

**SECTION V**

**IDENTIFICATION OF TECHNIQUES FOR  
LOCAL IMPLEMENTATION OF THE PROGRAM**

## **IDENTIFICATION OF TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM**

Section V is intended to identify the techniques by which implementation of the LWRP and the specific projects can be accomplished. A discussion of existing local laws and regulations and an assessment of whether they implement the LWRP is contained in Section A. New laws and amendments are identified in Section B.

### **A. EXISTING LAWS**

The policies stated in the Village of Croton-on-Hudson Draft Local Waterfront Revitalization Program have been compared with provisions of existing Zoning Law, Zoning Map and Subdivision Regulations.

#### Analysis of Zoning Map/Zoning Districts (Articles II and II)

Existing zoning along the Hudson Riverfront section of the Village includes WC (Waterfront Commercial), LI (Light Industrial), and RA-40 (One Family Residence) districts. The location of the Waterfront Commercial District facilitates the siting of water-dependent uses near the Hudson River, which is consistent with LWRP Policies 1, 2, and 4. Croton Point is currently zoned RA-40, residential 4,000 square foot, but has been designated as a site appropriate for the PRE designation (See Policy 1).

The Waterfront Commercial Zone provides for marinas, subject to the issuance of a special permit, and other recreational and commercial facilities, as well as provide for commercial fishing activity which would be consistent with LWRP Policies 1, 2, and 4. The mix of zoning districts in the Hudson Riverfront area can feasibly provide for mixed-use development, which is encouraged by the Draft LWRP, Policies 4, 21, and 22. The Village owns approximately 24 acres of land underwater, primarily around Senasqua Park. This land is zoned WC.

The Center Village area provides for a wide range of low to high density residential uses, as well as commercial and office uses. Higher residential densities in this area will also concentrate development around existing utilities and services consistent with Policy 5. Residential densities in this area range from RA-40 to multi-family residential.

Further development within the Village permitted under existing zoning may create impacts as viewed from Croton Point Park, Croton Bay and the Hudson River and may conflict with Policies 1, 18, 23, 24 and 25 regarding scenic and visual protection of the waterfront area. Many of the commercial zoning districts are located along Riverside Avenue, which will provide a complement to Waterfront Commercial uses in this area and yet be readily accessible to residents living in the Center Village area.

The North End section of the Village is zoned primarily for lower density residential use, RA-40 and there is an Office District (O-2) located along Riverside Avenue. Because of the grade differential within the Village, this portion of the Village can be viewed from Senasqua Cove and the Hudson River. These lower intensity uses have less impact on the visual quality of this area. Development in this area should address Policies 24 and 25 regarding scenic features.

### Analysis of Zoning Law

#### Waterfront Commercial (WC District), Section 3.11

Although the description in the Zoning Law does not specifically identify commercial fishing as a use, the outline of permitted and special permit uses allows commercial fishing facilities, including docks, repair, and retail sales. Commercial fishing, as well as numerous other uses listed in the WC District would address Policy 2 regarding the siting of water-dependent uses and Policy 10 regarding commercial fishing. Additionally, the WC District would provide for public access to the waterfront in two ways:

- o Requiring a dry land right-of-way or easement provided for free public access
- o Permits private residential, commercial, or other developments to provide commercial, recreational activities and other services where the public would have visible and active access to the waterfront.

As such, these provisions address Policies 19, 20 and 22 regarding public access.

#### Mixed Use District: (MDU) (Sections 3.13)

The MDU District provides for mixed-use development both on the waterfront and in other portions of the Village where such districts may be located:

- o MDU (Multiple Development Use)

Mixed-uses could provide a strengthening of the economic base of the waterfront area. A mixed-use district might include traditional uses such as commercial fishing or waterfront recreational uses combined with residential use. Location of the MDU should address Policy 5 regarding development near existing utilities and services. Appropriate design and landscaping of MDU district developments could significantly address Policies 24 and 25 regarding visual integrity of the waterfront area.

#### Other Implementation Techniques within Existing Zoning Law

Numerous provisions for public access are indicated in the Zoning Law. Other than in the mixed-use districts, the following districts also provide for public access:

- o LI (Light Industrial) District
- o WC (Waterfront Commercial) District
- o PRE (Park Recreation and Education) District, although not currently designated on the Zoning Map

A landscaped buffer area is required in the LI District. Wide buffer areas are included along any lot line adjacent to a residential zone or buffer or along other lot lines. Buffering and landscaping enhances the visual quality of development in this district and is consistent with Policy 25.

The various districts, especially Waterfront Commercial, and mixed- use development districts address Policy 1 in many aspects since they provide for a variety of use and revitalization of existing buildings and vacant land.

Section 3.14.4 describes the objectives and goals of granting special permits which address the quality of development on a site-specific basis. These goals ensure that a special permit use will provide:

- o a layout which is accessible and creates no significant traffic hazards,
- o a development compatible with the orderly development of other uses allowed in the zoning district,
- o zoning district structures, site layout and landscaping which complements existing uses in that area of the Village, and
- o preservation of the site's natural resources.

Accordingly, the requirements of a special permit can be used to address LWRP Policies 18 and 25 regarding natural, man-made and visual resources. Numerous policies relating to protection of natural resources and site development would be addressed subsequent site plan review under Article X.

Section 5.6 of the Zoning Law provides performance standards which address smoke, noise, liquid and solid wastes, vibration, odors, glare and other nuisances. These standards should serve to protect the integrity of a development on the land which it is situated. They will also protect adjacent lands, adjacent waterfront and wildlife areas. As such, they address Policies 4, 7, 8, 9, 11, 24, 25, 39, 40, 41, 43 and 44, which are concerned with natural and scenic resources.

### Other Village Laws

Local Law No. 9 contains restrictions on the use of power boats in Croton River. Passed in 1977, this law prohibits the operation of boats in the River in excess of 5 nautical miles per hour or the operation of any boat on the River so as to create a wake. In addition, the law prohibits the mooring of boats, unless operated by persons owning property along the River, as well as prohibiting the discharge of sewage, garbage and other waste material in the River. This law is consistent with Policies 7, 8, 9, 19, 20, 21, 30, and 34.

The Village's Subdivision Regulations also contain requirements for the provision of recreation land, proper drainage and erosion control, traffic generation and street layout, and landscaping or tree plantings. The Subdivision Regulations are consistent with Policies 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 17, 19, 22, 32, 33, 38, 41, and 43. Additionally, the required length and steps of review provide for consideration of characteristics of each development as it relates to the entire LWRP.

### **B. NEW LAWS**

Below is a description of recently passed, proposed and suggested Village laws and regulations that would further address the policies of the LWRP beyond the scope of the existing Zoning Law, Zoning Map and existing regulations.

#### Recently Passed Village Laws

Law No. 11 entitled to "Erosion and Sediment Control" was passed in 1988. This Law addresses numerous policies in the LWRP which address protection of waterbodies and drainage entering adjacent lands. Specifically, this Law is to safeguard persons, protect property, prevent damage of the environment and promote 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 the movement of earth on land situated in the Village. The policies which are addressed by this Law are 3, 7, 11, 12, 13, 14, 17 and 37. Further regulations and specifications should be provided to address management of stormwater drainage to accompany these regulations.

Another recently passed law addresses the protection of wetlands, waterbodies, and watercourses and would also address many of the policies noted above and also Policies 30, 31, 33, 34, 35, and 36. The Wetlands, Waterbodies, and Watercourses Protection Law provides for the designation and protection of wetlands and other waterbodies, and regulations regarding levels of development, setbacks, vegetation, and reclamation.

The Village Law creating the PRE (Park, Recreation and Education) District supports Policies 1, 19, 20 and 22 regarding public access. This Law is designed to provide for public parks, recreational activities, schools and other educational facilities, nature preserves, land and wildlife sanctuaries and similar uses by designating sites a PRE zone and identifying permitted uses.

Potential areas to be designated as PRE Districts are listed in reference to Policy 1G of the LWRP.

Local Law No. 5 of 1989, Approving Water Supply Protection Rules and Regulations is intended to protect and preserve the purity and quality of the Village's ground water and establishes protective land use regulations for the watershed affecting the well field.

This Local Law promotes Policies 5, 12, 23, 24, 25, 34, 38, and 39 and is generally applicable to all policies regarding development and the provision of potable water.

Local Law No. 6 of 1989, Regulating the Development of Land Containing Steep Slopes was designed to establish safety standards to meet when constructing in areas where the average slope is greater than 15%. This Law is consistent with Policies 5, 11, 12, 13, 14, 17, 23, 24, 25, 33, and 34.

#### Suggested Areas for New Regulation

By the adoption of the LWRP, the Village commits itself to the policy that new regulations and master plan amendments shall be consistent with the goals and policies of the local program.

1. Recently adopted NYS Navigation Law Legislation (February 13, 1989) gave authorization for the Village of Croton-on-Hudson to adopt, amend and enforce local laws, rules and regulations with respect to restricting and regulating the manner of construction and location of boathouses and docks in any waters within or bounding the Village to a distance of 1500 feet from the shoreline. The Village should prepare a Harbor Management Plan and legislation which would regulate such construction and location of docks or boathouses within the Hudson and Croton Rivers. Local legislation (Local Law No. 9 of 1977) is in place regarding the use of power boats in the Croton River. Amendments to Local Law No. 9 may still be necessary regarding the use of boats once water-borne. These laws serve to increase the compatibility between the types and usage of recreational vehicles in the coastal waters, as well as give the locality regulatory authority over development activities related to boating uses along the water's edge.
2. The existing Village Master Plan, prepared by 1977, should be amended and updated to be consistent with other planning documents and current conditions within the Village.
3. Public access should continue to be incorporated in the RA-40 zoning district. These could be included in the RA-40 zoning district and in the subdivision regulations for developments along the Hudson and Croton Rivers. In addition, the provision of public access on properties zoned MDU should be encouraged. If necessary, the Village could make such a provision a condition of approval. Special permit approval could also be made contingent on the provision of public access. All development proposals will be reviewed during the planning process for availability and accessibility of pedestrian and vehicular access to the waterfront. Development of these regulations would address

Policies 19 and 22 and other policies relating to public access and preservation of scenic areas.

4. Provisions for flood protection should be included in Village regulations. These should address any floodplain areas along the Hudson and Croton Rivers and associated tributaries and wetlands. These provisions would address Policies 11, 12 and 14 regarding erosion and flood hazard. Floodplain protection would address hazards to existing and proposed development and natural features along these shorelines.
5. The Village will, at some point in the future, consider whether to propose additional properties for inclusion in the National or State Registers of Historic Places, but will do so only with the prior written consent of the owners of such properties.
6. All non-residential districts and mixed-use development districts should include provisions for buffering and landscaping, as appropriate. Buffering and landscaping regulations would address a development's boundary along the shoreline and along residential districts. Regulations should not be so stringent to create visual obstruction from view of the waterfront. Buffering would not only serve to address policies regarding the visual integrity of the area such as Policy 25, but would also address erosion and sedimentation policies as a secondary effect.

### **C. CONSISTENCY REVIEW PROCEDURES**

The Village has completed its approval of the LWRP by establishing a consistency law that assigns responsibility for consistency determinations to all Village agencies. "Agency" means any board, agency, department, office, other body or officer of the Village of Croton-on-Hudson.

- (1) Whenever a proposed action is located in the Coastal Area, the local agency, prior to approving, funding or undertaking the action, must make a determination that it is consistent with the policy standards and conditions set forth in the Local Waterfront Revitalization Program (LWRP) of the Village of Croton-on-Hudson. No action in the Local Waterfront Area shall be approved, funded or undertaken without such a determination.
- (2) An Environmental Assessment Form (EAF) and Coastal Assessment Form (CAF) shall be completed prior to the approval or funding of an action to be located in the coastal area. Whenever a Village agency receives an application it shall, within three (3) days, refer such application to the Waterfront Advisory Committee (WAC). This referral shall occur as early as possible in the case of a direct action.
- (3) The WAC shall, within fourteen (14) days of receipt of such application, consider the consistency of the action with the policies contained within the adopted LWRP and make a Preliminary Consistency Recommendation.

WAC's preliminary recommendation of consistency indicates that the action is not consistent, the WAC may work with the applicant or the agency to identify measures which would make the action consistent.

- (4) The WAC shall have twenty (20) days to make its final recommendation of consistency to the agency after either a negative declaration under SEQR or after the notice of completion of the DEIS. Failure by the WAC to make a recommendation upon a referral within the allotted time period shall not preclude the lead agency, Village Board or Zoning Board of Appeals from making a consistency determination for the action.
- (5) The Lead Agency shall make its determination of consistency based on the EAF, CAF, WAC recommendations if received, and any other pertinent information available. No determination shall be made before the end of time permitted the WAC for recommendations. Actions substantially hindering LWRP policy standards and conditions shall not be undertaken, unless there are no reasonable alternatives, adverse impacts are minimized or the result is of overriding public benefit.

#### Other Actions

The Village Manager shall request that results of water quality tests by the New York State Department of Environmental Conservation be sent to the Village as a matter of routine. Such requests and any responses should also be sent to the Village Board. This information is extremely important for the Village since it has, within its boundaries, two Superfund sites (Croton Point Landfill and Metro North Lagoon) known to have leached materials into coastal waters. This land is thus considered a high-risk area for water quality contamination.

Another action the Village could undertake would involve review of the existing leasing arrangement between the Village and the Croton Yacht Club to determine if alternative arrangements could yield more revenue which could be dedicated for improvements to public recreational facilities. The current lease is for \$1,800 per year plus 60 percent of the gross revenue from boat storage above the first \$4,000. The lease expires in 1992.

The Village will also participate in the planning process to ensure public access easements are provided across private property. Such negotiations could also be accomplished through a third party or private land trust.



TABLE 2

# GENERAL FLOW CHART FOR SEQR AND LWRP REVIEW

## Action Proposed

SEQR- State Environmental Quality Review
LWRP- Local Waterfront Revitalization Plan
WAC- Waterfront Advisory Committee
EAF- Environmental Assessment Form
CAP- Coastal Assessment Form
DEIS- Draft Environmental Impact Statement

SEQR: A Village agency receives an application for a Type 1 or Unlisted Action.

SEQR: Lead Agency is established.

LWRP: The Village agency has three (3) days to refer the CAF/EAF to the WAC after the establishment of the Lead Agency.

LWRP: The WAC has fourteen (14) days from receipt of the CAF/EAF to make a Preliminary Consistency Recommendation and provide advice on any additional information that may be needed for consistency review.

## SEQR: Determination of Significance

SEQR: Negative Declaration or Conditioned Negative

LWRP: WAC has 20 calendar days after filing of a declaration to submit a written Recommendation of Consistency.

SEQR: Positive Declaration

LWRP: WAC participates in public review and comment period. WAC has 20 calendar days after the Notice of Completion of the DEIS to submit a Recommendation of Consistency.

LWRP: Lead Agency, Village Board (if Lead Agency is other than a Village agency), or ZBA (if action involves a use or area variance and is Type 1 or Unlisted), shall issue a Determination of Consistency within 10 days of receipt of the WAC's Recommendation of Consistency.

LWRP: Lead Agency, Village Board (if Lead Agency is other than a Village agency), or ZBA (if action involves a use or area variance and is Type 1 or Unlisted), shall issue a Determination of Consistency when it issues its findings statement or within 10 days of receipt of the WAC's Recommendation of Consistency.

TABLE 3

## PROJECT CONSISTENCY TABLE

PROJECT	POLICIES WHICH ARE CONSISTENT
Croton Gorge Trail	1, 5, 6, 9, 16-22, 25
Alternative Recreation Sites	1, 2, 5, 6, 9, 11-14, 16-22, 25, 34, 39
Croton Bay/Boat Ramp Improvements	1, 2, 5-9, 11-22, 25, 28, 34, 39
Air Quality Station	2, 5, 6, 10, 21, 27, 30, 39-43
Study of Stormwater System	2, 5-16, 18, 30-33, 36-38
Route 9 Scenic Road	5, 6, 11, 17-20, 23-25, 27, 39
Traffic Study	1, 2, 5, 9, 16, 19, 20, 21, 22, 41, 43
Amend Master Plan	1, 2, 5-9, 11-25, 27, 30, 32, 33, 44

TABLE 3a

## POLICY IMPLEMENTATION TABLE

LOCAL LAW	POLICIES WHICH ARE IMPLEMENTED
PRE	1, 19, 20, 21, 22
Power Boat Regulations	2, 7, 8, 10, 19, 20, 21, 41
Erosion and Sediment Control	2, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 35, 37
Restricting Development on Steep Slopes	5, 11, 12, 13, 14, 17, 23, 24, 25, 33, 34
Water Supply Protection Rules and Regulations	5, 12, 23, 24, 25, 34, 38, 39
Protection of Wetlands, Waterbodies, and Watercourses	4, 5, 7, 8, 9, 11, 12, 13, 14, 16, 17, 23, 24, 25, 30, 31, 32, 33, 36, 37, 38, 39, 44