



**Waterfront Advisory Committee**  
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## **WATERFRONT ADVISORY COMMITTEE**

**To: Mayor Pugh and the Board of Trustees**

**From: Bruce Kauderer, Chairman of Waterfront Advisory Committee**

**Subject: Referral from Village Board on application from HNGC of special permit application for Solar Array Matrix proposal**

**Date: February 4, 2021**

On January 6, 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 July 20, 2020, and documents submitted on the behalf of the Hudson National Golf Club the WAC made a recommendation of consistency with the LWRP. The vote was 5-0 in favor, although with certain conditions.

In a review of the CAF, the following changes were noted:

### ***Page 1:***

B. 1.c) *Permit, approval, license, certification:* Include information from B2 to state: "Project is to amend the Golf Club Special Permit to subdivide a 12 +/- acre parcel from the 280\_ acre golf club and grant an additional Special Permit for the Tier 3 Solar Array project from the Village Board of Trustees, Subdivision approval, steep slope permit, tree removal permit and stormwater permits are requested from the Village Planning Board."

B. 2: Change to "12 acre parcel" from "15+ acre parcel"

B.8. Percent of site which contains slopes of 15% or greater: Change to "33% of the 12 +/- acre proposed parcel" and delete the phrase "though the actual disturbance is limited by the nature of the panel intallation" afterwards.

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#### **C. COASTAL ASSESSMENT:**

1. *Will the proposed action be located in...*"NO" should be changed to "YES"

b) *Scenic resources of local or statewide significance?* "NO" should be changed to "YES" because the scenic resources are of local significance.

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2b: **Will the proposed action have a significant effect upon:** *Scenic quality of the coastal environment?* "NO" should be changed to "YES"

3b: **Will the proposed action involve or result in any of the following:** *Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?* “NO” should be changed to “YES”.

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**4. Project**

d) *Does the present site offer or include scenic views or vistas known to be important to the community?* “NO” should be changed to “YES”.

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?* “NO” should be changed to “YES”.

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**D “Remarks”:** It is recommended that the applicant update the remarks to address the following: potential impact to the visual scenic view and the impact to the forest.

The WAC evaluated this referral for consistency in accordance with the LWRP policy standards and conditions 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 following policies are applicable to this referral and that the proposed action is consistent with the policies except as noted in specific policies:

***Policy 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.***

***Policy 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 flooding and erosion.***

***Policy 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 the topsoil or results in earth movement.***

***Policy 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.***

***Policy 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.***

***Policy 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.***

These policies are applicable and consistent subject to a Storm Water Pollution Prevention Plan (SWPPP) being submitted to the Village Board. A SWPPP is required to be submitted for review

and approval by the Village's consulting engineering firm and the Village Engineer prior to obtaining a special permit from the Village Board. The SWPPP shall address erosion and sediment control measures and other mandated items as well as address the concerns about drainage voiced by neighboring property owners on Prickly Pear Road. In addition, a steep slopes permit will be required to address potential erosion and flooding and other steep slope issues. The applicant noted that a vegetative cover will be planted underneath the proposed solar panels.

***Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to overall scenic quality of the coastal area.***

***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 resource; 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.***

These policies are applicable to the proposed solar matrix project because there are 587 trees proposed to be removed and the removal of these trees may have a significant impact to the scenic quality of the coastal area. The applicant pointed out that when the golf course was built, the concern for the scenic quality was at the ridge line and the removal of the trees for the solar matrix project does not impact the ridge line. The applicant also pointed out that during the summer, there will be leaves on the existing trees and claimed the panels will not be visible to the viewer from other locations in the village (e.g. Route 9, Croton Point Park, Pedestrian Bridge).

However, the WAC expressed concerns as to whether or not the project is consistent with these policies given the number of trees (587) being proposed for removal. After discussion, the WAC determined that they could not definitively recommend consistency and therefore, it would be up to the Village Board to determine consistency with the above policies.

***Policy 27: Decision 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.***

This policy is applicable and consistent. The proposed solar matrix project will provide an additional source of energy for the public's use to help offset the carbon footprint of the village and planet.

***Policy 33: Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflow draining into coastal waters.***

***Policy 37: Best Management Practices will be utilized to minimize the non-point discharge of excess nutrients, organic and eroded soils into coastal waters.***

***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.***

These policies are applicable and consistent subject to a SWPPP being submitted to the Village Board prior to granting a special permit. A steep slopes permit will also be required.

The WAC believes that the proposed application with the exceptions noted above (policies 25 and 25A) will not have any potentially significant adverse impacts on coastal resources and is mostly consistent with the LWRP policy standards and conditions except as noted. Because there may be adverse impacts on coastal resources, mitigation measures should be considered.

It is for the reasons contained in this memorandum that the WAC issues its recommendation of consistency except for the items noted to be considered by the Village Board. It is understood by the committee that a SWPPP will be submitted to the Village Board as part of the requirements for a special permit.