



White Paper #1:

Potential Impacts to the Town of Germantown Shoreline

April 15, 2018

Purpose

The purpose of this white paper is to describe, in detail, the potential negative impacts to the Town of Germantown as a result of the fencing and gates proposed by Amtrak in the New York State Department of State (NYSDOS) public notice # F-2018-0060.

Background

Thousands of people each year experience the Hudson from an Amtrak train, running between New York City and Albany. This magnificent view, equally interesting on either side of the passenger car, is in part a creation of the railroads, which gained a shoreline right of way in the mid 19th century. Along much of the Hudson River, but especially in Dutchess and Columbia Counties, the railroads straightened the shoreline to fit their needs. In places they cut small headlands to create cliffs, and elsewhere filled and dammed low areas to create marshes. Their presence forced development to retreat inland, creating a wild area of alternating marshes and cliffs along the east side of the tracks. Unwittingly perhaps, thanks largely to the railroads, a shoreline conservation area was born.

Just as the railroads reworked the Hudson shoreline and created a landscape for generations to enjoy, they also created a way to access that landscape and that shoreline. In many places, such as between Germantown's Ernest R. Lasher Jr. Memorial Park and Cheviot Park, or between Cheviot Park and the Village of Tivoli, service roads run along the railroad between the tracks and the river. The service roads provide a unique, safe and easy way to access sustained stretches of the Hudson shore, uninterrupted by private lands or natural barriers.

The Germantown shoreline is used and valued year round by residents for many purposes. The shoreline is a haven for sportsmen in part because much of the shoreline is recognized as a New York State Significant Fish and Wildlife Habitat known as Germantown - Clermont flats. In April and May of each year, when the striped bass have come in, many people drive on the access path to find a place to scap-net for herring, often near Germantown's two parks. Many fish from shore for striped bass, making heavy use of the shoreline between Lasher and Cheviot Parks, as well as the shoreline south of Cheviot Park. Duck hunting is also popular; on a walk one is certain to run across hunters' blinds along the maintenance road. Summer brings folks who sit to watch the sunset, bicyclists and joggers who enjoy their workout, dog-walkers who meander from park to park, and birders who walk the shoreline hoping to see an eagle or osprey. In the fall, duck and geese hunters use the service road to access their blinds south of Cheviot Park, and to scout for waterfowl. If winter brings snow, a few cross-country skiers will traverse the area. And of course year round the shoreline offers unobstructed views westward across the river to the Catskill mountains. It's ironic that this landscape that means so much to us is now under siege from the railroad successors of those who first created it.



Germantown is a river town. Its colonial era harbor, the Half Moon Anchorage, has been absorbed into Ernest R. Lasher Jr. Memorial Park, but students in the high school still sing of “friends I met along the Hudson’s shores.” The Town’s logo is a clipper ship, and the school teams are named the Clippers. The two Hudson waterfront parks are launch sites for motorized and non-motorized boats, and both parks are Hudson River Greenway Water Trail sites. For more than 20 years, residents have participated in Riversweep to groom and maintain the parks and the two and half miles of shoreline between them. Recently, our residents have become inspired to initiate a Local Waterfront Revitalization Study to protect these parks and promote economic development; a vision of formalizing our informal use of the shoreline as a park-to-park riverwalk is central to our long term goals. The waterfront is a vital link to the Town’s colonial past and a gateway to its future. It defines our identity as a Hudson River community that is a desirable place to live, work, and visit. Germantown is a river town.

Use of the maintenance road has, historically, promoted public well-being in many ways. For example, we’ve heard from some who find the riverwalk uniquely accessible, such as an elderly fisherman who has to drive to his favorite spot because he is too unstable in a boat, and a young man with special needs who is sensitive to narrow trails but basks in the natural wonder of the spacious riverside. And we must note that there have been no accidents in Germantown in recent memory involving anyone using the riverside right-of-way for recreational purposes. In fact, some worry that restricting access may actually become a public hazard. We worry that individuals will walk, or worse try to drive, on the tracks around gates in order to get to a favorite fishing spot. We worry that the large areas of restricted access will invite illegal activities. Finally, we worry that gates will unnecessarily complicate matters for first responders who protect people using the river and shoreline.

Specific Impacts

Ernest R. Lasher Jr. Memorial Park — Fence along south-east edge of parking area

Amtrak proposes a fence along the eastern edge of the Lasher Park parking lot. Potential impacts include:

- Depending on exact location, the fence may block eight parking spots typically used for large vehicles and trailers.
- Depending on exact location, it may hamper the ability of fire apparatus to turn around in the already limited parking area. Not enough information is available to ensure safety.

Alternative - low cost parking curbs could be installed at less cost and less visual impact than a fence, with equal benefit.

Gates blocking the shoreline between Ernest R. Lasher Jr. Memorial Park and Cheviot Park

There’s a two and a half mile service road along the shoreline between Lasher and Cheviot Parks. The proposal is a gate perpendicular to the Lasher Park grade crossing to block the north end of the service road, and a similar gate north of the Cheviot Park parking area to block the south end of the road. Curiously, the proposed gates have nothing whatsoever to do with people or vehicles crossing the tracks. Before encountering these gates, people or vehicles will cross the tracks at an Amtrak maintained grade crossing. These gates block access to the service road along the shoreline. Potential impacts include:

- Reduced access to two and a half miles of shoreline of vital importance to the Town as described above.



- There is a serious first responders issue with respect to a gate preventing access to the shoreline between Lasher and Cheviot Parks. Even if they are supplied with keys, the gate will slow and complicate first responder access.
- The Town owns parcel 158.-1-87, and is in the process of turning it into a primitive camping site for future inclusion in the Hudson River Greenway Water Trail, as shown in our LWRS planning documents. The CSX ROW is the Town's only way to access this parcel.
- There exist residents who claim land and/or riparian rights on the river side of the tracks. No provisions have been proposed to provide these residents access to their property.
- As shown, the proposed gate at the south end of Lasher Park may impact fire apparatus' ability to turn around in the already small parking area. Lasher Park is the primary launch for first responder watercraft in river rescue operations for Germantown, Livingston, and more depending on the extent of mutual aid support. In water rescues, Germantown Fire Department also provides mutual aid to municipalities on the western side of the river via the launch at Lasher Park.
- Reduced access to this shoreline will increase the pressure on Lasher and Cheviot Parks and their limited parking.
- Unknown — will non-vehicular access be allowed, including pedestrian access, bike access, x-c ski access and more?

Germantown — Fence at foot of Main Street

Amtrak proposes a 700' fence along the east side (upland) of the railroad tracks at the foot of Main St. to keep pedestrians from crossing the tracks. Potential impacts include:

- The proposed fence would negatively impact the viewshed in that area, is inconsistent with our Scenic Overlay Zoning District, and could impact neighborhood property values
- The overall proposal does not provide a means for landowners to access existing land and riparian right claims on the river-side of the tracks
- The foot of Main St. ends in a very low radius traffic circle used as a turn around for large trucks. The fence might impede their ability to make the turn, and is located where snow is usually piled during large storms.

Note — Improving shoreline access at this location is a focus of Germantown's waterfront committee. In the Germantown LWRS, we recommend construction of an overhead walkway or a pedestrian gate to keep pedestrians from crossing at an unofficial crossing.

Cheviot Park — Fence north of the grade crossing

Amtrak proposes a 245' fence somewhere along the tracks near the Cheviot Park parking area. The exact location is unknown. Potential impacts include:

- The proposed fence would negatively impact the viewshed in that area, is inconsistent with our Scenic Overlay Zoning District, and could impact neighborhood property values.

Alternative - low cost parking curbs, bollards, boulders, or vegetative screening could be installed at less cost and less visual impact than a fence, with equal results.

Cheviot Park — Gate blocking the shoreline between Cheviot Park and Tivoli

Amtrak proposes a gate about 230' south of Cheviot Rd. grade crossing that will block access to service road heading south along the shoreline 4.6 miles to the Tivoli grade crossing. It's obvious this gate will block vehicles, but it's unknown if non-vehicular access will be blocked. Additionally, the proposed gate has nothing whatsoever to do with people or vehicles crossing



WATERFRONT ADVISORY COMMITTEE

Town of Germantown, NY

GermantownWaterfrontCommittee@gmail.com

the tracks; one would typically cross at the approved crossing and, currently, could walk on the river side of the tracks all the way to Tivoli. Potential impacts include:

- Reduced access to 4.6 miles of shoreline
- The service road travels through The Estates District Scenic Area of Statewide Significance
- The service road passes below the historic mansions of Woods Rd, an area steeped in Livingston and Roosevelt history.
- The service road between the Village of Tivoli and Cheviot Park bisects Clermont State Historic Site and Park. The service road provides the only public, land-based access to the site of the historic dock where Robert Fulton's steamboat the North River stopped on its maiden voyage from New York City to Albany.
- As detailed elsewhere there are serious first responder issues in blocking access to miles of shoreline.
- There exist residents who claim land and/or riparian rights on the river side of the tracks. As described earlier, no provisions have been proposed to provide these residents access to their property.

Conclusion

The Town of Germantown Waterfront Advisory Committee finds that the fencing and gates proposed by Amtrak in the New York State Department of State (NYS DOS) public notice # F-2018-0060 may have many negative impacts to the Town. Some aspects, such as maneuverability of fire apparatus, cannot be determined with the minimal information provided. Further, our committee believes that the waterfront is a vital link to the Town's colonial past and a gateway to its future. It defines our identity as a Hudson River community that is a desirable place to live, work, and visit. We do not condone unnecessary access restrictions to our waterfront.