

VILLAGE OF CROTON ON HUDSON, NEW YORK
MINUTES OF THE WATERFRONT ADVISORY COMMITTEE MEETING
Thursday, November 10, 2011

A meeting of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York was held on Thursday, November 10, 2011 in the Municipal Building.

MEMBERS PRESENT: Charlie Kane, Chairman
Ann Gallelli
Bruce Kauderer
Ian Murtaugh

ABSENT: Stuart Greenbaum

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

Chairman Kane called the meeting to order at 7:30 p.m.

2. Referral from Village Board regarding recirculation of Local Law Introductory No. 3 of 2010 (Draft Law) to repeal Local Law No. 4 of 2009 and enact zoning code provisions to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage commercial development by facilitating market rate mixed use of properties (the "Proposed Action") – preliminary consistency review

Jim Staudt, Village Attorney, stated that in the summer of 2010, LL#3 2010, which provided for the repeal of the previous law, came before the WAC. The WAC had made a preliminary determination of consistency. Based on comments from the Planning Board and the Village Board, the law was then referred to consultants who were directed to make modifications to the Local Law. The consultants completed the supplement and gave it back to the Village Board who now has a new version of the law, and an update of the EAF. The previous law is being treated as a new law, and now being circulated amongst the various committees and boards.

In reviewing the Coastal Assessment Form (CAF), dated October 12, 2011, it was noted that committee recommends no changes to this document. In reviewing the Environmental Assessment Form, parts 1 and 2, the WAC members unanimously agreed that they recommend no changes to this document. The committee reviewed the Addendum to the Environmental Assessment Form Part 3, dated 10/12/11 and recommends no changes to this document.

The WAC members reviewed the LWRP policies and found the following policies to be relevant:

Policy 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies.

This policy is relevant because the proposed action requires a review of planning and zoning documents in order to make any modifications to regulations. The proposed action is consistent with this policy because in the review and amendment of the zoning code there is the potential to improve the opportunities for multiple uses in the Harmon/South Riverside Gateway area, and potentially to improve the existing economic base of the community.

Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

Policy 5A: When feasible, development within the Village should be directed within the current service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.

Policies 5 and 5A are applicable because the proposed zoning changes are for the Harmon/South Gateway District where existing public services are in place. The proposed action is consistent with these policies because any future development resulting from the zoning changes will be where existing public services are and might potentially increase the productivity of existing public services.

Policy 5C: Limit proposed development within those portions of the coastal zone boundary area, where traffic impacts such as site distance and carrying capacity of the roadways are restricted, particularly along Route 9A, Albany Post Road and Route 129.

This policy is relevant because the proposed zoning change may result in future development with associated traffic. The development would occur in the Harmon/South Riverside Gateway Overlay district, not one of the areas listed above as having potential site distance and carrying capacity restrictions. Therefore, the proposed action is consistent because the proposed zoning changes are limited to a small section of the Village where the two main streets are South Riverside Ave. and Croton Point Ave.

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.

This policy is applicable because of the potential for new and expanded buildings in the Harmon/South Riverside Gateway Overlay District. Although the proposed action is for zoning changes and not for specific building projects, the zoning changes will provide opportunities for projects in the future. The Harmon/South Riverside Gateway Overlay District is not impacted by a mapped flood zone. It is also not subject to erosion that

would damage property or endanger human lives. Any development in the district would be subject to erosion that would damage property or endanger human lives. Any development in the district would be subject to the Village's storm water regulations that include measures to limit erosion and sediment transport during construction. Therefore, the proposed action is consistent with this policy since no damage due to flooding or erosion is expected.

Mr. Murtaugh made a motion to make a determination of preliminary consistency, seconded by Mr. Kauderer, and carried by a vote of 4 – 0, all in favor.

3. Referral from Village Board regarding the repair of the bulkhead at the Croton Yacht Club (the "Proposed Action") – preliminary consistency review

Ms. Azure Dee Steichler, P.E. from Ocean and Coast Consultants, and Mr. Kevin McCarty and Mr. Dennis Kooney from the Croton Yacht Club were present at this meeting. Ms. Steichler described the proposed project to oversheet the existing steel sheet pile bulkhead at the Croton Yacht Club.

In reviewing the CAF, dated October 2011, p. 2, C1 (b) "*Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map...Scenic resources of local or statewide significance?*" the answer should be changed from NO to YES, because the Croton Yacht Club is located in the Scenic Hudson Highlands, a significant scenic resource. On p. 4, C4(a)[7]: "*If project is to be located adjacent to shore...Is it located in an area of high erosion?*" The answer should be changed from NO to YES. The erosion has been a result of the failure of the bulkhead, however, if left undisturbed there could be further erosion.

The WAC members reviewed the LWRP policies and agreed with Ocean and Coastal's review of the following policies (see attached pages 1-12):

Chairman Kane and the other committee members all agreed that there were no other policies to add to what was already completed by Ocean and Coastal.

There was a discussion regarding the timeline for construction so as not to disrupt the spawning season between October and March. Chairman Kane recommended that the WAC be guided by the recommendations of the DEC and the Army Corps of Engineers with concern to the timeline for construction.

Mr. Murtaugh made a motion to make a determination of preliminary consistency, seconded by Mr. Kauderer, and carried by a vote of 4 – 0 all in favor.

4. Approval of Minutes

The minutes of October 27, 2011 were approved on a motion by Mr. Kauderer,

seconded by Ms. Gallelli, and carried by a vote of 3-0, all in favor.

5. Adjournment

There being no further business to come before the Committee, the meeting was duly adjourned at 10:00 p.m.

Respectfully submitted,

Ronnie Rose
WAC Secretary

VILLAGE OF CROTON-ON-HUDSON COASTAL POLICIES

DEVELOPMENT POLICIES

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

The proposed project involves replacing an existing deteriorated steel sheet pile bulkhead at the Croton Yacht Club. The site is currently utilized for recreational boating access to the Hudson River. The proposed bulkhead replacement will allow for continued safe recreational use of the site, and is therefore in compliance with this policy.

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

Croton Yacht Club is a yacht club and marina. The project site currently facilitates water dependant uses by providing access for boaters to the Hudson River. The proposed bulkhead replacement will protect the site and will enable continued use of the Club's facilities, consistent with this policy.

POLICY 3: THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO CROTON.

Not applicable.

POLICY 4: THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO CROTON.

Not applicable.

POLICY 5: ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

The proposed project involves replacing a deteriorated steel sheet pile bulkhead at an existing marina and yacht club facility, which will allow for continued safe recreational use of the site. Services and facilities at this location are adequate and will be maintained. Therefore, the proposed work is in compliance with this policy.

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

Since the Village of Croton-on-Hudson is the applicant, it is likely that coordination between State and Town can be streamlined in order to expedite permit procedures.

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.

According to the Village of Croton-on-Hudson Local Waterfront Revitalization Program, Haverstraw Bay is designated by both the NYSDEC and NYSDOS as a significant fish and wildlife habitat area.

Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, tomcod, and Atlantic sturgeon that are produced in the Hudson. Other anadromous species, such as American shad, blueback herring, and alewife, spawn in upstream freshwater areas, but move south and feed in this area before returning to the River in the fall. Haverstraw Bay is also an important nursery and feeding area within the Hudson for certain marine species, most notably bay anchovy, Atlantic menhaden, bluefish, weakfish, and blue claw crab. Depending on location of the salt front, a majority of the spawning and juvenile Atlantic sturgeon wintering in the Hudson may reside in Haverstraw Bay. A portion of the shortnose sturgeon population, a Federal endangered species, also winters in this area.

Because the nature of the proposed activities is limited to driving steel sheet pile directly adjacent to an existing steel sheet pile bulkhead, any disturbances from such activities will be temporary and localized, and are not expected to have a significant effect upon essential fish habitat. These organisms have experienced regular disturbances in the Haverstraw Bay from such activities as dredging and boating, and it is presumed that their migratory and feeding patterns have adapted to such activities.

The proposed activity will not substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or temperatures in Haverstraw Bay, and therefore are not expected to result in a significant impairment of habitat. Although the project does involve bulkhead overshooting and placing approximately 295 cubic yards of fill below the Spring High Tide Line, the fill will not be placed directly into the habitat area as it will be contained behind the bulkhead. The new bulkhead will be driven within 18 inches of the existing bulkhead and therefore will not result in a significant loss of habitat. Although impacts from the proposed activities are expected to be temporary and localized, the applicant will comply with any State or Federally issued time restrictions on the proposed work, if deemed necessary.

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

This policy is not applicable. The proposed work is not anticipated to result in the introduction of hazardous wastes or other pollutants into the coastal area.

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. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

The proposed work will maintain an existing facility that provides access for recreational use of fish and wildlife resources in a coastal area. Therefore, the proposed work is compliant with this policy.

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. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

This policy is not applicable. The project site is not a commercial fishing facility.

FLOODING AND EROSION 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.

There are no new structures proposed, only the replacement of existing erosion control structures. This bulkhead replacement will provide structural stability to inland areas and structures, as well as provide continued erosion control to the site.

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. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

The proposed project will have no adverse impacts to natural resources and/or property. The plan to oversheet the existing bulkhead will not cause adverse impacts to the site. The site is currently bordered on three sides by a steel sheet pile bulkhead, and no natural protective features such as beaches, dunes, or bluffs exist at the site. The proposed work will maintain the current nature of the shoreline by replacing the existing bulkhead which is severely deteriorated, thereby preventing future erosion that could occur if the bulkhead were allowed to deteriorate further. In addition, the top of new bulkhead elevation will be 3 feet above existing and proposed grade elevation. The increased elevation of the top of the bulkhead will afford some additional protection from flooding to the upland property. The above-grade portion of the bulkhead will have scuppers at 20 feet on-center, in order to allow drainage of surface water from the upland to the Hudson River, as it currently exists.

POLICY 13: THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

The existing bulkhead is estimated to have been constructed in the late 1950's but is at the end of its service life. The steel sheet pile bulkhead oversheeting will provide a minimum of 30 years of protection. While the standard steel sheet pile bulkhead has a design life of approximately 30 years, routine maintenance can prolong the design life. Newer technology such as protective coatings and cathodic protection can help maintain a bulkhead in good condition for a longer period of time. The applicant is considering the installation of an impressed current cathodic protection (ICCP) system on the bulkhead, and intends to perform routine inspections and maintenance such as protective coating repair, in order to maximize the bulkhead's service life. With the ICCP system and protective coating in place and properly maintained, the anticipated design life of the bulkhead is 50 years.

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.

All proposed structures are to be built equal to, if not better than, the erosion control structures in place at the site now. The proposed structures will have no measurable increase in erosion or flooding at the site. The proposed replacement structures will not increase erosion or flooding off site.

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.

The proposed work will not involve any mining, excavation, or dredging in coastal waters. The proposed work involves oversheeting of an existing steel sheet pile bulkhead. Therefore, the current nature of the shoreline will be maintained and the proposed work will not significantly interfere with natural coastal processes or cause an increase in erosion for adjacent lands.

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

The project site is owned by the Village of Croton-on-Hudson, and therefore the proposed project will be undertaken using public funds. The use of public funds for this project is compliant with this policy because it involves the replacement of an existing erosion protection structure at an existing development. The existing site is currently leased by and used by the Croton Yacht Club, which facilitates water dependent use by members of the community. The proposed repair will allow for continued water dependent use of the site. In addition, the proposed project includes a 10 foot wide walkway which is intended for public access along the Hudson River waterfront.

POLICY 17: WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SETBACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RE-SHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

It is estimated that the existing structures have been in place since the late 1950's. Due to the age and location of the existing structures, non-structural measures to protect the property from flooding and erosion are not feasible. Future improvements to the property may include non-structural measures such as elevating and flood proofing new buildings.

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

The proposed work is not considered to be a major action, since it involves oversheeting of an existing steel sheet pile bulkhead at an existing facility. The proposed work will allow the current use of the site to be maintained, and is therefore in the best interest of the State, Village, and its Citizens. The work will be performed using best management practices and in accordance with any applicable permit conditions, and is not anticipated to have any significant environmental impact. Therefore the proposed work is compliant with this policy.

PUBLIC ACCESS POLICIES

POLICY 19: PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY WILL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

The proposed project will protect and maintain the existing publicly owned property and its use as a yacht club and marina. While the yacht club is private, many members of the local community are members and utilize the club's facilities for recreation. The proposed work is consistent with this policy.

POLICY 20: ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

The proposed project includes a 10 foot wide walkway immediately adjacent to the water's edge, which is intended for public access along the Hudson River waterfront. This proposed walkway will replace an existing, narrower walkway, and will be entirely compatible with existing

adjoining uses of the property, such as boating, by yacht club members. Therefore, the proposed work is consistent with this policy.

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, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

The proposed project will encourage water-dependent and water-enhanced recreation by maintaining the existing water-dependent use of the property as a yacht club and marina. Therefore, the proposed work is consistent with this policy.

POLICY 22: DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Croton Yacht Club is a yacht club and marina. The proposed structures are intended to provide continued protection the property and to provide access to the Hudson River so that water-related recreation is allowed to continue. Therefore, the proposed work is consistent with this policy.

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

The project site is not located in an area of historic, archeologic, architectural, or cultural significance. Therefore, this policy is not applicable.

POLICY 24: PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATE WIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION, OR REMOVAL

OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (ii) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

The proposed work will not impair any scenic resources. Therefore, this policy is not applicable.

POLICY 25: PROTECT, RESTORE OR ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATE WIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

Oversheeting the existing deteriorated steel sheet pile bulkhead will improve the appearance of the shoreline. Therefore, the proposed work is in compliance with this policy.

POLICY 26: THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO CROTON.

Not applicable.

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.

The proposed work does not involve an energy facility. Therefore, this policy is not applicable.

POLICY 28: ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

The proposed work does not include ice management practices. Therefore, this policy is not applicable.

POLICY 29: THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES IS NOT APPLICABLE TO CROTON.

Not applicable.

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.

No discharge of pollutants into coastal waters is anticipated to result from the proposed activity. The proposed work involves driving steel sheet pile 18 inches outboard of the existing steel sheet pile bulkhead and filling the void between the existing and new steel sheet pile bulkhead with lightweight concrete fill. The fill will be isolated from coastal waters since it will be contained behind the new steel sheet pile bulkhead. Therefore the proposed work is in compliance with this policy.

POLICY 31: STATE COASTAL AREA POLICIES AND PURPOSES 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 proposed work is entirely compliant with State and Village of Croton-on-Hudson Coastal Policies and LWRP.

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.

The proposed work involves maintenance of shoreline erosion protection structures at an existing yacht club and marina. The existing sanitary waste system will be maintained. Therefore the proposed work is in compliance with this policy.

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

The proposed work does not involve any stormwater or sewage outfalls. The new bulkhead is proposed to be constructed such that the top of new bulkhead elevation will be 3 feet above existing and proposed grade elevation. The increased elevation of the top of the bulkhead will afford some additional protection from flooding to the upland property. The above-grade portion of the bulkhead will have scuppers at 20 feet on-center, in order to allow drainage of surface water from the upland to the Hudson River, as it currently exists. Therefore, the proposed work

will not significantly alter drainage, flow patterns, or surface water runoff, and is compliance with this policy.

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

The proposed work is intended to replace shoreline erosion control structures at the project site so that its current use as a yacht club and marina can be maintained. The Croton Yacht Club intends to maintain its existing facilities and control measures which limit the discharge of waste into coastal waters from vessels. Therefore the proposed work is in compliance with this policy.

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

The proposed work involves backfilling with lightweight concrete fill between the existing and proposed steel sheet pile bulkheads. The total amount of backfill to be used in the project is approximately 340.5 cubic yards, with approximately 295 cubic yards of backfill below the plane of spring high tide. The concrete fill will be delivered to the site by a ready mix concrete truck and placed by chute in a flowable condition, directly into the cavity to be filled, or into a pump for final placement. The concrete will fill the void between the existing and proposed steel sheet pile bulkheads, from the mudline up to the existing grade elevation. There will be no fill placed directly into coastal waters, as it will all be contained behind the bulkhead; therefore, the proposed placement of fill is not anticipated to have an adverse impact on water quality, fish and wildlife habitats, or other important coastal resources. The applicant will comply with any State or Federally issued permit requirements.

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 current use of the site and the proposed work do not involve any shipment or storage of petroleum or other hazardous materials. Therefore, this policy is not applicable.

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

The proposed work involves oversheeting an existing deteriorated steel sheet pile bulkhead. The new steel sheet pile bulkhead will provide continued erosion protection to the site. No adverse impacts or discharge of excess nutrients or organics are anticipated. Therefore, the proposed work is in compliance with this policy.

POLICY 38: THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUND WATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

The proposed work will have no effect on the quality or quantity of surface or groundwater supplies. Therefore, this policy is not applicable.

POLICY 39: THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

The proposed work does not involve transport, storage, treatment, or disposal of solid or hazardous wastes. Therefore, this policy is not applicable.

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.

The proposed site is not an electric generating or industrial facility. Therefore, this policy is not applicable.

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

The proposed work is not anticipated to have a significant effect on air quality. Therefore, this policy is not applicable.

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.**

The proposed work is entirely compliant with State and Village of Croton-on-Hudson Coastal Policies and LWRP.

**POLICY 43: LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT
CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE
ACID RAIN PRECURSORS: NITRATES AND SULFATES.**

The proposed work involves oversheeting an existing steel sheet pile bulkhead and is not anticipated to generate any nitrates and sulfates. Therefore, this policy is not applicable.

WETLANDS POLICY

**POLICY 44: PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS
AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS**

By definition, all lands surrounding the coastal waters of New York are considered tidal wetlands. Therefore, by definition, the proposed activity will be located in an area of Tidal Wetlands. The impact of the proposed structures on the natural environment will be minimized through proper planning and design, replacing damaged erosion control structures with steel sheet pile bulkhead oversheeting.