



***Waterfront Advisory Committee***

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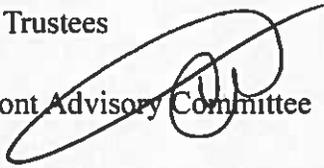
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*Village Engineer*  
**DANIEL O'CONNOR, P.E.**

*Secretary*  
**RONNIE ROSE**

**TO:** Mayor Leo Wiegman and the Board of Trustees

**FROM:** Charlie Kane, Chairman of the Waterfront Advisory Committee 

**RE:** Local Law Introductory No. 3 or 2014 – PRE and RA-60 Rezoning – Referral from Village Board of Trustees for review of Draft Law, Parts 1 and 2 of the Environmental Assessment Form and the Village's Coastal Assessment Form – preliminary consistency review.

**DATE:** July 7, 2014

On July 2, 2014, the Waterfront Advisory Committee (WAC) reviewed for preliminary consistency with the Village's Local Waterfront Revitalization Program (LWRP) the above-referenced referral from the Village Board. By a vote of 4-0, the WAC made a preliminary recommendation of consistency with the LWRP. Chairman Kane, Ms. Gallelli, Mr. Kauderer, and Mr. Greenbaum were present.

In reviewing the Coastal Assessment Form (CAF), dated June 18, 2014, on p. 2, B (7), the WAC questioned why only the lots along Albany Post Road were cited, and not the other parcels included in the proposed rezoning. The WAC recommends that the other parcels, including Croton Point Park, Hudson National Golf Club, and the sanctuaries also be cited. On p. 2, B (8), the WAC noted that some lands contain slopes of 15% or greater and that the answer of "N/A" reference the addendum which explains the the steep slopes in the proposed rezoning areas. On p. 5 C (p), instead of "YES", the WAC recommends that the answer be "N/A" with the explanation that Best Management Practices are already covered by local law.

In reviewing the Environment Assessment Form, on Part II, p. 9, the WAC questioned why "YES" was checked since the proposed rezoning is not an action that will have an impact on human health. If not intended to be "YES" then the answer should be changed to "NO." If "YES" is the answer, the WAC recommends that further clarification be provided as to why the answer is "YES."

The WAC evaluated this referral for consistency in accordance with the LWRP policy standards and conditions set forth in section 225-6(J) of the Village Code, which are further explained and described in Section III of the LWRP. The WAC members reviewed each of the 44 policies in the LWRP and believes that the policies listed below are applicable to this proposed Local Law.

***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 applicable to the proposed rezoning because the Village has a Comprehensive Plan adopted in 2003 and created goals and policies which protect and enhance the growth and development of the village. The proposed project for rezoning is consistent with the above policy because rezoning Croton Point Park from RA-60 to PRE-3 is more consistent with actual current and future use of the park. The proposed rezoning of Brinton Brook Sanctuary, Graff Sanctuary, and the small portion of the Jane Lytle Memorial Arboretum from RA-40 to PRE-1 also is more consistent with the actual current and future use of these three areas as passive open space. No residential uses currently exist within these rezoning areas and if rezoned to PRE-1, residential uses would not be permitted. The proposed rezoning of Hudson National Golf Club, a major open space area, would create larger-scale lots that take into consideration the topography and slopes of the site, and protects the natural character of the site.

*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 applicable because the location of Hudson National Golf Club and Albany Post Road Areas (approximate total of 425 acres) are within portions of the coastal zone boundary area along Albany Post Road. The proposed rezoning of the 329-acre Hudson National Golf Club from RA-40 to RA-60 will better preserve the natural topography of the site and minimize potential development impacts. The rezoning of the 96-acre area along Albany Post Road from RA-40 to RA-60 will limit the potential development impacts of the remaining oversized lots in this area, given the high volume of traffic along Albany Post Road and the significant environmental constraints (i.e. steep slopes).

*Policy 7:*

*Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.*

*Policy 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.*

These policies are applicable to the proposed rezoning because the Croton River and Bay Significant fish and wildlife habitat are located in the proposed PRE areas (Croton Point Park, Brinton Brook and Graff Sanctuaries, and the small portion of approximately 2 acres of the Jane Lytle Arboretum). The proposed project is consistent with these policies because by designating these parcels as Parks, Recreation and Education (PRE) these areas will remain public recreation areas and open spaces, and therefore preserve the significant fish and wildlife habitats.

*Policy 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.*

*Policy 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.*

These policies are applicable because they specifically cite Croton Point Park and the Audubon Society Sanctuaries (Brinton Brook and Graff Sanctuary) and a small portion of the Jane Lytle Arboretum as areas where fish and wildlife resources are located. The proposed rezoning of Croton Point Park from RA-40 to a PRE-3 District preserves the area as parkland and both ensures the protection of fish and wildlife resources and increases the active and passive recreational use and educational opportunities. The proposed rezoning of the Brinton Brook and Graff Sanctuaries and the small portion of the Arboretum from RA-40 to a PRE-1 zone also ensures that these areas will be preserved as parkland and protect the fish and wildlife habitats that exist on these lands.

*Policy 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.*

This policy is applicable to the proposed rezoning because Croton Point Park is cited as an area to protect from those activities or development that might increase erosion of the Point. The proposed rezoning of Croton Point Park from RA-40 to a PRE-3 District prevents development of the area and allows for both active and passive recreational open spaces, as well as a variety of educational and institutional facilities. The proposed PRE-3 zoning ensures that this area is preserved as open space and does not become residential subdivisions at some point in the future.

*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.*

This policy is applicable to the proposed rezoning because Croton Point Park is a valuable coastal resource area and a Westchester County Park. The proposed rezoning of Croton Point Park to a PRE-3 zone preserves the area as parkland and open space and preserves the natural resources and scenic beauty.

*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.*

This policy is applicable to Croton Point Park because Croton Point Park is a water-related recreation resource and has facilities that serve public recreation needs. The proposed rezoning

of Croton Point Park as a PRE-3 zone ensures that the park and its facilities are utilized for public recreation needs and that it is protected from becoming residential subdivisions at some point in the future. The PRE-3 District is a more compatible zoning designation for this open space area than RA-40 since the purpose of the PRE district is to preserve natural resources and other land and community resources.

*Policy 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.*

This policy is applicable to the proposed rezoning since there exists three miles of hiking trails in Brinton Brook which connects to the Highland Trail, part of the Croton-on-Hudson Village trail system. Graff Sanctuary, a protected woodland ridge overlooking the Hudson River, offers 0.8 mile of trails. The small triangle on the Arboretum site has pedestrian trails through more than 20 acres of woods and wetlands. The proposed change to rezone from RA-40 to a PRE-1 District is a better fit for the actual current and future use of these three areas as passive open space. No residential uses currently exist within these rezoning areas.

*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.*

This policy is applicable to the proposed rezoning of Croton Point County Park, located along the coast, because it offers water dependent and water enhanced recreation. The proposed rezoning of Croton Point Park as a PRE-3 zone is consistent with the policy because the change from RA-40 to PRE-3 is designed to maintain and preserve Croton Point Park for continued use as active and passive recreational open space and encourages a variety of recreational and educational activities.

*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.*

This policy is applicable to the proposed rezoning areas since Croton Point Park (a Westchester County Park), Brinton Brook Sanctuary and Graff Sanctuary (Audubon sanctuaries) and Jane Lytle Memorial Arboretum are of local significance in the history and archaeology of Croton-on-Hudson. The proposed rezoning is consistent with this policy because rezoning these areas from a RA-40 to a PRE-1 and PRE-3 zoning district will ensure that these areas are preserved as open space and protected from development.

*Policy 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.*

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*Policy 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.*

The proposed rezoning of Croton Point County Park (from RA-40 to PRE-3), and Brinton Brook Sanctuary, Graff Sanctuary and Jane Lytle Memorial Arboretum from RA-40 to PRE PRE-1 are more compatible zoning designations and will ensure that these areas are preserved as open space and their scenic beauty maintained. The PRE-3 designation for Croton Point Park also allows the park to be used for educational purposes. The PRE District zoning ensures that these open spaces do not become residential subdivisions at some point in the future.

The WAC believes that the proposed application will not have any potentially significant adverse impacts on coastal resources and is consistent with the LWRP policy standards and conditions. Because there are no expected adverse impacts on coastal resources, there is no reason to consider alternative actions or mitigation measures.

It is for the reasons contained in this memorandum that the WAC issues its preliminary recommendation of consistency.

cc: Daniel O'Connor, Village Engineer  
Waterfront Advisory Committee