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<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of Saugerties
<b>Year (adopted, written, etc.):</b>	2015
<b>Community Type – applicable to:</b>	Urban; Suburban
<b>Title:</b>	Waterfront Overlay District
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### ***Abstract***

The Town of Saugerties adopted the Waterfront Overlay District (WOD) to protect and enhance the shoreline by protecting water quality and preventing erosion along the Hudson River, Esopus Creek, and Plattekill Creek. All development in the WOD District will be reviewed on a case by case via the site plan review process to ensure appropriate layout and design of all properties. The WOD is superimposed over the basic zoning districts, therefore regulations from the underlying district and the WOD apply in those areas. Properties or portions of properties located within 1,000 feet of the Hudson River's mean high water mark are subject to WOD regulations. Additionally, properties or portions of properties abutting or extending 300 feet inland from the mean high water mark of either the Esopus Creek or Plattekill Creek are within the WOD. All uses in the WOD, except for water-dependent uses, such as docks and boathouses, shall have a minimum 50 foot setback from the mean high water mark. The portion of the Esopus Creek in Saugerties is classified by the NY DEC as a Class B Protected Stream, meaning its best usages are primary and secondary contact recreation, such as swimming and fishing. The Plattekill Creek has three different classifications, Class B, Class B (ts), and Class A (ts). ("ts" designates a trout stream/spawning area.) A Class A (ts) stream may be a source of water supply for drinking or used for culinary or food processing purposes. If additional measures are taken, this classification may be deemed to have acceptable drinking standards. Some general standards in the WOD include no clear-cutting of trees, no destruction or modification of the natural, scenic, topographic, or physical features of the site, and the structure height shall not disrupt the existing topography. It is required that each property have a shoreline buffer of at least 15 feet from the mean high water mark. An exception may be made to allow access to beaches. Properties on steep slopes (areas of greater than 15% grade) have stricter guidelines in the WOD.

### ***Resource***

See separate PDF.

**§ 245-26. Waterfront Overlay District.**

- A. Purpose. The purpose of this district is to protect and enhance the shoreline, through protecting water quality and preventing erosion along the Hudson River, Esopus Creek, and Plattekill Creek within the Town of Saugerties, by allowing property owners to enjoy their property and access to the waterfront while protecting the environmental and scenic quality of the shoreline from degradation. To further this purpose, this section establishes criteria to be followed by applicants in the design of projects and to be followed by the Planning Board as part of the site plan approval process as set forth in Article VII, § 245-33. All development in the Waterfront Overlay District will be reviewed on a case-by-case basis via the site plan review process to ensure appropriate layout and design of all properties.
- B. Applicability and location.
- (1) The Waterfront Overlay District is superimposed over the basic zoning districts as set forth on the Town of Saugerties Zoning Map (Map 1 of 2, and Map 2 of 2). The regulations presented in this section shall only apply to those lands located within the boundaries of the Waterfront Overlay District as overlaid on the Town of Saugerties Zoning Map. In such overlay district, proposed land uses are subject to the requirements set forth in this section in addition to those requirements and standards ordinarily applicable to the underlying district. In case of conflict, the more restrictive regulation requirements shall apply.
  - (2) The following areas of the Town of Saugerties are hereby designated as Waterfront Overlay Districts:
    - (a) Properties or portions of properties located within 1,000 feet of the Hudson River's mean-high-water mark: If any portion of the property is located within the boundaries of this overlay district, the entire property is subject to the regulations set forth in this section (Hudson River only). Properties or portions of properties abutting the Esopus Creek or Plattekill Creek extending 300 feet inland from the Esopus Creek or Plattekill Creek mean-high-water mark.
  - (3) All regulations set forth in this section shall apply to the Waterfront Overlay District for the Hudson River, the Esopus Creek, and the Plattekill Creek unless otherwise noted.
- C. Effect on Schedule of Uses. All uses in Waterfront Overlay Districts shall be subject to the site plan approval process, as set forth in Article VII, Planning Board; Site Plan Review; Special Use Permit. As such, the Schedule of Uses is modified in this respect for lands contained in the Waterfront Overlay Districts.
- D. Effect on Schedule of District Area and Bulk Regulations. All uses in Waterfront Overlay Districts, except water-dependent uses, including docks, boathouses and

storage sheds for water-related uses, shall have a minimum fifty-foot setback from the mean-high-water mark.

- E. Private docks, floats or wharves. A property owner of a single-family residence, a vacant lot or a two-family residence whose property immediately borders the waters of the Hudson River or the Esopus Creek within the Town of Saugerties shall be allowed to construct a private dock, float or wharf measuring up to 150 square feet and extending a maximum of 30 feet into the Hudson River and measuring up to 120 square feet and extending a maximum of 15 feet into the Esopus Creek from the owner's mean-high-water mark for the mooring of boats.
- F. Esopus Creek. The portion of the Esopus Creek within the Town of Saugerties is classified by the New York State Department of Environmental Conservation as a Class B Protected Stream. The best usages of Class B waters are primary and secondary contact recreation, including swimming and fishing (6 NYCRR § 701.7). No person shall change, modify or disturb any protected stream, its bed or banks, nor remove from its bed or banks sand, gravel or other material, without a permit issued by the State Department of Environmental Conservation pursuant to 6 NYCRR Part 608.
- G. Plattekill Creek. The portion of the Plattekill Creek within the Town of Saugerties has three separate classifications assigned to it by the New York State Department of Environmental Conservation. From its confluence with the Esopus Creek to Mount Marion Park, the Plattekill Creek is classified as a Class B Protected Stream. The best usages of Class B waters are primary and secondary contact recreation, including swimming, and fishing (6 NYCRR § 701.7). From Mount Marion Park to Blue Mountain, the Plattekill Creek is classified as a Class B (ts) Protected Stream; "ts" designates a trout stream/spawning area. From Blue Mountain to the Town of Hunter border, the Plattekill Creek is classified as a Class A (ts) Protected Stream. The best usages for Class A waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival. This classification may be given to those waters that, if subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to reduce naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes (6 NYCRR § 701.6). No person shall change, modify or disturb any protected stream, its bed or banks, nor remove from its bed or banks sand, gravel or other material, without a permit issued by the State Department of Environmental Conservation pursuant to 6 NYCRR Part 608.
- H. Waterfront Overlay District standards. In addition to the standards set forth throughout this chapter, the following site plan review standards shall apply throughout the Waterfront Overlay Districts:

- (1) General standards.
  - (a) There shall be no clear-cutting of trees. In addition, measures will be taken to protect and preserve as much mature vegetation as possible on the site, including but not limited to trees of six inches in diameter or more measured at four feet above grade.
  - (b) There shall be no destruction, damage or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
  - (c) Landscaping and setbacks shall protect and be compatible with local and regional scenic quality, adjacent fish and wildlife habitats, freshwater wetlands and coastal waters.
  - (d) Structure height and bulk shall not disrupt natural topography and are compatible with the site and the adjacent sites, and shall not detract from the natural visual quality of the local area or region.
  - (e) Any new on-site sewage disposal systems must comply with New York State Department of Health standards.
  - (f) Outdoor lighting shall be shielded to prevent glare hazard on the waterfront and adjacent properties.
  - (g) Existing trails shall be maintained whenever possible.
- (2) Shoreline vegetative buffer.
  - (a) Shoreline buffer strips of no less than 15 feet in width from the mean-high-water mark are required. Buffers shall consist of trees and shrubs for purposes of preserving the natural and aesthetic quality of the shoreline, protecting against shoreline erosion, providing a filter strip for stormwater runoff, and providing wildlife habitat.
  - (b) No more than 30% of vegetation within the buffer may be thinned during any five-year period. Thinning may be done so as to provide views of the water, but mature trees shall remain. Property owners may "raise the tree canopy" by trimming lower branches or "top" trees to slow growth in order to maintain their views of the Hudson River, Esopus Creek or Plattekill Creek.
  - (c) The property owner may remove mature trees if such trees are diseased or damaged. Such trees shall be replaced with appropriate species that will help protect water quality and prevent erosion.
  - (d) In the event that the shoreline is already cleared, such as former cropland, a vegetative buffer strip consisting of appropriate vegetation that will help protect water quality and prevent erosion shall be reestablished.

- (e) The general exception to the above standards shall be an allowance for river or creek access and beaches. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed 20 linear feet. The pathway created should be constructed or surfaced to be effective in controlling erosion.
- (3) Properties on steep slopes. This section shall apply to steep slopes (areas of greater than fifteen-percent grade) at or near the water's edge that exceed 15 feet in elevation measured from the high-water line or bottom of the cliff, whichever is higher, to the top of the cliff. "At or near the water's edge" shall mean within 30 feet of the mean-high-water mark.
- (a) Building setbacks from the shoreline as specified herein shall be measured from the edge of the steep slope.
  - (b) No construction shall take place within 50 feet of the top edge of the steep slope. No land clearance or grading involving motorized equipment shall take place within 30 feet of the top edge of the steep slope.
  - (c) No vegetation shall be removed from the steep slope.
  - (d) Stairways or walkways constructed on the steep slope shall require a special use permit by the Planning Board.