

On motion of TRUSTEE SLIPPEN, seconded by TRUSTEE LEVITT, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York with a 3-0 vote. (Trustee Gallelli recusing herself from the vote)

WHEREAS, the Village Board is considering taking an action to adopt Local Law Introductory No. 3-2014 (the "Draft Law") to amend the zoning code of the village and official zoning map which would (1) add a new single family residence RA-60 District and district regulations and (2) amend the official zoning map to remap approximately 482 acres within the Village to Park, Recreation and Education (PRE) District from One Family Residence RA-40 (1 acre) District; and (3) amend the official zoning map to remap an approximately 425-acre portion of the Village from RA-40 to the new RA-60 District (the "Proposed Action"); and

WHEREAS, on July 14, 2014 the Village Board declared itself lead agency for SEQRA purposes, and issued the Environmental Assessment Form (EAF) Parts 1 and 2 and the Coastal Assessment Form (CAF);

WHEREAS, the Village has duly referred this matter for comment and recommendation to the Village Waterfront Advisory Committee (WAC) which has made and provided in writing to the Village Board both a preliminary and final recommendation of consistency with the Local Waterfront Revitalization Program (LWRP) policy standards and conditions; and

WHEREAS, the Village has duly referred this matter for comment and recommendation to the Village Planning Board and has received a favorable recommendation from the Planning Board; and

WHEREAS, the Village Board of Trustees has undertaken the process and review described in detail in the EAF Part 3 "Determination of Significance"; and

WHEREAS, on September 2, 2014 the Village Board of Trustees of the Village of Croton on Hudson issued and adopted the EAF Part 3 Determination of Significance and adopted a Negative Declaration in connection with this action; and

WHEREAS, on October 6, 2014 the Village Board of Trustees held and closed a Public Hearing to consider Local Law Introductory No. 3 of 2014; and

WHEREAS, the Village Board has reviewed each of the 44 policies and sub-policies thereunder set forth in the LWRP and the explanation of each policy as set forth in the LWRP; and

WHEREAS, at its meeting on October 20, 2014 the Village Board verbally made its findings with respect to each of the policies and sub-policies and adopted a resolution that, based upon its review of the LWRP, the EAF, the Negative Declaration, the Coastal Assessment Form, and the Waterfront Advisory Committee's preliminary and final recommendations, and the review and discussion undertaken by the Board, the proposed action complies with the policy standards and conditions and is consistent with the policies of the LWRP; and

WHEREAS, the Village Board desires to memorialize its discussion and findings with respect to its determination of consistency as set forth at the October 20, 2014 meeting in written form.

NOW, THEREFORE, BE IT RESOLVED as follows: The Village Board has made the following findings regarding the consistency of the proposed Local Law with the policies and conditions of the LWRP.

Policy		Applicable	Consistent	COMMENTS
		yes/no	yes/no	
	DEVELOPMENT POLICIES			
1	Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and	No		
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.	Yes	Yes	The intent of the local law is to comply with comprehensive plan recommendations
1B	Redevelop and revitalize Village owned land at the Metro North Train Station, including Village garage and bay area. Encourage integrated development of Village property to assure fulfillment of requirements relating to parking and accessory uses of Metro North Train Station, while facilitating public access to bay area and recreational use.	No		
1C	Every effort should be made by the municipality to encourage the mutual cooperation and exchange of information between governmental agencies involved in clean-up of the Croton landfill and Metro-North lagoon in order to develop commercial use of resources found in the coastal area.	No		
1D	Require restoration of deteriorating structures related to railroad use and assure appropriate maintenance and screening to reduce visual impact.	No		
1E	Develop the old sewage treatment plant site at the intersection of Route 9A and Municipal PLACE	No		

2	Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.	No		
2A	Expand restrictions on the use of power boats on the Hudson River and Croton River and Bay by further enforcing the parameters that regulate boat traffic such a speed, turbidity, safety, and mooring and sludge disposal. Such controls will further increase the compatibility of power boat use with other forms of recreation use within the coastal zone area.	No		
3	The state coastal policy regarding the development of major ports is not applicable to CROTON	No		
4	The state coastal policy regarding the strengthening of small harbors is not applicable to Croton.	No		
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.	No		
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.	No		
5B	The extension of water and sewer distribution lines beyond areas currently served should be undertaken cautiously and with prudent regard for Village water resources and the preservation of environmental values in undeveloped areas.	No		
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	Yes	Yes	This law will limit potential development by creating RA-60 zone

	restricted, particularly along Route 9A, Albany Post Road and Route 129.			
6	Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	No		
6A	To expedite permit procedures, the Village shall coordinate all relevant local laws into a development package for applicants and/or make all local laws available to applicants proposing development activities.	No		
	FISH & WILDLIFE POLICIES			
7	Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.	Yes	Yes	By rezoning certain properties to PRE – will be protected against development in future
7A	The quality of the Croton River and Bay significant fish and wildlife habitat and Haverstraw Bay significant fish and wildlife habitat shall be protected and improved for conservation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.	Yes	Yes	By rezoning certain properties to PRE – will be protected against development in future
7B	Materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat and the Haverstraw Bay significant fish and wildlife habitat shall not be disposed of or allowed to drain in, or on land within, the area of influence in the significant fish and wildlife habitats.	No		

7c	Storage of materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat or Haverstraw Bay significant fish and wildlife habitat shall not be permitted within the area of influence of the habitat unless best available technology is used to prevent adverse impacts to the habitat.	No		
7D	Restoration of degraded ecological elements of the Croton River and Bay and Haverstraw Bay significant fish and wildlife habitats and shore lands shall be included in any programs for cleanup of any adjacent toxic and hazardous waste sites.	No		
7E	Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.	No		
7F	Construction activity of any kind must not cause a measurable increase in erosion or flooding at the site of such activity, or impact other locations. Construction activity shall be timed so that spawning of anadromous fish species and shellfish will not be adversely affected.	No		
7G	Such activities must not cause degradation of water quality or impact identified significant fish and wildlife habitats.	No		
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 sub lethal or lethal effect on those resources.	No		

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.	No		
9A	Ensure continued recreational use and public access to the rivers through Village-owned land adjacent to the Metro-North parking lot, at Croton Point Park and at Senasqua Park, along the Croton River, and at the Croton Yacht Club. Efforts should be made to encourage recreational use of the fish and wildlife resources found in these areas by increasing the opportunities for public access and enjoyment.	Yes	Yes	By rezoning Croton Point Park to PRE – will be protecting Croton Point Park from future development
9B	Encourage passive recreational enjoyment of the wildlife in the designated significant fish and wildlife habitats, on the Audubon Society Sanctuaries, on other public or private lands within the Village, where wildlife habitats are located. Encourage the recreational use of areas where such resources are found, as well as the protection of such resources.	Yes	Yes	By rezoning Graf Sanctuary to PRE – will be protecting and promoting its use as passive recreation
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	No	No	
	FLOODING & EROSION			

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	No		
11A	Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks	No		
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.	No		
12A	Every effort should be made to protect Croton Point, a natural protective barrier to Croton Bay from activities or development that would increase erosion of or flooding of the Point.	Yes	Yes	The rezoning of Croton Point Park to PRE will protect it from future development
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.	No		
13A	Any bulkheads along the Hudson must be maintained in good condition and private landowners should be required to restore and maintain erosion control mechanisms along their river frontage which are designed for long term stability.	No		

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.	No		
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.	No		
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.	No		
16A	Public funds shall be appropriated for the yearly maintenance of Senasqua Park until such time that is determined that expenditure of funds outweighs the cost of acquiring, constructing and maintaining a similar public park on Croton's waterfront.	No		
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 reshaping of bluffs; and (iv) the flood-proofing of buildings or their elevation above the base flood level.	No		

17A	Efforts to control erosion along the rivers and on the steep slopes rising from areas inland shall be of a non-structural nature, wherever possible, in consideration of the visual impact of structural measures. The retention or planting of vegetative covers will be preferred to structural measures.	No		
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.	Yes	Yes	The upzoning from RA-40 to RA-60 and rezoning to PRE will protect future development in the Village including Croton Point Park and the Graff and Brinton Brook Sanctuaries
PUBLIC ACCESS POLICIES				
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.	Yes	Yes	The rezoning of Croton Point Park to PRE is intended to protect and maintain the water related recreation resources and facilities at the site
19A	Encourage the linkage of open space along the Hudson and Croton Rivers in the form of a trail or walkway system. Such systems should be provided along undeveloped and underutilized land as well as along previously developed land.	Yes	Yes	The rezoning of Croton Point Park to PRE is intended to protect the trails and walkways at and near Croton Point Park and the Hudson River
19B	Increase physical access to areas that have specific value for their physical and visual access to the Hudson River or Croton River and Bay.	No		
19C	Encourage the expansion of public transportation, when feasible, to areas within the coastal zone area where water dependent and water enhanced recreation activities are located.	No		

19D	Increase access to Croton River and Bay at the Village-owned land south of the Village parking lots at the Croton-Harmon Station.	No		
19E	Maintain the trail, which provides access to the Croton River waterfront, in its current undeveloped condition as a pedestrian walkway.	No		
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.	No		
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.	Yes	Yes	The rezoning of Croton Point Park to PRE would protect the park from future development and encourage water related recreational activities
21A	Boating activities should be encouraged provided that they do not restrict other recreational opportunities and are undertaken in a manner compatible with existing water-dependent uses.	No		
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 reasonably anticipated demand for such activities and the primary purpose of the development.	No		

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.	Yes	Yes	Rezoning Croton Point Park and the Graff and Brinton Brook Sanctuaries will protect these areas from future development
24	Prevent impairment of scenic resources of statewide 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.	No		
25	Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	Yes	Yes	Rezoning Croton Point Park and the Graff and Brinton Brook Sanctuaries will protect these areas from future development
25A	Protect local scenic resources by preventing: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation or wetlands, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resources; and (ii) the addition of structures which because of siting scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.	Yes	Yes	Rezoning Croton Point Park and the Graff and Brinton Brook Sanctuaries will protect these areas from future development
25B	Secure the designation of the panoramic views from Croton Point as a scenic area of statewide significance	No		

25C	Secure the designation of Routes 9 and 129 within the Croton boundaries as a scenic road. Ensure developments on or adjacent to Route 9 do not impair scenic resources or views of or from the Hudson and Croton Rivers.	No		
25D	Establish and protect identified viewsheds which provide visual access to the Hudson River, including but not limited to the views of the Hudson River from the western shoreline of the Village, and from Prickly Pear Hill, Lounsbury Hill, and River Landing. In addition, protect viewsheds to and of the Croton River and Gorge.	No		
26	The state coastal policy regarding the protection of agricultural lands is not applicable to Croton	No		
	ENERGY AND ICE MANAGEMENT POLICIES			
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.	No		
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.	No		
28A	Ice management practices must consider short and long term impacts on the Croton River and Bay and Haverstraw Bay significant fish and wildlife habitats.	No		
29	The state coastal policy regarding the development of energy resources is not applicable to Croton.	No		
	WATER AND AIR RESOURCES POLICIES			

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		
30A	Existing rail services and transportation-related facilities shall not dispose any materials in coastal waters until such materials have been tested by the state for conformance with water quality standards.	No		
30B	Storage and disposal of all materials shall be monitored by the state to assure there will be no discharge or leaching of materials into coastal waters.	No		
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.	No		
31A	Clean water is desired and NYSDEC should continually monitor water quality in the Hudson River and Croton Bay which have already been overburdened with pollutants. Recommendations for mitigation and upgrading water quality classifications cannot be determined without continual monitoring and testing of the waters.	No		
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.	No		

33	Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	No		
33A	Encourage new developments to retain stormwater runoff on site so as to not increase flows within the existing system or to improve existing stormwater runoff systems to that runoff from such developments does not adversely impact coastal waters.	No		
33B	Improve existing Village stormwater discharge to control flow of pollutants from street and parking areas, etc. directly in the rivers.	No		
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.	No		
34A	There shall be no discharge from moored structures or marine vessels, due to shape of cove and lack of tidal flushing.	No		
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.	No		
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.	No		
37	Best Management Practices will be utilized to minimize the non-point	No		

	discharge of excess nutrients, organics and eroded soils into coastal waters.			
37A	Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.	No		
37B	Control of the development of hilltops, and steep slopes should be exerted in order to prevent erosion and minimize runoff and flooding from new construction.	No		
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.	Yes	Yes	By creating a new RA-60 residential zone and rezoning certain properties to RA-60 future potential development will be reduced and thus ground water will be protected
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.	No		
39A	Require transporters, producers and storers of hazardous material to inform the public or allow public access to records involving the transport, storage, treatment and disposal of hazardous materials. This is of particular concern with respect to rail transport of such materials, storage of identified materials on railroad property and uses in the waterfront area involved in the treatment, storage and disposal of such materials.	No		

39B	In accordance with Title III, Section 302, Emergency Planning and Community Right-to- Know of the 1986 Superfund Reauthorization Act, the local emergency planning committee and the Croton Fire Department shall be notified if hazardous substances exceed the established threshold planning quantity.	No		
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.	No		
41	Land use or development in the coastal area will not cause national or state air quality standards to be violated.	No		
41A	A NYSDEC point-source air monitoring station should be established within the Village of Croton-on-Hudson	No		
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.	No		
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.	No		
43A	Encourage the use of shuttle bus service to the train station, thereby decreasing dependency on the automobile use and reduce the generation of acid rain precursors.	No		
43B	Encourage the use of low sulphur fossil fuels for rail vehicles and encourage the development of a monitoring program to assess rail vehicle engines emissions.	No		

44	Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	Yes	Yes	By limiting future potential development wetlands will be preserved and protected
44A	Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.	Yes	Yes	By limiting future potential development wetlands will be preserved and protected
	LWRP SECTION IV PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS	Completed	Action Required	As per section 225-6 (j): Agencies which directly undertake actions shall also consult with Section IV of the LWRP regarding land and water uses and projects in making their consistency determination.
		yes/no	yes/no	
1	CROTON RIVER GORGE TRAIL	yes	No	
	The Croton River Gorge Trail has been completed and has been open to the public for many years.			
2	INVESTIGATE ALTERNATIVE SITES FOR VILLAGE-OWNED RECREATIONAL AREAS ALONG THE WATERFRONT.	yes	no	
	The Village acquired the waterfront land which is now Croton Landing Park which has been open to the public for many years.			
3	IMPROVEMENTS TO CROTON BAY BOAT RAMP AND VILLAGE LANDS SOUTH OF THE VILLAGE PARKING AREAS AT METRO-NORTH (THE CROTON HARMON STATION).	yes	no	
	Improvements have been completed and the Echo Canoe Launch has been open to the public for many years.			
4	ESTABLISHMENT OF AN AIR QUALITY MONITORING STATION IN THE VILLAGE.	no		The proposed action has no relation to this proposed project

	An air quality monitoring station has not been established in the village.			
5	STUDY OF VILLAGE	yes		
	The Village's storm water system has been extensively studied by the Village's Engineering Consultant and Village Engineer.			
6	DESIGNATION OF ROUTE 9, WITHIN THE BOUNDARIES OF CROTON, AS A NYS SCENIC ROAD.	no		The proposed action has no relation to this proposed project
	Route 9 within the Village boundary has not been designated as a NYS Scenic Road.			
7	PREPARATION OF A TRAFFIC AND ROADWAY CONDITIONS STUDY.	no		The proposed action has no relation to this proposed project
	A village-wide traffic and roadway conditions study has not been completed. However specific areas have been studied as part of projects or applications.			
8	PREPARATION OF AMENDMENTS TO 1977 MASTER PLAN TO ENSURE CONSISTENCY WITH LWRP.	yes		
	The Village Comprehensive (master) Plan was updated in 2003.			

Dated: November 3, 2014