does not mix with kids learning to ride bikes and elders getting exercise, and is a hindrance to the enjoyment of nature. Americans suffer from too little exercise. Leave the pier as a walk only space - you can walk nearly halfway across the Hudson, and view migratory birds of many kinds. There is no need for cars. The green quiet space should be protected and treasured.
14. I wrote a bunch of suggestions about 2 years or so ago and hope you have the results from my committee Margaret Grace and Margaret H and Susan Hovey etc.

15. No more signage. There is too much.
16. 1. Traffic: drivers are very bad in Piermont, speeding and rarely stopping at Stop signs. This is life-threatening and nothing ever changes. I counted 7 cars in a row that flew through the Stop sign on the corner of Ash and Hudson Terrace. Multiple cars go whipping around the corner from Pier Road out to the Pier, or speeding up the ramp to the Condos. Cars coming out of the Condos and out of the pier area do not stop at any of the Stop signs and go way too fast.  
2. Community: There was a tremendous lack of community before and more importantly, after Hurricane Sandy. There was no organized effort for those residents that were affected by the storm, community members did nothing to inquire about the well-being of others, landlords, real estate agents and contractors were out to take advantage, there was price gouging and illegal rentals. Additionally, there was no guidance from Village officials about what steps to take based on individual situations (other than FEMA meetings, which was beyond frustrating) -- both before and after the storm. There was absolutely no follow up from Village officials for those affected by the storm. I find that disappointing considering Piermont is so small and the Village certainly knew which homes and families were affected.  
People that were not affected greatly by the storm have no idea what it was like to be evacuated, to return to a home that is not liveable, and then to be without a home, the financial, emotional and heavy paperwork burden that comes with all of that aftermath. That situation is something Village officials should have had more involvement in, such as where should residents could go next, what should be done immediately, who can help!!! Are there local people that can help in a variety of tasks with a variety of skills, etc.? There's a great deal more to this kind of situation than simply turning to FEMA. And the Village wasn't there.
17. Please do not turn Piermont into a ferry terminal. The ideas floated by officials along these lines would ruin Piermont's unique charm, cause major congestion and invite unwelcome outside influence.
18. The park adjacent to the former Tappan Zee Elementary property is very important to 'upland' families as a recreational, gathering, play area. I would not like to see expansion of the existing building footprint to take other services such as police or town hall as this would be a huge impact to the community. Moving the village activities here would also lead to a parking problem on Hudson Terrace as there are a large number of cars which currently park here on a permit basis - there is no other location for these cars and street parking would have to be allowed in lieu of those spots.  
While climate change is happening- many of the low lying areas have flooded historically and have always flooded - huge infrastructure projects for sea-walls and gated levees cannot really be sustainably funded by the Village residents. Better zoning to ensure that any renovation of properties in these zones includes remediation is the only way to go. This will take a while but eventually would have an impact.  
Unfortunately many of these houses have been renovated without such measures and thus only add to the tragedy when a weather event occurs.  
Improvements in the harbor are important from a boating perspective including improving access to the waterside for residents. However some of the recreational activities like the 'Jet Skis' are annoying from a noise perspective and ruin the many other idyllic aspects of the Village in terms of enjoying the river and the outdoors. That noise travels particularly well up the hill side.  
Developing diversified power options in the village including solar and wind power would help with resiliency during and after weather events - the village could certainly support education programs around this. Moving utilities underground would be potentially beneficial however would be very costly and would

have to be funded at a regional level. This would also have the added benefit of removing unsightly power poles from the village increasing the beauty and vistas of the river.

Martyn Ryan - Piermont Resident

19. We need to start actively purchasing open space. There is not much left and if what were left were to be developed, our environment, quality of life, health, and property values would deteriorate. Spending our tax money (whether it's money we've paid to the village, town, county, state, or federal government) on levees to stop flooding is a waste. People should not be buying property or living in areas that flood. Levees are aesthetically unappealing and are an expensive band aid that does not work in the long run. If the pier is going to return to the river, that's fine. There are other places to walk and it is dangerous walking out there anyway with all the cars. We need to plant more shade trees. People have cut down so many trees to improve their "view" that it is difficult to walk around during the sunny seasons when there is no shade. Planting trees would also improve our poor air quality.
20. I would like to see vehicular traffic eliminated on Ferry Road except for those unable to walk from the parking area to the pier end. The area needs to be dedicated to folks who love nature as it is...naturally...not artificially.
21. No
22. The Red and Tan Bus tears through town the minute it leaves the commercial area. It's dangerous. It goes even faster through Grand View. I've never seen the police stop one of those buses in the 35 years that I've been driving on River Road!
23. This survey was a bit technical for someone like myself. For example, what are gated levees? What exactly is a Harbor Management Plan? I can't really give informed opinions on many of these issues, since I know so little about your terminology.  
Can we create dams to lower the water level during storms?  
When storms occur in the future, let's make sure to take all the boats out of the water and secure them properly so they don't fly down the streets.  
Let's make sure to have emergency supplies on hand (food, lights, blankets, meds.) at the firehouse or an accessible location.  
Let's set up a chain of medical personnel and procedures (in advance) in the village- people who can be contacted in case of medical emergencies.  
Let's have stricter enforcement of regulations about driving on the pier, and littering on the pier.  
I do not want a ferry in Piermont.
24. Retaining wall for the landing should be paid for by the landing residents. Lawrence Park owners had to pay for their retaining wall, so therefore so should owners on the landing.
25. Restrict autos on pier DAILY to only vehicles transporting handicapped. Having the pier as a roadway greatly diminishes its recreational assets.
26. Time to move forward to optimize Piermont's particular strengths and away from post-industrial legacy
27. It's imperative to regulate new development in the flood zone and to curb existing structure development. There is no reason for folks to be building in the existing flood zone, especially that zone that already floods regularly. It's a moral issue and the Village should stop this ASAP.
28. I'm very happy to see that there are people in government interested in these issues. As a homeowner along Sparkill Creek, I have a vested interest in flood prevention in our area. I have been thinking it would be

wonderful if the community could hire an engineer to help plan what could be done to protect the houses along the creek. It seems one property cannot do much without all the neighbors participating or the town stepping in. For example, raising the sea wall on one property would just send the water in via the street. It's a bigger problem than one homeowner can solve alone.

29. What harbor? What is a Climate Smart Community? What good is an LWRP without \$\$\$ for projects? (Borrow from NAME)?

## APPENDIX B

### CHAPTER 15: HARBOR ADVISORY COMMISSION

#### § 15-1 Commission Established

There is hereby established a Harbor Advisory Commission for the Village of Piermont.

#### § 15-2 Appointments; terms; administration.

[Amended 8-5-1986 by L.L. No. 5-1986]

##### A.

The Harbor Advisory Commission of the Village of Piermont shall consist of 15 members who shall be residents of the Village and who shall be appointed by the Board of Trustees of the Village of Piermont. The Chairman of said Commission shall be designated by the members of the Village Board annually. The term of office of each member shall be three years, except that the initial appointments of five members are for one year; of five members are for two years, and of five members are for three years. The Trustees shall seek recommendations for Harbor Advisory Commission members from the following bodies: the Planning Board, the Zoning Board of Appeals, the Conservation Advisory Commission, the Parks Commission, the Recreation Commission, the Empire Hose Underwater Rescue Unit, marina operators, commercial fishermen and Village civic associations. Final determination on nominations and appointments shall be made by the Trustees, who shall themselves be ex officio members of the Harbor Advisory Commission.

##### B.

The members of the Harbor Advisory Commission shall serve without compensation but shall be entitled to reimbursement for any money expended in the performance of their duties. The Commission shall annually propose a Chairman and select a Secretary from among its own members. Any vacancy on the Commission shall be filled for the unexpired term by the Trustees.

#### § 15-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### **HARBOR**

Includes all navigable waters within the limits of the Village of Piermont.

##### **MARINE STRUCTURE**

That which is built or serves in a fixed position in the harbor or on the shoreline, including bulkheads, breakwaters, docks and cribbings.

#### § 15-4 Powers and duties.

The Commission shall have the following powers and duties:

**A.**

To develop the Piermont Harbor Management Program, including detailed site plans for the projects outlined in the Piermont Local Waterfront Revitalization Program, and to submit engineering and cost proposals along with the site plans to potential sources of funding.

**B.**

To consult with the Planning Board, the Zoning Board of Appeals, the Conservation Advisory Commission, the Parks Commission, the Recreation Commission and the Architectural Review Commission on all appropriate matters, and to consult with and advise the Board of Trustees on all matters relating to the harbor, including but not limited to:

**(1)**

The operation of watercraft in the harbor.

**(2)**

The construction of marine structures and dredging in the harbor.

**(3)**

The mooring of vessels in the harbor.

**(4)**

Pollution in the harbor.

**(5)**

The ecology of the harbor.

**(6)**

All recreational activities in the harbor.

**C.**

To recommend to the Board of Trustees long-range plans relating to the harbor.

**D.**

To recommend to the Board of Trustees adoption or amendment of ordinances and the taking of other official action relating to the harbor.

**E.**

In the cases of all applications made by any person to the United States Army Corps of Engineers or the New York State Department of Environmental Conservation, to recommend whether the Village should support or oppose such application and, upon authorization, to

present statements and take other action on behalf of the Village in supporting or opposing such application.

**F.**

To consult with and advise the Chief of Police and Chief of the Fire Department on all matters of public safety in the harbor.

**G.**

To review applications for marine structures upon referral by other Village agencies as required by local law and to make recommendations to the referring agency or person. The purpose of such review shall be to evaluate proposed marine structures as to size, location and construction in order to verify that there is no impingement on the rights of others for the use of navigable waters and that the structures are suitable and appropriate for their intended use.

**H.**

To advise and assist individual property owners to obtain all necessary permits to properly maintain bulkheads and seawalls.

**I.**

To maintain liaison and consult with and advise appropriate federal, state and county officials on matters relating to the harbor.

**J.**

To submit to the Board of Trustees an annual report of the Commission's activities.

**§ 15-5 Meetings.**

The Commission shall regularly meet once each month at a time and place set by said Commission for its regular meeting. A quorum shall consist of five members. The Chairman, Secretary or any three members of the Commission may call a special meeting of said Commission for such purposes as are designated in said call. Notice of said special meeting shall be given in writing to all members 48 hours in advance of said special meeting. The Village Clerk shall be responsible for giving notice of all regular and special meetings of the Commission.

**§ 15-6 Attendance at meetings.**

A member of the Harbor Advisory Commission who is unable to attend three consecutive meetings or less than half the meetings in any twelve-month period shall be subject to replacement at the pleasure of the Board of Trustees.

## **Chapter 96 - Environmental Quality Review**

### **Article I: General Regulations**

[Adopted 1-8-1979 by L.L. No. 1-1979]

#### **§ 96-1 Purpose.**

The purpose of this chapter is to implement for the Village of Piermont the State Environmental Quality Review Act and specifically Part 617 thereof.

#### **§ 96-2 Definitions and word usage.**

##### **A.**

The terms and words used in this chapter shall have the same meaning as such terms and words defined in Article 8 of the Environmental Conservation Law and Part 617, unless the context requires a different meaning.

##### **B.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **EAF**

Environmental assessment form.

##### **EIS**

Environmental impact statement.

##### **PART 617**

The rules and regulations set forth in 6 NYCRR 617.

##### **SEQR**

The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law.

## **VILLAGE**

The Village of Piermont.

### **§ 96-3 Compliance required.**

No action, other than an exempt, excluded or Type II action, shall be carried out, approved or funded by any agency, board, body or officer of the Village, unless it has complied with SEQR, Part 617, to the extent applicable, and with this chapter.

### **§ 96-4 Assessment form required; application for permit or funding.**

#### **A.**

An EAF shall be prepared by or on behalf of any agency, board, body or officer of the Village in connection with any Type I action such agency, board, body or officer contemplates or proposes to carry out directly. For an unlisted action, an EAF in a short or long form may be prepared to facilitate a preliminary determination of environmental significance.

#### **B.**

An application for permit or funding of a Type I action shall be accompanied by an EAF and, for an unlisted action, may be accompanied by a short- or long-form EAF, as may be needed to assist the lead agency in making a preliminary determination of environmental significance. An applicant may prepare a draft EIS to accompany the application in place of the EAF. In lieu of an EAF, the Village Board may adopt a different procedure for reviewing the environmental significance of unlisted actions.

#### **C.**

The board or agency of the Village charged with the making of the principal decision concerning any action subject to SEQR shall make a preliminary determination of the environmental significance of the action on the basis of the EAF, draft EIS or, with respect to unlisted actions, in accordance with its own procedures, as the case may be, and such other information it requires. Such determination shall be made within 15 days of its designation as lead agency or within 15 days of its receipt of all information it requires, whichever is later. For Type I actions, a determination of non-significance shall be noticed and filed as provided in 6 NYCRR 617.10(b); for unlisted actions, a determination of non-significance shall be sent to the applicant and maintained in accordance with 6 NYCRR 617.7(e) and 617.10(f). After a determination of non-significance, the action, including one involving a permit or funding, shall be processed without further regard to SEQR, Part 617 or this chapter.

[Amended 2-15-1983 by L.L. No. 2-1983]

**D.**

The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental non-significance is rendered or, if in lieu of an EAF the applicant prepares a draft EIS, from the date the applicant files a draft EIS acceptable to the lead agency.

**§ 96-5 Procedure.**

If the lead agency determines that an EIS is required, it shall proceed as provided in 6 NYCRR 617.8, 617.9 and 617.10. Commencing with the acceptance of the draft EIS, the time limitation for processing the EIS shall run concurrently with the time limitations applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be held concurrently with any hearing to be held on such application. The draft EIS shall be prepared by the applicant. Failure by the applicant to prepare an EIS acceptable to the lead agency shall, at the option of the lead agency, be deemed an abandonment and discontinuance of the application.

**§ 96-6 Actions involving a federal agency.**

Environmental review of actions involving a federal agency shall be processed in accordance with 6 NYCRR 617.16.

**§ 96-7 Fees.**

The fees for review or preparation of an EIS involving an applicant for approval or funding of an action shall be fixed from time to time by a resolution of the Board of Trustees. Limitations on the amount of fees is prescribed by 6 NYCRR 617.17. If the applicant prepares the EIS, the Village may charge a fee for the actual expenses of reviewing it, but if a Village agency prepares an EIS on behalf of an applicant, it may charge a fee for the cost of preparing, including publication of notices, but not for the cost of professional review.

**§ 96-8 Designation of critical areas of environmental concern.**

[Amended 1-7-1992 by L.L. No. 3-1992]

Critical areas of environmental concern may be designated by resolution of the Board of Trustees in accordance with 6 NYCRR 617.4(h).

**§ 96-9 Additional actions.**

In addition to the Type I actions set forth in 6 NYCRR 617.12, the Board of Trustees may by resolution from time to time add additional actions to the Type I list.

**Article II: Critical Environmental Areas**

[Adopted 4-23-1985 by L.L. No. 5-1985]

**§ 96-10 Designation of areas.**

[Amended 1-3-1989 by L.L. No. 1-1989]

The Board of Trustees hereby designates the following areas identified in the Village Local Waterfront Revitalization Plan (LWRP) as critical environmental areas and conservation areas in accordance with Section 617 of the New York Code of Rules and Regulations: See Schedule A.

**Schedule A**

**Critical Environmental Areas**

- 1) Piermont Marsh
- 2) Tidal Portion of Sparkill Creek
- 3) The Palisades Interstate Park Marsh -- area to the south of the Sparkill Creek owned by the Palisades Interstate Park and part of Tallman Mountain State Park.
- 4) Paradise Avenue Department of Environmental Conservation Marsh
- 5) The Department of Environmental Conservation Marsh -- area to the south of Ferry Road on the Pier acquired by the Department of Environmental Conservation in 1981, part of which is a former landfill.

- 6) Brookside Sanctuary - a Village-leased property north of the pump station on the Sparkill Creek (leased from Suez Water).
- 7) Areas of Piermont Bay, in particular, the "duck ponds," and the marshy area on the north side of the Pier.
- 8) The Clausland Mountain Ridgeline - Area between the border with Orangetown to the west and Route 9W extending from Tweed Boulevard in the south to the Grandview border in the north.

#### **§ 96-11 Actions.**

[Amended 1-7-1992 by L.L. No. 3-1992]

Any unlisted action taken with respect to properties located within the critical environmental area shall be treated as a Type I action as defined by the State Environmental Quality Review Act,<sup>111</sup> unless excluded by the provisions of § **96-13**.

[1]

*Editor's Note: See Environmental Conservation Law § 8-0101 et seq.*

#### **§ 96-12 Filing with lead agency.**

All Type 1 actions shall require the filing of a long-form environmental assessment form (EAF) with the Village lead agency. Not all Type 1 actions shall require the filing of an environmental impact statement (EIS). The decision as to whether an EIS is required shall be made by the Village lead agency.

#### **§ 96-13 Exemptions.**

The following actions shall be excluded from the requirements of this article in connection with residential development and use:

**A.**

Any use permitted by right which does not involve more than one residential unit.

[Amended 1-3-1989 by L.L. No. 1-1989]

## **Chapter 198 – Waterfront and Waterways (LWRP Consistency Law)**

### **Article I: Waterfront and Waterways Regulations**

[Adopted 9-17-1978 by L.L. No. 3-1978]

#### **§ 198-1 Title.**

This article shall be known as the "Waterfront and Waterways Local Law of the Village of Piermont."

#### **§ 198-2 Application of provisions.**

The provisions of this article shall apply to all waters or waterways within or adjacent to the village or subject to its jurisdiction, except when prohibited by laws of the United States or the State of New York and except the waters or waterways under the supervision of any other municipality.

#### **§ 198-3 State and federal laws and rules applicable to vessels.**

All provisions of the Navigation Law of this state, of the inland rules enacted by Congress and governing the navigation of the inland waters of the United States and of the Pilot Rules for the United States inland waters applicable to the channel systems, relative to the rules for vessels passing each other, as to lights on vessels and other matters consistent with the proper use of waters and waterways shall be complied with by all vessels navigating said waters and waterways under the jurisdiction of the village.

#### **§ 198-4 State and federal laws applicable to seaplanes.**

All provisions of the laws of this state and of the United States relative to the use and operation of aircraft shall be complied with by all seaplanes navigating and using waterways under the jurisdiction of the village.

#### **§ 198-5 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **BOAT or VESSEL**

Includes every description of watercraft, barge or other contrivance used in or capable of being used as a means of transportation in water and in air.

**HOUSEBOAT**

A barge or similar craft fitted for use as a dwelling or for leisurely cruising.

**SEAPLANE**

Includes aircraft of every description having attached thereto devices or contrivances which permit takeoff and landing from or to water.

**§ 198-6 Manner of operation of boats.**

Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such rate of speed as not to disturb the reasonable comfort or endanger the property of another or the life or limb of any person or so as to interfere with the free and proper use of the waters within the village. Throwing up a dangerous wake when approaching or passing another boat shall be prohibited.

**§ 198-7 Operation of boats near bathing or swimming areas.**

No boat, except one propelled by hand, shall cruise or be operated within 100 feet of any lifeline or bathing float or, if there is no lifeline or bathing float, within 200 feet of any beach regularly used for bathing or swimming.

**§ 198-8 Speed limits.**

No boat shall be operated at a speed greater than five miles per hour in any basin, dock anchorage, bathing area, creek or canal, nor at a speed greater than 12 miles per hour in the channel between the channel markers in waters within the village.

**§ 198-9 Mooring and anchoring of boats; removal of boats in violation.**

**A.**

Boats shall not moor or anchor so as to endanger the safety of or cause damage to any boat previously laid down nor, in any case, within 50 feet of a channel marker or in such manner as to interfere with full use of any channel.

**B.**

Any boats moored or anchored in violation of this section shall be removed by the owner or person in charge thereof on order of the Village Board. If said boat is not removed after orders to so remove it, it may be removed by or at the discretion of the Village Board or any duly authorized officer or agent thereof at the expense of the owner or person in charge of said vessel.

**§ 198-10 Mooring and anchoring of houseboats and similar craft.**

**A.**

License required. No person shall moor or anchor any houseboat or similar craft within village waters for a period of more than 48 hours without having obtained a license therefor after having filed an application and paid the licensing fee in accordance with a schedule established by resolution of the Board of Trustees and otherwise having complied with the provisions of this article. Such license shall be renewed weekly.

**B.**

Inspection. Inspection of every such craft shall be made upon orders of the Mayor, and if the applicant's use of the maritime waters would, in the Mayor's opinion, endanger the safety, good order, morals or welfare of the community, the Mayor shall refuse to issue a license.

**§ 198-11 Removal of vessels hazardous to navigation.**

Any vessel which becomes a menace to navigation or unseaworthy or sinks, grounds or becomes otherwise disabled shall be removed by the owner or person in charge thereof on order of the Village Board. If said boat is not removed after order to remove it, it may be removed by or at the direction of the Village Board at the expense of the owner or person in charge of said vessel.

**§ 198-12 Waterskiing, aquaplaning and similar sports.**

Waterskiing, aquaplaning or similar sports are hereby prohibited in any waters within the village or within 100 feet of the shoreline.

**§ 198-13 Scuba diving, skin diving and spearfishing.**

**A.**

Prohibited locations. No scuba and skin diving shall be undertaken in any waterway under the jurisdiction of the village where the same may interfere with the reasonable and proper operation of vessels or within 200 feet of any beach regularly used for bathing or swimming or within 100 feet of any person bathing or swimming, except when conducted by authorized personnel in emergencies and in drills.

**B.**

Use of spear guns. No person shall use or discharge under water any spear gun or similar apparatus within 200 feet of any beach regularly used for bathing or swimming or within 100 feet of any bather or swimmer.

**§ 198-14 Maintenance of waterfront properties; notice of violation.**

**A.**

The owner, lessee or occupant of waterfront property shall keep the same clean and in good repair in order not to constitute a menace to navigation or to the health and well-being of the community.

**B.**

Inspections and notices. Regular inspections shall be made by village officials of waterfront properties, their structure and appurtenances to determine their condition and method of operation. If defects or violation of law are found upon such inspection, notice shall be served upon the owner, lessee or occupant to correct the same in the manner specified in the notice. Failure to comply therewith shall constitute a violation of this section.

**C.**

The owner, lessee or occupant of waterfront property shall maintain vegetation, including but not limited to trees and ground and aquatic vegetation, and erosion protection structures to prevent soil erosion and sedimentation.

[Added 1-7-1992 by L.L. No. 6-1992]

**§ 198-15 Enforcement.**

**A.**

The Police Department of the Village of Piermont is hereby empowered to enforce the provisions of this article, and every person in charge of a vessel or seaplane navigating or using waterways under the jurisdiction of this village shall at all times obey the lawful orders of the members of said Police Department. Such Department shall have the right to stop any vessel or seaplane navigating or using the waterways for the purpose of enforcing this article.

**B.**

The Village Board of Piermont may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance or to restrain by injunction the violation of this article.

**§ 198-16 When effective.**

This article shall take effect immediately upon due publication and posting thereof pursuant to law.

**Article II: Waterfront Consistency Review**

[Adopted 1-7-1992 by L.L. No. 1-1992]

## **§ 198-17 Title.**

This article will be known as the "Village of Piermont Waterfront Consistency Review Law."

## **§ 198-18 Authority; purpose; intent; applicability.**

### **A.**

This article is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

### **B.**

The purpose of this article is to provide a framework for agencies of the Village of Piermont to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area and to assure that such actions and direct actions are consistent with said policies and purposes.

### **C.**

It is the intention of the Village of Piermont that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this article is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing the loss of living estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

### **D.**

The substantive provisions of this article shall only apply while there is in existence a village local waterfront revitalization program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

## **§ 198-19 Definitions.**

As used in this article, the following words shall have the meanings indicated:

## **ACTIONS**

Either Type I or unlisted actions, as defined in SEQRA<sup>[1]</sup> regulations (6 NYCRR 617.2), which are undertaken by an agency and which include:

**A.**

Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

**(1)**

Are directly undertaken by an agency;

**(2)**

Involve funding by an agency; or

**(3)**

Require one or more new or modified approvals from an agency or agencies.

**B.**

Agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions.

**C.**

Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

**D.**

Any combinations of the above.

**AGENCY**

Any board, agency, department, office, other body or officer of the Village of Piermont

**COASTAL ASSESSMENT FORM (CAF)**

The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

## **CONSISTENT**

The action will fully comply with the Local Waterfront Revitalization Program policy standards and conditions and, whenever practicable, will advance one or more of them.

## **DIRECT ACTIONS**

Actions planned and proposed for implementation by an agency, such as but not limited to a capital project, rule making, procedure making and policy making.

## **HARBOR ADVISORY COMMISSION**

The Harbor Advisory Commission of the Village of Piermont, as created pursuant to Local Law No. 1 of 1986.

[2]

## **LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)**

The Local Waterfront Revitalization Program of the Village of Piermont, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law Article 42), a copy of which is on file in the office of the Clerk of the Village of Piermont.

## **WATERFRONT ADVISORY COMMITTEE (WAC)**

The Committee that will make a recommendation of consistency regarding an action.

## **WATERFRONT REVITALIZATION AREA**

That portion of New York State coastal waters and adjacent shorelands, as defined in Article 42 of the Executive Law, which is located within the boundaries of the Village of Piermont, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Village of Piermont Local Waterfront Revitalization Program.

[1]

*Editor's Note: See the State Environmental Quality and Review Act, § 8-0101 et seq. of the Environmental Conservation Law.*

[2]

*Editor's Note: See Ch. 15, Harbor Advisory Commission.*

## **§ 198 -20 Management and Coordination of the LWRP Consistency Process**

**A. The lead agency shall be responsible for coordinating review of actions in the Village of Piermont's coastal zone for consistency with the LWRP policies.**

**B. The WAC will advise, assist and make recommendations of consistency to the lead agency in its review of actions and in the implementation of the LWRP, its policies and projects.**

**C.**

**The Village Board with the assistance of the WAC shall coordinate with the New York State Department of State regarding consistency review of actions by federal agencies and with state agencies regarding consistency review of their actions.**

**D.**

**The WAC shall assist the Village of Piermont Board of Trustees in making applications for funding from state, federal or other sources to finance projects included in the LWRP.**

**E.**

**The WAC will consist of seven (7) members who shall be residents of the Village appointed on a three year basis by the Board of Trustees, including a member of the Planning Board and the Waterfront Resilience Commission. Each term shall expire at the end of the official year of the Village, except that, of those first appointed, three shall be appointed to serve for three years, two shall be appointed to serve for two years, and two shall be appointed to serve for one year. The Board of Trustees shall appoint the Chairperson on an annual basis.**

**F.**

**Any vacancy shall be filled by the Board of Trustees for the balance of the expired term within 60 days, or as soon as practicable thereafter, of receiving notice of the vacancy.**

**G.**

**The members of the WAC shall serve without compensation and shall be charged with the duties as set forth in this chapter.**

**H.**

**For conducting business, including making a recommendation of consistency, a quorum shall consist of three members of the WAC.**

**§ 198-21 Review of actions.**

[Amended 11-12-1997 by L.L. No. 6-1997]

**A.**

Whenever a proposed action is located in the village's Waterfront Revitalization Area, **the lead agency** an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in § **198-23** herein.

**B.**

Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Waterfront Revitalization Area, the applicant or, in the case of a direct action, the agency shall prepare a coastal assessment form (CAF) to assist the consistency of the proposed action.

**C.**

The agency shall refer a copy of the completed CAF to the WAC Planning Board within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the WAC Planning Board with reference to the consistency of the proposed action.

**D.**

After referral from an agency, the WAC Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in § **198-23** herein. The WAC Planning Board shall require the applicant to submit all completed applications, CAF's and any other information deemed to be necessary to its consistency recommendations.

**E.**

The WAC Planning Board shall render its written recommendation to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the WAC Planning Board and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the WAC Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate, in writing, the basis for its opinion.

**F.**

The WAC Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

**G.**

In the event that the WAC Planning Board recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the WAC Planning Board recommendation.

**H.**

The agency shall make the determination of consistency based on the CAF, the WAC Planning Board recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within 30 days following receipt of the WAC Planning Board recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this article. The agency will make the final determination of consistency.

**I.**

The Zoning Board of Appeals is the agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the WAC in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

**J.**

Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the waterfront revitalization area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section L. herein.

**K.**

In the event the WAC's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing

the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.

**L.**

Actions to be undertaken within the Waterfront Revitalization Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Piermont LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

**(1)**

Revitalize deteriorated and underutilized waterfront areas (Policies 1, 1A, 1B and 1C).

**(2)**

Retain and promote commercial and recreational water-dependent uses (Policies 2 and 2A).

**(3)**

Strengthen the economic base of smaller harbor areas by encouraging traditional uses and activities (Policies 4 and 4A).

**(4)**

Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5 and 5A).

**(5)**

Streamline development permit procedures (Policy 6).

**(6)**

Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 8, 8A and 8B).

**(7)**

Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 9A and 10).

**(8)**

Minimize flooding and erosion hazards through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 11A, 12, 13, 16, 17, 24, 28 and 28A).

**(9)**

Safeguard economic, social and environmental interests in the coastal area when major action is undertaken (Policies 18 and 18A).

**(10)**

Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 2A, 19, 19A, 19B, 19C, 19D, 19E, 20, 21, 21A, 21B, 21C and 22).

**(11)**

Protect and restore historic and archaeological resources (Policies 23, 23A and 23B).

**(12)**

Protect and upgrade scenic resources (Policies 25, 25A, 25B, 25C, 25D and 25E).

**(13)**

Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policy 40).

**(14)**

Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policies 28 and 28A).

**(15)**

Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 30A, 31, 32, 33, 34, 34A, 35, 36, 37, 38, 39 and 39A).

**(16)**

Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 15A and 35).

**(17)**

Handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policies 39 and 39A).

**(18)**

Protect air quality (Policies 41, 42 and 43).

**(19)**

Protect freshwater wetlands (Policies 44 and 44A).

**M.**

If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless modified to be consistent with the LWRP policies

N.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the WAC Planning Board. Such files shall be made available for public inspection upon request.

**§ 198-22 Enforcement; stop-work orders.**

The Village Building Inspector shall be responsible for enforcing this article. No work or activity on a project in the Waterfront Revitalization Area which is subject to review under this article shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the village's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this article or any conditions imposed thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

**§ 198-23 Penalties for offenses.**

**A.**

A person who violates any of the provisions of or who fails to comply with any conditions imposed by this article shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring

jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

**B.**

The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this article. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§198-24 Severability.**

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

**§ 198-25 Effective Date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Coastal Assessment Form**

Village of Piermont

Local Waterfront Revitalization Program Coastal Assessment Form

**I. INSTRUCTIONS (please print or type all answers)**

A. In accordance with Local Law No. 1 – 1992, all Type 1 and unlisted actions as defined in the State Environmental Quality Review Act regulations (6 NYCRR 617.2) are to be reviewed to determine their consistency with the policies of the Village of Piermont Local Waterfront Revitalization Program (LWRP). This Coastal Assessment Form (CAF) is intended as an aid to the review. Type II actions are deemed consistent with the Local Waterfront Revitalization Program and do not require any further deliberation.

B. As early as possible in an agency's formulation of a direct action or as soon as an agency receives an application for approval of an action, the lead agency under SEQRA shall do the following:

1. For direct agency actions, the agency shall prepare this Coastal Assessment Form to assist with its consistency review.
2. Where applicants are applying for approvals, the agency shall cause the applicant to complete this CAF, which shall be completed and filed together with the application for approval and the Environmental Assessment Form (EAF).
3. For Type I and unlisted actions, the lead agency under SEQRA shall refer a copy of the completed CAF to the Waterfront Advisory Committee (WAC). The WAC will provide an advisory consistency recommendation to the lead agency. The lead agency will make its determination of consistency based on the information contained within the CAF and the recommendation provided by the WAC. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

C. Before answering the questions in Section III, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program, a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

## **II. DESCRIPTION OF PROPOSED ACTION**

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Piermont) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action
2. Application for an Approval

If this is an Application for an Approval or Permit, identify which board or commission has the permit authority?

B. Describe nature and extent of proposed activity:

C. Location of proposed activity (include street or site description):

D. If an application for the proposed action has been filed with the agency, the following information shall be provided:

- a.) Name of Applicant:
- b.) Mailing Address:
- c.) Telephone Number: Area Code

The foregoing is affirmed by \_\_\_\_\_ Date:

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No  Yes

If yes, which state or federal agency?

**III. Coastal Assessment Form** (Check either "Yes" or "No" for each of the following questions).

A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?

(Check)	<u>Yes</u>	or	<u>No</u>
1. Significant fish/ wildlife habitats (7, 8)	<input type="checkbox"/>		<input type="checkbox"/>
2. Flood Hazard Areas (11, 12, 13, 16, 17, 24, 28)	<input type="checkbox"/>		<input type="checkbox"/>
3. Tidal or Freshwater Wetland (44)	<input type="checkbox"/>		<input type="checkbox"/>
4. Scenic Resource (25)	<input type="checkbox"/>		<input type="checkbox"/>

5. Critical Environmental Areas (7, 8, 11, 44)	<input type="checkbox"/>	<input type="checkbox"/>
6. Structures, sites or historic districts, archeological or cultural significance (23)	<input type="checkbox"/>	<input type="checkbox"/>

**Will the proposed action have a significant effect on any of the following?**

1. Revitalization/redevelopment of deteriorated or underutilized waterfront areas (1)	<input type="checkbox"/>	<input type="checkbox"/>
2. Retain and promote commercial and recreational water dependent uses (2)	<input type="checkbox"/>	<input type="checkbox"/>
3. Strengthen economic base of smaller harbor areas w/traditional uses & activities (4)	<input type="checkbox"/>	<input type="checkbox"/>
4. Ensure that development occurs where adequate public infrastructure is available to reduce health or pollution hazards (5)	<input type="checkbox"/>	<input type="checkbox"/>
5. Streamline development permit procedures (6)	<input type="checkbox"/>	<input type="checkbox"/>
6. Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (7, 8)	<input type="checkbox"/>	<input type="checkbox"/>
7. Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (9, 10)	<input type="checkbox"/>	<input type="checkbox"/>
8. Minimize flooding and erosion hazards through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (11, 12, 13, 16, 17, 24, 28)	<input type="checkbox"/>	<input type="checkbox"/>
9. Safeguard economic, social, & environmental interests in coastal area where major action is undertaken (18)	<input type="checkbox"/>	<input type="checkbox"/>
10. Protect and restore historic and archaeological resources (23)	<input type="checkbox"/>	<input type="checkbox"/>
11. Protect and upgrade scenic resources (Policies 25)	<input type="checkbox"/>	<input type="checkbox"/>
12. Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (40).	<input type="checkbox"/>	<input type="checkbox"/>
13. Prevent ice management practices which could damage significant fish and wildlife and their habitat (28)	<input type="checkbox"/>	<input type="checkbox"/>

**14.** Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (30, 31, 32, 33, 34, 35, 36, 37, 38, 39)

**15.** Excavation or dredging activities or the placement of fill materials in coastal waters of Piermont (15, 35)

**16.** Transport, storage, treatment or disposal or solid waste or hazardous materials (36, 39)

**17.** Protect air quality (41, 42, 43)

**18.** Development affecting a natural feature which provides protection against flooding or erosion (12)

**C. Will the proposed activity require any of the following:**

**1.** Waterfront site (2, 4, 6, 19, 20, 21, 22)

**2.** Construction or reconstruction of a flood or erosion control structure (13, 14)

**V. Remarks or Additional Information**

Preparer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Preparer's Name/Title:

## APPENDIX D

### LWRP HISTORIC RESOURCES DETAIL

Site ID		Significance	Date	Image
1	264 Piermont Avenue	<p>This building is expressive in both form and plan of new influences, which were shaping local design after the Revolution, as long standing Dutch construction methods began to wane. The five-bay facade, central entrance plan and original two-story form (the upper frame story was added later) portray English architectural influences.</p> <p>Anecdotal tradition maintains that</p>	c. 1785	

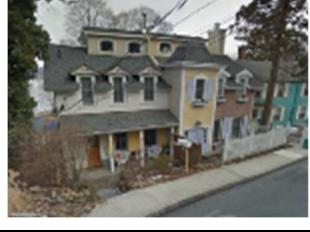
		Aaron Burr took accommodation at this building, an inn, following his July 1804 duel with Alexander Hamilton.		
2	272 Piermont Avenue	Possibly the oldest house in Piermont. Number 272, built around 1730, a few years before George Washington was born. This house was formerly a tavern, believed to have once hosted Washington himself	C. 1730	
3	269 Piermont Avenue	"Protection Engine Company." This two story brick building was originally built as a firehouse for the "Protection Engine Company". Evident on the facade is the reworking of a large bay that once accommodated the company's fire engine. This fire company began operations in 1851 under the direction of James Westervelt, and a firehouse was shown at this location on a map by mid-1850. The village's present Empire fire company was established in 1870. The two functioned simultaneously until at least 1890.	Pre- 1854	
4	Silk Mill Bridge/ Rockland Road Bridge	The Rockland Road Bridge, built in 1874 and restored in 2011, is the only surviving stone and single-span, brick-arched bridge in Rockland County and one of the only three remaining in New York State.	c. 1874 Restored in 2011	
5	290 Ferdon Avenue	Haddock's Hall, known locally as the Silk Mill, was built in 1876 and listed on National Registry of Historic Places in 1990. It served as Piermont Village Hall, library, music hall and general store from 1876-1900. In 1900 it became Hasbrouck Motor Works making motors for yachts. From 1926 to 1975 it was a textile mill. During WW2, ripcords for parachutes and ribbons for good conduct medals were made here. Today it is a	c. 1876	

		private residence.		
6	277 Ferdon Avenue	Ferdon Hall is a keynote building in Piermont and arguably the best remaining example of antebellum temple-front neoclassical architecture in Rockland County. This Greek Revival Temple House with Iconic columns was built by prominent nineteenth century Piermont resident and mill proprietor, William Ferdon in 1840. It was recently restored and expanded with such care that the new faithfully represents the old.	c. 1840	
7	20 Rockland Road	Victorian, original Lawrence House, later home & lab for Sparhawk renowned chemist and perfumist.	c. 1850	
8	321 Ferdon Avenue	Built by Roger Haddock for his family.	c. 1875	
9	335-345 Ferdon Ave	Believed to have been built as housing for Erie Railroad workers.	c. 1842	

10	355 Ferdon Avenue	First Dutch Reformed Church, similar in appearance to the original which was nearly 100 years old when it burned in the 1940s.	ca. 1940s	
11	361 Ferdon Avenue	Manse for the Dutch Reformed Church.		
12	352 Piermont Avenue		c. 1780	
13	369 Ferdon Avenue		ca. 1835	
14	379 Ferdon Avenue	Built for the children of the owner of 369 next door.	c. 1850	
15	Drawbridge	The Piermont drawbridge was built in 1880 by the King Iron Bridge Company. Today the drawbridge is used as a pedestrian walkway providing a path to the Tallman Mountain State Park. This bridge is the only known hand bridge in Rockland County and maybe even the United States. The bridge just went through a major restoration and was restored to its original state with a complete forensic analysis conducted.	1880	

16	Army Bridge	Built to accommodate WWII infantry marching to the embarkation point at the end of the pier.	C 1945	
17	38 Paradise Avenue	Sneden house	1800	
18	54 Paradise Avenue	Victorian gothic home	1838	
19	120 Paradise Avenue	Built by Captain Potter	c. 1800	
20	118 Paradise Avenue	Built for Captain Potter's son-in-law Peter Bogert	1850	
21	117 Paradise Avenue	Warehouse for 118, converted to a house in c. 1843. Renovated and rebuilt in 2002.	1820	
22	454 Piermont Avenue	Former Chamberlain Inn	Pre-1854	

23	468 Piermont Avenue	Former Delmar Hotel	Pre-1854	
24	474 Piermont Avenue		Pre-1854	
25	478 Piermont Avenue	Village Hall built on the site of the former Baptist Church	1938	
26	482 Piermont Avenue		1930	
27	486 Piermont Avenue		Pre-1854	
28	489 Piermont Avenue	Victorian with mansard roof, built by Cornelius Blauvelt.	1853	

29	500 Piermont Avenue		Pre-1854	
30	516 Piermont Avenue		Pre-1854	
31	525 Piermont Avenue	Site of the Erie Railroad roundhouse repair shop.		
32	556 Piermont Avenue	Well preserved.	1810	
33	62-64 Ash Street	Victorian Brick	C. 1850	
34	50 Ash Street	Former railroad station on the Northern Railroad of New Jersey.	1873	
35	46 Piermont Place	Early 20th century craftsman style.		

36	57 Piermont Place	Federal- well preserved.	C. 1790	
37	6 Franklin Street	Greek Revival- Walton Residence		
38	26 Franklin Street	Victorian		
39	153 Hudson Former Piermont Library	Classic example of brick Greek Revival. Library moved into building in 1909 and moved out in 2007 to present location at 25 Flywheel Park West	Pre-1854	
40	170 Hudson Terrace		1840	

41	211 Hudson Terrace	Queen Anne/ Jacobean Revival.		
42	259 Hudson Terrace	Shingle style	C. 1880	
43	Knights of Columbus	Victorian with mansard roof		
44	680 Piermont Avenue	3-story brick Greek Revival		
45	688 Piermont Avenue	Early 19th century Greek Revival		
46	696 Piermont Avenue	Early 19th century Greek Revival with two giant ionic columns supporting the pediment. The building was one of the private bungalows owned by Fort Comfort Inn and available to Fort Comfort Inn guests in the early 1900s. The building later became a single family residence owned by the	c. 1887-1893	

		Alise family. The property originally included land with garages to the rear of the existing residence. The main rectangle of the house is the original structure. An addition was added in the 1920's on south side of the house. Some of the house's original period details and stained glass were removed during renovations. The present owners have reclaimed original floors and rebuilt a curved ceiling in the 1920's addition.		
47	712n-720n Piermont Avenue	Pudding stone gate posts and crenelated curved battlement and towers, part of the landscaping of Fort Comfort/ Villa Pierre resort.		
48	730 Piermont Avenue	Greek Revival with "Mississippi Steamboat" decorations added.	1830	
49	758 Piermont Avenue	Onderdonk House- Red sandstone Dutch Colonial. Site of meeting on May 6, 1783 between George Washington and Lord Carleton to arrange for the final evacuation of British troops at the end of the Revolutionary War.	1737	
50	25 Ritie Street	Board and Batten. Carpenter Gothic Victorian.	1896	

51	20 Ritie Street	Related to Onderdonk House	c. 1801	
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