



Waterfront Advisory Committee
Stanley H. Kellerhouse Municipal Building
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Croton-on-Hudson, NY 10520-2501

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KAREN STAPLEOTN

TO: Mayor Brian Pugh and the Village Board of Trustees

FROM: AnnGallelli, Chairman of the Waterfront Advisory Committee

SUBJECT: Request for Zoning Text Change to the North End Gateway Overlay Zoning District by Matra Group LLC 1380 Albany Post Road - Referral from Village Board for a recommendation of consistency with the Village's Local Waterfront Revitalization Program

DATE: December 16, 2021

On December 15th, 2021, the Waterfront Advisory Committee (WAC) reviewed the above-referenced referral for consistency with the Village's Local Waterfront Revitalization Program (LWRP). Based on the review of the Coastal Assessment Form (CAF) dated November 1, 2021, and other application documents, the WAC made a recommendation of consistency with the LWRP. The vote was 3-0.

The WAC evaluated this application 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 the policies in the LWRP and believe that the policies listed below are applicable to this application.

In a review of the CAF, the following was noted: SEE ATTACHED MARKED UP CAF.

The revisions to the CAF reflect that the action at this time is only a request for a zoning text change.

The policies the WAC believes are relevant are as follows:

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.

The North End Gateway Overlay district is located in the North End Coastal Zone Section which was shown in the 1992 Local Waterfront Revitalization Program (Figure #3) as a coastal zone section that was planned for future residential uses. The underlying zoning is O-1. The proposed zoning change will include Housing as a permitted use as well as retail and other commercial uses.

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.

The Village water main is located on the east side of Albany Post Road and is available to all properties in the North End Gateway Overlay District. A private sewer main for the Baltic Estates Sewage Works Corporation is also located on the east side of Albany Post Road however the properties in the North End Gateway Overlay Zoning District are not located in the sewer district for the Baltic Estates Sewage Works Corporation and therefore are not able to be served by the private sewer main. Extension of the Village sanitary sewer collection system to serve the North End Gateway Overlay District is not feasible. However, the WCHD has determined that properly designed wastewater treatment systems would be appropriate in this overlay district.

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.

The North End Gateway Overlay district is located along a section of Albany Post Road. This section of Albany Post Road has sufficient sight distance and sufficient capacity. It is noted that the area on the east side of Albany Post Road is almost entirely open space area with no curb cuts onto Albany Post Road and therefore limits proposed development to the west side of Albany Post Road. An intersection with Warren Road and Scenic Drive West is located at the very southerly end of the North End Gateway Overlay District and an intersection with Baltic Place is located about 300 feet north of the North End Gateway Overlay District.

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 recommendation of consistency.

Village of Croton-on-Hudson

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions (city, town, village) agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a (city, town, village) agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the (city, town, village) clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION:

1. Type of (city, town, village) agency action (check appropriate response):

a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) Zoning code text revision

b) Financial assistance (e.g. grant, loan, subsidy) na

c) Permit, approval, license, certification Permit and approval

d) Agency undertaking action Board of Trustees, ~~Planning Board~~

2. Describe nature and extent of action:

~~AMEND ZONING DISTRICT. MIXED USE BUILDING WITH RETAIL, OFFICE, APARTMENTS.~~

~~ON SITE PARKING AND SILAR IMPROVEMENTS.~~

~~COMBINING LOTS 67.10-2-14 & 67.10-2-15.~~

entire North End Gateway Overlay

3. Location of actions: ~~1380 Albany Post Road~~ District (8 parcels total)

(street or site description)

4. Size of site: ~~1.62 acres~~ ~7.6 acres

5. Present land use: Commercial, vacant parcels, residential

6. Present zoning classification: NEGD

7. List and describe any unique or unusual land forms within or contiguous to the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations):

na

8. Percent of site which contains slopes of 15% or greater: 0

9. List and describe streams, lakes, ponds or wetlands existing within or contiguous to the project area. Give name and size of each if available:

- a) Name: na
- b) Size (in acres): na

10. If an application for the proposed action has been filed with the (city, town, village) agency, the following information shall be provided:

- a) Name of applicant: THE MATRA GROUP LLC
- b) Mailing address: 1380 ALBANY POST ROAD
- c) Telephone number: (area code) (914) 271-6466
- d) Application number, if any: _____

11. Will the action be directly undertaken, require funding or approval by a state or federal agency? NO X YES ~~X~~

If yes, which state or federal agency? NYS DEC and NYS DOT

12. If the proposed action is a law, or planning or zoning document, SKIP Section "C" and go to Section "E".

C. COASTAL ASSESSMENT:

1. 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:
(Entire Village is in the Coastal Zone Boundary)

- a) Significant fish or wildlife habitats?
- b) Scenic resources of local or statewide significance?
- c) Natural protective features in an erosion hazard area?

YES NO N/A

X		
	X	
	X	
	X	

If the answer to any question above is "yes", please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

YES NO N/A

2. Will the proposed action have a significant effect upon:

- | | | | |
|--|-------------------|----------|-------------------|
| a) Commercial or recreational use of fish and wildlife resources? | <u> </u> | <u>X</u> | <u> </u> |
| b) Scenic quality of the coastal environment? | <u> </u> | <u>X</u> | <u> </u> |
| c) Development of future or existing water dependent uses? | <u> </u> | <u>X</u> | <u> </u> |
| d) Operation of the State's major ports? | <u> </u> | <u>X</u> | <u> </u> |
| e) Land or water uses within a small harbor area? | <u> </u> | <u>X</u> | <u> </u> |
| f) Stability of the shoreline? | <u> </u> | <u>X</u> | <u> </u> |
| g) Surface or groundwater quality? | <u> </u> | <u>X</u> | <u> </u> |
| h) Existing or potential public recreation opportunities? | <u> </u> | <u>X</u> | <u> </u> |
| i) Structures, sites or districts of historic, archeological or cultural significance to the (city, town, village), State or nation? | <u> </u> | <u>X</u> | <u> </u> |

3. Will the proposed action involve or result in any of the following:

- | | | | |
|--|-------------------|----------|-------------------|
| a) Physical alteration of land along the shoreline, land under water or coastal waters? | <u> </u> | <u>X</u> | <u> </u> |
| b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area? | <u> </u> | <u>X</u> | <u> </u> |
| c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area? | <u> </u> | <u>X</u> | <u> </u> |
| d) Energy facility not subject to Article VII or VIII of the Public Service Law? | <u> </u> | <u>X</u> | <u> </u> |
| e) Mining, excavation, filling or dredging in coastal waters? | <u> </u> | <u>X</u> | <u> </u> |
| f) Reduction of existing or potential public access to or along the shore? | <u> </u> | <u>X</u> | <u> </u> |
| g) Sale or change in use of publicly-owned lands located on shoreline or under water? | <u> </u> | <u>X</u> | <u> </u> |
| h) Development within a designated flood or erosion hazard area? | <u> </u> | <u>X</u> | <u> </u> |
| i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? | <u> </u> | <u>X</u> | <u> </u> |
| j) Construction or reconstruction of erosion protective structures? | <u> </u> | <u>X</u> | <u> </u> |
| k) Diminished surface or groundwater quality? | <u>X</u> | <u>X</u> | <u> </u> |
| l) Removal of ground cover from the site? | <u>X</u> | <u>X</u> | <u> </u> |

4. Project

YES NO N/A

a) If project is to be located adjacent to shore:

1. Will water-related recreation be provided?
2. Will public access to the foreshore be provided?
3. Does the project require a waterfront site?
4. Does it supplant a recreational or maritime use?
5. Do essential public services and facilities presently exist at or near the site?
6. Is it located in a flood prone area?
7. Is it located in an area of high erosion?

		X
		X
		X
		X
	X	
	X	
	X	

b) If the project site is publicly owned:

1. Will the project protect, maintain and/or increase the level and industrial facilities into coastal facilities?
2. If located in the foreshore, will access to those and adjacent lands be provided?
3. Will it involve the siting and construction of major energy facilities?
4. Will it involve the discharge of effluent from major steam electric generating and industrial facilities into coastal facilities?

		X
		X
		X
		X

c) Is the project site presently used by the community neighborhood as an open space or recreation area?

	X	
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d) Does the present site offer or include scenic views or vistas known to be important to the community?

	X	
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e) Is the project site presently used for commercial fishing or fish processing?

	X	
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f) Will the surface area of any waterways or wetland area be increased or decreased by the proposals?

	X	
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g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?

	X	
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h) Will the project involve any waste discharges into coastal waters?

	X	
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i) Does the project involve surface or subsurface liquid waste disposal?

X		
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j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?

	X	
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k) Does the project involve shipment or storage of petroleum products?

	X	
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4. Project (continued)

- l) Does the project involve discharge of toxic hazardous substances or other pollutants into coastal waters?
- m) Does the project involve or change existing ice management practices?
- n) Will the project affect any area designated as a tidal or freshwater wetland?
- o) Will the project alter drainage flow, patterns or surface water runoff on or from the site?
- p) Will best management practices be utilized to control storm water runoff into coastal waters?
- q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?
- r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?

<u>YES</u>	<u>NO</u>	<u>N/A</u>
	X	
	X	
	X	
	X	
X		
	X	
	X	

D. REMARKS OR ADDITIONAL INFORMATION.

For questions answered "yes" in Section C, explain methods you will undertake to reduce adverse effects. Review the LWRP to see if the project is consistent with each policy. List policies the project is not consistent with and explain all mitigating actions.

(Add any additional sheets necessary to complete this form)

~~C-1: Project is located in the Village coastal zone boundary and is located in the North End Coastal zone Section which was shown in the 1992 LWRP (fig #3) as a coastal zone section that was planned for future residential uses.~~

~~C-3L: ground cover will be removed consisting of trees and undergrowth and will be replaced with native landscaping consisting of ground cover, shrubs, and trees.~~

~~C-4I: The project involves subsurface disposal of typical wastewater associated with retail, office, and residential uses. The subsurface disposal system will be designed in accordance with NYS DEC standards and Westchester County Rules and Regulations and will be approved by Westchester County Department of Health. Policy 5, 5A, 5B: The project is not located in an area served by a public sewage collection system. An extension of the village public sewage system is not feasible and the proposed wastewater treatment system is consistent with Policy 32.~~

~~C-4P: The proposed stormwater mitigation system will meet NYS DEC guidelines and standards (Best Management Practices) and will comply with the applicable LWRP policies.~~

E. SUBMISSION REQUIREMENTS.

The final version of this form shall be sent to the Department of State (*New York State Dept. of State, Coastal Management Program, 162 Washington Avenue, Albany, NY 12231*) if any question in Section C is answered “yes” and either of the following conditions is met.

- Section B.1 (a) or B.1 (b) is checked **OR**
- Section B.1 (c) and B.11 is answered “yes”

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If assistance or further information is needed to complete this form, please contact the Village Engineer at (914) 271-4783.

Preparer's Name: Ralph Alfonzetti

Title: Engineer

Agency: Alfonzetti Engineering, P.C.

Telephone No.: (914) 666-9800 E-mail: Info@AlfonzettiEng.com

Date: 11/1/2021