

b. On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE RASKOB 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 offered a gift of property owned by Laurel Gouveia f/k/a Laurel Theise and located at 1300 Albany Post Road; and

WHEREAS, written terms of such offer were transmitted to the Village on September 19, 2013 (the "Term Sheet"); and

WHEREAS, the Village Board is considering taking an action to accept the gift of the property located at 1300 Albany Post Road from Laurel Gouveia in accordance with terms of the Term Sheet (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, 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, and also found an additional policy, 37B, to be applicable and found the Proposed Action consistent therewith

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

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.

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 and the new trail system will provide opportunities for the viewing of wildlife in the undeveloped woodland area, as well as the pond and open lawn areas.

3. 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. New trails will be developed on the property to provide views to the Hudson River. These trails can 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.

4. 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 have visual access and views of the

Hudson River, which will be made accessible to the public as part of the Proposed Action.

5. 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. 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.

6. Policy 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. This policy is applicable and the Proposed Action will comply with and be consistent with the proposed policy. The property contains significant steep slopes and the Proposed Action will preserve same and prevent development of the steep slopes and thereby prevent erosion and minimize runoff and flooding potential.

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. The remaining policies and conditions of the LWRP not specifically discussed above were reviewed and found to not be applicable.

AND BE IT FURTHER RESOLVED as follows:

Based upon the above, the Village Board makes a determination that the Proposed Action, which is the acceptance of the gift of the property located at 1300 Albany Post Road from Laurel Gouveia in accordance with terms of the Term Sheet, complies with the policy standards and conditions set forth in the Village's LWRP.