

City of Rensselaer  
Local Waterfront Revitalization Program Update  
FINAL DRAFT  
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City of Rensselaer

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## INTRODUCTION

### Project Overview

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of New York State Executive Law) was enacted in 1981 by the New York State Legislature in order to execute the Coastal Management Program at the state level. A voluntary partnership between local communities and the New York State Division of Coastal Resources, the Coastal Management Program strives to protect natural coastal resources; advance economic development opportunities; and enhance waterfront opportunities and experiences. The Local Waterfront Revitalization Program (LWRP) is the comprehensive waterfront management planning process developed under the Act to allow local communities to prepare waterfront development objectives by adopting statewide policies to the individual circumstances of each community. Once completed and approved by the New York State Secretary of State, the LWRP provides the City of Rensselaer with the local controls necessary to guide waterfront development.

The City of Rensselaer continues to recognize the strong potential of its Hudson Riverfront as the focus of its long-term revitalization efforts.

A significant amount of planning and investment has been undertaken along the waterfront since adoption of the original plan in 1986. Consequently, the City recognized the need to prepare an Update to its Local Waterfront Revitalization Program. This effort provides the City with an opportunity to reaffirm its commitment to sustainable development, to market riverfront potential to investors, and to discuss opportunities for inter-governmental cooperation (local/ county/ state/ federal) and private/public partnership to achieve the LWRP program objectives.

### Benefits Associated with an Adopted LWRP

One of the major benefits of the Waterfront Revitalization Act is the concept of "consistency." The process of program approval allows the State an adequate opportunity to determine that the local program does, in fact, further State coastal policies so that with State approval, the LWRP can act as a guide for State and Federal actions to ensure their consistency with the local program.

Additionally, another benefit available to the City is financial assistance through the Department of State Coastal Management Program for implementation of the LWRP. Once the program is approved, grants are available for research, studies, design development, and other necessary activities which serve to implement the various projects identified in the Program.



## Waterfront Planning in Rensselaer

On May 22, 1986 the City of Rensselaer Common Council adopted the City's first LWRP. This plan was subsequently approved by the New York State Secretary of State on March 13, 1987 and U.S. Office of Ocean and Coastal Resources Management on June 10, 1987. The original LWRP recognized that the significant waterfront lands in the City provided great opportunities for economic development, conservation, and recreation. Over the past two decades, the LWRP has been used extensively to guide development activities and to ensure that projects undertaken by State and Federal agencies are completed in a manner consistent with the policies identified within the document.

Since 1986, the City has continued to recognize the value of planning for, and embracing, positive change. Recently completed studies impacting the City's riverfront include:

- City of Rensselaer Downtown Redevelopment Plan 2003-2010, 2003.
- North Broadway Corridor Study: Conceptual Corridor Improvement Plan, March 2004.
- Comprehensive Plan, 2006.

These studies have addressed both the intent of the New York State Coastal Management Program and the overall objective of the City's Local Waterfront Revitalization Program:

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

## Organization of the LWRP

The planning process through which the City's program has evolved included the following steps, as sequentially discussed in the body of this report:

*Section 1. Waterfront Revitalization Area Boundary*, in which the portion of the New York State Coastal Management area to which this LWRP applies is defined.

*Section 2. Inventory and Analysis*, in which conservation and development opportunities and constraints within the Local Waterfront Revitalization Area are identified and their complexities and interrelationships examined.

*Section 3. Waterfront Revitalization Policies*, in which the City's governing body, its Common Council, upon recommendation of the LWRP Steering Committee and City's Planning Commission, identifies those State policies applicable to the City's coastal area and develops a statement of local significance.



*Section 4. Proposed Land and Water Uses and Proposed Projects*, in which specific proposals are presented regarding potential land uses and projects to be undertaken to advance the coastal policies.

*Section 5. Techniques for Local Implementation*, in which specific management, funding and program strategies are identified or developed including organizational structures, land use controls, laws, ordinances, regulations, local government capabilities, and necessary and appropriate state actions.

*Section 6. State and Federal Actions and Programs Likely to Affect Implementation*, in which these agencies comment on the proposed waterfront program.

*Section 7. Local Commitment and Consultation with Federal, State, Regional, and Local Agencies* in which the impacts of non-local programs and actions are considered and both those programs and the proposed waterfront program are modified for consistency.



## INTRODUCTION

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## SECTION 1. WATERFRONT REVITALIZATION AREA BOUNDARY

### Introduction

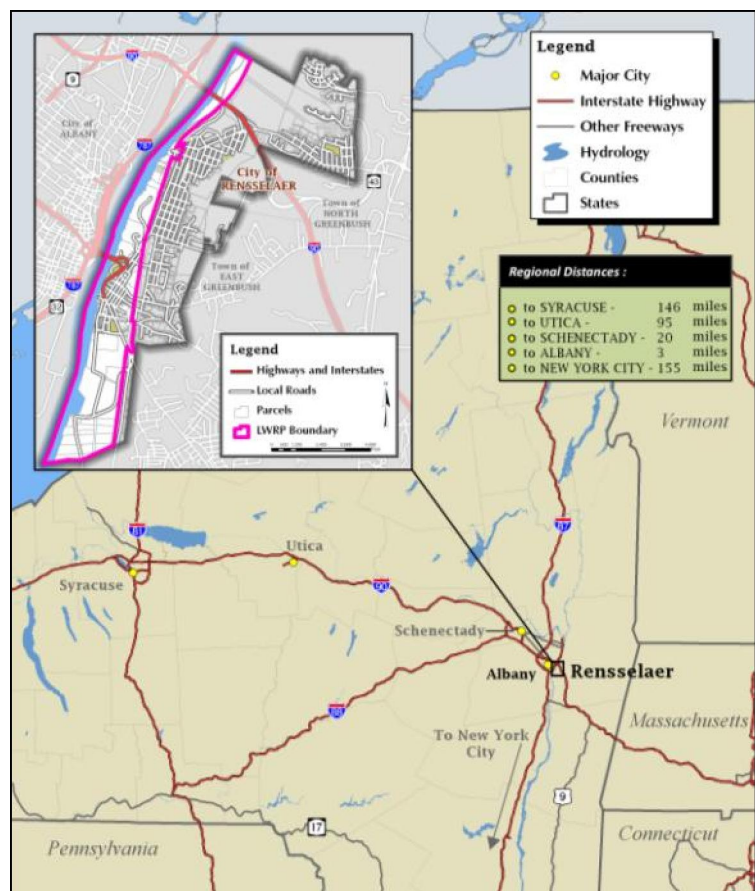
The State's Coastal Management Program established statewide coastal boundaries in accordance with the requirements of the Coastal Zone Management Act of 1972, as amended, and its subsequently-issued rules and regulations. This previously designated waterfront revitalization area boundary for the City of Rensselaer has been reviewed and reaffirmed during the 2010 Local Waterfront Revitalization Program Update planning process.

### Regional Context

As shown in Figure 1, the City of Rensselaer is strategically located along the eastern banks of the Hudson River in Rensselaer County, New York. The City of Albany is located on the western shore of the Hudson River across the Hudson River. The Town of North Greenbush is located to the north and east, and the Town of East Greenbush is located to the east and south.

In addition to being in New York's Capital District, Rensselaer is also less than a three-hour drive to other major cities in New York (as depicted in Figure 1), including Syracuse (146 miles), Utica (95 miles), and New York City (155 miles). On the eastern boundary of New York State, Rensselaer also enjoys direct access to major cities along the eastern seaboard including Boston, MA (160 miles); Hartford, CT (110 miles); Burlington, VT (150 miles); Concord, NH (150 miles). In addition, Rensselaer is located exactly three hours south of the international boundary between the United States and Canada.

FIGURE 1: REGIONAL CONTEXT





## Landside Boundaries

The LWRP boundary encompasses approximately 826 acres including the rail line and right-of-ways, and approximately 512 acres excluding the rail line and right-of-ways. Within the boundary are 547 individual parcels, which account for approximately 17 percent of total parcels in the City.

### *Existing Landside Boundary*

As illustrated in Figure 2, the inland coastal boundary in Rensselaer generally follows the landward (eastern) edge of the right-of-way of the Conrail tracks, which extend from south to north throughout the City. This boundary has been selected based on several existing characteristics:

- Generally coincident, though not identical, with the 100-year flood hazard area boundary;
- Being the point at which the land begins to slope upward from the Hudson River plain; and
- Being a distinct land use boundary between commercial, mixed-use, and industrial oriented uses on the river side of the Conrail tracks and a greater concentration of residential land uses on the landward side.

Where the limit of the 100-year flood extends landward (generally easterly) of the right-of-way of the tracks, the waterfront revitalization area boundary instead follows the 100-year flood boundary. The existing boundary makes one detour from this course to encompass the historic district in the Bath neighborhood.

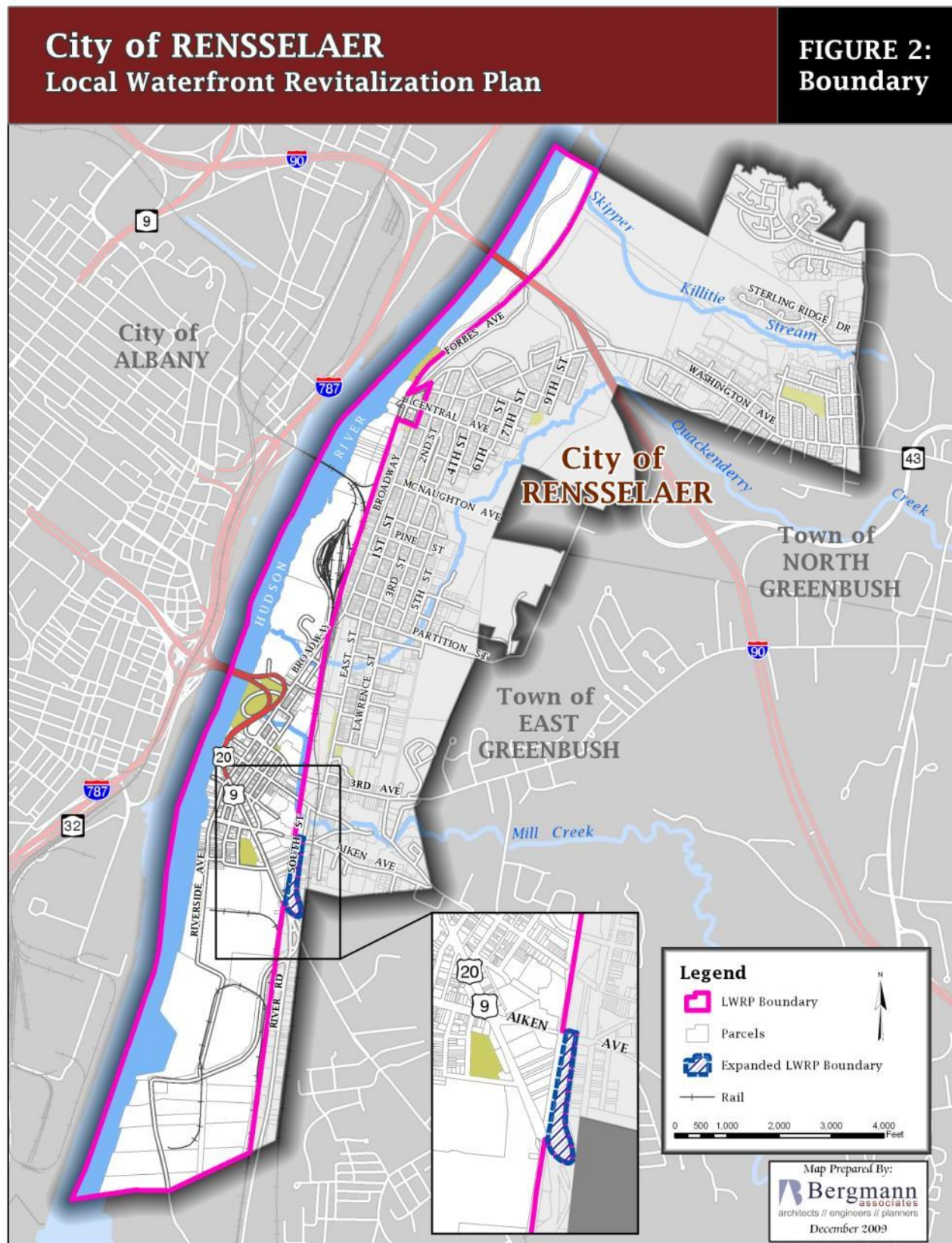
### *Proposed Landside Boundary*

As illustrated in Figure 2, the inland coastal boundary in Rensselaer is proposed to generally follow the landward (eastern) edge of the right-of-way of the Conrail tracks, which extends from south to north throughout the City. This boundary was selected based upon several existing characteristics:

- Generally coincident, though not identical, with the 100-year flood hazard area boundary;
- Being the point at which the land begins to slope upward from the Hudson River plain; and
- Being a distinct land use boundary between commercial, mixed-use, and industrial oriented uses on the river side of the Conrail tracks and a greater concentration of residential land uses on the landward side.

Where the limit of the 100-year flood extends landward (generally easterly) of the right-of-way of the tracks, the waterfront revitalization area boundary instead follows the 100-year flood boundary. While the existing boundary currently makes one detour from this course to encompass the historic district in the Bath neighborhood, it is proposed to make another detour to also include a parcel on the east side







of South Street between Aiken Avenue and Columbia Street (Routes 5 & 20). This parcel is the site of Ashland Chemical and incorporation of the site into the LWRP boundary will help to foster and promote appropriate redevelopment. Inclusion of this site within the waterfront revitalization area is also consistent with the City's proposed Brownfield Opportunity Area boundary.

### Waterside Boundaries

The Hudson River is designated as a "coastal water body" as defined by New York State Executive Law, Article 42, Section 911, and is therefore required to be included in the boundaries of the Local Waterfront Revitalization Program.

The waterside boundary of Rensselaer's coastal area is coincident with the City's legal jurisdiction. The Rensselaer City Charter (1915) specifically defines the City's legal jurisdiction as coincident with the westernmost boundary of Rensselaer County; this boundary is the approximate centerline of the Hudson River.



## SECTION 2. INVENTORY AND ANALYSIS

Planning for appropriate land use and development within the waterfront program area requires a clear understanding of its existing natural and man-made resources. The City's Local Waterfront Revitalization Program Update planning process has included review and updating of data provided within the City's existing Local Waterfront Revitalization Program (1987); the Downtown Redevelopment Plan (2003); and City of Rensselaer Comprehensive Plan (2006).

The Rensselaer riverfront is a place where there is both a need and an opportunity for major physical and economic improvements. It is a riverfront that has ample space for all the uses that characterize an urban waterfront -- commerce, recreation, housing, and open space. The difficulty is making something happen -- finding funds, identifying a market, or creating a demand for the use of Rensselaer coastal resources. It is, therefore, those policies geared to inducing activity that are most relevant to Rensselaer and that should be the focus of a local coastal management program. Substantively, the policy direction of a local program for Rensselaer should center on needs in recreation, public access, economic development and aesthetic quality.

While there is now little in the way of developed recreation facilities or public access, Rensselaer is in a better position to take advantage of its riverfront for such development than most other Hudson River cities. There are several reasons for this. First, potential conflicts between recreation and other uses need not be a problem. Though there is industrial development, it is in the southern part of the City, removed from the relatively undeveloped shorefront in the remainder of the City. Second, railroads or urban expressways generally do not limit physical access to the river. In other Hudson River cities, such as Albany and Poughkeepsie, these are definite barriers to access. Third, there are no extreme topographic barriers to overcome. And fourth, there is a considerable amount of undeveloped land and some land in public ownership. Development of a comprehensive open space plan should, therefore, be a primary objective of a local coastal management program. The City has seen progress along its waterfront since the 1987 LWRP was written and has successfully achieved some of the goals and objectives set forth in that Program. Most notable are the approved creation of a mixed-use hub on the former school property and the obtainment of an easement for a waterfront trail on the AMTRAK property.

Economic development is important to Rensselaer because as a small economically distressed city, its citizens need improved employment opportunities, and its government needs an improved economic condition to increase the revenue needed to undertake projects necessary for a fuller utilization of waterfront resources. To meet the City's need for economic growth there is potential for expanded activity on the Rensselaer side of the Albany Port District, particularly in light of reconstruction of the docks. There is potential also for industrial development on a highly suitable parcel of undeveloped land to the east of the Port District. This site has public utilities, rail sidings, good access to the port, few topographic constraints, and is surrounded by industrial uses.



The significant amount of open space along Rensselaer's shore provides opportunity to enjoy not only the striking architectural variety of New York's capital city, with all its historic and cultural associations, but also the natural and man-made aesthetic attributes of Rensselaer itself. There is a tree-edged beach, gently rolling fields, and wooded hills, as well as two areas of significant architecture representative of several historic periods. Unfortunately, the areas and views described are not always accessible and the historic districts are in a deteriorated state. Again, an open space plan would be an important next step in improving these conditions and thus the aesthetic quality of Rensselaer.

### Historical Overview

The City of Rensselaer is a quaint working class community with charming residential communities perched on hilltops that look down to the majestic Hudson River and the City of Albany skyline. The early development pattern of Rensselaer was defined by the city's early dependence on the Hudson River as a source of transportation, economic development, recreation, and natural resources.

The City of Rensselaer was originally part of Rensselaerwyck manor, an early Dutch feudal manor established by Kilean Van Rensselaer. The portion of the manor in Rensselaer County was 24 miles long and ran along the Hudson River to include the areas now known as Nassau, North and East Greenbush, Sand Lake, Grafton, Brunswick, Petersburg, Berlin, Pittstown, Troy and Rensselaer. Fort Crailo, located in the City of Rensselaer, was the early Manor house, and is the site where "Yankee Doodle" was composed in 1758 by Dr. Richard Schuckburg, an army surgeon during the French and Indian War. Today Fort Crailo is operated by the National Park Service as a National Historic Landmark. The early Dutch history remains present in the city today in the form of neighborhood designations, architecture, and traditional family names.

The City of Rensselaer was originally incorporated as a town, known as Greenbush, in 1815. In 1897, Greenbush was chartered as a city and its name was changed to Rensselaer. Throughout the 19<sup>th</sup> century, the city entered an era of industrial growth that shaped both the Capital District and the entire northeastern United States. The upper Hudson Valley became a primary economic engine for the state and nation, with a myriad of products being produced and invented, ranging from textiles to heavy machinery. The upper Hudson Valley became the center for distribution activity with the confluence of the Erie and Champlain Canals and the Hudson River.

Rensselaer became an important hub of regional industrial activity, with the presence of companies such as Huyck Mills, Hudson River Aniline Color Works, and Bayer Pharmaceuticals. The Bayer site was purchased in 1978 by BASF Corporation which was one of the region's largest employers until 2000. However, Rensselaer, like other industrial-base cities in the northeast, have seen their industrial base slowly erode over the last three decades as the national economy has moved from manufacturing-based to information and service-based sectors. New trends associated with the redevelopment and reuse of industrial properties have the potential to create new opportunities for the city to turn these underutilized



waterfront parcels into affordable locations for office, research and development facilities, and distribution and warehouse space for a growing high technology industry in the Capital Region.

While the City has maintained its role as a shipping and distribution center managed by the Albany Rensselaer Port District Commission, there are few prominent employers located within the city limits. With its industrial influence in its past, the city has become a bedroom community for the City of Albany and the Capital District. Great potential still lies ahead for Rensselaer. With significant waterfront lands still undeveloped and underutilized, and unparalleled views of the Albany skyline, opportunities to redefine the City are still plentiful. Current planning and development efforts have the potential to make Rensselaer the premiere waterfront destination in the Capital District, with a wide range of activities, including shopping, nightlife, recreation, and residential living.

Recent investments in the Albany-Rensselaer Train Station marked the beginning of the City's redevelopment efforts. The Train Station serves as the cornerstone of a regional multi-modal transportation network and is one economic development driver that has emerged in the City over the past decade. The station was completed in 2002 and includes a coffee shop, newsstand, and post office. The intermodal station replaced the adjacent 1968 terminal, which is now used as office space by Amtrak. The approved waterfront development, known as DeLaet's Landing, also has the potential to have a significant impact on the City's economic position. The mixed-use development will highlight its waterfront location and will have strong connections to both the downtown core and the train station. Additional information on DeLaet's Landing and its impact on the City and waterfront is included in Section 4 of the LWRP.

## City Profile

Demographic and economic characteristics of the City of Rensselaer can have direct implications on the opportunities associated with the development and revitalization of the City's riverfront.

### *Demographic Characteristics*

#### *Population*

Population data for the City of Rensselaer for the years 1970 to 2000 indicate that population has been steadily declining, with the greatest population reduction, approximately 11 percent, occurring between 1970 and 1980. However, population indicators show that the population of the City increased between 2000 and 2010, from 7,761 residents to 8,195. Looking ahead to the next thirty years, population forecasts indicate that the City will again begin to lose population, with a loss of approximately 1 percent per year through 2040.

Rensselaer County has seen a slight increase in its total population over the past decade, with population growth of 1.8 percent between 2000 and 2008. The County as a whole has been growing since 1970, with the only loss of population recorded between 1990 and 2000. The County population is expected to grow



by approximately 3 percent between 2010 and 2040.

The median age of a Rensselaer resident in 2000 was 35 years. Between 1990 and 2000, there was a significant increase in the number of residents between the ages of 45 and 54, with the number of school-age children remaining relatively stable. However, the number of children under the age of 5 and adults over the age of 60 decreased between 1990 and 2000. This decrease may be attributable to the overall loss of population in the city, but is data that should be reviewed closely after the 2010 Census figures are available. The loss of population in specific age groups should be examined to determine why reductions are occurring and what impact that may have on the services and opportunities the city provides.

#### *Household Characteristics*

In Rensselaer, household size has dropped from 2.42 persons per household in 1990 to 2.28 persons per household in 2000. New data will become available after completion of the 2010 Census, though it is anticipated that household size will have continued to decrease modestly over the past decade. The drop in household size since 1990 is consistent with national trends. Over the course of the past three decades, the number of households in the City of Rensselaer has remained relatively steady, with a slight decline since 2000 that is expected to continue through 2030.

#### *Education*

According to 2000 Census data, 74 percent of residents over the age of 25 have earned a high school diploma or equivalent, with 12 percent of those also earning an associates degree, 14 percent earned a bachelor's degree, and 10 percent earned a graduate degree.

#### *Housing Ownership*

In 2000, almost three-quarters of Rensselaer's housing stock was comprised of single-family detached houses (39.2 percent) and two-family houses (32.1 percent). Based on anecdotal information acquired from the City, the number of conversions of single and two-family homes to multi-family units over the past decade has increased substantially. Therefore, new data from the 2010 Census is expected to show a rise in the number of multi-family units.

According to the 2000 US Census, approximately 92 percent of Rensselaer's housing units are occupied, with a fairly even split between owner-occupied and renter occupied. The large number of rental units in the city can be viewed as both a positive and a negative. On the positive side, the large number of rental units may indicate that there are a wide variety of housing options available within the city, including affordable housing. However, high percentages of renter-occupied housing units often indicate an issue with absentee landlords. Generally, absentee landlords can be an issue for communities because they lack a strong connection to the renters occupying their units, are not available to deal with day-to-day issues, and are not involved in the community on a regular basis. Renters are also typically less involved in regular



maintenance of housing units and tend to be less vested in the upkeep of their neighborhood and community. As a result, structures with rental units may become rundown as a result of reduced maintenance and can negatively impact a neighborhood's appearance and as a result, housing values. In 2007, median gross rents in the City of Rensselaer (\$668) were notably higher than the New York State average of \$580.

#### *Housing Costs and Value*

The majority of housing units in the city were constructed prior to 1939. While older housing stock can be seen as a positive attribute, contributing to community character and having architectural details not common on new housing stock, it can also present challenges. Older housing stock is typically costlier to maintain and may require a greater level of effort to maintain. When residents cannot afford general maintenance or upkeep, or do not have the time for maintenance, it can have significant impacts on the quality, character, and housing values within a neighborhood.

Median housing values from 2007 indicate that the value of housing in Rensselaer is considerably lower than the state as a whole. The median house value in Rensselaer was \$138,917 compared to the state median of \$311,000. The average cost of a detached house was also notably lower, indicating the City is a relatively affordable place to purchase a home. The 2007 average price for a home in Rensselaer was \$142,637 versus \$352,556 for the state. The average cost of a home in the City of Rensselaer is consistent with Rensselaer County as a whole, which is \$144,400.

The overall cost of living in Rensselaer County is approximately 2.53 percent higher than the US average.

#### *Economic Characteristics*

##### *Household Income*

Household income includes wages earned by an entire household, whether or not individuals are related as part of a family unit. A household may consist of a single person, a family, a non-traditional family, or non-related persons. The City of Rensselaer's median household income was \$25,729 in 1990 and \$34,730 in 2000. When the 1990 figure is adjusted for inflation, it equals approximately \$34,450 in 2000 dollars, indicating nearly stagnant household income increases within the city.

According to the US Department of Housing and Urban Development (HUD), three-person households in the Albany-Schenectady-Troy MSA that earn less than or equal to \$39,950 a year are considered low income. This is based on data available in 2003 and may have been updated since that time to reflect current economic conditions and inflation. Based on this figure and 2000 US Census data, almost half (47 percent) of Rensselaer residents are classified as low-income.



### *Employment and Unemployment*

In the City of Rensselaer, public administration, education and health services, and retail trades were the top employment sectors in 2000. The City of Rensselaer and the Rensselaer Public School District remain two of the largest employers within the City today.

When considering regional employment trends, New York State remains one of Rensselaer County's largest employers. The City of Albany, located due west from Rensselaer across the Hudson River, is also a major employer within the Capital District. Government, education, and health services are the main industry sectors in Rensselaer County.

The average unemployment rate for Rensselaer County in 2009 was approximately 8.2 percent, with negative job growth. This is consistent with job trends throughout the state and country as the nation tries to rebuild itself economically after a two year recession.

### **Land and Water Uses**

The City of Rensselaer is diverse, and this diversity is reflected in its land use patterns. With a strong residential base that includes single-family, townhomes, multi-family, and mixed-use units, the City also boasts several commercial areas, a large industrial center, parks and open spaces, and public service uses within its municipal boundaries. Development considerations and land use needs in Rensselaer in the 1800's resulted in the type of land use and densities of development that are still visible today. The pattern of development in the city is typical of industry-driven river valley communities that prospered in an era when the attractive advantage to industrial development was a riverfront location for trade and access to rail.

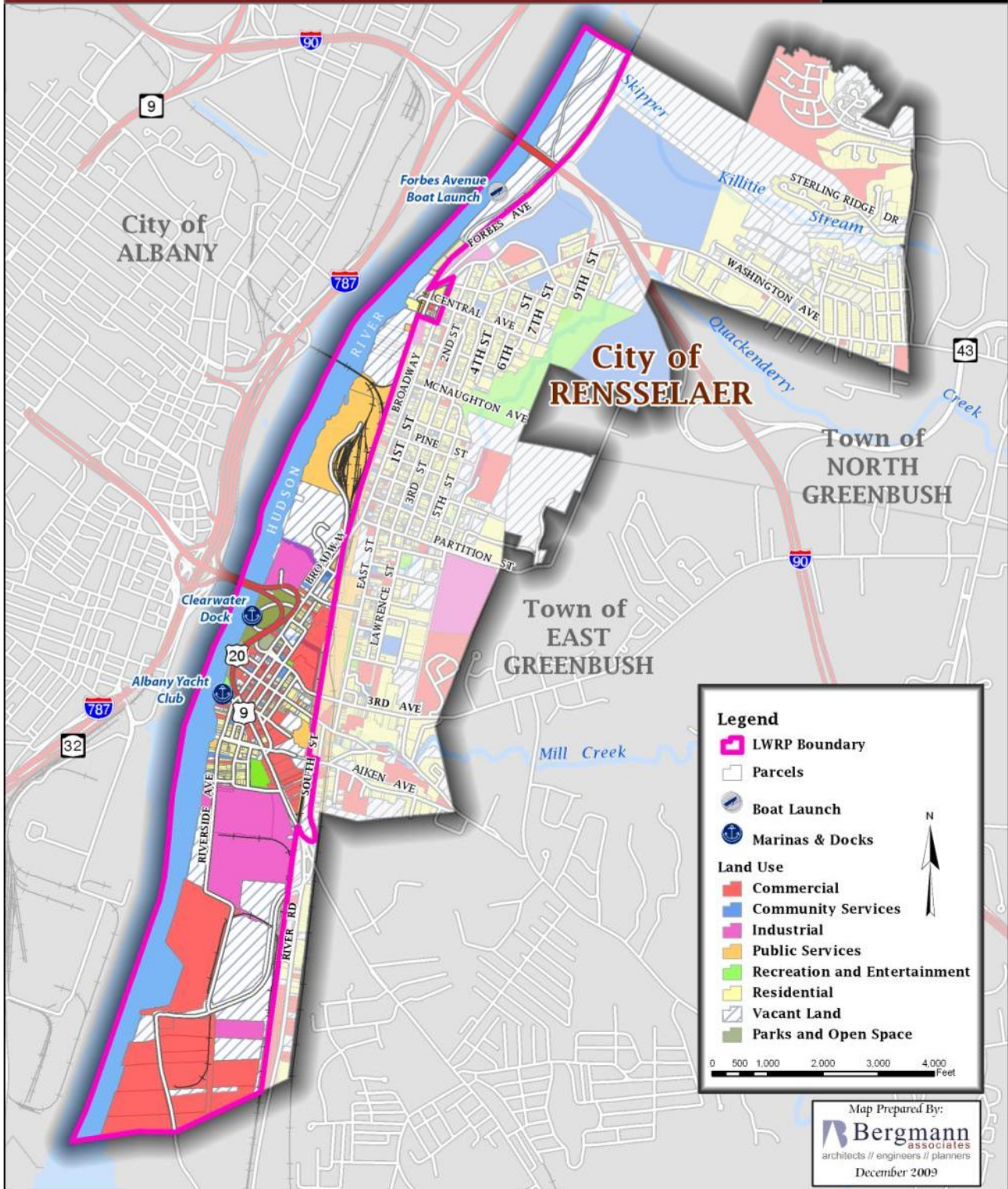
The Rensselaer riverfront was flat, making it highly desirable for industrial, mercantile, and railroad activity. This early development restricted the creation of other waterfront land uses, including parks, institutional uses, and residential uses. However, residential development quickly developed in close proximity to the waterfront, as the working class who relied on the waterfront for their livelihood, settled close to the employment and service centers. Early residential development in Rensselaer occurred largely on the hillsides and less elevated sections of the plateau, and was supported by a strong north-south street pattern.

The advent of the automobile brought additional development opportunities, with new residential areas emerging beyond the first ridge of the upland plateau, extending to the Eastland Park area of Rensselaer and beyond to the communities of East and North Greenbush. The river valley and its steep slopes which were historically attractive for development are now seeing the negative aspects of their location, including increased flood hazards and limited space for expansion and new development. As a result, the last three decades have seen new development occurring outside the city limits in communities surrounding Rensselaer. Consequently, land values have been declining and new investment has been limited.



## City of RENSSELAER Local Waterfront Revitalization Plan

**FIGURE 3:  
Land &  
Water Uses**





However, planning efforts in recent years have resulted in a renewed interest in development in the city that takes advantage of all Rensselaer has to offer – its expansive waterfront with ample redevelopment opportunities, unparalleled views of the downtown Albany skyline, lower costs associated with purchasing land, and immediate access to all modes of transportation (rail, water, land).

### *Existing Land Use*

Within the LWRP boundary, the largest existing land use classification is Commercial, followed closely by Vacant. Commercial land uses account for approximately 165 acres of land in the LWRP study area boundary while Vacant lands account for approximately 141 acres of land. Together, these land uses equate to almost sixty percent of the total LWRP land area.

Land use information was obtained from the New York State Office of Real Property Services (NYSORPS) and is based on property assessments. NYSORPS has identified nine land use categories which are used to classify lands within New York State. Eight of the nine land use categories are present within the City's LWRP boundary. The Agricultural land use category is the only use not present. There is one parcel within the LWRP boundary classified as Unknown which indicates that the local assessor did not provide a land use classification to the state for this specific property.

Brief descriptions of each of the land use categories, according to the NYSORPS definitions, are provided below:

#### *Commercial*

Commercial land uses are defined by the New York State Office of Real Property Services as properties used for the sale of goods or services.

#### *Vacant*

Vacant lands are defined by the New York State Office of Real Property Services as properties that are not in use, are in temporary use, or that lack permanent improvement. It should be noted that vacant lands may include open spaces such as woods, former agricultural parcels, wetlands, or habitats for animals.

#### *Industrial*

Industrial land uses are defined by the New York State Office of Real Property Services as properties used for the production and fabrication of durable and non-durable man-made goods.

#### *Public Services*

Public service land uses are defined by the New York State Office of Real Property Services as properties used to provide services to the general public, such as utility providers.



### *Community Services*

Community Service parcels are defined as property used for the well being of the community, such as a school.

### *Residential*

Residential land uses are defined by the New York State Office of Real Property Services as properties used for human habitation, but excluding hotels, motels, and apartments which are listed in the Commercial category.

### *Open Space & Conservation*

Conservation and park parcels are defined by the New York State Office of Real Property Services as reforested lands, preserves, and private hunting and fishing clubs.

### *Recreation and Entertainment*

Land uses classified as Recreation are defined by the New York State Office of Real Property Services as property used by groups for recreation, amusement, or entertainment. Table 1 summarizes land uses within the LWRP boundary, including the number of parcels, total acreage, percent of total land area within the LWRP boundary, and average parcel size. Figure 3 graphically portrays the land use assigned to each parcel within the boundary.

TABLE 1: EXISTING LAND USE – LWRP BOUNDARY

Land Use Category	Parcels	Acreage	% Total (LWRP Land Area)	Average Parcel Size (in acres)
Commercial	126	165.1	32.3%	1.31
Vacant	144	140.8	27.5%	0.98
Industrial	7	80.4	15.7%	11.49
Public Service	8	55.0	10.7%	6.88
Community Services	14	28.1	5.5%	2.01
Residential	230	22.1	4.3%	0.10
Open Space & Conservation	14	14.7	2.9%	1.05
Recreation & Entertainment	3	5.0	1.0%	1.67
Unknown	1	0.4	0.1%	0.40
TOTAL	547	511.5	100%	0.94

Source: New York State Office of Real Property Services



The percentage of lands classified as commercial is attributed, in large part, to a number of large parcels in the Albany Rensselaer Port District area that are not classified as Industrial, though have Industrial-oriented uses. The State Routes 9 and 20 corridor serves as a second concentration of commercial uses.

Vacant lands are scattered throughout the LWRP boundary, and include large parcels in the Port area, the future site of DeLaet's Landing, the aggregate sites that compose the previously proposed "Killians Landing" project, and the lands owned by RPI in the northern riverfront area. Smaller vacant parcels are scattered in the Central Business District area and serve as good opportunities for infill development. The vacant parcels in the LWRP boundary and throughout the City represent significant opportunities for new investment, development, and increased tax base for the City of Rensselaer.

### *Water Uses*

Water-based uses within the City include both water-dependent and water-enhanced uses, as described below and depicted on Figure 3b.

#### *Water-Dependent Uses*

Water-dependent uses are those which could not exist without a waterfront location. Examples of water-dependent uses include:

- Docks and piers;
- Marina activities requiring access to the water;
- Boat repairs and short-term parking for boaters;
- Commercial fishing operations;
- Port activities requiring the loading and unloading of vessels; and
- Water-oriented recreation.

Outside of uses on Albany Rensselaer Port lands, there are limited water-dependent uses in the City of Rensselaer. The Albany Rensselaer Port encompasses approximately 236 acres, of which 202 acres are on the Albany side of the river and approximately 40 acres are on the Rensselaer side. While a variety of industrial, commercial, recreational, and tourism-oriented uses are located on port lands, the majority of activity is located on the Albany side. The Port of Albany Master Plan and Redevelopment Study (adopted in 2000) notes that the Rensselaer side of the port can generally be categorized as underutilized, and therefore is very



The Albany Yacht Club is an existing water-dependent use on the City's waterfront. There are stunning views of the Albany skyline visible from this site.



important to the Port's future growth. The long-term goals for the Rensselaer side of the Port include attracting new businesses and relocating existing tenants. Potential target tenants would include existing and future bulk cargoes. The port is managed by the Albany Port District Commission, which is a public benefit corporation created by the State of New York. Port facilities within the City of Rensselaer include deep water facilities; a wharf with one berth; open storage yard; warehouses; bulk storage facilities; and scrap yard.

The Albany Yacht Club, Clearwater dock, and Forbes Avenue Boat Launch are other water-dependent uses in the City and are described in greater detail in the Community Resources portion of the LWRP.

#### *Water-Enhanced Uses*

Water-enhanced uses are those uses that do not require a waterfront location to survive, but that are improved or benefit from a waterfront setting. Examples of water-enhanced uses include, but are not limited to:

- Hotels;
- Restaurants;
- Parks and recreational amenities; and
- Residential uses.

Water-enhanced uses within the City include the majority of waterfront lands not previously identified. Residential units in the Fort Crailo neighborhood, Riverfront Park, the DeLaet's Landing project, and the open space lands of RPI are all enhanced by their waterfront location.



## Zoning

The City of Rensselaer is in the process of updating their Zoning Code, concurrent with their effort to prepare an update to the Local Waterfront Revitalization Program. The Zoning Code Update will ensure zoning is consistent with the Comprehensive Plan and Future Land Use Plan developed in 2006, and ensures the proposed projects identified in the LWRP will be feasible within the City's regulatory structure. Existing zoning is shown on Figure 4a, with proposed zoning modifications depicted on Figure 4b.

The proposed zoning map for the City includes nine districts, of which seven are located within the LWRP boundary. Table 2 shows a breakdown of proposed zoning districts within the LWRP boundary including total number of parcels, total acreage, percent of total land area, and average parcel size by zoning district.

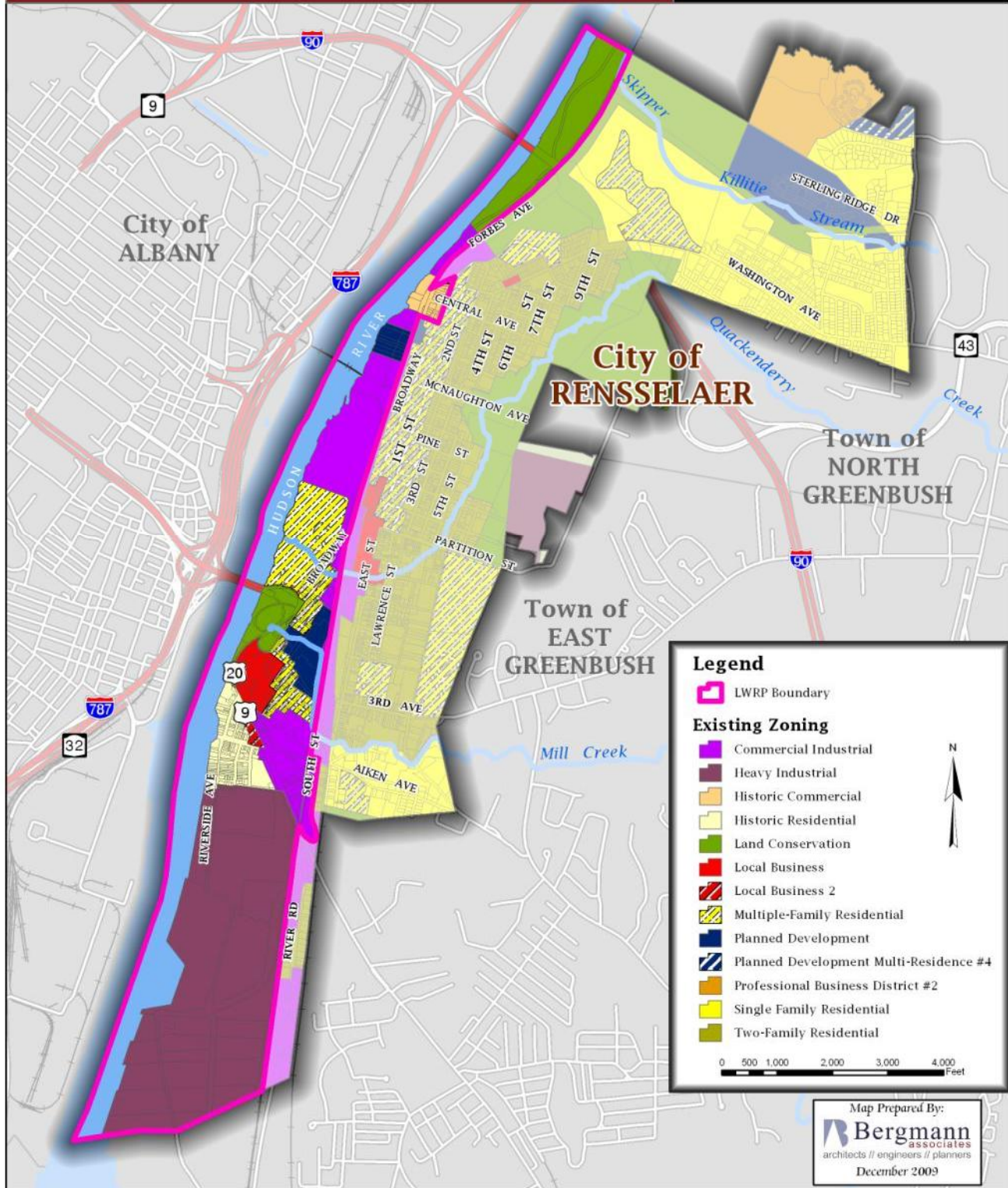
TABLE 2: PROPOSED ZONING - LWRP BOUNDARY

Land Use Category	Parcels	Acreage	% Total (LWRP Land Area)	Average Parcel Size (in acres)
Industrial (I-1)	30	257.7	50.4%	8.59
Waterfront Mixed-Use (MU-2)	25	74.3	14.5%	2.97
Downtown Mixed-Use (MU-1)	273	39.4	7.7%	0.14
Planned Development District (PDD)	23	53.0	10.4%	2.30
Open Space & Conservation (OS)	5	43.2	8.4%	8.64
High Density Residential (R-2)	154	22.9	4.5%	0.15
Business Commercial (C-1)	37	21.1	4.1%	0.57
TOTAL	547	511.5	100%	0.94

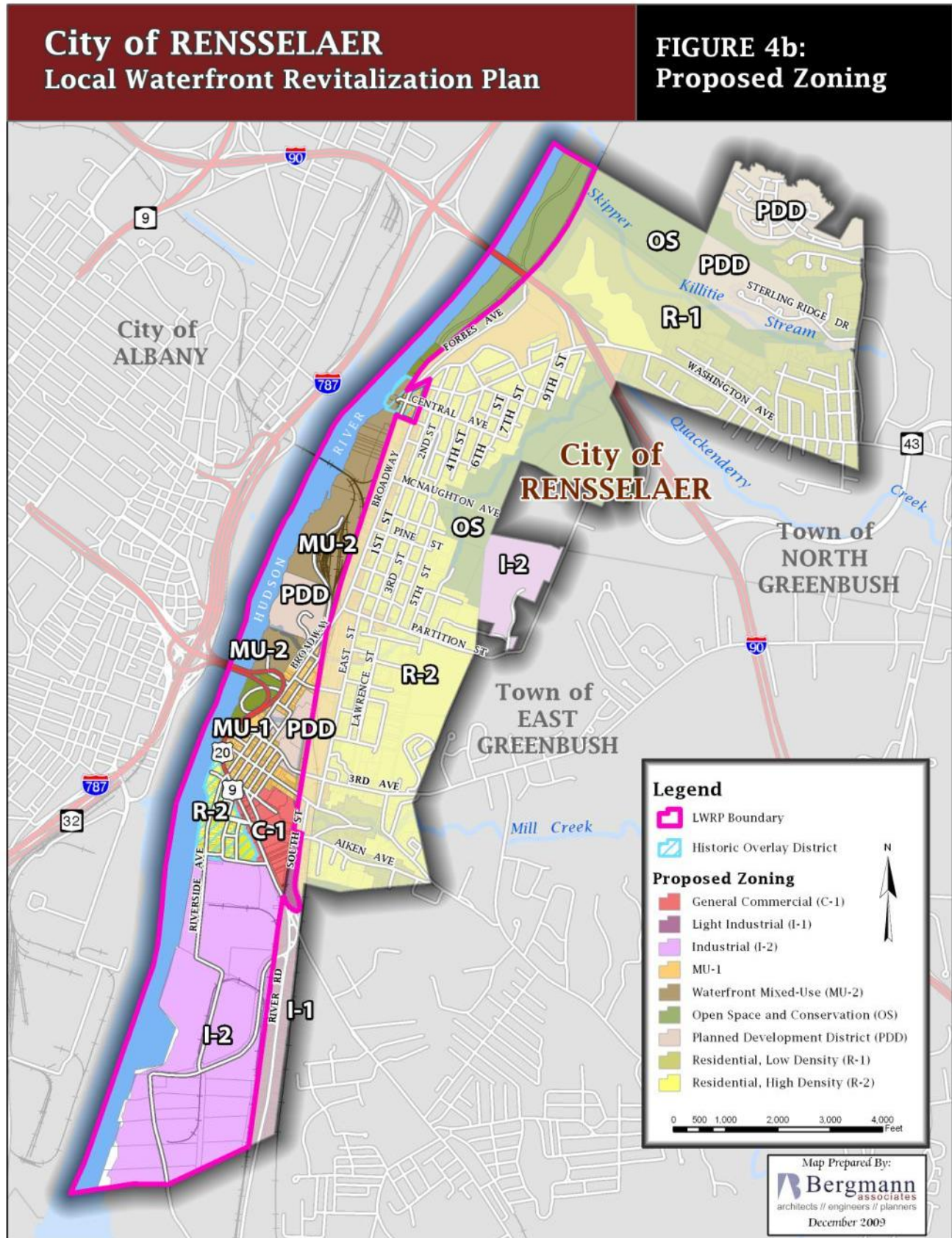


## City of RENSSELAER Local Waterfront Revitalization Plan

**FIGURE 4a:  
Existing Zoning**









## Ownership

Understanding property ownership and how it relates to future development opportunities along the riverfront is critical when considering and identifying future projects and land uses. Specific projects may be more easily implemented and directed on lands owned by public entities. However, privately owned properties are equally important. Engaging property owners and working with them to acquire easements and facilitate the vision for the waterfront are integral to achieving success. Modifications to land use regulations, as further discussed in Section 5, can also ensure that future development and land use changes on privately owned lands within the LWRP boundary are consistent with proposed projects and policies defined in this Update.

### *Land Ownership*

#### *Private Ownership*

As shown in Figure 5, over three-quarters of the land area within the LWRP boundary is held in private ownership (78.2 percent). This includes 522 individual parcels covering 400 acres of land. A significant portion of lands adjacent to the Hudson River are privately owned. The City still has the opportunity to control and direct development on these lands through zoning – including riverfront setbacks that require that a specified amount of land be designated for public access immediately adjacent to the river - and design guidelines. Land use regulatory updates will ensure that future development is in concert with the preferred vision for the waterfront.

Requirements that meet the objectives identified in previous planning efforts, such as the Downtown Redevelopment Plan and Comprehensive Plan, have been successfully applied to recent development proposals on private lands, such as DeLaet's Landing, located on the former school property.

#### *Public Ownership*

Within the LWRP boundary there are approximately 112 acres of land, on 25 parcels, under public ownership. The public entities with ownership over these lands include:

- Amtrak
- City of Rensselaer
- Port District Commission
- Rensselaer County IDA
- State of New York

From an acreage perspective, the Port District Commission and Amtrak are the largest public property owners in the LWRP study area, with ownership of 40.7 (37%) and 40.1 (36%) acres respectively. When looking at parcels, the City of Rensselaer and State of New York own the greatest number of properties, at eleven and ten, respectively. Table 3 shows a breakdown of all publicly owned properties within the LWRP



study area, including public entities with ownership, number of parcels, total acreage covered, and percent of total LWRP land area.

TABLE 3: PUBLIC OWNERSHIP – LWRP BOUNDARY

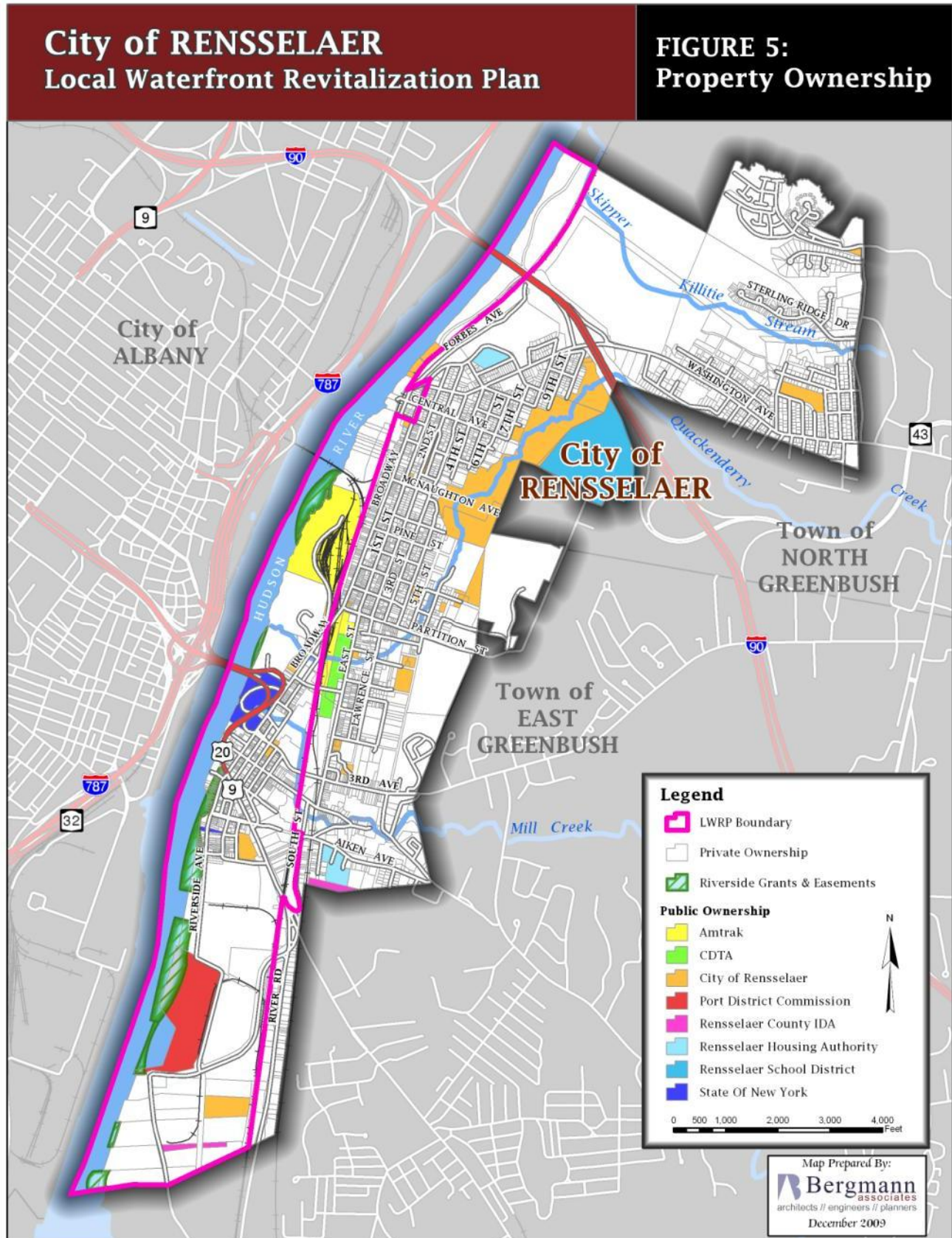
Land Use Category	Parcels	Acreage	% Total (LWRP Land Area)
Amtrak	1	40.1	36%
City of Rensselaer	11	14.8	13%
Port District Commission	1	40.7	37%
Rensselaer County IDA	2	2.5	2%
State of New York	10	13.4	12%
TOTAL	25	111.5	100%

#### *Underwater Lands*

Underwater lands are simply defined as land submerged by water. In Rensselaer, this includes that land below the high water mark in the Hudson River. The owner of property on adjacent “dry land” is referred to as the upland property owner. Generally speaking, New York State owns the land under all navigable lakes, streams, and rivers, including the Hudson River. The State does sell, give, transfer and alienate certain parcels of the land under the Hudson River as a means to help upland property owners install wharfs, docks, or piers.

Figure 5 shows the general location and proximity of lands that have been sold, given, transferred, or alienated to upland property owners in the City of Rensselaer. This information was based on a review of a hard copy of a map showing riverside ownership provided by the New York State Office of General Services dated 2002. No further information has been made available.







## Sites of Environmental Concern

Locations within the City and study area that may be susceptible to contamination or have previously been contaminated were identified based on a preliminary review of data from the New York State Department of Environmental Conservation (NYSDEC). Figure 6 shows the location of petroleum bulk storage (PBS) facilities, chemical bulk storage (CBS) facilities, and major oil storage facilities (MOSF) within the City. The sites on which these facilities are located all have a greater susceptibility for contamination due to the large volumes of hazardous waste or chemicals that are handled. As a result, each of these areas warrants a greater level of research to determine specific sites where spill events have occurred, or may be more likely to occur. These sites are subject to increased regulations from NYS DEC and the Environmental Protection Agency (EPA) and should be monitored to ensure proper protocols are followed to protect valuable natural resources and the surrounding community.

In total, 22 PBS facilities, 6 CBS facilities, and 6 MOSF were identified as being located within the LWRP boundary (see Figure 6). Exactly half of these (16) are within the Industrial Waterfront area, known locally as the Albany Rensselaer Port District. This area has been identified as a potential Brownfield Opportunity Area (BOA) within New York State and is eligible for additional planning and environmental studies through the New York State BOA Program.

Other sites are scattered along Columbia Street, Broadway, and in the Central Business District. The proposed LWRP boundary incorporates an additional site, Ashland Chemical, which is a PBS and CBS facility. Although Ashland Chemical is not currently enrolled in any ERP, the site also falls within the City's BOA boundary. Almost all sites identified outside the Industrial Waterfront area are PBS facilities, which include active or former gas stations. A MOSF is also located on the eastern boundary of the waterfront property owned by AMTRAK.

### *Participating in Remediation Programs*

Based on preliminary research, two sites within the LWRP boundary have been identified as part of one or more NYS DEC Environmental Remediation Programs: the BASF Wyondette Corporation site, at 36 Riverside Avenue, and the Sterling Drug Site, at 33 Riverside Avenue. Both sites are located in an area currently zoned for heavy industrial uses, but are surrounded by residential areas to the north and southeast.

#### *BASF Wyondette Corporation*

The BASF Wyondette site is an 88 acre site that was



Vacant BASF parcel in the heart of the City's industrial district. Property is bounded by buildings which formerly comprised the Sterling Drug Site. Both sites are part of remediation programs.



historically used to manufacture dyes and pharmaceuticals. Additionally, a portion of the land area south of the industrial plant was used for improper disposal of various chemicals, primarily chlorinated solvents, chromium and arsenic. The site consists of three site areas: the BASF manufacturing plant, the BASF landfill, and the BASF Corporation "South 40." All three sites have been incorporated into remediation programs and are at various stages of completion as described below:

- *BASF Manufacturing Plant* - The primary contaminants of concern at the plant are chlorinated solvents and metals. Large tanks containing chlorobenzene are suspected to be the primary pollutant source. The site is currently classified as part of the State Superfund Program (HW 02), and remediation efforts are on-going. Remedial activities include soil excavation and installation of a groundwater collection and treatment system. The north and south lagoons have been successfully capped and a soil gas monitoring program has been implemented and is currently underway. An education facility is proposed on the site with plans to make it a LEED certified building.
- *BASF Landfill* - The BASF Landfill is located west of the BASF Manufacturing Plant and south of the Sterling Drug Site along Riverside Avenue. The nine acre site was used as a landfill by the GAF Corporation, which reportedly disposed directly of chemicals into the ground. The main chemicals of concern are chlorinated solvents, chromium and arsenic. The site is currently part of the Voluntary Cleanup Program (VCP) class "A", indicating that cleanup is underway but not yet complete. The site is proposed to be an educational nature preserve with controlled access following completion of remediation activities. Proposed projects include construction of foot paths, a foot bridge, and a visitors' center.
- *BASF Corporation "South 40"* - The BASF "South 40" site is a 35 acre site located to the south of the BASF manufacturing plant. The site is bounded by the Conrail railroad tracks to the east, and Riverside Avenue on the west. The site served as a storage area for the GAF Corporation until 1978. Remedial investigations revealed buried 55 gallon drums, and the presence of groundwater contamination, consisting primarily of arsenic, mercury, lead and various chlorinated solvents. Remediation included removal of 7,076 tons of arsenic contaminated soil. A Certificate of Completion (COC) was issued for the site on March 10, 2008. A co-generation electrical plant has been constructed on the property and is expected to be fully functional by Fall 2010.

The full BASF site was noted in the 2000 Port of Albany Master Plan and Development Study as being a suitable location for extending the types of industrial uses recommended on Port lands, with consideration to acquire the lands to expand Port holdings. To date, the purchase of these lands by the Albany Rensselaer Port has not been pursued.





Existing structures are in varying conditions on the Sterling Drug Site.

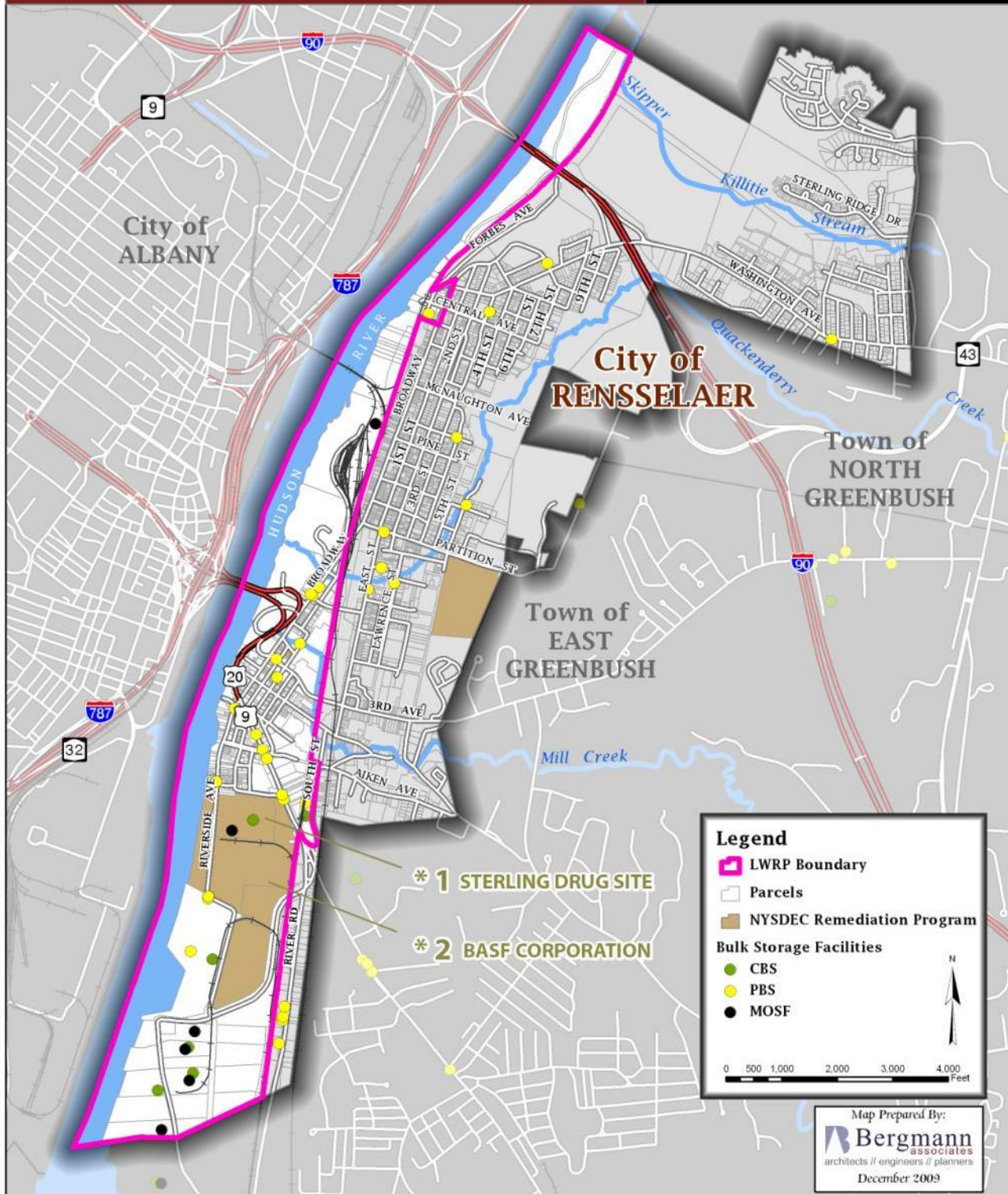
#### *Sterling Drug Site*

The 11 acre Sterling Drug Site is located south of the historic Fort Crailo neighborhood, and north of the BASF Manufacturing Company. The site was used by the Sterling Drug Company for disposal of various industrial chemicals prior to 1947. Contamination on the property was caused by a leaking sewer line on the property. Remediation efforts included installation of a groundwater treatment system and dual phase vapor extraction system. Although groundwater monitoring is ongoing, no constituents of concern have been detected since 1991, indicating effective site remediation. The site is currently home to Albany Molecular Research, Inc.



## City of RENSSELAER Local Waterfront Revitalization Plan

**FIGURE 6:  
Sites of Environmental  
Concern**





## Community Resources

As shown on Figure 7, community resources within the City of Rensselaer include historic buildings and sites; cultural resources; emergency support services; and parks and recreational amenities.

### *Historic Resources*

Surveys of key historic buildings within this region typically identify three structures in Rensselaer worthy of note. Each of the three buildings, identified below, are listed in the National Register of Historic Places:

- Aiken House (1818). Constructed for William Aiken, the founder of the Village of Greenbush. Located at the corner of Broadway and Aiken Avenues. The Aiken House is currently vacant.
- Fort Crailo (c. 1700) – Located south of Columbia Street on Riverside Avenue, this is currently owned and operated as a historical museum by New York State. Also listed as a National Historic Landmark.
- Beverwyck Manor, also known as St. Anthony-on-Hudson Seminary (1839) – Located on Washington Avenue, this site is currently owned and utilized by the Franciscan Fathers. It is a Greek Revival structure associated with William Van Rensselaer.

Other notable buildings in the city include the First Presbyterian Church and an outstanding row of mansard-roofed rowhouses along Riverside Avenue.

The N.Y.S. Museum Archeological Site Location Map and the N.Y.S. Historic Preservation Office Archeological Site File indicate numerous sites in the general vicinity of the City as possible sites with sensitive archeological resources. These resources will be protected by measures developed by the City in cooperation with the N.Y.S. Office of Parks, Recreation, and Historic Preservation.

### *Cultural Resources*

Fort Crailo stands as a prominent historic and cultural resource within the City and LWRP study area boundary. Fort Crailo is also known as the Yankee Doodle House because the ditty “Yankee Doodle” was said to be written there in 1775 by a British Army



The Fort Crailo Historic site is the centerpiece of a historic neighborhood that has retained its character in contrast to the industrial and urban development occurring around it.



General. Fort Crailo was declared a National Historic Landmark in 1961 and was listed on the National Register of Historic Places in 1966. Today Fort Crailo is operated by New York State as a 17<sup>th</sup> century historic house museum that focuses on the history of the Dutch colonists in New York State. Exhibits at the museum include archeological artifacts from “New Netherland” sites in New York and New Jersey, clothing, furniture displays, and household and decorative items from this period.

### *Emergency Services*

The City of Rensselaer Police Department provides local police service to all city residents. The police department relocated to 201 Broadway, in the former United States Post Office, in May 2008. All police operations, as well as fire, rescue and emergency medical dispatching services have relocated here. The police department currently includes approximately 21 full-time police officers.

The City of Rensselaer Fire Department includes both paid and volunteer staff, with 13 full-time personnel and approximately 20 active volunteers. The fire department responds to both fire emergencies and also serves as the first response team for medical emergencies in the city. The fire department operates out of two fire houses in the City, one of which is located within the LWRP boundary. G.S. Mink’s Firehouse is located at 1001 Broadway and the North End Fire Station, outside the LWRP, is located at 1 St. Francis Way.

Ambulance service is provided by Rensselaer Volunteer Ambulance and Empire Ambulance. Rensselaer Volunteer Ambulance contracts with Empire to provide emergency medical service from 6 AM to 6 PM, Monday through Friday. Rensselaer Volunteer Ambulance handles medical emergencies during all other periods. The ambulance garage is located at 901 Third Street.

### *Parks and Water Access*

The City of Rensselaer manages 11 parks, seven playgrounds, 12 basketball courts and six tennis courts. In addition, the Boys and Girls Club of Southern Rensselaer County and the Rensselaer Community Center



Existing facilities in Riverfront Park include greenspace, benches, and a gazebo.

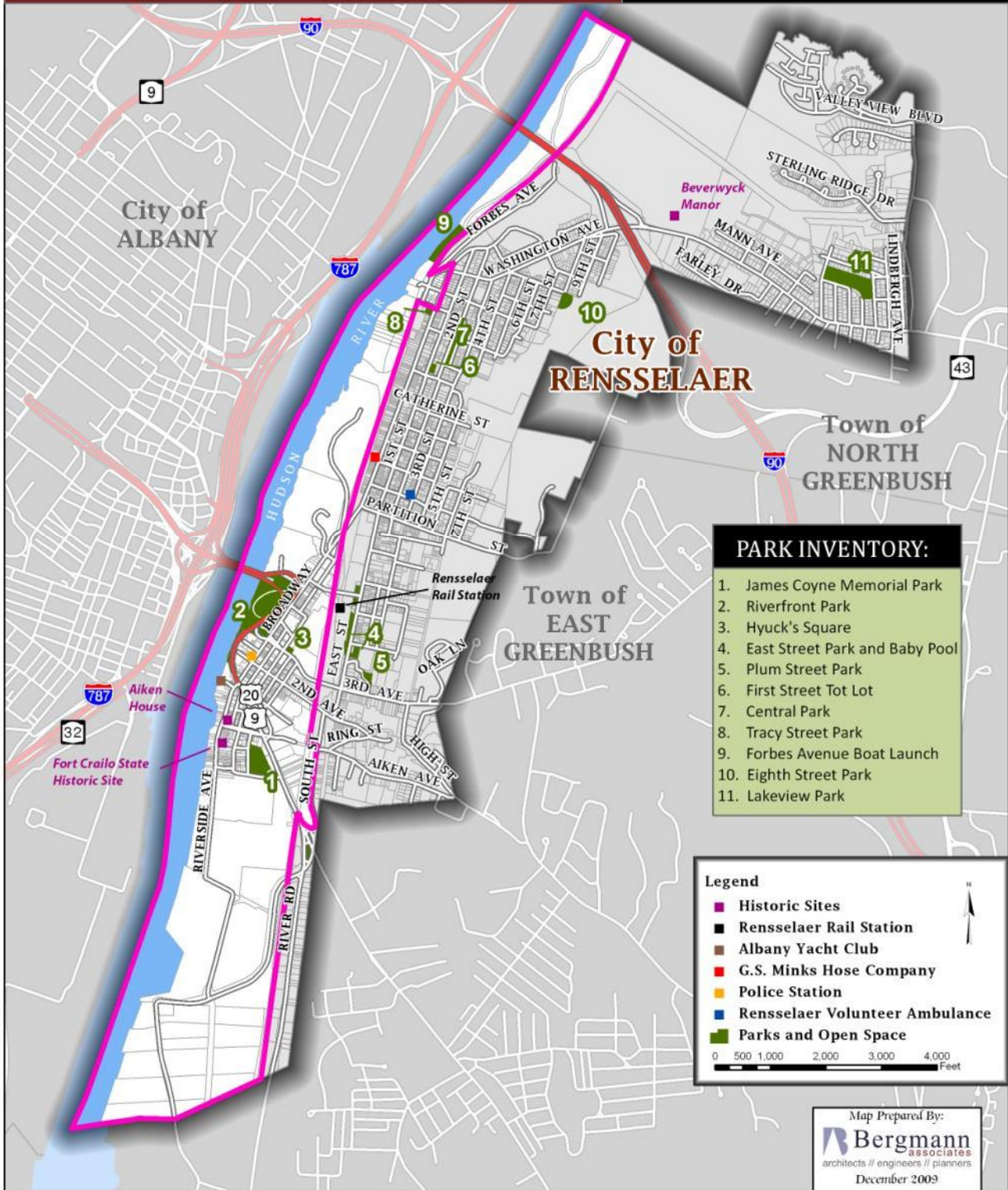
both provide a wide variety of recreational and education services to the community, though are both located outside of the study area. The City’s Department of Public Works maintains the parks and recreation facilities, four of which are located within the LWRP study area.

Riverfront Park is the largest of the municipal parks in the LWRP boundary, covering approximately 7.21 acres and strategically located on the Hudson Riverfront. Current amenities in the park include a waterfront trail, numerous ball fields and tennis courts, parking areas, open space areas for passive recreation, restrooms, and an interpretive kiosk. Recommendations for



## City of RENSSELAER Local Waterfront Revitalization Plan

FIGURE 7a:  
Community Resources





enhancements and improvements to the park have been incorporated into recently completed planning efforts in the City. Implementation of these recommendations is an on-going effort of the City and is largely based on the availability of grants and funding for such efforts. Specific recommendations for enhancements to Riverfront Park are included in Section 4 of the LWRP.

James Coyne Memorial Park is a 3.38 acre park located within the historic Fort Crailo neighborhood at the corner of Cambridge Avenue and Rensselaer Avenue. Facilities within the park include open space, ballfields, and pedestrian amenities.

Huyck's Square is a small 0.23 acre public open space in the central business district with sidewalks, greenspace, benches, and a monument.

The Forbes Avenue Boat Launch is located on the Hudson River west of Forbes Avenue. The boat launch is the only designated stop in Rensselaer on the Hudson River Greenway Water Trail, providing facilities for both hand and trailer boat launching.

#### *Private Recreational Facilities*

The Albany Yacht Club is a private recreational boating facility located at 71 Broadway. Yacht Club facilities include a clubhouse, gas, a pump out, and restrooms. This is the only privately operated water-dependent recreational use on the City's riverfront, though it is open for use by the public.

#### *Trails and Public Access*

Although opportunities for enhanced access to the riverfront is increasing, and is an identified priority of the City, today there are only limited opportunities for public enjoyment of the Hudson River. Public lands offering waterfront access are limited to Riverfront Park, including Clearwater dock, and the Forbes Avenue Boat Launch. Plans and recommendations for expansion and enhancement of both facilities have been



Existing waterfront trail at Riverfront Park.

incorporated into recent planning efforts, including the Downtown Redevelopment Plan and City Comprehensive Plan. Specific recommendations for both facilities are included in Section 4 of the Local Waterfront Revitalization Program.

The City has started to work with private property owners to acquire easements that would allow for the development of a continuous riverfront trail system, even on privately owned parcels with pre-existing uses. To date, the City has successfully worked with AMTRAK to acquire an easement, ranging from 30 to 50 feet in width, on their waterfront parcel for the construction of a section of the proposed riverfront trail that would



extend north to the Livingston Avenue Railroad Bridge. The City was the recipient of two Environmental Protection Fund (EPF) grants from the New York State Department of State for the trail – one for design and one for construction. This trail is expected to be completed in tandem with the construction of the promenade on the DeLaet's Landing project. Anticipated construction for both is 2011.

Future trail projects and expansion in the City of Rensselaer is encouraged to connect to the existing Troy Trail system. The Capital District Transportation Council has endorsed the trail and it has been incorporated into their master plan. Coordination with North Greenbush, RPI, and the Hudson River Valley Greenway should also be encouraged to ensure a continuous trail network is established and designated along the riverfront.

The City has also successfully incorporated waterfront access requirements into new waterfront development projects, including the DeLaet's Landing mixed-use development. This project is discussed in further detail in Section 4 of the LWRP. The City should require public access and provisions for a waterfront trail system to be incorporated into all future development on lands adjacent to the River.

Rensselaer Polytechnic Institute owns a significant amount of waterfront land in the northern section of the City, adjacent to the Town of North Greenbush. This area is part of the master planned Rensselaer Technology Park. Opportunities for expanded use of these lands for recreational purposes and public access has been considered and discussed since the original LWRP document was prepared in 1987, however no development has yet to occur.

### *Scenic Viewsheds*

Enhancing visual and physical connectivity to the riverfront should be a top priority for the City. Views north and south along the Hudson River are stunning, as are views across the River to the City of Albany skyline. However, views are hindered in many locations due to a lack of waterfront access. Broadway is, for a large portion of the City, the closest road parallel to the waterfront and there are limited perpendicular roadways running from Broadway to the waters' edge. As additional development occurs on waterfront parcels, viewsheds from the shoreline are likely to be enhanced. Privately owned lands, such as Amtrak, also limit public access to the shoreline.

Currently the most impressive scenic views are at the Forbes Avenue Boat Launch, Riverfront Park, Albany Yacht Club, and pockets of vacant land that provide a glimpse of the River and beyond. These are sprinkled throughout the study area, including in the Port District, in the Fort



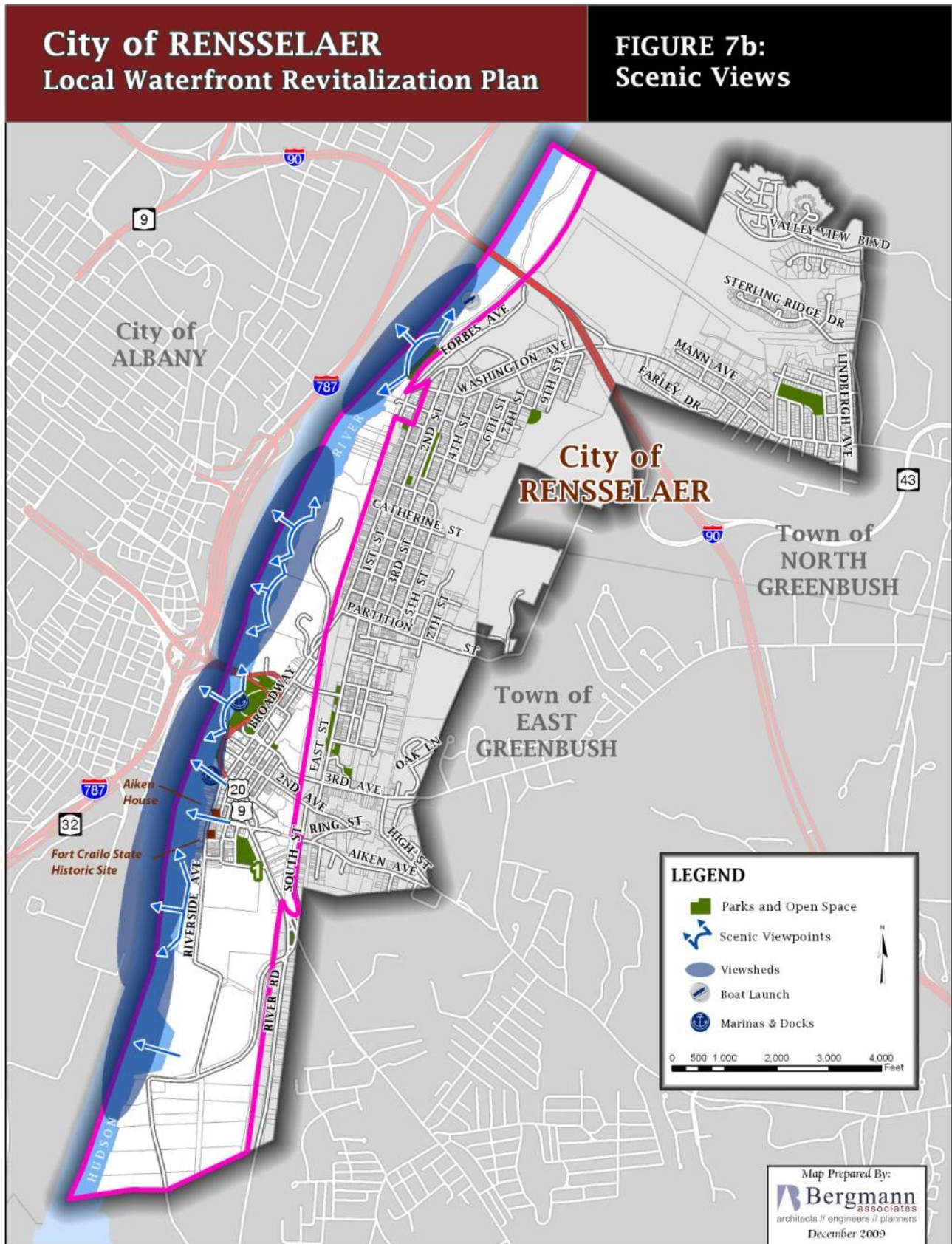
View of Albany skyline in the distance is impacted by existing conditions on the Amtrak property.



Crailo neighborhood, and at the Amtrak site. Views from designated overlook areas and from atop existing bridge structures are particularly impressive.

The New York State Department of State has designated areas within the state as Scenic Areas of Statewide Significance (SASS). These areas, all located along the Hudson River valley, have been identified as having highly scenic landscape accessible to the public. Each of the six designated areas are located south of the City of Rensselaer, beginning in Greene County. Although not formally designated, the scenic resources along the Rensselaer waterfront are regionally and locally important.







## Natural Resources

The natural resources within the City have a critical impact on overall development patterns and on the choice between conservation and development alternatives. In some cases these natural characteristics are limitations that will create serious impracticalities in development because of associated costs of land preparation, improvements, and/or construction. In other cases, critical and unique areas would be forever lost if development were to proceed unencumbered. Natural resource characteristics are considered in order to gain a better understanding of existing conditions within the LWRP boundary, and to identify parcels that are good building sites, as well as parcels that may be best suited to be retained as natural or improved as open space.

### *Surface Waters*

#### *Hudson River*

The Hudson River, which serves as the western boundary of the City of Rensselaer, is the primary surface water body in the region. The Hudson River begins at Lake Tear of the Clouds in the Adirondacks and terminates at the Atlantic Ocean in New York City. The Hudson River at Rensselaer is a tidal estuary, ranging from 800 to 1,000 feet in width, with a channel depth of 32 feet at the Port of Rensselaer. The area from the Hudson River's junction with the Mohawk River at Waterford, NY to its mouth at New York Harbor (a distance of approximately 154 miles) is considered to be part of the Lower Hudson Drainage Basin. The mean water elevation at Rensselaer is approximately 2 feet above sea level, with an average range in tide of about 4 feet. The Lower Hudson River is maintained at a minimum depth of 32 feet for commercial traffic from the Albany Rensselaer Port to New York City, but the depth of the river increases to 200 feet in some areas.

The Hudson River drainage basin receives, on average, 40 to 48 inches of precipitation annually. Average annual runoff is 18 to 24 inches and the average annual temperature is 47 degrees. Given the length of the basin, these average figures can vary significantly from north to south, but they are fairly consistent with the Capital Region characteristics. For example, the average annual temperature in the City of Rensselaer is 47.5 degrees. The Hudson River continues to provide an excellent setting for a wide variety of recreational and commercial pursuits.

#### *Streams*

There are also three major streams in the City of Rensselaer that partially run through the LWRP study area, ultimately draining into the Hudson River. These streams are depicted on Figure 8a and are described briefly below:

- *Mill Creek*. Designated as a Class C water body suitable for recreational use. Located in center of City and last studied in 1934 when it was concluded the creek was heavily polluted and contaminated with raw sewage. Drainage basin is approximately 15 square miles, including



urbanized portions of the Town of East Greenbush. Two noteworthy features along Mill Creek area a picturesque waterfall to the west of High Street and Huyck Pond, which was created by a low dam just east of Broadway.

- *Quackenderry Creek.* Located in the northeastern section of the City and designated as a Class C water body suitable for recreational use.
- *Skipper Killitie Stream.* Located in the north of the City and designated as a Class C water body suitable for recreational use. Fish propagation is the principle use of the creek.

#### *Non-Flowing Surface Waterbodies*

The only non-flowing surface water bodies in the City are a man-made settling lagoon complementary to the gravel washing operation north of the Patroon Island Bridge and a wastewater treatment lagoon in the Albany Rensselaer Port District.

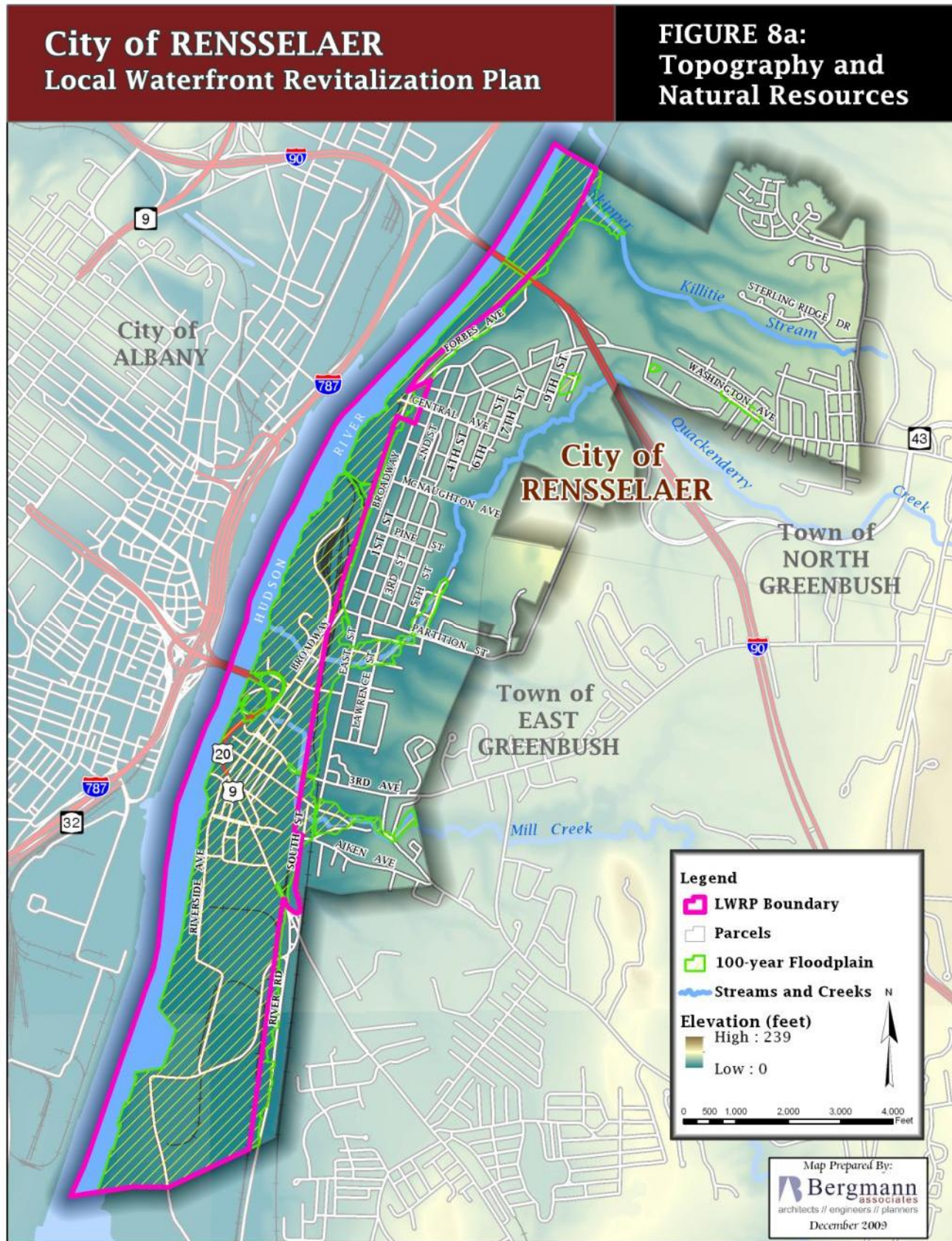
#### *Water Quality*

The Hudson River was once severely polluted but efforts over the last two decades have improved the overall quality and condition. Today, the Hudson River is home to over 200 species of fish and provides public drinking water to more than 80 percent of the people within the Hudson River Basin. In 1995, the US Department of the Interior, US Geological Survey conducted a study entitled "Water Quality in the Hudson River Basin, 1992-1995." The study was completed as part of the National Water Quality Assessment Program, which was originally implemented in 1991 to develop consistent information on the nations' waterbodies. The findings of this study showed that ground water quality in the Hudson River Basin was similar to comparable areas sampled nationally, as indicated in the aforementioned report.

#### *Fish and Wildlife Resources*

The Hudson River Estuary includes the area of the Hudson River south of the Troy dam, as well as tributaries and upland areas. This area, which includes the City of Rensselaer, encompasses 5,200 square miles of the river's overall 13,400 square mile watershed. According to the Hudson River Estuary Action Agenda prepared by the NYS DEC, the estuary serves as a spawning and nursery ground for fish and







shellfish species, including, but not limited to: striped bass, American Shad, Atlantic sturgeon, shortnose sturgeon, and blue crab. Wetlands and stands of submerged aquatic vegetation provide essential habitat within the river. As a result, more than 16,500 acres of river habitat have been designated “significant coastal fish and wildlife habitat” by the NYS DEC, although no designation exists immediately adjacent to Rensselaer. NYS DEC is currently updating the Action Agenda for the Hudson River Estuary for 2010-2014. Draft goals have been established and should be incorporated into policy and decision-making associated with this Local Waterfront Revitalization Program Update.

### *Wetlands*

The New York State Department of Conservation (NYS DEC) regulates wetlands that are 12.4 acres or greater. There are no NYS DEC wetlands within the city limits or LWRP study area. Federally regulated wetlands not categorized by the NYS DEC may exist within the City or LWRP study area. One freshwater wetland, designated D-103, is located east of the petroleum tank farms in the southern extreme of the City's coastal area. This site is less than 12.4 acres, and is not a State regulated freshwater wetland. However, DEC Freshwater Wetlands standards are locally applied to this site. Local development standards are also in effect.

The NYS DEC also identifies tidal wetlands, of which four fall within the LWRP boundary, in addition to 593 acres of adjacent area. Tidal wetlands are noted as being important unique habitat along the Hudson River for plant and animal species. They are defined as “the areas where the land meets the sea. These areas are periodically flooded by seawater during high or spring tides or, are affected by the cyclic changes in water levels caused by the tidal cycle. Salt marshes and mud flats are some typical types of tidal wetlands found along New York's marine shoreline”. In 1973 the Tidal Wetland Act was passed by New York State in an effort to manage and protect these areas from filling and dredging activities. Tidal wetlands within the Rensselaer LWRP study area are depicted in Figure 8b. Brief descriptions of each, as defined by the NYS DEC, are found below:

- *Coastal Shoals Bars and Mudflats* (0.27 acre) - The wetland zone that at high tide is covered by saline or fresh tidal waters, at low tide is exposed or is covered by water to a maximum depth of approximately one foot, and is not vegetated.
- *Graminoid Vegetation* (2.98 acres). The vegetated tidal wetlands zone that includes all lands that receive at least periodic flushing from low saline or fresh tidal water. This area is generally higher than the broad leaf vegetation area. The lower elevated portions of this area may receive daily flushing and the higher elevations periodic flushing from storm tides. Dominant Species are cattail, *Typha angustifolia*, bulrushes, *Scirpus* spp. and wild rice, *Zizania aquatica*.
- *Swamp Tree* (0.20 acre). Management area. This wetland zone includes all land that receives periodic inundation from low saline or fresh tidal waters and is characterized by trees such as red



maple (*Acer rubrum*), willows (*Salix* spp) and black ash (*Fraxinus nigra*).

- *Submerged Vegetated Coastal Shoals, Bars and Mudflats* (0.74 acre). The wetland zone that at high tide is covered by saline or fresh tidal waters, at low tide is exposed or is covered by water to a maximum depth of approximately one foot, and is vegetated.
- *Adjacent Area* (593 acres). Regulated area. Adjacent area shall mean those land areas not included in the any of the above categories that are generally not inundated by tidal waters and that extend 300 feet landward of the most landward wetlands boundary or to an elevation of ten feet.

In addition to wetland areas classified by the NYS DEC, the U.S. Fish & Wildlife Service maintains a National Wetlands Inventory (NWI). Based on a review of NWI data, there are approximately 287 acres of wetlands within the LWRP boundary. However, approximately 232 acres if classified as riverine, indicating they are actually located within the Hudson River, leaving 54 acres of wetlands onshore.

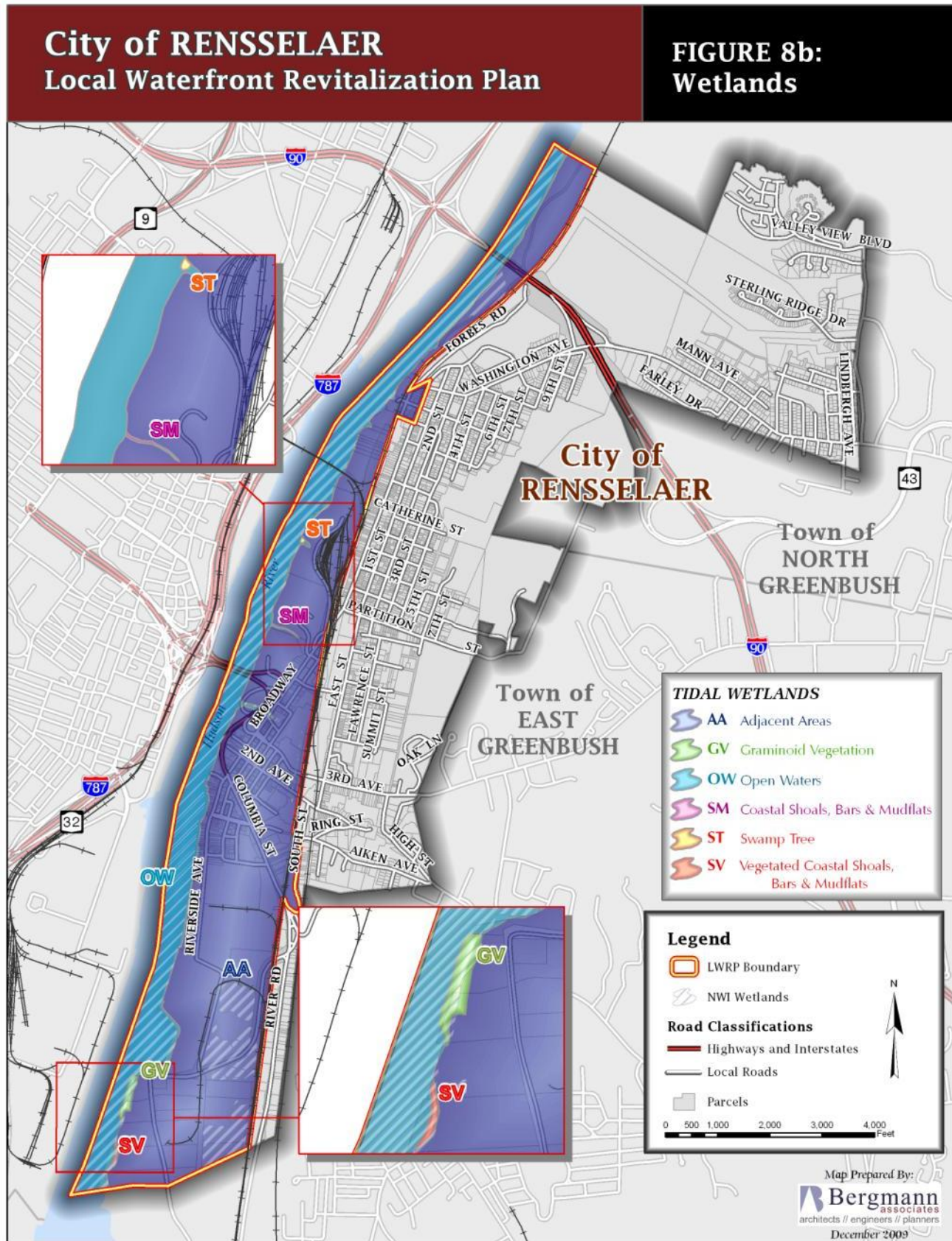
### *Flooding and Coastal Erosion Hazard Areas*

One of the most significant naturally occurring characteristics of Rensselaer is a strong susceptibility to flooding. As a result, the City participates in the National Flood Insurance Program and provisions have been incorporated into the City's Zoning Law for the flood hazard zone. The associated planning implication is an absolute necessity to comply with the full requirements of the National Flood Insurance Program. The 100-year floodplain within the City is generally located along the banks of the Hudson River, encompassing more than eighty-five percent of the LWRP study area. The 100-year floodplain also extends along the banks of Quackenderry Creek and Mill Creek. Figure 8a shows the 100-year floodplain in the City of Rensselaer which is generally coincident with the eastern boundary of the LWRP study area. In 1972, Congress passed the Coastal Zone Management Act to conserve, develop and protect the nation's coastal resources. Program development funds were granted to coastal states for the preparation of state coastal management programs. As earlier noted, this line is generally coincident with the 100-year floodplain boundary in the City and follows the eastern LWRP study area boundary.

### *Steep Slopes*

The Hudson River Valley was subject to numerous glacial movements during the time glacial Lake Albany was occupying the region. Over time, the ice margins receded northward depositing lacustrine clays and silt, which formed the terraces and hills that define the region today. Figure 8a, from the USDA's Soil Survey for Rensselaer County, indicates elevation change in the City of Rensselaer. Steep slopes generally indicate areas where development should be avoided due to unstable soils. In Rensselaer, areas of steep slopes (greater than 15 percent) are located between Broadway and 3<sup>rd</sup> Street and in the eastern and northeastern portions of the City, outside of the LWRP study area boundary.





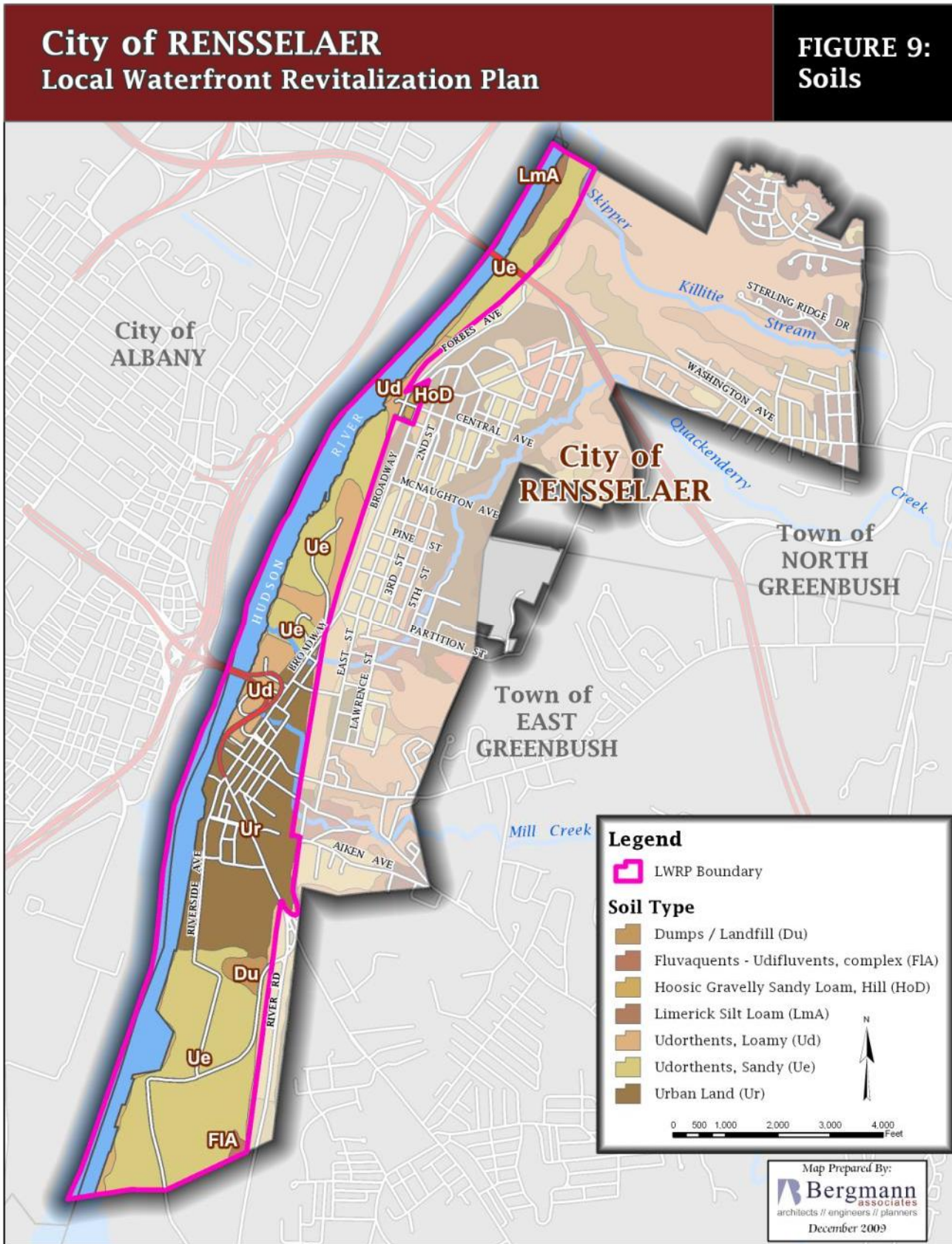


The area within the LWRP boundary is generally flat with no slope, making these areas particularly conducive to development. There is essentially a riverfront shelf that extends from the Hudson River 400 to 2,000 feet in depth from the shoreline. Much of this riverfront land is man-made, created by the Army Corps of Engineers in their efforts to channel the Hudson to improve navigation and flood control in the area.

### *Soil Characteristics*

Figure 9 shows the soil classifications for the City of Rensselaer according to the General Soils Map created by the United States Department of Agriculture for Rensselaer County. Within the LWRP study area boundary the majority of soils are classified as Udorthents (Ud and Ue) or Urban (Ur). Udorthents soils are typically deep, sandy and moderately well drained. The Urban soil classification consists of heavily built up residential and commercial areas within and around the Central Business District. Approximately 90 percent of this area is covered with streets, buildings, and parking lots.







## Transportation Characteristics

An inventory of transportation characteristics in the City includes an analysis of roadways, public transportation, water transportation, rail, and air travel. Understanding transportation characteristics helps to identify opportunities and constraints associated with access and movement of people and goods through, and around, the LWRP study area.

### Roadways

The primary mode of transportation in Rensselaer is the automobile and the city is served by a well-organized roadway network. As shown in Figure 10, the City has an urban grid street pattern, providing pedestrians and motorists with many possible paths to reach their destinations.



View of State Routes 9 & 20 which separates the traditional Central Business District from Fort Crailo and the industrial areas of the City. This roadway has developed in a more suburban style.

Streets are generally classified according to administrative authority (who owns and maintains) and function (types of uses they are designed to handle). Understanding both classifications is important in order to evaluate and plan for future improvements along the waterfront and throughout the city. There are three functional categories of roads in Rensselaer:

- *Highways:* These roadways provide fast access into and out of the city and typically have limited access. Interstate 90 is an example of a highway in Rensselaer.
- *Arterials:* These roadways are designed to accommodate both through traffic and access to residential and commercial uses located on and adjacent to the corridor. In Rensselaer, examples include Routes 43 and 9&20.
- *Major Access:* These roadways accommodate traffic from residential and commercial areas and direct it to arterials. Rensselaer roadways that fall into this category include Broadway, Third Avenue, and Washington Street.

Roadways in Rensselaer are owned and maintained at three municipal levels: City, State, and Federal. The majority of roadways are City roads, including Broadway and Washington Street. The State is responsible for maintaining Routes 9J and 43. Federal roads include Interstate 90 and US 9&20, which provide the most direct route into the City of Albany. The City has recently received federal funding through the Congestion, Mitigation and Air Quality Improvement program for enhancements to Route 9 & 20. Work will commence on this project as seen as Federal authorization to proceed is determined.



A strong north-south street pattern serves the City of Rensselaer. Broadway, East Street, First Street, and Third Street are the primary local collectors. Each functions less than adequately, with heavy traffic, narrow lane width and parking on both sides of the street serving as an impediment to traffic flow. Primary roadways supporting vehicular access within the LWRP study area include Riverside Avenue, Broadway and Forbes Avenue in the north-south direction, and Aiken Avenue, 3<sup>rd</sup> Avenue, and Central Avenue running east-west from the interior areas of the City to the waterfront.

In the past, commercial access to port and other industrial lands in the southern tip of the City was a significant safety concern. However, since the original LWRP was drafted for the City, the New York State Department of Transportation constructed the Port Expressway which provides direct truck access to the Albany interstate system from State Route 9. Internal roadways within this area of the City are adequate to handle any additional uses that may develop should the area continue to sustain itself as a bulk cargo facility.

### *Rail Service*

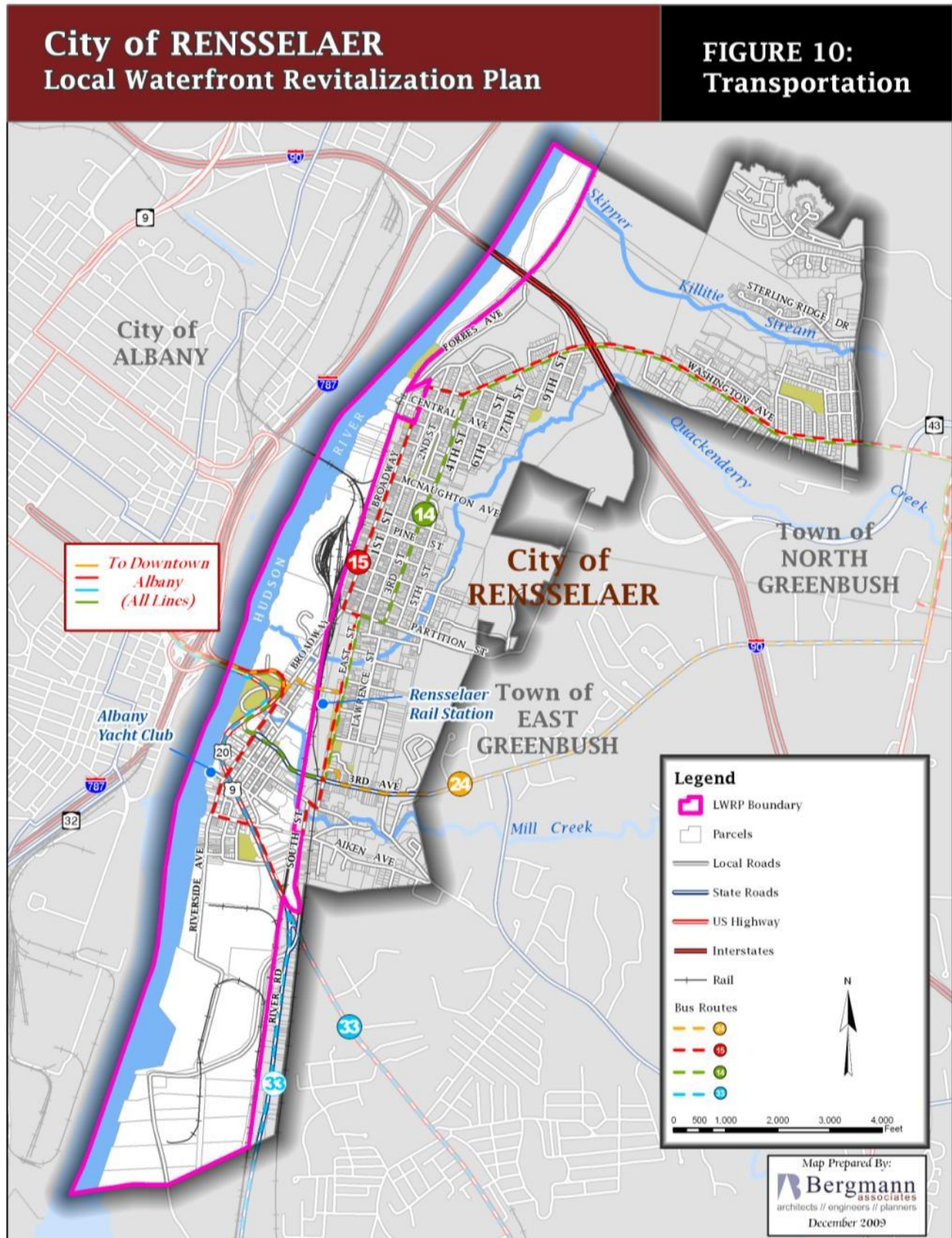
The City is home to the tenth busiest train station in the nation, with approximately 830,700 boarding's in 2008. The train station is the confluence of the primary east-west and north-south arterials of the northeast's rail system and is located adjacent to the LWRP study area at 525 East Street. The Albany-Rensselaer Rail Station is a long-distance rail terminal, located 1.5 miles from downtown Albany, and servicing many of Amtrak's northeastern routes outside of the Northeast Corridor, including Boston and New York branches that meet at this station.

The regional rail station was completed in 2002, replacing the 1968 terminal which is now used by Amtrak as office space. The station features a coffee shop, newsstand, café, and post office. This station is jointly used by Amtrak, the Capital District Transportation Authority (CDTA) and local taxi providers. CDTA is responsible for operations of the station. The new train station was intended to be constructed with four tracks but was built with only three tracks due to costs. However, plans to develop a fourth track are in place, which would allow freight trains to bypass the station and reduce delays. Rail freight service in Rensselaer remains available to the City's industries and to the Port area.



Existing rail line which runs through the City's industrial and commercial Port area.







### *Public Transportation*

The City of Rensselaer is served by the Capital District Transportation Authority (CDTA). Primary bus routes serve Washington Avenue, Broadway, Third Street, and the central business district, as depicted on Figure 10. An intercity Megabus operates from the train station, providing regular service to New York City and Ridgewood, NJ. Rental cars and taxis are also available at the station.

### *Water Transportation*

Major commercial water transportation serves the Port of Rensselaer. The Hudson River channel was dredged to a depth of 32 feet by the Corps of Engineers in 1965, allowing access by 32 foot draft ocean-going vessels.

The Albany Yacht Club, located at Columbia Street, provides launching facilities, docking, and storage for private recreational craft.

The Forbes Avenue Boat Launch, south of the RPI property, provides launching facilities.

A floating dock, known as the Clearwater dock, is located adjacent to Riverfront Park and is available for use by the public.

### *Air Transportation*

Albany International Airport is the primary air center for the greater Capital Region and all of Northeastern New York and Western New England. Rensselaer is located approximately 13 miles east of the airport.



Public boat launch facilities are provided at the Forbes Avenue Boat Launch. Better signage and improved access are needed to market this recreation area.



## Infrastructure

The City of Rensselaer has adequate infrastructure and services in place that could support additional development along the City's waterfront. Site specific upgrades and extensions may be warranted on a site and project specific basis.

### *Sanitary Sewer*

The City of Rensselaer is fully serviced by sanitary sewers. The City's existing sewer system infrastructure consists of cast iron, vitrified clay and reinforced concrete piping mains ranging in size from 8-24 inches in diameter. Generally the system flows from east to west towards the Hudson River.

Rensselaer County owns and operates pumping stations in the City, including one on Aiken Avenue and one of Forbes Avenue. The County's main interceptor sewer system runs parallel to the Hudson River. During dry periods, all sanitary waste is directed to the Rensselaer County Wastewater Treatment Plant located in the City of Troy. During wet periods, existing combined sewer capacities are exceeded and combined sewer overflows (CSO) are activated, allowing some discharge into the Hudson River. A Combined Sewer Overflow Long Term Control Plan is currently being developed for communities on both sides of the Hudson River, with the goal of minimizing CSO events and volumes that discharge to the River.

Both pump stations in the City are currently running below capacity as a result of the loss of some large industrial users and businesses.

### *Water Service*

Water service is readily available within the City of Rensselaer, with all properties having access to water service. Water service is not considered to be a limiting factor for development in the LWRP study area, or in any location within the City's municipal boundary. The City of Rensselaer purchases their water from the City of Troy Department of Public Utilities through their Water Treatment Plant. The total finished water produced at the water treatment plant in 2008 was 5,254.8 million gallons or an average of 14.4 million gallons a day. The City has water storage in two, 5 million gallon towers.



## LWRP Character Area Summary and Opportunities

Five character areas within the LWRP boundary were identified based on both existing characteristics and as a means to organize proposed future land and water uses and projects within the study area. The character areas are depicted in Figure 11 with defining features of each summarized below.

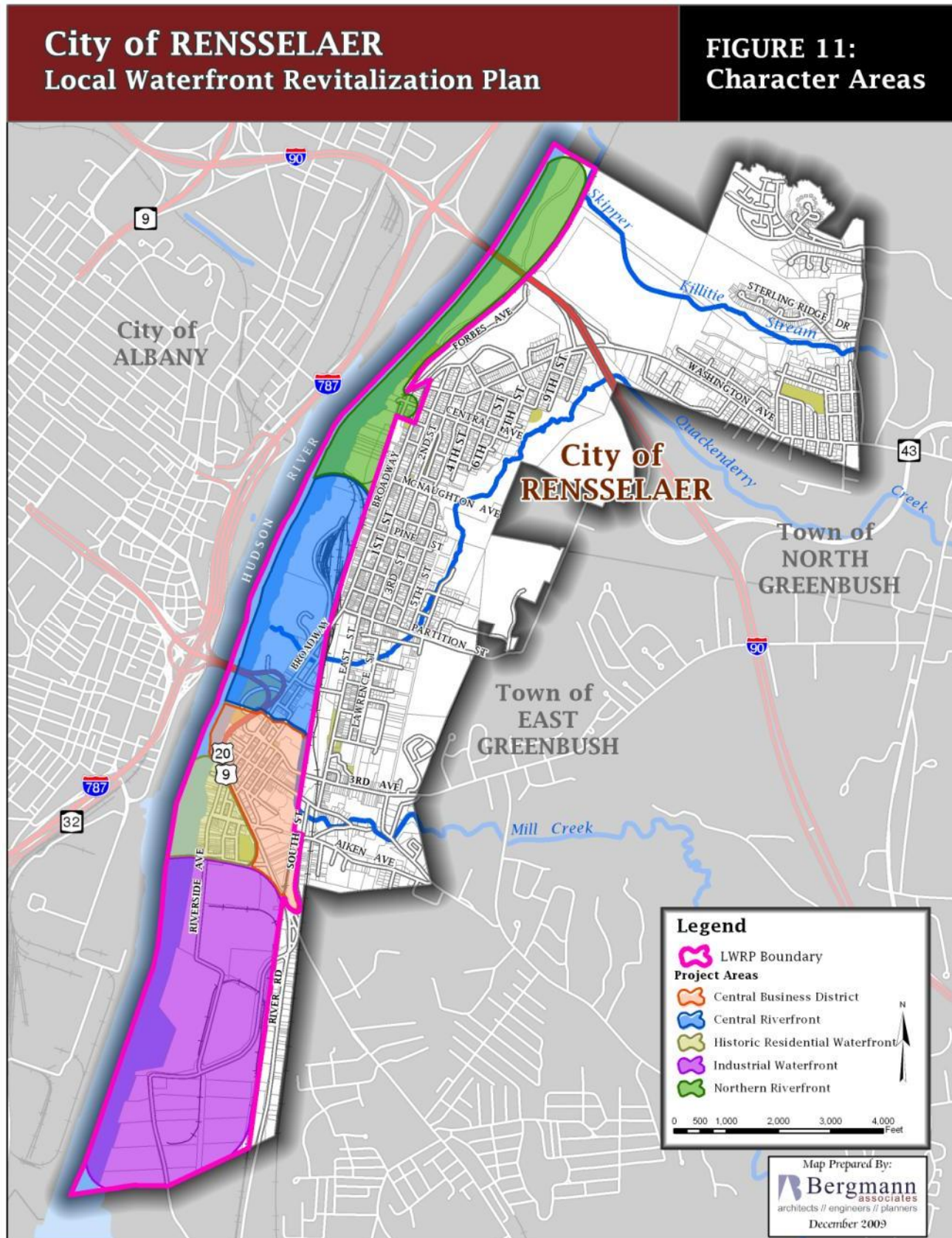
### *Industrial Waterfront*

The Industrial Waterfront character area is bounded by the Hudson River to the west, Belmore Place to the north, the rail line to the east, and the city's municipal boundary to the south. The Industrial Waterfront includes the following:

- *Concentration of known and potential brownfield sites.* Although the continued use of these lands for industrial uses is anticipated and desirable, there are opportunities for remediation and reuse of these properties for clean industries. Completion of the three-phase New York State Brownfield Opportunity Area Program would identify specific sites of concern as well as alternative redevelopment scenarios. Funding for Phase 2 Environmental Assessments and implementation efforts aimed at attracting new businesses are included in the program process. Successful designation as a BOA would create additional opportunities for the City and individual property owners to receive remediation funds and benefit from tax incentive programs.
- *Commercial port.* The Albany Rensselaer Port is a major port that operates on both sides of the Hudson River, in Rensselaer and Albany. The Port and the private companies located there contribute over \$420 million in direct spending to the region and provide over 1,300 jobs. The 40 acres of the Port on the Rensselaer side of the river is site C of Foreign Trade Zone number 121. A significant amount of this area is also part of New York's Empire Zone program, though benefits associated with that program are terminating in mid-2010. There is a significant amount of vacant land within the Industrial Waterfront area that could be developed for a variety of industrial, commercial and water-dependent businesses.

A Master Plan for the Port, developed in 2000, notes that the Port has the opportunity to utilize existing infrastructure – including access to water, rail, and road networks - to develop further container service. Though this would likely be concentrated on the Albany side of the Port, spin-off opportunities for the Rensselaer side would include attracting support businesses or providing a new location for existing tenants. Three master plan options outlined in the Plan identify the Rensselaer side of the Port as the preferred location for a dry bulk terminal (included in 2 options) or relocating non-rail and/or marine dependent operations from the Albany side to Rensselaer. This option includes the development of a new salt complex in Rensselaer.







- *Strong core of existing businesses.* The Industrial Waterfront area has always been an important part of the local economy of the City of Rensselaer. Major employers have historically located here, providing significant jobs and tax base to the community. While many major employers still exist, the Port offers great potential for attracting new industries, particularly those that can benefit from the multi-modal access offered by this area with its close proximity to rail, water, land, and even air transportation.

### *Historic Residential Waterfront*

The Historic Residential Waterfront character area encompasses the Fort Crailo neighborhood. This area is generally bounded by the Hudson River to the west, Columbia Street (Routes 9 and 20) to the northeast, and Belmore Place to the south. Highlights of this area include:

- *Fort Crailo State Historic Site.* In 1924 the manor house, which was originally part of the vast landholding called the Manor of Rensselaerswyck, was donated to the State of New York for creation of a museum. Today, the site tells the story of early Dutch inhabitants of the upper Hudson Valley through a variety of exhibits. In addition to regular programming, schools and cooking programs are available by reservation. The site is open for limited days and times between April and October. November through March the facility is closed to the general public. Group tours are available year round by appointment. The site is an important character-defining feature of the neighborhood.
- *Series of architecturally and historically significant residences.* The City has identified the residential neighborhood surrounding the Fort Crailo Historic Site as a local historic district given its historical roots and remaining architectural integrity. In addition to Fort Crailo, the neighborhood also has a second National Register listed building, the Aiken House. Guidelines for building rehabilitation and new construction exist and are enforced to varying degrees.



The character of the Historic Residential Waterfront area is of notable contrast to the rest of the City. Every effort should be made to retain the existing charm.

- *Albany Yacht Club.* The Yacht Club is one of few water-dependent uses on the Rensselaer



riverfront. Originally founded in Albany, it remains one of the oldest yacht clubs in the nation. The club has been at its current location in Rensselaer since 1971. One of the greatest attributes of the facility is that it is open to the public and is not a member-only club.

- *James Coyne Memorial Park.* The City of Rensselaer owns this park facility which offers active and passive recreational options for residents of the Fort Crailo neighborhood and other surrounding residential areas.

### *Central Business District*

The Central Business District character area is generally bounded by the Hudson River to the west, 3<sup>rd</sup> Avenue to the north, the rail line to the east, and Columbia Street (Routes 9 and 20) to the south. This area is characterized by:

- *Mix of uses.* Dense, urban development and a concentration of commercial, mixed-use, and government-oriented services define the traditional Central Business District. Vacant buildings, many with noteworthy architectural character, offer opportunities for adaptive reuse and rehabilitation. Intermittent vacant parcels, some of significant size, offer opportunities for infill development.
- *Routes 9 and 20 corridor.* Columbia Street separates the historic Fort Crailo neighborhood from the traditional Central Business District and is a major transportation route that has been developed with regional commercial and retail uses. Recommendations for improving and enhancing this roadway were included in the Downtown Redevelopment Plan.
- *Hyuck's Square.* This is a small urban infill park that provides open space and pedestrian amenities within the highly developed Central Business District.

### *Central Riverfront Area*

The Central Riverfront Area is generally bounded by the Hudson River to the west, the Livingston Avenue Bridge to the north, the rail line to the east, and 3<sup>rd</sup> Avenue to the south. Highlights of uses within this character area include:

- *Riverfront Park.* A large waterfront park that offers passive and active recreational options. A number of studies for the city have identified improvement and enhancement projects for the park in an effort to truly make it a regional waterfront destination. The park would benefit from stronger relationships and connections to surrounding residential neighborhoods, adjoining waterfront parcels, and the central business district. The Clearwater is a floating dock located adjacent to the park and is available for public use.



- *Zappala Block site.* Directly north of Riverfront Park is the Zappala Block site which remains an active industrial use. Previous studies have identified this site as a suitable location for mixed-use development that incorporates commercial, residential, open space and other water-enhanced and water-dependent uses.
- *DeLaet's Landing.* The DeLaet's landing project is located on the parcel which formerly housed Rensselaer High School. This parcel has been approved for a large-scale mixed-use development including office space, retail, restaurants, a hotel, and a variety of residential units. Construction of Phase 1 of this project is scheduled to commence in 2010. Additional information on this pending project is included in Section 4.
- *Amtrak site.* The Amtrak site remains under ownership and use by Amtrak for a range of storage and service oriented uses. The imminent transitioning of this site to alternative uses is not anticipated given the history of Amtrak on this parcel and the level of investment and infrastructure associated with their presence on the site. Amtrak has provided the City with an easement along the waterfront that extends from their southern property line to the Livingston Avenue Bridge for the construction of a waterfront trail. The long-term vision for this parcel is to transition the property to mixed-uses consistent with surrounding properties and projects.

### *Northern Riverfront Area*

The Northern Riverfront character area is generally bounded by the Hudson River to the west, the city's municipal boundary to the north, the rail line to the east, and the Livingston Avenue bridge to the south. Defining features of this character area are:

- *Killian's Landing.* Immediately north of the Livingston Avenue Bridge is a series of small parcels owned by multiple private and public property owners. These parcels have been previously identified as an ideal redevelopment area for a mixed-use development. The City created a Master Plan for the aggregate site known as "Killian's Landing." To date, no movement has been made by any developer to actually acquire all of the parcels and create the preferred development scenario.
- *Bath Neighborhood.* A portion of the city's second historic district, the Bath Neighborhood, is located adjacent to Killian's Landing and the Forbes Avenue Boat Launch. The Bath Neighborhood has been subject to numerous planning and design studies, including the Downtown Redevelopment Plan. The vision for the redevelopment and revitalization of this neighborhood is focused on creating a unique mixed-use destination that capitalizes on its historical appeal through streetscape enhancements, branding (gaslight district), infill development, and building rehabilitation / adaptive reuse.



- *Forbes Avenue Boat Launch.* The Forbes Avenue Boat Launch is the only publicly owned facility in Rensselaer that provides direct recreational water access to the Hudson River.
- *Rensselaer Technology Park.* The northern tip of the study area is owned by Rensselaer Polytechnic Institute (RPI) and is part of their master planned Rensselaer Technology Park (RTP), which encompasses land in Rensselaer and North Greenbush. In 1981, following a feasibility study, a master plan was developed for the RTP which focused on developing a business park to promote interactions between tenant companies and the university. Infrastructure and development costs have been paid for by RPI and the Technology Park now boasts 23 buildings, 70 tenants, and 2,400 employees, all of which are located in North Greenbush. The portion of the Technology Park in the City of Rensselaer remains open green space with opportunities for enhancement.



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## SECTION 3. WATERFRONT REVITALIZATION POLICIES

### Overview

This section of the Local Waterfront Revitalization Program (LWRP) presents the state coastal policies that shall apply to the City of Rensselaer's Local Waterfront Revitalization Area (LWRA). The New York State Coastal Management Program and Final Environmental Impact Statement developed 44 policy statements that promote the beneficial use of coastal resources, prevents their impairments, or addresses major activities that substantially impact a number of coastal resources.<sup>1</sup>

These policies are based on the economic, environmental and cultural characteristics of the City of Rensselaer and are intended to achieve a suitable balance between economic development and preservation. This balance shall permit the beneficial use of the City's coastal resources and prevent adverse effects on those resources.

The 44 policy statements shall serve as the basis for local, State, and federal consistency determinations for activities within the City of Rensselaer's LWRA. State and federal agencies are required to abide by and adhere to each policy statement to the extent physically and legally possible.

No policy shall be considered to be more significant than another policy, and it should be noted that all policies should be considered in conjunction with their context to the laws and standards of the City of Rensselaer.

### Local Responsibility

The City of Rensselaer, through its waterfront revitalization program has primary responsibility for implementing these policies. In support of this local responsibility, Federal and State government shall be guided by the following criteria:

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

- a. Priority should be given to uses which are dependent on a location adjacent to the water;
- 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;

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<sup>1</sup> State of New York Coastal Management Program and Final Environmental Impact Statement, with changes approved in 1983, 2001, 2005, 2006, and 2009.



SECTION 3. WATERFRONT REVITALIZATION PROGRAM POLICIES

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- 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.

*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 the area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of the area.*



## Index of Policies

Each of the 44 policies included in the City of Rensselaer Local Waterfront Revitalization Program are listed below with additional policy details provided in subsequent text.

### *Development Policies*

- Policy 1: RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- Policy 2: FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.
- 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, TRANSPORTATION OF CARGO AND PEOPLE.
- Policy 4: STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.
- Policy 5: ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.
- Policy 6: EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

### *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.
- Policy 8: PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.



Policy 9: EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES.

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

#### *Flooding and Erosion Hazard Policies*

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

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

Policy 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 (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

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.

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.

Policy 16: PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE OR EXISTING DEVELOPMENT AND FOR NEW



DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION; BUT ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS, INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL ON NATURAL PROTECTIVE FEATURES.

Policy 17: NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.

#### *General Policy*

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

#### *Public Access Policies*

Policy 19: PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATIONAL RESOURCES AND FACILITIES.

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 IN A MANNER COMPATIBLE WITH ADJOINING USES.

#### *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.

Policy 22: DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, WHENEVER SUCH RECREATIONAL USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

#### *Historic and Scenic Resource Policies*

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



Policy 24: PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.

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

#### *Agricultural Lands Policy*

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

#### *Energy and Ice Management Policies*

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

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.

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

#### *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.

Policy 31: STATE COASTAL AREA POLICIES AND PURPOSE 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.

Policy 32: ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE



SECTION 3. WATERFRONT REVITALIZATION PROGRAM POLICIES

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UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

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

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

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

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

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

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.

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 LAND AND 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.



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- Policy 41: LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.
- 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.
- 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.
- Policy 44: PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.



## Development Policies

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

The revitalization of Rensselaer's waterfront area is vital to the City's overall strategy for community and economic development. In particular, the City seeks to implement the following policies within its waterfront area:

Policy 1A: Redevelop the Albany Port District property and related vacant and industrial lands as an integral part of a regional marine transportation facility and, thus, the industrial focus of the City's Local Waterfront Revitalization Program. Implement the recommendations for Port lands and adjacent lands as recommended in the 2000 Port of Albany Master Plan and Development Study.

Policy 1B: Redevelop the City's Central Riverfront (generally defined as that the Zappala Block site north to the Livingston Avenue Railroad Bridge) as a focus for mixed-use development, including residential, commercial, cultural, recreational, and office uses , as defined in the 2003 Downtown Redevelopment Plan and 2006 City Comprehensive Plan.

Policy 1C: Continue to enhance the City's Northern Riverfront as a uniquely-situated site for new recreational and open space development. Work with RPI to discuss opportunities for formal recreation programming and public access on their property.

Policy 1D: Stabilize and revitalize the historic Fort Crailo and Bath neighborhoods for residential development, mixed-use development, public access, and compatible limited commercial uses.

Policy 1E: Stabilize and revitalize the Rensselaer Central Business District for mixed-use, retail, office, cultural, and related activities, as identified in the 2003 Downtown Redevelopment Plan

Policy 1F: Integrate the various waterfront area land uses, provide recreation and public access opportunities, and preserve waterfront lands through the development of an open space/trail system. The trail system should extend from the Port area overlook in the City's highly-industrial southern end to an expansive open space/park area on lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.



Policy 1G: Allow the extension of proposed office park development supportive of the Rensselaer Technology Park southward from the North Greenbush coastal area into the RPI-owned northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be resolved.

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

Redevelopment of the Albany Port District property for active-marine dependent uses, fuller utilization of the petroleum terminals/tank farm area, and the creation of public access and interpretive opportunities throughout the Rensselaer riverfront are essential water-dependent uses identified in the LWRP Concept Plan (Figure 13) and LWRP Proposed Projects (Figure 14).

The following uses and facilities are considered to be water-dependent:

1. Uses which depend on the utilization of recreation found in coastal waters;
2. Recreational activities which depend on access to coastal waters;
3. Uses involved in the sea/land transfer of goods;
4. Structures needed for navigational purposes;
5. Flood and erosion protection structures;
6. Facilities needed to store and service boats and ships;
7. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained;
8. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical;
9. Scientific/educational activities which, by their nature, require access to coastal waters;
10. Support facilities which are necessary for the successful functioning of permitted water-dependent uses, including parking lots, snack bars, restrooms, first aid stations, etc. Though these uses must be near the given water-dependent uses, 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, 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 that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Restaurants, commercial uses oriented to the waterfront, residential uses with a strong physical or visual relationship to the waterfront, and recreational and open space areas are examples of water-enhanced uses.



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 use which involves an irreversible, or nearly-irreversible, commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, or non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water-dependent uses.

To facilitate development of these land uses, the City is committed to the following policy:

Policy 2A: Maintain all suitable industrial land within and contiguous to the Port lands, to provide a critical land mass for marine-dependent industrial development.

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

The aim of this policy is to support the major port agencies, such as the Albany Port District Commission, in efforts to promote the continued and increased vitality of major port areas. Three other development policies discussed in this section of the City's Local Waterfront Revitalization Program, also have significant implications for development of the Port at Albany-Rensselaer, namely: water dependency, concentration of development, and the expediting of permit reviews.

While the full development of the port and industrial area in Rensselaer for marine-dependent business, such as a possible container shipment facility, is encouraged, the residential and historic character of nearby areas must be protected.

Policy 3A: Require commitments to significant near term improvements in land (i.e., vehicular) access to the Port and industrial area prior to the approval of development actions which may result in increased truck and related traffic through the City's existing residential neighborhoods.

If an action is proposed for a site within or abutting a major port, or if there is a reasonable expectation that a proposed action elsewhere would have an impact on a major port, then the following guidelines shall be used in determining consistency:

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity; i.e., development related to waterborne transportation, which will have precedence over other, non-port-related activities.
2. Dredging to maintain the economic viability of major ports will be regarded as an action of



regional or statewide public benefit if a clear need is shown for maintaining or improving the established alignment, width, and depth of existing channels or for new channels essential to port activity; and, it can be demonstrated that environmental impacts would be acceptable according to State regulations governing the activity.

3. Landfill projects in the near-shore areas will be regarded as an acceptable activity within major port areas, provided adverse environmental impacts are acceptable under all applicable environmental regulation and a strong economic justification is demonstrated.
4. If non-port-related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.
5. When not already restricted by existing laws or covenants, and when there is no other overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port.: shall be offered for sale, in the first instance to the appropriate port authority.
6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consideration must also be given to non-port-related interests within or near the ports that have demonstrated critical capital programming needs.
7. No buildings, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency, or sold without making provisions for their maintenance in sound condition, or for their demolition or removal.
8. Proposals for the development of new major ports will be assessed in terms of the anticipated impact on: a) existing, New York State major ports; b) existing modes of transportation; and c) the surrounding land uses and overall neighborhood character of the area in which the proposed port is to be located; and d) other valued coastal resources.
9. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the port: and the port authority, and its tenants do not incur unreasonable costs.

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 is not applicable to the City of Rensselaer.

Policy 5:       ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES



AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

Several policies are directed to the fuller utilization of existing public service and facility investments through the revitalization and fuller utilization of existing developed areas within its waterfront area. These include Policies 1A and 3A, recommending the redevelopment and fuller utilization of the Albany Port District property and related industrial lands in the south of the City; Policy 1D, recommending the revitalization of the Fort Crailo and Bath neighborhoods; Policy 1E, recommending the revitalization and infill development of Rensselaer's central business district; and Policy 1F, recommending the development of an open space/trail system throughout the City's coastal area, linking existing neighborhoods and new development sites. In addition, Policies 1B and 1C recommend redevelopment within the City's central and northern waterfront areas, respectively, where essential infrastructure and other support facilities are either available or readily extendable.

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

New waterfront development activities will be coordinated by the City in an effort to synchronize existing permit procedures and regulatory programs. 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. 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.

### 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.

In order to protect and preserve habitats in the Hudson River, land and water uses 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 shall 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 types of activities that have the potential to impact fish and wildlife habitats include, but are not



limited to the following:

- Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
- 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.
- Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increase scouring, sedimentation.
- 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.

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

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 27-0901.31 as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or b) 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 has been adopted by DEC (6 NYCRR Part 371).

In the City of Rensselaer no solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, or on or into the ground, except in strict accordance with the standards approved by the Rensselaer County Department of Health or other duly-empowered agency.

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.



The City's proposed Riverfront trail system includes several opportunities for increased access to fish and wildlife resources within the coastal area. As detailed in Section 4.0, these include the development of a Port Overlook park and small boat launch immediately south of the Port Districts turning basin, improvements to Rensselaer Riverfront Park, public access in the Fort Crailo neighborhood, expansion of facilities and usage of the Forbes Avenue Boat Launch, increased public access and usage of lands owned by RPI, and the overall provision of a Riverfront trail system, as recommended by Policy 1F.

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing, 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 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 resource management considerations. Such considerations include biology of the species, species role in the ecosystem, carrying capacity of the resource, public demand, costs and available technology.

Consideration should be made by Federal, State and local agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

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

This policy is not applicable to the City of Rensselaer.

## 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.

The provisions of the National Flood Insurance Program apply within the City's flood-prone areas, as identified and mapped by the Federal Insurance Administration. The standards for land use and development activity within designated flood-prone areas are stated in Chapter 105 of the City's General Code, "Flood Damage Prevention", adopted June 1987. The areas affected by Chapter 105 include those lands of special flood hazard identified by the Federal Emergency Management Agency in



a scientific and engineering report entitled the "Flood Insurance Study for the City of Rensselaer, of Rensselaer County, New York," dated September 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, are hereby adopted and declared to be a part of this chapter. Any development project within this area should review and adhere to all requirements identified in Chapter 105 of the City Code, "Flood Damage Prevention".

All uses should be reviewed with the following additional standards, as certified to by a registered architect or licensed professional engineer:

1. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water related forces.
2. All construction materials and utility equipment used shall be resistant to flood damage.
3. Construction practices and methods shall be employed which minimize potential flood damage.
4. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. All water supply and sewage disposal systems shall be designed to minimize or eliminate flood water infiltration or discharges into the flood waters.
7. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood water level, also known as the one hundred (100) year flood.
8. All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest, floor (including basement) elevated to at least one (1) foot above the water level of the base flood, otherwise known as the one hundred (100) year flood or, as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.
9. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any point."

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.

This policy is not applicable to the City of Rensselaer.

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 (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Policy 13A: The construction of erosion control bulkheading, riprapping, sea wall construction or reconstruction, or piling installation including that is necessary to maintain the navigable channel of the Hudson River and the Port turning basin, shall meet sound construction practices and procedures and be undertaken only if they have a reasonable probability of functioning as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

A marine structure is any structure which, either directly or indirectly, interacts with marine or estuarine waters of the State of New York. Marine structures include but are not limited to docks, catwalks, ramps, floats, bulkheads, retaining walls, wave baffles, piers, piles, jetties, groins, buoys, sewage treatment plants, sewage outfalls, stationary or semi-permanent barges, and artificially-created marshes. An example of a structure which directly interacts with marine or estuarine waters would be a dock or floating dock. An example of a structure which indirectly interacts with marine or estuarine water would be a retaining wall above mean high water, which is in direct contact with marine or estuarine water only during storm events. The purpose of this policy is to ensure that such structures fulfill their intended function without any adverse environmental effects on or adjacent to the structure site, within the design life of the structure. Standards for the construction and maintenance of marine structures can be found in the following publications:

1. Shore Protection Manual (U.S. Army Corps of Engineers);
2. Low-Cost Shore Protection (U.S. Army Corps of Engineers);
3. Coastal Structures Handbook Series (New York Sea Grant Institute);
4. Vegetation for Tidal Shoreline Stabilization in the Mid-Atlantic States (USDA/Soil Conservation Service);
5. Seawall and Revetment Effectiveness, Cost and Construction (Florida Sea Grant College, Report #6) ;
6. Compatibility of Borrow Material for Beach Fills (US Army Corps of Engineers, CERC-TM-60, 1975) or (Dean R.G. in 14<sup>th</sup> Annual CEC pp. 1319-1333).



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.

The City will apply fully the provisions of the National Flood Insurance Program in the review of activities and development within the City's flood-prone areas. Procedures and standards are detailed in the City's "Flood Damage Prevention Ordinance." All development within the Flood Fringe boundary, or 100 year floodplain, is subject to special permit review under the City's Zoning Law. Refer to Policy 11 for fuller discussion.

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.

This policy is not applicable to the City of Rensselaer.

Policy 16: PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE OR EXISTING DEVELOPMENT AND FOR NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION; BUT ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS, INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL ON NATURAL PROTECTIVE FEATURES.

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.

Policy 17: NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.

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 considerable costs of protection against those hazards which structural measures generally entail. This policy should, therefore, apply to the planning, design and siting of all proposed activities and development, including measures to protect existing activities and development.



As stated in the discussion of Policies 11 and 14, the "Flood Damage Prevention Ordinance" and its site plan approval and subdivision review powers, will be utilized to ensure consistency with this policy. 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 this policy would require the use of such measures, whenever possible. Further, the erosion hazard aspects of Policy 17, involving special erosion hazard areas delineated by NYSDEC, are not applicable to the City's LWRP.

### General Policy

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

Proposed major actions within the coastal area should only be undertaken if they do not significantly impair valuable coastal waters and resources, and thus frustrate the achievement of the goals and safeguards the State has established to protect those waters and resources. In particular, proposed actions should take into account the overall social, economic and environmental interests of the State and its citizens in matters that would affect natural resources, recreation, navigation, land transportation, and other factors. The City further maintains that any action occurring within the coastal area shall be reviewed under the State Environmental Quality Review (SEQR) procedure for consistency with coastal plans and policies.

### Public Access Policies

Policy 19: PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES.

Water-related recreation resources and facilities considered priorities for improved access along Rensselaer's Hudson Riverfront include fishing areas and boating facilities, as discussed in Policy 9, active and passive parks, and, importantly, open space and trail linkages between these facilities to optimize the use of these resources. The City and other governmental agencies should remove existing barriers to access (both physical and institutional) and facilitate new opportunities and alternative modes of access, including pedestrian/bicyclist, vehicular and marine.

The following public access/recreational resource policies will be achieved within the City's coastal area:



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- Policy 19A: Develop a Port Area Overlook and interpretive area, including small boat launch, as a facility for passive and water-dependent active recreation and a perspective from which Port activities on both shores of the Hudson River might be viewed.
- Policy 19B: Develop a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront Park at its proposed Downtown entrance.
- Policy 19C: Enhance public access to the waterfront in the Fort Crailo neighborhood at the terminus of Aiken Avenue and ensure Fort Crailo Park is maintained.
- Policy 19D: Enhance and expand recreational programming at Coyne Field Park and strengthen connections between the park, surrounding residential areas, the central business district and the waterfront, via Routes 9 & 20.
- Policy 19E: Extend development of Riverfront Park to include a proposed downtown entrance and expanded parking and recreational facilities. Implement public access enhancements at Riverfront Park as identified in the Comprehensive Plan and Downtown Redevelopment Plan. Promote the use of the Clearwater dock by the general public.
- Policy 19F: Provide public access for continuation of the Riverfront open space trail system through the Central Riverfront, including along existing easements on the DeLaet's Landing property and the Amtrak property to its immediate north.
- Policy 19G: Extend the Riverfront trail through a redeveloped northern Riverfront area, including mixed-use development with a historic character (such as proposed for Killian's Landing) in the vicinity of the Bath neighborhood and expansion of the Forbes Avenue Boat Launch for public water access.
- Policy 19H: Provide a northern focus for the City's Riverfront open space trail system by developing picnic areas and active recreational facilities, such as ball fields and tennis courts, on the RPI lands north to the Patroon Island Bridge.
- Policy 19I: Link the City's Riverfront open space system with further recreational amenities proposed in the Town of North Greenbush and beyond, including linkages to the established trail system in the City of Troy.



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 the 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 cases estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
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 accordance 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.

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 IN A MANNER COMPATIBLE WITH ADJOINING USES.

The concept of the waterfront trail system and the development of key access points from the developed community to this trail system (i.e. at the proposed Port Area Overlook, site within the Fort Crailo neighborhood, between the central business district and Riverfront Park, on the DeLaet's Landing parcel, within the Bath neighborhood, and as an extension of the RPI Technology Park development) provides for a high level of linear and nodal public access to the waterfront for both City residents within and beyond the coastal area, as well as the users and occupants of new facilities.

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



with this policy, 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.

## 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 RIVERFRONT.

See discussion of Policy 19.

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.

Building upon the example set by the City's existing Riverfront Park, which has been made possible by the development of highway right-of-way lands for recreational purposes, multiple use of other sites for recreational purposes in accordance with local coastal management objectives and the illustrated "Proposed Land and Water Uses " will be required. These opportunities have previously been identified within this LWRP as Policies 19A through 19I.

Developments often 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 recreational 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.

Prior to taking action relative to any development, consultation should occur with the State Office of Parks, Recreation, and Historic Preservation to determine appropriate recreational uses. The agency should provide OPRHP and the municipality the opportunity to participate in project planning.

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, including marinas, long-term docking, and short-term docking, must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. Boating facilities are recommended along the Rensselaer shoreline as identified in Section 4: Proposed Land and Water Uses and Projects.

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 should, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities.

### Historic and Scenic Resource 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.

As revitalization occurs within the City's business district, and in the Fort Crailo and Bath neighborhoods, suitable rehabilitation standards, as detailed in the City's Downtown Redevelopment Plan (2003) and defined in the Historic District Overlay zoning district, shall be followed and enforced through protective zoning controls and the pursuit of potential National Register designation of one or more of these areas, so that existing resources are recognized, maintained and enhanced.

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 include:

1. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places. Within the City, National Register properties include Fort Crailo and the Aiken House within the Fort Crailo Neighborhood, and the Patroon Agent's House at Bath.
2. A local landmark, park, or locally-designated historic district that is located within the boundary of an approved local waterfront revitalization program. Currently, the Fort Crailo and Bath neighborhoods are locally-designated resources.
3. An archeological resource which is on the State Department of Education's inventory of archeological sites.

The City's Zoning Law has designated the Fort Crailo and Bath neighborhoods within the Historic District Overlay zoning district. The City's Zoning Law specifically provides for detailed project review and the issuance by the Planning Board of a Certificate of Appropriateness before any improvements are made



on any public or private property or public place within the Historic District Overlay. Standards which guide the Planning Board in its consideration of a Certificate of Appropriateness are the following:

- a. Historical or architectural significance of the structure.
- b. Relationship to the historical value of the surrounding area.
- c. General compatibility of exterior design, texture and materials proposed to be used.
- d. Other factors, including aesthetic, deemed pertinent.

The standards included within the Historic District Overlay apply to exterior features and do not regulate interior changes to any structure, with the exception of public buildings or when public funding is being used for a project. =

In addition, in its rehabilitation assistance efforts the City has applied, and will continue to apply, the Secretary of the Interior's rehabilitation standards.

Given the possibility of archeologically significant sites within the waterfront area, public agencies shall contact the N.Y.S. Office of Parks, Recreation, and Historic Preservation to determine appropriate protective measures to be incorporated into development decisions.

Policy 24: PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.

This policy is not applicable to the City of Rensselaer.

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

When considering a proposed action, reasonable steps shall be taken to protect, restore or enhance the overall scenic quality of the coastal area through sensitive siting and design guidelines and appropriate land use and development review processes. Emphasis will be placed by the City both on the removal of existing elements which degrade the coastal area, such as billboards, and the addition of elements which would enhance the coastal area's scenic quality. Among significant local resources are the historic resources discussed under Policy 23 and such natural features as views to, from, and across the waterfront, open land areas along the waterfront, and the considerable vegetation that has become naturally established within the City's coastal area.

The City prohibits the erection of new billboards and other off-site advertising signs, requires the five-year amortization of billboards, requires the removal upon notice of obsolete signage, establishes appropriately urban-scale square footage and locational requirements for business signage, includes standards for such site characteristics as lighting, landscaping, and screening (Design Guidelines for



Waterfront Mixed-use District and Design Guidelines for Downtown Mixed-use District), and in historic areas (i.e., Historic District Overlay) requires “certificate of appropriateness” provisions and standards earlier discussed under Policy 23.

### Agricultural Lands Policy

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

This policy is not applicable to the City of Rensselaer.

### Energy and Ice Management Policies

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

This policy is not applicable to the City of Rensselaer.

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, the extent of those proposed actions (type, disturbance, extents) must be described in detail and an assessment must be made on the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats in the Hudson River, offshore of the City of Rensselaer, flood levels and flood damage, and rates of shoreline erosion.

Following such an assessment, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented. Such methods must be analyzed as to their beneficial and adverse effects.

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

This policy is not applicable to the City of Rensselaer.



### Water and Air Resource 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.

All point source discharge of pollutants into the Hudson River must conform to State and National water quality standards.

Policy 31: STATE COASTAL AREA POLICIES AND PURPOSE 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.

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 standards and classifications are periodically reviewed for possible revision or amendment, with the requirement stated by this policy that coastal management policies be clearly factored into this review process. The City encourages the State to set as its objective the undertaking of water quality improvement measures to permit the ultimate upgrading of the Hudson River from "C" to "B", thus providing for increased recreational use, such as swimming.

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.

This policy is not applicable to the City of Rensselaer.

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

Structural approaches to controlling stormwater runoff (construction of retention and detention basins) and combined sewer overflows (e.g., replacement of all elements of a combined system with separate sanitary and stormwater collection systems) are not presently economically feasible. Until considerably more affordable technology is developed, nonstructural approaches (e.g., improved site drainage design



for new development, improved street cleaning, reduced use of road salt) will be techniques encouraged by the City for both its own and private sector implementation.

The City of Rensselaer is an MS4 community and is part of the Rensselaer County MS4. Under the USEPA, Phase II Stormwater Rule for MS4's, the City is required to develop and implement a stormwater management program that addresses six minimum controls, defined under the policy and program headings listed below:

- Public Education and Outreach;
- Public Participation and Involvement;
- Illicit Discharge Elimination;
- Construction Site Runoff and Control;
- Port Construction Site Runoff and Control; and
- Pollution Prevention and Good Housekeeping for MS4 communities.

The Rensselaer County MS4 Communities is a forum for the regulated communities to share resources and work in partnership toward compliance with the United States Environmental Protection Agency (U.S. EPA) Phase II Stormwater requirements. The overall goal of the Communities is to utilize regional collaboration to identify existing resources and develop programs to reduce the negative impacts of stormwater pollution and ultimately improve the water quality on our streams and lakes.

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

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated pursuant to Section 33C of the NYS Navigation Law. Priority will be given to the enforcement of this Law in areas such as shellfish beds and other significant habitats' beaches' and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Consistent with this policy, any new or significantly expanded marina or boat club development should be provided with adequate pump-out facilities for marine craft.

Policy 35: DREDGING AND FILLING IN COASTAL WATERS AND DISPOSAL OF DREDGE MATERIAL WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS



AND WETLANDS.

Dredging often proves to be an essential activity to accommodate waterfront revitalization and development, maintaining navigation channels and dockside berths at sufficient depth, for pollutant removal and the meeting of other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Frequently, these adverse effects can be mitigated through both careful design and timing of the dredging operation and proper locational siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that any anticipated adverse effects have been sufficiently reduced, or eliminated, to satisfy State dredging permit standards, as set forth in regulations developed pursuant to Articles 15, 24, 25 and 34 of the Environmental Conservation Law and applicable State Coastal Management policies.

Any dredge spoil disposal sites should be compatible with the LWRP and, if located within the City, involve spoil material of a nature and bearing capability that is fully consistent with both applicable health and safety standards and the intended long-term land use of the disposal site, as identified in Section IV, "Proposed Land and Water Uses."

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.

The transport of petroleum and other products should be discouraged through residential areas, as previously discussed in Policy 3A, particularly should desired expansion of activity within the Rensselaer Port Facility occur, and alternate routes developed for such transport. For the purpose of the City of Rensselaer LWRP policies, hazardous materials are the same as hazardous wastes as defined in Policy 39.

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

Best management practices used to reduce non-point sources of pollution could include, but are not limited to, restrictions of use of pesticides and chemical fertilizers, soil erosion control practices, and effective surface drainage control techniques. Effective review for erosion control and surface drainage, both during construction periods and during project occupancy, is in effect for commercial, industrial and multi-family residential developments, and for all other development activities, including fill and excavation, within the designated flood plain areas, which encompass most of the City's waterfront



area.

This review includes, but is not limited to, the scheduling and staging of excavation activities; configuration of the proposed final contours; adequacy of storm drainage facilities; adequacy of sewage disposal facilities; retention of existing vegetation; and the incorporation of proposed vegetation (turf, ground covers, shrubs, and trees). The standard applied by the City in its review is that drainage must be fully accommodated under the conditions of a "20-year storm."

Please refer to Policy 33 for additional information.

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.

This policy is not applicable to the City of Rensselaer.

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 LAND AND SCENIC RESOURCES.

Policy 39 is wholly regulated by State and Federal Agencies. The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities' demolition and construction debris, and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law, Section 27-0901(3), as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." 6 NYCRR Part 366 lists hazardous wastes.

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.



Particular attention should be given to the proximity of residential neighborhoods (e.g., the Fort Crailo neighborhood) to many of the City's industrial areas where solid and hazardous wastes either are, or have been, transported, stored, treated, and disposed. Careful cleanup of any existing disposal sites that are located within the coastal area should be pursued and no new disposal sites created by either private or public entities due to the environmental sensitivity of the waterfront and the urban population concentrations located nearby.

Solid and hazardous waste dumping is not permitted within the LWRP boundary, nor is the creation of new disposal sites.

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.

This policy is not applicable to the City of Rensselaer.

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

Any new development in the Rensselaer LWRA is required to conform to 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 shall be considered the minimum air quality control requirements.

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.

This policy does not apply to the City of Rensselaer's local program.

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.

The City of Rensselaer recognizes the importance of the State's policies to control acid rain, understanding these efforts will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources. The City LWRP supports State policies.



## Wetlands Policy

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

Section 2 and Figure 8b of this LWRP identify and describe wetlands, including tidal and freshwater, within the LWRP study area. A total of 4.19 acres of tidal wetlands and 593 acres of adjacent areas exist within the LWRP boundary. Activities in or adjacent to tidal wetlands are subject to requirements of the Tidal Wetland Act of 1973.

One freshwater wetland, designated D-103, is located east of the petroleum tank farms in the southern extreme of the City's coastal area. This site is less than 12.4 acres, and is not a State regulated freshwater wetland. However, any development activity proposed within one hundred (100) feet of the boundary of a freshwater wetland is subject to special permit review and approval by the City's Planning Commission, with DEC Freshwater Wetlands standards locally applied.



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## SECTION 4. PROPOSED LAND AND WATER USES AND PROJECTS

### Introduction

The City of Rensselaer's urban waterfront is an asset that affords the City a significant the opportunity to spearhead revitalization efforts. Views of the Albany skyline, access to major transportation routes, available infrastructure, and urban amenities are all opportunities that Rensselaer can build upon as it seeks to re-create itself as a destination that offers a unique and distinctive experience.

The Proposed Land and Water Uses and Projects section is divided into three primary components:

- The *Proposed Land and Water Uses* component discusses the general categories of land uses within the boundary, which are geographically depicted on Figure 12.
- The *Overall Design Concept* discusses general overarching design principles intended to be incorporated throughout the study area to guide future redevelopment and revitalization efforts.
- *Proposed Projects* identifies specific planning and capital projects that are intended to further the City's vision for the waterfront and support the LWRP Policies identified in Section 3. Proposed projects are shown on Figure 14.

### Proposed Land and Water Uses

The land uses proposed for the Rensselaer waterfront were most recently defined as part of the City's 2006 Comprehensive Plan and confirmed as part of the LWRP Update process. The resulting future land use plan shows a range of land uses for the LWRP study area, including industrial, residential, mixed-use, and parks and open space. The land uses reflected on the Proposed Land and Water Use Plan (see Figure 12) are consistent with future land use classifications identified in the 2006 Comprehensive Plan. The range of uses envisioned for the Rensselaer waterfront seek to create a vibrant, exciting, and varied experience for both residents and visitors. The presence of large scale industrial uses, integrated among residential, open space, recreational, and commercial uses, helps to strengthen the local tax base and provide job opportunities for city residents.

The land and water uses proposed within the Rensselaer LWRP boundary are summarized below:

#### *Residential*

The primary residential area within the LWRP boundary is the historic Fort Crailo neighborhood (see Figures 11 and 12), roughly bounded by the Hudson River to the west, Route 9 to the northeast and Rensselaer Avenue to the south. It is intended that this area remain residential, with potential



opportunities for limited small-scale commercial. Residential densities appropriate for this neighborhood range from single-family to multi-family. Of greatest importance in this residential neighborhood is the maintenance of the existing character and scale of the historic neighborhood. Design guidelines for the Fort Crailo residential area would assure new construction and significant reconstruction projects are respectful of extant structures. The preservation of this neighborhood and its historic building stock could create a unique destination in the City, resulting in enhanced property values. Coupled with access to waterfront trails and recreation, close proximity to new mixed-use waterfront development, and access to downtown, this residential enclave has great potential for drawing new residents to the City of Rensselaer.

### *Industrial*

The City's industrial waterfront encompasses the southern portion of the LWRP study area (see Figures 11 and 12), extending from Rensselaer Avenue to the City's southern boundary. The Industrial land use area is an active industrial location with historical significance. Maintaining industrial uses within this area is important for sustaining the city's economic base and providing employment opportunities for residents. With proximity to major transportation routes, including road, water, and rail, this area remains ideally situated to accommodate expansive industrial uses. Recent investments to attract shipping, freight, and warehousing to the Albany Rensselaer Port will sustain this area into the foreseeable future. Heavy industrial uses should be located as far south in this area as possible in an effort to avoid land use conflicts with adjacent residential and mixed-use areas, including the historic Fort Crailo neighborhood.

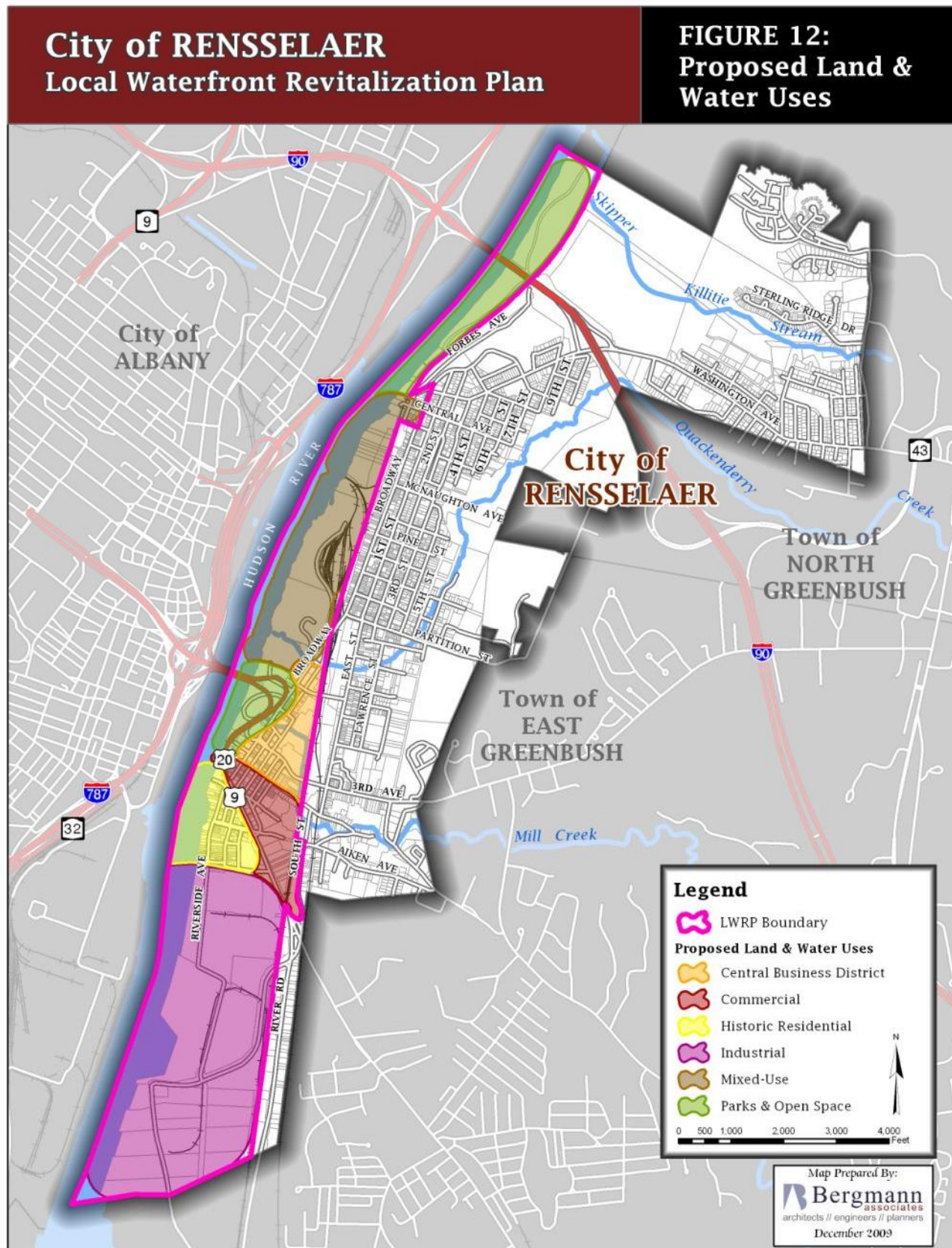
### *Commercial / Retail*

Commercial and retail uses are currently, and will likely remain, focused along the US Routes 9 & 20 corridor, a portion of which runs through the LWRP boundary area (see Figure 11 and 12). Due to high traffic volumes on this road, it is a desirable location for major retail uses and professional offices. The corridor is also a primary gateway to the city and should be enhanced as such, particularly in the waterfront area.

### *Mixed-use*

The Comprehensive Plan and subsequent planning and development efforts focused on establishing the Central Riverfront area (see Figure 11 and 12) of the City for Mixed-use land development. DeLaet's Landing, as well as the potential development of the sites known as Killian's Landing, fulfill this vision for mixed-use along the waterfront. Allowing a range of uses will help to establish a sense of vibrancy and excitement and reconnects the City to the Hudson River. The mixed-use land use area indicated on the proposed land and water use map should become a







destination that provides a diverse mix of uses, including but not limited to, residential, retail, office, service, accommodations, cultural facilities, entertainment, open space, and other compatible water-dependent and water-enhanced uses. Relatively high development density and scale should be permitted where feasible. Creative solutions to accommodate parking, access, and traffic should also be required for new developments. Shared parking should be encouraged and should be used to avoid the development of expansive areas of pavement along the waterfront. Opportunities for alternative materials for parking areas should be considered as appropriate. Structures should be designed to highlight the Hudson River and celebrate the city's history and heritage. Large, suburban style development should be avoided.

Public access to the waterfront should be a requirement of all new development along the Hudson River. A 25 to 100 foot public access easement should be required on all waterfront parcels to allow continuous public access to the Hudson River. All properties within the LWRP should consider pedestrian connectivity as site enhancements, new development, or redevelopment projects are introduced. Pedestrian routes should be maximized, internal to waterfront sites, to the waterfront, and to neighboring areas of the city, including the central business district.

#### *Parks and Open Space*

Parks and open space areas (see Figures 7 and 12) include established waterfront and downtown parks, including Riverfront Park, Forbes Avenue Boat Launch, the Fort Crailo Park, Coyne Park and other identified potential park and open space areas, including RPI-owned lands in the northern portion of the waterfront.

### **Overall Design Concept**

The overall design concept for the Rensselaer waterfront is identified on Figure 13, Concept Plan. The goal of the Concept Plan is to identify physical improvements to the study area that further the policies identified in Section 3.0 of the Local Waterfront Revitalization Program. The waterfront is envisioned to serve a multitude of functions ranging from an employment and industrial center in the south, a mixed-use waterfront destination in the center, and recreation and open space in the north. Promoting continuous visual and physical access to the waterfront, and linking the waterfront to surrounding neighborhoods and municipalities, should be a top priority integrated in all future decision-making related to the waterfront area.

#### *Pedestrian Circulation*

Physical access to the waterfront should be improved from surrounding neighborhoods and the central business district. People should be drawn to the waterfront from these neighborhoods and the amenities should be in place to allow them to reach the waterfront and enjoy the natural beauty that it offers. The waterfront trail has been successfully completed at Riverfront Park and will be incorporated



in the form of a waterfront promenade in the development of DeLaet's Landing. AMTRAK has provided a 100-foot easement on its waterfront property for construction of a waterfront trail. However, the City must still negotiate with other property owners to identify how a trail might traverse other privately owned waterfront parcels.

### *Vehicular Circulation*

The vehicular circulation concept for the Rensselaer waterfront focuses on improving the aesthetic streetscape conditions along existing roadways so they are pleasant, safe, and user-friendly. All corridors providing direct access to the waterfront, located in the LWRP boundary, should have consistent streetscape treatments including landscaping, lighting, and pedestrian amenities including trash cans and kiosks. Distinctive paving patterns should be established at key intersections along Broadway, particularly at its intersection with Columbia (Routes 9 & 20), 3<sup>rd</sup> Avenue, Washington Street, Tracy Street, and Washington Avenue. Enhancements at these intersections will signify key locations, identify proximity to the waterfront, calm traffic, and to designate pedestrian-oriented areas. Vehicular circulation associated with new development should seek to limit the creation of new obstacles to pedestrian circulation to the waterfront and should strive to balance the needs of cars and other users.

### *Gateways*

The Concept Plan shows a series of Waterfront Gateways that should be enhanced to announce arrival into the waterfront area. Key gateways are located at entries to the Industrial and Port areas, as part of park and open space enhancement projects, and at locations where there is, or is proposed to be, access to the waterfront. Gateway enhancements may include the installation of special waterfront signage, landscaping, intersection enhancements, changes to pavement patterns, lighting, and possibly informational and/or interpretive kiosks.

### *Parks and Open Space*

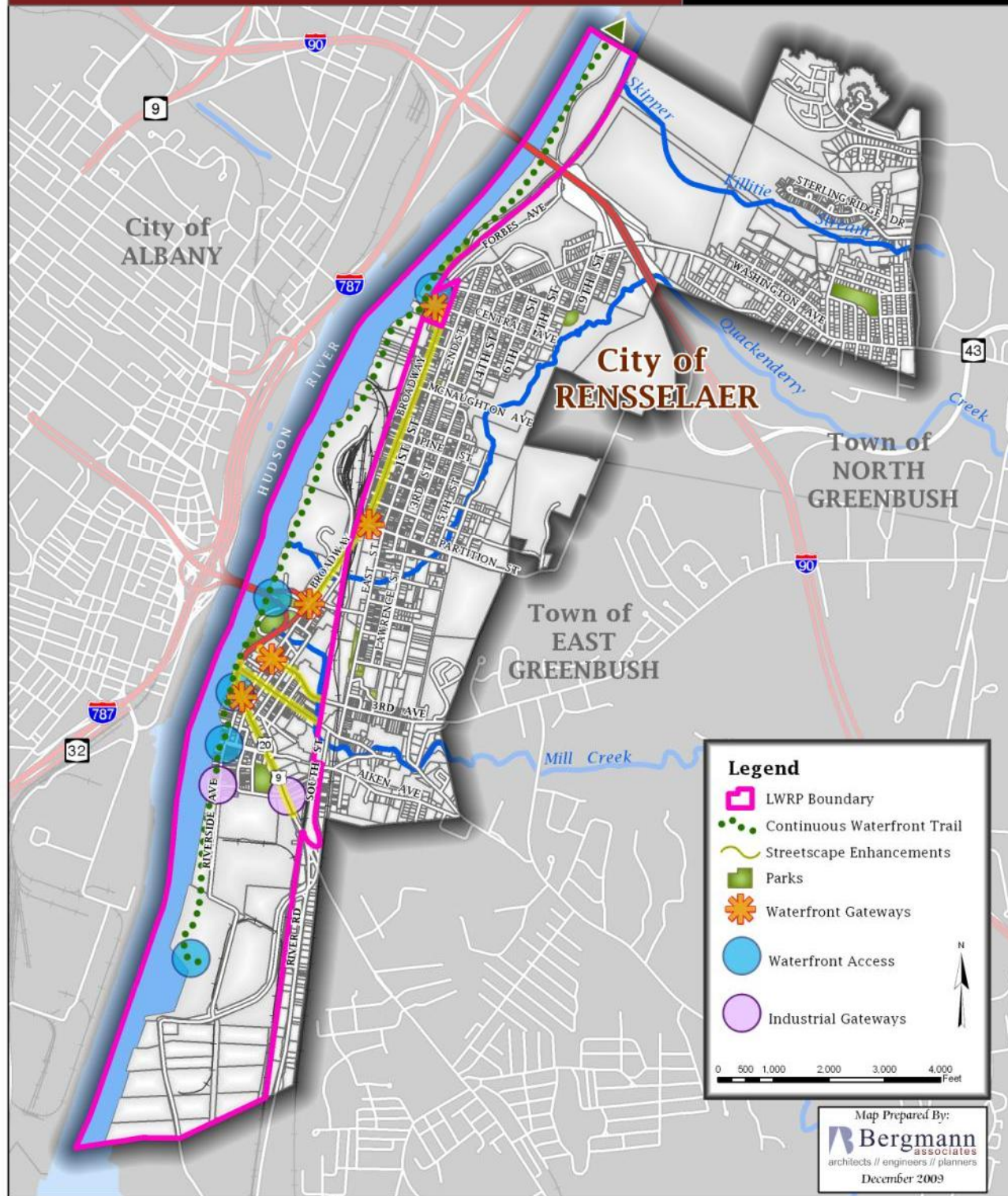
The proposed waterfront trail would create a continuous, linear park along the Hudson Riverfront. The trail system would link destinations, and improve accessibility to and between existing and proposed waterfront parks and open spaces. Interpretive nodes, informational kiosks, seating areas, and overlooks should be developed at key locations along the length of the waterfront trail, as noted on the Concept Plan. All future plans for parks and open spaces within the coastal area should incorporate public amenities, such as interpretive kiosks, boat lockers, public restrooms, play areas, and picnic areas.

Connections and linkages are not only important along the waterfront, but also between the waterfront and inland neighborhoods. A continuous, high-quality sidewalk along Tracy Street that connects neighborhoods with the waterfront trail should be created. Pedestrian and bicycle linkages between the future waterfront trail and residential neighborhoods and the central business district should be established.



## City of RENSSELAER Local Waterfront Revitalization Plan

**FIGURE 13:  
Design Concept Plan**





## Proposed Projects

A significant element of the City's Local Waterfront Revitalization Program is the recommendation of specific proposed uses and projects, both public and private, within the coastal area. Evaluation of the natural and man-made resources inventory, review of waterfront conditions and potentials, and discussion of applicable State and local policies have served as the basis for determining proposed uses.

The City has been engaged in a number of planning and design efforts over the past decade, aiming to better define and identify specific opportunities for the waterfront area. A Conceptual Plan for the LWRP has been developed that coalesces these individual projects and shows how they inter-relate to one another (see Figure 13). Portions of the waterfront area that have yet to be studied in detail have been identified, with potential projects and amenities summarized and depicted as part of the overall Concept Plan.

The proposed projects are generally organized under the following sub-headings, which geographically traverse the study area from south to north. Additional detail about each of the proposed projects for each area is included in subsequent narrative.

- General Projects Proposed for the LWRP
- Industrial Waterfront Projects
- Historic Residential Waterfront Projects
- Central Business District Projects
- Central Riverfront Projects
- Northern Riverfront Projects



The following proposed projects, organized by character area, are depicted on Figure 14 and summarized further below.

### *General Project*

#### 1 Continuous Multi-Use Waterfront Trail

A proposed continuous waterfront trail has been identified as a priority project by the City for over two decades, though only small portions of this trail have actually been designed and installed to date. A trail segment exists in Riverfront Park, public access is guaranteed on the DeLaet's Landing property (former school), and an easement has been granted on the AMTRAK property north of DeLaet's Landing for construction of a trail. Future trail development should support the Hudson River Valley Greenway Trail and encourage additional opportunities for linkages to established trails, such as those in Troy, NY. All future development proposed along the waterfront should include the provision of a right-of-way or designated easement for development of continuous public access along the waterfront. The trail must be multi-use in design, accessible for walkers, runners, in-line skaters and cyclists and should connect to regional trail programs and initiatives.

### *Industrial Waterfront Projects*

The Albany Rensselaer Port Area has historically been, and continues to be, the industrial activity center within the City of Rensselaer. Supported by its prime location on the Hudson River, the Albany Rensselaer Port is most suitable for continued industrial and water-dependent commercial activity. Identifying easements to provide for continuous waterfront access, even in this heavy industrial area, should remain a priority for the city and individual landowners. Specific locations and projects in the Albany Rensselaer Port Area are detailed further below.

#### 2 Industrial and Water-Dependent Commercial Uses

This southernmost extent of Rensselaer's coastal area is recommended for continued and long-term industrial and commercial uses, including the development of marine-dependent businesses such as the proposed container operation. Marine-based commercial and industrial uses are vital to both the overall economic health of the City and to recapture the State's dock investment. Today the Port and surrounding industrial lands are home to a number of viable businesses, though there is also significant vacant and underutilized land that could be used by other commercial and industrial businesses.

#### 3 Port Area Overlook and Interpretive Area

A Port Area Overlook, including a small boat launch, has been recommended within the Industrial Waterfront, consistent with the existing LWRP. It is recommended that this facility be developed near the existing turning basin, and provide both passive and limited active recreational opportunities. This



area offers a visual perspective from which Port activities on both shores of the Hudson River could be observed. This location would serve as the southern starting point, or terminus, of the continuous waterfront trail in the City of Rensselaer.

Adjacent to the Port Overlook, it is recommended that an interpretive area be established that recognizes and celebrates the industrial legacy of the City and its role in establishing the Capital Region as a manufacturing and industrial powerhouse. The history of the Port, major employers, and the transitional use of lands in this area of the City could be highlighted for both educational and entertainment purposes. This may also be tied to Project 4, described below.

#### 4 BASF Education Center

A new project within the industrial portion of the waterfront revitalization area includes the construction of an Education Center as the newest addition to the BASF Rensselaer Closed Landfill wildlife habitat area. Construction of the building is expected to begin in 2010 and will serve as a central feature for student and educational groups utilizing the wildlife habitat area trails. The purpose of the Education Center is to help teach how industry is tied to the environment. The building will also house office space and meeting rooms that can be used by local groups and agencies. The building, which will be built to a LEED Platinum rating, will also incorporate green site enhancements including stormwater management and native plantings.

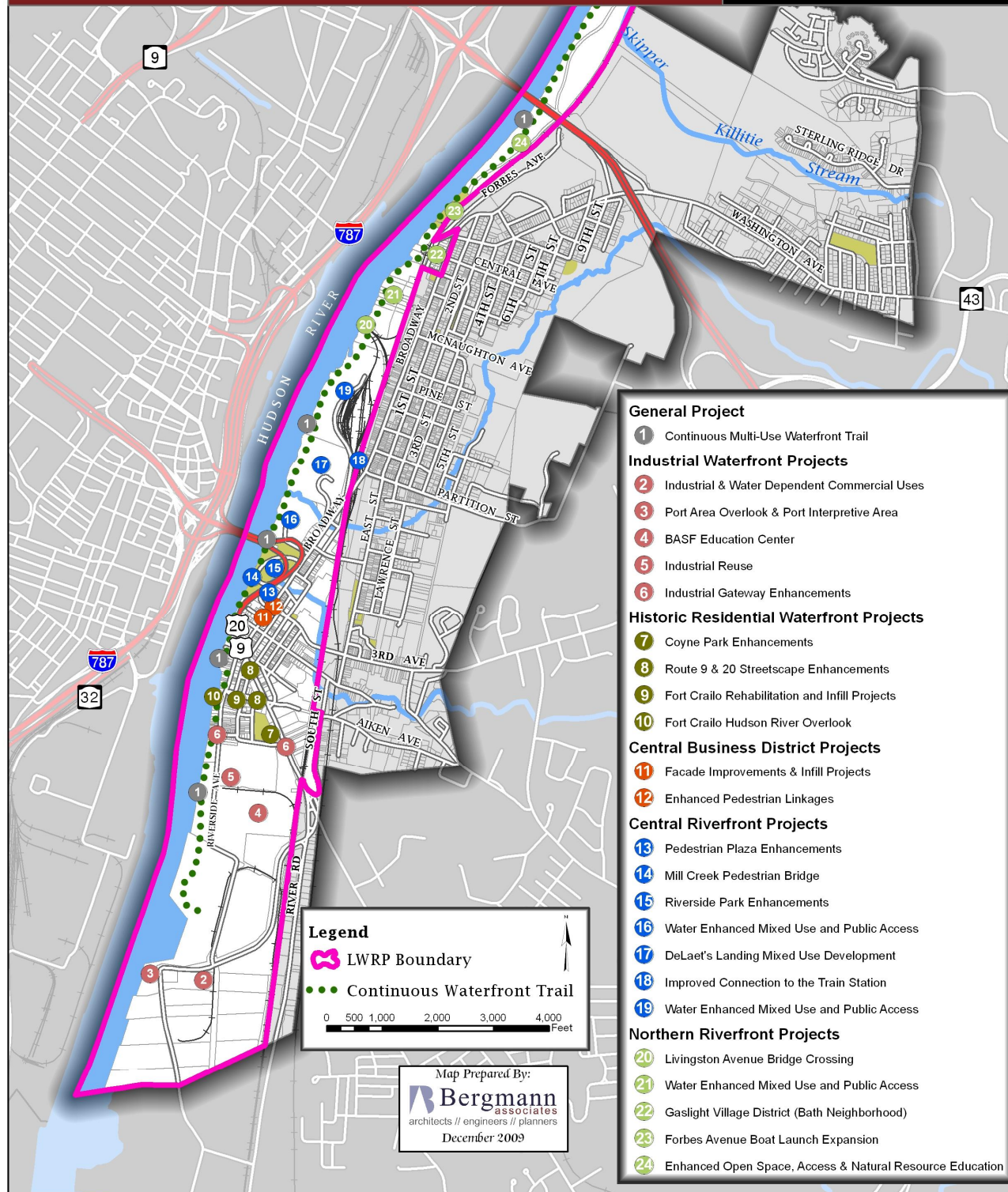
#### 5 Industrial Reuse

Similar to project 2, the BASF and Sterling sites are recommended for future growth and development of industrial and water-dependent uses, consistent with the City's zoning update, which could enhance use of the Port.



# City of RENSSELAER Local Waterfront Revitalization Plan

## FIGURE 14: Proposed Projects





## 6 Industrial Gateway Enhancements

Two key gateways have been identified to signify a clear transition from the City's historic residential neighborhood and Routes 9 & 20 (Columbia Street) commercial corridor to the industrial center. These gateways to the industrial center of the City, at the intersections of Riverside Avenue/Belmore Place and Columbia Street/Rensselaer Avenue, should clearly relay to travelers that they are entering a different part of the City. Enhancements to these gateways should include a change in paving materials, signage, and landscaping. In particular the Riverside Avenue / Belmore Place gateway exemplifies a notable transition from residential to industrial uses. Additional enhancements at this intersection may help to minimize through traffic and direct more of the industrial traffic to more appropriate corridors, such as Columbia Street.



Existing gateway to the Industrial Port from Fort Crailo should be improved, with a gate potentially added to the south side of Riverside Avenue to limit through traffic.

### *Historic Residential Waterfront Projects*

The historic residential area is roughly triangular, bounded by the Hudson River, Columbia Street (Routes 9 & 20) and Rensselaer Avenue/Belmore Place. The Fort Crailo area is an older residential neighborhood, with two statewide important historic structures. These are Fort Crailo, operated by the NYS Office of Parks, Recreation and Historic Preservation as a historic museum; and the Aiken House, a private residence which is listed on the National Register of Historic Places (see Figure 7).

Along the east side of Riverside Avenue is a narrow strip of open land, primarily privately-owned, which offers a clear view of the Hudson River and downtown Albany. The neighborhood is primarily residential although there are limited businesses and professional offices located within the Fort Crailo area, particularly near the intersection of Broadway and Columbia Streets. Coyne Field, a major recreational facility in the City is also located here. The entire neighborhood lies within the City's designated floodplain.

## 7 Coyne Park Enhancements

Coyne Park is one of the predominant park facilities owned and maintained by the City of Rensselaer. Though Coyne Park is recognized as an important park facility in the City, it does not promote itself as a recreation and open space destination. Existing park amenities include aging playground equipment, two basketball courts, greenspace, unpaved parking, and a softball stadium. There is little signage from the major roadways to the park and vehicular and pedestrian access is in need of improvement. The park is



Existing playground in Coyne Park should be updated and replaced.



also immediately adjacent to the industrial core of the City, with no transitional elements currently in place. A park master plan should be completed that explores improved signage and access, aesthetic streetscape enhancements along Rensselaer Avenue, updated playground equipment, sporting field updates, and parking lot improvements.

## 8 Routes 9 & 20 Streetscape Enhancements

Routes 9 & 20 (Columbia Street), adjacent to the City's central business district and likewise falling within the designated floodplain, is the primary retail shopping and commercial district in Rensselaer. The area is adequately served by water and sewer, with several suitable commercial redevelopment sites available. The City has received federal funding to complete enhancements along the corridor, consistent with the 2004 Route 20 Corridor Study recommendations.



View looking east on Routes 9 & 20. The width of the roadway and lack of a defined street edge contribute to its perception as not being pedestrian friendly.



Sidewalk and bike lane improvements are needed to improve the travel experience for non-motorized transportation users.

The recommended City policy with respect to the corridor is reinforcement of the commercial land use pattern through upgrading of the existing retail area and commercial redevelopment of vacant parcels. All development should be undertaken in a manner compatible with adjacent residential and commercial development and fully consistent with coastal policies and the City's land use and development regulations.

The Route 20 Corridor Study recommended projects to make the roadway safer for pedestrians and other alternative transportation modes, including expanded bike lanes, better bus stop signage, and an improved sidewalk network. Issues with truck circulation were also noted with recommendations for changes to curbing and signage to help alleviate problems. It is the policy of this LWRP to refer to the Route 20 Corridor Study as a guide for improvements and enhancements along this corridor.



## 9 Fort Crailo Rehabilitation and Infill Projects

Consistent with recent planning efforts and the desire to maintain the Fort Crailo neighborhood as an important historic and cultural resource in the city, proposed recommendations for this area of the waterfront focus on maintaining the existing character, rehabilitating historic structures, allowing compatible non-residential development as an impetus to economic development, and improving waterfront access. The City should consider strengthening the regulations and review procedures for major projects and new construction within this district to ensure consistency. The City should continue to partner with New York State Office of Parks, Recreation and Historic Preservation to make certain that the Fort Crailo historic site and Fort Crailo Park is maintained as an important community resource.



Retaining the existing street character and scale in the Fort Crailo neighborhood is a priority for the City.

## 10 Fort Crailo Hudson River Overlook

One of the greatest attributes of the Fort Crailo neighborhood, outside of its exemplary historic character and welcoming scale, is its proximity to the Hudson River. A vacant and underutilized lot at the terminus of Aiken Avenue affords a unique opportunity to create a waterfront overlook and public gathering area within the neighborhood. Today the parcel is undeveloped but offers a glimpse of the views and opportunities that exist on this site. Enhancement projects for this site include creating a formal public space with landscaping; pedestrian access; interpretive elements showcasing the City, Fort Crailo, and the Hudson River; and an overlook for viewing the River and/or a kayak and canoe drop-off providing direct water access.



A vacant site at the terminus of Aiken Street should be improved as a formal waterfront amenity.

## Central Business District Projects

### 11 Façade Improvements and Infill Projects

The focus of policy recommendations for the Central Business District, as originally defined in the Downtown Redevelopment Plan and Comprehensive Plan and confirmed as part of the LWRP, are associated with business retention and attraction. The need to establish a stronger and more inviting connection between the waterfront and downtown



Façade improvement programs and streetscape enhancements will be helpful in attracting more businesses to downtown.



has also been identified as a priority that will ultimately benefit both development areas. Small-scale commercial uses, offices, restaurants, hotels, government service uses, mixed-use buildings, and high-density residential uses are identified as appropriate for the Central Business District on the LWRP Concept Plan. Infill development on vacant and underutilized sites is recommended to re-establish the urban form and create a mass of complementary uses that appeal to City residents and workers in the downtown. Improving the exterior of existing buildings would be beneficial in changing the image and perceptions of the central business district. A Façade Improvement Program or other incentive program offered by the City could help to initiate widespread building improvement projects.

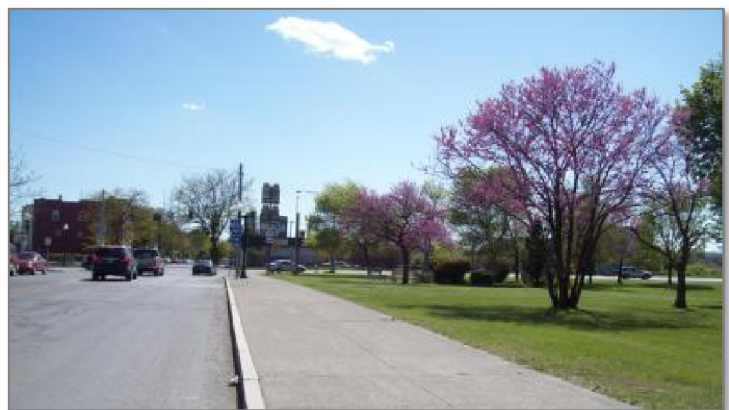
## 12 Enhanced Pedestrian Linkages

Ensuring pedestrians have a safe and direct route between destinations and sites is critical to generating more pedestrian activity, resulting in more foot traffic for businesses and creating a vibrant downtown. In particular, pedestrian linkages between the central business district and waterfront, as noted on Figure 13, should be strengthened to maximize use of existing and future waterfront destinations and amenities. Pedestrian oriented signage, lighting, and pavement markings should clearly direct people from the central business district to waterfront sites, including Riverfront Park, DeLaet's Landing, waterfront trails and other publicly accessible sites as they are developed.

### *Central Riverfront Projects*

## 13 Pedestrian Plaza Enhancements

The pedestrian plaza at the intersection of the Dunn Memorial Bridge ramp and Broadway is currently limited in its use. Impacted by high traffic volumes and limited accessibility, the plaza consists of greenspace and a clock tower. Pedestrian utilization of the plaza is limited. Strengthening pedestrian connections to the site, making access safer and more comfortable, and expanding upon the amenities offered within the plaza would help increase its usage and its ability to serve as a pedestrian gateway to Riverfront Park and the waterfront trail. To identify what enhancements would be most beneficial for this site, the City should prepare a planning-level study.



*The intersection in the immediate vicinity of the pedestrian plaza is not pedestrian friendly as currently designed.*



#### 14 Mill Creek Pedestrian Bridge



A bridge could extend from the existing Riverfront Park trail to facilitate pedestrian access along the waterfront.

Mill Creek extends along the southern side of Riverfront Park. Although it is not a substantial waterbody, Mill Creek does restrict the City's vision for a continuous waterfront trail along the Hudson. In order for pedestrians to travel around Mill Creek from Riverfront Park, they currently must proceed along Broadway and the intersection of Broadway and Routes 9 & 20. The solution to this problem would be to build a short pedestrian bridge extending from the existing trail in Riverfront Park across Mill Creek where the waterfront trail could continue south to the Fort Crailo neighborhood. The pedestrian bridge project has been a goal of the City for many

years, originally identified in the existing Local Waterfront Revitalization Program, and is an important element of a continuous waterfront trail system.

#### 15 Riverfront Park Enhancements

The proposed concept for Riverfront Park furthers the recommendations for the site identified in recent planning efforts and supports the objectives of increased physical and visual access to the waterfront, particularly from surrounding neighborhoods such as the central business district and Fort Crailo. Over the past two decades, a number of projects have already been implemented in Riverfront Park, such as docking for the Clearwater, restroom facilities, and information kiosks. However, significant additional improvements should be undertaken to make Riverfront Park a bona fide recreation-based waterfront attraction and destination. Specific recommendations for Riverfront Park include:

- Waterfront trail enhancements, including fencing repairs and pedestrian amenities;
- Interpretive center;
- Outdoor education station;
- Baseball field improvements, including field repairs, bleachers and parking lot improvements;
- Re-design of the north parking lot and access road;
- Tennis court and basketball court repair and resurfacing;
- Enhancements to the pedestrian plaza connection to Central Business District; and
- Gateway and entryway improvements into the park from Broadway.

#### 16 Water-Enhanced Mixed-Use Development and Public Access

North of Riverfront Park lays a 13-acre parcel of riverfront property owned by Zappala Block Company, Inc., which is currently used for the manufacture, storage and sale of concrete blocks and related masonry products. This is an existing non-conforming use of the property "grandfathered" under the City's Zoning Law. Recommended long-term policy views this land as prime real estate for



redevelopment of a higher and improved use. Viable alternative uses, each considerably more consistent with local coastal management objectives than the established use, include:

- hotel,
- restaurant,
- retail establishments,
- offices,
- housing, or
- a combination of these uses within a wholly-planned mixed-use development.

Consistent with the City's public access objectives, easements should be obtained to extend a pedestrian/bicycle trail northward from Riverfront Park through this parcel and thus, other waterfront-related uses of the site would be encouraged. Specific marketing and feasibility studies would be a key first step in the redevelopment process for this property, together with the full use of all technical, financial, and development coordination measures available to the City. As it is fully located within the 100-year floodplain, according to the current 1980 Flood Maps, any redevelopment of the Zappala property must be in compliance with national flood insurance and management regulations.

#### 17 DeLaet's Landing Mixed-Use Development



Preliminary rendering of the proposed vision for the DeLaet's Landing mixed-use development.

To the north of the Zappala Block property along the Hudson Riverfront are the former lands of the Rensselaer City School District, on which the Rensselaer Junior-Senior High School was located until 2007. In 2004 the property was acquired by U.W. Marx for a mixed-use development, called DeLaet's Landing, aligned with the City's ultimate vision for the waterfront. U. W. Marx provided the school with land in the northern part of the City that had been recently annexed into Rensselaer and built a new school campus.

DeLaet's Landing is a 24-acre redevelopment site along the Hudson River that boasts dramatic views of the Albany skyline. Close to rail, major interstates, and the Rensselaer central business district, the project has the potential to serve as a catalyst for revitalization and waterfront development in the City. Construction of the development will be completed in phases, with Phase 1 expected to begin in 2010. When completed, DeLaet's Landing is planned to include approximately 250,000 GSF of office space, 165,000 SF of retail and restaurant space, a 236,000 GSF hotel, and over 600,000 GSF of residential uses, including townhomes and mid-rise lofts and condominiums.



The vision for DeLaet's Landing proposes reconnecting the city's central business district to the waterfront with an authentic mixed-use development that highlights its waterfront location, public gathering areas, and dramatic open spaces. The design of the project is intended to reestablish the area's connection to the Hudson River and capitalize on the destination-oriented focus that the river can bring to businesses and residential offerings. Within the project will be the start of a "Blue Loop" public promenade and trail that will ultimately connect both sides of the river and will become the central waterfront park for the entire region.

#### 18 Improved Connection to the Train Station and Broadway Neighborhood

Improving pedestrian connections between the waterfront and the train station via on-street sidewalk improvements along Partition Street are an identified objective of the Local Waterfront Revitalization Program. Strengthening the physical accessibility between the waterfront and train station – including sites such as DeLaet's Landing - will help to ensure the long-term success and viability of development throughout the City. The future reconstruction of Broadway and the Broadway viaduct will serve to enhance physical and visual connectivity to the waterfront. A similar design treatment should be completed for North Broadway to improve the corridor's function and aesthetics.

#### 19 Water-Enhanced Mixed-Use and Public Access

The waterfront AMTRAK property within the City is divided into two distinct sections by the railroad tracks. To the east lies AMTRAK's Albany-Rensselaer rail passenger station. In 2002 a new station was constructed at 525 East Street. The former station, located on the waterfront parcel has been converted to commissary use, with considerable site and parking area improvements carried out. The property continues to be used by AMTRAK for support and service uses. The recommended policy is to have AMTRAK relocate support facilities to allow this waterfront parcel to be redeveloped into a mixed-use destination, consistent with the overarching vision for the waterfront. Should AMTRAK choose to sell or cease operations on the site at some time in the future, mixed-use development, as identified for parcels to the north and south is recommended. In 2009 AMTRAK granted the City of Rensselaer with a 100-foot waterfront easement on the property to provide for and guarantee public access to the waterfront on the site, which includes 1,920 feet of Hudson River frontage. The broad gently-sloping land area here provides additional opportunity for the development of overlooks and meadow areas to take advantage of Hudson River views.

### *Northern Riverfront Projects*

#### 20 Livingston Avenue Bridge Crossing

The Livingston Avenue Bridge in the northern portion of the waterfront revitalization area is currently in the design phase to be reconfigured for use as a pedestrian-only bridge. The re-design and subsequent



construction of this railroad bridge seeks to create a stronger relationship between the City of Rensselaer and City of Albany, re-establishing a pedestrian link between waterfront development and public space in Rensselaer with the Riverfront Park at the Corning Preserve in Albany.

## 21 Water-Enhanced Mixed-Use and Public Access

Immediately north of the Livingston Avenue Railroad Bridge is an aggregate 15-acre tract of riverfront land owned in a number of smaller parcels by private individuals and the City. Much of the area is identified as flood-prone, which in part explains its undeveloped condition, except for the County's Tracy Street sewage pumping station at the northern end of the parcel. Although served by sewers, with the County's interceptor sewer running through the site, water service is lacking except in the vicinity of Tracy Street. Present access is primitive, provided only by a private dirt road running into the site from the western end of Tracy Street. Although bounded to the east by the tracks of the Troy-Greenbush Railroad, there are no rail sidings serving the site. In all, the tract includes approximately 1,750 feet, or one-third mile, of Hudson Riverfront. It is recommended that the proposed continuous waterfront trail system be extended across these parcels, connecting to the south under the Livingston Avenue Bridge and to the County boat launch to the north.

Portions of the site could also support water-enhanced mixed-use development scenarios, which would be clustered on the higher areas of the tract with the lower flood-prone areas utilized for associated parking and active and passive open space and recreation, in compliance with federal floodplain regulations. Because of the fractionalized ownership and the need for improved/expanded infrastructure, the city recognizes a need to work closely with prospective developers to encourage appropriate development here, fully utilizing available technical, financial, and legal tools and incentives.

With a strong relationship to the adjacent historic Bath neighborhood, any future redevelopment of these aggregate parcels should complement the urban form of the Bath neighborhood. Site design should focus on improving linkages across the train tracks, beautification of individual buildings and streetscapes, and promoting the area to private developers.

## 22 Gaslight Village District (Bath Neighborhood)

The Bath Neighborhood is generally bounded by the Hudson River on the west, Fowler Avenue on the south, Forbes Road on the north, and First Street to the east. Predominant land uses along Broadway and First Street are one- and two-family residences. Areas closer to the riverfront are currently a mix of commercial, residential and industrial uses, and vacant land. The Bath Neighborhood has some of the oldest housing in the City, including the Van Rensselaer Manor Tenant House at 15 Forbes Avenue, which has been rehabilitated by a private resident-owner and is listed on the National Register of Historic Places.



The policy for this area of the City, as noted on the Concept Plan, is to create a “Gaslight Village District” that builds on the city’s history and creates a unique sense of place. Improvements to the public realm, whether on public or private property, should be themed to ensure that lighting, landscaping, signage, and paving materials support the “Gaslight Village District” concept.

New mixed-use structures that respect the architectural style and scale of the neighborhood are a priority and historic buildings should be preserved and renovated to the greatest extent possible. Rehabilitation efforts must include reliance on appropriate historic preservation criteria. In addition, land is available here for infill development, both along the River near the site of the old ferry slip at the foot of Central Avenue and along First Street near the Rensselaer Housing Authority’s moderate-income turnkey housing development.



New development and rehabilitation projects in the Bath neighborhood should be compatible with the existing character. Projects should build on local successes, as shown above.

A second major proposed public improvement would be the rehabilitation and reprogramming of the Tracy Street playground as a small neighborhood park with facilities for all age groups. Public space improvements are needed along Tracy and Forbes Streets. Pedestrian connections between the Bath neighborhood, the Forbes Avenue Boat Launch, and future development on the sites to the south should be considered priority projects.

### 23 Forbes Avenue Boat Launch Expansion



The existing boat launch and associated amenities are notable waterfront assets for the City.

Today, the Forbes Avenue Boat Launch is an important waterfront amenity in the City of Rensselaer. While the site has been improved in recent years, additional enhancement and promotion of the site would allow for maximum use of the property. The site currently consists of a boat launch, parking, benches, picnic tables, and decorative lighting. Signage and access from Broadway to the property is limited and could be confusing for first-time visitors. Enhanced signage and access improvements are warranted. Further, it is the policy of this LWRP to continue to utilize the boat launch facility for water access and recreation. The existing parking area should be expanded as possible. Any amenities in disrepair should be replaced. Given the land area of the site, expansion of facilities is limited. However, a public boathouse with small retail uses, such as non-motorized boat rentals, would be a feasible addition that would



greatly enhance the marketability of this waterfront asset.

#### 24 Enhanced Open Space, Access, and Natural Resource Education

Rensselaer Polytechnic Institute (RPI) owns a tract of more than 1,200 acres in the City of Rensselaer and the adjoining Town of North Greenbush, including some 45 acres which constitute the northernmost portion of the City's waterfront area. RPI developed a Master Plan and Environmental Assessment Report for its holdings in April 1981 identifying some 300 to 350 acres suitable for light industrial and office park development on the upper plateau area within North Greenbush. The Master Plan designated the lands along the River, both in the City and in North Greenbush, for recreation and open space uses. Such restricted use of the RPI riverfront lands was viewed by the master plan as generally consistent with the area's environmental sensitivity ( i.e., location characterized by presence of DEC-designated wetlands and the FEMA-designated flood plain), its lack of municipal utility service and limited roadway and pedestrian access. The North Greenbush portion of the property has since been developed as a light industrial park, known as the Rensselaer Technology Park. RPI is the owner/developer/operator of the Park which consists of 11 buildings comprising 320,000 square feet of space. These buildings have been designed as one story, highly flexible/adaptable space to accommodate technology enterprises ranging from the sophisticated needs of computer environments and research labs to the provision of conventional office and manufacturing space.

No formal improvements have been made to the RPI lands in Rensselaer, though plans have been previously discussed to allocate a portion of these lands for public use, including a waterfront trail linking to the Town of North Greenbush, a large centralized greenspace available for public events, and interpretive and educational elements. Should RPI allocate these lands for public use at some time in the future, the City shall work with RPI to refine plans for a waterfront trail system, public gathering spaces, educational programming, interpretation, and natural areas.



## Summary of Priority Public and Private Projects

A critical part of this Local Waterfront Revitalization Program Update is the identification of a system to prioritize projects. Two basic parameters were established to help the City in making difficult decisions in times of scarce technical and financial resources. These parameters are as follows:

- An action should be given priority status if it is essential to sustain revitalization initiatives begun by the City since the preparation of the original LWRP, Comprehensive Plan, and Downtown Redevelopment Plan.
- An action should be given priority status if it is likely to have a positive catalytic impact in spurring new and substantial revitalization initiatives.

Based upon these criteria, the following priority or "early action" recommendations are made within this Local Waterfront Revitalization Program Update. These recommendations were identified to help focus the City's efforts over the next five years. While formal updates to the LWRP should be made every 10-15 years, the proposed projects and priorities should be analyzed and updated on an annual basis as projects are achieved, financial assistance for specific projects becomes available, the vision of the community changes, or the projects are found to be no longer applicable or appropriate.

### *Priority Planning Actions and Initiatives*

The following are the short-term priority planning actions and initiatives that should be undertaken by the City over the course of the next five years.

1. Negotiate and secure *easements for the proposed riverfront trail system*, emphasizing key links between potential waterfront redevelopment sites and connections to non-waterfront areas, including the downtown, residential neighborhoods, and the train station. Key short-term properties for easement acquisition include the Zappala Block site and the parcels north of the Livingston Avenue Bridge.
2. Ensure *zoning regulations for waterfront properties* require a 100-foot easement along the waterfront for public access and open space.
3. Actively pursue *financial and technical assistance from state and federal agencies* to further the city's on-going revitalization effort, with a recognized priority being the continuation of funding for Rensselaer's neighborhood housing rehabilitation, commercial rehabilitation and development, business attraction, and public/streetscape improvement efforts.
4. Pursue activities related to the development of the Albany Port District and related lands, including the initiation of the City's funded *Brownfield Opportunity Area (BOA) program*.
5. Undertake a *detailed study of the RPI-owned land north of the Bath Neighborhood* as both the



northern terminus of the Riverfront Open Space and Trail System and as a recreational opportunity. The study should be closely coordinated with the Town of North Greenbush, RPI, and Rensselaer County. Improved public access should be emphasized as a critical study element.

### *Priority Capital Projects*

The following are the short-term priority capital projects that should be undertaken by the City over the course of the next five years. Creating budget line items or securing outside funding for these projects should be a primary effort of the Department of Community and Economic Development, in conjunction with other private organizations and developers, City departments and agencies, State agencies, and Federal agencies.

1. Continue implementing identified *improvements at Riverfront Park*.
2. Design and construct improvements to *North Broadway* complimentary to the neighborhood.
3. Replace playground equipment, improve signage, and enhance access to *Coyne Field Park*.
4. Work with private property owners and other potential state and federal funding agencies to *construct a continuous waterfront trail* on sites that the City owns or has secured an easement.
5. Develop *port area overlook* as southern terminus of the City's Waterfront Trail System. Explore opportunities for coordination with BASF Education Center.
6. Develop *recreation, access, and open space facilities* on RPI lands, in coordination with RPI. Assist in securing funding sources for improvements.
7. Implement *improvements to Aiken Avenue waterfront parcel* in the Fort Crailo neighborhood for formal public use and waterfront access.
8. Design and install a pedestrian bridge over *Mill Creek in Riverfront Park*.
9. Enhance the *Forbes Avenue Boat Launch* to include improved landscaping, drainage and user amenities such as informational kiosks or seating areas.



## SECTION 5. TECHNIQUES FOR LOCAL IMPLEMENTATION

To achieve the objectives embodied in the policies, uses, and projects which have been identified in the Local Waterfront Revitalization Program, the City has identified the local techniques and actions needed to ensure Program implementation. Such techniques and actions are grouped here under the following categories:

- Local Planning Initiatives
- Local Laws and Regulations Necessary to Implement the LWRP
- Local Management Structure Necessary to Implement the LWRP
- Other Public and Private Actions
- Financial Resources Necessary to Implement the LWRP

### Local Planning Initiatives

The following section summarizes land use and planning documents that have been completed which have direct recommendations specific to the City's waterfront revitalization area.

#### *City of Rensselaer Comprehensive Plan*

The City of Rensselaer adopted a Comprehensive Plan in 2004 which included a policy framework and the identification of specific strategies for the following topic areas:

- Waterfront Development
- Economic Development
- Neighborhoods
- Natural Environment and Open Space
- Transportation
- Community Character
- Historic Preservation
- Public Participation
- Future Land Use Plan

Each of these policy areas has relevance to lands within the defined Local Waterfront Revitalization Boundary Area. Specifically, the Waterfront Development section identifies key goals and objectives for waterfront lands which are consistent with the identified policies and projects contained herein. Strategy A(3) specifically notes that the City should update its 1985 Local Waterfront Revitalization Program to ensure up-to-date waterfront plans and activities are addressed in the LWRP. The Comprehensive Plan should be referenced for all new development projects proposed within the LWRP boundary to ensure consistency with the adopted objectives and strategies.



### *City of Rensselaer Downtown Redevelopment Plan*

In 2003 the City prepared a Downtown Redevelopment Plan which focuses on three primary locations – Central Business District, Train Station Area, and North Broadway / Bath Neighborhood. Each of these neighborhoods is wholly or partially located within the Local Waterfront Revitalization Boundary Area. Recommendations for land use and design have been incorporated into the LWRP Update as appropriate.

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

Several local land use and development controls are in place in the City to guide future land use and development activities, and thus, in part implement the LWRP. The following section includes a description of local laws for the City of Rensselaer that will serve to further and implement the LWRP.

### *Zoning Law of the City of Rensselaer*

The Zoning Law for the City of Rensselaer is being comprehensively updated in concert with the LWRP Update to ensure consistency with the Future Land Use Plan prepared as part of the 2004 Comprehensive Plan and the LWRP Update. Please refer to comprehensive Zoning Update for required zoning changes that must be adopted for consistency with this LWRP Update.

The proposed Zoning Law update establishes use districts and regulates land uses within these districts. Two districts within the LWRP boundary (MU-1 and MU-2, see Map 4b) are further regulated by design standards which seek to enhance site and building design within these areas. For all districts, the Zoning Law establishes building setback requirements, density requirements, lot area coverage, off-street parking, accessory uses, signage, fences and walls, buffers, lighting, landscaping, steep slopes, and other issues typically addressed in zoning and land use regulations. The proposed Zoning Law divides the City into nine primary districts and one Historic Overlay District.

In accordance with the recommendations within this LWRP Update, as well as the adopted Comprehensive Plan, the City established a Waterfront Mixed Use (MU-2) district to allow for the desired range and diversity of land uses along the waterfront focused around the downtown core and on undeveloped waterfront parcels. Open space at the north end of the City was preserved in the OS zoning district and industrial and commercial uses imperative to the economic vitality of the City were maintained in the southern waterfront area in the I-1 and I-2 zoning districts.

The MU-2 district permits a range of commercial, residential, public, recreational, open space, and business uses that can capitalize upon the Hudson Riverfront as an asset and amenity. The district is designed to protect sensitive viewsheds and natural resources while allowing for development patterns that make the highest and best use of the waterfront lands. Design guidelines have been established to



address landscaping, building placement, site configuration, architectural characteristics, sustainability, the pedestrian environment, context sensitive design, and public spaces. The overarching goal of the district is to encourage public access to the shoreline, promote public enjoyment of the riverfront, encourage appropriate water-dependent and water-enhanced uses, preserve existing historic industrial buildings as appropriate, and to ensure an appropriate density and scale of new development.

### *Site Plan Review*

The City's Zoning Law requires Site Plan Review (Article VI) for all new uses, which would apply to any new site development within the Local Waterfront Revitalization Boundary Area.

### *Land Subdivision Regulations*

Regulations applying to the subdivision of land within the City of Rensselaer are embedded in the City's Zoning Law, Article VII. The regulations require the submittal of proposed subdivisions of land to the Planning Commission for review and approval. Required information associated with subdivision requests includes standards for property lines and easements, utilities, land title and survey, and public and nonpublic uses. A performance bond is required for 50% of the cost estimate of infrastructure improvements at the time of filing of the preliminary layout plan with the City Clerk.

### *Flood Fringe Development Regulations*

Development within flood hazard areas is regulated in Section 179-56 of the City's Zoning Law. The purpose of the regulations are to protect life, minimize property damage, reduce public costs for flood control, conserve the natural state of watercourses, and comply with Federal and State laws. The Flood Fringe boundary is defined as the 100-year floodplain boundary (depicted on Map XX), as determined by the Flood Insurance Rate Map developed by the Federal Emergency Management Agency (FEMA). Specific restrictions associated with proposed uses, design, construction, infrastructure, drainage, and best management practices are incorporated into the Zoning Law.

### *Stormwater Regulations*

Regulations specific to stormwater management are identified in Section 179-57 of the City's Zoning Law. The purpose of the regulations is to "manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of the City of Rensselaer." The Zoning Law references local stormwater regulations which must be adhered to when impervious surface coverage exceeds 80 percent of the total property area. In cases where greater than 80 percent coverage is permitted, green infrastructure offsets, including roof gardens, bioswales, and rain barrels, are required.



### *State Environmental Quality Review Act*

The City's Zoning Law requires compliance with the State Environmental Quality Review Act (SEQR) and all applicable rules and regulations as identified in New York State Conservation Law Section 8-0113 and New York Compilation of Codes, Rules, and Regulations Part 617.6. SEQR requires a designated lead agency to identify any possible significant impacts of proposed actions on the physical and natural environment and to identify and implement appropriate mitigating measures as deemed to be warranted. The City of Rensselaer Department of Community Development provides technical review of SEQR Environmental Impact Statements and Environmental Assessment Forms for proposed actions within the City and makes recommendations to the Planning Commission. The Planning Commission generally serves as Lead Agency on behalf of the City.

### *LWRP Environmental Quality Review Law*

The purpose of this law is to provide a framework for agencies and departments within the City of Rensselaer to consider the policies and purposes contained in the LWRP when reviewing applications for actions within the boundary area and to ensure that such actions are consistent with the policies and projects identified herein. This law was originally enacted in 1978 and replaced in 1986 to address new local and state policies and to establish procedures for consistency determination with the LWRP. The Law has been updated to reflect changes identified in this LWRP Update.

Any action proposed to occur within the Waterfront Revitalization Boundary Area is a Type I action which requires an environmental assessment and a determination of consistency with the LWRP. The City Environmental Quality Review Committee will be responsible for determining consistency with the LWRP and effectively become the Waterfront Review Committee.

The City of Rensselaer Environmental Quality Review Law, as amended, is included in Appendix 1 of this LWRP.

## **Local Management Structure Necessary to Implement the LWRP**

Implementation of the LWRP will require the action and involvement of various City agencies, commissions, departments, and individuals. The effective coordination and implementation of the LWRP requires that the City clearly identifies and designates a lead agency for consistency review, as well as specific roles and responsibilities to the extent possible. A summary of assignments, roles, and responsibilities associated with implementation of the LWRP are listed below:



### *City Administration*

#### *Mayor*

The Mayor is the chief elected official of the City. As such, the Mayor is responsible for the day-to-day administration of City government. The Mayor serves as the designated principal local official for management and coordination, including the monitoring of State and Federal actions for consistency with the local LWRP.

#### *Common Council*

The Common Council is Rensselaer's policy-making body. The Council plays a key role in the development and funding of municipal programs and services. The Council has the sole power to adopt and amend legislation, except for the Planning Commission's adoption authority under the land subdivision regulations within the City's Zoning Law. The Common Council will serve as the designated lead agency for setting policy regarding implementation of the LWRP.

#### *Planning Commission*

The Planning Commission shall provide input to the Mayor and Common Council on the prioritization of LWRP projects and activities and will, as provided for in the City's existing local laws and regulations, provide detailed review of projects under subdivision, site plan and related review and approval devices. The Planning Commission will also provide a suitable forum for local community input on the LWRP matters. Under the Local Environmental Quality Review Law, the Commission is allowed to make consistency determinations regarding development in the Waterfront Revitalization Area in reference to the LWRP.

#### *City Clerk*

The City Clerk will be responsible for handling correspondence, communications, and record keeping for City government actions pertaining to implementation of the LWRP.

#### *Department of Planning and Development*

The Director of the Department of Planning and Development will serve as the LWRP Implementation Coordinator and will be responsible for:

- Grant writing and administration of funding for LWRP projects;
- Identification of prioritized activities and projects and their implementation;
- Providing technical and financial assistance to private sector participants;
- Technical project review regarding compatibility of proposed projects with the LWRP and SEQR policies, as well as other local laws and regulations; and
- Staff coordination as needed for implementation efforts.



### *Department of Public Works*

The Commissioner of Public Works is responsible for the management, maintenance, and operation of all public works and physical properties within the Waterfront Revitalization Boundary Area.

### *Procedures to Ensure Consistency*

#### *Local Actions*

As noted, the City has adopted a Local Environmental Quality Review Law to ensure local actions are undertaken in a manner consistent with the policies, projects, and purposes of the LWRP. LWRP consistency review procedures are distinct but also associated with SEQR procedures. All agencies considering a project or action, or receiving an application for approval of an action, shall follow the review and certification procedures set forth in the City's Local Environmental Quality Review Law.

#### *State Agency Actions*

The New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Article 42 of the Executive Law (Act) and 19 NYCRR Part 600 of the NYS Department of State's regulations require certain state agency actions to be consistent with the approved policies of a local LWRP. The Act requires state agencies to provide notice to the City of Rensselaer whenever an identified action will occur within the designated LWRP boundary. The Secretary of State is required to confer with the City and state agencies when notified that a state agency action is in conflict with the policies and projects within an approved LWRP.

#### *Federal Agency Actions*

Procedures for consistency review and determinations of federal agencies are coordinated by the New York State Department of State. After coordinated review by the Department of State and City of Rensselaer, a determination is made and a consistency determination letter is forwarded to the federal agency. If the Department of State and City do not concur on the consistency determination, the DOS will then send a disagreement letter to the federal agency and municipality. Federal agency consistency is required through the Coastal Zone Management Act (CZMA) which states that each Federal agency activity that impacts land or water uses in the Waterfront Revitalization Area be carried out in a manner consistent with the enforceable, approved policies of LWRPs.



## Other Public and Private Actions Necessary to Implement the LWRP

The following public and private actions have been deemed necessary to fully implement the policies, projects, and programs within the City of Rensselaer Local Waterfront Revitalization Program.

### *Public Sector Actions*

The City shall pursue financial and technical assistance from local, State, and Federal agencies, as well as private funding sources to implement the proposed projects identified in Section IV of this LWRP. The acquisition of financial and technical assistance, led by the Department of Planning and Development, shall complement existing in-house resources in an effort to further the redevelopment and revitalization of the waterfront area. Priority projects are identified in Section IV.

### *Private Sector Actions*

Private sector investment is essential for achievement of LWRP policies and implementation of LWRP projects. Participation and capital investment by the private sector is required at all stages of the redevelopment and revitalization process. As discussed in Section IV, private investment is necessary for the implementation of projects ranging from large-scale site redevelopment to the completion of planning level studies to determine feasibility for specific projects. The construction, operation, and maintenance of proposed projects and facilities will also fall to the private sector, except as noted on public lands.

## Financial Resources Necessary to Implement the LWRP

Implementation of the City's LWRP has three primary funding implications, including administrative costs associated with local review and management, capital improvement expenditures to complete and implement projects, and costs associated with the maintenance and upkeep of projects once completed.

### *Administrative Costs*

Costs associated with the day-to-day administration of the LWRP must be considered and budgeted for by the City. The City should identify a separate line item in their annual budget for the administration and management of the LWRP. Allocated costs should cover consistency reviews of proposed actions and projects, coordination with the Department of State as needed, reporting, and any general clerical and organizational needs.

### *Capital Improvements*

The costs for completing and implementing all or portions of proposed projects will, in many instances, become the responsibility of the City. The City should identify, whether in their annual budget or



through other funding options, such as bonds, opportunities to secure financing for project implementation.

Possible sources of implementation funding for capital improvement projects may include:

- New York State Department of State
- New York State Environmental Protection Fund
- New York State Clean Water / Clean Air Bond Act
- New York State Council on the Arts
- New York State Department of Transportation
- United States Department of Transportation
- Greenway Communities Grant Program
- Hudson River Foundation
- Local sponsorship of programs
- Private funding sources

The City shall continue to monitor and evaluate funding opportunities on a regular basis to determine what resources and programs are available to assist in the implementation of program policies and projects. In many instances a local match is required to secure and leverage funding from outside sources. Typically the local match is not required to be in actual matching funds, but can be the provision of materials, labor, or the monetary value of staff or volunteer time dedicated to the project.

### *Maintenance and Upkeep*

The costs associated with maintaining and upkeep LWRP improvements should also be built into the City budget. Some of these costs, such as maintenance of a new park facility or trail segment, will be easily identifiable and remain consistent from year to year. Other costs, such as replacement of materials from use or vandalism, are not always predictable and may vary from year to year. These costs should be analyzed and updated on an annual basis.



## SECTION 6. STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State and federal actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (LWRP). Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

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

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Section IV and Section V of this LWRP should be referenced as they also discuss State and federal assistance needed to implement the LWRP.



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

### STATE AGENCIES

#### OFFICE FOR THE AGING

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

#### DEPARTMENT OF AGRICULTURE AND MARKETS

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

#### ALBANY PORT DISTRICT COMMISSION (regional agency)

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

#### 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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

CAPITAL DISTRICT 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.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

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)



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 7.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 8.00 Marine Finfish and Shellfish Programs.
- 9.00 New York Harbor Drift Removal Project.
- 10.00 Permit and approval programs:

Air Resources

- 10.01 Certificate of Approval for Air Pollution Episode Action Plan
- 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 10.04 Permit for Burial of Radioactive Material



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

10.06 Permit for Restricted Burning

10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

10.09 Certificate to Possess and Sell Hatchery Trout in New York State

10.10 Commercial Inland Fisheries Licenses

10.11 Fishing Preserve License

10.12 Fur Breeder's License

10.13 Game Dealer's License

10.14 Licenses to Breed Domestic Game Animals

10.15 License to Possess and Sell Live Game

10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)

10.17 Permit to Raise and Sell Trout

10.18 Private Bass Hatchery Permit

10.19 Shooting Preserve Licenses

10.20 Taxidermy License

10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway

10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances

10.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects

10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

10.28 Floating Object Permit

10.29 Marine Regatta Permit

10.30 Navigation Aid Permit

Marine Resources

10.31 Digger's Permit (Shellfish)

10.32 License of Menhaden Fishing Vessel

10.33 License for Non-Resident Food Fishing Vessel

10.34 Non-Resident Lobster Permit



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

Mineral Resources

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

Solid Wastes

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

Water Resources

- 10.49 Approval of Plans for Wastewater Disposal Systems
  - 10.50 Certificate of Approval of Realty Subdivision Plans
  - 10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
  - 10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
  - 10.53 Permit - Article 36, (Construction in Flood Hazard Areas)
  - 10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
  - 10.55 State Pollutant Discharge Elimination System (SPDES) Permit
  - 10.56 Approval - Drainage Improvement District
  - 10.57 Approval - Water (Diversions for) Power
  - 10.58 Approval of Well System and Permit to Operate
  - 10.59 Permit - Article 15, (Protection of Water) - Dam
  - 10.60 Permit - Article 15, Title 15 (Water Supply)
  - 10.61 River Improvement District Approvals
  - 10.62 River Regulatory District Approvals
  - 10.63 Well Drilling Certificate of Registration
  - 10.64 401 Water Quality Certification
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- 11.00 Preparation and revision of Air Pollution State Implementation Plan.
  - 12.00 Preparation and revision of Continuous Executive Program Plan.
  - 13.00 Preparation and revision of Statewide Environmental Plan.



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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14.00 Protection of Natural and Man-made Beauty Program.

15.00 Urban Fisheries Program.

16.00 Urban Forestry Program.

17.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

4.00 Administration of Article 5, Section 233, sub. 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.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)

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

2.00 Financial assistance/grant programs

3.00 Model Greenway Program



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program
- 2.06 Rural Preservation Companies Program
- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan 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.



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 2.10 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

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

STATE UNIVERSITY OF NEW YORK

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

THRUWAY AUTHORITY /CANAL CORPORATION (regional agency)

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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and the Canal Corporation.

- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
  - 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste
  - 3.03 Occupancy Permit
  - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan
- 5.00 Direct and financial assistance related to improvements and enhancements to the State Canal System.

DEPARTMENT OF TRANSPORTATION

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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- 4.01 Approval of applications for airport improvements (construction projects)
- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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DIVISION OF YOUTH

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

*FEDERAL AGENCIES*

*DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS*

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

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

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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*FEDERAL LICENSES AND PERMITS*

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.01 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

NUCLEAR REGULATORY COMMISSION

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

SURFACE TRANSPORTATION BOARD

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

DEPARTMENT OF TRANSPORTATION

Coast Guard



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

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

Federal Aviation Administration

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

*FEDERAL ASSISTANCE\**

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

COMMUNITY SERVICES ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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15.600	Anadromous Fish Conservation
15.605	Fish Restoration
15.611	Wildlife Restoration
15.613	Marine Mammal Grant Program
15.802	Minerals Discovery Loan Program
15.950	National Water Research and Development Program
15.951	Water Resources Research and Technology - Assistance to State Institutes
15.952	Water Research and Technology - Matching Funds to State Institutes

SMALL BUSINESS ADMINISTRATION

59.012	Small Business Loans
59.013	State and Local Development Company Loans
59.024	Water Pollution Control Loans
59.025	Air Pollution Control Loans
59.031	Small Business Pollution Control Financing Guarantee

DEPARTMENT OF TRANSPORTATION

20.102	Airport Development Aid Program
20.103	Airport Planning Grant Program
20.205	Highway Research, Planning, and Construction
20.309	Railroad Rehabilitation and Improvement - Guarantee of Obligations
20.310	Railroad Rehabilitation and Improvement - Redeemable Preference Shares
20.506	Urban Mass Transportation Demonstration Grants
20.509	Public Transportation for Rural and Small Urban Areas

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



## State And Federal Actions And Programs Necessary To Further The LWRP

### *State Agencies*

#### ALBANY PORT DISTRICT COMMISSION

1. Provision of funding for the acquisition, disposition, lease, grant of easements or other activities on Albany Port lands.
2. Planning, development, construction, major renovation, or expansion of facilities on Port-jurisdiction waterfront lands.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

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

#### DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.

#### ENVIRONMENTAL FACILITIES CORPORATION

1. Provision of funding for pollution control facilities for industrial firms and small businesses.

#### OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Planning, development, implementation or the provision of funding for recreation services programs.
5. Provision of funding for State and local historic preservation activities, including assistance in survey and other activities related to potential National Register designation of the Fort Crailo and / or Bath neighborhoods.

#### OFFICE OF GENERAL SERVICES

1. Any action or provision of funds for the acquisition of underwater lands.
2. Any action or provision of funds associated with the Fort Crailo State Historic Site.

#### DEPARTMENT OF STATE



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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1. Provision of funding for the implementation of an approved LWRP.

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental arts program for waterfront development planning.

DEPARTMENT OF TRANSPORTATION

1. Planning, design, funding and implementation of transportation improvement projects within the waterfront area.
2. Planning, design, funding, and implementation with the City for improvements at Riverfront Park.



SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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*Federal Agencies*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Funding under the Community Development Block Grant Program for improvements in the waterfront area.

DEPARTMENT OF DEFENSE

1. Review of any proposed action affecting a resource listed on the National Register of Historic Places, pursuant to the National Environmental Protection Act.
2. Issuance of permit from Army Corps of Engineers for development of a pedestrian bridge over Mill Creek to continue waterfront trail system.

DEPARTMENT OF THE INTERIOR

1. Provision of funding under the Land and Water Conservation Fund Program.
2. Potential designation of the Fort Crailo and / or Bath neighborhoods as National Historic Districts.

DEPARTMENT OF THE TREASURY

1. Continuation of Incentives for Qualified Building Rehabilitation.
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.



**SECTION 6. STATE ACTIONS & PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

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## SECTION 7. LOCAL COMMITMENT AND CONSULTATION WITH FEDERAL, STATE, REGIONAL, AND LOCAL AGENCIES

The City of Rensselaer Local Waterfront Revitalization Program Update is intended to provide the City with an up-to-date revision of their existing LWRP that reflects current vision, recognized policy, and incorporates recent and on-going planning and design efforts in the community. Building on the original LWRP, the Update document seeks to build upon the strengths and opportunities of the community, including but not limited to developable waterfront lands.

### Local Commitment and Consultation

In 1986 the City of Rensselaer adopted a Local Waterfront Revitalization Program signifying their commitment to the preservation of waterfront resources and development of the City's historic waterfront area. More than two decades later, the City continues to recognize the value of its waterfront and understands significant opportunities continue to exist to capitalize on the Hudson Riverfront as a revitalization catalyst, recreation amenity, and natural resource asset. The City further recognizes the inter-relationship between the waterfront and its traditional downtown. With a number of large parcels available on the waterfront for redevelopment, and infill opportunities present in the downtown, the City sees significant opportunities for revitalization.

Considered in conjunction with the Comprehensive Plan, Downtown Redevelopment Plan, and Zoning Update, the City has clearly identified its desire to revitalize and capitalize on its waterfront and associated resources through the LWRP planning process. The vision of the LWRP intentionally furthers the vision, goals, and objectives identified as part of other recently completed planning efforts. In addition to the outreach associated with the other planning processes identified in Section V, the City has undertaken the following efforts to demonstrate its commitment to the LWRP process and ensuring the vision of the community is accurately reflected in this LWRP Update.

- Regular Steering Committee Meetings between September 2009 and June 2010
- Conference calls and meetings with the City of Rensselaer Department of Planning and Development
- Individual meetings between the City's Department of Planning and Development and property owners within the LWRP boundary

In 2009 the City formed a committee to oversee the development of the LWRP Update, as well as a city-wide Zoning Code Update. The steering committee included representation of:

- City Council
- City of Rensselaer Planning Board



- City of Rensselaer Department of Planning and Development
- Representatives for local community organizations
- Interested Residents

In addition to regular meetings with the project Steering Committee, there has been on-going consultation with City department and agencies whose actions and programs may be affected by the LWRP. Multiple field visits and site assessments were also conducted to gather existing conditions information and better understand site specific opportunities and constraints.

### State Agency Consultation

Regular consultation with the Department of State occurred during the preparation of the LWRP Update. The Department of State provided periodic reviews of draft materials and offered technical assistance regarding implementation, content, and legal and programmatic issues.

The Department of Environmental Conservation was contacted to gather information specific to flood management, natural resources, and other available data.

### Review of Draft LWRP

Upon completion, the draft LWRP was available for review and comment by all affected agencies and interested parties. Comments received were reviewed, analyzed, and incorporated to the extent appropriate into the final LWRP document.



## APPENDICES

### City of Rensselaer Local Environmental Quality Review Law



## **APPENDIX A: COASTAL ZONE AREA/ CONSISTENCY REVIEW**

A. Description. The Coastal Zone Area of the City of Rensselaer is defined in the adopted Local Waterfront Revitalization Program approved by the New York State Secretary of State, as approximately all lands within the designated one-hundred-year floodplain on the river side of the existing railroad tracks. (See attached map. ) The designated floodplain is described in the National Flood Insurance Program Flood Insurance Rate Map, issued by the Federal Insurance Administration, United States Department of Housing and Urban Development.

B. Consistency. Any action to be undertaken by any person, corporation or agency within the designated Coastal Zone Area, as herein defined, shall also be consistent to the extent practicable with the coastal policies listed in Subsection E of Appendix 1 of this chapter and explained in the Local Waterfront Revitalization Program of the City of Rensselaer. A review of any such action shall contain a written determination of consistency, whether or not the action is determined to have a significant effect on the environment.

C.1 Review. The Planning Commission or another city agency, when proposing to undertake, approve or fund a Type I or unlisted action in the Coastal Zone Area, shall prepare or cause to be prepared a CAF for the proposed action. Following the preparation of an EIS or the issuance of a negative declaration pursuant to Part 617 of Title 6 of NYCIM a city agency shall refer the CAF, any EIS and other pertinent information for that action to the Planning Commission for review and determination regarding the action's consistency with the policies of the LWRP.

C.2 Desertification of consistency.

C.2.1 Prior to its undertaking, approving or funding of a proposed Type I or unlisted action in the Coastal Zone Area, and for each action referred by a city agency pursuant to Subsection C.1, the Planning Commission shall either:



- (a) Find and certify in writing that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP;
  - (b) If the action will substantially hinder the achievement of any policy of the LWRP, find and certify in writing that all three of the following requirements are satisfied: (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy;
    - (ii) the action will minimize all adverse effects on such policy to the extent practicable; and (iii) the action will result in a significant regional or statewide public benefit. Such certification shall constitute a determination that the action is consistent to the extent practicable with the policies and purposes of the LWRP; or
  - (c) Find and certify in writing that the action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified in Subsection C.2.1(b) above.
- C.2.2 The Planning Commission shall complete its review of the proposed action's consistency and prepare a written finding to the referring city agency within 30 days of the referral date. The Planning Commission may refer such actions for review and recommendation to any city agency.
- C.2.3 No action contemplated under this chapter shall be undertaken, approved or funded unless the Planning Commission certifies its consistency with the policies and purposes of the LWRP by finding pursuant to either Subsection C.2.1(a) or C.2.1(b) above.
- C.2.4 The written findings and certification of consistency made by the Planning Commission shall be filed with the City Clerk before the action is undertaken, approved or funded.
- D. Maintenance of records. Any such consistency determination shall become part of the lead agency findings and, as such, shall be a permanent record to be maintained in accordance with § 93-31 of this chapter.



E. State policies. Actions to be undertaken within the Coastal Zone area shall be evaluated for consistency in accordance with the following LWRP policies, standards and conditions, which are derived from and further explained and described in Section III of the City of Rensselaer's LWRP, a copy of which is filed in the City Clerk's office and available for inspection during normal business hours. Agencies which directly undertake actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

Redevelop the Albany Port District area as a regional marine transportation facility. (Policy 1)

Revitalize the Central Business District and create opportunities for mixed use development along the City's Riverfront. (Policy 1; 1B; 1E)

Revitalize deteriorated residential neighborhoods and create new residential and mixed use opportunities. (Policy 1; 1B; 1D)

Develop, where and when practicable, a riverfront open space and trail system along the city's waterfront. (Policy 1; 1C; 1F)

Permit office park development in the north waterfront (Policy 1; 1G)

Facilitate the siting of water-dependent and water-enhanced uses. (Policy 2)

Maintain all suitable industrial land within and contiguous to port lands for marine-related industrial development (Policy 2; 2a)

Further develop the Port of Albany as a center of commerce and industry and encourage the siting of land uses which are essential to or in support of waterborne transportation. (Policy 3)

Reduce port-related truck traffic in residential neighborhoods. (Policy 3; 3a)

Encourage development in areas where adequate infrastructure is already in place or is readily extendable. (Policy 5)

Expedite permit procedures to facilitate approvals for new development. (Policy 6)



Ensure the protection of marine habitats in the Hudson River and tributaries when siting new land and water uses. (Policy 7)  
Prevent chemical contamination of fish and wildlife resources and their food chains. (Policy 8)

Promote recreational use of fish and wildlife resources and protect such resources from chemical pollution. (Policy 8; 9)

Minimize damage to natural resources and property from flooding and erosion through proper location of new land development, protection of wetlands, proper construction and use of structural erosion controls and use of nonstructural measures where practicable. (Policy 11; 14; 17)

Structures will be sited so as to minimize damage to property and the endangering of human life caused by flooding and erosion. (Policy 11)

Development and land use will be undertaken in such manner as to protect natural protective features. (Policy 11)

Construction or reconstruction of erosion-protection structures may be performed only if they have a probability of controlling erosion for at least 30 years. (Policy 13, 13A)

Development and land use, including reconstruction of erosion protection structures, shall not cause an increase in erosion or flooding. (Policy 14)

Public funds shall only be used for erosion-protection structures where necessary to protect human life or existing water-dependent development. (Policy 16)

Nonstructural measures to minimize flood and erosion are preferred. (Policy 17)

Major actions in the LWRA shall not significantly impair valuable coastal waters and resources. (Policy 18)

Develop, where and when practicable, overlooks, boat launches, boat moorings, fishing piers and direct access to the shoreline along the riverfront open space and trail system. (Policy 19-19I)

Link the riverfront open space and trail system with recreational amenities in the Town of North Greenbush and City of Troy trail system, as appropriate. (Policies 19 thru 19I)



Access to the public foreshore shall be provided, retained and increased where and when practicable. (Policy 20)

Promote water-dependent recreation. Provide water-related recreation as a compatible and complementary use with the primary development. (Policy 19; 21; 22)

Protect historic, archaeological, architectural and cultural resources. (Policy 23)

Protect and enhance visual and scenic quality of the coastal area. (Policy 24; 25)

Ensure ice management practices do not interfere with shoreline stability (Policy 28)

All point source discharge of pollutants must be in compliance with state and national water quality standards. (Policy 30)

Coastal policies will be considered when reviewing or modifying water classifications or standards. Water overburdened by contaminants will be treated as a development constraint (Policy 31)

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

Promote responsible marine sanitation practices. (Policy 34)

Dredging and dredge-spoil-disposal projects shall protect living, natural and scenic resources and wetlands. (Policy 35)

Activities related to the shipment and storage of hazardous materials shall be conducted in a manner to prevent spills and minimize impacts. (Policy 36)

Best management practices to minimize nonpoint discharge of excess nutrients, organics and eroded soils are required. (Policy 37)

Solid waste shall be handled in a manner which protects natural and scenic resources and recreational land uses. (Policy 39)

Land use development should not cause violation of air quality standards. (Policy 41)

Preserve and protect freshwater wetlands. (Policy 44)