

On motion of TRUSTEE GALLELLI, 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 5-0 vote.

RESOLUTION OF LWRP CONSISTENCY FOR THE ACCEPTANCE OF THE GIFT OF 1300
ALBANY POST ROAD

WHEREAS, the Village has been bequeathed a gift of property located at 1300 Albany Post Road and \$1,000,000 by Laurel Gouveia (the bequest); and

WHEREAS, the terms of the bequest are stated in Mrs. Gouveia's Last Will and Testament Paragraph SECOND, Sub-paragraph U which was sent to the Village in July 2014; and

WHEREAS, in a letter dated October 16, 2014, the attorney for the estate of Mrs. Gouveia, Edward Davidson, requested that the Village proceed with the process for accepting the bequest; and

WHEREAS, the Village Board is considering taking an action to accept the bequest in accordance with the terms and conditions of Mrs. Gouveia's Last Will and Testament Paragraph SECOND, Sub-paragraph U (the "Proposed Action"); and

WHEREAS, the Village Board of Trustees of the Village of Croton-on-Hudson, as Lead Agency, has issued a Negative Declaration in connection with the Proposed Action; and

WHEREAS, the Waterfront Advisory Committee (WAC) has previously issued to the Village Board its preliminary recommendation of consistency with the LWRP in connection with the Proposed Action; and

WHEREAS, the WAC has issued its final recommendation of consistency with the LWRP in connection with the Proposed Action; and

WHEREAS, in connection with the Proposed Action the Village Board is now required to make a determination of consistency with the LWRP policy standards and conditions; and

WHEREAS, the Village Board has reviewed the recommendations of the WAC and 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 Section IV of the LWRP, together with the EAF, the Negative Declaration and the CAF; and

WHEREAS, unless otherwise stated herein, the Village Board concurred with the recommendations of the WAC in relation to which policies were applicable and the consistency of the Proposed Application with the policies,

NOW, THEREFORE, BE IT RESOLVED as follows:

The Village Board makes the following findings regarding the applicability of the LWRP policies and the consistency of the Proposed Action with those policies and conditions of the LWRP which it found applicable.

1. 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 as the property is located on Albany Post Road, and the Proposed Action will comply with and be consistent with the proposed policy as traffic impacts of the limited uses of the property were reviewed as part of the SEQRA process and it was determined the proposed action would not significantly increase traffic or have any significant impact on traffic. Because the Village would be in control of the property, the Village will be able to limit its use to assure no significant negative traffic impacts. The proposed action would prevent further development on the site as the intended future use would be for passive recreation.

2. 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.* This policy is applicable and the Proposed Action will comply with and be consistent with the proposed policy. Much of the property is undeveloped, and under the Proposed Action will remain undeveloped thereby preserving and protecting the resources. The use of the property for passive recreation will provide opportunities for the viewing of wildlife in the undeveloped woodland area, as well as the pond and open lawn areas.

3. 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.* Acceptance of the bequest will make available to the public and preserve a passive recreational property with Hudson River Views.

4. Policy 19A – *Encourage the linkage of the 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 and the Proposed Action will comply with and be consistent with the proposed policy. The Proposed Action will provide for the potential for new trails to be developed on the property which would provide views to the Hudson River. These trails could connect to the existing over-the-road trail segment from Brinton Brook Sanctuary and the Jane Lytle Arboretum which extends down Arrowcrest Drive across Albany Post Road from the property, and which also links to the Graff Sanctuary.

5. Policy 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.* This policy is applicable and the Proposed Action will comply with and be consistent with the proposed policy. Much of the property, including the lawn areas, house, and promontories within the undeveloped area, has visual access and views of the Hudson River, which will be made accessible to the public as part of the Proposed Action.

6. 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.* 25 D - *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. This policy is applicable and the Proposed Action will comply with and be consistent with the proposed policy. The property has expansive views of the Hudson River. The Proposed Action will protect the property from further development and preserve the overall scenic quality. In addition the existing residential structure is made of glass which allows for scenic views from within the structure.

7. Policy 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.* This policy is applicable and the Proposed Action will comply with and be consistent with the proposed policy. The property contains intermittent streams in the undeveloped woodland portion of the site which will be protected from development by the Proposed Action. The natural habitats on the property will be protected. Best management practices would be implemented when planning future uses of the property.

8. The remaining policies and conditions of the LWRP not specifically discussed above were reviewed and found to not be applicable. The LWRP Section IV Proposed Land and Water Uses and Proposed Projects were reviewed and found to have no bearing on the proposed action.

AND BE IT FURTHER RESOLVED as follows:

Based upon the above, the Village Board confirms its determination that the Proposed Action, which is to accept the bequest in accordance with the terms and conditions of Mrs. Gouveia's Last Will and Testament Paragraph SECOND, Sub-paragraph U, complies with the policy standards and conditions set forth in the Village's LWRP.

Dated: January 20, 2015