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Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Coxsackie
Year (adopted, written, etc.):	2015
Community Type – applicable to:	Urban; Suburban
Title:	Waterfront Residential District
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Abstract

The Town of Coxsackie created the Waterfront Residential District (WR) to protect areas adjacent to the Hudson River. The purpose of this district is to protect the waterfront, maintain the existing residential character, and allow for low impact water-dependent and water-related recreational uses appropriate for the community and the river. A few specific purposes of the WR is the preservation of natural, scenic, and historic values along the Hudson River and to encourage compatible land uses along the Hudson River. Buildings must be set back 150 feet from the river, but water-dependent businesses may be within that distance with a special permit. Each parcel or lot between the normal high mark of the river and a point 100 feet from and perpendicular to the normal high water mark must contain a natural vegetation strip. There is no clear cutting of timber permitted and there are specific restrictions on the trimming of the required natural vegetation. Only certain structures may be permitted within the natural vegetation, such as docks and boat ramps. Additionally, no unsightly, offensive, or potentially polluting material, such as lawn clippings, garbage, and refuse containers, may be dumped or stored within the natural vegetation strip. If there is no natural vegetation, the developer shall provide vegetation which shall substantially screen the proposed development from the water. Water quality must be protected, therefore no subsurface systems for septic wastes shall be located within 100 feet from the normal high water mark and there shall be no disturbance of existing wetlands, unless appropriate mitigation measures are defined and approved. Soil shall not be tilled for agricultural purposes within 50 feet of the high water mark. Any proposed principal building or expanded paved area larger than 5,000 square feet that would be partially or entirely located in the WR district must be submitted for review by the Planning Board.

Resource

See separate PDF.

§ 201-10. WR - Waterfront Residential District.

A. Purpose and intent.

- (1) Areas of the Town designated under this district are adjacent to the Hudson River. The purpose of the district is to protect the waterfront, maintain the existing residential character and allow for low impact water-dependent and water-related recreational uses appropriate for the community and the river.
- (2) The specific purposes of this district include the following:
 - (a) To preserve natural, scenic, and historic values along the Hudson River.
 - (b) To preserve woodlands, wetlands, and other green space.
 - (c) To regulate uses and structures along the Hudson River to avoid increased erosion and sedimentation.
 - (d) To encourage compatible land uses along the Hudson River.
 - (e) To recognize areas of significant environmental sensitivity that should not be intensely developed.
 - (f) To allow reasonable uses of lands while directing more intense development to the most appropriate areas of the community.

B. Permitted and special permit uses. See Schedule A, Use Regulations for Residential Districts, of this chapter.¹

C. Development regulations. See Schedule C, Dimensional Standards,² of this chapter and the following additional provisions:

- (1) Setback requirements.
 - (a) The minimum setback from the high water mark of the river shall be 150 feet horizontally away from and paralleling the river.
 - (b) Structures for a business demonstrated to be water-dependent or water-related may be authorized within the required setback distance with an application for a special permit; however, the Planning Board shall have the authority to impose additional conditions as may be warranted.
- (2) Natural vegetation strip. A natural vegetation strip shall be maintained on each parcel or lot between the normal high water mark of the river and a point 100 feet from and perpendicular to the normal high water mark. Removal of vegetation in the natural vegetation strip shall require a special permit in accordance with the following requirements:

1. Editor's Note: Schedule A is included at the end of this chapter.

2. Editor's Note: Schedule C is included at the end of this chapter.

- (a) No clear-cutting shall be allowed.
- (b) Limbing of trees is allowed except that no more than 50% of total tree height may be removed.
- (c) One hundred percent of the vegetation strip may be selectively thinned as follows. No more than 35% of the number of trees six inches in diameter at 4.5 feet above the ground, or larger, shall be cut in any ten-year period. In second-growth woodlands where there are relatively few trees of this diameter, no more than 25% of trees four inches in diameter at 4.5 feet above the ground, or larger, shall be cut in any ten-year period. Additional trees may be removed if the applicant can demonstrate one or more of the following conditions:
 - [1] It is clearly necessary for traffic safety.
 - [2] It is clearly necessary for the development of an approved principal or accessory use or building, street, sidewalk, paved area, driveway, stormwater facility, utility or sewage system.
 - [3] It is within 25 feet of the foundation of an approved structure.
 - [4] It is diseased, dead or poses a clear danger to a structure, utility or public improvement.
 - [5] It is related to agricultural activities, such as orchards or cultivation activities.
- (d) Existing soil and organic matter shall not be altered or disturbed within the vegetation strip.
- (e) No structures shall be permitted within the vegetation strip, with the exception of docks, benches, picnic tables, boat ramps, pump houses, pervious walkways, and elevated walkways which provide the property owner with reasonable access to the water. Park-related furnishings (benches, picnic tables, pavilions, refuse containers, etc.) and vehicular parking areas shall be permitted, if associated with public recreation areas or public access to the river. Commercial uses permitted in the district may be located in the vegetation strip with the approval of a special permit from the Planning Board.
- (f) No unsightly, offensive, or potentially polluting material, including but not limited to lawn clippings, leaves, garbage, refuse containers, junk cars, junk appliances, or toxic materials, may be dumped or stored within the natural vegetation strip, except for refuse containers and fuel storage and dispensing for permitted commercial uses that obtain a special permit for operating in the vegetation strip. The vegetation strip shall not contain

commercial or industrial storage or display, manufacturing or processing activity, loading and unloading areas or vehicular parking areas.

- (g) Where there is no preexisting natural vegetation, developers shall provide vegetation which shall substantially screen the proposed development from the water. The width of this revegetated strip should be at least 75 feet from the high water mark of the river. The plant material should consist of indigenous trees and shrubs.
 - (h) Reasonable efforts shall be taken during construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment or change in grade level. The developer shall provide the Town with a tree replacement plan for any protected trees which are destroyed or injured.
- (3) Protection of water quality.
- (a) Subsurface disposal systems for septic wastes shall be located no less than 100 feet from the normal high water mark.
 - (b) There shall be no disturbance of existing wetlands located within the WR District, unless appropriate mitigation measures are defined and approved.
 - (c) Sedimentation basins should be located between new development and the river.
- (4) Docks and water surface use.
- (a) Multiple boat slips may be clustered.
 - (b) Bulkhead docks or off-channel basins are preferred for permanent docking.
- (5) Agricultural activities. Soil shall not be tilled within 50 feet of the high water mark of the river.
- (6) Additional requirements and standards.
- (a) Any permits required by the Army Corps of Engineers and New York State must be received prior to final approval from the Planning Board.
 - (b) Parking, fences and signs shall not detract from water views and are subject to regulations contained in Article V, § 201-30, and Article VIII, respectively. The following signs are prohibited within 300 feet of the river:
 - [1] Billboards.

- [2] Freestanding signs on site with a total height of greater than 12 feet above the surrounding average ground level or a sign area of greater than 20 square feet.
- [3] Signs intended to be towed from one location to another.
- (c) When located adjacent to historic structures, new buildings shall reflect the architectural character of the existing historic structure.
- D. Site plan. Any proposed principal building or any proposed or expanded paved area larger than 5,000 square feet that would be partially or entirely located within the WR District shall be submitted for review by the Planning Board. Site plan review shall be conducted in accordance with the procedures established in Article X.
- E. Modifications. The Planning Board may authorize modifications to the requirements of this section upon a finding that such action is necessary to eliminate practical difficulties associated with the strict interpretation of these requirements and that the result will further the purpose and intent of this district.