



**Waterfront Advisory Committee**

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**RONNIE ROSE**

**TO: Mayor Brian Pugh and the Village Board of Trustees**

**FROM: Bruce Kauderer, Chairman of the Waterfront Advisory Committee**

**SUBJECT: Referral from Village Board on special permit application from Regan Development Corporation for a multi-unit residential building on the parcel located at 41-51 Maple Street for recommendation of consistency with the Village's Local Waterfront Revitalization Program (LWRP).**

**DATE: April 15, 2021**

On April 14, 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 February 26, 2021, and the concept plan, the WAC made a recommendation of consistency with the LWRP. The vote was 5-0.

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

- On page 2, *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" The answer should be Yes, not NO because the entire village is considered to be in the Coastal Zone.*

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.

The policies the WAC believes are relevant are as follows:

***Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.***

***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.***

Policies 5 and 5A are applicable and the proposed project is consistent with these policies. It was explained by the engineer associated with the project that a DEC general permit for stormwater will need to be applied for and water quality and quantity will need to be addressed in the report and incorporated into the stormwater management system. There will be underground storm water infiltration of storm water and controlled release rate for stormwater management.

***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 and the proposed application consistent with this policy. The WAC members noted that there are concerns about traffic control and safety in this area of the village, and it will be important to address impacts of the proposed development in this location. The environmental consultants for this project are conducting a traffic study which is in progress but has not yet been completed.

***Policy 7E: Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.***

***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 7G: Such activities must not cause degradation of water quality or impact identified significant fish and wildlife habitats.***

These policies are applicable and the proposed application consistent to these policies. Runoff from the site ultimately discharges into the Hudson River. With adequate stormwater management devices installed on site, pollutants from stormwater runoff will be minimized.

The proposed application is consistent with these policies because the applicant shall be required to provide stormwater drainage plans and the Stormwater Pollution Prevention Plan (SWPPP) as required by the Village Stormwater law and DEC regulations.

***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 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.***

***Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measureable increase in erosion or flooding at the site of such activities or development, or at other locations.***

These policies are applicable and the proposed application consistent with these policies. The applicant has written in the Coastal Assessment Form that “[a] stabilized construction entrance, fiber logs, silt fence, catch basin inlet protection and other erosion controls will be utilized on-site.” Retaining walls will be included as part of the proposed project’s design to prevent erosion of steep soil cuts. The concrete block retaining walls to be constructed will last for at least thirty years or longer.

A sediment and erosion control plan will also be required to be prepared along with a stormwater management plan in compliance with the Village Stormwater law and DEC regulations.

***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.***

***Policy 33:***

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

***Policy 33A:***

***Encourage new developments to retain stormwater runoff on site so as to not increase flows within the existing system or to improve existing stormwater runoff systems so that runoff from such developments does not adversely impact coastal waters.***

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

***Policy 37A: Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.***

***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 to the proposed project and the proposed application consistent with these policies. The proposed project will introduce new impervious surfaces to a vacant site. Best management practices are proposed to manage stormwater runoff on-site. A full SWPPP will be prepared. Stormwater runoff will be collected on-site via a closed drainage system and directed to an underground infiltration array with an overflow to a catch basin on the NYSDOT Right of Way. There is no waterbody, water course, or wetlands near the proposed project.

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.