SECTION III

STATE AND LOCAL POLICIES

DEVELOPMENT POLICIES

POLICY 1 — **RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.**

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.**

POLICY 1B — **REDEVELOP AND REVITALIZE VILLAGE OWNED LAND AT THE METRO NORTH TRAIN STATION, INCLUDING VILLAGE GARAGE AND BAY AREA. ENCOURAGE INTEGRATED DEVELOPMENT OF VILLAGE PROPERTY TO ASSURE FULFILLMENT OF REQUIREMENTS RELATING TO PARKING AND ACCESSORY USES OF METRO NORTH TRAIN STATION, WHILE FACILITATING PUBLIC ACCESS TO BAY AREA AND RECREATIONAL USE.**

POLICY 1C — **EVERY EFFORT SHOULD BE MADE BY THE MUNICIPALITY TO ENCOURAGE THE MUTUAL COOPERATION AND EXCHANGE OF INFORMATION BETWEEN GOVERNMENTAL AGENCIES INVOLVED IN CLEAN-UP OF THE CROTON LANDFILL AND METRO-NORTH LAGOON IN ORDER TO DEVELOP COMMERCIAL USE OF RESOURCES FOUND IN THE COASTAL AREA.**

POLICY 1D — **REQUIRE RESTORATION OF DETERIORATING STRUCTURES RELATED TO RAILROAD USE AND ASSURE APPROPRIATE MAINTENANCE AND SCREENING TO REDUCE VISUAL IMPACT.**

POLICY 1E — **DEVELOP THE OLD SEWAGE TREATMENT PLANT SITE AT THE INTERSECTION OF ROUTE 9A AND MUNICIPAL PLACE.**

Explanation of Policy

The Village's waterfront is characterized by extreme limitations upon physical access to the waters of the Hudson and the Croton Rivers. Although there are Village-owned parks, recreational areas on the Croton and Hudson Rivers' edges, access to these parks is both foreboding and, at times, hazardous. Due to the limited amount of land with direct access to

and from the Rivers, opportunities for new water-dependent developments are constrained. In addition, the railroad, associated structures, and other transportation corridors virtually separate the Hudson and Croton Bay waterfronts from the Village. However, opportunities do exist for redevelopment and revitalization of Village owned land within the coastal zone area.

The Master Plan for the Village was adopted in 1977. Since that time, development trends have changed and natural resources have been altered. To ensure that the policies of the LWRP are consistent with a Master Plan for the Village, the existing plan must be reviewed and amended where necessary. The Village Planning Board would be responsible for amending the existing plan to facilitate consistency between the Master Plan and LWRP policies.

See also Policies 19, 24, and 25.

Specifically, the Village owned land adjacent to the commuter parking lots at the Metro-North railroad station is an important recreational resource. Policy 1A encourages the redevelopment of this property in a more orderly manner so as to provide public access to Croton River and Bay and the Hudson River by improving the boat ramp, as well as locating additional parking for the railroad station. In addition, the central Village garage facility should be located where it would be more appropriate for storage of bulk items and road maintenance supplies and more efficient in terms of maintenance and operation.

Restoration of railroad related structures is also of prime importance. Many of the railroad structures have begun to deteriorate. The structures present significant visual intrusions to the viewsheds of the Hudson River from many areas of and to the Village.

The Village has adopted a Park, Recreation and Education (PRE) floating zoning district in order to designate certain underutilized Village-owned and quasi-public lands to be used for recreational and/or educational purposes. Designation of these sites within a PRE zone would ensure continued access to the sites, not just for recreational opportunities, but also for educational opportunities such as museums, exhibits etc. Possible sites for designation include: Croton Point Park, Senasqua Park, Van Cortlandt Manor, Brinton Brook Sanctuary, Audubon Property on Hudson River, Croton River Trail, Duck Pond, Dobbs Park, School Playing Fields, Park Behind Elliot's, Sunset Park, Harrison Street Park, Silver Lake, Black Rock, Croton Volunteer Fireman's Memorial Field, Carrie E. Tompkins Elementary School, Pierre Van Cortlandt Middle School, Croton Harmon High School, Village land behind Gerstein Street and Quaker Bridge Road, Brook Street property, Village dock and Yacht Club property, the four islands in the Croton River, and Croton Free Library. Although Croton Point Park is considered a significant recreational area, any development within the park, particularly on the landfill, must be carefully reviewed due to past uses of the site and its designation as a hazardous waste site. Any development action within the coastal zone area should use the following guidelines in determining the suitability of the action and its impact on the waterfront:

- Priority should be given to uses which are dependent on a location adjacent to the water;

- The action should enhance existing and anticipated uses;
- The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;
- The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
- The action should improve adjacent and upland views of the water, and , at a minimum, must not affect these views in an insensitive manner;
- The action should have the potential to improve the opportunities for multiple uses of the site.

See also Policies 10, 19, 20, 21, 22.

POLICY 2 **FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

POLICY 2A **EXPAND RESTRICTIONS ON THE USE OF POWER BOATS ON THE HUDSON RIVER AND CROTON RIVER AND BAY BY FURTHER ENFORCING THE PARAMETERS THAT REGULATE BOAT TRAFFIC SUCH AS SPEED, TURBIDITY, SAFETY, AND MOORING AND SLUDGE DISPOSAL. SUCH CONTROLS WILL FURTHER INCREASE THE COMPATIBILITY OF POWER BOAT USE WITH OTHER FORMS OF RECREATION USE WITHIN THE COASTAL ZONE AREA.**

Explanation of Policy

To ensure that "water-dependent" uses can continue to be accommodated within the coastal zone area, the Village and agencies of New York State will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses on the existing vacant waterfront parcels.

The following uses and facilities are considered desirable as water-dependent in the Village:

1. uses which depend on the utilization of resources found in coastal waters;
2. recreational activities dependent on access to coastal waters;

3. flood and erosion protective structures;

4. scientific/educational activities, which by their nature, require access to coastal waters;

5. support facilities necessary for successful functioning of permitted water dependent uses. Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the water dependent use than on the shore.

Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community and balance of uses is achieved and maintained. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. See Inventory and Analysis Section E for a discussion of the compatibility of waterfront uses and navigational problems. Water dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

Water-dependent recreational use at Silver Lake, Croton Point Park, Senasqua Park, and the Croton Yacht Club should be maintained. In addition, the provision of public access to the water's edge and specifically to water-dependent uses at the Half Moon Bay site and at any other privately held sites should be enforced.

The existing 18 acre privately held vacant parcel located north of Croton Yacht Club, may best be considered for water-dependent uses. Any development proposal for this site should incorporate provisions for public access and recreational use of the waterfront.

The location of the railroad lines virtually cuts off the Hudson River waterfront from the remainder of the Village. Although Metro-North is required under its charter to provide public access to the waterfront, such access is severely limited. Therefore, access to vacant waterfront parcels available for water-dependent uses is also limited. Priority should be given to water enhanced or water-dependent uses which more directly compliment the other goals for the coastal zone as expressed in this LWRP. Restoration of the Village's hazardous wastes sites, Croton Point Landfill and the Metro North PCB Lagoon, is required prior to encouraging further use or facilities on or adjacent to coastal waters. Approval of any water-enhanced activity must be in accordance with local policies regarding scenic resources (Policy 25) and erosion (Policies 14-17).

Recreational use on the waterfront sites should be strictly monitored so as to ensure that such uses are compatible with existing forms of recreational use. Enforcement of regulations related to boat speed, turbidity, safety, and mooring activities must be undertaken by the proper authorities. Such regulations are determined at the Federal, State and local level. The Village has, in place, Local Law #9 of 1977 a law which regulates the use of power boats on the Croton River and Bay. Such regulations include limits on boat speed, mooring and discharge of waste into the Croton River and Bay. However, no such restrictions are in place regarding the use of

boats within the Village's jurisdiction along the Hudson River. Recognizing the Federal government regulates boat traffic in the navigable waters of the Hudson, the Village must also be prepared to initiate, adopt, and enforce regulations for use of such recreational vessels within its jurisdiction on the Hudson. To accomplish this, the existing local law must be amended and submitted to the State for review.

POLICY 3 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO CROTON.**

POLICY 4 **THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO CROTON.**

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.**

POLICY 5B **THE EXTENSION OF WATER AND SEWER DISTRIBUTION LINES BEYOND AREAS CURRENTLY SERVED SHOULD BE UNDERTAKEN CAUTIOUSLY AND WITH PRUDENT REGARD FOR VILLAGE WATER RESOURCES AND THE PRESERVATION OF ENVIRONMENTAL VALUES IN UNDEVELOPED AREAS.**

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.**

Explanation of Policy

Development, particularly large-scale development, in the coastal zone will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development

where infrastructure and public services are in place, and where topography, geology, and other environmental conditions are suitable for and able to accommodate development. In evaluating each proposal, the scale and type of development will be assessed with respect to consistency with the present character of the community.

The above policies are intended to accomplish the following:

1. Strengthen existing residential, industrial and commercial centers, such as in the Center Village section;

2. Increase the productivity of existing public services and moderate the need to provide costly new public services in outlying areas;

3. Preserve open space.

Objective No. 3 is of particular importance in the coastal zone area due to the probable impact of development of the last remaining large vacant parcels within the Village. These parcels are important natural areas and have been identified as offering visually important vistas and are enjoyed as such by the community. Pressure for development, particularly residential development, of these parcels must consider the impact on the infrastructure systems including the roadway network, water and sewage disposal systems, as well as the impact on wildlife habitats. Development must also consider policies related to preservation of viewsheds and protection from flooding and erosion.

The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:

a. Streets and highways servicing the proposed site can safely accommodate the peak traffic generated by the proposed land development. Traffic analysis of impacts from proposed development will be assessed during planning and environmental reviews. Any proposed development should include mitigation measures to reduce traffic impacts on existing Village streets. See Inventory and Analysis, Section J, for a discussion of Village roadways and the need for coordination of bus and train schedules to facilitate the use of public transportation.

b. Development's water supply (consumptive and fire fighting) can be met by the existing water supply system;

c. Sewage disposal system can accommodate the wastes generated by the development;

d. Stormwater runoff from the proposed site can be accommodated by the on-site and/or off-site facilities; and

e. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the areas as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Such development can only occur if water supply and sewage disposal facilities are available.

There is a recognized need for a detailed traffic study for the Village of Croton-on-Hudson. Such data collection and analysis, and subsequent mitigation measures should be prepared and incorporated into the Master Planning process. Results of the study would become part of the basic studies for the Master Plan and would be considered in recommendations for future development.

This policy does not apply to water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available or uses and/or activities which because of public safety consideration should be located away from populous areas.

POLICY 6 **EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.**

POLICY 6A **TO EXPEDITE PERMIT PROCEDURES, THE VILLAGE SHALL COORDINATE ALL RELEVANT LOCAL LAWS INTO A DEVELOPMENT PACKAGE FOR APPLICANTS AND/OR MAKE ALL LOCAL LAWS AVAILABLE TO APPLICANTS PROPOSING DEVELOPMENT ACTIVITIES.**

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State and Village agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. It is especially necessary to clearly articulate such requirements for development for sites along the upland area of the hills. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and, if necessary, legislative and/or programmatic changes will be recommended.

In order to expedite procedures for development applications, the Village shall provide to the applicant a package of all relevant laws, including ones recently adopted or amended. This will

ensure that proposals are developed that would be consistent with the legal framework of the Village.

Legislative action taken by the Village should include the designation of a consistency review committee to review development proposals for consistency with the LWRP policies. This review may be incorporated into the tasks of existing committees. The Planning Board, Zoning Board, the Village Board, the Water Control Commission, or other existing committees shall review such proposals for consistency with the provisions of the Zoning Ordinance.

FISH AND WILDLIFE POLICIES

POLICY 7 **SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

POLICY 7A **THE QUALITY OF THE CROTON RIVER AND BAY SIGNIFICANT FISH AND WILDLIFE HABITAT AND HAVERSTRAW BAY SIGNIFICANT FISH AND WILDLIFE HABITAT SHALL BE PROTECTED AND IMPROVED FOR CONSERVATION, ECONOMIC, AESTHETIC, RECREATIONAL, AND OTHER PUBLIC USES AND VALUES. ITS RESOURCES SHALL BE PROTECTED FROM THE THREAT OF POLLUTION, MISUSE, AND MISMANAGEMENT.**

POLICY 7B **MATERIALS THAT CAN DEGRADE WATER QUALITY AND DEGRADE OR DESTROY THE ECOLOGICAL SYSTEM OF THE CROTON RIVER AND BAY SIGNIFICANT FISH AND WILDLIFE HABITAT AND THE HAVERSTRAW BAY SIGNIFICANT FISH AND WILDLIFE HABITAT SHALL NOT BE DISPOSED OF OR ALLOWED TO DRAIN IN, OR ON LAND WITHIN, THE AREA OF INFLUENCE IN THE SIGNIFICANT FISH AND WILDLIFE HABITATS.**

POLICY 7C **STORAGE OF MATERIALS THAT CAN DEGRADE WATER QUALITY AND DEGRADE OR DESTROY THE ECOLOGICAL SYSTEM OF THE CROTON RIVER AND BAY SIGNIFICANT FISH AND WILDLIFE HABITAT OR HAVERSTRAW BAY SIGNIFICANT FISH AND WILDLIFE HABITAT SHALL NOT BE PERMITTED WITHIN THE AREA OF INFLUENCE OF THE HABITAT UNLESS BEST AVAILABLE TECHNOLOGY IS USED TO PREVENT ADVERSE IMPACTS TO THE HABITAT.**

POLICY 7D **RESTORATION OF DEGRADED ECOLOGICAL ELEMENTS OF THE CROTON RIVER AND BAY AND HAVERSTRAW BAY SIGNIFICANT FISH AND WILDLIFE HABITATS AND SHORELANDS SHALL BE INCLUDED IN ANY PROGRAMS FOR CLEANUP OF ANY ADJACENT TOXIC AND HAZARDOUS WASTE SITES.**

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.**

Explanation of Policy

The Croton River and Bay and Haverstraw Bay are designated Significant Coastal Fish and Wildlife Habitats.

See Inventory and Analysis, Section H and Inventory and Analysis Appendix for description of habitats.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection.

Such habitats exhibit one or more of the following characteristics:

- are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- support populations of rare and endangered species;

- o are found at a very low frequency within a coastal region;
- o support fish and wildlife populations having significant commercial and/or recreational value; and
- o would be difficult or impossible to replace.

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If that proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows:

> In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:
>
> -- destroy the habitat; or
> -- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, change in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The **tolerance range** of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of physical, biological and chemical parameters which should be considered in applying the habitat impairment test include, but are not limited to, the following:

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and

3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

Activities in Croton River and Bay and Haverstraw Bay that would degrade water quality, increase turbidity or sedimentation, reduce flows, increase water temperatures or alter water salinities or temperature in the case of Haverstraw Bay would result in significant impairment of the habitat. Any physical alteration of the habitat, through dredging, filling, or bulkheading, would result in a direct loss of valuable habitat area. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through August for most warmwater and anadromous species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations and must be prohibited. Similarly, spills of oil or other hazardous substances from industrial activity, and leachate of contaminated groundwater, constitute a potential threat to fish and wildlife in the bays.

Of particular concern in the Croton River and Bay major tributary system are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. These are also concerns in Haverstraw Bay as are hydrologic disturbances (water withdrawals). Establishment of minimum flow requirements for the Croton River up to the first impassable barrier to fish has had a significant beneficial effect on the area; however, under drought conditions, releases from the Croton Reservoir can be reduced to zero. Minimum flow requirements for the Croton River should be maintained up to the dam.

Existing areas of natural vegetation bordering Croton River and Bay and Haverstraw Bay should be maintained to provide bank cover, soil stabilization, perching sites, and buffer areas. However, development of public access to the bay areas is desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

Clean-up of the two Type 2 Superfund sites, Croton Landfill and the Metro-North Lagoon, are under the preview of the U.S. Environmental Protection Agency. Every effort should be made to require a hastened cleanup of these sites and restoration of the significant habitats and shorelands which border them. The Village should be consulted with and provide authorization for all actions regarding cleanup and restoration of these sites.

In addition, efforts should be made to have the Village remove the road maintenance materials located at the southern end of the Croton Harmon parking lot. The Village and the private owners of the parking lots at the Croton Harmon station should be required to control and filter runoff to prevent pollution of the Habitats.

See Policies 8, 25, 33, 34, 35, 37, 44.

POLICY 8 **PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.**

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, waste is defined in Environmental Conservation Law [§27-0901 (3)] as "waste or combination of wastes which because of its quantity, concentration, or physical chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." A list of hazardous wastes (6NYCRR Part 371) has been adopted by DEC.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly in the State's air, land and waters. The State enforces the federal regulations (management strategies) with respect to the transportation and tracking of materials, control of interim storage areas, and regulation of disposal sites. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and nonpoint sources, that are not identified as hazardous wastes but are controlled through other State laws.

Debris and other construction or waste materials from the rail yards or other industries shall not be deposited in coastal areas where they may leach into groundwater supplies or directly effect wildlife resources.

See Policies 7, 25, 30, 33, 34, 37, 40, 44.

POLICY 9 **EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

POLICY 9A **ENSURE CONTINUED RECREATIONAL USE AND PUBLIC ACCESS TO THE RIVERS THROUGH VILLAGE-OWNED LAND ADJACENT TO THE METRO-NORTH PARKING LOT, AT CROTON POINT PARK AND AT SENASQUA PARK, ALONG THE CROTON RIVER, AND AT THE CROTON YACHT CLUB. EFFORTS SHOULD BE MADE TO ENCOURAGE RECREATIONAL USE OF THE FISH AND WILDLIFE RESOURCES FOUND IN THESE AREAS BY INCREASING THE OPPORTUNITIES FOR PUBLIC ACCESS AND ENJOYMENT.**

POLICY 9B **ENCOURAGE PASSIVE RECREATIONAL ENJOYMENT OF THE WILDLIFE IN THE DESIGNATED SIGNIFICANT FISH AND WILDLIFE HABITATS, ON THE AUDUBON SOCIETY SANCTUARIES, ON OTHER PUBLIC OR PRIVATE LANDS WITHIN THE VILLAGE, WHERE WILDLIFE HABITATS ARE LOCATED. ENCOURAGE THE RECREATIONAL USE OF AREAS WHERE SUCH RESOURCES ARE FOUND, AS WELL AS THE PROTECTION OF SUCH RESOURCES.**

Explanation of Policy

Any effort to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs, and available technology.

Continued recreational areas at Croton Point Park, Senasqua Park, Croton Yacht Club, Black Rock, Silver Lake, Paradise Island and other now vacant Village-owned land along the Croton

River should be maintained (see also Policy 21 for the types of amenities to be provided or maintained at such sites). The Village also encourages any effort to improve water quality which would enable the public to swim and fish in the coastal water.

Recreational opportunities in coastal waters and in its tributaries will depend on continued monitoring by NYSDEC and the upgrading of water quality classifications. Currently, Village tributaries to the Hudson are proposed for upgrading from Class D to Class C (See Inventory and Analysis, Section C). Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

The following additional guidelines should be considered to determine the consistency of a proposed action with the above policy:

1. Consideration should be made as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources should not lead to over utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative for Croton River and Bay and Haverstraw Bay (see policy 7) and/or conferring with a trained fish and wildlife biologist.

See also Policies 7, 19, 20, 21, 31.

POLICY 10 **FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES, INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS, MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

Explanation of Policy

At the present time NYSDEC has banned commercial fishing, except the commercial fishing of American Shad, blue crab, Atlantic Sturgeon, and bait fish, based on elevated levels of Polychlorinated Biphenyl (PCB) found in the coastal waters. However, there are, according to DEC, several licensed commercial fisherman who live and fish around Croton. The Village of Croton-on-Hudson encourages cooperation between the County, State, and Federal governmental agencies and landowners to expedite the clean-up of the sites responsible for leaching hazardous waste materials into local waters of the Hudson River, Croton Bay, and Haverstraw Bay, particularly from Croton Point Landfill, Metro North PCB Lagoon, and nearby power generating facilities. The Village should be consulted with and provide authorization for all actions relating to the planning or management of any or all hazardous waste at any location within the Village's boundaries.

See also Policies 7, 8, 36, 38, 39

FLOODING AND EROSION POLICIES

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.**

Explanation of Policy

The entire River boundary of Croton-on-Hudson, including both the Hudson and Croton rivers, is within designated floodplain areas. A number of the properties on the Hudson River are protected by bulkheads including Croton Point Park, Senasqua Park, and the Croton Yacht Club. The properties fronting on the Croton River are unprotected. In addition, a vast amount of land within the Village consists of shallow soils with a high water table (see Inventory and Analysis Figure 6). As such, these properties are subject to flooding and erosion.

To protect human lives and property from flooding and erosion, the Village of Croton-on-Hudson adopted Local Law No. 11 of 1988, the "Erosion and Sediment Control Law." The

objective of Local Law No. 11 is to control soil erosion and sedimentation caused by development activities within the Village, including development activities in connection with a single structure or building on a single lot. Measures taken to control erosion and sedimentation shall be adequate to ensure the sediment is not transported from a site by a storm event of ten-year frequency or less.

The following principles shall apply to all development activities:

1. Selection of erosion and sedimentation control measures shall be in accordance with Best Management Practices as stated in Policy 37;
2. Adjacent properties shall be protected from sediment deposition;
3. Development shall reflect the topography of the soils so as to create the least potential for erosion;
4. Natural vegetation shall be retained wherever possible;
5. Denuded areas and soil stockpiles must be stabilized within 15 days after final grade is reached;
6. Sediment basins shall be installed and maintained to remove sediment from runoff waters during construction;
7. Sediment trapping basin must be constructed in the first step in grading;
8. Waterways and outlets must be stabilized;
9. Stormwater inlets shall be protected from sediment-laden water;
10. Construction vehicles shall be kept out of watercourses and other controlled areas;
11. Runoff during and after construction shall be maintained at pre-development levels;
12. Underground utility construction shall not result in more than 500 feet of opened trench at one time, cause excavated material to be placed uphill of trenches and shall include dewatering devices;
13. Construction access routes shall minimize the transport of sediment onto paved surfaces;
14. All temporary erosion and sediment control measures shall be disposed of within 30 days of final site stabilization;
15. All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed;
16. Aesthetics shall be considered in the design of erosion control facilities; and
17. Where the approving agency determines that an applicant's erosion and sediment control plan requires review, the applicant shall submit the plan to the Westchester County Soil and Water Conservation District and such review shall be at the expense of the applicant.

This policy is particularly important in the siting and construction of new buildings. All new development must conform to the regulations of the Erosion and Sediment Control Law and to Federal guidelines relating to construction in floodplains. Existing non-conforming structures within designated structural hazard areas shall be permitted to be minimally enlarged after site plan approval in accordance with Local Law No. 11.

The Village adopted Local Law No. 6 of 1989, Regulating the Development of Land Containing Steep Slopes. The Local Law was enacted to establish appropriate safeguards and standards to

meet the particular problems associated with development of steep slope areas and to ensure proper and orderly development and not adversely affect the site or adjoining area as a result of water runoff, disruption of natural plant and tree growth or soil movement not only during the time of construction but also thereafter, and further to provide for a safe means of ingress and egress of vehicular and pedestrian traffic to and within the site and to furnish required access of emergency vehicles thereto. Toward this end, new construction is to avoid areas that contain steep slopes (areas with an average slope of or greater than 15% as measured from the vertical rise of two foot contours in a 30 foot horizontal length), and existing vegetation in such areas is not disturbed. The Planning Board, the Zoning Board, and the Village Engineer will take this objective into consideration in reviewing and acting on any plans or applications submitted pursuant to the provisions of the Local Law. This Local Law will also help protect important scenic views and vistas.

The disaster preparedness agency in Westchester County is the Office of Civil Defense. The only significant damage caused by erosion and flooding occurred in the 1840s when the Croton Dam broke and sediment filled the Croton River and Bay.

POLICY 12 **ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.**

POLICY 12A **EVERY EFFORT SHOULD BE MADE TO PROTECT CROTON POINT, A NATURAL PROTECTIVE BARRIER TO CROTON BAY FROM ACTIVITIES OR DEVELOPMENT THAT WOULD INCREASE EROSION OF OR FLOODING OF THE POINT.**

Explanation of Policy

Croton Point is an important natural protective feature which separates Croton River and Bay from the Hudson River. Croton Point helps safeguard the bay and the low tidal lands adjacent to it from flooding and erosion. Excavation around or on the Point, improperly designed structures, inadequate site planning, or other actions which fail to recognize its fragile nature and high protective value, may lead to weakening or destruction of Croton Point. Any final closure or remediation plans for the Croton Point Landfill must include mitigation measures which address these concerns.

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 13A **ANY BULKHEADS ALONG THE HUDSON MUST BE MAINTAINED IN GOOD CONDITION AND PRIVATE LANDOWNERS SHOULD BE REQUIRED TO RESTORE AND MAINTAIN EROSION CONTROL MECHANISMS ALONG THEIR RIVER FRONTAGE WHICH ARE DESIGNED FOR LONG TERM STABILITY.**

Explanation of Policy

This policy is applicable along the entire length of the Village's waterfront along both the Croton and Hudson Rivers where bulkheads have been constructed to protect the banks of the Rivers from erosion. Any reconstruction or repair of these bulkheads will be held to the thirty year standards of this policy. These standards should apply not only to public actions to repair deteriorated bulkheads, but also to existing property owners who should be required to maintain and reconstruct the bulkhead along their waterfrontage, and private developers who propose new development for properties with river frontage.

The Village should continue to inspect and repair the bulkheads along Village property periodically according to Best Management Practices.

Any proposed construction must comply with Best Management Practices of Policy 37 and the development principles of Policy 11 (Eleven).

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.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by their actions, people can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protective structures, such as groins, or the use of impermeable docks which block the littoral transport of

sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas. This policy applies not only to construction of erosion protection structures, but to development and construction of any kind that could have a potential effect on erosion or flooding. When developing in the coastal area, best management practices should be undertaken in compliance with related local laws to mitigate flooding impacts. Stormwater runoff must be retained on-site, in detention ponds, and allow discharge at rates which do not over-burden the existing system and exacerbate flooding of village streets.

See also Policy 7 related to Significant Fish and Wildlife Habitats and Policy 11 related to the recently adopted Erosion and Sediment Control Law.

POLICY 15 **MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation, and dredging should be accomplished in a manner so as not to cause a reduction of supply and thus increase erosion of such shorelands or cause degradation of water quality which may impact designated significant habitats. Although the Village of Croton-on Hudson coastline has few areas where beach materials accumulate, the actions which occur in Village water which may affect the accumulation of such material in communities north and south of it shall be monitored for such impacts.

See also Policy 7.

POLICY 16 **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

POLICY 16A **PUBLIC FUNDS SHALL BE APPROPRIATED FOR THE YEARLY MAINTENANCE OF SENASQUA PARK UNTIL SUCH TIME THAT IS DETERMINED THAT EXPENDITURE OF FUNDS OUTWEIGHS THE COST OF ACQUIRING, CONSTRUCTING AND MAINTAINING A SIMILAR PUBLIC PARK ON CROTON'S WATERFRONT.**

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. It is assumed that the decisions regarding the expenditure of public funds will be prudent and cost effective, not only with regards to erosion protection measures, but for development within the coastal zone area in general. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

Maintenance costs for erosion protection at Senasqua Park are expended annually by the Village. This policy recognizes that those costs are required to be expended on that basis in order to protect human life and continued use of the public park. However, there may be other appropriate waterfront parcels available to the Village for development of a public park. The expenditure of funds for the protection of Senasqua Park from erosion should be continued until such time that the expenditure outweighs the cost of acquiring, and developing a similar park at another location. This policy does not, however, suggest that use of Senasqua Park be discontinued without the development of a replacement park at a similar location within the Village.

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.**

Explanation of Policy

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one or a combination of non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the potential hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures whenever possible. Such non-structural measures should also be in accordance with the policies on the aesthetic value of the hillsides (see Policy 25). In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, including review of other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures must be prepared to allow an informed assessment to be made.

See also Policy 11 related to the recently adopted Erosion and Sediment Control Law for regulations regarding flood damage prevention.

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.**

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, and recreation.

The Village is a transportation hub within northern Westchester County. Route 9 is a major thoroughfare and the Croton-Harmon Station is a significant public transportation node. Therefore, vehicular and rail traffic is a significant factor in the determination of the quality of life for Village residents. Heavy traffic results in noise, air and water quality impacts that must be assessed regularly. Measures should be taken whenever possible to keep such impacts to a minimum.

PUBLIC ACCESS POLICIES

POLICY 19 **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY WILL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

POLICY 19A **ENCOURAGE THE LINKAGE OF OPEN SPACE ALONG THE HUDSON AND CROTON RIVERS IN THE FORM OF A TRAIL OR WALKWAY SYSTEM. SUCH SYSTEMS SHOULD BE PROVIDED ALONG UNDEVELOPED AND UNDERUTILIZED LAND AS WELL AS ALONG PREVIOUSLY DEVELOPED LAND.**

POLICY 19B **INCREASE PHYSICAL ACCESS TO AREAS THAT HAVE SPECIFIC VALUE FOR THEIR PHYSICAL AND VISUAL ACCESS TO THE HUDSON RIVER OR CROTON RIVER AND BAY.**

POLICY 19C **ENCOURAGE THE EXPANSION OF PUBLIC TRANSPORTATION, WHEN FEASIBLE, TO AREAS WITHIN THE COASTAL ZONE AREA WHERE WATER DEPENDENT AND WATER ENHANCED RECREATION ACTIVITIES ARE LOCATED.**

POLICY 19D **INCREASE ACCESS TO CROTON RIVER AND BAY AT THE VILLAGE-OWNED LAND SOUTH OF THE VILLAGE PARKING LOTS AT THE CROTON-HARMON STATION.**

POLICY 19E **MAINTAIN THE TRAIL, WHICH PROVIDES ACCESS TO THE CROTON RIVER WATERFRONT, IN ITS CURRENT UNDEVELOPED CONDITION AS A PEDESTRIAN WALKWAY.**

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater

competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Opportunities to link waterfront trails and other access opportunities to similar facilities and opportunities in communities to the north, south and east should be identified and pursued.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated or decreased.

2. Any proposed project to increase public access to public water related recreation resources and facilities shall be analyzed according to the following factors:

   (a) The level of access to be provided should be in accord with estimated public use.
   (b) The level of access to be provided shall not cause a degree of use which would exceed the biological or physical capability of the resource or facility.

3. State agencies will not undertake or will not fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

The following is an explanation of the terms used in the above guidelines:

a. Access - the ability and right of the public to reach and use public coastal lands and waters.

b. Public water-related recreations resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a water location.

c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

d. A reduction in the existing level of public access - includes but is not limited to the following:

(1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

(2) The service level of public transportation to a public water-related recreation resources or facility is significantly reduced.

(3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.

e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public lands and facilities.

At grade crossings for public access to the Village's waterfront is severely limited due to the presence of the railroad, associated railroad structures, and major transportation corridors (Route 9). To increase public access to the Croton and Hudson Rivers, this policy encourages the linkage of open spaces in the form of a trail or walkway system. Such a system would allow the public access to the waterfronts for both passive and active recreation. The Village would be responsible for development and maintenance of the trail system along its property, and

private property owners would be responsible for that part of the system along their parcels. If so desired, the Village and the private property owners may negotiate a contract to arrange for security and maintenance along the entire trail system. At this time, the Village negotiates public access with private landowners during the planning process.

In addition to pedestrian access via a trail system, the existing Metro-North tunnel to Senasqua Park and the Metro-North bridge to Croton Point Park should both be maintained and improved to provide two-way vehicular traffic, as well as pedestrian access. The County is responsible for the surface of the bridge while Metro-North is responsible for the bridge structure.

Public access to Croton Waterfront areas must be maintained at Senasqua Park, Croton Yacht Club, Croton Point Park, Paradise Island, Half Moon Bay, Silver Lake and Black Rock. Continued maintenance of the Duck Pond and the associated playing fields is important to keep this site as a viable public recreational facility. The Duck Pond presents important year-round recreational opportunities to the residents of Croton-on-Hudson and should be properly maintained.

Another site to be improved for greater public access would be the Village-owned land south of the railroad parking lots. There is currently an unimproved earthen boat ramp at the site but access to the ramp and into the Bay is hampered by debris and road maintenance supplies stored on the site by the Village Department of Public Works (see also Policy 9A). The gates in this area should continue to remain open. In addition, the "Trail", which runs along the Croton River and provides access to the Croton River waterfront, should be maintained in a natural condition as a pedestrian walkway. If improved for vehicular access, the "Trail" should provide for pedestrian access. As indicated in the Inventory and Analysis, the "Trail" is an unimproved Village-owned mapped street that is currently used by joggers, bicyclists and the public for recreational purposes.

Policy 19C encourages the use of public transportation to areas where water enhanced and water dependent facilities are located. This is particularly important in Croton due to the lack of available parking at waterfront locations. New access structures (i.e. bridges) or larger parking areas are inhibited by the lack of physical space, lack of adequate connections, and the lack of public funds available for new construction. Pedestrian access is available in some areas, but the lack of safety precautions inhibit such access. Improvements to the Village-owned areas south of the Croton-Harmon Station would include a new boat ramp, lighting and landscaping. Pedestrian paths could also be provided. This is also true at Black Rock where the linkage to a Croton River Gorge Trail would mean the development of a footpath or sidewalk.

POLICY 20 **ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

Explanation of Policy

Access addressed by this policy concerns pedestrian and vehicular access to the Village and County owned property along the water's edge and/or or vantage points on lands immediately adjacent to the foreshore from which to view the Hudson and Croton Rivers and Croton Bay waterfronts. Since Village-owned land borders these areas, access for active and passive recreation should be encouraged and maintained.

Access addressed by this policy includes walking along the Village's waterfront and/or to a vantage point from which to view the waterfront. Other activities requiring access include bicycling, birdwatching, photography, nature study, and fishing.

For these activities access can be provided by a coastal trails system, access across transportation facilities, and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent anchor property owners are consistent with this policy, provided such easements do not interfere with continued public use of the public lands on which the easement is granted (see Policy 19).

In those instances where current adjacent uses are not compatible with other policies in this LWRP, those adjacent uses shall not be used to determine the compatibility of a use of public owned land.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated.

   The following is an explanation of the terms used in the above guidelines:

   a. (See definitions under Policy 19 of "access" and "public lands or facilities").

   b. A reduction in the existing level of public access - includes but is not limited to the following:

      (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Pedestrian access is diminished or blocked completely by public or private development.

c. An elimination of the possibility of increasing public access in the future - includes but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related resources and facilities.

(2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters located directly along the coast of the Hudson River and the Croton River.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

a. A reduction in the existing level of public access - includes but is not limited to the following:

(1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Access is reduced or blocked completely by any public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. Agencies will not undertake or fund any project which increases access to water-related resource or facility that is not open to all members of the public.

5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the level of access provided, and such level shall not cause a degree of use which would exceed the physical capability of the resource.

POLICY 21 **WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

POLICY 21A **BOATING ACTIVITIES SHOULD BE ENCOURAGED PROVIDED THAT THEY DO NOT RESTRICT OTHER RECREATIONAL OPPORTUNITIES AND ARE UNDERTAKEN IN A MANNER COMPATIBLE WITH EXISTING WATER-DEPENDENT USES.**

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast. Activities which increase the public's access to the coast include pedestrian and bicycle trails, picnic areas, scenic overlooks, and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case by case analysis. However, any use of Croton Point Park should be low intensity due to its proximity to and potential impacts on the significant fish and wildlife habitats.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of major portion of a community's shore should be avoided as much as possible. The Village should consider establishing a riverfront trail for public use.

Boating and pedestrian facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. There is a need for a better locational pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities. In addition,

pedestrian and vehicular access to the waterfront should be provided. Detailed plans for such access will be reviewed during the planning process to ensure the scale and type of amenities are adequate for the projected use.

Because most of the shoreline is restricted by the railbed, the provision of adequate boating services to meet future demand must be encouraged by this Program. In addition, improvement to existing access areas over or under the railbed is also encouraged by this Policy. Opportunities for public boat launching are to be encouraged and expanded at the Croton Yacht Club and at the end of the Village parking area south of Metro-North. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources, with their capability to accommodate demand, and with the visual access Policies 24 and 25.

Potential conflicts and incompatible uses within the River is discussed in the Inventory and Analysis, Section E. Such uses include non-power as opposed to power boat use, boat speed, location and ownership of mooring spaces, unsafe boat operators, and residential or commercial use of the shoreline without the provision for public access. Resolutions of potential conflicts can be evaluated and mitigated during the planning and approval process for any proposed project. In addition, regulations restricting uses and parameter as situations warrant are appropriate.

Public transportation facilities on land, such as shuttle bus services or County sponsored services which currently provide access to the coastal area should be expanded to provide access to public waterfront areas.

See also Policies 2, 4, 7, 8, 9, 19, 22, 30, 31, 34.

POLICY 22 **DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

parks
utility transmission rights-of-way
sewage treatment facilities
nature preserves
large residential subdivisions
office building

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

Whenever developments are located adjacent to the shore, they should provide for some form of water-related or enhanced recreation use unless there are compelling reasons why such recreation would not be compatible with the development.

See also Policy 19 and 20.

POLICY 23 **PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OF SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.**

Explanation of Policy

The following explanation of Policy 23 applies only to properties that are presently or eventually designated for inclusion in the State and/or National Registers of Historic Places, i.e. at this time only Van Cortlandt Manor and the Croton North Station.

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies.

Protection must include concern not just with specific sites but with areas of significance and with the area around specific sites. The policy is not to be construed as a passive mandate but

must include effective efforts, when appropriate, to restore or revitalize through adaptive reuse. While the coastal management program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the State, its communities, or the nation comprise the following resources:

1. A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource.

2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.

3. A resource designated by the State Nature and Historic Preserve Trust.

4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites.

5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program

6. A resource that is a significant component of an Urban Cultural Park.

All efforts and plans to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Village, State, or Nation should include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is recognized by the State as being a historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing those found in the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and may include the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color, and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition all building, structures, outbuildings, walks, fences, steps topographical features, earthworks, paving and signs located on the designated resource property.

2. Demolition or removal in full or part of a building, structure, or earthworks that is recognized by the State as a historic, cultural or archaeological, resource or component thereof, including any appurtenant fixture associated with a building, structure, or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, archeological, cultural, or archeological resource and all actions within a historic district, that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgments about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the architectural style, design, material, scale, proportion, composition, landscaping and related items of the new action must be in keeping with the character of the existing resources. Within historic districts, this would include infrastructure improvements such as street and sidewalk paving, street furniture, and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. When construction involves the disturbance of soil, the State Office of Parks, Recreation, and Historic preservation will be consulted concerning the presence of archaeological resources before construction begins.

POLICY 24 **PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, 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 OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.**

Explanation of Policy

The NYS Coastal Area Map does not identify any resources within the Village of Croton-on-Hudson as being scenic resources of Statewide significance.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of Statewide significance. This determination would involve: (a) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and (b) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified source.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

- siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

The panoramic vista south from Croton Point meets the general criteria guidelines for State designation including:

- High variety of visual components
- High quality landscape based on outstanding design elements, free of discordant features, visual variety which also exhibits unity of components.
- Uniqueness

- Very high public accessibility
- Public recognition as an area of great visual quality

POLICY 25 **PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE 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.**

POLICY 25B **SECURE THE DESIGNATION OF THE PANORAMIC VIEWS FROM CROTON POINT AS A SCENIC AREA OF STATEWIDE SIGNIFICANCE.**

POLICY 25C **SECURE THE DESIGNATION OF ROUTES 9 AND 129 WITHIN THE CROTON BOUNDARIES AS A SCENIC ROAD. ENSURE DEVELOPMENTS ON OR ADJACENT TO ROUTE 9 DO NOT IMPAIR SCENIC RESOURCES OR VIEWS OF OR FROM THE HUDSON AND CROTON RIVERS.**

POLICY 25D **ESTABLISH AND PROTECT IDENTIFIED VIEWSHEDS WHICH PROVIDE VISUAL ACCESS TO THE HUDSON RIVER, INCLUDING BUT NOT LIMITED TO THE VIEWS OF THE HUDSON RIVER FROM THE WESTERN SHORELINE OF THE VILLAGE, AND FROM PRICKLY PEAR HILL, LOUNSBURY HILL, AND RIVER LANDING. IN ADDITION, PROTECT VIEWSHEDS TO AND OF THE CROTON RIVER AND GORGE.**

Explanation of Policy

When considering an action in the coastal area, an assessment must be undertaken to evaluate the impact of the proposed action on the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are identified in the previous policy and are reiterated again here.

The Department of State has conducted a study of scenic resources in the Hudson River coastal area. The western end of Croton Point itself has been identified as distinctive, and the scenic character of the Point itself and its contribution to the view of Croton from the Hudson River and western shorelands is significant. The Point juts into the River thus distinguishing Croton from other areas along the Hudson's eastern shoreline. The topography of the point dramatizes the slope of the inland areas and enhances the views upland to the eastern portion of the Village. It also provides a natural barrier which allows the water-dependent uses in Senasqua Cove and which have altered the views of the shoreline. Guidelines for siting new development, found in Policy 24, should be used in evaluating any development proposals on Croton Point for consistency with this policy.

South Riverside Drive and the Route 9 corridor is also considered of local and regional significance because it allows unparalleled views of western shorelands from major thoroughfares. In order to protect these views, existing deteriorated structures west of the right-of-way should be improved; and aesthetic and physical amenities should be provided including, but not limited to, sound fences, vegetation or architectural screening, and painting of facilities.

The significant scenic views available from Route 9 west across the River and across the Croton Bay warrant its designation as a Scenic Road. The NYS Scenic Road Program identifies scenic roads deemed worthy of designation under Article 49 of the Environmental Conservation Law. The scenic road designation can serve to protect sensitive resources under such decision procedures as SEQRA, NEPA and laws governing the siting of electrical generating and transmission facilities. In addition, the designation can help reinforce local perception of scenic quality inspiring local government to institute protective measures.

Due to the topography of the Village, views of the Hudson River from Prickly Pear Hill and Lounsbury Hill and views of these areas from the Hudson River should be considered significant. These areas are currently undeveloped and represent the last remaining, large, undeveloped parcels within the Village. Vegetated slopes and undisturbed crestlines contribute to the scenic quality of Croton and should be preserved.

As such, proposed development of these areas should be evaluated in terms of visual impact. In addition, care should be taken regarding development which would impact the viewshed of the Croton Gorge, River and Bay.

The Village adopted Local Law No. 6 of 1989, Regulating the Development of Land Containing Steep Slopes. The Local Law was enacted to establish appropriate safeguards and standards to meet the particular problems associated with development of steep slope areas and to ensure proper and orderly development and not adversely affect the site or adjoining area as a result of water runoff, disruption of natural plant and tree growth or soil movement not only during the time of construction but also thereafter, and further to provide for a safe means of ingress and egress of vehicular and pedestrian traffic to and within the site and to furnish required access of emergency vehicles thereto. Toward this end, new construction is to avoid areas that contain steep slopes (areas with an average slope of or greater than 15% as measured from the vertical

rise of two foot contours in a 30 foot horizontal length), and existing vegetation in such areas is not disturbed. The Planning Board, the Zoning Board, the Village Board, and the Water Control Commission will take this objective into consideration in reviewing and acting on any plans or applications submitted pursuant to the provisions of the Local Law. This Local Law will also help protect important scenic views and vistas.

The Village of Croton, in 1979, established a program for preserving and improving the visual environment of Croton by establishing a Visual Environmental Board (VEB) which was to identify and prepare a list of natural and man-made features within the Village that enhance the visual environment. The VEB was to report annually to the Village Board on the state of the visual environment. In 1981 and 1985, the VEB published reports. This VEB may be the appropriate board to analyze and survey the Route 9 corridor and submit a nomination to the NYSDEC for designation as a Scenic Road.

POLICY 26 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO CROTON**

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 **DECISIONS 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.**

Explanation of Policy

Any proposed expansion by Con Edison or proposed siting of other major energy facilities within the coastal zone boundary could have a potentially significant impact upon many other important values pertaining to the coastal area and must be assessed for consistency with Policies 18-25 in particular.

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities environmental impacts associated with siting and construction will be

considered by one or more state agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Croton, the Department of State will comment on State Energy office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State Law and use the State SEQR and DOS regulations to ensure that decisions on proposed energy facilities other than those certified under the Public Service Law (PSL) transmission facilities and steam generating plants which would impact the waterfront area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

Any decisions regarding expansion of Con Edison facilities onto sites within the Village's coastal zone boundary area should be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a waterfront location and should be consistent with the policies of the waterfront plan.

Decisions regarding expansion and/or continued operation of Indian Point Nuclear Power Facility or the Charles Point Plant in Peekskill should be consistent with the policies of the waterfront plan.

POLICY 28 **ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

POLICY 28A **ICE MANAGEMENT PRACTICES MUST CONSIDER SHORT AND LONG TERM IMPACTS ON THE CROTON RIVER AND BAY AND HAVERSTRAW BAY SIGNIFICANT FISH AND WILDLIFE HABITATS.**

Explanation of Policy

The Village of Croton on Hudson does not undertake any ice management practices within the Hudson or Croton Rivers. Any clearance of the navigation channel of the Hudson River is performed by the U.S. Coast Guard. This policy would be of importance in the event that significant expansion of these activities was proposed which might adversely affect the Haverstraw Bay and Croton River and Bay Significant Fish and Wildlife Habitats.

Prior to approving any private ice management practice, including the use or installation of private mechanisms that prevent ice accumulation, i.e. bubblers, an assessment must be made of the potential effects of such actions upon the Habitats, flood levels and rates of shoreline erosion damage.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES IS NOT APPLICABLE TO CROTON.**

WATER AND AIR RESOURCES POLICIES

POLICY 30 **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

POLICY 30A **EXISTING RAIL SERVICES AND TRANSPORTATION-RELATED FACILITIES SHALL NOT DISPOSE ANY MATERIALS IN COASTAL WATERS UNTIL SUCH MATERIALS HAVE BEEN TESTED BY THE STATE FOR CONFORMANCE WITH WATER QUALITY STANDARDS.**

POLICY 30B **STORAGE AND DISPOSAL OF ALL MATERIALS SHALL BE MONITORED BY THE STATE TO ASSURE THERE WILL BE NO DISCHARGE OR LEACHING OF MATERIALS INTO COASTAL WATERS.**

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways. Such "end-of-the-pipe" discharges are monitored and regulated by the NYS Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System), as well as by federal law and the U.S. Department of Environmental Protection. Local vigilance must be exercised to ensure that such State and Federal regulations are adequately enforced. 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.

See Also Policies 7, 10A.

POLICY 31 **STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

POLICY 31A **CLEAN WATER IS DESIRED AND NYSDEC SHOULD CONTINUALLY MONITOR WATER QUALITY IN THE HUDSON RIVER AND CROTON BAY WHICH HAVE ALREADY BEEN OVERBURDENED WITH POLLUTANTS. RECOMMENDATIONS FOR MITIGATION AND UPGRADING WATER QUALITY CLASSIFICATIONS CANNOT BE DETERMINED WITHOUT CONTINUAL MONITORING AND TESTING OF THE WATERS.**

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment.

For information regarding reclassification of Village streams, see Section C of the Inventory and Analysis. Sources of upstream pollution include roadway grease and oils, salt, construction debris and other household wastes dumped into streams. The Village tributaries to the Hudson River are proposed for upgrading from Class D to Class C. Such upgrading should be done to improve habitat conditions and support recreational uses.

POLICY 32 **ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.**

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure vacuum sewers. These types of systems are often more cost effective in smaller less densely populated

communities and for which conventional facilities are too expensive.The Village is within the Westchester County Ossining Sanitary Sewer District. Sewage is collected in mains located in Village streets and then pumped to Ossining.

Certain areas of the Village are precluded from the use of individual septic systems due to the topography of the site, other natural conditions, as well as prohibitive costs. According to the Village Engineer, private systems are primarily located in the Village's North End section.

The approval of any alternative subsurface disposal system should include a monitoring program to ensure groundwater supplies are not contaminated. Failing septics in densely populated areas makes this provision necessary.

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 33B **IMPROVE EXISTING VILLAGE STORMWATER DISCHARGE TO CONTROL FLOW OF POLLUTANTS FROM STREET AND PARKING AREAS, ETC. DIRECTLY IN THE RIVERS.**

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows into the coastal waters.

The Village has separate stormwater and sewer systems. The stormwater is collected in catch basins and channeled into the Hudson River. All of the Village's sanitary sewage goes to the Ossining Sanitary Treatment Facility, a secondary sewage treatment facility, which after treatment is then discharged into the Hudson River.

See also Policies 11 and 11A, Policy 37B and Best Management Practices.

POLICY 34 **DISCHARGE OF WASTE INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

POLICY 34A **THERE SHALL BE NO DISCHARGE FROM MOORED STRUCTURES OR MARINE VESSELS, DUE TO SHAPE OF COVE AND LACK OF TIDAL FLUSHING.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this Law in areas such as shell fish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessels wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6NYCRR, part 657). New marinas should provide pump-out facilities.

See Policies 7, 8, 25, 30, 35, 37, 44.

POLICY 35 **DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.**

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted by the US Army Corps of Engineers and NYS Department of Environmental Conservation if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State and Local Coastal Management Policies 7,15, 24, 26, and 44).

Article 15 is the Protection of Waters, Articles 24 and 25 are the Freshwater and Tidal Wetlands Act and the Coastal Erosion Hazard Areas Act, respectively. The Village would be notified by the Army Corps during the permit review process and by DOS during the consistency review process.

See Also Policy 7.

POLICY 36 **ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

The storage of hazardous materials particularly on lands adjacent to the shoreline and within the floodplain of the Hudson and Croton Rivers should be evaluated and designed to prevent inundation and subsequent contamination of coastal waters with such hazardous materials.

See Policy 8 for definition of hazardous materials. See also Policies 7, 30, 35, 37, 39A 39B, and 44.

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.**

Explanation of Policy

Best management practices will be used during the construction and operation of new land uses and incorporated into existing land uses to the maximum extent deemed practicable by the Village Engineer. Construction activities will be reviewed and approved and operations conducted in accordance with the standards set forth in the Westchester County best management practices manual entitled "Construction Related Activities: Standards and Specifications," published November, 1979 or the best available technology which would incorporate such

standards and specifications shall be enforced. The general guidelines which underlie the standards here cited, and which this policy requires to be compiled with, are as follows:

1. The construction site, or facilities, should fit the land, particularly with regard to its limitations.

2. Natural ground contours should be followed as closely as possible and grading minimized.

3. Areas of steep slopes, where high cuts and fills may be required, should be avoided.

4. Extreme care should be exercised in areas adjacent to natural watercourses and in location artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.

5. Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.

6. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be "severely" limited.

7. Runoff from upper watershed lands which would contribute runoff to areas subject to erosion should be diverted.

8. The velocity of the runoff water on all areas subject to erosion should be reduced below that which would cause erosion.

9. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

10. Runoff from a site should be collected and detained in sediment basins to trap all materials which would otherwise be transported from the site. Runoff detained in such basins will be released at a controlled rate to limit downstream erosion.

11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume of runoff resulting from facilities constructed.

12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.

13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.

14. Rather than merely minimize damage, the opportunity should be taken to improve site conditions wherever practicable.

15. Runoff during and after construction shall be maintained at pre-development levels.

16. Where the approving agency determines that an applicant's erosion and sediment control plan requires review, the applicant shall submit the plan to the Westchester County Soil and Water Conservation District and such review shall be at the expense of the applicant.

See Policies 7, 8, 11, 25, 30, 33, 34, 44.

POLICY 38 **THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUND WATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.**

Explanation of Policy

The Village of Croton-on-Hudson depends on ground water resources for its water supply. The predominant source of the ground water supply for the Village is the Croton River. Any action which would have an impact on the quality/quantity of the Croton River as a source of drinking water must be thoroughly reviewed and appropriate mitigation measures undertaken.

The Geraghty & Miller, Inc. report (August 1988) was prepared to determine the availability of ground water resources at the Croton well field. The report found that five high-capacity wells located in the area of the existing Village wells could more than double the water supply to the Village. The report recommendations are provided in the Inventory and Analysis Section D.

In addition, the Village has Water Supply Protection Rules and Regulations. This Law defines the wellhead protection area, recharge area and watershed tributary to the recharge area. The wellhead protection area is defined as the minimum area within 200 feet of the well and cone of influence. The aquifer recharge area is the land area where precipitation percolated directly through the ground to an aquifer. The watershed tributary to the aquifer recharge area is that land which is the tributary surface from which the aquifer is replenished by runoff to the aquifer recharge area.

Stormwater runoff presents an additional problem to the Village. Plans locating the Village storm sewers are currently unavailable. However, the village recognizes the desirability of having these plans drawn up when it is financially feasible to do so.

POLICY 39 **THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.**

POLICY 39A **REQUIRE TRANSPORTERS, PRODUCERS AND STORERS OF HAZARDOUS MATERIAL TO INFORM THE PUBLIC OR ALLOW PUBLIC ACCESS TO RECORDS INVOLVING THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF HAZARDOUS MATERIALS. THIS IS OF PARTICULAR CONCERN WITH RESPECT TO RAIL TRANSPORT OF SUCH MATERIALS, STORAGE OF IDENTIFIED MATERIALS ON RAILROAD PROPERTY AND USES IN THE WATERFRONT AREA INVOLVED IN THE TREATMENT, STORAGE AND DISPOSAL OF SUCH MATERIALS.**

POLICY 39B **IN ACCORDANCE WITH TITLE III, SECTION 302, EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW OF THE 1986 SUPERFUND REAUTHORIZATION ACT, THE LOCAL EMERGENCY PLANNING COMMITTEE AND THE CROTON FIRE DEPARTMENT SHALL BE NOTIFIED IF HAZARDOUS SUBSTANCES EXCEED THE ESTABLISHED THRESHOLD PLANNING QUANTITY.**

Explanation of Policy

The definition of the terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Hazardous wastes are by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase immortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment which improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6NYCRR part 371). Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities.

The transport of wastes along the railroad lines is of concern to the Village of Croton-on-Hudson as is storage and use of such materials in other waterfront locations. The type and amount of material stored and transported through the rail yards and at other sites within the Village should be made available to the public for those types and quantities of materials not covered under the SARA of 1986. The local emergency planning committee, in this case the Village Board, and the local Fire Department must be notified of materials in excess of quantities established under the SARA. SARA compliance must be achieved and maintained, and emergency plans enforced and continually updated.

Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include atmospheric loading and degradation of scenic resources.

POLICY 40 **EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new steam electric generating facility.

See also Policies 7, 8, 38, 44.

POLICY 41 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

POLICY 41A **A NYSDEC POINT-SOURCE AIR MONITORING STATION SHOULD BE ESTABLISHED WITHIN THE VILLAGE OF CROTON-ON-HUDSON.**

Explanation of Policy

Management guidelines and program decisions regarding land use or development within the Village's coastal area or any recommendation regarding the siting of industrial, energy, transportation or commercial facilities must incorporate an assessment of their compliance with

the air quality requirements of the State Implementation Plan (SIP). The SIP embodies the requirements of the Clean Air Act and the minimum air quality control requirements applicable within the coastal zone area.

All air quality assessments and determination of minimum air quality control requirements must consider the unique locational situation of the Village with respect to the excessive idling of vehicular traffic at the train station and diesel fueled rail traffic, as well as nearby point sources.

The closest NYSDEC monitoring stations to Croton are in Ossining, Mount Vernon, White Plains and Mamaroneck. Monitoring at these locations does not indicate quantities that exceed air quality standards except for ozone and carbon monoxide (see Section II, Inventory and Analysis, pages 43 and 44). Due to Croton's location and conditions and use within the Village, it is appropriate for NYSDEC to establish an air monitoring station within the Village.

POLICY 42 **COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.**

Explanation of Policy

The policies of the State and the Village of Croton-on-Hudson LWRP concerning proposed land and water uses will be considered prior to any action to change regulations which prevent significant deterioration of land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration of land classification designations based on State and local coastal management programs.

POLICY 43 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.**

POLICY 43A **ENCOURAGE THE USE OF SHUTTLE BUS SERVICE TO THE TRAIN STATION, THEREBY DECREASING DEPENDENCY ON THE AUTOMOBILE USE AND REDUCE THE GENERATION OF ACID RAIN PRECURSORS.**

POLICY 43B **ENCOURAGE THE USE OF LOW SULPHUR FOSSIL FUELS FOR RAIL VEHICLES AND ENCOURAGE THE DEVELOPMENT OF A MONITORING PROGRAM TO ASSESS RAIL VEHICLE ENGINES EMISSIONS.**

Explanation of Policy

The New York State Coastal Management Program incorporates the State's policies on acid rain. The Village's LWRP will assist in the State's efforts to control acid rain by encouraging the enhancement and continued viability of coastal fisheries, wildlife, scenic and water resources. Any industrial use allowed within the Village must not cause the generation of nitrates or sulfates. The Village Manager should formally request Metro North use low sulphur fossil fuels for the diesel engine and be informed of the results of any monitoring program developed to assess rail vehicle emissions.

POLICY 44 **PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.**

POLICY 44A **WETLANDS, WATER BODIES AND WATERCOURSES SHALL BE PROTECTED BY PREVENTING DAMAGE FROM EROSION OR SILTATION, MINIMIZING DISTURBANCE, PRESERVING NATURAL HABITATS AND PROTECTING AGAINST FLOOD AND POLLUTION.**

Explanation of Policy

Because all wetlands, waterbodies, and watercourses are presumed to be of importance, their protection, preservation, and proper maintenance and use is essential to the health, safety, economic, and general welfare of the citizens of the Village. Growth of population and attendant residential and commercial development and increasing demands upon natural resources have the potential of encroaching upon, despoiling, polluting or eliminating many of the wetlands, waterbodies, and watercourses of the Village which if preserved constitute important physical, economic, social, historic, archaeologic, aesthetic, recreational, and ecological assets to present and future residents of the Village. Wetlands provide important beneficial functions including natural flood and stormwater control, groundwater recharge, natural pollution treatment, erosion and sediment control, wildlife habitat creation, recreation, open space enhancement, and educational and scientific opportunities.

Protection, preservation and proper maintenance and use of the Village's wetlands, waterbodies and watercourses shall be provided by preventing damage from misuse and mismanagement, erosion, or siltation; minimizing disturbance; preserving natural habitats; and protecting against flooding and pollution.

Both tidal and freshwater wetlands are located in the Village of Croton (See Figure 6).

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in Local Law Number 4 of 1988, Protection of Wetlands, Waterbodies and Watercourses,and in the New York State Freshwater Wetlands

Act and protection of Waters Act. Wetlands in Croton designated by the NYS Department of Environmental Conservation are H-3, H-4, H-5 and H-6. All are uppermarsh and are located within the Croton River and Bay Significant Coastal Fish and Wildlife Habitat. Wetlands maps prepared by the U.S. Fish and Wildlife Service as part of the National Wetlands Inventory program will also be consulted to identify any additional areas to which this policy applies.

Where thresholds for protection differ among the above listed laws, the most restrictive conditions that will result in the highest level of protection for the resources shall apply.

No permits shall be issued for actions affecting tidal and freshwater wetlands unless the following conditions are met:

A. The action is found to be consistent with the legislative intent of Local Law #4, Protection of Wetlands, Waterbodies, and Watercourses;

B. There is no practicable alternative; and

C. The applicant has demonstrated that (a) the proposed activity is not adverse to the general health, safety, economic, and general welfare of the residents of Croton or its neighboring communities; (b) the activity will not degrade the environment or result in any of the adverse impacts listed above; and (c) the applicant will otherwise suffer undue hardship if prevented from undertaking the proposed activity.

See Policies 7, 8, 25, 30, 34, 37, and Figure 6.