



Waterfront Advisory Committee

Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Chairman
BRUCE KAUDERER
Members
SHERRY HOROWITZ
STUART GREENBAUM
ANN GALLELLI
MERRILY BESVINICK

Attorney
LINDA WHITEHEAD
Village Engineer
DANIEL O'CONNOR, P.E.
Secretary
RONNIE ROSE

TO: Mayor Brian Pugh and the Village Board of Trustees
FROM: Bruce Kauderer, Chairman of the Waterfront Advisory Committee
RE: 25 South Riverside Avenue – Consistency Review
DATE: October 30, 2020

On October 28, 2020, 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 October 16, 2020, the site plans for both the existing site and the site plan for the proposed building with elevations, and Traffic Analysis report dated October 22, 2020, 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 3, 3. *Will the proposed action involve or result in any of the following:*
j) *Construction or reconstruction of erosion protective structures?* The WAC members recommended that the NO should be changed to YES since the existing retaining walls are proposed to be rebuilt and other new walls are proposed that will stabilize and prevent erosion of the steep slope.

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 1:

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

This policy is applicable and the proposed project is consistent with this policy. The proposed 39-unit residential building with four affordable apartments seems to be a good use of underutilized land. The development plan complies with the requirements of the recently established Riverside Transition C1-R(B) Zoning district which allows residential use by special permit.

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 because there is already an existing one story commercial building located where public services and existing water and sewer lines already exist. According to the Village Engineer, there will be adequate water supply and sewer capacity for the proposed 39-unit residential building.

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. Route 9A in this area has adequate sight distance and carrying capacity. Based on an updated Traffic Analysis, dated October 22, 2020, and prepared by Provident Design Engineering, the study concluded that the proposed residential building will not have a significant traffic impact on the roadways.

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.

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. There will be a stormwater storage area and oil and grit separator in order to catch stormwater runoff and remove sediment, floating debris, and other particulates from the stormwater runoff. As per standard protocol, this oil and grit separator will be cleaned annually by the applicant.

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.

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. Construction of the proposed building will result in the replacement of the retaining walls on the hillside behind the proposed building. A steep slope permit and calculations will be required.

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.

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 buffs; 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 the proposed application consistent with these policies. Measures will be required to minimize erosion especially in the steep slope area. The existing vegetation on the slope behind the existing building and retaining wall area will be disturbed due to the proposed additional excavation into the steep slope area. The Stormwater Management Plan along with detailed engineering plans during the site plan approval process will need to specifically address this concern. The proposed building is not in the FEMA floodplain.

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 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 because erosion control measures will be required to be submitted when the applicant submits an Amended Site Plan application. There is no waterbody, water course, or wetlands near the proposed project. Special attention will need to be paid to the steep slope disturbance.

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.