

# **Village of Ossining Local Waterfront Revitalization Program**

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**Adopted:**  
Village of Ossining Board of Trustees, July 2, 1991  
**Approved:**  
NYS Secretary of State Gail S. Shaffer, July 11, 1991  
**Concurred:**  
U.S. Office of Ocean and Coastal Resources Management, June 8, 1993

**Adopted Amendment:**  
Village of Ossining Board of Trustees, March 16, 2011  
**Approved:**  
NYS Secretary of State César A. Perales, October 25, 2011  
**Concurred:**  
U.S. Office of Ocean and Coastal Resources Management, February 1, 2012

This Local Waterfront Revitalization Program (LWRP) has been prepared and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations (19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (p.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. [Federal Grant No. NA-82-AA-D-CZ068.] The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, New York 12231-0001.



**TOWN OF OSSINING  
VILLAGE OF OSSINING  
MUNICIPAL BUILDING**



MARY ANN ROBERTS  
TOWN / VILLAGE CLERK

**16 Croton Avenue**  
Ossining, NY 10562  
Phone (914) 762-8428  
Fax (914) 941-0627

**Adopting the Local Waterfront Revitalization Program Amendment**

WHEREAS, the Village of Ossining initiated preparation of a Local Waterfront Revitalization Program amendment in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program amendment was prepared and circulated by the Department of State to potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Village of Ossining Board of Trustees, as lead agency, issued a Positive Declaration, prepared a Generic Environmental Impact Statement, and issued a written finding statement (*July 21, 2009*) regarding the adoption of the Local Waterfront Revitalization Program amendment and local laws necessary for its implementation, in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act);

NOW, THEREFORE, BE IT RESOLVED, that the Village of Ossining Local Waterfront

Revitalization Program amendment is hereby adopted, and that the Mayor is authorized to submit the Local Waterfront Revitalization Program amendment to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

STATE OF NEW YORK ( )  
COUNTY OF WESTCHESTER ( ) ss.:  
VILLAGE OF OSSINING ( )

I, Mary Ann Roberts, Village Clerk of the Village of Ossining, Westchester County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolutions adopted by the Village of Ossining Board of Trustees at a meeting held on the 15th day of March, 2011 and that the foregoing is a true and correct copy of the original thereof. I DO FURTHER CERTIFY that William R. Hanauer Mayor, Marlene Cheatham, Susanne Donnelly, Janis Castaldi and Michael Curry Trustees were present at such meeting and \_\_\_\_\_ was absent.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the VILLAGE OF OSSINING, THIS 16th day of March, 2011.

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L

  
Mary Ann Roberts, Village Clerk



STATE OF NEW YORK  
DEPARTMENT OF STATE

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

September 23, 2011

Honorable William R. Hanauer  
Mayor  
Village of Ossining  
16 Croton Avenue  
Ossining, NY 10562

Dear Mayor Hanauer:

I am pleased to inform you that I have approved the amendment to the Village of Ossining Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable local waterfront resources along the Hudson and Croton rivers.

I am notifying State agencies that I have approved your Local Waterfront Revitalization Program amendment and advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

The approved amendment to the Local Waterfront Revitalization Program will be available on the website of the Department of State, at <http://nyswaterfronts.com/LWRP.asp>. If you have any questions, please contact Kevin Millington of the Office of Coastal, Local Government and Community Sustainability at 518-473-2479.

Sincerely,

Cesar A. Perales  
Secretary of State



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL OCEAN SERVICE  
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
 Silver Spring, Maryland 20910

**FEB 01 2012**

George R. Stafford  
 Program Manager  
 State of New York  
 Department of State  
 One Commerce Plaza  
 99 Washington Avenue  
 Albany, NY 12231-0001

Dear Mr. *George* Stafford:

Thank you for the New York Department of State's November 21, 2011 request to incorporate an amendment to the Village of Ossining's Local Waterfront Revitalization Plan (LWRP) into the New York Coastal Management Program (CMP). You requested that changes to the Village of Ossining LWRP described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on November 21, 2011, and OCRM's decision deadline was extended until February 1, 2012.

Based on our review of your submission, we concur that the changes to the Village of Ossining LWRP are RPCs. We approve the incorporation of the changes to Section III as enforceable policies of the New York CMP and the changes to all other sections as non-enforceable policies. Federal Consistency will apply to the approved enforceable policy changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

**CHANGES APPROVED**

Name/Description of State or Local Law/Regulation/Policy/Program Authority or Change	State/Local Legal Citation	Date Adopted by State	Date Effective in State
<b>ADDED:</b>			
New policy statement: "Protect and enhance views from the Crescent and waterfront area toward the Hudson River"	Section III, Policy 25 B	10/25/2011	10/25/2011
<b>MODIFIED:</b>			
Changes through the LWRP to reflect the rezoning, including creation of a Conservation District, Riverfront Development District (RDD), Planned Waterfront and Railway Development (PWRD), Planned Waterfront Subdistricts, Station Plaza districts, and Institutional Redevelopment district	Sections I, II, IV, V, VI, VII, and VIII*	10/25/2011	10/25/2011



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“Public access” added to policy statement.	Section III, Policy 1	10/25/2011	10/25/2011
Replaces “WD-1” with the new “RDD” district.	Section III, Policy 1, Explanation 1 and 6; and Policy 19E	10/25/2011	10/25/2011
Removal of swimming at Pal Beach	Section III, Policy 2A, Explanation 1	10/25/2011	10/25/2011
Minor change of nature preserve name and description of preserve	Section III, Policy 7B; Policy 7B, Explanation; Policy 19A; and Policy 44, Explanation	10/25/2011	10/25/2011
Minor grammatical change	Section III, Policy 14, Explanation 5	10/25/2011	10/25/2011
Expands pedestrian access requirement to apply to all new development. Replaces “WD-1” with the new “RDD” district.	Section III, Policy 19D	10/25/2011	10/25/2011
Established criteria for the PWRD special permit approval	Section III, Policy 19, Explanation 4 and Policy 20, Explanation 7	10/25/2011	10/25/2011
Refers to existence of public access incentives in new zoning districts	Section III, Policy 20, Explanation 8	10/25/2011	10/25/2011
Refers to existence of public access incentives in new zoning districts; identifies water-related recreation uses permitted under the PWRD special permit	Section III, Policy 22, Explanation	10/25/2011	10/25/2011
Expanded requirement to CDD and OR districts (in addition to PRD); deleted requirement that at least 10% of total open space area be designed for active recreation activities	Section III, Policy 25, Explanation 2	10/25/2011	10/25/2011
Revised height requirements to focus on limiting heights and addressing development on steep slopes	Section III, Policy 25, Explanation 3	10/25/2011	10/25/2011
Changes marked with an asterisk (*) are incorporated into the NEW YORK COASTAL MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.			

## **QUALIFICATIONS**

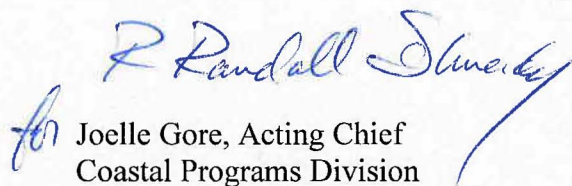
States may not incorporate enforceable policies by reference. If an enforceable policy refers to another policy, guideline, standard, manual, or other such requirement or document (hereinafter “referenced policy”), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy. If the state does not submit the referenced policy for OCRM’s review and approval, it is not an enforceable policy that can be used for Federal Consistency. Because the New York CMP has not submitted the referenced policies within the Village of Ossining LWRP as enforceable policies, they cannot be used for Federal Consistency.

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received no comments on this RPC submission. The public comment period to submit comments to NOAA OCRM ended on December 9, 2011.

Thank you for your cooperation in this review. Please contact Elisa Chae-Banaja at (301) 325-3674, if you have any questions.

Sincerely,

  
for Joelle Gore, Acting Chief  
Coastal Programs Division

CC:  
Steve Ridler, New York State Department of State  
Kevin Millington, New York State Department of State

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## Section I Waterfront Revitalization Area Boundary

The Village of Ossining Waterfront Revitalization Area is as follows:

Beginning at a point on the southerly side of the Croton River at a point 1,000 feet north of the center line of a brook running through the southerly portion of property of Dominican Sisters of Hope, as measured along the easterly bank of the Croton River; thence in a straight line approximately 1600 feet to the westerly side of Route 9 which line if extended would cross the Albany Post Road at a point on the east side of said Albany Post Road distant three hundred feet from the intersection of the Albany Post Road with the northerly side of Ogden Road; thence along the westerly side of Route 9 in a southerly direction approximately 3.5 miles to a monument at the southeast corner of Sparta Cemetery; thence running along the southerly side of Sparta Cemetery 294.00 feet to a point on the easterly side of Old Albany Post Road, now Revolutionary Road; thence in a northerly direction along the easterly side of Old Albany Post Road 2.75 feet to a point; thence crossing Old Albany Post Road and continuing along the division line of lands now or formerly of F.R. Pierson and lands now or formerly F.A. Vanderlip 866.0 feet to a point on the easterly side of Kemeys Ave; thence along the Kemeys Avenue north twelve degrees forty four minutes east one hundred and thirty-three (133) feet, north thirteen degrees seventeen minutes thirty seconds east eighty-four and twenty-three hundredths (84.23) feet to a corner; thence on a course south eighty-two degrees seventeen minutes west and crossing Kemeys Avenue and running through lands one hundred ninety-six and thirty-five hundredths (196.35) feet to a point on the easterly side of lands of New York Central Railroad Co.; thence along lands of New York Central Railroad Co. on a curve to the left not tangent with the last mentioned course having a radius of 3670.00 feet, a central angle of four degrees eleven minutes ten seconds and a length of 268.14 feet; thence north eighty-nine degrees forty-four minutes west eighty feet more or less to the Hudson River; thence in a westerly direction on a line being the shortest distance to the center line of the Hudson River, being the same boundary line of the County of Westchester; thence in a northerly direction along said line of the County of Westchester to a point; distant 100 feet south of Teller's Point, thence northeasterly on a straight line to the point of place of beginning.

(See [Map 1 – Waterfront Revitalization Area Boundary](#))

## Section II Inventory and Analysis

### General Information

The Hudson River, "one of the most beautiful rivers in the world," forms the western boundary of the Village of Ossining. Richly endowed in its setting, Ossining is located 31 miles north of New York City on the rolling hills which characterize the eastern shore of the Hudson Valley. The Village has three miles of riverfront land with some of the most spectacular views in all of the Hudson's 315 mile length: the Palisades lie on the western shore; the Manhattan skyline is to the south; and Croton Point is upriver. However, the waterfront area has been long neglected and most of Ossining's residents have had little opportunity to enjoy the pleasures which the river has to offer. Recently, attempts have been made to provide waterfront park land; however, the riverfront is still underutilized as a people resource.

When the railroad came through Ossining, in 1849, it separated the community from the river, both physically and economically. The Hudson was no longer quite as accessible nor would it ever again play as big a role in the transportation of goods and people between Ossining and the communities to its north and south. The railroad was largely constructed on fill placed along the water's edge and only in a few places is there enough land west of the tracks for buildings or for recreational uses. Within the Village of Ossining, there is a 0.6 mile stretch of land west of the railroad tracks which can be reached via two vehicular bridges. This land contains the Louis Engel Waterfront Park, some private marinas and small industries. This is the only land west of the railroad tracks within the Village of Ossining which is easily and safely accessible to the public. The other large parcel of land directly on the water is utilized by the Tappan Facility which is part of Sing Sing Prison. The release of this land by the State would give the Village the opportunity for major waterfront development.

The only other potentially usable land within the Village of Ossining lying west of the tracks is 1½ acres of parkland known as Sparta Dock. This land is inaccessible except by climbing over the railroad tracks. A bend in the tracks just south of Sparta combined with the live third rail makes this extremely dangerous. East of the railroad tracks the land rises quite steeply up to Route 9. The Village's oldest neighborhoods and its historic downtown shopping area lie here along with a few parcels available for development.

The land uses in the Village are much more mixed than in the surrounding Town of Ossining which is primarily residential (see [Map 2](#)). In the Village there are single-family, two-family and multi-family dwellings along with commercial and industrial uses. Manufacturing is almost entirely confined to the western portion of the Village along the riverfront and railroad tracks. Commercial land use consists mainly of retail and neighborhood oriented service establishments along portions of Route 9, Main Street and Spring Street. The central business district of the Village is located on Main Street and Spring Street, with additional commercial development along Broad Avenue. Although there are still a few undeveloped and underutilized parcels between Route 9 and the Hudson River, this is basically a built-up area. There are no commercial fishing facilities or agricultural lands.

Air quality appears to be good in Ossining; however, there is no local monitoring. Ossining is part of the New York Metropolitan Region which has attained acceptable levels of air quality regarding all pollutants except photo-chemical oxidants. Parts of the region have unacceptable levels of carbon monoxide and total suspended particulates.

Route 9, which forms the eastern boundary of the Ossining Waterfront Area, is a major north-south arterial and has been undergoing improvements. This state road connects with the New York State Thruway via the Tappan Zee and Beacon- Newburgh Bridges and was nominated for designation as a Scenic Road by the New York State Department of Environmental Conservation. Revolutionary Road in Sparta was also nominated; however, neither of these roads was so designated. The area also contains two railroad stations with a third station, the Croton-Harmon, just to the north. All of the Ossining Waterfront Area has public water service and all but the Beach Road area in the northern waterfront is served by public sewers. A new county-owned secondary sewage treatment plant, next to the Tappan Facility of Sing Sing Prison, was completed in 1983 with sufficient capacity to handle Ossining's projected needs. Certain terrain conditions make the installation of sewer lines infeasible in areas of low density; however, new development would not be limited anywhere within the waterfront area due to the lack of sewer service.

Over the past fifteen years, a great deal of effort and money has been devoted to improvements to the Village's infrastructure. New sewers have been laid and a schedule of road rebuilding as well as repaving has been set up. These infrastructure improvements have been especially obvious in the Village's historic downtown section where decorative sidewalks and lighting along with plantings have been included in the infrastructure rebuilding. During 1985, the telephone company brought the latest state-of-the-art equipment into an addition which they built into their Main Street facility. Their improvements encouraged the redevelopment of vacant land within the Village's Central Business District. Money and effort has also gone into improving the Village's water system. The water filtration plant was recently enlarged and upgraded and is fed by New York City's Croton Reservoir and the Indian Brook Reservoir. The Village has also instituted back-washing the filters in the water filtration plant at the Indian Brook Reservoir as a means of reducing the daily amount of water that flows into the County Wastewater Treatment Facility.

Ossining is built on hills and in no place is this more obvious than in the waterfront area. Only west of the railroad tracks and in the Water Street area of the Village is there flat land and this is prone to flooding. East of the railroad are steep slopes and occasional deep ravines. The deepest of the ravines was cut by the Sing Sing Kill as it flowed west to the Hudson River. This stream is classified as "D" as is Sparta Brook, Ossining's only other classified stream. This classification indicates that they are not clean enough for recreation. However, these streams are being considered for upgrading to "C" based on a proposed generic upgrading of all perennial streams to reflect the fact that nearly all are capable of sustaining at least some fish life. Both streams empty into the Hudson River which is classified as "B" which means that it is suitable for swimming and other water related activities but not pure enough for drinking. The steep slopes do at times cause stormwater run-off problems but this situation has, for many years, been handled by storm sewers with only occasional overflow problems. More recently, new developments have been required to install stormwater retention and/or detention best management practices so that storm water will percolate into the soil rather than cause run-off problems. There were serious erosion problems on the steep embankment

between Hunter Street and Barlow Lane in the Village which led to a land-slide in 1984. Since then, new storm sewers have been laid and sheet pilings installed. Other embankments throughout the Village appear to be stable; however, if disturbed by construction, precautions will have to be taken.

The Hudson River represents one of the most dynamic, viable, and resource-rich estuaries found in the Northeast. Off Ossining's shores is the Croton River and Bay habitat which has been designated by the State Coastal Management Program as a Coastal Fish and Wildlife Habitat of Statewide Significance. This habitat is one of the largest shallow bay areas in the lower Hudson River that is sheltered from strong river currents and, to some extent, from prevailing winds. Consequently, the area provides favorable habitat for anadromous fish species, such as blueback herring, and also for resident warm water species, such as largemouth bass. The river and bay are very popular for recreational fishing. (See Appendix A for the full description of the habitat.) Just outside Ossining's northern village boundary, which extends to the center of the Hudson River, is the Harverstraw Bay Significant Coastal Fish and Wildlife Habitat. Because the Hudson is tidal, Ossining's shoreline depths, of 2-9 feet, vary with time. The same action affects the 30-40 foot deep center channel. Average tides are 3.1 feet but can be as much as 5 feet during the spring and autumnal equinoxes. In the event of extreme flood conditions associated with 100 year storms, the river rises 7.8 feet above its mean high water mark flooding most of the downtown waterfront west of the railroad tracks.

The Ossining shoreline is in a constant state of change. Much of the land west of the railroad tracks is fill-in placed there during the days when Ossining was a busy shipping area with many docks and warehouses along the riverfront. This fill erodes rapidly under the action of the severe northwest winds common to the region. However, some areas are being built up with silt and sand carried down by the Sing Sing Kill and the Croton River. In addition, there is a unique current situation in the waters adjacent to the downtown waterfront area. This is due to cross currents off Croton Point and can make certain boating activities difficult unless the landing and docking areas are well protected and supervised.

Within the waterfront area, the Village has two resources which have played a unique role in the development of New York State: the Old Croton Aqueduct and Sing Sing Prison. Together they led to the selection of Ossining as one of eighteen State Heritage Areas, formerly known as Urban Cultural Parks (UCPs). With the help of the State, they are being groomed to attract visitors, shoppers and economic development to Ossining.

As part of the State Heritage Area program, the right-of-way of the aqueduct is being improved and the manmade conduit, which carried the vitally needed water from the Croton River into New York City, has been opened for tours. This first American aqueduct enabled New York to grow and provided employment for thousands of early nineteenth century emigrants. In 1825, over 10 years before the aqueduct came through Ossining, Sing Sing Prison came into being. One hundred prisoners were brought in by barge and put to work constructing their own cell block out of stone quarried on the site. This cell block still remains, although current prisoners are housed in quarters constructed during the first half of the twentieth century.

To the south of Sing Sing is the locally designated Sparta Historical and Architectural Design (HADD) District. Also, several prehistoric and historic archeological sites, designated as sensitive

on the New York State Archeological Site Location Map, are scattered throughout the waterfront area.

## Major Issues

The major issues confronting the Village of Ossining Waterfront area are access, station parking, appropriate redevelopment, and the protection of the land from erosion.

1. **Public Access:** The railroad divides the rest of the Village from the river. When the railroad was first built, there were on-grade crossings. As time went on and railroad traffic increased, these on-grade crossings were closed and the requirements for vehicular and pedestrian crossings became harder and more expensive to meet. The Village feels that the Metropolitan Transportation Authority (MTA) has an obligation to provide alternate access to riverfront lands isolated by the railroad tracks.

Access to the river is further limited in the Village by the location of Sing Sing Prison on approximately 55 acres of prime waterfront land. Twenty of these acres are west of the tracks, right on the river. Thus, access to the Village's largest piece of shoreline land is totally denied to the general public. The Village of Ossining feels that this land should be released by the State for appropriate redevelopment.

2. **Railroad Station Parking and Circulation to and from the Railroad Station:** Increased housing construction in northern Westchester County has overcrowded the railroad parking lots and put a burden on commuters, railroad station communities and, in some cases, the waterfront. Parking for the Ossining Railroad Station has overflowed the boundaries of the parking lots and threatens the downtown waterfront while still not providing as many spaces as needed by commuters. Local communities are not in a position to solve the commuter parking problem; it must be addressed on a regional basis, and redevelopment emphasis should be on transit oriented development. Furthermore, vehicular circulation to and from the train station is narrow and should be simplified.
3. **Redevelopment:** Much of the Village of Ossining's waterfront was developed in the early days of the community when the river was the area's main transportation corridor. When the railroad came through, it became the primary carrier of goods and people and further encouraged the development of industry and warehousing along the river. Now that trucks are the main carriers of most products, most industrial and commercial uses, except those which are truly dependent on a waterfront location, no longer need to be sited there.

In recent years, people have developed a greater awareness and appreciation of the river giving added financial value to waterfront lands. This is bringing development and redevelopment to lands along the river or with views of the river. It is important

that this new development be appropriate to its site, not interfere with others' enjoyment of the river, and preserve the existing water- dependent uses.

In 1990, a new zoning map and zoning law were adopted to better guide the redevelopment of the waterfront. A mixed use waterfront development zone was developed to protect existing businesses while encouraging gradual upgrading of the area. In 2009 the Village of Ossining developed new waterfront districts that address the inadequacies in the 1990 waterfront zoning, including reexamination of bulk standards for height and setbacks, adding provisions for permitted uses and view preservation, encouraging public access, RiverWalk, open space, shoreline and streambank stabilization, waterfront recreation, affordable housing and historic preservation.

4. **Protection from Erosion:** Since the Village has very little land between the railroad tracks and the river, and since much of this land is fill-in, erosion control is very important. The Louis Engel and Sparta Dock parks are positioned to be in special danger if not monitored and maintained. Measures were taken at the Louis Engel Park to assure its continued existence.

## Waterfront Areas

Ossining was first settled due to its location on the river, and it is hoped that the river will play an important role in its revitalization. [Map 3](#) shows the Village's public park lands and recreational facilities.

On the following pages, the different areas of Ossining's waterfront will be described in greater detail. [Map 4](#) shows the location of these areas.

### A. Unincorporated Town of Ossining Waterfront

Not included in LWRP

### B. Northern Waterfront

The northern waterfront is an expansive area of open spaces and wooded hills, running from the Town/Village boundary line south to the Edward M. Wheeler Crawbuckie Nature Preserve Area, and from the Hudson River east to Route 9 (see [Map 5](#)). All the land is east of the railroad tracks, and many of the holdings are large parcels ranging from 10 to 57 acres. All of the properties in this area are easily reachable from Route 9 and within close proximity to the Croton-Harmon Railroad Station and the junction of Routes 9 and 9A. As a result, this is one of the most accessible regions of Ossining from outside the Village.

The northernmost parcel consists of a cluster development called Mystic Pointe that was developed in the 1990's. The other large parcel within this section of waterfront is owned by the Catholic Church. The Dominican Sisters of Hope have their buildings on the western portion while the remainder of the 57 acres is beautiful open space. This land could become available for development

in the future. BASF, formerly the Mearl Corporation, land is approximately 21 acres and is a very lovely section with views of the river and easy walking through wooded areas and across the broad lawn of the BASF property. Kane House, a beautiful, two story stone house built in 1843 and used by Mearl for offices is also located on this property.

The northern parcels have either recently been rezoned to the low-density (Conservation Development District (CDD) or are still zoned PRD and OR. The northernmost parcels run from the Town/Village boundary line south to Snowden Avenue. The western boundary is the Hudson River and the eastern boundary is at varying points Route 9, the Croton Aqueduct Trail, and Snowden Avenue. The recent developments in this area have taken advantage of the river views. A development of luxury condominiums known as Eagle Bay was completed in the mid-1980. Other recent development on the northern waterfront has been for private conference centers, senior facilities, and a small corporate headquarters.

The CDD promotes the following for this district:

- Requires open space as part of the development and smaller multiple story buildings, in order to make cluster development possible.
- Encourages uses such as office, conference centers, hotels, or low density residential uses.
- Preserves the area's unique, natural environmental features by:
  - not allowing wetlands to be considered developable land;
  - minimizing development on steep slopes, and
  - having a lower permitted density (up to 8 dwelling units per acre with incentives) than the rest of the waterfront districts.

The water, sewer and other services needed for further development within the northern waterfront are in place along Route 9 and will be accessible to developers. Many parts of this area contain steep slopes down to the railroad tracks with occasional gullies and intermittent streams. Care would have to be taken during construction to prevent erosion, and holding basins would be necessary in any fairly dense development.

The Old Croton Aqueduct runs through this section of the waterfront in a north-south direction. The right-of-way of the Old Croton Aqueduct is on the National Register of Historic Places and is under the protection of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Any plans to develop the Dominican Sisters property would be reviewed by the Taconic State Park Commission to insure that the developer provides protection for the aqueduct against blasting, the movement of heavy equipment, or other construction activities that might be injurious. Any serious problems noted by the Commission would be referred to the OPRHP central office and handled at that level.

The Croton-Harmon Railroad Station is located about one mile north of this section, while the Ossining Station is two miles to the south. (Frequent train service is available into Manhattan and to upstate New York from Croton-Harmon, and it would tend to be the preferred station to serve this area.) There is also bus service along Route 9.



The northern waterfront with its good access, open spaces and views of the river has been the scene of much change during the past fifteen years. The future promises a continuation of this pattern with housing consuming a large portion of the vacant parcels or underdeveloped parcels with the possibility of office and commercial uses along the Route 9 corridor.

### C. Edward M. Wheeler Crawbuckie Nature Preserve Area

The Edward M. Wheeler Crawbuckie Nature Preserve Area (see [Map 6](#)) is a magnificent and unique 12-acre parcel of dedicated passive park land located at the end of Beach Road on the Hudson River side of the roadway. In 2006 the Village expanded the park with (respectively): (1) a 12-acre NYS Department of Transportation property, and (2) a 15-acre parcel, 95 percent of which is underwater and the remainder consists of a small piece of sandy land above the high-water mark. The water off shore in this area is very shallow due to silt deposited by the Croton River, but is an important area for recreational fishing from boats due to its proximity to the Croton River, which has been designated as a Fish and Wildlife Habitat of Statewide Significance. Railroad tracks, running along the westerly portion of the property, prevent direct access to the waterfront in the Edward M. Wheeler Crawbuckie Nature Preserve Area. Immediately to the east of the railroad is a marsh area, and east of the marsh is a steeply sloped, heavily wooded area which extends as far as Beach Road. The Edward M. Wheeler Crawbuckie Nature Preserve Area is located at the bottom of Beach Road and can be reached on foot by way of the Old Croton Aqueduct Trail or by car via Route 9. There is no vehicular or pedestrian crossing along this section of the railroad tracks and the western portion of the Edward M. Wheeler Crawbuckie Nature Preserve Area gets virtually no use.

Although the Edward M. Wheeler Crawbuckie Nature Preserve Area contains no official freshwater wetlands, immediately to the east of the railroad tracks is a 2 acre marsh area. East of the marsh, the land becomes steeply sloped and heavily wooded up to Beach Road. This section contains a number of unique trees and shrubs, making it of special interest to both naturalists and casual hikers. In addition, the lower portion has a special "micro-climate" and enjoys slightly more moderate weather than is experienced elsewhere in Westchester County, with plants flowering and trees coming into leaf 2-3 weeks ahead of similar species in the surrounding areas. There are two nature trails running through the park however, they are occasionally blocked by large branches or tree trunks and also suffer, in certain places, from wash outs.

Although the Edward M. Wheeler Crawbuckie Nature Preserve Area is the largest of the Village-owned waterfront properties, it is little used and many Ossining residents are unaware of its existence. Current plans of the Village incorporate this area into the Westchester County RiverWalk trailway. The nature area is located at the bottom of Beach Road and can be reached on foot by way of the Old Croton Aqueduct Trail or by car via Route 9. However, Beach Road is poorly delineated at its intersection with Route 9 and is flanked by a gas station and an automobile and motorcycle dealership which tend to obscure the entrance way, making the nature area difficult to locate. A person walking through the Edward M. Wheeler Crawbuckie Nature Preserve Area quickly forgets its proximity to development and to Route 9 and feels the peace and tranquility of the woods while enjoying occasional glimpses of the river through the trees. The more physical aspects of the area needs to be preserved if the other wooded areas to the north of the Edward M. Wheeler Crawbuckie Nature Preserve Area become developed. The Edward M. Wheeler Crawbuckie Nature Preserve

Area is to a large extent protected to the north and south by steep slopes which rise up from the nature area. To the north, the slope rises to a flat plateau of Dominican Sisters land.

It must be kept in mind that this is a fragile area located at the bottom of a quiet residential street. Although more regular maintenance is needed to keep the trails passable and improved marking of the unique trees and shrubs would increase the area's educational value, the general feeling is that its use should remain low and that it should be preserved as a quiet retreat for Ossining residents.

#### D. The Snowden Area

Estates, small private homes, retail businesses, subsidized housing, and open space co-exist on this multi-use section of the Ossining waterfront which runs from just south of Beach Road down to the Double Arch and Ossining's historic shopping area (see [Map 7](#)). There is virtually no land west of the tracks and that to the east is wooded and extremely hilly with deep gullies running through it.

Although the Snowden Area as a whole contains many uses, most sections have a clearly defined character. The low lying area just east of the railroad tracks is primarily industrial, the properties by Route 9 are largely business, while the space in between is residential. A high ridge running between the industrial and residential areas forms an almost perfect buffer between the two of them and causes all the industrial enterprises to rely solely on Water Street for their access, while the rest of the area is accessible from Route 9 or from Snowden Avenue, a residential thoroughfare with a community park at its southernmost end. There are no freshwater wetlands in this section of the waterfront. Density of development is low in the northern portion. There are approximately 19 contiguous acres of vacant land available for development. The privately owned undeveloped properties of Snowden area will be fairly difficult to develop due to the steep grades; however, the land could be considered for housing located on the upper portions near Snowden Avenue and portions of land near the Edward M. Wheeler Crawbuckie Nature Preserve Area should be left in its natural state and connected through a pathway to the nature area. Special care should still be taken in the review of any development plans involving these properties. The land is mostly zoned CDD which allows residential development with densities including incentives up to 8 units per acre.

The Vireum property at the intersection of Snowden Avenue and Water Street was developed as condominiums. The attractive, 1870 mansard roofed Vireum School building has been rehabilitated into twelve units. Zoning on this property remains multi-family.

Although there is an industrial area along the railroad tracks, it is low-lying and separated from the residential area by a ridge which makes it all but invisible. Some of the industrial buildings in this area have historic significance. This is especially true of those which remain from the Brandreth Pill Factory Complex on the North Water Street Extension. At one time the pill factory used a small stream running through the site for power, and most of the factories used the river and later the railroad for transportation. The Brandreth industrial buildings are on the National Register and are overlooked by two historic homes located on large parcels of land which are owned by descendants of the Brandreth family. There is currently a redevelopment proposal for the Brandreth Pill Factory.

The southern portion of the Snowden Area primarily contains older homes on small pieces of land. Quite a bit of rehabilitation work has been done here with both private and public money and, although there are still a number of buildings in need of work, there has been a definite improvement in the appearance of this neighborhood.

The Old Croton Aqueduct runs through this section of the waterfront in a north-south direction. As mentioned in Section B, this aqueduct land is under the protection of the NYS Office of Parks, Recreation and Historic Preservation and this agency will become involved once development plans are formulated. A number of interesting older buildings are located near the aqueduct further south, but none of them are listed on the National Register. Probably the most significant are the Victoria Home for the Aged, which may have been the original estate in the area, and the North Side Firehouse, a WPA project built in the Spanish style with a tile roof. A Historic Preservation Study, conducted in 1974, classified the Victoria Home, "McAlpin House", as a Village landmark and did not consider it for potential National Register listing. The North Side Firehouse was not included in this study.

This is the most varied of the waterfront areas. It is also undergoing change and it is likely that it will be totally built up within the next five years with housing filling the vacant and underutilized parcels described above. It is also possible that the immediate waterfront might undergo change. Although the land along the railroad tracks will probably remain industrial for a while to come, a drastic upgrading is possible with future developers spanning the tracks to take advantage of river views. The future might also see a pedestrian linkup between the Edward M. Wheeler Crawbuckie Nature Preserve Area and the waterfront parks to the south via a RiverWalk pathway that would be located along the waterfront when possible.

## E. The "Crescent"

The "Crescent" is the Village of Ossining's historic downtown shopping area, so called due to the curve Main Street makes as it approaches Route 9 (see [Map 8](#)). This area has been the location of the bulk of the Village's Urban Renewal and Community Development activity. The roads have been rebuilt, including decorative sidewalks and planters, along with new water mains and sewer drains. Many of the buildings have had their facades revitalized with public funds, linear parks have been built, and new businesses have moved into the area.

Urban Renewal in the 1970s led to the demolition of buildings along the south side of Main Street at the intersection with Spring Street. The Post Office and accompanying parking lot were added on a portion of one renewal site. There are a few Village owned parcels, zoned VC (Village Center), that remain to be developed on Main Street in the downtown area. They are a Market Square (Municipal Lot 6) located on the southeast corner of Main and Spring, which is used for the seasonal farmer's market and parking, a parcel located on the southwest corner known as Municipal Lot 5 that is used for parking, and the "We Can Do It" site at 147-155 Main Street (Municipal Lot 16) former site of a fire that occurred in 1995 and destroyed the building located there. Creating a village green on a portion of the Village owned parking lot at the southwest corner of Main and Spring Streets would keep open the views of the outstandingly historic north side of the Crescent. It would also serve as the place for the popular farmer's market in the spring, summer and fall. Development of infill

buildings along the Market Square lot and along Spring Street could take place. All infill should have commercial/retail on the ground floor and residential/office uses above. This infill development will fill in the gap in the streetscapes along Main Street. The farmers' market should be moved to the Village Green site, offering synergistic benefits to both uses.

Portions of the currently vacant land between State and Spring Streets south of St. Paul's Place are also used as parking. Two existing historic structures are located in the area: the Calvary Baptist Church and its Annex, both of which are listed on the National Register of Historic Places, and W.A. Slater's survey office on State Street, originally the library for the Mt. Pleasant Military Academy which had occupied this site until the early 1900's.

This section of Ossining's waterfront contains many historically significant structures. The Old Croton Aqueduct plays an important role in this area and most of its right-of-way has been transformed into a linear park. Just north of the Crescent, the aqueduct is carried over the deep gorge of the Sing Sing Kill on a magnificent bridge. In crossing over Broadway, this aqueduct bridge forms a double arch with the Broadway Bridge, giving Ossining its beloved symbol. An overlook has been constructed to give views of these arches (see [Map 9](#)). At the north end of the aqueduct bridge stands a weir chamber which has been renovated to accommodate tour groups and provide access to the conduit of the aqueduct; to enable people to actually enter the manmade pipe which was constructed 150 years ago to carry fresh water from the Croton River to the thirsty people of New York City (see [Maps 10](#) and [11](#)). In addition, the area around the weir chamber has been reconstructed. This National Register structure is one of two primary resources in Ossining's Heritage Area, part of a statewide system designed to preserve New York's unique historic resources and use them not only as educational and recreational tools, but also to attract visitors and economic development to their communities. Ossining's other primary resource is Sing Sing Prison which will be described in a later section. A Heritage Area Visitor Center has been constructed in a portion of the Ossining Community Center at 95 Broadway.

The Crescent commercial area itself, with its nineteenth century buildings has been listed on the National Register as an historic district.

Two churches in this section of waterfront are on the National Register; the First Baptist Church, a High Victorian Gothic brick structure dedicated in 1874 and located at Church Street and Route 9, and the Calvary Baptist Church, a Gothic Revival Church on St. Paul's Place designed by Calvin Pollard and built of locally mined Sing Sing marble. There are many other interesting structures including the Ossining Bank for Savings at Main and Route 9, built in 1908 in the Beaux Arts style with probably the best executed cartouches in Westchester County. A less attractive, but more historic building is the Olive Opera House at Central and Brandreth Streets which was built in 1865 and was the site of many Ossining functions.

The deep gorge of the Sing Sing Kill (also known as Kill Brook) runs in a westerly direction through this section of the waterfront. It crosses under Route 9, runs to the north of the Community Center and pool complex, runs under the Double Arch where a spillway from the conduit enters it, runs behind privately owned structures where the banks are frequently littered with debris, enters Village owned land by the former Department of Public Works yard, runs between buildings by the railroad tracks and finally enters the Hudson River where it has been forming a small delta. This usually

shallow stream has a "D" classification and it is doubtful that it will ever be eligible for a higher rating although past sewer work in the Village has eliminated contamination from this source. The Kill Brook is currently not utilized by the general public because it is physically inaccessible and in need of streambank stabilization. If it were made physically accessible through the development of a trail, and if it were cleaned up in order to enhance its appearance, it could serve well as a nature trail linkage between the Main Street area and the waterfront. Such an ambitious project is not likely to take place until all of the existing retail/commercial area is built up and occupied.

Steep hills lead from the Crescent business area down to the railroad tracks where a new station parking lot was constructed in the early 1980's; however, the demand for parking now exceeds the number of spaces available. Much of the area by the tracks is industrial, although some of it is owned by the Village and is the former location of the Department of Public Works and the Building Department. The area is low-lying and is in a flood zone.

The area has recently been rezoned for Planned Waterfront Subdistrict PW-b. This area includes the Ossining Metro-North Station which includes stops on the Bee-Line bus service and Ossining-Haverstraw ferry, the Hudson Wire Building and former Department of Public Works, Metallized Carbon and the Sing Sing Kill. Steep hills lead from the Crescent business area down to the railroad tracks. The new zoning provides the opportunity to take advantage of its location adjacent to the train station by increasing densities and decreasing parking requirements.

This is the first part of Ossining to be seen by people arriving by train. The improved parking lot helps Ossining's image and gradual improvements to the buildings have taken place. However, the area could benefit from additional facade and streetscape improvements such as those which have taken place on upper Main Street. Long range plans call for the street improvements along upper Main Street to be brought on down to this area, at least in a modified form, with new sidewalks, plantings and improved lighting.

Hunter Street, part way up the hill from the railroad station, has been the scene of some recent improvements. Hunter Street enjoys magnificent views of the river and is one of the area's most obvious from the river. Although primarily residential, until recently it was zoned Waterfront WD-2. Areas of Hunter Street were recently rezoned PW-c (Central Waterfront- Hillside), and T (two-family).

The Crescent section of Ossining has been the scene of many changes during this century. As the nineteenth century buildings got run down they were occupied by marginal businesses and slum apartments. Much money and effort has been expended to reverse this trend and evidence of this is visible in new roads, a modern community center, rehabilitated stores and new businesses. However, the job is not finished and this too is visually evident in a few vacant or deteriorated buildings and vacant parcels. A recent increase in interest in these properties promises a productive future for Main Street.

## F. The Downtown Waterfront

This is the most visible and by far, the most accessible part of the Village of Ossining shoreline (see [Map 12](#)). It is the keystone to both the development of waterfront recreation within the Village and to the redevelopment and revitalization of Ossining's entire waterfront.

The river is more accessible here than at any other place within the Village of Ossining. Near to the central business district, it can be reached via two vehicular bridges over the railroad tracks and is adjacent to the Ossining Railroad Station. The Downtown Waterfront is 0.6 miles in length and contains 23.8 acres of flat land which is almost entirely fill soil. It runs from the Shattemuc Yacht Club in the north, south to the County Treatment Plant, and from the Hudson River, east to the railroad tracks and includes Louis Engel Waterfront Park. The National Flood Insurance Program has classified most of this section as a flood hazard area, and the western portions of some of the properties tend to flood periodically. As a result, building is concentrated along Westerly Road on the eastern portion of the land.

Ossining's largest stream, the Sing Sing Kill ("Kill" meaning stream in Dutch), enters the Hudson midway through the area. This is sometimes a turbulent stream and flows between steep, lightly wooded banks, carrying silt from its upper reaches down to the Hudson where it forms a small delta. The water is very shallow at this delta area and can be described as beach-like at low tide. However, the water becomes fairly deep off shore along the rest of this stretch.

Recent activity has concentrated on the Town-owned Louis Engel Waterfront Park which is located within the Village of Ossining. This is a long narrow strip of land running along approximately 600 feet of the waterfront with a paved walk along the water's edge and has undergone recent shoreline stabilization. There are also two observation decks, a boat launching ramp, a boat club, two playgrounds, picnic tables, a spray park, a sandy beach-like area and a comfort station. One of the former guard towers from Sing Sing Prison is located on County-owned land near the tot lot. This is the most significant waterfront recreational area within the Town, and a considerable amount of money has been devoted to improvements including stabilization of the shoreline. The level of resident use has increased as a result of the improvements. The Louis Engel Waterfront Park is also within the Heritage Area boundaries and the provision for the retention of the guard tower is important in this aspect; however, the tower is leased from the county and their agreement with the Town prohibits any current use of the tower other than a passive one due to unsafe conditions within the tower. There is a small beach area on the PAL Beach section of the Town Park, which, although not officially open for swimming, gets a lot of usage during hot weather. The County Sewage Treatment Plant, which has recently been completed at the south end of the Downtown Waterfront, is a secondary plant which has led to the phasing out of four local primary plants. This has made the river cleaner. There are some problems with odor from the plant and, at the base of Snowden Avenue, from a line leading to it.

It was hoped that the downtown waterfront properties could be connected via a waterfront walkway, RiverWalk, which would be part of a larger circular waterfront-aqueduct trail. Developing RiverWalk throughout the Village of Ossining is a focus of many of the recommendations in the Comprehensive Plan. There will be an incorporation of a RiverWalk trail into the recently approved

One Harbor Square development. A waterfront walkway may be feasible in the future, around Sing Sing if the prison is ever phased out or if the Tappan portion of the prison is decommissioned.

With the passage of the zoning law in December 1990, this property was rezoned Waterfront Development -1. It is now rezoned as RDD (Riverfront Development District). The zoning for this district maximizes opportunities for waterfront recreation and parks, and encourages the construction of portions of RiverWalk, restricts the heights of new buildings to not extend higher than three stories, setbacks new buildings from the river to minimize flood conditions, orients new buildings to preserve and provide views towards the Hudson River and Palisades, encourages reuse of historic buildings, such as the Mobil Oil warehouse, and allows for a mix of commercial, residential and recreational uses.

Since the adoption of the LWRP in 1991, the Village of Ossining began acquiring several previously privately-owned, small contiguous parcels to assemble into an approximately 5.6 acre parcel in order to facilitate redevelopment of the Downtown Waterfront area. For decades, a portion of this site was used as an oil storage/transfer facility (known as Maue Oil). Other former uses on the site included a fragrance manufacturer and a commercial bus depot and storage facility parking. Approximately 0.51 acres of this site has been dedicated as Village-owned parkland. This redevelopment area is bordered on the west by the Hudson River, on the north by the Sing Sing Kill, on the east by the Metro-North railroad tracks and on the south by the Ossining Boat and Canoe Club, and is within the RDD zone.

In 1998, the Village issued a request for proposals seeking proposals for a mixed-use development of the redevelopment area. The selected developer proposed a project known as the Harbor Square Project. This mixed-use development planned for the site includes market rate and affordable rental units, commercial space (restaurant, shops and fitness center), on-site parking and over 2.7 acres of publicly accessible open space. Of the 4.6 upland acres, 4.05 acres will encompass the development parcel. The .51 acre undeveloped Village-owned Harbor Point Park will be retained by the Village. Ownership and control of all underwater property will also be maintained exclusively by the Village. Access to the site will be provided via the Secor Road ramp and Westerly Road on the eastern boundary of the site.

The proposed project realizes the vision for the revitalization of the Ossining waterfront – a vision that has included enhancing public access, eliminating nonconforming uses, protecting and encouraging water-dependent uses and promoting the development of intensive, more urban mixed-use residential and retail commercial uses on this portion of the waterfront. The mixed use concept is consistent with the Village’s planning objectives for the waterfront parcel.

To facilitate revitalization of the Downtown Waterfront, the Village amended the Zoning Law to establish a new overlay special use in the then WD-1 District subject to special permit approval, entitled “Planned Waterfront and Railway Development” (“PWRD”). The PWRD special use will also include, among other things, design standards and bulk and area requirements for such use. In order to encourage the revitalization of this area and fulfill the goals of the LWRP in creating maximum open space, meaningful public access and intensive mixed-use, additional height and density will be permitted under the PWRD special permit use so long as the proposed use meets all the criteria set forth in the PWRD.

In addition, in 2000, a ferry service was established between the Village of Haverstraw, Rockland County and the Village of Ossining, utilizing an existing on-site pier, with passengers walking through the existing open space area to the adjacent Metro-North railroad station.

The area surrounding the Metro North station is a very important section of Ossining's waterfront. For the many people arriving by train, and by boat and ferry, this is their introduction to Ossining. For the thousands of people traveling through the area on the train, this is Ossining. If the prison property to the south is released, this will have a profound effect on this area. A more wide-spread recognition of its worth may also bring about dramatic change. At the present time, minor improvements to its appearance are continuing and greater usage is being cultivated by occasional events within the present industrial/marina/park mixed-use framework.

### G. The Spring Street Neighborhood

The Spring Street neighborhood lies just south of the historic downtown and was a target rehabilitation area (see [Map 13](#)). It contains many lovely older homes, some of which are very well kept up and others which have been neglected. One block overlooking the river has very fine and beautifully maintained examples of Victorian architecture.

The Interfaith Council for Action (IFCA), a neighborhood preservation corporation, has been very active in this neighborhood, buying badly deteriorated properties, rehabilitating them and then either renting the apartments or selling the rehabilitated buildings to live-in owners. Many of the neighborhood's worst properties have been made livable again in this way with decent housing replacing substandard units. In addition, the Village's neighborhood rehabilitation program, and the County program which superseded it, have helped with many improvements in the area through their loan and grant programs. The recent reconstruction of the streetscape along Spring Street connects it in a more pleasant way to the "Crescent" business area. State Street is also scheduled for new sidewalks. Improvements to Broad Avenue between State and Spring Streets were just completed.

The Old Croton Aqueduct runs through the Spring Street neighborhood and was the cause of two parks being located along its diagonal route from Spring Street east to Route 9. Nelson Park and the Nelson Sitting Park are the sites of many activities including games and concerts. They provide a large green belt in the middle of a built up area with an elementary school to the north, multi-family housing to the east and single and two-family housing to the west and south. The area as a whole is zoned for two-family housing.

There are many other historic structures in the Spring Street Neighborhood with many interesting older houses, including several National Register-eligible properties, but only one building actually listed on the National Register. This building is located on the south-west corner of Route 9 and Maple Place and is known as the Squire House. Built in 1872, it is an early example of concrete construction and was designed in an eclectic manner reminiscent of a Rhine castle.

There are a number of lovely old Victorian Houses on Hamilton Avenue, just north of the prison and overlooking the river. The County's historic preservation planner has researched these houses and



the west side of the block has been deemed eligible for the National Register of Historic Places. However, this designation has not been formally applied for.

The Spring Street neighborhood is a highly developed residential neighborhood constructed primarily in the latter half of the nineteenth century. The twentieth century saw many of the homes in the area broken up into small, frequently overcrowded apartments. Current efforts at rehabilitation and code enforcement along with an increased interest in the older houses on the part of buyers are making a noticeable improvement in the area.

## H. The Sing-Sing Correctional Facility

The Sing Sing Correctional Facility dominates this section of the waterfront with its massive buildings and towering concrete walls (see [Map 14](#)). The prison owns 20 acres of land west of the MTA tracks, one of the largest and most important parcels directly on the Hudson shore. In addition, this land is high and therefore not subject to flooding. There are another 35 acres on the east side of the tracks in a series of steep slopes topped with flat buildable plateaus, each with a striking view of the Hudson. Between the east and west sections of the property, the railroad tracks are recessed, which has the effect of making them much less obtrusive. However, the presence of the Sing Sing Correctional Facility has prevented the development of this site and prohibits the Village from realizing its full potential.

As a result of the important role it played in the development of New York State, the prison is one of the main resources in the Ossining Heritage Area. The western portion of the prison land still contains the cell block which the early prisoners constructed between 1825 and 1828, first quarrying the stone and then building their own confining cells. The death house, site of 614 of the 695 electrocutions ordered by New York State, is located just south of the original cell block, and is used as the prison's training center.

Back in the late 1960's, New York State planned to phase out this ancient facility and was willing to sell the western portion of the land. This plan has since been altered. At the present time, the prison has 1,500 inmates and, during the 1980s, money was expended on the eastern portion to enable the reopening of previously closed cell blocks.

The Sing Sing Correctional Facility section of the waterfront has more growth potential than any other site within the Village of Ossining. Several years ago, the Chamber of Commerce Development Corporation estimated that, if fully developed with retail stores, offices, theaters, restaurants and 1,000 units of housing, at 1977 rates, the Sing Sing site could yield approximately \$1.5 million in real property taxes.

In their 1977 Waterfront Redevelopment Plan, the Ossining Community Development Department recommended that the Village work toward the phasing out of the prison and the redevelopment of the site for private housing and/or commercial development in addition to public waterfront recreation. The topography would also make it possible to locate both housing and offices on the land with the steep slopes acting as natural buffers. In a 1985 report, planners hired by the Village to help with planning for the Urban Cultural Park (UCP, now Heritage Area), suggested that, in the

later stages of UCP development, the western portion of the prison property should be used as a museum with a waterfront park and dockage for boat tours. They would convert the historic cell block, death house and Warner building into a major museum on prison reform with a direct involvement of the Department of Corrections. They also suggested parking for 350 cars in this area.

Currently, the prison is zoned as IR (Institutional Redevelopment) that ensures that, in the event that Sing Sing Correctional Facility is ever closed, future plans for the site are consistent with other plans for the waterfront and is consistent with the intent and guidelines for the waterfront area identified in the Comprehensive Plan including, public park areas, water related uses, mixes of commercial and residential uses. The Comprehensive Plan suggests that the Village make Sing Sing Correctional Facility an asset rather than a liability. This not only includes the extension of RiverWalk along or through the site, but also preservation of historic structures including the walls, and reuse for large-scale tourism, consistent with what has been accomplished at the Eastern State Penitentiary in Philadelphia, PA and Alcatraz, in San Francisco. This would greatly boost the viability of Ossining as a stop on rivertown tours, as it would tie into other existing riverside tourist attractions that are, under a variety of plans, to share marketing and boat access.

The existing road network serving the prison area is poor. No road presently goes straight through from Route 9 to the prison and the two main gates are off Hunter Street to the north and Hudson Street to the south. The relative seclusion of the site is beneficial to its present use and has thus been fostered in the past. In the redevelopment of this site, it may be necessary to provide direct access from Route 9. The existing track crossing within the prison would need to be drastically improved to provide access into the western portion if it were to be utilized fully without putting a substantial strain on the Main Street - Secor Bridge route. Since there is no way of knowing if the prison property will be released three years from now, twenty-five years from now or one hundred years from now, or how the property will be developed once it is released, no definite plans are being made for the road network to serve its future use. However, the possible future need for such access will be kept in mind during the review of other development proposals which might have a limiting effect on the Village's options for this property. Residents of Ossining hope to see the prison property released during this decade.

## I. Southern Waterfront

Sparta, Ossining's most historic neighborhood, is located in the southern waterfront along with much of the Village's newest development (see [Map 15](#)). Two parcels of land were developed in this area. One is a nine acre parcel which has been the home of the warden of Sing Sing Prison and the other is located across Spring Street adjacent to an old quarry. The warden's property is now known as Hudson Point and 93 low-rise condominiums were constructed to take advantage of truly outstanding views of the Hudson River. Another developer bought the Quarry property across the street from Hudson Point for a similar type of development called Liberty Knolls. Both properties had their zoning changed from Industrial Park to PMRD (Planned Multiple Residence District) and now, are zoned PRD (Planned Residence District).

Frederick Philipse acquired title to what is now Sparta on August 24, 1785, incorporating it into his vast holdings. For a number of years, he allowed settlers to use the land rent free in return for their using his flour and saw mills. By the eighteenth century there was a thriving community located here with a busy dock just north of where Sparta Brook empties into the Hudson. The Old Albany Post Road (now Revolutionary Road in this area), as well as the River, linked Sparta with settlements to the north and south. Many of the present homes date from the late 18th and early 19th centuries. The Jug Tavern, the area's oldest building, is on the National Register and Sparta is Ossining's only locally designated historic district. Sparta is also part of the Ossining Heritage Area.

The Sparta Recreation Area is located within this historic neighborhood. It consists of 3.25 acres of waterfront land plus 0.75 acres of underwater land and is divided into two pieces by the MTA tracks. At one time, there was an on-grade crossing at the tracks; however, such crossings are now against railroad policy, and the planks have been removed and the break in the third rail filled in. This is currently the most popular of the Village-owned waterfront parcels, even though the crossing is extremely dangerous since, in addition to the third rail, there is a bend in the tracks to the south which obscures on-coming trains from view. The Village was awarded a Waterfront Implementation Grant for the preliminary engineering and design work needed to provide a pedestrian crossing over to the west side of the tracks, and has been using the resulting report in its attempts to obtain grant money for the crossing which is expected to cost approximately \$950,000 (1991 estimate). However, the cost for such a bridge is extremely expensive for the Village to currently undertake but it still remains a priority. The parcel on the west side, which has been known historically as Sparta Dock, is 2.4 acres of dedicated park land, including the underwater lands. The land projects approximately 380' into the Hudson giving magnificent views downriver of the Tappan Zee Bridge with the New York City skyline in the background. There is a large rock ledge projecting to the south from the peninsula which was the foundation of the original dock. Scrubby growth covers most of the remaining area.

To the east of the tracks is slightly over 1.5 acres of Village-owned park land bounded by private property to the north, Hudson Street to the east, Liberty Street to the south and the railroad tracks to the west. The land rises 50 feet in elevation from the railroad tracks up to Hudson Street with the incline gradual at first, then becoming steep and finally flattening out at the higher elevation. This eastern portion of the land affords excellent views of the Hudson with the Palisades beyond, while the lower portion has been set up as a picnic area.

Just north of Sparta Park on the eastern side of the railroad tracks is a small privately owned parcel which had been the location of a sewage treatment plant. This plant was phased out with the opening of the new secondary plant next to the Louis Engel Waterfront Park. This property contains a very small cove connected to the Hudson River by a viaduct under the railroad tracks and is also the site of one of the old mine openings. The parcel is flat at its western end adjacent to the tracks and then rises steeply up to Hudson Street. The mine opening is off a plateau area about half-way up the rock wall. This opening presents something of a hazard. It is excavated in such a way that a person or animal could fall in and be trapped. Further, the mine is filled with water and the walls are unstable. Nonetheless, it is a remnant of an activity which was important in the history of the Village.

All of the Sparta historic area is residential with the exception of Sparta Park. One of the houses was converted a number of years ago into a restaurant. Just north of Sparta, Hudson Street was zoned

Waterfront Development-2 however, this zoning has recently been changed to PRD . Although not located in historic Sparta, this area is separated from the rest of the Southern Waterfront by a steep embankment and its primary access is through Sparta. The only remaining industrial property is the site of an old Texaco tank farm, currently the offices of Testwell Craig Laboratories, that contains a helipad in the area of the former dock and is for sale for development. The Village would like to see a public park on the Testwell-Craig helipad via a public easement involving the existing pedestrian bridge. This space is both extraordinarily scenic and relatively secluded, and best considered for picnic and other passive uses.

The Sparta area is an interesting, quiet residential area whose residents are very proud of their heritage. Its resources are protected and appreciated and favored with its inclusion in the Ossining Urban Cultural Park (now known as State Heritage Area). A number of the residents are very interested in the waterfront - aqueduct walkway and see it as a way of enhancing their resources and tying the waterfront together without disturbing the tranquility of the area. The neighborhood association is a very active, concerned group working hard for the benefit of Sparta.

Much of the land just south of Sparta has been developed within the past 20 years, first with the Arcadian Shopping Center on Route 9 and then with a 240 unit apartment complex and 120 units of town houses. Both of the residential developments are now under condominium or co-operative ownership and both provide luxury housing which takes advantage of river views.

Sparta Brook runs between Scarborough Manor Apartments and Kemeys Cove Condominiums and was once the site of a mustard mill. This area is now under private ownership but could possibly be included in a waterfront - aqueduct walkway.

Kemeys Cove, a large tidal cove about 12 acres in size and very shallow, lies at the southern end of this waterfront area, adjacent to the Scarborough Railroad Station. The cove is a mud flat at low tide and popular as a stopping place for migratory birds. The north half of the cove is owned by Kemeys Cove Condominiums.

Most of the zoning in Sparta and to the south is residential with the shopping center zoned for business.

This section of the waterfront is convenient to shopping and to transportation. Many of the residents belong to active and concerned neighborhood associations or condominium groups.

## Section III Waterfront Revitalization Program Policies

### Development Policies

- POLICY 1** RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES, INCLUDING INCREASING PUBLIC ACCESS TO THE WATERFRONT.
- POLICY 1A** REDEVELOP THE SING SING PRISON PROPERTY IN A WAY WHICH CONTRIBUTES TO THE ECONOMIC AND RECREATIONAL GOALS OF THE COMMUNITY.
- POLICY 1B** CONTINUE TO REVITALIZE THE CRESCENT, OSSINING'S HISTORIC BUSINESS DISTRICT, AS WELL AS THE TARGET NEIGHBORHOODS TO THE IMMEDIATE NORTH AND SOUTH AND EXTEND REVITALIZATION ACTIVITIES DOWN MAIN STREET FROM THE CRESCENT TO THE RIVER. STREET AND INFRA-STRUCTURE IMPROVEMENTS WHERE NEEDED SHOULD BE EXTENDED THROUGHOUT THESE AREAS.
- POLICY 1C** REVITALIZE THE DOWNTOWN WATERFRONT AND LOWER SNOWDEN INDUSTRIAL AREA BY ENCOURAGING A VARIETY OF USES WHILE PROTECTING EXISTING WATER DEPENDENT USES, INCLUDING MARINAS.
- POLICY 1D** DEVELOP THE UPLAND AREA OF SNOWDEN IN MODERATELY LOW DENSITY RESIDENTIAL USES WHICH ARE DESIGNED TO REFLECT THE USES ON ADJACENT PROPERTIES AND TO PROTECT THE TOPOGRAPHIC FEATURES OF THE AREA.
- POLICY 1E** IMPROVE THE OLD CROTON AQUEDUCT SO AS TO ENCOURAGE MORE COMMERCIAL ACTIVITIES IN THE CRESCENT AREA WHICH WOULD BE GEARED TO SERVE VISITORS ATTRACTED BY THIS RECREATIONAL, EDUCATIONAL AND HISTORIC RESOURCE.

#### EXPLANATION OF POLICY

Although much of the Ossining waterfront area during the 1990's, especially at the north and south ends of the Village, experienced a surge of new construction, older developed sections of the central

waterfront area are currently undergoing restoration and revitalization. This policy focuses on these sections.

In responding to this policy, several other policies must be considered. These include Policy 2 on the siting of water-dependent and enhanced uses, Policy 5 on the location of development in areas of adequate public services and facilities, Policies 19, 20, 21 and 22 on public access and recreation, Policy 23 on the protection of historic resources and Policy 25 on scenic quality.

The following guidelines will be used in assessing proposed public and private actions affecting the revitalization of the waterfront:

1. Priority should be given to uses which are dependent on or enhanced by a location adjacent to the water. However, the following uses will also be allowed as long as they adhere to the special requirements and design standards cited in the Village's zoning law (see the Riverfront Development District [RDD] in Appendix B) including but not limited to restaurants, retail, office, and residential uses.
2. The action should enhance existing and anticipated uses.
3. The action should improve the potential for multiple use of the site.
4. The action should serve as a catalyst to private investment in the area.
5. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. Actions which increase the tax base will be encouraged.
6. New development should complement and enhance the character of the area, with consideration given to density and intensity of use, siting, scale, architectural style, historic features of neighboring structures, and landscaping. (See RDD in Appendix B).
7. The rehabilitation of existing properties should be done in a way which complements the character of these properties and preserves and enhances any historic features which they may possess.
8. The action should improve adjacent and upland views of the river and, at a minimum, must not affect these views in an insensitive manner.
9. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration.

**POLICY 2**

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

**POLICY 2A            PROTECT EXISTING WATER DEPENDENT USES IN THE DOWNTOWN WATERFRONT AND FACILITATE THE SITING OF NEW WATER DEPENDENT AND ENHANCED USES AND FACILITIES ON THE DOWNTOWN WATERFRONT, ON THE PRISON LAND, AND AT SPARTA DOCK.**

EXPLANATION OF POLICY

A water-dependent use is one which requires a waterfront location in order to function. A water enhanced use is defined as a use which has no critical dependence on a waterfront location; nonetheless, the use is more profitable and the enjoyment level of users is significantly greater by virtue of its location adjacent to the water. Only a small portion of Ossining's waterfront area which is west of the railroad tracks (see above Policy 2A) is available for water-dependent or enhanced uses. Originally the downtown waterfront was developed as a warehouse and shipping area. Now the primary existing (and potential) water-dependent or enhanced uses in Ossining are recreational, and the demand for these uses is growing.

Water-dependent uses which are appropriate to Ossining's present-day waterfront include: parks and recreational facilities for boating, fishing and swimming, marinas, commercial excursion and charter facilities, and marine educational facilities. Water-enhanced uses include: parks and recreational facilities such as pedestrian and bicycle trails, picnic areas, scenic overlooks, and passive recreational facilities areas that take advantage of coastal scenery, as well as restaurants oriented so that patrons can enjoy views of the river. More specifically, the following water-dependent and water-enhanced uses should be facilitated at the sites identified in Policy 2A:

1.     Downtown waterfront - Marinas at appropriate locations, parks and recreational facilities, commercial excursion and fishing charter facilities, marine educational facilities and restaurants.
2.     Prison property - same as above with a focus on facilities for tourists capitalizing on historic resources of the original Sing-Sing Prison.
3.     Sparta Dock - park and recreational facilities for fishing, swimming and boating.

In developing or redeveloping properties immediately adjacent to the river in Ossining, water-dependent and enhanced uses should be given first priority. After these two types of uses, which are the focus of this policy, temporary non-water related uses should be allowed if there is no immediate demand for water-dependent or enhanced uses but a future use is reasonably foreseeable. (Temporary non-water dependent uses are those uses which do not involve an irreversible commitment of land - e.g. parking lots, outdoor storage, non-permanent structures). Finally, any other non-coastal related use could be allowed if all other reasonable possibilities are exhausted.

Guidelines to be followed in protecting or developing the above uses include:

1.     New public or private water-dependent and enhanced facilities should be developed provided they are consistent with the preservation and enhancement of such

important coastal resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources, and provided demand exists.

2. Where possible and appropriate, new boating facilities should include parking, park-like surroundings, toilet facilities and pump-out facilities.
3. Temporary non-water related facilities should be adequately landscaped or otherwise buffered so that, to the greatest extent possible, they do not detract from nearby water-dependent or enhanced uses.
4. Siting and design of new facilities along the waterfront should be such that they do not create a barrier to recreational use of the shoreline or prevent reasonable enjoyment of a public recreational facility.
5. New water-dependent and enhanced uses should be located so as to enhance, or at least not to detract from, the surrounding community. For instance, residential uses should be protected from odors, noise and traffic.

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

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

**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.**

**EXPLANATION OF POLICY**

Ossining is an almost fully developed community whose infrastructure is generally adequate to accommodate the amount of future development which is apt to take place in the waterfront area. It is important that those few remaining parcels, i.e. the large acre sites north of Snowden Avenue and also the prison site, be developed in ways which not only preserve open space and protect the natural features of the sites but also minimize impacts on the community as a whole. In particular new development should be designed to minimize the impact of traffic on Village streets and highways.

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



## 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. 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.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

## Fish and Wildlife Policies

**POLICY 7                    SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fishing and wildlife populations having significant commercial and/or recreational value; and (5) 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, changes 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 parameters which should be considered in applying the habitat impairment test include:

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 of Coastal Areas and Inland Waterways 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.

**POLICY 7A            THE DESIGNATED COASTAL HABITAT AT THE CROTON RIVER AND BAY SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.**

EXPLANATION OF POLICY

The Croton River and Bay is located between the Villages of Ossining and Croton-on-Hudson in the Towns of Ossining and Cortlandt. The habitat includes an approximate one mile segment of the river and an approximate 1,200 acre shallow bay and mudflat area south of Croton Point. This habitat is one of the largest shallow bay areas in the lower Hudson River that is sheltered from strong river currents and, to some extent, from prevailing winds. Consequently, the area provides favorable habitat conditions for a variety of anadromous fish species, such as blueback herring, and also for resident warm water species, such as largemouth bass. (See Appendix A for the full description of the habitat).

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Croton River and 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 July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations.

Similarly, spills of oil or other hazardous substances, and leachate of contaminated groundwater, constitute a potential threat to fish and wildlife in the bay. Of particular concern in this major tributary system are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. 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 New Croton Reservoir can be reduced to zero.

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

**POLICY 7B                    THE LOCALLY IMPORTANT COASTAL WILDLIFE HABITAT AT EDWARD M. WHEELER CRAWBUCKIE NATURE PRESERVE AREA SHALL BE PROTECTED AND PRESERVED, SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.**

The Edward M. Wheeler Crawbuckie Nature Preserve Area is not likely to be designated as a habitat of statewide significance; however, the area is of local interest. The Edward M. Wheeler Crawbuckie Nature Preserve Area is a 12-acre parcel of dedicated passive park land located at the end of Beach Road on the Hudson River side of the roadway. In 2006 the Village expanded the park with

(respectively): (1) a 12-acre NYS Department of Transportation property; and (2) a 15-acre parcel, 95 percent of which is underwater and the remainder consist of a small piece of sandy land above the high-water mark. The remainder of the area is steeply sloped and heavily wooded with a number of unique trees and shrubs. There are nature trails running through the park which offer glimpses of the river. These trails occasionally wash out or are blocked by fallen trees.

The Edward M. Wheeler Crawbuckie Nature Preserve is the largest of the Village-owned properties, but it is little used and many Ossining residents are unaware of its existence. Although regular maintenance is needed to keep trails passable and improved marking of unique vegetation would increase the area's educational value, the use of the Edward M. Wheeler Crawbuckie Nature Preserve Area should remain passive in order to preserve the area as a quiet retreat for Ossining residents. Any development on the Dominican Sisters properties to the south and north respectively should be sited and screened so as to preserve the tranquility of the Edward M. Wheeler Crawbuckie Nature Preserve.

**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 (Section 27-0901.3) as " waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) 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 has been adopted by DEC (6 NYCRR Part 371).

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 into the State's air, land and waters. 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 non-point sources, and not identified as hazardous wastes but controlled through other State laws.

**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.**

**EXPLANATION OF POLICY**

In New York the primary responsibility for managing the State's fish and wildlife rests with the New York State Department of Environmental Conservation. Any efforts to increase recreational use of fish and wildlife, whether through private or public sector initiatives will have to 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 habitat, public demand, costs and available technology.

The Town of Ossining has recently increased access for fishing with the opening of a public boat launching ramp at the Louis Engel Waterfront Park.

Policies 19 and 20 on public access should be considered when responding to this policy.

**POLICY 10                    FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND  
CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:**

- (i)        ENCOURAGING THE CONSTRUCTION OF NEW OR  
IMPROVEMENT OF EXISTING ON SHORE COMMERCIAL  
FISHING FACILITIES;**
  
- (ii)        INCREASING MARKETING OF THE STATE'S SEAFOOD  
PRODUCTS; AND**
  
- (iii)        MAINTAINING ADEQUATE STOCKS AND EXPANDING  
AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE  
MADE IN A MANNER WHICH ENSURES THE  
PROTECTION OF SUCH RENEWABLE FISH RESOURCES  
AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON  
THEM.**

EXPLANATION OF POLICY

Commercial fishing used to be important along the Ossining waterfront; however, this is no longer the case due primarily to the contamination of the striped bass. Should the industry be revived with the cleaning up of the Hudson River and the shutting down of local sewage treatment plants, Ossining will consider ways to support this activity along its waterfront.

**Flooding and Erosion Policies**

**POLICY 11 THE STATE COASTAL POLICY REGARDING THE SITING OF STRUCTURES TO MINIMIZE DAMAGE FROM FLOODING AND EROSION IS NOT APPLICABLE TO OSSINING.**

**POLICY 12 THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF EROSION AND FLOODING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO OSSINING.**

**POLICY 13 THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO OSSINING. A LOCAL POLICY, HOWEVER, IS SET FORTH BELOW.**

**POLICY 13A PREVENT EROSION OF FILLED LAND WEST OF THE RAILROAD TRACKS WITH EROSION PROTECTION STRUCTURES WHICH 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.**

EXPLANATION OF POLICY

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss. Ossining has very little land west of the railroad tracks and most of this is fill. Since this land is essential to maintaining and developing water-dependent and enhanced uses on the Village's waterfront, it is very important that this vulnerable land be protected. Louis Engel Waterfront Park and Sparta Dock are public recreation areas, both built on filled land, which should be protected.

**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 his actions, man 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 protection 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.

In Ossining, this policy is particularly relevant to the remaining upland portion of the Snowden area, the large remaining undeveloped parcels north of Snowden and the prison property. These areas contain steep slopes which are susceptible to erosion. The following construction practices should be followed when undertaking development projects in all areas of Ossining's waterfront, but especially in those areas cited above:

1. Grading and development shall preserve salient natural features, keep cut fill operations to a minimum and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and rate of velocity of surface water runoff.
2. Disturbed soils shall be stabilized as soon as practicable.
3. Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.
4. The permanent (final) vegetation and mechanical erosion control measures shall both be installed within a specified time.
5. Provisions shall be made to dispose of the increased runoff caused by changed soil and surface conditions during and after development in a manner which minimizes danger of flooding. Where necessary, the rate of surface water runoff shall be mechanically retarded.
6. Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.
7. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
8. Cut and fills shall not endanger adjoining property nor divert water onto the property of others.

9. All fills shall be compacted to provide stability of material and to prevent undesirable settlement.
10. Fills shall not encroach on natural watercourses, constructed channels or floodway areas.
11. Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or flood plains shall have suitable protection against erosion during periods of flooding.
12. No development shall take place in the floodway if such development shall raise the water surface elevation of the base flood at any point within the community.
13. During grading operations, appropriate measures for dust control shall be exercised.
14. Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with Westchester County Best Management Practices Manual.

**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 an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

**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.**

EXPLANATION OF POLICY



Public funds are used for a variety of purposes on the State's shorelines. 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.

**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 SET BACK 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.**

EXPLANATION OF POLICY

This policy only applies to Ossining in terms of flooding and Flood Hazard Areas. Much of the land west of the railroad tracks is in a Flood Hazard Area. This land is generally man-made fill. For the most part, except in the "downtown waterfront" area, the FHA is very narrow. No Coastal Erosion Hazard Areas are likely to be designated in the Village. This policy recognizes the potential adverse impacts of flooding upon development and upon filled land in the coastal area west of the tracks. It also recognizes that structural measures to protect against those hazards tend to be expensive and are frequently not as effective as the measures listed above. Thus, the non-structural measures would be required in the planning, siting and design of proposed activities and development, if any one, or a combination of such measures, would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. The Federal Floodplain Management Guidelines implementing Executive Order 11988 should also be followed. Where non-structural measures would be insufficient to protect filled land, bulkheading would be allowed.

**General Policy**

**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, hydro-electric power generation and recreation.

**Public Access Policies**

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

**POLICY 19A**        **ACCESS TO EXISTING PUBLIC WATER-RELATED RECREATIONAL FACILITIES, INCLUDING THE LOUIS ENGEL TOWN WATERFRONT PARK, SHALL NOT BE REDUCED. ACCESS TO SPARTA DOCK SHOULD BE IMPROVED BY THE ADDITION OF A SAFE TRACK CROSSING. ACCESS TO THE EDWARD M. WHEELER CRAWBUCKIE NATURE PRESERVE AREA SHOULD REMAIN AT CURRENT LEVELS.**

**POLICY 19B**        **THE POSSIBILITY OF INCREASING PUBLIC ACCESS IN THE FUTURE TO THE WATERFRONT AT THE PRISON PROPERTY SHALL NOT BE ELIMINATED THROUGH THE LEASE, SALE OR OTHER TRANSFER OF THAT PORTION OF THESE PUBLIC LANDS WHICH WOULD BE NEEDED TO PROVIDE PUBLIC ACCESS TO THE WATERFRONT.**

**POLICY 19C**        **THE BRIDGES AND STREETS WHICH ARE VITAL LINKS TO EXISTING AND POTENTIAL RECREATION RESOURCES AND FACILITIES ON OSSINING'S WATERFRONT SHALL BE MAINTAINED AND WHENEVER POSSIBLE IMPROVED.**

**POLICY 19D**        **THE VILLAGE OF OSSINING'S PUBLIC WATER-RELATED RECREATIONAL FACILITIES SHOULD BE LINKED VIA A LINEAR TRAIL ALONG THE WATERFRONT. ALL NEW**

**DEVELOPMENT IN THE) RIVERFRONT DEVELOPMENT DISTRICT (RDD) SHALL, WHERE REASONABLE, PRACTICAL AND APPROPRIATE, PROVIDE CONTINUOUS PEDESTRIAN ACCESS ALONG THE WATER'S EDGE AND/OR THROUGH THE SITE TO THE WATER.**

**POLICY 19E ALL NON-RESIDENTIAL DEVELOPMENT IN THE RIVERFRONT DEVELOPMENT DISTRICT (RDD) SHALL, WHERE REASONABLE, PRACTICAL AND APPROPRIATE, PROVIDE ACCESS TO THE WATER'S EDGE IN THE FORM OF RESTAURANTS, SHOPS OR MARINAS OPEN TO THE PUBLIC.**

EXPLANATION OF POLICY

This policy calls for achieving balance among the level of access to a resource or facility, the capacity of the resource or facility, and the protection of natural resources. In Ossining, where the railroad separates the river from most of the municipality, it is especially important that the existing links be maintained and new links be developed.

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, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
  - a. A reduction in the existing level of public access includes, but is not limited to, the following:
    - (i) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
    - (ii) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced.
    - (iii) 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.

- b. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
  - (i) 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.
  - (ii) Sale, lease or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
  - (iii) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

In order to maintain the feasibility of a linear waterfront trail in Ossining, new development to be located between two public recreational facilities on the waterfront should, at a minimum, be designed so as not to impede future linear waterfront access.

- 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 physical capability of the resources or facility.
- 3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
- 4. Criteria for PWRD special permit approval includes, among other restrictions, that at least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, plaza, pedestrian promenades, boardwalk or other similar facility. At least 50% of the gross assembled parcel area under the PWRD shall be permanent publicly accessible open space, which shall incorporate all the Village's policies concerning waterfront access, especially park/public areas, pedestrian waterfront promenades, boardwalks or other similar facilities, and shall provide for unrestricted public access to the waterfront. All public space shall be secured in perpetuity by public easements and recorded deed restrictions running to the benefit of the people of Ossining.

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.

**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 SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

**POLICY 20A ACCESS SHOULD BE INCREASED TO AND ALONG THE WATERFRONT IN THAT PORTION OF THE SING SING PRISON PROPERTY WEST OF THE MTA TRACKS WHENEVER A CHANGE IN CURRENT CIRCUMSTANCES WARRANTS AND WHETHER OR NOT THE PROPERTY REMAINS IN PUBLIC OWNERSHIP.**

EXPLANATION OF POLICY

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a waterfront or to a vantage point from which to view the shore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; 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 on-shore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security or the protection of fragile coastal resources.

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, unless such actions are

demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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:
    - (i) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar linear facilities.
    - (ii) 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, military security, or the protection of identified fragile coastal resources; or (b) adequate access exists within one-half mile. 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. The State and Village will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, 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 Urban Area boundary 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.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resources or coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

7. Criteria for PWRD special permit approval includes that at least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, plaza, pedestrian promenades, boardwalk or other similar facility. Said open space shall have a depth of 20 feet measured from the bulkhead line or mean high water line if no bulkheading is present. All developments seeking a PWRD special permit shall provide continuous and improved pedestrian access along or through the site, as well as improved public access along the water's edge, including pedestrian walkways, open space areas and promenades. Where necessary for security purposes, reasonable restrictions on all publicly accessible open space may be imposed by the Village. No portion of land below the mean high water mark can be counted into calculations of allowable density under the PWRD special use.
8. The PW-a, PW-b, PW-c, PRD and CDD zoning districts (See Appendix B) provide zoning incentives for developments to provide publicly accessible open space and other recreational opportunities on their properties, regardless of the land use of the parcel.

## Recreation Policies

**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.

See Policy 2.

**POLICY 22** DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

**POLICY 22A** IF THE TAPPAN FACILITY OF SING SING IS RELEASED FOR DEVELOPMENT, SOME WATERFRONT RECREATIONAL FACILITIES MUST BE DEVELOPED AS PART OF THE PROJECT.

## EXPLANATION OF POLICY

Many developments present practical opportunities for providing recreational facilities as an additional use for 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.

In Ossining, the only large property directly on the river which might become available for development is the prison. Waterfront recreation facilities will be required as a portion of any proposed development with the type and extent depending on the proposed development as well as on legal constraints, environmental constraints, demand and reasonable safety considerations. Such considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

The PW-a, PW-b, PW-c, PRD, CDD and RDD (See Appendix B) created zoning that provides incentives or the allowable uses for developments to provide publicly accessible, waterfront and other recreational opportunities on their properties.

The Village provides for and encourages the development of water-related recreation. The PWRD special permit use permits and encourages water-related recreation. Permitted uses under the PWRD special permit use include marinas and related uses such as boat dockage, club houses, locker rooms, equipment sales, eating facilities and boat service facilities, as well as commercial excursion and fishing charter facilities and marine educational facilities.

## Historic and Scenic Quality Policies

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

## EXPLANATION OF POLICY

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archeological or cultural significance. The protection of these structures must involve recognition of their importance by all agencies and the ability to identify and describe them. 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 active efforts when appropriate to restore or revitalize through adaptive reuse. While the 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.

Within Ossining it is especially important to protect and enhance the following resources:



1. the State-owned death house and original cell block which comprise a portion of Sing Sing Prison;
2. the downtown waterfront/dock area;
3. the guard tower at Engel Park;
4. the historic "Crescent" shopping area;
5. the Sparta area (the only locally designated historic district);
6. National Register Properties:
  - a. Old Croton Aqueduct and Double Arch
  - b. First Baptist Church
  - c. Calvary Baptist Church
  - d. Squire House
  - e. Brandreth Pill Factory
  - f. Jug Tavern
7. Archeologically sensitive resources on the New York State Archeological Site Location Map.

Guidelines:

1. Take all practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation, including the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:
  - a. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure or site that is a recognized historic, cultural or archeological resource or component thereof. Such features are defined as encompassing 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; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
  - b. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural or archeological resource or component thereof to include all of those features described in (a) above plus any other appurtenant fixture associated with a building, structure or earthwork.

- c. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural or archeological resource and all actions within an 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 judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.
2. The distinctive and historical character of Ossining's Historical and Architectural Design Districts (Sparta is the only designated district at present) and Historic Landmarks shall not be injuriously affected, and the value to the community of buildings having architectural and historical worth shall not be impaired. Alterations to buildings and property within Historical and Architectural Design Districts which detract from existing harmonious relationships insofar as style, material, color, line and detail are concerned shall be prevented. Proposed construction, reconstruction or alteration of an exterior architectural feature shall be reviewed in terms of the following factors: historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.
3. 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 archeological 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 of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource as defined above.
4. Given the possibility of archaeologically significant sites within Ossining's waterfront area, public agencies shall contact the New York State Historic Preservation Officer to determine appropriate protective measures to be incorporated into development decisions.

**POLICY 24**            **THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO OSSINING.**

**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 AND ENHANCE VIEWS FROM ROUTE 9 AND REVOLUTIONARY ROAD.**

**POLICY 25B**         **PROTECT AND ENHANCE VIEWS FROM THE CRESCENT AND WATERFRONT AREA TOWARD THE HUDSON RIVER**

**EXPLANATION OF POLICY**

The Village of Ossining is in large part developed with a limited amount of open space remaining to the north of the Village Center. Much of this open space consists of lawns, woods, steep slopes and gullies. It provides welcome relief from built-up portions of the community and affords opportunities for views of the Hudson River and Palisades. Route 9 is the major thoroughfare in the Village providing access to the visual resources of its waterfront area. This road and also Revolutionary Road from Route 9 to Rockledge Avenue, were considered for designation under the State Scenic Roads Program, which has as its goals the protection and enhancement of the visual quality of the State's roads and the views one gets from them. Although these two road segments were not designated in the first round of designations, the following elements along these roads, as identified in the Scenic Roads inventory, are nonetheless of special importance in creating an impression of the visual character of Ossining:

1.     Sparta Cemetery
2.     Crescent Area
3.     Historic Buildings and Sites
4.     Views of the Hudson River and Palisades
5.     Rock Outcroppings
6.     Stone Walls
7.     Significant Trees
8.     Parks
9.     Decorative Sidewalks

Other heavily frequented areas within the waterfront are also important in forming the overall visual impression of the community. These include:

1.     The railroad station area
2.     The downtown waterfront
3.     The Old Croton Aqueduct ROW

Some of the above areas, e.g. the Route 9 corridor and the railroad station area, are in need of visual upgrading.

When considering a proposed action or development, reasonable steps should be taken to ensure that the action will not seriously impair the visual quality of the Ossining waterfront area. The following siting and design guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of this area wherever possible. It should be recognized that each development situation is unique and that the guidelines will have to be applied accordingly. They include:

1. Site 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.
2. Cluster or orient structures to retain views, to save open space and attractive natural features and to provide visual organization to a development. When development is proposed for the PRD, CDD and OR, open space shall be designed wherever possible to preserve the natural features of a site including but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value, to utilize such features in a harmonious fashion and to enhance the visual appearance of the development. Active and passive recreation areas shall be provided, including private open space adjacent the dwelling units. In the event that common space is provided, it may be left in its natural state.
3. Prevent, wherever possible, the blocking of views of the Hudson River from upland areas and the obliteration of the natural profile of the Eastern Palisade from the river. The PW-a, PW-b, PW-c, RDD and CDD districts are intended to accomplish this objective through limitation of heights and discouraging development on existing steep slopes but where development must take place on existing steep slopes discouraging cut and fill by building into the hillsides with the existing topography of the land.
4. New highway and building construction along Route 9 should, where feasible, open up potential views while giving consideration to the effect this will have on neighboring properties in regard to noise.
5. Incorporate sound, existing structures (especially historic buildings) into the overall development scheme.
6. Preserve and maintain the appearance of Historical and Architectural Design Districts. See Policy 23.
7. Encourage distinguished architectural expression throughout Ossining and prevent excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings.

8. Remove deteriorated and/or degrading elements.
9. Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements except when selective clearing removes unsightly, diseased, or hazardous vegetation, and when selective clearing creates views of coastal waters. To the maximum extent possible, insure that trees over 8 inches in diameter, measured 3 feet above the base of the trunk, are retained.
10. Require that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets and choose landscaping that is in character with that generally prevailing in the neighborhood.
11. Maintain or restore the original land form, except when changes screen unattractive elements and/or add appropriate interest.
12. Signage should be consistent, informative and attractive and should not interfere with the scenic quality of the area. Signs shall be stationary and made of permanent materials.

## Agricultural Lands Policy

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

## 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

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 new facilities. The directives for determining this need are set forth in the New York 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 agency 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. The 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 Ossining, 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 SEQRA and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program. Since Ossining has relatively small areas of remaining open space, it is not likely that the Village would be considered as a site for a major energy facility.

**POLICY 28                    THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT IS NOT APPLICABLE TO OSSINING.**

**POLICY 29                    THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF OFF-SHORE ENERGY RESOURCES IS NOT APPLICABLE TO OSSINING.**

## 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.**

### 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.

**POLICY 31                    STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES 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.**

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. Any planning for water related uses must consider the present and potential future water quality of the body of water in question. Sparta Brook and the Sing Sing Kill are unsuitable for recreational use due to their "D" classification, steep grade and unusually shallow water. Nonetheless, they are being considered for upgrading as part of a generic upgrading of all perennial streams to reflect the fact that nearly all are capable of sustaining at least some fish life. Still, though recent sewer work has reduced contamination, it is unlikely that their water related use will ever exceed their current ability to provide bait for local fisherman.

The Hudson River has an overall classification of "B" which means it is suitable for swimming. It is hoped that the water in the PAL Beach area of the Louis Engel Waterfront Park will soon meet County standards for swimming.

**POLICY 32                    THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO OSSINING.**

**POLICY 33                    BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

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. The steep slopes in Ossining do at times cause stormwater run-off problems but this situation has been handled over the years by storm sewers with only occasional overflow problems. More recently, new developments have been required to install retention basins so that stormwater will percolate into the soil and not increase run-off.

As a condition for tying into the new sewage treatment plant in Ossining, the Village was required to separate its sanitary and stormwater collection systems.

Guidelines:

1. Stormwater runoff during and following any new construction shall be equal to or less than runoff prior to construction.
2. Stormwater shall be handled in such a way that it does not infiltrate and over-burden sewer lines and cause overflows into the Hudson River.

**POLICY 34 DISCHARGE OF WASTE MATERIALS 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 ANY NEW OR EXPANDED MARINAS SHALL INCLUDE PUMPOUT FACILITIES OR INSURE THAT THEIR CLIENTS HAVE ACCESS TO SAME.**

EXPLANATION OF POLICY

Discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into the State's water is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the New York State Department of Environmental Conservation (6 NYCRR, part 657). The Croton River and Bay Significant Fish and Wildlife Habitat, as well as several locations on the Hudson River proposed for swimming, would be particularly sensitive to waste discharges.

**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. 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 after 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 Coastal Management policies 7, 15, 24, 26 and 44).

**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.**

The NYS Environmental Conservation Law (Section 37-0101.2) defines materials hazardous to the environment as "substances which, because of their toxicity, magnification or concentration within biological chains, present a demonstrated threat to biologic life cycles when discharged into the environment."

**POLICY 37                    BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

See Policy 14.

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

EXPLANATION OF POLICY

Surface and groundwater are the principal sources of drinking water in the State and therefore must be protected. Although these are not Ossining's primary sources of water at the present time, they must be protected for possible use by this or other communities.

**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.**

EXPLANATION OF POLICY

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive or toxic. More specifically, 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: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." 6NYCRR Part 371 lists hazardous wastes.

The disposal and treatment of solid wastes can lead to the contamination of water resources, the filling of wetlands, atmospheric loading and the degradation of scenic resources. At the present time there is no disposal, storage or treatment of solid wastes within Ossining and the only transport is local garbage pick-up or the use of Routes 9 and 9A, both State roads, for truck transport. Any future landfill activity will be confined to clean fill and will be regulated so as not to lead to any of the problems described above.

**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 electric generating facility.

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

EXPLANATION OF POLICY

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

**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 Local Waterfront Revitalization Programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration 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 land classification designations based upon State and Local Revitalization Waterfront 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.**

EXPLANATION OF POLICY

The New York Coastal Management Program incorporates the State's policies on the acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

EXPLANATION OF POLICY

There are no tidal wetlands in Ossining. There are several small freshwater wetlands, the most notable being at the Edward M. Wheeler Crawbuckie Nature Preserve Area and at Kemeys Cove on the Village's southern waterfront. Both of these wetland areas should be preserved and protected.

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act. The benefits derived from the preservation of these wetlands include, but are not limited to:

1.     habitat for wildlife and fish, including a substantial portion of the State commercial fin and shellfish varieties and contribution to associated aquatic food chains;
2.     erosion, flood and storm control;
3.     natural pollution treatment;
4.     groundwater protection;
5.     recreational opportunities;
6.     educational and scientific opportunities; and
7.     aesthetic open space in many otherwise densely developed areas.

## Section IV Proposed Land and Water Uses & Proposed Public and Private Projects

### A. Proposed Land and Water Uses

#### 1. Narrative Description of Proposed Uses by Sections of the Waterfront

See [Map 16 - Proposed Land and Water Uses](#).

(a. Section A. Unincorporated Town of Ossining is not included in LWRP)

##### b. Section B. Village of Ossining - Northern Waterfront

The Northern Waterfront is zoned CDD, OR, PRD, S-75, S-125, NC-1 or GB. Low-moderate density housing (2-8 units/acre), senior living facilities, office and research facilities, clubhouses, community centers, hotels, conference centers and places of worship are the recommended uses for the undeveloped and under developed parcels. Other business and commercial uses are permitted in the GB and NC-1 districts. These uses fit the rugged topography that characterizes much of the land. The residential development consists of condominiums taking advantage of the river views. The other non-residential land uses identified for this area will provide needed jobs and property tax revenues without putting any added strain on local schools. A clustering of structures will be promoted so that development is confined to the more level open portions of land while preserving the steep ravines and other natural areas. Due to soil instability and proximity to the Edward M. Wheeler Crawbuckie Nature Preserve Area, that portion of the Dominican Sisters' land that is a recent landfill site should be preserved as open space.

No changes are proposed for the developed portions of the waterfront.

##### c. Section C. Edward M. Wheeler Crawbuckie Nature Preserve Area

The Edward M. Wheeler Crawbuckie Nature Preserve Area should remain essentially as it is; a quiet area of nature trails.

##### d. Section D. The Snowden Area

The area is predominately zoned for CDD and T. Low-moderate density housing (up to 8 units per acre) is the recommended use for the undeveloped, upland section of the Snowden area. Most of this land is heavily wooded and quite rugged with deep ravines carrying intermittent streams into the Hudson River. As the land drops off to

the west of this and lies adjacent to the Edward M. Wheeler Crawbuckie Nature Preserve Area, it should be kept in its natural state and used as an extension of the nature area for the enjoyment of all and the preservation of the unique plantings that exist there. With regard to land use in the lowland section of Snowden close to the river, see the description of uses under Section F.

e. Section E. The Crescent

The Crescent area should remain Ossining's central business district, designated so by the new VC (Village Center) zone. It is proposed that the Village owned parcels located on both sides of Main Street be developed as new infill buildings, a green space and parking area. Since the Crescent has been included within the boundaries of the State Heritage Area system, it is also proposed that it be developed as a tourist attraction in accord with the Heritage Area Management Plan.

The more westerly portion of the Crescent area is now zoned for Planned Waterfront Development and two-family residences and should be developed in ways which take advantage of the river views from Hunter Street and the proximity of the area to the railroad station.

f. Section F. The Downtown Waterfront

Planned mixed use development is proposed for this section of the waterfront. Uses would include water-dependent uses as well as certain non-water-dependent commercial, recreational and residential uses. Water dependent uses would include the following:

- Water recreational activities such as fishing, boating, kayaking, beaches, etc.;
- Docking, mooring and launching facilities; and
- Marinas and water craft rental and retail uses.

Objectives for uses on the Downtown Waterfront would be:

- protecting existing water-dependent uses and providing for new water-dependent uses such as the two marinas currently located in the Downtown Waterfront;
- providing greater public access to the waterfront;
- providing for a mix of commercial, recreational and residential uses and allowing existing commercial uses to continue.

A gradual upgrading of the area is envisioned with the uses becoming more waterfront and people oriented.

g. Section G. The Spring Street Neighborhood

This area should remain a residential neighborhood.

h. Section H. The Sing Sing Correctional Facility

Once the prison property is released, it should become a water-dependent use, residential, and commercial area. Uses would include water-dependent uses, as well as certain non-water-dependent commercial, recreational and residential uses. Water dependent uses would include the following:

- Water recreational activities such as fishing, boating, kayaking, beaches, etc.;
- Docking, mooring and launching facilities; and
- Marinas and water craft rental and retail uses.

Housing on the eastern portion would be compatible with the surrounding neighborhood and would take advantage of the river views. Office/retail use could be located nearer the railroad tracks with the slopes acting as a natural buffer. That portion of the prison property west of the tracks should be developed, at least in part, for recreational use to include a public park area, construction of a RiverWalk trail, and commercial water related and water dependent facilities. A marina could be located in the protected waters off the south side of the property.

i. Section I. The Southern Waterfront

This should remain a primarily residential section of the waterfront with Sparta Park serving its passive recreational needs. The Sparta Dock area should be used primarily for fishing and, as the river becomes cleaner, for swimming. The historic properties in the area have received local State and Federal recognition.

The retail area adjacent to Route 9 should remain commercial.

j. Section J. The Briarcliff Manor Waterfront - not included in LWRP

## B. Proposed Public and Private Projects

This part of the LWRP is divided into two sections. Section 1 is a listing of the proposed projects by section of the waterfront. Many of these are long term projects. In Section 2, the most critical projects are examined in detail with proposals for their implementation. (These projects are marked with an asterisk in Section 1.)

### 1. Summary and List of Proposed Projects

a. Section A. Unincorporated Town of Ossining - not included in LWRP

b. Section B. Village of Ossining - Northern Waterfront

- \*1) Minor improvement of the Old Croton Aqueduct Linear Park. (See B.2.a)
- 2) Establish RiverWalk in the various sections of the Northern Waterfront especially the undeveloped or underdeveloped areas.

- c. Section C. Edward M. Wheeler Crawbuckie Nature Preserve Area (B.2.b)
- \* 1) Clear and improve trails; remark and create new trails to improve education aspects of the park and locate a small rustic shelter/-bulletin board near the park entrance.
  - 2) Increase the total acreage of preserved parkland of the Edward M. Wheeler Crawbuckie Nature Preserve Area when possible.
- d. Section D. The Snowden Area
- \*1) Careful development of the undeveloped properties off Snowden Avenue. (B.2.c.)
  - \*2) Minor improvements to the Old Croton Aqueduct Linear Park including work on the weir chamber north of Snowden Park. (B.2.a.)
  - 3) Establish RiverWalk and linkages to the Edward M. Wheeler Crawbuckie Nature Preserve Area in the various sections of the Snowden area, especially the undeveloped or underdeveloped areas.
- e. Section E. The Crescent
- \*1) Create infill development, a new Village green and municipal parking for the Village owned properties. (B.2.d.)
  - \*2) Continue the infrastructure improvements (see B.2.e).
  - \*3) Make needed improvements to the Aqueduct Linear Park (see B.2.c). Look into possible sources of grant money.
- f. Section F. The Downtown Waterfront
- \*1) Encourage revitalization in the Planned Waterfront Development Zones. (B.2.g.)
  - \*2) Continue improvements to Louis Engel Waterfront Park (see B.2.f).
  - 3) Screen the railroad tracks, improve the streetscape around the station and connections to the downtown.
  - 4) Improve the parking situation (see B.2.b.).
  - 5) Establish RiverWalk and improve public access to the waterfront in the various sections of the Downtown Waterfront.



- g. Section G. The Spring Street Neighborhood  
No Projects
- h. Section H. The Sing Sing Correctional Facility
  - 1) If possible, establish RiverWalk and improve public access to the waterfront.
- i. Section I. The Southern Waterfront
  - \*1) Continue to apply for grants or other opportunities for a pedestrian crossing of the railroad tracks to make Sparta Dock area safely accessible. (See B.2.g)
  - 2) Preserve the old mine openings by stabilizing the mine walls, installing a grate to prevent people or animals from falling into the mine, and erecting a sign to explain the importance of mining in Ossining's past.
  - 3) If feasible, develop a trail between Scarborough Manor Apartments and Kemeys Cove Condominiums as part of the circular walkway.
  - 4) Establish RiverWalk and improve public access to the waterfront in the various sections of the Southern Waterfront.
- j. Section J. The Briarcliff Manor Waterfront - not included in LWRP

## 2. Individual Projects Critical to the Revitalization of the Waterfront

It has been, and continues to be, critical to the revitalization of the Ossining waterfront area that the infrastructure be improved, that the public areas be spruced up, that the image of the area be changed to interesting and historic rather than old and dilapidated, and that public access to and appreciation of the river be increased.

Following are some individual projects, either underway or being planned, which are important to the above goals.

### a. **Aqueduct Linear Park Improvements**

The Old Croton Aqueduct runs through most of the Ossining Waterfront Area in a north-south direction. It provides Ossining's State Heritage Area with one of its two major resources as well as providing a public right-of-way through the Village.

Over the past fifteen years, the Village of Ossining has been leasing portions of the aqueduct land from the State and transforming it into a linear park. An overlook park has been constructed on some of this leased land so that people can safely view the Double Arch and the deep gorge of the Sing Sing Kill. In addition, a weir chamber at the north end of Ossining's aqueduct bridge has been fitted with stairs, railings and

lighting in order to provide public access into the conduit through which the Croton River water flowed into New York City. (See Section II).

Additional improvements to the Old Croton Aqueduct are included in the Ossining Heritage Area Management Plan.

**b. Edward M. Wheeler Crawbuckie Nature Preserve Area and RiverWalk**

Trail and signage improvements to the Edward M. Wheeler Crawbuckie Nature Preserve Area are proposed which would make it possible for the average walker to enjoy its peaceful atmosphere, unique plantings and wonderful views of the Hudson River.

The former trail work at the Edward M. Wheeler Crawbuckie Nature Preserve Area was performed by CETA crews working with enthusiasm but no professional direction. These paths quickly deteriorated in the steeper areas and in parts where crossed by natural drainage paths. Crudely constructed steps and bridges soon washed out making some trails impassable.

It is now proposed that the trails be laid out by a professional landscape architect who would also supervise the work as it was being done. The architect would design a series of stepped ramps where needed and would include drainage controls to protect them. New plantings would secure unstable embankments. The ravine would be crossed by a prefabricated bridge and the Edward M. Wheeler Crawbuckie Nature Preserve Area linked up with the area to be left in its natural state. A viewing area would be developed where the trees open up and the river appears in all its glory. A small rustic shelter/bulletin board might be located here or near the park entrance. Trail markers would direct walkers and would identify plantings of special interest.

This project can stand on its own or can be viewed as a major step in a larger plan to create a RiverWalk throughout the Village of Ossining.

The Westchester County RiverWalk is a planned 46.6-mile pathway paralleling the Hudson that links village centers, historic sites, parks and river access points via a connection of trails, esplanades and boardwalks. It spans 14 municipalities in Westchester, from the Town of Cortland border with Putnam County south to the City of Yonkers border with New York City and is part of the Hudson River Valley Greenway system. RiverWalk will be developed through a series of projects constructed by the County, local municipalities and other entities, including private developers. Due to riverfront obstructions such as Sing Sing and the County Treatment Plant as well as the ownership of private property along the water, the County planned for RiverWalk to travel through Ossining along the riverfront, where possible, and along the existing Aqueduct trail and Village streets or public land where riverfront land was currently inaccessible to the public.

Since Ossining already has an existing linear park running through its boundaries, the Old Croton Aqueduct, this opens up the many alternatives for the path of RiverWalk. The Village is still in the process of defining the path of RiverWalk through the Village. The County Plan begins the Ossining portion of the trail at the north end of the Village at the “Crossing” bike/pedestrian path over the Croton River outlet to the Hudson River. The trail would continue south along the west side of Route 9 and at the intersection near Audubon Drive, where the trail begins to follow the historic Old Croton Aqueduct south for 1.2 miles to the Main Street intersection in downtown Ossining.

Current plans have the trail leading from Route 9 and heading towards the Mariandale Convent of the Dominican Sisters of Hope who, in 2006, started working with the Village and the County to create a 20- to 30-foot wide easement around the perimeter of their property for RiverWalk and connect with the Crawbuckie trail. The trail at the Mariandale property would also connect with the Old Croton Aqueduct trail in the northern end of the property, which would connect to Main Street. The southern connection would traverse through the Edward M. Wheeler Crawbuckie Nature Preserve Area and connect with either Water Street or Snowden Avenue. It would then cross over the Metro-North tracks at the intersection of Snowden Avenue. The trail goes south on Westerly Road, passes through the future public park at the One Harbor Square development, then crosses over the railroad tracks at the Ossining Metro-North train station to Main Street. There is also a link to the existing promenade at Louis Engel Park, but the existence of the prison facility and wastewater treatment obstruct further development of the promenade at this time and the current route essentially stops at Engel Park and loops back to Main and eastward to Hunter Street to avoid these two land uses, before running south again. However, the Village is looking at alternatives that would hopefully include RiverWalk along Sing Sing and the Westchester County Wastewater Treatment Plant properties in the future. This would include a potential alternate route directly on the waterfront, south of Engel Park through the wastewater treatment plant, Sing Sing Correctional facility and Metro-North lands to Sparta Park. This alternate route would require construction of a new bridge to cross over the Metro-North lands from the Sparta Park waterfront to Liberty Street as well as an agreement with Sing Sing to use its waterfront property.

From the Ossining station waterfront area, the route proceeds south along Hunter Street, and then winds down the Sing Sing Correctional Facility Perimeter Access Road. At State Street, the route continues south along Lafayette and Spring Streets to Liberty Street and Sparta Park. The County planned for the trail to continue from Sparta Park along Hudson Road, Liberty Road, Rockledge Avenue, Revolutionary Road and Kemey Avenue to the Village line near Scarborough Station. However, the Village is investigating to see if a portion of RiverWalk can be developed between the railroad tracks and the river along the shoreline between Scarborough Station to Sparta Park.

**c. Village-owned Downtown Properties**

The Village is looking to create infill development, and a Village green for the downtown Crescent. This would revitalize the Crescent with additional workers and visitors while adding to the parking rather than placing an added strain on an already tight parking situation.

**d. CBD (Crescent) Infrastructure Improvements**

The streets and sidewalks have been rebuilt in the historic downtown shopping area of Ossining. These improvements include new water mains, as well as sanitary and storm sewers, and are designed to be able to handle new development, as well as encourage it through a more attractive streetscape. A decorative brick strip has been added along sidewalks and trees are being planted. This work has been completed along Main Street from Route 9 west to State Street and along Church Street. The southern end of Brandreth Street has been completed and Spring Street and State Street have been rebuilt as far south as Broad Avenue. Improvements to Main Street from State Street down to the railroad station need to be done, including trees, benches and signage indicating the way to the railroad station and waterfront park.

Parking needs to be addressed in the downtown area and near the station. A parking structure has been proposed for the downtown and provisions for station parking should to be addressed on a regional basis.

**e. Waterfront Development Districts**

Ossining has added eight new Waterfront Districts (SP-N, SP-S, CDD, RDD, IR, PWa, PW-b, and PW-c) to its Zoning Law, The objectives of the waterfront development zones are to permit a variety of riverfront related uses and to encourage a mix of such uses while further encouraging public access and use of the area. A further objective is to facilitate the assemblage of sites and redevelopment of substandard areas with uses more appropriate to their location near the river. The furtherance of these objectives can have a notable effect on the revitalization of the Ossining waterfront. The Village has adopted a Planned Waterfront and Railway Development (PWRD) overlay with uses subject to the special permit approval by the Village Board pursuant to specific criteria.

**f. Louis Engel Waterfront Park Improvements**

The Town of Ossining has recently completed a stabilization of the shoreline. . These include a boating/fishing dock, spray deck, increased picnicking facilities, further landscaping, playground, a pavilion, improvements to the guard tower and possibly a restaurant. Directional signage to the park will be added. Parking for the Waterfront Park will be studied along with the other serious parking problems in the area.

**g. Access to Sparta Dock**

A feasibility study of various types of track crossings and preliminary engineering and design work necessary to provide a safe track crossing to Sparta Dock has been completed. The approximate costs to fund the pedestrian crossing are now in the millions.

## Section V Techniques for Local Implementation of the Program

### A. Local Laws and Regulations Necessary to Implement the LWRP

#### 1. Existing local laws and regulations

The following Local Laws, Codes and Regulations are all part of the Village of Ossining's Code of Ordinances.

##### a. **Appendix C: Subdivision Regulations**

- (i) The Village's subdivision regulations cover site conditions including slopes and storm water drainage systems, utility systems including sanitary waste disposal, design standards, including land use standards, and preservation of the natural features and public improvements on properties being subdivided.
- (ii) Where they apply, these regulations affect many of the waterfront policies with special emphasis on the development, flooding, scenic quality and water and air policies.

##### b. **Appendix B: Zoning Law, Chapter 270**

- (i) The Village's Zoning Law controls the use of all parcels within the Village (see [Map 17](#)). All construction requires action by one or more of the following entities: the Building Department, the Planning Board, the Zoning Board, the Historic Preservation Commission and the Board of Architectural Review. Zoning changes need the approval of the Village Board. In addition, site plans are reviewed by the Planning Board prior to application for a building permit.
- (ii) Among the stated purposes of the Zoning Law are: the encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands. It controls the type and location of development, the density of development, and the height, size and bulk of new structures. The zoning law will implement LWRP development and recreational

policies by specifying type of land use; it will implement the policies having to do with fish and wildlife, flooding and erosion, public access, scenic quality and water and air resources, by controlling not only the type of land use, but its density and the siting of buildings.

Some zoning sections of special interest to the LWRP are described below:

**Planned Residence District (Section 270-12)**

- (i) This district covers areas of Ossining's waterfront which are characterized by attractive natural features and views to the Hudson River and western Palisades. The district provides for single and two-family residences, related non-residential uses and certain conditional uses. Conditional uses are subject to site plan review. Clustering is encouraged here so as to preserve natural features such as wetlands, major stands of trees, steep slopes, ridgelines and other significant geologic features and views. Building height is limited to 2.5 stories, except in the PRD parcels that abut the Western side of Hudson Street, where the building heights of attached buildings can increase to not more than 10 ft above the western curb of Hudson Street.
- (ii) The provisions of this district will implement the LWRP in that they will allow for development while at the same time retaining much of the attractive natural character of the areas covered by the district. Height limitations will protect views to and from the river.

**Office Research District (O-R) (Section 270-18)**

- (i) The Office Research District covers extensive areas in the northern portion of the Waterfront Area. In this district the intention is to allow for offices and commercial research laboratories,, senior living facilities, hotels and conference centers.

All uses in the district are subject to site plan approval. Because the areas covered by the O-R district are similar to those of the Planned Residence District, development sites are to be landscaped and projects are to be designed to preserve the natural features of the site including water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

- (ii) Similar to the PRD District, the O-R District serves to implement the LWRP by allowing for development of a moderate level, while at the same time protecting the natural features which remain in the areas covered by the district.

**Development District (Section 270-19)**

- (i) This district covers areas of Ossining's waterfront which remain essentially undeveloped and which are characterized by attractive natural features and views to the Hudson River and western Palisades. The district provides for low density residential, low intensity non-residential uses and certain conditional uses. Conditional uses are subject to site plan review. Clustering is encouraged here so as to preserve natural features such as wetlands, major stands of trees, steep slopes, ridgelines and other significant geologic features and views. Building height is limited to 4.0 stories.
- (ii) The provisions of this district will implement the LWRP in that it will allow for development while at the same time retaining much of the attractive natural character of the areas covered by the district. Height limitations will protect views to and from the river and promote preservation and creation of public open space, green building and RiverWalk trails through incentives.
- (iii) The zoning for this district would require open space and allow for smaller multiple story buildings in order to make cluster development possible. It would also encourage preserving the area's unique, natural environmental features by not allowing wetlands to be considered developable land and minimizing development on steep slopes and having a lower permitted density than the rest of the waterfront districts.

**Riverfront Development District (RDD) (Section 270-22)**

- (i) This district applies to those areas of Ossining's waterfront west of the railroad tracks paralleling the Hudson River. This district encourages protection of existing water-dependent uses and development of a broad mix of new uses, including water-dependent and enhanced recreational uses as well as other commercial, recreational and residential uses. All uses are subject to site plan review. Developments are to be designed to maximize views of the river, and building heights are limited to 3 stories. The zoning for this district provides:
  - Maximize opportunities for waterfront recreation and parks, and for the construction of portions of RiverWalk;
  - Restrict the heights of new buildings to not extend higher than 3 stories;
  - Setback new buildings from the river to minimize flood conditions;



- Orient new buildings to preserve and provide views towards the Hudson River and Palisades;
  - Encourage reuse of historic buildings such as the Mobil Oil warehouse; and
  - Allow for a mix of commercial, residential and recreational uses.
- (ii) The provisions of this district will implement the LWRP in that they will allow for development while at the same time promoting water-related uses and public access to the waterfront. Height limitations will protect views to and from the river.

To facilitate revitalization of the Downtown Waterfront the Village also established a new overlay in the previously WD-1, now RDD zone, where uses are subject to special permit approval entitled “Planned Waterfront and Railway Development” (“PWRD”) and to establish, among other things, design standards and bulk and area requirements for such use. In order to encourage the revitalization of this area and fulfill the goals of the LWRP in creating maximum open space, meaningful public access and intensive mixed-use, additional height, up to a maximum of 100 feet and additional density, up to a maximum net density of 48 units per acre for residential uses, will be permitted under the PWRD special permit use so long as the proposed use meets all the criteria set forth in the PWRD. This PWRD use must have, among other things, a minimum site area of 3 acres, with frontage on the Hudson River, be within 500 feet of a railroad station, provide for unrestricted public access to the waterfront with all buildings designed to reduce impacts on views both to and from the Hudson River to the maximum extent practicable.

**Planned Waterfront Subdistrict (PW-a) (Section 270-23)**

- (i) The Northern Waterfront zone lies in primarily industrial, low-lying area just east of the railroad tracks between the tracks and Water Street. The area relies solely on Water Street for access. The zoning limits heights to protect the views from the neighboring property owners located on the Plateaus set approximately 65 feet above Water Street. Some of the industrial buildings in this area have historic significance including extant buildings from the Brandreth Pill Factory Complex on the North Water Street Extension and the zoning provides incentives for their protection. The industrial buildings are on the National Register. Access to this area is narrow and steep. The zoning for this district:
- Allows for a mix of commercial, residential and recreational uses and discourages industrial uses.

- Regulates heights of buildings so as not to obstruct views of the Hudson from the plateaus.
  - Encourages the reuse of historic buildings including the Brandreth Pill Factory.
- (ii) The provisions of this district will implement the LWRP in that it will allow for mixed use development while at the same time limit heights to protect views to and from the river from the surrounding plateau areas and promote preservation and creation of public open space, greenbuildings and historic preservation through incentives.

**Planned Waterfront Subdistrict (PW-b) (Section 270-23)**

- (i) This district includes the Ossining Metro-North Station, the Hudson Wire Building, former Department of Public Works, Metallized Carbon and the Sing Sing Kill. Steep hills lead from the Crescent business area down to the railroad tracks. Portions of the area are low-lying and tend to flood. Currently, the type and amount of development near the Metro-North Station does not contain the density nor the land uses to take significant advantage of the transit services. The zoning for this district:
- Takes advantage of its location adjacent to the train station by increasing densities and decreasing parking requirements. (Any new development should market accessibility to transit and views);
  - Limit heights of new buildings to be contextual with adjacent, existing architecture except when topography allows for greater heights that will not obstruct view corridors, but will provide expansive views of the Hudson;
  - Allows for greater densities than in other areas of the waterfront as long as the design of any project adapts to the steep slopes that are present there; and
  - Encourages partially below-grade parking on ground floors in areas that are prone to flooding.
- (ii) The provisions of this district will implement the LWRP in that it will allow for more dense development while at the same time promoting public park creation, green building and remediation through incentives. It also directly supports the provisions of the LWRP policies having to do with revitalization of deteriorated waterfronts, visual quality and water and air quality by providing new development. This zone promotes transit oriented development by being located next to the transportation hub of the Village and by its residents being able to utilize the train and bus transportation, which will reduce dependency on cars commuting to and from work as well

as to downtown Ossining. Height limitations and contextual architecture will protect views to and from the river.

**Planned Waterfront Subdistrict (PW-c) (Section 270-23)**

- (i) The Hillside zone is a steeply sloped area located generally south of Main Street running between Hunter Street starting at lot 97.07-1-51 and State Street north of James Street with the exception of lot 97.07-2-22. The area sits on a ridge which offers panoramic views of the Hudson River and Hudson Palisades. The parcels are generally larger than those in the surrounding residential neighborhoods, but the location is not quite appropriate to be a part of the central business district like the downtown Crescent area. The zoning for this district:
- Includes mixed use as part of any development in this zone; and
  - Protects view corridors by limiting heights.
- (ii) The provisions of this district support LWRP policies having to do with revitalization of downtown and visual quality while preserving view corridors. The provisions of this district also implements the LWRP in that it will allow for more dense development while at the same time promoting public park creation, green building and historic preservation through incentives.

**Station Plaza North and South (SP-N and SP-S) (Sections 270-20 and 270-21)**

- (i) The historic buildings near the westerly intersection of Main Street and Secor Road have an interesting character and excellent potential for adaptive reuses which would better utilize their existence. Furthermore, the properties near both of Ossining's train stations are small and redevelopment of those properties for mixed uses will promote economic activity around the train stations. The zoning for this district:
- Protects the prevailing existing building form in this zone, which is for small-scale structures with shallow yards. Any redevelopment should protect this form to the greatest extent possible.
  - Encourages mixed uses that would be an appropriate gateway to the train station.
  - In the SP-N the zoning permits residential units atop nonresidential uses and prohibits residential units on the ground floor or in a basement.

- (ii) The provisions of this district support LWRP policies having to do with revitalization of deteriorated waterfronts and visual quality the new district will encourage the reuse and preservation of the smaller lots and existing buildings. It also encourages mixed use development to help add to the economic development of the waterfront.

**Institutional Redevelopment (IR) (Section 270-24)**

- (i) The Sing Sing Correctional Facility dominates this section of the waterfront with its massive buildings and towering concrete walls. The zoning for this district:
- Ensures that, in the event that Sing Sing Correctional Facility is ever closed, future plans for the site are consistent with other plans for the waterfront and consistent with the intent and guidelines for the waterfront area iterated above.
- (ii) The provisions of this district will implement the LWRP in that they will allow for development while at the same time promoting water-related uses and public access to the waterfront. Height limitations will protect views to and from the river. The provisions of this district also implement the LWRP in that it will allow for more dense development while at the same time promoting public park creation, RiverWalk, green building and historic preservation through incentives.

**Other Districts in the Waterfront Area**

- (i) The remainder of the Waterfront Area is divided into several single and multi-family residential districts, business districts and a small professional office district. With the exception of single family and two-family detached residences, uses in these districts are subject to site plan review. For the most part, building height is limited to 2.5 stories; the exceptions are the MF-2 district where 6 stories are allowed and the central business district where 4 story buildings are allowed.
- (ii) These districts reflect existing land use in the Village and will serve to retain the existing low-rise but moderately dense development pattern.

**Historical and Architectural Design District ( HADD) (Section 270-25)**

- (i) The HADD District restricts change and development within the Village's Historical Architectural Design Districts. It sets up a Historic Preservation Commission that will:

- a. Hear applications for and recommend the Designation of Landmarks and Historic Districts to the Board of Trustees in accordance with the procedures set forth herein;
  - b. Hear and approve or disapprove applications for Certificates of Appropriateness pursuant to the criteria set forth herein;
  - c. Determine whether an application submitted to it pursuant to this section is complete and to hear and decide requests for waivers of required application items; and
  - d. Hear applications for and recommend to the Board of Trustees the donation of façade easements. .
- (ii) The provisions of this district will implement the LWRP in that they will allow designation of local historic landmarks and structures significant to the Village as well as set up parameters for their preservation. Height limitations will protect views to and from the river. These regulations enforce Policy 23 and, to a lesser extent, Policy 25.

Although in practice the Historic Review Commission has tended to restrict its activities to Sparta, the Village's only designated HADD; the intent of the ordinance is to protect all buildings having architectural and historical worth, not just those within designated districts. .a

**General Landscaping and Environmental Control Requirements (Section 270-35)**

- (i) This section discourages development on steep slopes but sets forth detailed construction practices which are to be followed when development on slopes of greater than 15 percent is permitted. It also sets site design guidance for environmental resources and features as well as encourages green building.
- (ii) The provisions of this section enforce LWRP policies having to do with the prevention of erosion and the protection of water quality.

**Cluster Development (Section 270-36)**

- (i) This section gives the Village Board the power to authorize the Planning Board to modify applicable bulk and area provisions of the Zoning Law.
- (ii) The clustering of development on the more buildable portions of a site can preserve the more fragile lands, leave space free for recreation, concentrate the utilities and cut down on the paved areas.

In addition, the ordinance protects the public interest and supports the waterfront policies as outlined above.

**Old Croton Aqueduct (Section 270-37)**

- (i) This section establishes 25 foot buffer strips on either side of the aqueduct. Within 25 feet of the aqueduct on both sides, no construction, grading, excavation or construction of buildings will be permitted.
- (iii) This provision implements LWRP Policy 23 by protecting an historic resource which is significant not only to Ossining, but to the State as well.

**Zoning Board of Appeals (Article IX)**

- (i) The Zoning Board of Appeals rules on requests for variances to the provisions of the Zoning Ordinance. Their rulings must be consistent with State law.
- (ii) The ZBA will refer to the LWRP and will make its determinations in accordance with the program's policies.

**Planning Board (Article X)**

- (i) The Planning Board is responsible for issuing site development plan approvals. No site development plan approval is required for single-family or two-family detached residential uses or for additions, alterations or structures accessory thereto. All other principal uses however, including detached residences that are part of an approved or proposed subdivision, conversion from rental housing to cooperative or condominium form of ownership and all conditional accessory uses require a site development plan approval prior to the issuance of a building permit, certificate of occupancy or certificate of use. The Planning Board also makes recommendations to the Village Board on requests for rezoning and special permits.
- (ii) The Planning Board will play a central role in ensuring that the full range of waterfront policies is considered when project proposals and rezoning requests are being reviewed.

**Village Board/Special Permits (Article XI)**

- (i) This article establishes the Village Board's authority to issue special permits. The zoning districts discussed above contain the special

requirements and design standards which will be the basis for the Village Boards' decisions.

- (ii) This provision gives the Village Board a central role in making land use decisions throughout the waterfront area. These decisions will relate to the majority of LWRP policies.

**Board of Architectural Review (Article XII)**

- (i) The Planning Board members also sit as the Board of Architectural Review and in this capacity control the exterior appearance of new and altered buildings. This review is required in all cases requiring site plan approval. In cases where site plan approval by the Planning Board is not required, such as for one and two-family residence additions, separate application is made to the Board of Architectural Review and their approval is required prior to the issuance of a building permit.
- (ii) The actions of the Board of Architectural Review apply to the development and scenic quality policies.

**c. Building and Housing Codes (Chapter 91 and 95)**

- (1) The Village follows the State Building and Housing Codes. This controls the quality of construction within the Village.
- (2) Gives a basic degree of control over new structures within the LWRP boundaries and will support implementation of the development policies.

**d. Environmental Advisory Council (Chapter 119)**

- (i) This article sets up a nine member council for the preservation and improvement of the quality of the natural and man-made environment within the Village.
- (ii) The Council was reactivated in 1990 and acts as a watchdog to prevent actions contrary to the policies adopted in the LWRP.

**e. Stream Maintenance Law (Chapter 141, Article I)**

- (i) The purpose of the law is to limit the danger of flooding by preventing blockage of natural stream flow as a result of improper maintenance and debris.

- (ii) This law is relevant to implementation of the flooding policies, the water resource policies and the scenic policy.

**f. Conservation of Freshwater Wetlands (Chapter 149)**

- (i) The local law adopts the procedures, concepts and definitions of Article 24 of the New York State Environmental Conservation Law, which regulates freshwater wetlands.
- (ii) Although primarily concerned with Policy 44 on the protection of tidal and freshwater wetlands, this article also serves to enforce Policy 7 on fish and wildlife.

**g. Environmental Quality Review (Chapter 118)**

- (i) The local law is in compliance with Part 617 of Title 6 NYCRR (SEQRA) and is designed to mitigate actions which would have a significant effect on the environment.
- (ii) Environmental Quality Review is relevant to implementation of most of the LWRP policies.

**h. Excavations and Fill (Chapter 122)**

- (i) This ordinance recognizes that the excessive removal or deposit of fill on private property, as well as the removal of trees, results in increased surface drainage and increased soil erosion. In any case where more than 5 cubic yards of soil, sand or stone is to be removed or deposited, maps showing the present grade, the change proposed and the grade after the work has been completed must be prepared. The maps must also show the approximate grades of all adjacent properties for an area large enough to determine the effect of such changes in grade upon these areas. The Planning Board shall study the proposal and approve the application if the project will not create excessive drainage or erosion conditions and provided the following guidelines are adhered to:
  - (a) Adequate barricades will be erected and maintained and adequate provision made for the prevention of flying dust;
  - (b) Any excavation made upon property above the level of an abutting highway shall be so made that neither the excavation nor any deposit of topsoil, earth, sand, gravel, rock or other substance removed from the excavation will interfere with any natural watercourses on, or the natural drainage of, the property, and at the termination of the permit;



- (c) The premises shall be rough graded in such a manner that the natural drainage shall be fully restored;
  - (d) Any excavation upon any property at or below the level of the abutting highway shall be promptly refilled to the natural grade of the property with clean, non-burnable fill containing no garbage, refuse, offal or any deleterious or unwholesome matter and dust down or its equivalent shall be spread to prevent dust from flying;
  - (e) In the case of topsoil removal, there shall be left at least four (4) inches of topsoil upon the surface from which topsoil is removed and the area from which the topsoil is taken shall be harrowed and reseeded with rye or other fast-growing vegetation; and
  - (f) There shall be filed a bond in such amount as may be determined by the Planning Board and approved by the Corporation Counsel or cash to insure the proper and faithful completion of the work in accordance with the terms of the permit issued and which bond shall further indemnify the Village for any damage to Village property. In addition, trees measuring more than three inches in diameter may not be removed from any privately owned lot exceeding 2 acres in area without a permit unless they are diseased or dead.
- (ii) This ordinance was designed to prevent an increase in surface drainage and soil erosion and thus supports flooding and erosion policies, particularly Policies 14 and 37, as well as Policy 25 on visual quality.

**i. Garbage, Trash and Refuse (Chapter 225)**

- (i) This ordinance makes it unlawful for people to store or dump rubbish, junk or garbage within the Village. All refuse collection within the Village is under the supervision of the Superintendent of Public Works.
- (ii) These regulations are supportive of policies addressing water quality and visual quality.

**j. Sewers and Sewage Disposal (Chapter 259)**

- (i) Chapter 259 controls the discharge of wastewater and requires sanitary facilities and connections with proper public sewers in all buildings situated within the Village.
- (ii) These regulations will implement water quality policies, particularly Policies 30, 33 and 38.

**k. Flood Damage Prevention (Chapter 141)**

- (i) It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
  - (a) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
  - (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
  - (c) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
  - (d) Control filling, grading, dredging and other development which may increase erosion or flood damages.
  - (e) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
  - (f) Qualify for and maintain participation in the National Flood Insurance Program.
- (ii) Chapter 141 and the Floodplain Management Guidelines enforce flooding and erosion policies, particularly Policy 17 on siting structures, so as to minimize damage from flooding or erosion.

**l. Local Law to Ensure Consistency with LWRP (Chapter 262)**

Along with the above zoning changes, a local Waterfront Consistency Law has been adopted which ensures that Village agencies consider policies contained in the Local Waterfront Revitalization Program when reviewing applications for actions or proposing direct agency actions.

**m. Trees (Chapter 248)**

- (i) Controls the cutting of trees on private and public property in the Village of Ossining.
- (ii) These regulations support the general policies of the LWRP especially those concerning the preservation of natural lands.

**n. Illicit Discharges to Storm Sewers (Chapter 164)**

- (i) This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the New York State Department of Environmental Conservation's (NYSDEC) SPDES General Permit (GP-02-02) for Municipal Separate Storm Sewer Systems.
- (ii) These regulations will implement water quality policies, particularly Policies 30, 31, 32, 33, 37 and 38.

**o. Stormwater Management and Erosion and Sediment Control**

- (i) The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing within the Village and to address the State's findings. This chapter seeks to meet those purposes by achieving the following objectives:
  - (a) Meet the requirements of minimum measures 4 and 5 of New York State's SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;
  - (b) Require land development and redevelopment activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01, or as amended or revised;
  - (c) Minimize increases in stormwater runoff from land development and redevelopment activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels, watercourses or waterways;
  - (d) Minimize increases in pollution caused by stormwater runoff from land development and redevelopment activities which would otherwise degrade local water quality;
  - (e) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development and redevelopment to the maximum extent practicable; and
  - (f) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices, devices and/or structures, and to ensure that these management practices, devices and/or structures are properly maintained and eliminate threats to public safety.

- (ii) These regulations will implement water quality policies, particularly Policies 11, 13, 14, 30, 31, 32, 33, 37, 38, and 44.

## B. Other Public and Private Actions Necessary to Implement the LWRP

### 1. Local Government Actions Necessary to Implement the LWRP

#### a. Release of the Prison Property

- (i) Guidelines should be developed for the State to follow in the event the prison is closed, e.g., demolition of those structures which would interfere with redevelopment plans. In an allied move, additional thought should be given to just how the Village would like to see the property developed. In addition, the Village should recommend that the original 1825 cell block and the death house be placed on the National Register of Historic Places to ensure their preservation.
- (ii) This action will increase the developmental and recreational potential of the property.

#### b. State Heritage Area Management Plan

- (i) Continue working to develop Ossining as a visitors' attraction in line with the UCP Management Plan which advocates the following: maintain and improve the Aqueduct Linear Park; prepare information of interest to tourists and have it available at the visitor center in the Ossining Community Center, have trained Recreation Department personnel available to lead tours of the conduit of the Old Croton Aqueduct and provide directional and interpretive signage at various points throughout the UCP.
- (ii) This action will aid in implementing the development, recreation, historic resource and visual quality policies.

#### c. Rehabilitation Loans and Grants

- (i) The Village will continue to support the Westchester County program to rehabilitate residential and commercial buildings through grants or low interest loans to qualified owners.
- (ii) The program aids in the preservation of buildings and improves the visual quality of neighborhoods. It can be used to encourage the revitalization of the entire waterfront.

#### d. Study and Improvement of Existing Utilities, Roads and Bridges

- (i) The Village has been involved in an ongoing study of its roads, bridges and utilities as part of its program to upgrade them. A feasibility study of a pedestrian bridge over the tracks at Sparta has been completed and funding for its construction is now being researched.
- (ii) This action will serve to implement development and water quality policies and could improve access to the waterfront.

**e. Public Service Crews**

- (i) Encourage the re-establishment of the Sing Sing Correctional Facility public service program in which crews of prisoners do work throughout the community under the direction of a guard/foreman.
- (ii) So far the crews have done construction and painting work for the Village. They might possibly be used to help beautify the shoreline.

**f. Easements**

- (i) As part of the site plan review process, the Village will give consideration to the way in which new structures are sited so that open space along the immediate waterfront is preserved. The Village will also look into the feasibility of obtaining easements along the river in already established areas.
- (ii) The easements would make it possible to develop a waterfront walkway and in this way increase public access to the riverfront.

**g. Urban County**

- (i) Ossining will continue to participate in the Westchester Urban County Consortium which provides funding for capital and other improvements in the lower income portions of the Village. The Village is currently working with the State and the Consortium on a proposal for affordable housing within Section D of the Waterfront Area which will leave that portion of the parcel nearest the river in its natural state.
- (ii) Improvements to the target area will aid the economic redevelopment and visual enhancement of the waterfront. Certain improvements could also increase access to the waterfront.

**h. Historic Designation**

- (i) Encourage the State to have the most historically important of the Sing Sing Prison buildings placed on the National Register.

- (ii) This action would aid in the preservation of Ossining's historic structures and give an improved image to these older buildings and areas.
- i. Maintenance and Programming of Events at Existing Parks and Open Spaces**
  - (i) Continue the program of improved maintenance of public areas including but not limited to, the Edward M. Wheeler Crawbuckie Nature Preserve Area, the Aqueduct Linear Park, RiverWalk, the Crescent and other streetscapes. Increase utilization of public areas such as the Louis Engel Waterfront Park and the Aqueduct Park through increased programming and publicity.
  - (iv) These actions will improve the appearance of the waterfront area, increase recreational opportunities and aid the revitalization of Ossining.
- j. Village of Ossining Comprehensive Plan (the Plan)**
  - (i) Implement recommendations of the Village of Ossining Comprehensive Plan. The Plan supports the policies of the LWRP.

## C. Management Structure Necessary to Implement the LWRP

At all levels of government, the LWRP can be used as a tool to help a municipality achieve the most beneficial development and use of its waterfront. Any proposal, whether it be put forth locally or by a higher level of government, should be examined for conformance with the LWRP. A project not in conformance can be refused the necessary permits. In the event that this is not successful in stopping an undesirable project, recourse can be made to the courts. This LWRP document has been distributed widely to governmental agencies and to appointed and elected officials at all levels. It will act as a guide to all and will lead to the enhancement and protection of Ossining's waterfront area.

Section 1 below describes management procedures in the Village of Ossining that will ensure that the policies of the LWRP are implemented. Paragraph 2 describes expected interactions with other local entities which will serve to ensure that LWRP policies are followed. Paragraph 3 deals with procedures which ensure State and federal compliance with the Village's LWRP.

### 1. Local Management Structure

The Village's Management Structure described below is based on the Waterfront Consistency Review Law which the Village has adopted to ensure that local actions are consistent with LWRP policies (see Appendix D for complete law). For the

purposes of this law, an "action" means either a Type I or unlisted action as defined in the State Environmental Quality Review Act regulations (6 NYCRR 617.2). Actions generally take one of three forms: direct agency actions, the granting of permits, or the awarding of funds. Most actions within the Coastal Area of the Village of Ossining are the responsibility of the Planning Board. Many of the remaining actions are the responsibility of either the Village Board or Village Zoning Board of Appeals. A few additional actions are the responsibility of other Village agencies.

**a. Lead Official**

The local official responsible for overall management and coordination of the Ossining LWRP is the Village Manager or his/her designee. Staff of the Village Manager's Office may assist Village agencies, including the Environmental Advisory Council, in preparing written documentation required by the local Waterfront Consistency Law.

**b. Lead Agency**

The lead agency is the Village Board of Trustees.

**c. Assignment of Specific Responsibilities (as specified in the Waterfront Consistency Law)**

Board of Trustees - determines consistency with the LWRP of those actions which require Village Board approval, including special permits and zoning changes and agency actions that are not conditional uses, use or area variances.

Planning Board - determines consistency with the LWRP of those actions which require Planning Board approval, i.e., conditional uses, site plans and subdivision plats for proposed developments.

Zoning Board of Appeals - determines consistency with the LWRP of those actions which require Zoning Board of Appeals approval, i.e., use and area variances.

Other local agencies - refer actions to be reviewed to the Village Board of Trustees.

Environmental Advisory Council - makes recommendations to agencies regarding the consistency of proposed actions.

Building Inspector - enforces the Waterfront Consistency Law.

d. **Procedures to Ensure that Local Actions Are Consistent with LWRP Policies** (from the Waterfront Consistency Review Law)

- (i) Commencement of Review. The consistency review process shall commence as follows:
  - (a) When a private applicant is seeking Village approval or funding for an action, the applicant shall prepare a Coastal Assessment Form (CAF) and submit it along with any other material relevant to the action (applications, Environmental Assessment Forms and other material necessary to the review) to the Board of Trustees, Planning Board, Zoning Board of Appeals, or other local agencies, as appropriate;
  - (b) When the Board of Trustees, Planning Board or Zoning Board of Appeals is planning to undertake a direct action, it shall prepare a CAF;
  - (c) When the proposed action (Village approval, funding or direct agency action) involves a local agency other than the Board of Trustees, Planning Board or Zoning Board of Appeals, that agency shall submit a CAF along with other relevant material to the Board of Trustees. For actions requiring Village approval or funding, the CAF will have been prepared by a private applicant for actions to be directly undertaken by the local agency, that agency will prepare the CAF.
- (ii) Referral of a Coastal Assessment Form. The Board of Trustees, Planning Board or the Zoning Board of Appeals shall refer a copy of the completed CAF to the Village Manager and the Environmental Advisory Council within ten days of its submission to or completion by the board. The board shall also forward any completed applications, EAFs and any other information necessary to the consistency review.
- (iii) Review by the Environmental Advisory Council. After receiving the CAF from the Board of Trustees, Planning Board, or Zoning Board of Appeals, the Council shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Section 7 of the Waterfront Consistency Law. The Council shall render its written recommendation to the determining board within thirty days following referral of the CAF by the board, unless extended by mutual agreement of the Council and the board. The recommendation shall indicate whether, in the opinion of the Council, the proposed action is consistent with or inconsistent with one or



more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion.

The Council shall, along with its consistency recommendation, make any suggestions to the board concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them. In the event that the Council's recommendation is not forthcoming within the specified time, the determining board shall make its decision without the benefit of the Council's recommendation.

- (iv) Determination of Consistency by the Board of Trustees, Planning Board or Zoning Board of Appeals. The Board of Trustees, Planning Board or Zoning Board of Appeals shall make its determination of consistency based on the CAF, the Council's recommendation and such other information as is deemed necessary to its determination. The determining board shall do this at its next regularly scheduled meeting after receiving the Council's recommendation, or if no recommendation is forthcoming, the date of the conclusion of the 30-day review period.
- (v) Filing of Consistency Certification. Immediately after the meeting described in "d" above, the determining board shall send its findings, consistency certification and supporting documentation to the Village Manager, Village Clerk and Building Inspector.
- (a) Certification. In making a consistency determination, the Board of Trustees, Planning Board or Zoning Board of Appeals, shall find and certify in writing that either:
- The action will not substantially hinder the achievement of any of the policies and purposes of the LWRP; or
  - If the action will substantially hinder the achievement of any policy of the LWRP, the following three requirements are satisfied: (1) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy; (2) the action will minimize all adverse effects on such policy to the maximum extent practicable; and 3) the action will result in an overriding regional or state-wide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

- The action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified above.

No action shall be undertaken, approved or funded by an agency unless the Board of Trustees, Planning Board or Zoning Board of Appeals, as applicable, certifies in a "Certificate of Consistency" the action's consistency with the policies and purposes of the LWRP.

(b) Filing

The Village Clerk shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request. No action subject to consistency review shall be commenced or undertaken until the Building Inspector has been presented with the written Certificate of Consistency, nor shall any activity continue if the Inspector determines that it is not being undertaken in accordance with the Waterfront Consistency Review Law.

## 2. Ongoing Interaction with Other Local Agencies

**a. Town of Ossining**

Any conflicts which may arise in the future concerning actions which would conflict with the Village's LWRP will first be discussed by the Village Manager, the Town Supervisor and their respective assistants. If the conflict cannot be resolved in this way, it would be discussed in a joint meeting of the Town and Village legislative boards. These meetings generally occur a couple times of year to discuss matters of mutual concern.

**b. Village of Briarcliff Manor**

Any conflicts which may arise concerning actions which would conflict with the Village's LWRP will first be discussed with the two Village Managers. If the problem could not be solved in this way, a request would be sent to the Briarcliff Village Board by the Ossining Village Board either in the form of a letter or a more formal resolution.

**c. Westchester County Agencies**

- (i) County Executive and County Legislature - There is regular contact between local elected and appointed officials and the County Executive's Office and County Legislature. If a conflict should

develop between any branch of the County government and the local LWRP, it would be brought to the attention of the County Executive and County Legislature.

- (ii) County Bureau of Land Records - All subdivisions must be filed with the Bureau, which keeps records on all properties within Westchester County.
- (v) County Board of Health - There is regular contact between the County Board of Health and the Ossining Building Department. They are concerned, among other things, with the quantity and quality of the Village's water supply.

### 3. Guidelines for Review of Proposed State and Federal Actions

These procedures are contained in Appendix E to the LWRP.

## D. Financial Resources Necessary to Implement the LWRP

Summary of the local, public, and private financial resources, which are available or will be available, to implement the proposed projects, actions, and management of the LWRP.

### 1. Financing Proposed Projects

#### a. Edward M. Wheeler Crawbuckie Nature Preserve Area

It is hoped that the needed improvements at the Edward M. Wheeler Crawbuckie Nature Preserve Area can be made with the help of grants. The Village is trying to obtain money for a bridge over the ravine to connect the Edward M. Wheeler Crawbuckie Nature Preserve Area with the natural portion of the affordable housing land.

#### b. CBD Infrastructure Improvements

- (i) Main Street - It is necessary to continue the Main Street improvements down to the railroad station.

#### c. Old Croton Aqueduct Improvements

Old Croton Aqueduct improvements are being financed through a combination of local money and State Environmental Quality Bond Act funding.

#### d. Louis Engel Waterfront Park

The Town of Ossining received Urban County CDBG funds for erosion control and other improvements to the Waterfront Park.

#### e. Sparta Park

The Department of State awarded the Village a Waterfront Implementation Grant for \$12,800 for the preliminary engineering and design work needed to provide a track crossing at Sparta Park. The Village hopes to receive future grant money towards construction of the track crossing. Matching funds will be provided by the Village through the sale of bonds.

**f. State Heritage Area**

Funding is available through the State Environmental Quality Bond Act II to finance a Visitors Center in each of the State Heritage Area communities. Ossining's Heritage Center opened on June 8, 1991.

**2. Financing Other Public and Private Implementation Actions**

- a. Minor improvements to public areas can be made by municipal personnel as part of their regular work load without additional cost to the Village.
- b. The development of underutilized parcels within the Waterfront Area will be undertaken primarily with private funding. The Village has made substantial infrastructure improvements as an aid to their development.

**3. Financing the Management of the LWRP**

It is not anticipated that the management of the LWRP will cost additional funds over the current expenses of running the government and supervising actions within the waterfront area. The lead people and agencies are currently covered by annual budget appropriations and it is felt that this will be sufficient for the management of the LWRP.

**E. Summary Chart of Actions Implementing Local Policies**

**Development Policies**

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Policy 1	Zoning ( PRD, CDD, RDD, PW-a, PW-b, PW-c, IR, SP-N, and SP-S) <ul style="list-style-type: none"><li>▪ Subdivision Regulations</li><li>▪ State Heritage Area Program</li><li>▪ Rehab. Loan and Grant Program</li><li>▪ Plan for the Release of the Tappan Facility of Sing Sing Prison</li></ul>
Policy 2	Zoning ( PRD, RDD and IR)
Policy 3	Not Applicable

Policy 4	Not Applicable
Policy 5	Zoning (Clustering provisions and PRD, CDD, RDD, PW-a, PW-b, PW-c, IR, SP-N, and SP-S)
Policy 6	Local Consistency Law

**Fish and Wildlife Policies**

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Policy 7	State regulations
Policy 8	State regulations
Policy 9	Improvements to Louis Engel Waterfront Park
Policy 10	Code of Ordinances (Excavations and Fill) <ul style="list-style-type: none"><li>▪ State regulations</li><li>▪ Code of Ordinances (Sanitary Sewers, Storm Sewers, and Water Mains)</li><li>▪ Building Code</li></ul>
Policy 11	Zoning <ul style="list-style-type: none"><li>▪ Subdivision Regulations</li><li>▪ Flood Plan Management Guidelines</li><li>▪ Code of Ordinances</li><li>▪ (Environmental Quality Review)</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
Policy 12	Not Applicable
Policy 13	Not Applicable
Policy 14	Building Code <ul style="list-style-type: none"><li>▪ Code of Ordinances (Excavation and Fill)</li><li>▪ Code of Ordinances (Environmental Quality Review)</li><li>▪ Zoning (General Landscaping and Environmental Control Requirements)</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
Policy 15	State and Federal regulations

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| Policy 17 | Building Code <ul style="list-style-type: none"><li>▪ Subdivision Regulations</li><li>▪ Zoning Code (Planned Waterfront Districts)</li></ul> |
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**General Policy**

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| Policy 18 | LWRP |
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**Public Access Policies**

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| Policy 19 | Zoning – (RDD, IR, and PRD) <ul style="list-style-type: none"><li>▪ RiverWalk</li><li>▪ Easements</li><li>▪ Improvement of Trails and Signage at Edward M. Wheeler Crawbuckie Nature Preserve Area</li><li>▪ Improvements to Louis Engel Waterfront Park</li><li>▪ Access to Sparta Dock</li><li>▪ CBD Infrastructure Improvements</li></ul> |
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| Policy 20 | Zoning ) (PRD, CDD, RDD, PW-a, PW-b, PW-c, IR, SP-N, and SP-S) <ul style="list-style-type: none"><li>▪ Easements</li></ul> |
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**Recreation Policies**

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| Policy 21 | Plan for Release of Prison Property <ul style="list-style-type: none"><li>▪ State Heritage Area Development</li><li>▪ Urban County Funding</li><li>▪ Improvements to Louis Engel Waterfront Park RiverWalk</li><li>▪ Improvements to Old Croton Aqueduct Trail</li><li>▪ <i>Zoning Planned Waterfront including PWRD overlay</i></li><li>▪ <i>IR, RDD, and PRD</i></li></ul> |
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| Policy 22 | Planning Board Review <ul style="list-style-type: none"><li>▪ Guidelines for Release of Prison Property</li><li>▪ State Heritage Area Development</li><li>▪ Easements</li><li>▪ <i>Zoning Planned Waterfront including PWRD overlay</i></li><li>▪ <i>Zoning IR, RDD, and PRD</i></li></ul> |
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| Policy 23 | Zoning (PRD, CDD, PW-a, PW-b, PW-c, and IR) <ul style="list-style-type: none"><li>▪ Historical and Architectural Design District</li></ul> |
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- Code of Ordinances (Environmental Quality Review)
- Board of Architectural Review
- Work to have the Sing Sing death house and original cell block placed on National Register of Historic Places
- State Heritage Area Development
- Rehab Loans and Grants

### Scenic Quality Policies

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Policy 24	Not applicable
Policy 25	Zoning (Site Plan Review) <ul style="list-style-type: none"><li>▪ Zoning (Historic and Architectural Design District)</li><li>▪ Zoning ((PRD, CDD, RDD, PW-a, PW-b, PW-c, IR, SP-N, and SP-S)</li><li>▪ Zoning (General landscaping and Environmental Requirements)</li><li>▪ Subdivision Regulations</li><li>▪ Flood Control</li><li>▪ Stream Maintenance Law</li><li>▪ Zoning (Board of Architectural Review)</li><li>▪ Rehab Loans and Grants</li><li>▪ Scenic Roads Legislation</li><li>▪ Sign Regulations</li><li>▪ <i>Zoning Planned Waterfront including PWRD overlay</i></li></ul>

### Architectural Lands Policy

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Policy 26	Not applicable
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### Energy and Ice Management Policies

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Policy 27	State regulations
Policy 28	Not applicable
Policy 29	Not applicable

### Water and Air Resources Policies

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Policy 30	State regulations <ul style="list-style-type: none"><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
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Policy 31	Planning Board Review <ul style="list-style-type: none"><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
Policy 32	Not applicable <ul style="list-style-type: none"><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
Policy 33	Code of Ordinances (Excavations and Fill) <ul style="list-style-type: none"><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li><li>▪ CBD Infrastructure Improvements</li></ul>
Policy 34	Environmental Advisory Council
Policy 35	Code of Ordinances (Excavations and Fill)
Policy 36	State regulations
Policy 37	Zoning (General Landscaping and Environmental Control Requirements) <ul style="list-style-type: none"><li>▪ Zoning (Cluster Provisions)</li><li>▪ (Code of Ordinances)</li><li>▪ (Excavations and Fill)</li><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li><li>▪ Subdivision Regulations</li></ul>
Policy 38	State regulations <ul style="list-style-type: none"><li>▪ Illicit Discharge</li><li>▪ Stormwater Management and Erosion and Sediment Control</li></ul>
Policy 39	Code of Ordinances (Sewers and Sewage Disposal) <ul style="list-style-type: none"><li>▪ Code of Ordinances (Excavations and Fill)</li><li>▪ Garbage, Trash and Refuse Ordinance</li></ul>
Policy 40	State regulations



Policy 41	State regulations
Policy 42	State regulations
Policy 43	State regulations
Policy 44	Code of Ordinances (Excavations and Fill) <ul style="list-style-type: none"><li>▪ State regulations governing hazardous chemicals</li><li>▪ Stream Maintenance Law</li><li>▪ Conservation of Freshwater Wetlands Law</li><li>▪ Environmental Advisory Council</li><li>▪ Stormwater Management and Erosion and Sediment Control</li><li>▪ Code of Ordinances (Environmental Quality Review)</li><li>▪ Code of Ordinances (Sanitary Sewers, Storm Drains and Water Mains)</li></ul>

## Section VI State and Federal Actions and Programs Likely to Affect Implementation

State and federal actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (LWRP). Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

**A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP**

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program  
2.00 Rural Development Program  
3.00 Farm Worker Services Programs  
4.00 Permit and approval programs:  
    4.01 Custom Slaughters/Processor Permit  
    4.02 Processing Plant License  
    4.03 Refrigerated Warehouse and/or Locker Plant License  
5.00 Farmland Protection Grants from the Environmental Protection Fund

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:  
    1.01 Ball Park - Stadium License  
    1.02 Bottle Club License  
    1.03 Bottling Permits  
    1.04 Brewer's Licenses and Permits  
    1.05 Brewer's Retail Beer License  
    1.06 Catering Establishment Liquor License  
    1.07 Cider Producer's and Wholesaler's Licenses  
    1.08 Club Beer, Liquor, and Wine Licenses  
    1.09 Distiller's Licenses  
    1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses  
    1.11 Farm Winery and Winery Licenses  
    1.12 Hotel Beer, Wine, and Liquor Licenses  
    1.13 Industrial Alcohol Manufacturer's Permits  
    1.14 Liquor Store License  
    1.15 On-Premises Liquor Licenses  
    1.16 Plenary Permit (Miscellaneous-Annual)  
    1.17 Summer Beer and Liquor Licenses  
    1.18 Tavern/Restaurant and Restaurant Wine Licenses  
    1.19 Vessel Beer and Liquor Licenses  
    1.20 Warehouse Permit  
    1.21 Wine Store License

- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

**DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

**COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

**DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)

- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

**OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONAL SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

**EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

**EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New

- York City only).
- 7.00 Implementation of the Environmental Quality Bond Act of 1972, including:
- (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 8.00 Marine Finfish and Shellfish Programs.
- 9.00 New York Harbor Drift Removal Project.
- 10.00 Permit and approval programs:
- Air Resources
- 10.01 Certificate of Approval for Air Pollution Episode Action Plan
  - 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
  - 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
  - 10.04 Permit for Burial of Radioactive Material
  - 10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
  - 10.06 Permit for Restricted Burning
  - 10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
- Construction Management
- 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
- Fish and Wildlife
- 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
  - 10.10 Commercial Inland Fisheries Licenses
  - 10.11 Fishing Preserve License
  - 10.12 Fur Breeder's License
  - 10.13 Game Dealer's License
  - 10.14 Licenses to Breed Domestic Game Animals
  - 10.15 License to Possess and Sell Live Game
  - 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
  - 10.17 Permit to Raise and Sell Trout
  - 10.18 Private Bass Hatchery Permit
  - 10.19 Shooting Preserve Licenses
  - 10.20 Taxidermy License
  - 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
  - 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
  - 10.23 Permit - Article 24, (Freshwater Wetlands)
- Hazardous Substances
- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects

10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

10.28 Floating Object Permit

10.29 Marine Regatta Permit

10.30 Navigation Aid Permit

Marine Resources

10.31 Digger's Permit (Shellfish)

10.32 License of Menhaden Fishing Vessel

10.33 License for Non-Resident Food Fishing Vessel

10.34 Non-Resident Lobster Permit

10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits

10.36 Permits to Take Blue-Claw Crabs

10.37 Permit to Use Pond or Trap Net

10.38 Resident Commercial Lobster Permit

10.39 Shellfish Bed Permit

10.40 Shellfish Shipper's Permits

10.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

10.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

10.43 Mining Permit

10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)

10.45 Underground Storage Permit (Gas)

10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

10.47 Permit to Construct and/or Operate a Solid Waste Management Facility

10.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

10.49 Approval of Plans for Wastewater Disposal Systems

10.50 Certificate of Approval of Realty Subdivision Plans

10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

10.53 Permit - Article 36, (Construction in Flood Hazard Areas)

10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

10.55 State Pollutant Discharge Elimination System (SPDES) Permit

10.56 Approval - Drainage Improvement District

10.57 Approval - Water (Diversion for) Power



- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification
- 11.00 Preparation and revision of Air Pollution State Implementation Plan.
- 12.00 Preparation and revision of Continuous Executive Program Plan.
- 13.00 Preparation and revision of Statewide Environmental Plan.
- 14.00 Protection of Natural and Man-made Beauty Program.
- 15.00 Urban Fisheries Program.
- 16.00 Urban Forestry Program.
- 17.00 Urban Wildlife Program.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

#### **FACILITIES DEVELOPMENT CORPORATION**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

#### **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

#### **GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program

4.00 Greenway Trail Activities

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

**HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)**

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

**OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

**METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 2.10 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail

- 3.05 Subsidies program for passenger rail service
- 3.06 Financial assistance to local governments for transportation enhancement activities.
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

**2. FEDERAL AGENCIES**

**DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

**DEPARTMENT OF COMMERCE**

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

**DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

**GENERAL SERVICES ADMINISTRATION**

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

**DEPARTMENT OF INTERIOR**

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

**DEPARTMENT OF TRANSPORTATION**

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad

facilities or services, in or affecting the State's coastal area.

Federal Aviation Administration

5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

6.00 Highway construction.

**DEPARTMENT OF HOMELAND SECURITY**

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

**FEDERAL LICENSES AND PERMITS**

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

**DEPARTMENT OF ENERGY**

Economic Regulatory Commission

1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission



- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

#### **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

#### **DEPARTMENT OF INTERIOR**

##### Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

##### Bureau of Ocean Energy Management Regulation and Enforcement

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

#### **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

#### **SURFACE TRANSPORTATION BOARD**

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

#### **DEPARTMENT OF TRANSPORTATION**

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

**FEDERAL ASSISTANCE\***

**DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

**DEPARTMENT OF COMMERCE**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support

- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Inter-modal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

**COMMUNITY SERVICES ADMINISTRATION**

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

**ENVIRONMENTAL PROTECTION AGENCY**

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

**DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid

- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

**SMALL BUSINESS ADMINISTRATION**

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

**DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

\* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

**B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP**

**1. Federal Actions and Programs**

- a. Department of Defense, Army Corps of Engineers
  - (i) Permits for the erosion control necessary to prevent the loss of Ossining's precious riverfront park land.
- b. Department of Housing and Urban Development
  - (i) Community Development Block Grants - much of our project money in the past has come from this source and we anticipate that the future CDBG money through Urban County will help us achieve some of the capital improvements needed within the waterfront area.

**2. State Actions and Programs**

- a. Department of Correctional Services
  - (i) The release of the land currently occupied by the Sing Sing Correctional Facility so that this land can serve the economic development and recreational needs of the Village.
  - (ii) The removal of many of the prison structures in accordance with a plan to be developed during the LWRP implementation phase.
  - (iii) The preservation of the more historic structures within the prison, such as the original cell block and death house.
  - (iv) The creation of a prison museum in a portion of the old power plant in accordance with the State Heritage Area proposals.
  
- b. Department of Environmental Conservation
  - (i) A continuation of their water quality work leading to the reclassification of the Hudson River in the Ossining area as an "A" stream and its approval for swimming.
  - (ii) Permits for bulkheads or other erosion control measures needed along the Ossining Waterfront.
  - (iii) Support of the Scenic Roads program.
  
- c. Office of Parks, Recreation and Historic Preservation
  - (i) Provision of funding from the Land and Water Conservation Fund to continue the improvements to the Aqueduct Linear Park and Waterfront Parks.
  - (ii) Provision of funding under the State Heritage Area Program for continued improvements to the aqueduct and weir chamber, the rehabilitation of the historic downtown and improvements to Sparta Park, including a pedestrian crossing over the railroad tracks.
  - (iii) Provision of funding for State and local historic preservation activities in order to aid the preservation, restoration and adaptive reuse of Ossining's historic structures.
  - (iv) Lease of State-owned aqueduct land to the Village.
  - (v) Processing of National Register nominations
  
- d. Department of State
  - (1) Provision of funding for the implementation of the Local Waterfront Revitalization Program.
  
- e. Department of Transportation
  - (i) Maintenance of State-owned historic bridges, such as the Sing Sing Aqueduct Bridge in Ossining.
  - (ii) Support of the Scenic Roads Program
  - (iii) Work with the Metropolitan Transportation Authority to provide parking for commuters along the Railroad lines in ways which are not detrimental to the waterfront.
  
- f. Office of General Services

- (i) Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

**3. Regional Authorities**

- a. Metropolitan Transportation Authority
  - (i) Accept a substantial share of the responsibility of providing parking for commuters using their facilities.
  - (ii) Give financial and other aid towards the provision of safe track crossing especially in those areas where long used crossings have been recently abolished for safety or other reasons, such as at Sparta Park.
  - (iii) Maintain historic railroad stations in good repair.
  - (vi) Abstain from placing sub-stations where they will have serious adverse effects on the waterfront

## Section VII Consultation with Other Affected Federal, State, Regional and Local Agencies

**A. During preparation of the LWRP, the following agencies were consulted for information necessary to complete the document:**

Local Consultations

Town of Ossining and Village of Briarcliff - During preparation of the LWRP, the Town of Ossining and the Village of Briarcliff each had a representative on the Village of Ossining Waterfront Advisory Committee.

State Consultations

Department of Environmental Conservation  
Department of Corrections  
Office of Parks, Recreation and Historic Preservation  
Department of State

Federal Consultations

Department of Commerce, Sea Grant

**B. Review of Draft LWRP by State, Federal and Local Agencies**

The Draft LWRP (with DEIS) was reviewed and accepted by the Village Board of Trustees and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the NYS Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies, Westchester County, adjacent waterfront municipalities and other interested organizations. Comments were reviewed by the Village and DOS and changes made to the LWRP. These are detailed in the Final Environmental Impact Statement on the LWRP.

## Section VIII Local Commitment

Local commitment to the LWRP has been obtained by inviting all interested groups and individuals to join the Advisory Committee and by presenting the ideas of the Committee and early drafts of the program to the Village and Town Boards at regular intervals.

### A. The Advisory Committee

1. Methods used to attract members:  
Residents were invited to join the Advisory Committee through an article in the Citizen Register, Ossining's local newspaper and by letters to individuals and groups including the following:
  - a. Members of the Urban Cultural Park Advisory Committee
  - b. Members of the Town Environmental Advisory Council
  - c. Members of the Town Waterfront Committee
  - d. Owners of businesses along the Ossining Waterfront
  - e. Scouts
  - f. Jaycees
  - g. Rotary Club
  - h. Chamber of Commerce
  - i. Sparta Association
  - j. Kemey's Cove Association
  
2. Committee Members  
Following is a list of the people who joined the Advisory Committee along with their affiliation:
  - a. Clement Alexandre, Sparta Association
  - b. Louis Bataille, Town Councilman
  - c. Neil Bevilacqua, Metallized Carbon
  - d. George Camp, President, Chamber of Commerce
  - e. Thelma Carter, Scarborough Manor Association
  - f. Rocco Circosta, Briarcliff Manor Assistant Village Manager
  - g. Dr. Allen Cosin, Town Waterfront Committee
  - h. David Danzeisen, President, Vanguard Tours, Inc.
  - i. Randall Dick, Urban Cultural Park Committee
  - j. Herbert Finelstein, Town Environmental Advisory Council
  - k. Walter Hanlon, Park User
  - l. Sandy Jacobowitz, Urban Cultural Park Committee
  - m. Roger Kiley, President, Flavor Sciences
  - n. John Lee, Sparta Association
  - o. Jansen Lyon, Boat and Canoe Club
  - p. Natalie Mackintosh, Assistant to the Ossining Village Manager



- q. Shirley Manning, Kemey's Cove Association
- r. Mary Maue, President, Maue Oil Company
- s. William McEwen, Waterfront Developer
- t. Virginia Monahan, Interested Resident
- u. Patricia Morgan, Executive Director, Chamber of Commerce
- v. Gus Paese, Chairman, Town Env. Advisory Council
- w. Mary Sawyer, Zoning Board
- x. Jean Shipman, Interested Resident
- y. Harry Slominski, Ossining Historical Society
- z. Robert Snyder, Superintendent, Town Parks and Recreation
- aa. Jodine Wang, Village Trustee
- bb. Mary Sellazzo Whalen, Sellazzo's Restaurant
- cc. Frederick Wiedle, Main Street Property Owner

3. Committee Meetings

The Advisory Committee concentrated on that portion of the waterfront area which is closest to the river and on the more controversial issues. Meetings of the Advisory Committee were held on the following dates:

- |                       |                       |
|-----------------------|-----------------------|
| a. September 15, 1983 | g. March 15, 1984     |
| b. October 13, 1983   | h. March 22, 1984     |
| c. November 17, 1983  | i. September 6, 1984  |
| d. December 14, 1983  | j. September 11, 1984 |
| e. February 2, 1984   | k. November 5, 1984   |
| f. March 1, 1984      | l. April 27, 1987     |
|                       | m. May 11, 1987       |

In addition, Committee members were given tours of the waterfront on September 24 and October 13, 1983.

**B. Meetings with Other Groups**

1. The Project Coordinator, Natalie Mackintosh, has met with various groups to acquaint them with the LWRP and/or to bring them up to date regarding its progress. The following is a listing of those meetings:

- a. Ossining Village Board:
  - 1) August 30, 1983
  - 2) December 13, 1983
  - 3) January 31, 1984
  - 4) March 27, 1984
  - 5) May 22, 1984
  - 6) June 12, 1984
  - 7) April 15, 1987
  - 8) April 28, 1987
  - 9) May 6, 1987
- b. Village of Ossining Planning Board - January 31, 1984
- c. Town Supervisor and Waterfront Owners - May 16, 1984
- d. Briarcliff Manor Board of Trustees - January 5, 1984
- e. County Planning Department, Joe Potenza - December 20, 1983

- f. Sea Grant
  - 1) Steve Lopez - November 2, 1983
  - 2) Steve Lopez and Robert Synder (Town Rec.) - February 6, 1984
  - 3) Sea Grant Meeting - March 21, 1984
2. Diane Hamilton Bell and Charles McCaffrey of the Department of State met with the Village Board on June 12, 1984 to discuss the LWRP. Advisory Committee members were invited to attend this meeting.
3. The Town Board of Ossining has discussed the waterfront and the LWRP at a number of their meetings. The meeting dates were as follows:
  - a. July 26, 1983
  - b. August 9, 1983
  - c. September 6, 1983
  - d. November 10, 1983
  - e. January 10, 1984

In addition, the Town Board appointed one of their members to act as a liaison with the Advisory Committee.

4. At part of the Ossining Village Fair on June 9th, Gerard Dorian, a member of the Advisory Committee, led morning and afternoon tours of the waterfront.
5. On many occasions, the Village Board and Town Board meetings were written up in the newspaper and coverage given to the waterfront discussions.
6. A draft of the LWRP was sent to the Planning Board on September 5, 1985 to be included in their proposed zoning study.

### **C. Land Use-Zoning Study**

In 1985, the Ossining LWRP was put on hold pending a proposed Village-wide land use and zoning study. In February, 1986, Manuel S. Emanuel Associates, Inc. was hired to do this study which concentrated on that portion of the Village west of Route 9. The draft LWRP was discussed with Mr. Emanuel at two meetings he had with Village staff on 3/5/86 and 6/19/86. As the land use-zoning study progressed, it was discussed in great depth at the following open meetings:

Planning Board Meetings:

6/26/86

7/14/86

5/12/87 (Public meeting on Proposed Land Use Plan)

Village Board Work Session:

9/24/86

11/12/86

12/23/86

Joint Planning Board/Village Board Meetings:

6/10/86

9/10/86

2/5/87

3/3/87

3/10/87

The main topics of discussion at the above meetings were the proposed land use for the larger vacant parcels along the waterfront, primarily located in the northern part of the Village, and a Waterfront Development Zone.

Preliminary decisions and the land use-zoning plan have been incorporated in this draft LWRP.

The new zoning law was adopted by the Village in December, 1990 and went into effect in February, 1991. Prior to its adoption it was revised by the Department of State for conformity with the LWRP.

**D. Comprehensive Plan**

In 2005 the Village of Ossining commenced the creation of a Comprehensive Plan and related Village Code changes. The Comprehensive Plan was adopted on September 1, 2009 and the related Village Code changes were adopted on October 6, 2009. All documents were found to be in conformity with the LWRP

## APPENDIX A

### CROTON RIVER AND BAY

### SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT

COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Croton River and Bay**  
Designated: **November 15, 1987**  
County: **Westchester**  
Town(s): **Cortlandt, Ossining**  
7½' Quadrangle(s): **Haverstraw, NY; Ossining, NY**

---

**Score**      **Criterion**

- 12**      Ecosystem Rarity (ER)  
            A major tributary and sheltered bay of the lower Hudson River, but rarity reduced by human disturbance; geometric mean:  $(9 \times 16)^{1/2} = 12$ .
- 0**        Species Vulnerability (SV)  
            No endangered, threatened or special concern species reside in the area.
- 9**        Human Use (HU)  
            A popular recreational fishing area; one of the recognized "hot spots" for striped bass in the lower Hudson River.
- 0**        Population Level (PL)  
            No unusual concentrations of any fish or wildlife species occur in the area.
- 1.2**     Replaceability (R)  
            Irreplaceable.

---

SIGNIFICANCE VALUE =  $[(ER + SV + HU + PL) \times R] = 25$

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM  
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." 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. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

## **DESIGNATED HABITAT: CROTON RIVER AND BAY**

### **HABITAT DESCRIPTION:**

Croton River and Bay is located on the east side of the Hudson River, in the Villages of Croton-on-Hudson and Ossining, in the Towns of Cortlandt and Ossining, Westchester County (7.5' Quadrangles: Haverstraw, N.Y.; and Ossining, N.Y.).

The fish and wildlife habitat includes an approximate one mile segment of the river (within tidal reach of the Hudson) and an approximate 1,200 acre shallow bay and mudflat area south of Croton Point. The bay contains extensive beds of submergent aquatic vegetation. The Croton River is a relatively large, warmwater stream, with a drainage area of over 375 square miles, and an average annual discharge volume in excess of 500 cubic feet per second. The entire freshwater flow, except for periods of spilling, is diverted out of the Croton River for municipal water supplies. Therefore, the tidal portion of the Croton River is included in the habitat.

In addition to flow diversions, Croton River and Bay have been subject to considerable habitat disturbance, including filling of wetlands for waste disposal, discharges of stormwater runoff, industrial and residential development, and the presence of road and railroad crossings.

### **FISH AND WILDLIFE VALUES:**

Despite significant habitat alterations affecting the area, tidal portions of Croton River and Bay remain important as fish and wildlife habitats in the lower Hudson Valley. Croton River and Bay comprise one of the largest shallow bay areas in the lower river that is sheltered from strong river currents, and to some extent, from prevailing winds. Consequently the area provides favorable habitat conditions for a variety of anadromous and resident warmwater fish species. Use of the area by anadromous species, such as alewife and blueback herring, may be significantly increased if minimum flow requirements were established for the Croton River. Although no unusual concentrations of any fish or wildlife have been documented in Croton River and Bay, it is a productive year-round habitat for resident fish species, such as largemouth bass, brown bullhead, carp, and panfish, and serves as a resting, foraging, and nursery area for anadromous species. As a result of the abundant fisheries resources and accessibility of the area, Croton River and Bay is very popular for recreational fishing; it is one of the recognized "hot spots" for striped bass in the Hudson River.

In addition, these fish populations may be important for osprey (T) during migration. Locally significant numbers of waterfowl may also occur in the area during spring (March - April) and fall (September - November) migrations, but the extent of this use is not well documented.

## IMPACT ASSESSMENT:

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 the 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, changes 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 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).



Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Croton River and 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 July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations.

Similarly, spills of oil or other hazardous substances, and leachate of contaminated groundwater, constitute a potential threat to fish and wildlife in the bay. Of particular concern in this major tributary system are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. 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 draught conditions, releases from the New Croton Reservoir can be reduced to zero.

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

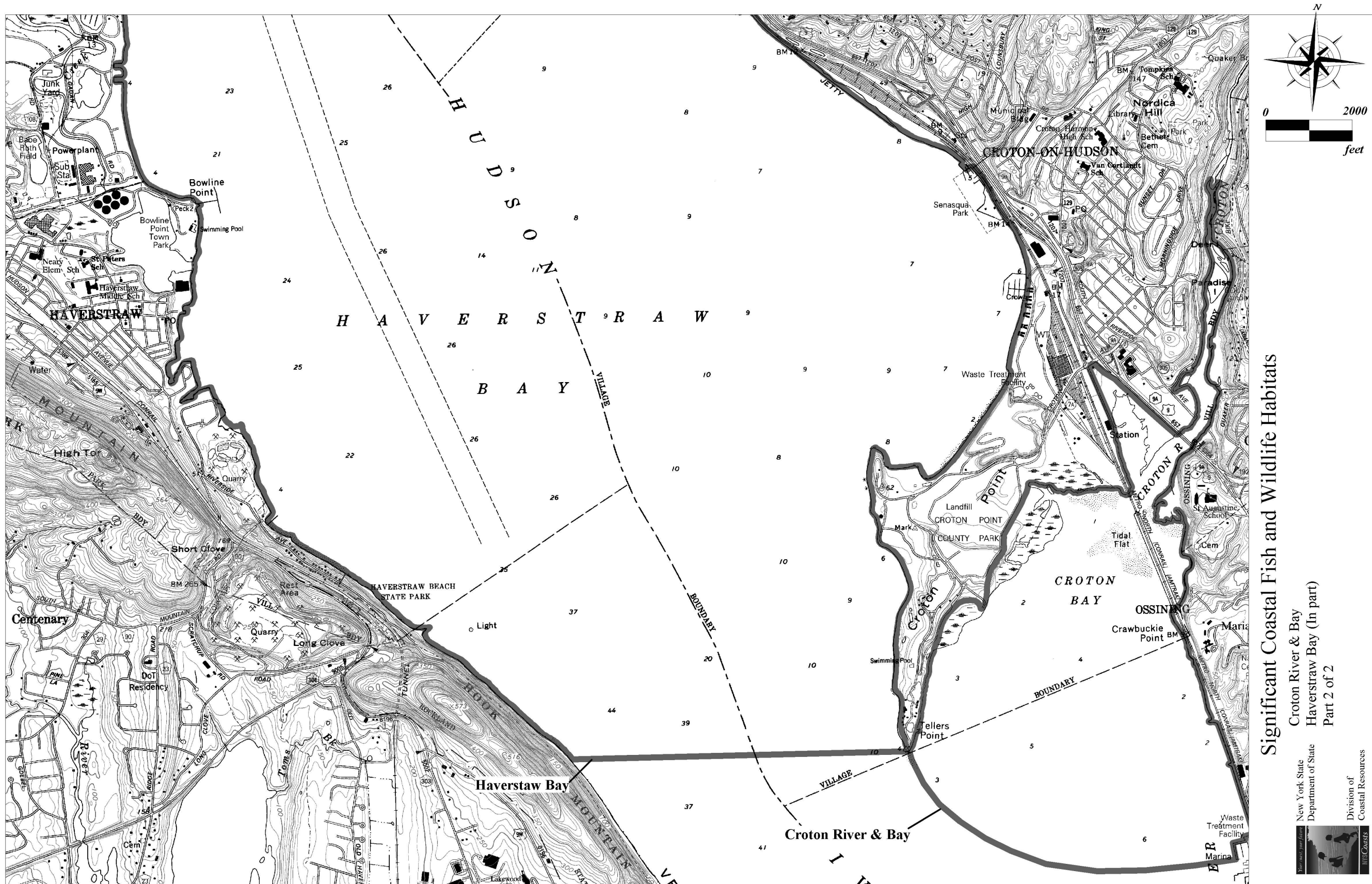
## KNOWLEDGEABLE CONTACTS:

Tom Hart  
N.Y.S. Department of State  
Division of Coastal Resources &  
Waterfront Revitalization  
162 Washington Avenue  
Albany, NY 12231  
Phone: (518) 474-6000

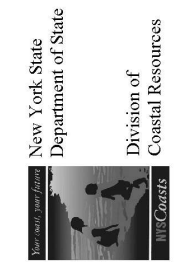
Wayne Elliot, Fisheries Manager  
or Glenn Cole, Wildlife Manager  
or Jack Isaacs, Environmental Protection Biologist  
NYSDEC - Region 3  
21 So. Putt Corners Road  
New Paltz, NY 12561  
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Thomas D. Goodwin  
Environmental Planner  
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700 Troy-Schenectady Road  
Latham, NY 12110  
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**Significant Coastal Fish and Wildlife Habitats**  
 Croton River & Bay  
 Haverstraw Bay (In part)  
 Part 2 of 2



## APPENDIX B

### CHAPTER 270 - ZONING

**CHAPTER 270 ZONING**

[HISTORY: Adopted by the Board of Trustees of the Village of Ossining 10-6-2009 by L.L. No. 3-2009.

Editor's Note: This local law also repealed former Ch. 270, Zoning, adopted 12-18-1990 by L.L. No. 12-1990, as amended.

Amendments noted where applicable.]

**GENERAL REFERENCES**

Adult entertainment — See Ch. 60.

Affordable housing — See Ch. 62.

Building construction — See Ch. 91.

Cabarets — See Ch. 100.

Environmental quality review — See Ch. 118.

Excavations — See Ch. 122.

Explosives and blasting — See Ch. 123.

Flood damage prevention — See Ch. 141.

Food establishments — See Ch. 145.

Freshwater wetlands — See Ch. 149.

Noise — See Ch. 178.

Sidewalk cafes — See Ch. 216.

Slaughterhouses — See Ch. 220.

Stormwater management and erosion and sediment control — See Ch. 227.

Subdivision of land — See Ch. 233.

Swimming pools — See Ch. 237.

Trees — See Ch. 248.

Waterfront consistency review — See Ch. 262.

**ARTICLE I General Provisions (§ 270-1 — § 270-2)****§ 270-1 Purposes.**

There is hereby established a new comprehensive zoning plan for the Village of Ossining, which plan is set forth in the text and map that constitute this chapter. Said plan is adopted for the purposes set forth in Article VII of the Village Law which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

A.  
The facilitation of the efficient and adequate provision of public facilities and services;

B.  
The assurance of adequate sites for residence, industry and commerce;

C.  
The provisions of privacy for families;

D.  
The prevention and reduction of traffic congestion, so as to promote efficient and safe circulation of vehicles and pedestrians;

E.

The maximum protection of residential areas;

F.

The gradual elimination of nonconforming uses;

G.

The enhancement of the appearance of the Village of Ossining as a whole;

H.

The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands; and

I.

The protection of the environment of the Village as a whole.

**§ 270-2 Short title.**

This chapter shall be known and may be cited by the short form title of the "2009 Zoning Law of the Village of Ossining, New York."

**ARTICLE II Definitions; Use Groups (§ 270-3 — § 270-4)****§ 270-3 Word usage.**

Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used."

**§ 270-4 Definitions; use group classifications.**A.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated.

ACRE

An area containing 43,560 square feet.

ALTER

To change, enlarge or rearrange the structural parts of an existing building or structure or to move a building from one location or position to another.

APPLICANT

The person or entity that is submitting an application for development, or the successor to the same.

ARTICULATION

An architectural demarcation consisting of an element such as a cornice line or entablature; a course of brick, stone or other material which projects or is differently colored or differently laid; or a change from an opaque surface to a void.

BASE DISTRICT

Any zoning district which is mapped in an area subject to the provisions of an overlay district.

BASEMENT

That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story where the finished surface of the floor above the basement is:

(1)

More than six feet above grade plane;

(2)

More than six feet above the finished ground level for more than 50% of the total building perimeter; or

(3)

More than 12 feet above the finished ground level at any point.

#### BILLBOARD

Any sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot, including motor vehicles with signs attached thereto and parked in such a way as to serve as billboards, whether on the same lot as the business or not. Exceptions are temporary signs and way-finding signs.

#### BOARDINGHOUSE, LODGING HOUSE or ROOMING HOUSE

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

#### BOARD OF TRUSTEES

The governing board of the Village.

#### BUFFER

An open space or landscaped area consisting of trees, shrubs, berms, walls, solid fencing or a combination of all, so installed to visibly and physically separate one use from another or to shield or block noise, lights or other nuisances. The buffer shall not be used or otherwise encroached upon by any parking, paving or aboveground structure on the lot so as to provide for adequate separation and protection from otherwise inharmonious or incompatible uses. A buffer requirement is in addition to all yard and setback requirements and is measured at right angles to and inward from the yard line.

#### BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy, as well as the following:

(1)

Fences projecting above the ground not more than 6.5 feet at the lower ground level.

(2)

Walls, other than retaining walls, projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level.

(3)

Porches, outdoor bins and other similar structures.

#### BUILDING AREA

The maximum horizontal cross section of a building, including porches, balconies and raised platforms, but excluding cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and terraces not more than three feet above the average adjacent ground elevation.

#### BUILDING INSPECTOR

The Building Inspector of the Village or his designee. Any reference to the Building Inspector in this chapter shall also be deemed to include and refer to the Director of Code Enforcement.

[Amended 1-19-2010 by L.L. No. 1-2010]

#### BULK

The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, coverage and yard setbacks.

#### CERTIFICATE OF COMPLIANCE

Official certification that the use of a building conforms to this chapter and to any additional applicable rules and regulations.

CERTIFICATE OF OCCUPANCY

Official certification that a building or structure conforms to this chapter and to any additional applicable rules and regulations and may be occupied.

COMPREHENSIVE PLAN

A comprehensive plan adopted by the Board of Trustees pursuant to 722 of the Village Law which indicates the general locations recommended for the various functional classes of public works, places and structures and the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

COMMON OPEN SPACE

The unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation.

COVERAGE

(1)

BUILDING COVERAGE

— That percentage of the land area covered by the combined building area of all buildings, excluding any building or structure located completely below ground.

(2)

IMPERVIOUS COVERAGE

— That percentage of the land area covered by impervious surfaces.

CURB LEVEL

The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

DENSITY

The number of dwelling units per acre of land, usually expressed as dwelling units per acre.

DEVELOPED LOT

A parcel or plot of land that is occupied by a principal building.

DISTRICT or ZONE

Any portion of the territory of the Village within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this chapter.

DRIVEWAY

A means of access for vehicles to or from a property to a roadway.

DWELLING, DETACHED ONE-FAMILY

A detached building containing one dwelling unit only.

DWELLING, MULTIFAMILY

A building or portion thereof containing three or more dwelling units.

DWELLING, ROW OR ATTACHED

A one-family dwelling with party walls separating it from adjacent units on one or both sides.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.



DWELLING UNIT

A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. A house trailer, a boardinghouse or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar homes or other similar structures shall not be deemed to constitute a dwelling unit.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style and general arrangement of such of the exterior of a structure as is designed to be opened to view from a public way, including kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

FACADE

One side of the exterior of a building.

FAMILY

One or more persons, whether or not related by blood or marriage, living and eating together as a single housekeeping unit and sharing common expenses and household tasks.

FLAG LOT

A lot that contains two distinct parts:

(1)

The flag, which is the only building site and is located behind another lot; and

(2)

The pole, which connects the flag to the street and provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.

FLOOR AREA, HABITABLE, RESIDENTIAL

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Habitable floor area shall include all spaces not otherwise excluded above that are arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.

FLOOR AREA, LIVABLE, RESIDENTIAL

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Livable floor area shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit.

FRONTAGE

The horizontal distance measured along the full length of a street line abutting the lot.

GRADE

The finished ground level adjoining the building or structure at all exterior walls.

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GROSS FLOOR AREA

For one- and two-family homes: The gross floor area shall include all floor areas of all habitable rooms of all buildings and structures on the site. For all other buildings and structures: The gross floor area shall mean the sum of the areas of horizontal sections through each story of all parts of the building devoted to residential or commercial use. In computing the gross floor area, the area of horizontal section shall be that area enclosed by

the outside faces of all exterior walls. Further, the gross floor area shall not include the floor areas devoted to any accessory parking structures.

#### GROUND FLOOR

The lowest floor of a building having its entire floor to ceiling height above grade.

#### HABITABLE ROOM

A room or enclosed floor space arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.

#### HEIGHT OF A STRUCTURE OR BUILDING

The vertical distance measured from the grade plane to the average height of the highest point of the building or structure, excluding the chimney and rooftop appurtenances such as antennas, elevator penthouses, water towers or mechanical equipment.

#### IMPERVIOUS SURFACE

Those surfaces, improvements and structures that cannot effectively infiltrate snow melt and stormwater into the ground, including but not limited to: parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel or other compacted aggregate, swimming pools, and areas covered by the outdoor storage of goods or materials which do not absorb water.

#### LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)

The Local Waterfront Revitalization Plan, as adopted by the Village Board of Trustees and amended from time to time.

#### LOT

A portion or parcel of land considered as a unit.

#### LOT AREA

The total horizontal area included within the property lines of a lot.

#### LOT, CORNER

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of the intersection does not exceed 135°. A lot abutting a curved street shall be deemed to be a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

#### LOT, DEPTH

The minimum distance from the street line of a lot to the rear lot line of such lot.

#### LOT LINE

A line dividing one lot from another or from a street or public place.

#### LOT LINE, FRONT

The lot line which abuts or runs along the designated street line. In the case of a flag lot situated to the rear of another lot, its front lot line shall be the rear lot line of the front lot for purposes of measuring the front yard.

#### LOT LINE, REAR

The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line, not less than 10 feet long, lying farthest from the street line.

#### LOT WIDTH

The dimension measured along the front yard line at substantially right angles to the depth of the lot.

#### NONCOMPLYING BUILDING

A building which contains a use permitted in the district in which it is located, but which does not conform to the district regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.

NONCONFORMING USE

A use, whether of a building or tract of land, or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.

OCCUPANCY

The purpose for which a building or structure, or portion thereof, is utilized or occupied.

OPEN AREA

An area of land that provides uninterrupted space for the purposes of view corridor preservation. Open area may include open space or green space, as well as parking or loading areas.

OPEN SPACE

Areas of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be improved with those buildings, of which not more than 25% roofed for shelter purposes only, and other improvements that are designed to be incidental to the natural openness of the land.

OVERLAY DISTRICT

A zoning district establishing regulations which supersede less restrictive regulations of a base district.

OWNERSHIP, SAME

Includes all vested or contingent interests of any person or his/her agent, representative, successor or assignee, irrespective of whether or not such interest is recorded, in the following circumstances:

(1)

Direct ownership by such person or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin, agent, corporation, firm, entity, partnership or unincorporated association.

(2)

Ownership of property by different corporations, firms, partnerships, entities or unincorporated associations, in which such a person is a stockholder, a partner or associate or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin or owns 10% or greater in each corporation, firm, partnership, entity or unincorporated association.

(3)

When such person or his/her estate, successors or assigns, or any person or entity included in Subsections A and B herein, may be materially or substantively affected by the relief sought, or by any determination in any proceeding sought, before any board, body, commission or agency of the Village of Ossining, whether or not such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.

PARKING AREA

A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money and/or other considerations.

PARKING LOT

An off-street, improved lot, or part thereof, used for the storage of motor vehicles, which contains space rented to the general public by the hour, week, month or year.

PARTY WALL

The wall created on the boundary of the two properties and which serves as a common structure between the two premises owned by different parties.

PEDESTRIAN TRAFFIC FUNCTION

A measure of the intended use of the street for pedestrian traffic. Streets with a high pedestrian function: examples include Main Street, Highland Avenue, Croton Avenue, Spring Street, State Street, Brandreth Street, Water Street and Depot Plaza.

PERMITTED USE

A use of a building or land that conforms with the provisions of this chapter.

PLANNING BOARD

The Village of Ossining Planning Board, established by law.

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which said building is located.

PUBLIC SEWER AND PUBLIC WATER

Sewage disposal and water supply systems approved by the Village Board for municipal operation.

SCREEN or SCREENING(1)

A densely planted vegetative strip at least five feet wide or having equivalent natural growth. The shrubs or trees shall be at least four feet high at the time of planting and will be a type of planting that will form a year-round dense screen at least six feet high within three years;

(2)

An opaque wall or barrier or uniformly painted fence at least six feet high; or

(3)

Any other islands, barriers, emplacements, walls, fences, trees, plantings, shrubbery or other artificial or natural dividing strips or markers of any kind, wherever located on the site.

SETBACK

The distance between a structure and a lot line or, where specified in this chapter, another reference point or line, such as a curblin, and shall not include parking or loading areas.

SHOPPING CENTER

A tract of land, with buildings or structures planned as a whole and intended for one or more establishments for retail, office or allied purposes, on a site of 65,000 square feet or more.

SIGN

Any structure, or part thereof or any device attached to a building or painted or represented thereon or displayed in a window, which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag or representation which is in the nature of or which is used as an announcement, direction or advertisement for commercial purposes or otherwise. A sign includes a billboard or a neon tube, string of lights or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting or fishing or signs required by governments to indicate necessary public services or activities.

SIGN AREA

An area, including all faces of a sign, measured as follows:

(1)

When such sign is on a plate or framed or outlined, all of the area of such plate or the area of such frame or outline shall be included.

(2)

When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

SITE PLAN

A development plan of one or more lots or parcels meeting the requirements of this chapter.

SLOPE

The deviation of a surface from the horizontal, measured as the vertical distance (rise) divided by the horizontal distance (run), and expressed in percent or degrees.

STORY

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY, HALF

Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches.

STREET

Includes a highway, road, avenue or alley which the public has a right to and is Village dedicated or that is a federal, state or county highway or street.

STREET LINE

The dividing line between a lot and a street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as beams, columns or girders.

STRUCTURE

That which is built or constructed.

SUBDIVISION

The division of land of real property into two or more lots, plots, blocks or sites, with or without streets or highways, for the purpose of offering such lots, plots, blocks or sites for sale, transfer of ownership or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of the County Clerk in Westchester County in which such plat is located.

SWIMMING POOL, NONCOMMERCIAL

A body of water in an artificial receptacle or other container, which will cause the retaining of water to a depth greater than 18 inches, and having a surface area of water greater than 100 square feet and which is used or intended to be used for swimming by any family or persons residing on the premises and their guests. Such noncommercial pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings thereon. Such noncommercial pool may be either an inground pool, which shall mean a pool constructed within an excavated depression below the surface of the ground, or an aboveground pool, which shall mean a pool, the frame of which is constructed of steel, aluminum or wood and which rests upon the ground surface, and may include a deck area which encircles all or part of the outside perimeter of such pool.

TRAILER, CAMPING

Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include vehicles if mounted on temporary or permanent foundations with the wheels removed.

USE, ACCESSORY

A use customarily incidental and subordinate to the main use on a lot, whether such accessory use is conducted in a principal or accessory building. An accessory use may not be accessory to another accessory use.

VARIANCE

Permission to depart from the literal requirements of a chapter pursuant to the applicable standards of the

Village Law.

VILLAGE

The Village of Ossining.

VILLAGE ENGINEER

The Village Engineer of the Village of Ossining.

VILLAGE LAW

The Village Law of the State of New York.

WATERCOURSE

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WIDTH, BUILDING

The horizontal distance between the vertical planes of the furthestmost faces of a building, measured along or parallel to the axis of its greatest dimension, excluding roof projections such as eaves, rakes and soffets.

YARD, FRONT

An unoccupied ground area, fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD, LINE

A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR

An unoccupied ground area, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building, extending from lot line to lot line.

YARD, REQUIRED

Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE

An unoccupied ground area, fully open to the sky, between any lot line other than a street or rear lot line and a line drawn parallel thereto along the side of the building between the front and rear yards.

ZONING MAP

The Zoning Map or Maps of the Village of Ossining, New York, together with any amendments thereto as may be subsequently adopted.

B.

Use group classifications.

(1)

Use groups, categories and subcategories.

(a)

Use groups. This chapter classifies land uses into five major groupings: residential; commercial; civic and institutional; industrial; and accessory. These are referred to as "use groups."

(b)

Use categories and subcategories. Each use group is further divided into more specific use categories. Use categories classify land uses and activities based on common functional or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and potential impacts on adjacent properties or areas. Subcategories may be provided for some use categories and may be subject to

differing zoning district or use-specific standards.

(c)

Examples. Typical uses cited as examples of the use categories and subcategories are not intended to be exclusive or restrictive.

(2)

Residential use group. The residential use group includes uses that provide ongoing living accommodations to one or more person. The residential use group includes the following use categories:

(a)

Household living. Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

[1]

Dwellings, single-family detached. A detached building containing one dwelling unit only.

[2]

Dwellings, single-family attached. An attached one-family dwelling with party walls separating it from adjacent units on one or both sides.

[3]

Dwellings, two-family detached. A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.

[4]

Dwellings, two-family attached. A two-family dwelling with party walls separating it from an adjacent unit on one side.

[5]

Dwellings, multifamily. A building or portion thereof containing three or more dwelling units.

(3)

Commercial use group. The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories:

(a)

Adult entertainment uses. For the definition of "adult entertainment use," see Chapter 60, Adult Entertainment.

(b)

Animal-related uses. Commercial services related to the temporary care, boarding or medical treatment of animals. Uses are divided into two subgroups based on the intensity of the use, outdoor activity on the site and the potential for noise and odor-related externalities.

[1]

General. General animal-related uses have no outdoor facilities and provide same-day services or treatment only for domestic animals such as dogs, cats, fish, birds and small mammals. Overnight boarding for larger animals such as dogs and cats is not permitted. Examples include pet store and grooming uses occupying less than 5,000 square feet of floor area.

[2]

Intensive. Intensive animal-related uses include larger pet stores or provide outdoor facilities, overnight boarding or services or treatments for larger animals. Examples include animal shelters, kennels, stables, pet stores occupying more than 5,000 square feet of floor area and veterinary clinics.

(c)

Bar or tavern uses. An establishment, which is licensed by the New York State Liquor Authority, having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises and which sets a minimum age requirement for entrance, consistent with state law.

(d)

Entertainment or recreation uses. Commercial facilities used primarily for physical exercise, recreation or cultural activities. Uses are divided into two subgroups based on indoor or outdoor operations.

[1]

Indoor. Indoor uses in this category may require larger indoor areas to accommodate equipment or facilities for the proposed commercial entertainment or recreational activity. Examples include: physical fitness centers; health clubs; gyms; bowling alleys; indoor skating rinks; billiard halls; amusement arcades; indoor play parks; indoor theaters; performing arts centers; music halls; museums.

[2]

Outdoor. Outdoor uses in this category are typically land-intensive uses that provide continuous recreation or entertainment-oriented commercial activities. They may take place in a number of structures that are arranged together in an outdoor setting. Examples include: commercially operated tennis and swimming facilities; golf driving ranges; outdoor miniature golf facilities; and active sports facilities such as batting cages.

(e)

Lodging uses.

[1]

Bed-and-breakfast. An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on the premises and not more than six bedrooms are so used for the NC Districts and nine bedrooms for the VC District and Waterfront Districts. The maximum length of stay for an individual guest shall be 14 nights.

[2]

Hotel. A facility offering 10 or more rooms for lodging accommodations for compensation to the general public and which may also provide additional services, such as meeting rooms, entertainment and recreational facilities, all for the use of customers residing at the inn and their guests only, and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.

(f)

Office uses. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Uses are divided into three subgroups based on land use impacts.

[1]

General. Professional offices, including lawyers, accountants, engineers, architects and real estate agents; financial services, such as mortgage lenders, brokerage houses, financial consultants, administrative and banking facilities; data processing; government offices; public utility offices; social service or other professional agency or nonprofit offices; television and radio studios; and business offices.

[2]

Live-work unit. An office or studio located within the same dwelling unit as the primary residence of the proprietor. Uses may include lawyers, architects, engineers, designers, music teachers, teachers, licensed real estate and/or insurance brokers and other similar professional office uses. Note: An art or crafts workshop as part of a dwelling unit is included in the artisan workshop category in the industrial use group. No more than 40% of the live-work unit shall be devoted to the work use, and the unit shall not be located on the ground floor of the building.

[3]

Medical and dental. A type of outpatient office use distinguished by a higher-than-typical number of customer visits. Examples include medical and dental clinics; chiropractic clinics; medical and dental labs; blood-collection facilities; and physical therapy clinics.

(g)

Parking uses, nonaccessory. Parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as nonaccessory parking.



(h)

Restaurant uses. A fully enclosed establishment where meals or prepared food, including beverages, are served to customers for consumption on or off the premises, pursuant to required licenses.

(i)

Retail sales and service uses. Establishments involved in the sale, lease or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services or product repair services to the general public. Uses are divided into the following subgroups:

[1]

Sales oriented. Stores selling, leasing or renting consumer, home and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pet supplies (no animals or animal services), pharmaceuticals, plants, printed material, stationery, videos and similar goods. Also includes retail establishments that have a cottage industry component, such as bakeries, confectioneries, upholsterers, artisan workshops, and similar. However, in the case of an artisan workshop with retail sales, both the retail sales use and the artisan workshop use shall be deemed principal uses and shall meet the standards required for both.

[2]

Personal service oriented. Establishments engaged in providing retail services such as laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons and spa services and tanning salons or similar.

[3]

Repair oriented. Repair of consumer goods, such as electronics, bicycles, office equipment and appliances. Does not include repair of motor vehicles or lawn, landscaping and garden equipment, small machines or similar intensive repair.

[4]

Outdoor storage and sales. Uses that typically include large areas of outdoor storage or display, such as lumber yards; sales of landscaping materials and nursery products; equipment rental businesses.

(j)

Funeral parlors, taxidermists, mortuaries and crematoriums. A building or structure used by a professional licensed mortician for cremation, burial preparation and other funeral services.

(k)

Vehicle-related uses. Sales of motor vehicles or services related to motor vehicles. Uses are divided into two subgroups based on the intensity of the use, vehicle types sold or serviced, amount of outdoor service or storage and the potential for noise and odor-related externalities.

[1]

General. General vehicle-related uses include limited service of passenger vehicles and the sale of vehicle parts, with outdoor storage limited to 10% of the lot size. Examples include car washes and auto detailing; gasoline filling stations; and retail sales of passenger vehicle parts with no on-site vehicle repair.

[2]

General plus. A site proposing to combine a general vehicle-related use and a secondary use that is incidental to the general vehicle use but includes passenger car and vehicle repair limited to short-term, nonintensive repair that includes such work as oil changes, tire rotations, fluid checks, inspections. The vehicle repair component shall not contain more than two bays. No auto body repair is allowed.

[3]

Intensive. Intensive vehicle-related uses allow for the sales and service of motor vehicles, including heavy vehicles and equipment, including lawn, landscaping and garden equipment. Outdoor storage areas for vehicles, parts or other supplies may exceed 10% of the lot area, but must be screened in accordance with the requirements of this chapter, except for vehicles on display for sale. Examples include vehicle repair and servicing, including the installation of vehicle parts; auto body repair; vehicle sales or rental; and vehicle storage yards, including towing and wrecker services or impoundments.

(4)

Civic and institutional use group. The civic and institutional use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

(a)

Clubhouses and community centers. A use that provides meeting space and facilities for private, nonprofit associations or religious institutions. Examples include private, nonprofit meeting halls, clubs, associations or nonresidential fraternal organizations, such as the Masonic, Eagles, Moose and Elks Lodges and the Lions and American Legion Clubs; community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(b)

Day care and nursery schools. A nonresidential facility that provides care or supervision for children for less than 24 hours per day for a fee. Day care uses also include organized programs of short-term supportive day care in a group environment for adults who need supervision, assistance or both. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services and social or recreational activities.

(c)

Educational uses. Public and private schools that provide state-mandated primary and secondary generalized education; and schools for specialized activities, such as dance, music, martial arts, business and technical skills. Uses are divided into three subgroups:

[1]

Elementary or secondary. Private schools at the primary, elementary, junior high or high school level that provide state-mandated basic education.

[2]

Specialized schools. Schools primarily engaged in offering specialized trade, business or commercial courses, but not academic training. Also specialized non-degree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and other short-term examination preparatory schools. If a specialized school involves indoor or outdoor recreational facilities, these facilities shall be deemed second principal uses and shall only be permitted in accordance with the requirements for entertainment and recreation uses.

[3]

Higher learning. Colleges, universities and professional schools granting academic degrees and requiring at least a high school diploma or equivalent general academic training for admission. Junior colleges and technical institutes requiring at least a high school diploma or equivalent general academic training for admission and granting associate academic degrees, certificates or diplomas. These uses tend to be in campus-like settings or on multiple blocks.

(d)

Hospitals. An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons that is licensed by state law to provide such services. Hospitals may include inpatient medical or surgical care for the sick or injured and related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Cafeterias, restaurants, florists, gift shops, pharmacies and other typical and subordinate uses may be permitted subject to the standards for accessory uses.

(e)

Infrastructure and utilities uses. Public or private buildings, structures and lands used to provide infrastructure and utility services. Uses are divided into two subgroups based on potential impacts to surrounding areas, including the number of employees and/or visitors on site and the potential for noise and odor-related impacts.

[1]

General. Infrastructure services that need to be located in or near the neighborhood or use where the service is provided. Examples of general utilities include water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges and surface transportation stops such as bus stops and park-and-ride facilities.

[2]

Intensive. Infrastructure services providing regional or community-wide service that normally entail the construction of

new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities and electrical substations.

(f)

Municipal uses. Facilities owned or operated by the Village and not subject to the standards of this chapter, including but not limited to reservoirs; water supply reservations; parks and open space; playgrounds; recreational facilities; community centers; libraries; firehouses; police stations; government offices; government garages; and public parking areas.

(g)

Places of worship. A use that provides meeting space and facilities for religious institutions. Examples include churches, temples, synagogues and mosques. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(h)

Senior living facilities. An establishment providing lodging, boarding and nursing care for the elderly, including:

[1]

Nursing homes, assisted-living facilities, retirement homes, adult-care facilities or retirement communities that have a license to operate from the New York Department of Health; provided, however, that not all units within the property must be licensed units; or

[2]

Any retirement home or community in which some of the residents require additional medical services or assistance with activities of daily living, including but not limited to assistance with grooming, preparation of meals, housekeeping or laundry, where one or more of such services or activities are provided or have the potential to be provided on site.

(i)

Water-related recreation facilities. Public or private waterfront recreational facilities, including marinas, mooring or docking facilities to accommodate visitors, nonmotorized or motorized watercraft rental stores and other similar related uses.

(5)

Industrial use group. The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The Industrial Use Group includes the following use categories:

(a)

Artisan workshop, general. A workplace used for the production of art, sculpture, craftwork or similar items on a small-scale basis that requires hand tools. A gallery used for the display and sale of work may be included but shall be treated as a second principal use.

(b)

Artisan workshop, intensive. A workplace used for the production and sale of work that requires machines or more intensive equipment or materials to create the work of art. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples include woodworking, metalworking, glassmaking or similar. A gallery used for the display and sale of work may be included but shall be treated as a second principal use.

(c)

Light manufacturing. Facilities for the transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples may include, but are not limited to: production and repair of small machines or electronic parts and equipment; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations and any similar item.

(d)

Self-storage uses. Facilities that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

(e)

Warehouse and freight movement uses. Facilities where the primary function involves the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little or no on-site sales activity with the customer present or business or office uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling of sand, gravel and other aggregate materials. Warehousing or indoor storage of material associated with another principal use such as retail, businesses or office use shall be considered an accessory to the primary use.

(6)

Accessory buildings and uses. An accessory use or building is subordinate and accessory to a principal use or building on the same lot and is used for purposes customarily incidental to those of the principal use or building. Examples in a residential setting include private garages, tool sheds or noncommercial greenhouses. Specific definitions of certain types of accessory buildings and uses are provided below; however, this list is not exhaustive. Additional accessory uses for individual zoning districts can be found in this chapter under Article IV, Use Regulations.

(a)

Clubhouses and community centers. A use that provides meeting space and facilities for private, nonprofit associations or religious institutions. Examples include meeting halls, clubs, associations or community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(b)

Drive-through facilities. Any service window, automated device or other facility that provides goods or services to individuals waiting in a motor vehicle.

(c)

Garage, private. An accessory building for the private use of the owner or occupant of a principal building located on the same lot for the storage of motor vehicles or other storage with no facilities for mechanical services or repair of a commercial or public nature.

(d)

Greenhouse. A fully enclosed structure that houses plants and other vegetation for the sole purpose of growing vegetation noncommercially.

(e)

Home occupations. An accessory use of a dwelling unit for commercial purposes that does not alter the exterior of the property or affect the residential character of the neighborhood, does not include an exterior sign or a sign in a window visible from the public right-of-way, does not employ any employees who do not live on the premises, and which occupies not more than 25% of the floor area of the residence. Beauty parlors, barbershops, medical and dental practices and hairdressing and manicuring establishments shall not be deemed to be home occupations.

(f)

Home-based businesses. An accessory use of a dwelling unit for commercial purposes that is more intensive than a home occupation and that may include minor modifications to the building exterior and site in order to accommodate the commercial purpose, including a sign, which may employ not more than one employee who does not live in the residence, and which occupies not more than 25% of the floor area of the residence. Examples of home-based businesses include physicians, doctors, dentists, lawyers, architects, engineers, designers, music teachers, hairdressers, teachers, licensed real estate and/or insurance brokers and other similar professional uses.

(g)

Indoor storage. The storage, but not display for sale, of goods and/or materials inside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses.

(h)  
Off-street parking and loading, accessory. Parking facilities that provide parking that is accessory to a specific use or uses and related to the parking requirements listed in Appendix C.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

(i)  
Outdoor dining. Food or beverage service areas outside of a fully enclosed structure as an accessory use to a permitted restaurant or bar or cocktail lounge use. Where a permit has been issued by the Board of Trustees, outdoor dining may be permitted on a public right-of-way such as a sidewalk (See Chapter 216, Sidewalk Cafes.)

(j)  
Outdoor storage. The storage, but not display for sale, of goods and/or materials outside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses. Outdoor storage shall be screened in accordance with the provisions of this chapter.

(k)  
Outdoor display. Displays that are for sale that are a minor part of the retail business. Displays are typically seasonal.

(l)  
Tool shed. The storage of materials or equipment that is incidental and subordinate to the primary residential use and must be located in a fully enclosed structure.

**ARTICLE III Districts (§ 270-5 — § 270-8)**

**§ 270-5 List of districts.**

The Village of Ossining is hereby divided into the classes of districts listed below:

<b>Residential Districts</b>	
S-125, S-100, S-75 and S-50	Single-Family Residence Districts
T	Two-Family Residence District
MF-1 and MF-2	Multifamily Residence Districts
PRD	Planned Residence District
<b>Business/ Mixed-Use Districts</b>	
PC	Planned Center District
NC-1 and NC-2	Neighborhood Center Districts
VC	Village Center District
GB	General Business District
P-O	Professional Office District
O-R	Office-Research District
CDD	Conservation Development District
SP-N	Station Plaza North District
SP-S	Station Plaza South District
RDD	Riverfront Development District

PW	Planned Waterfront District
PW-a	Northern Waterfront Subdistrict
PW-b	Central Waterfront — Transit-Oriented Subdistrict
PW-c	Central Waterfront — Hillside Subdistrict
IR	Institutional/Redevelopment District
PWRD	Planned Waterfront and Railway Development District (overlay)
HADD	Historical and Architectural Design Districts and Historic Landmarks (overlay)

### **§ 270-6 Zoning Map.**

The boundaries of said districts are hereby established as shown on the "Zoning Map, Village of Ossining," dated October 2009, which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. A copy of said map, indicating the latest amendments, shall be kept up-to-date in the offices of the Building Inspector for the use and benefit of the public.

### **§ 270-7 District boundaries.**

In determining the boundaries of districts shown on the map, the following rules shall apply:

#### **A.**

Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

#### **B.**

Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

#### **C.**

In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.

#### **D.**

In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Building Inspector.

### **§ 270-8 Effect of establishment of districts.**

Following the effective date of this chapter:

#### **A.**

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner, except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located.

#### **B.**

No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

#### **C.**

No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.

#### **D.**

Any use not permitted by this chapter shall be deemed to be prohibited. Any list of prohibited uses contained in any

section of this chapter shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and that are thus prohibited.

#### **ARTICLE IV Use Regulations (§ 270-9 — § 270-25)**

##### **§ 270-9 S-125, S-100, S-75 and S-50 Single-Family Residence Districts.**

###### **A.**

Purpose.

###### **(1)**

To maintain the character, scale and density of existing single-family residential neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

###### **(2)**

To encourage homeowners to maintain and improve their properties in keeping with the character of the surrounding neighborhood.

###### **B.**

Uses. Permitted principal, accessory, conditional and special permit uses in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

###### **C.**

Conditional uses. The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below. Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

###### **(1)**

The minimum lot size shall be 3.0 acres.

###### **(2)**

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

###### **(3)**

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

###### **(4)**

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

###### **D.**

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

###### **(1)**

Greenhouse and tool shed, subject to the requirements of § 270-27.

###### **(2)**

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

###### **(3)**

Clubhouses and community centers, subject to the requirements of § 270-27 and constructed within a residential community for use by its residents, which shall be operated by a homeowners' association.

###### **E.**

Bulk requirements. Bulk requirements in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix B



Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter. and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter. and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

**§ 270-10 T Two-Family Residence District.**

A.

Purpose.

(1)

To maintain the character, scale and density of existing two-family neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

(2)

To encourage property owners to maintain and improve their properties in keeping with the character of the surrounding neighborhood.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the T District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses.

(1)

The following uses shall also be permitted as conditional uses: cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

(a)

The minimum lot size shall be 3.0 acres.

(b)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(c)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(d)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

(2)

In addition to the applicable requirements found in §§ 270-26 and 270-51, the following requirements apply:

(a)

Parking uses shall meet the minimum lot area requirement.

(b)

No parking or loading area shall be located within 10 feet of any street line or lot line, and the Planning Board shall



ensure appropriate screening of parking and loading areas.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements. Bulk requirements in the T District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the T District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the Two-Family Residence District must provide affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-11 MF-1 and MF-2 Multifamily Residence Districts.**

A.

Purpose.

(1)

To accommodate the need for denser and more compact housing types in appropriate locations within the Village.

(2)

To maintain the character and scale of existing multifamily housing developments in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the MF-1 and MF-2 Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses.

(1)

The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below:



(a)

Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

[1]

The minimum lot size shall be 3.0 acres.

[2]

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

[3]

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

[4]

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

(b)

Parking uses, nonaccessory, shall meet the minimum lot area requirement for the district. No parking or loading area shall be located within 10 feet of any street line or lot line, and the Planning Board shall ensure appropriate screening of parking and loading areas.

(2)

In addition to the conditional uses permitted in Appendix A,

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
cluster development in accordance with § 270-36 shall be a permitted conditional use.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements.

(1)

Bulk requirements in the MF-1 and MF-2 Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

(2)

Multifamily dwellings shall be subject to the following requirements:

(a)

The minimum distance between principal buildings shall be not less than 1.5 times the height of whichever building has a higher elevation at its highest point, or 25 feet, whichever is more.

(b)

There shall be provided on the same lot suitably equipped and active landscaped recreation area(s) which shall constitute at least 25% of the required common open space, as approved by the Planning Board.

(c)

No building shall exceed 160 feet in length.

F.

Parking requirements. Parking requirements in MF-1 and MF-2 Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter. and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the MF-1 and MF-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-12 PRD Planned Residence District.**A.

Purpose.

(1)

To maintain residential developments constructed in the PRD District prior to the effective date of Local Law No. 3-2009.

(2)

To provide for the development of remaining undeveloped lands within the PRD District while preserving the natural features of development sites, including wetlands, steep slopes, hilltops and ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(3)

To ensure compatibility between new planned residential development and surrounding existing neighborhoods.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the PRD District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below. Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses, are permitted subject to the following:

(1)

The minimum lot size shall be 3.0 acres.

(2)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(3)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(4)

Any conditional use so permitted in and as regulated in cluster zoning in a PRD District pursuant to § 270-36.

(5)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements. Bulk requirements in the PRD District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the PRD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

G.

Special requirements.

(1)

All PRD developments shall have an area of not less than three acres undivided by an existing public street.

(2)

If units are attached, there shall be a minimum of two and a maximum of six dwelling units per structure. The Planning Board may allow a greater number of dwelling units within a structure upon a finding that permitting such additional units will not cause a significant adverse effect or impact on the physical or environmental conditions on the site or in the neighborhood.

(3)

The open space of a PRD development shall be designed to the greatest extent reasonably practicable to preserve the natural features of the site, including, but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value; to utilize such features in a harmonious fashion; and to enhance the visual appearance of the development. Active and passive recreation areas shall be provided, including private open space adjacent to the dwelling units. In the event that common open space is provided, it may be left in its natural state with at least 10% of the total open space area designated for active recreation activities.

(4)

All open space, including its services, facilities and utilities, that is in common ownership or control shall be located upon and within a lot or plot of land and shall be fully dimensioned and designated on the plan as representing the area of joint responsibility. The extent of each individual or group ownership, or management as may be established by ownership in full or partial fee, or leased, under deed, covenant, contract or such other conditions of usage or occupancy, shall be legally established and recorded. A description or plan of such lots shall be filed with the Tax Assessor.

(5)

The applicant for a PRD development shall provide for and establish an organization for the ownership and maintenance

of the common open space, and such organization shall not dissolve nor shall it dispose of the common space by sale or otherwise, except to an organization conceived and established to own and maintain it.

(6)

The Planning Board shall require screening at the PRD development's boundary with a single-family residential district of a type and size appropriate to mitigate any negative visual impacts from the proposed PRD development.

(7)

All property adjacent to Route 9 shall provide a one-hundred-foot buffer along the entire length of right-of-way of the roadway.

(8)

No building, other than an accessory building with ground coverage of less than 1,000 square feet, shall be located closer to another building than a distance equal to the height of whichever building has a higher elevation at its highest point and in no event less than 30 feet therefrom.

H.

Affordable housing. An applicant for a residential use in the PRD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

I.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the PRD District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation. Environmental remediation work conducted on-site that is not already substantially subsidized

by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

## **§ 270-13 PC Planned Center District.**

A.

Purpose.

(1)

To provide for a location for retail complexes anchored by large-format stores such as supermarkets or department stores.

(2)

To encourage the upgrading of existing shopping centers within the PC District in a manner that promotes the economic



vitality of the Village and provides residents with essential retail sales and services.

(3)

To provide appropriate standards for nonretail uses to allow a broader mix of uses within a shopping complex while maintaining the economic viability of retail as the primary use.

B.

Uses.

(1)

Permitted development types in the PC District shall be shopping center.

(2)

Permitted principal, accessory, conditional and special permit uses within a shopping plaza in the PC District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Adult entertainment, as defined in Chapter 60, Adult Entertainment, subject to the following: that no such use shall be located within 350 feet from any residential district or within 250 feet from any state highway, and any building containing an adult entertainment shall not exceed 1 1/2 stories in height.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the PC District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the PC district shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-14 NC-1 and NC-2 Neighborhood Center Districts.**

A.

Purpose.

(1)

To provide locations for neighborhood-serving businesses in close proximity to residential districts to minimize the need for travel to run daily errands and to protect and promote the health, safety and welfare of Village residents.

(2)

To encourage neighborhood-serving businesses to cluster along designated corridors within the Village to promote business corridor identity and facilitate comparison shopping.

(3)

To provide for a diverse range of housing types within neighborhood centers while retaining businesses as the main uses in NC Districts.



(4)

To aid in the implementation of a parking strategy for each NC district to minimize the impacts of vehicular traffic in and around residential districts.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the NC Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. Residential dwelling units uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.

(2)

Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the NC Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the NC Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the NC-1 or NC-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-15 VC Village Center District.**A.

Purpose.

(1)

To preserve historic downtown Ossining as the center of Village life.

(2)

To promote increased business activity in downtown Ossining by permitting uses and levels of intensity that are greater than elsewhere in the Village.





(3)

To provide opportunities for residential uses in downtown Ossining to encourage street life during the day and evening.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the VC District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. Residential dwelling uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.

(2)

Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the VC District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the VC District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the VC District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-16 GB General Business District.**A.

Purpose.

(1)

To provide locations for businesses that are incompatible with residential development.

(2)

To help ensure that adequate land is available for businesses by providing a district that is exclusively for business use.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the GB District shall be as

provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses.

(1)

In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements: Light manufacturing, but there shall be no external evidence of the manufacturing processing or assembly activities other than loading and unloading, which shall be fully screened from adjacent residential districts.

(2)

In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the GB District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the GB District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

**§ 270-17 P-O Professional Office District.**

A.

Purpose.

(1)

To accommodate a mix of residential and commercial uses within appropriately scaled buildings along South Highland Avenue.

(2)

To minimize impacts from commercial uses on the surrounding residential neighborhoods.

(3)

To maintain the historic character of the large homes on South Highland Avenue that have been converted to nonresidential use.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the P-O District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below: Residential uses shall be subject to the following requirements: The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit; 600 square feet for a one-bedroom unit; 750 square feet for a two-bedroom unit; and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

E.

Bulk requirements. Bulk requirements in the P-O District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the P-O District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An Applicant for a residential use in the P-O District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-18 O-R Office and Research District.**A.

Purpose.

(1)

To provide locations for businesses that focus on offices, hotels and conference centers and commercial research and development, while preserving the natural features of the site, including wetlands, steep slopes, hilltops and ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(2)

To help ensure that adequate land is available for businesses by providing a district that is exclusively for offices, hotels and conference centers and commercial research and development uses.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the O-R District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses.

(1)

In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
and the requirements found in § 270-26, the following accessory uses are permitted if they are an integral part of the primary use, subject to the following additional requirements:

(a)

Bars or taverns, indoor entertainment or recreation, or restaurants; provided, however, that they are an integral part of the primary use, the total square footage of such uses shall not constitute more than 30% of the building area and the site can accommodate any required additional parking.

(b)

Light manufacturing, but the use must be in connection with the principle use and there shall be no external evidence of the manufacturing processing or assembly activities other than loading and unloading, which shall be fully screened from adjacent residential districts.

(2)

In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the O-R District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the O-R District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-19 CDD Conservation Development District.**

A.

Purpose.

(1)

To provide for development that is low density and will protect the aesthetics, natural resources and environmental features of the remaining undeveloped lands within the CDD District, including preserving natural features of development sites such as wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(2)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment control;

Editor's Note: See Ch. 227, Stormwater Management and Erosion and Sediment Control.  
minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent practicable by protecting scenic views.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the CDD shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following shall also be permitted conditional uses, subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

(1)

The minimum lot size shall be 3.0 acres.

(2)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(3)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(4)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Bars or taverns, indoor entertainment or recreation; provided, however, that they are an integral part of the primary use, the total square footage of such uses shall not constitute more than 30% of the building area and the site can accommodate any required additional parking.

E.

Parking requirements. Parking requirements in the CDD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to CDD.

(1)

Deductions from developable land area. The land located in the CDD has been identified by the Comprehensive Plan and, if applicable, LWRP, as having unique, natural environmental features. In order to help preserve and conserve these features, the following lands shall be deducted from the developable land area for the purposes of determining whether a development proposal complies with coverage, lot area and density requirements: Wetlands shall be deducted in their entirety.

(2)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(3)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or

spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(4)

Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(5)

Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(6)

The minimum habitable floor area for each dwelling unit in the CDD shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

G.

Affordable housing. An applicant for a residential use in the CDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

H.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the CDD District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation. Environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

### **§ 270-20 SP-N Station Plaza North District.**

A.

Purpose.

(1)

To encourage mixed-use development on small properties near the Metro-North train station that will protect and promote the adaptive reuse of existing architecturally noteworthy buildings.

(2)

To increase business near the train station by permitting uses that promote activity around the train station.

(3)

To provide opportunities for residential uses downtown to encourage street life during the day and evening.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the SP-N District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: All residential dwelling units shall be subject to the following requirements:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor or in a basement.

(2)

Residential dwelling units shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit; 750 square feet for a two-bedroom unit; and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor



displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the SP-N District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the SP-N District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the SP-N District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-21 SP-S Station Plaza South District.**

A.

Purpose.

(1)

To permit development on properties near the Scarborough Metro-North train station.

(2)

To increase business by the Scarborough Metro-North train station by permitting uses that promote activity around the train station.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the SP-S District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the SP-S District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the SP-N District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-22 RDD Riverfront Development District.**

A.

Purpose: to establish a carefully designed mixed-use development plan for the riverfront area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and priorities expressed in the Comprehensive Plan and the Village's Local Waterfront Revitalization Plan (LWRP), if applicable.

(4)

Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.

(5)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.

(6)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(7)

Preserving views of the Hudson River and Hudson Palisades for the maximum enjoyment and benefit by the community as a whole.

(8)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area that will be compatible with other waterfront uses and objectives detailed in the Comprehensive Plan and, if applicable, LWRP, and will encourage the overall development of the Village of Ossining.

(b)

Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(c)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(d)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the RDD shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the RDD shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter. and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the RDD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter. and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to the RDD.

(1)

Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.

(2)

Riverfront setback. No building, structure, parking area or loading area shall be located within 50 feet of the more inland of: the normal high-water line of the Hudson River or, if present, the inland edge of a riprap or other embankment that runs parallel to the Hudson River channel, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, that runs parallel to the Hudson River channel. In the case where it is demonstrated to the Planning Board that the setback area is necessary to be used for parking and loading purposes due to the nature of the parcel of land, the proposed use of land, site layout and design and that the use of the setback area shall not significantly negatively impact the Hudson River, or areas prone to flooding, the riverfront setback may be reduced further as agreed to by the Planning Board during site plan approval.

(3)

Open space and water-related activities. Open space and water related activities should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(4)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(5)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(6)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600

square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

(7)

Planning Board factors for review. In addition to the considerations set forth in § 270-52, the Planning Board shall consider the following factors during its review of site plan applications for development within the RDD district:

(a)

The proposed use and how it achieves the purposes outlined in Subsection A above. Mixed use is considered an important factor in creating a waterfront that will draw people, commercial businesses and public use and enjoyment.

(b)

The quality and extent of views from the adjacent public streets and spaces through the property to the Hudson River.

(c)

The design and relationship of development to the waterfront as viewed from the Hudson River.

(d)

The design and function of any easement or other public access provided to the water's edge, including new bulkheading.

G.

Affordable housing. An applicant for a residential use in the RDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

H.

Planned Waterfront and Railway Development (PWRD) Overlay.

(1)

Policy. Among the goals of the Village of Ossining in creating and administering the PWRD use are the elimination of nonconforming uses, protection and encouragement of water-dependent and water-enhanced uses and promotion and development of mixed residential, retail, commercial and open space uses on the waterfront.

(a)

This special permit use is created in furtherance of the Comprehensive Plan for the Village and the Local Waterfront Revitalization Program (LWRP), as amended, and the Main Street and Waterfront Plan by Christopher Chadbourne & Associates, September 1994, revised 1995.

(b)

PWRD use and design controls are intended to enable the development of more desirable living and working environments than might otherwise be possible through the strict application of other sections of this chapter.

(c)

It is the policy of the Village of Ossining that PWRD special permit approval will be granted by the Village Board, subject to the criteria and special requirements set forth below.

(2)

Criteria for PWRD special permit approval:

(a)

The minimum site area shall be three acres. Note: "Site area" shall be defined in accordance with Subsection H(6)(a).

(b)

The site shall have frontage on the Hudson River and be within 500 feet of a railroad station, in order to ensure the promotion, access and use of the waterfront while reducing the need for and impact of vehicular traffic. The five-hundred-foot distance shall be measured from the station or depot building and shall not be measured from station platforms, parking areas or other accessory structures or facilities. For purposes of this special permit use only, a site shall be deemed to have frontage on the Hudson River if it is contiguous to land owned by the Village which fronts on the Hudson River and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) below and an agreement made between the Village and the applicant.

(c)

At least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, passive and/or active recreation areas, children's playgrounds, plazas, pedestrian promenades, boardwalks or other similar facilities. Said open space shall have a minimum depth of 20 feet measured from the bulkhead line, or mean high-water line if no bulkheading is present.

(d)

The site development plan shall provide that at least 50% of the gross project area be permanent publicly accessible open space, which shall incorporate all the Village's policies concerning waterfront access, especially park areas, pedestrian waterfront promenades, boardwalks or other similar facilities. For purposes of this special permit use only, the "gross project area" shall include any parcel of land contiguous to the site which is owned by the Village and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) above and an agreement made between the Village and the applicant.

(e)

The site development plan shall provide for unrestricted public access to the waterfront, subject to the terms herein:

[1]

The site development plan shall provide for a mix of the uses set forth in Subsection H(2)(d) immediately below, in any ratio, provided that a minimum of 50% and a maximum of 97% of the building area shall be residential;

[2]

At least 80% of the required parking must be provided in on-site structured parking;

[3]

The applicant must demonstrate, to the satisfaction of the Village Board, that the requested density is justified by the costs of the proposal, including remediation costs associated with any environmental conditions on the site, proposed public space improvements, maintenance and security costs for the public space, the costs of structured parking and other similar factors;

[4]

At least 10% of any residential units must be set aside as affordable housing units.

Editor's Note: See Ch. 62, Affordable Housing.

"Affordable rental housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County median income as determined by the United States Department of Housing and Urban Development, the rents or carrying charges of which may be met with 30% of the gross household income adjusted only for family size, excluding utilities. "Affordable sale housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County median income as determined by the United States Department of Housing and Urban Development, the purchase price of which shall not exceed three times the household income. Notwithstanding the foregoing, an applicant can satisfy the affordable housing requirement by the payment to the Village of a fee-in-lieu for each approved residential unit, the amount of such per unit fee-in-lieu to be determined from time to time by the Village Board; and

[5]

All buildings must be designed to reduce impacts on views both to and from the Hudson River to the maximum extent practicable.

(3)

Permitted uses.

(a)

Restaurants other than drive-in restaurants;

(b)

Parks and recreational facilities, including outdoor performing arts space, piers and docks, including kayak-launching ramps and related uses;

(c)

Marinas, including related uses such as boat dockage, clubhouses, locker rooms, equipment sales, eating facilities and boat service facilities;

(d)

Ferry services, commercial excursion and fishing charter facilities;

(e)

Marine educational facilities;

(f)

Retail and professional/personal service establishments;

(g)

Fitness centers;

(h)

New construction of multiple-dwelling units with up to three bedrooms per unit, including buildings for condominium, fee simple, cooperative or rental occupancy;

(i)

Parking garage structures. With respect to the dimensions of the parking spaces in such a structure, notwithstanding the provisions of this chapter regarding off-street or parking lot dimension requirements, such requirements shall be:

[1]

Minimum standard parking space size shall be 8.5 feet by 18 feet;

[2]

Minimum compact parking space size shall be eight feet by 16 feet; and

[3]

Minimum aisle width for two-way traffic shall be 22 feet.

(j)

Public utility buildings or structures;

(k)

Drinking establishments;

(l)

Residential apartment buildings operated by the owner of a lower floor business; and

(m)

Specifically prohibited are uses involving biochemical, biological or animal testing laboratories.

(4)

Accessory uses.

(a)

Any use which is customarily incidental and subordinate to the principal use on the same lot;

(b)

Signs accessory to an establishment located on the same lot, subject to the requirements of Appendix A;

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and

(c)

Swimming pools.

(5)

Special requirements. Note: Notwithstanding the provisions of this or any other section of this subsection, the Village Board may waive or alter the provisions of this Subsection H(5) where such waiver or alteration is deemed to further the purposes of this section and the policy set forth in Subsection H(1).

(a)

No building or part thereof shall be situated within five feet of any street line or lot line, except that this distance shall be increased to 50 feet where the building or part thereof abuts a residential district;

(b)

The minimum distance between principal buildings shall not be less than 50 feet;

(c)

All uses and activities which occur in the Hudson River (i.e., docks, disposal of waste) are subject to the regulations of this zone in addition to all other laws and regulations that may apply;

(d)

No portion of land below the mean high-water mark can be counted into calculations of allowable density;

(e)

New or expanded marinas shall include pump-out facilities and shall require that their clients utilize the same;

(f)

Paved walkways for pedestrian access and/or emergency access shall be permitted within a buffer area adjacent to a watercourse; and

(g)

The watercourse buffer required pursuant to § 270-28 of this chapter shall include any yard and setback requirements established herein.

(6)

Design standards.

(a)

For purposes of this special permit use only, "site" shall be defined as the land under the ownership or control of the applicant, whether or not lot lines separate that tract of land, and whether or not any parcels within that tract of land are separately taxed, so long as all such parcels and/or lots are contiguous to one another;

(b)

Maximum FAR (ratio of floor area of principal buildings, excluding any parking structures and/or mechanical/utility areas, to total land area of site): 1.5;

(c)

Maximum net density for residential uses: 48 units per acre;

(d)

Maximum number of bedrooms per unit: three;

(e)

Maximum building height: 80 feet. For purposes of a PWRD, and notwithstanding anything to the contrary in this chapter, height of a building shall be measured from the average finished grade to the level of the highest point of the roof if the roof is flat or to the mean level between the eaves and the highest point of the roof if the roof is of any other type;

(f)

Parking:

[1]

Residential uses: 1.5 spaces per dwelling unit;

[2]

Nonresidential uses: 4.25 spaces per 1,000 square feet.

(g)

PWRDs, to the extent possible, shall maintain existing views of the Hudson River from adjoining and nearby properties and streets in the Village of Ossining. The applicant shall demonstrate this by providing computer simulations or models of the project, with views from both the Hudson River (to the east) and towards the Hudson River (to the west); and

(h)

All developments shall, where it is deemed reasonable, practicable and appropriate by the permitting authority, provide:

[1]

Continuous and improved pedestrian access along or through the site;

[2]

Improved public access along the water's edge, including pedestrian walkways, open space areas and promenades. Where necessary for security purposes, reasonable restrictions on all publicly accessible open space may be imposed by the Village Board in accordance with similar restrictions placed upon other Village-owned public recreational/open areas; and

[3]

Uses open to the public, such as restaurants, shops or marinas.

(7)

Determination of density.

(a)

For purposes of determining allowable density, the area of the site shall be calculated in accordance with Subsection H(6)(a);

(b)

The transfer of real property interests to the municipality within the rezoned site shall not reduce the site area for purposes of determining allowable density, provided that said transfer occurs after approval of the project has been granted; and

(c)

Municipal or private easements or rights-of-way within the site shall not be deducted from the site area for the purpose of calculating the allowable density.

(8)

Application for site development plan approval. The procedure for submission, review and approval of a site development plan for this use shall be in accordance with the procedures and standards set forth in § 270-52 thereof, except that the approval authority for the site development plan shall be the Village Board.

### **§ 270-23 PW Planned Waterfront Districts.**

A.

Purpose: to establish a carefully designed mixed-use development plan for the waterfront area that will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality,



stormwater management and erosion and sediment control;

Editor's Note: See Ch. 227, Stormwater Management and Erosion and Sediment Control.

minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent feasible by protecting scenic views.

(4)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(5)

Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.

(6)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(b)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(c)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

(d)

Provide means of various housing opportunities that help meet the needs of the community, including affordable housing and senior citizen housing.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the Planned Waterfront Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the Planned Waterfront Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the Planned Waterfront Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to Planned Waterfront Districts.

(1)

Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(2)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(3)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(4)

The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(5)

The minimum habitable floor area for each dwelling unit in the PW District shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square

feet for each additional bedroom in units with three or more bedrooms.

G.  
Subdistricts.

(1)  
There shall be three established subdistricts within the Planned Waterfront District:

(a)  
PW-a: Northern Waterfront Subdistrict.

(b)  
PW-b: Central Waterfront — Transit-Oriented Subdistrict.

(c)  
PW-c: Central Waterfront — Hillside Subdistrict.

(2)  
The permitted uses and bulk requirements may differ among the districts and are set forth in Appendixes A and B.

Appendix A, Use Tables, and Appendix B, Bulk Requirements, are both included at the end of this chapter.

The subdistricts shall be mapped on the Village Zoning Map.

Editor's Note: The Zoning Map is on file in the offices of the Building Inspector.

H.  
Affordable housing. An applicant for a residential use in the Planned Waterfront District, or any subdistrict thereof, must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

I.  
Planned Waterfront special permit:

(1)  
Purpose. Numerous contiguous lots in the Planned Waterfront District have common ownership, but are not officially assembled. Keeping those properties in common ownership will help promote the objectives of the waterfront zoning by allowing greater flexibility in site plans. These larger sites will be able to accommodate additional densities and provide more amenities to the Village than smaller, separate lots would be able to provide. Developing a planned waterfront will further the objectives outlined in the Comprehensive Plan by promoting assemblages of parcels that create opportunities for transit-oriented development surrounding the Metro-North station and Ossining Dock by in-filling parcels with diverse land uses. The purpose of this subsection is to allow the granting of a special permit that, in exchange for the provision of certain amenities, will allow increased densities for particular developments meeting the criteria below.

(2)  
Eligibility. Applications can be made for a special permit allowing for increased density in the Planned Waterfront Districts based on the procedures outlined in Article XI for parcels comprised of at least three acres. Contiguous or adjacent lots (even if separated by a public road) where the aggregate area of such lots is at least three acres and development of such lots is proposed in one integrated site plan shall qualify for such special permit.

(3)  
As part of the site plan for the planned development, the applicant must include the following:

(a)  
Lots under the same ownership that are part of this special permit application shall be combined and considered as one lot.

(b)  
Provision of at least one amenity pursuant to Subsection I(4) immediately below.

(c)  
Provision of affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

(4)

Density bonus incentives. An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the PW District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(5)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(6)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(7)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

#### **§ 270-24 IR Institutional/Redevelopment District.**

A.

Purpose. To establish a carefully designed mixed-use redevelopment plan for the Sing Sing Correctional Facility area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and objectives expressed in the Village's Comprehensive Plan and, if applicable, the Local Waterfront Revitalization Plan (LWRP).

(4)

Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.

(5)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.

(6)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(7)

Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.

(8)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area, that will be compatible with other waterfront uses and objectives and will encourage the overall development of Ossining.

(b)

Encourage appropriate uses of this area to preserve and enhance mixed use of old institutional buildings that could bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(c)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(d)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the IR District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the IR District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the IR District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to the IR District.

(1)

Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.

(2)

Riverfront setback. No building or structure shall be located within 50 feet of the more inland of: the normal high-waterline of the Hudson River or, if present, the inland edge of a riprap or other embankment, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, except that no part of any building or structure shall be closer than 25 feet to the more inland of the normal high-water line or the inland edge of a riprap or other embankment, if present. No parking or loading area shall be situated within such setback.

(3)

Open space and water-related activities. Open space and water-related activities should be maximized. Where possible, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(4)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(5)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(6)

Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(7)

The minimum habitable floor area for each dwelling unit in the IR District shall be 450 square feet for an efficiency or

studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

G.

Affordable housing. An applicant for a residential use in the IR District must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

H.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the IR District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.



(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

#### **§ 270-25 HADD Historical and Architectural Design Districts and Historic Landmarks; Historic Preservation Commission.**

A.

Purpose. It is the purpose of this section to promote the educational, cultural, economic and general welfare of the public through the creation, protection, enhancement, perpetuation and preservation of Historical and Architectural Design Districts and Historic Landmarks. The Board of Trustees of the Village of Ossining, New York, declares that it is a public purpose to ensure that the distinctive and historical character of Historical and Architectural Design Districts and Historic Landmarks shall not be injuriously affected, that the value to the community of buildings having architectural and historical worth shall not be impaired, and that said Historical and Architectural Design Districts and Historic Landmarks shall be maintained and preserved to promote their use for the education, pleasure and welfare of the citizens of the Village of Ossining, New York, and others.

B.

Historic Preservation Commission.

(1)

There shall be a Historic Preservation Commission consisting of seven members appointed by the Village Manager of the Village of Ossining.

(a)

All members shall have a known interest in historic preservation and architectural development within the Village of Ossining.

(b)

The membership of the Commission shall include:

[1]

At least one member with practical experience in the field of architecture or urban design;

[2]

At least one member with practical experience in urban planning, land development or real estate;

[3]

At least one member who is a resident of a designated Historical District or of a property that has been designated as a local historic landmark; and

[4]

At least one member who has demonstrated significant interest in and commitment to the field of historic preservation or local history, evidenced either by involvement in a historic preservation group or historical society, employment or volunteer activity in the field of historic preservation, or other practical demonstration of interest.

(c)

It is not necessary to appoint a separate Commission member to fulfill each of the above categories. A single member with the requisite experience or expertise can fulfill more than one of the categories.

(2)

Members are to be appointed for terms of five years, provided that of those members first taking office, one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. Members may serve for more than one term, and each member shall serve until the appointment of a successor. The Commission shall annually elect one of its members as Chairman.

(3)

At least four members of the Historic Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of three members of the Historic Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Historic Preservation Commission.

(4)

The Historic Preservation Commission shall adopt rules for the transaction of its business which shall provide for the time and frequency of its meetings. They shall hold meetings monthly (unless not needed) and shall provide for the calling of special meetings as needed. All regular or special meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its conclusions.

(5)

The Commission shall submit an annual report of its activities to the Village Board of Trustees.

(6)

The Commission shall cause to be published checklists and application forms which shall specify the materials required of each application for designation of landmarks or historic districts or for a certificate of appropriateness and the number of copies to be submitted.

(7)

The Historic Preservation Commission may request the Village Board of Trustees to retain or employ professional consultants, or other such personnel as may be necessary to perform its functions, subject to budgetary appropriation by the Village Board.

(8)

The duties of the Historic Preservation Commission shall be as follows:

(a)

To hear applications for and recommend the designation of landmarks and historic districts to the Board of Trustees in accordance with the procedures set forth herein;

(b)

To hear and approve or disapprove applications for certificates of appropriateness pursuant to the criteria set forth herein;

(c)

To determine whether an application submitted to it pursuant to this section is complete and to hear and decide requests for waivers of required application items; and

(d)

To hear applications for and recommend to the Board of Trustees the donation of facade easements.

(9)

The Historic Preservation Commission shall have the following additional powers which it may exercise as it deems appropriate or at the request of the Board of Trustees, Board of Architectural Review or Planning Board.

(a)

To develop a plan for the protection, preservation and enhancement of places and features of architectural or historical significance;

(b)

To designate identified structures or resources as landmarks or historic districts;

(c)

To conduct surveys of buildings for the purpose of determining those of historical, architectural and cultural landmarks and historic districts within the Village;

(d)

To formulate recommendations concerning the preparation of maps, brochures and historical markers for selected historical and/or architectural sites and landmarks;

(e)

To cooperate with and advise municipal agencies and officials in matters involving historical and/or architectural sites and landmarks pursuant to, but not limited to, Subsection C of this section;

(f)

To develop and participate in public education programs to increase public awareness of the value of historic, cultural and architectural preservation;

(g)

To advise owners of historical buildings on issues of restoration and preservation;

(h)

To advise the Village Board of Trustees with respect to the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village;

(i)

To advise the Village Board of Trustees with respect to the acquisition of a landmark structure where its preservation is essential to the purposes of this section and where private preservation is not feasible; and

(j)

To advise the Village Board of Trustees concerning the acquisition of facade easements or other interests in real property, as necessary, to carry out the purposes of this section.

C.

Designation of landmark or historic district.

(1)

Application procedure.

(a)

Application for designation shall be made, in writing, to the Historic Preservation Commission or by the Historic

Preservation Commission and shall include a brief outline of the location of the district or landmark and the reasons why it should be considered, as well as all items required by the application checklist and forms published by the Commission. For an historic district, a description of the general character of the area is also required.

(b)

The Historic Preservation Commission shall, within 90 calendar days of a complete application, prepare a report giving an opinion on the application, hold a public hearing on the application and issue a recommendation on the application to the Board of Trustees. Notice of the hearing shall appear at least seven days in advance of the hearing in the local newspaper. At the public hearing, a formal presentation may be made by the applicants. Documentation and evidence shall be entered regarding the historical and architectural quality of the proposed landmark or district, and statements may be made by interested parties relating to the merits of such designation. The record may also contain staff reports, public comments or other evidence offered outside of the hearing, provided such reports, comments and evidence are introduced and marked at the hearing.

(c)

An application shall be provided to the Planning Board and Board of Trustees, in such number of copies as may be required by the Planning Board Secretary and Village Clerk, at the time of submission to the Historic Preservation Commission.

(d)

The Planning Board may review and make recommendations to the Commission on the application at or prior to the public hearing.

(e)

Following a positive recommendation of the designation by the Historic Preservation Commission, the Board of Trustees shall take up the application. The Board shall hold a public hearing on the application, with notice given at least seven days in advance of the hearing in the local newspaper. The Board of Trustees shall give notice of such public hearing to the owners of the parcels being considered for designation, including all parcels situated within a proposed historical district, at least 14 days before the public hearing by either personal delivery or certified mail, return receipt requested. At the hearing, the Board of Trustees shall consider the report and recommendation of the Historic Preservation Commission and the evidence that was entered into the record at the hearing held by the Commission. New evidence may also be entered into the record at the Board of Trustees' hearing by the Board, the Commission or any interested party. Following the close of the Board of Trustees' hearing, the Board shall render a final decision using the criteria set forth in § 270-25C(5)(a).

(f)

The Board of Trustees' decision may be appealed to the New York State Supreme Court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules.

(2)

Upon entertaining an application for designation, notice that such application is being considered shall be given by the Historic Preservation Commission at least 30 days before the public hearing by either personal delivery or certified mail, return receipt requested, to the owners of the parcels being considered for designation, including all parcels situated within a proposed historical district, and to the Building Department.

(3)

Upon receipt of notice that the Historic Preservation Commission is considering an area for designation as an historic district or a building or property for landmark status, the Building Department shall not issue any permit for the demolition, alteration or improvement of properties within the stated boundaries of said proposed district or historic landmark until and unless final determination has been made that said proposed district or landmark has been denied designation.

(4)

Upon designation as a Historical and Architectural Design District or Historic Landmark, no building permit shall be issued except pursuant to Subsections E and F of this section.

(5)

Determination of appropriateness of designation of landmark or historic district.

(a)

In determining the appropriateness of designation of a Historical and Architectural Design District or Historic Landmark, the following criteria shall be followed in addition to any other factors which the Commission or Board of Trustees might consider pertinent under the individual circumstances:

[1]

Historical and Architectural Design District (HADD). An area of the Village which contains properties which meet one or more of the criteria for designation as a landmark and, by reason of possessing such qualities, constitutes a distinct section of the Village. The boundaries of each HADD designated henceforth shall be specified, in detail, and shall be filed, in writing, in the Village Clerk's office for public inspection.

[2]

Historic Landmark. A building, structure or parcel of land not located in a designated HADD, which possesses one or more of the following characteristics:

[a]

Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or

[b]

Is identified with historic personages; or

[c]

In the case of structures, embodying distinctive characteristics of a type, period or method of construction or representing the work of a master or possessing unique architectural and artistic qualities or representing a significant and distinguishable entity; or

[d]

Which has been duly included on the National Register of Historic Places, maintained by the United States Secretary of the Interior, or which has been duly included on the New York State Historic and Natural Districts Inventory or New York State Archaeological Site Inventory, maintained by the New York State Office of Parks, Recreation and Historic Preservation; or

[e]

Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

D.

Donation of facade easements.

(1)

Application procedure.

(a)

Application for donation of facade easements shall be made, in writing, to the Historic Preservation Commission by the property owner and shall include a brief outline of the location of the facade and the reasons why it should be considered, as well as all items required by the application checklist and forms published by the Commission.

(b)

The Historic Preservation Commission shall, within 90 calendar days of a complete application, prepare a report giving an opinion on the application, hold a public hearing on the application and issue a recommendation on the application to the Board of Trustees. Notice of the hearing shall appear at least seven days in advance of the hearing in the Village's official newspaper. At the public hearing, a formal presentation may be made by the applicants. Documentation and evidence shall be entered regarding the historical and architectural quality of the proposed landmark or district, and statements may be made by interested parties relating to the merits of such designation. The record may also contain staff reports, public comments or other evidence offered outside of the hearing, provided such reports, comments and evidence are introduced and marked at the hearing.

(c)

Following a positive recommendation of the designation by the Historic Preservation Commission, the Board of Trustees shall take up the application. The Board shall hold a public hearing on the application, with notice given at least seven days in advance of the hearing in the Village's official newspaper. At the hearing, the Board of Trustees shall consider the report and recommendation of the Historic Preservation Commission and the evidence that was entered into the record at the hearing held by the Commission. New evidence may also be entered into the record at the Board of Trustees' hearing by the Board, the Commission or any interested party. Following the close of the Board of Trustees' hearing, the Board shall render a final decision.

(d)

If the Board of Trustees denies the application, the decision may be appealed to the New York State Supreme Court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules.

(2)

Upon receipt of notice that the Historic Preservation Commission is considering a facade easement, the Building Department shall not issue any permit for the demolition, alteration or improvement of the facade until and unless final determination has been made that said proposed district has been denied designation.

(3)

Upon acceptance of the facade easement, no building permit shall be issued except pursuant to Subsections E and F of this section.

(4)

Determination of appropriateness of designation. In determining the appropriateness of designation of a facade easement, the following criteria shall be followed, in addition to any other factors which the Commission might consider pertinent under the individual circumstances: The building is in a designated Historical and Architectural Design District or is a designated Historic Landmark.

E.

Regulated conduct for alteration, demolition or new construction affecting landmarks or historic districts. Application. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical features, earthworks, paving and signs within a district or on a landmark property and to buildings covered by facade easement agreements. No changes in any feature, including, but not limited to, construction, reconstruction, alteration or removal and demolition, shall be made nor shall a building permit be issued for such proposed work until a certificate of appropriateness has been issued by the Historic Preservation Commission except as hereinafter provided in Subsection K(1).

F.

Procedure for alteration, demolition or new construction affecting landmarks or historic districts.

(1)

The Historic Preservation Commission shall classify all buildings within a district so as to differentiate between those structures that contribute to the district's historical and architectural value and those that do not. An historic properties survey shall be conducted at an interval of no more than every 20 years to ensure that the Commission's records are current.

(2)

The Historic Preservation Commission shall develop a listing of changes that may be commenced on buildings or sites classified as landmarks or historic districts. Such changes shall be such that the Commission feels they will not substantially cause to deteriorate or lower the overall architectural and historical ambience and character of the district. This listing of changes shall guide property owners and tenants in the district and the Historic Preservation Commission in determining whether or not a proposed exterior change will significantly affect the character of the Historical and Architectural Design District.

(3)

The Historic Preservation Commission may grant certificates of appropriateness for proposed changes not appearing on the listing of changes if they determine that the proposed changes will not be detrimental to the district or to the landmark. The Historic Preservation Commission shall hold a public meeting on the application, with notice given at least seven days in advance of the hearing in the Village's official newspaper. The Historic Preservation Commission may provide rules for participants wishing to speak in favor or against an application to follow at public meetings. The

Commission shall act upon a properly completed application form within 60 days of the monthly submission deadline. Failure of the Commission to take action within the prescribed period of time shall constitute approval.

(a)

The following criteria will be used when granting a certificate of appropriateness:

[1]

Properties contributing to the historic character of the district shall be retained, with minimal alteration to their features;

[2]

Alteration of existing properties shall maintain compatibility with their historic character and that of the surrounding district; and

[3]

New construction shall be compatible with the overall architectural and historic character of the district.

(b)

To determine compatibility with existing historic and architectural character, the following factors shall be considered:

[1]

The proposed new construction or alteration's general design, appropriateness and character in relation to the property itself, surrounding properties and the neighborhood;

[2]

The scale of the proposed new construction or alteration in relation to the property itself, surrounding properties and the neighborhood;

[3]

Materials, color and texture and their relation to similar features of other neighborhood properties;

[4]

Visual compatibility with existing neighborhood properties, including the proportions of the property's front facade, arrangement and proportion of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on the street, including setback; and

[5]

The importance of historic, architectural or other related features to the significance of the property.

(4)

Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building permits, no change in any exterior design or in a district, landmark or building covered by a facade easement agreement shall be commenced without a certificate of appropriateness from the Historic Preservation Commission nor shall any building permit for such change be issued without such a certificate of appropriateness having first been issued. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any law, local law, code, rule or regulation of the Village of Ossining.

(5)

Application for a certificate of appropriateness shall be made, in writing, upon forms prescribed by the Historic Preservation Commission and shall be accompanied by the required fee as set forth in the fee schedule of the Village Board

Editor's Note: The Schedule of Fees is on file in the Village offices.  
and shall contain the following:

(a)

Name, address and telephone number of the applicant;

(b)

Location of buildings, structures or land;

(c)

The exterior architectural features which are proposed to be changed;

(d)

Building elevations that include the proposed change;

(e)

Samples of colors or materials to be used in the proposed change;

(f)

Where the proposed change includes signs or lettering, a scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and a plan showing the location on the building or property; and

(g)

Such other information as may be from time to time required.

(6)

If an applicant requires Board of Architectural Review approval as well, application for a certificate of appropriateness shall be made simultaneously with the filing of an application with the Board of Architectural Review.

(7)

Application for certificates of appropriateness for nonstructural changes to buildings shall be exempt from providing elevations or perspective drawings.

(8)

New construction shall be sympathetic with and not disruptive of architectural styles or historic value in an historic district and shall generally conform to the United States Secretary of the Interior's Standards for Rehabilitation.

G.

Issuance of certificate of appropriateness. Within 30 days after an application is heard before the Historic Preservation Commission and is deemed complete or within such further time as the applicant may allow, the Historic Preservation Commission shall determine whether the proposed construction, reconstruction or alteration of the exterior architectural feature involved will be appropriate to the preservation of the district or landmark for the purposes of this section. In passing upon appropriateness, the Historic Preservation Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood and the Secretary of the Interior's standards for rehabilitation. Failure of the Historic Preservation Commission to take action within the prescribed period of time shall constitute approval.

H.

Hardship.

(1)

In such cases where it can be demonstrated that denial of a certificate of appropriateness for construction, reconstruction or alteration of an exterior architectural feature will involve a substantial hardship to the applicant, such a certificate may be issued if it can also be shown that though inappropriate to the structure involved, said proposed action will not adversely affect the district generally. Such a certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent and purposes of this section. The applicant may apply for appropriate relief from the requirements of this article or conditions imposed by the Commission. In order to prove the existence of hardship, an applicant shall establish that whether for income-producing purposes or for private use, it is either unable to make any economically viable use of the property or that the property's value is reduced to the extent that only a bare residue of the value remains.

(2)

An applicant may seek relief from the Commission for the denial of a certificate of appropriateness for a proposed demolition if substantial hardship can be proven in accordance with the provisions of this section. In order to prove the existence of hardship, an applicant whose certificate of appropriateness for a proposed demolition has been denied shall



establish that:

(a)

The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(b)

The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c)

Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(3)

A hardship applicant whose primary purpose or mission is philanthropic, eleemosynary, religious or charitable and whose certificate of appropriateness was proposed in furtherance of philanthropic, eleemosynary, religious or charitable purposes shall establish that the Commission's action seriously interferes with the applicant's ability to continue the current use of the property and seriously interferes with the applicant's philanthropic, eleemosynary, religious and charitable purposes.

(4)

The Commission may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application for relief:

(a)

An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the decision of the Commission.

(b)

A report from a licensed engineer or architect with demonstrated qualifications and experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(c)

The estimated market value as determined by a qualified appraiser of the property:

[1]

In its current condition;

[2]

After completion of the proposed construction, alteration, demolition or removal;

[3]

After any changes recommended by the Commission; and

[4]

In the case of a proposed demolition, after renovation of the existing property for continued use.

(d)

In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation regarding the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(e)

The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f)

If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation and annual cash flow before and after

debt service, if any, during the same period.

(g)

The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(h)

All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, financing or ownership of the property.

(i)

Any listing of the property for sale or rent, the price asked and offers received, if any, within the previous two years.

(j)

The assessed value of the property according to the two most recent assessments.

(k)

Real estate taxes for the previous two years.

(l)

The form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

(m)

Any other information deemed necessary by the Commission to make a determination of economic hardship.

I.

Appeals. Any person aggrieved by a decision of the Historic Preservation Commission relating to a hardship or a certificate of appropriateness may, within 30 days of the decision, file a written application with the Zoning Board of Appeals for review of the decision. Reviews shall be conducted based on the same record that was before the Commission and using the same criteria.

J.

Enforcement shall be pursuant to this chapter.

K.

Maintenance and repair required.

(1)

Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within and contributing to an historic district which does not involve a change in design, material, color or outward appearance. Nothing in this section shall be construed to prevent the construction, reconstruction, alteration or demolition or issuance of a building permit of any exterior architectural feature which the Building Inspector shall determine is required by public safety because of dangerous or unsafe conditions.

(2)

No owner or person with an interest in real property designated as a landmark or a contributing building within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

(a)

Deterioration of exterior walls or other vertical supports;

(b)

Deterioration of roofs or other horizontal members;

(c)

Deterioration of exterior chimneys;

(d)  
Deterioration or crumbling of exterior stucco or mortar;

(e)  
Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;

(f)  
Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety; and

(g)  
Demolition by intent or neglect.

**ARTICLE V Additional Standards (§ 270-26)**  
**§ 270-26 Additional standards for use groups.**



A.  
Interpretation of this article.

(1)  
All uses and buildings shall be subject to the bulk requirements of the district in which they are located except as modified in this section. The standards in this article shall be deemed to be the minimum necessary to accommodate the uses listed herein in a manner that protects the public health, safety and general welfare of the Village of Ossining for all permitted, conditional, special permit and accessory uses.

(2)  
Where a use listed in this article requires a conditional use permit or a special permit, the standards herein shall be treated as requirements for the granting of such permit. The requirements shall be in addition to those in Article X and Article XI.

B.  
Commercial use group.

(1)  
Intensive animal-related uses.

(a)  
All buildings and structures housing animals or exercise areas for said animals shall be 50 feet from any residential use or district boundary line.

(b)  
All buildings housing animals for overnight stays shall be soundproofed and entirely closed such that no animal shall be permitted to gain access to the outdoors between the hours of 10:00 p.m. and 7:00 a.m.

(c)  
Adjacent properties shall be adequately buffered and screened from noise, odors and an unsightly appearance.

(d)  
Animal cadavers and contaminated materials shall be disposed of in accordance with applicable local, county and state regulations.

(2)  
Bar or tavern uses.

(a)  
Adjacent properties shall be adequately buffered and screened from noise and odors.

(b)  
For bars that bottle beverages for off-premises sales:

[1]

The bottling area may not occupy an area greater than 10% of the floor area of the customer service area provided in the bars.

[2]

The operation of the bottling operation shall not cause off-site disturbance due to noise, vibration, odor, hours of operation or electrical interference.

(3)

Entertainment or recreation uses, indoor:

(a)

All buildings for entertainment or recreation uses which are approved to be open after 10:00 p.m. shall be soundproofed and entirely closed such that nearby residences are not affected by the inside activities.

(b)

All indoor entertainment or recreation uses shall cease operations by 12:00 midnight unless otherwise approved by the Planning Board.

(4)

Entertainment or recreation uses, outdoor:

(a)

All outdoor entertainment or recreation uses shall cease operations by 11:00 p.m.

(b)

Outdoor lighting shall be arranged and shielded so as not to project beyond the boundaries of the property.

(c)

No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor recreation area between the hours of 10:00 p.m. and 8:00 a.m.

(d)

Outdoor recreation shall cease operations by 10:00 p.m., Sunday through Wednesday, and 11:00 p.m., Thursday through Saturday.

(e)

Adjacent properties shall be adequately buffered and screened from noise.

(5)

Lodging uses: hotels.

(a)

All rooms shall be connected to interior hallways and thereby to elevators, stairwells or lobbies, through which access to the exterior shall be provided.

(b)

Conference facilities shall be permitted as an accessory use and shall be subject to the parking requirements for places of assembly.

(c)

Other typical uses associated with hotel lodging uses, such as retail sales, restaurants or indoor entertainment or recreation shall be deemed as accessory uses and permitted in the O-R, Planned Waterfront and RDD Districts. Such accessory uses shall be part of or attached to the principal building and adhere to the bulk requirements of that district.

(d)

Outdoor recreational facilities such as swimming pools and tennis courts may be permitted but shall be no closer than 30 feet to the property boundary of a residential use or residential zone boundary and shall be reasonably screened from the view of neighboring properties.

(e)

Outdoor lighting shall be arranged and shielded so as not to project beyond the boundaries of the property.

(f)

No outdoor public address or music system shall be used.

(6)

Lodging uses: bed-and-breakfast establishments.

(a)

The applicant shall be the owner of the premises and a full-time resident of the premises.

(b)

The property and structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance has been granted by the Zoning Board of Appeals.

(c)

It shall be determined by the Planning Board that the size and shape of the lot on which the establishment is proposed can accommodate the proposed patrons and parking.

(d)

No paying guest shall stay on any one visit for more than 14 days.

(e)

The premises in which a bed-and-breakfast establishment is operated shall have a minimum of one off-street parking space per bedroom designated as available for overnight guests.

(f)

The only meals to be furnished shall be one daily morning meal per paying guest. A restaurant may be operated as a second principal use on the premises only if the use is allowed in the zoning district and subject to all requirements of this chapter.

(g)

In business districts where residential units are not prohibited on the first floor (such as the PC, SP-N, NC-1 and NC-2 Districts) and the applicant is requesting to have the bed-and-breakfast as a single principal use where residential uses will be on the first floor, it shall be determined that the proposed bed-and-breakfast will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(h)

A bed-and-breakfast conditional use approval shall be issued for an initial period established by the granting board of not more than three years and shall thereafter be renewable every three years by the board that granted it. The permit shall expire upon a change of ownership of the dwelling, and the new owner shall be required to seek a new permit in order to continue the operation of the bed-and-breakfast establishment. The Building Department shall reissue the permit after approval of said board and an inspection of the premises finds it to be in compliance with all applicable codes, the requirements of this section and the provisions of the original approval.

(7)

Office uses, live-work.

(a)

The minimum unit size shall not be less than 1,000 square feet, including both office and residential areas.

(b)

Live-work units shall only be permitted atop of nonresidential uses, and no part of any live-work unit shall be located on the ground floor or in a basement in the VC, NC-1, NC-2 or SP-N Districts.

(c)

No more than two employees who do not reside in the unit shall be permitted to work in the unit.

(d)

All live-work units shall be subject to a recertification by the Building Department every three years upon the anniversary of the granting of their certificate of occupancy. The Building Department shall reissue the permit after an inspection of the premises finds it to be in compliance with all applicable codes, the requirements of this section and the provisions of the original approval. The applicant shall be required to certify that all units continue to be utilized under the terms originally specified for the granting of the conditional or special permit.

(8)

Parking as a principal use.

(a)

Surface parking lots for the general public shall be screened from the street with a decorative fence or wall not to exceed three feet in height. Fences should be of a decorative metal variety, and vinyl fences shall not be permitted on street frontages. Walls should be faced with decorative brick or stone. A fence no taller than 6.5 feet shall be permitted at side and rear elevations.

(b)

Structured parking facilities shall be subject to all of the bulk requirements for the district in which they are located.

[1]

Parking is not permitted in the portion of the first floor (or of any basement or cellar not entirely below ground) extending a minimum of 40 feet back from the front building line. Such area shall be utilized for another permitted principal use in the zoning district in which the building is located, such as a retail store.

[2]

Notwithstanding the above, in a building on a corner lot, parking is permitted in the front portion of the first floor (or basement not entirely below ground) facing the street with the lower traffic function. Along the street frontage, such parking shall be concealed with facade materials comparable to those used on the remainder of the building. To the extent practical, eye-level fenestration with translucent, but not transparent, glass shall be provided, or the portion of the building devoted to parking shall be screened with evergreen plantings.

[3]

To avoid creating gaps in the pedestrian frontage, the entrance to the internal parking on a corner lot should be situated on the street with the lower traffic function.

(c)

All vertical parking systems must either be enclosed in a parking structure or located underground.

(9)

Funeral parlors, taxidermists, mortuaries and crematoriums.

(a)

Adequate off-street parking and loading areas shall be provided, including at least one loading berth and an off-street pickup and dropoff area.

(b)

The operation shall not cause off-site disturbance due to noise, vibration, odor or hours of operation.

(10)

Retail sales and service uses, outdoor sales-oriented.

(a)

The hours of operation for outdoor illumination and public address systems in the outdoor sales area shall be limited from the hours of 7:00 a.m. to 10:00 p.m.

(b)

Outdoor sales areas shall be suitably screened from dwellings and residential districts.

(c)

The site plan shall delineate areas for parking and areas for outdoor display and sales of merchandise. No area

designated for parking on the site plan shall be used for sales, display or storage without approval of the Planning Board.

(d)

All outdoor areas in which products are stored and which are not part of the sales operation or intended for access by the general public shall be deemed outdoor storage and shall meet the requirements for the same as set forth in this chapter.

(e)

Outdoor areas used for the display and sale of building materials, such as lumber, glass, and trim, and landscaping materials other than plants, shall meet the screening requirements for outdoor storage.

C.

Vehicles sales and service use group.

(1)

Permitted uses.

(a)

General.

[1]

Fuel pumps and canopies.

[2]

Car washes and auto detailing.

[3]

Air pump stations and cases for the display of petroleum products and automotive accessories for retail sale, provided that such equipment does not exceed seven feet in height.

[4]

Indoor retail sales, limited to 1,500 square feet and subject to the setback and buffer requirements for buildings in the zoning district.

[5]

Outdoor storage, not to exceed 10% of the lot area.

(b)

General plus.

[1]

All uses permitted in general, above.

[2]

Automobile repair, limited to two service bays, but excluding body work or repairs of equipment other than automobiles.

(c)

Intensive.

[1]

All uses permitted in general, above.

[2]

Repairs of automobiles and other motor vehicles.

[3]

Sales of automobiles and other motor vehicles.

[4]

Outdoor storage.

(2)

General standards applicable to all vehicle-related uses.

(a)

The facility shall comply with all local, county and state environmental regulations and shall ensure that harmful or hazardous materials are properly disposed of. Drainage of such materials into public streets, storm or sanitary sewers, bodies of water or into the ground is prohibited.

(b)

Adequate receptacles shall be provided for the deposit of all waste material. There shall be adequate provision for disposal of trash and refuse left on the premises.

(c)

Adequate space shall be provided on the site for all the elements of the motor vehicle use to be incorporated on the site, including provision for off street parking for the maximum number of motor vehicles and off-street loading and unloading. No loading shall occur across curbs and sidewalks. Adequate access and egress with appropriate turning radii to the site shall be provided, as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of vehicles on the street or shoulder waiting to enter the site shall not be permitted.

(d)

All loading and parking areas for vehicles shall be paved, curbed and drained in accordance with Village specifications.

(e)

Curbs shall be constructed so as to channel all traffic to permitted curb cuts. There shall be no more than two curb cuts on any single street frontage for that property.

(f)

When located adjacent to a residential district or use, a dense planting of evergreen bushes or trees to a width of at least 10 feet, in addition to a fence, shall be provided to block headlight glare and muffle noise from motor vehicles.

(g)

All service, storage and trash areas and electrical and mechanical equipment shall be completely screened from view from any public street or adjacent property.

(h)

Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighbors.

(i)

The maximum permitted height of a luminaire shall be 20 feet. A luminaire shall have a total cutoff of light at an angle of 45° from vertical or greater with a maximum permitted illumination at the property line of one footcandle at ground level. There shall be no external lighting on the fascia of a canopy; all canopy lights shall be directed downward.

(j)

Outdoor lighting should be directed away from the residential properties.

(k)

Any lighting shall be shielded to direct light onto the established uses and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft. However, access and lighting shall not be permitted on a side facing a residential area, unless a sufficiently high landscaped berm can be provided to completely shield the building and lighting from residences.

(l)

Properties adjacent to residential districts shall have the hours of operation for lighting limited to 7:00 a.m. to 10:00 p.m., and outdoor public address systems shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

(3)

Standards for components of a vehicle-related use.



(a)

Fuel pump islands.

[1]

Minimum setback from street: 25 feet.

[2]

Minimum setback from other property lines: 15 feet.

[3]

One kiosk to shelter an attendant shall be permitted within each pump island.

(4)

Canopies over fuel pumps.

(a)

Minimum setback from street: 15 feet.

(b)

Minimum setback from other property lines: five feet.

(c)

Maximum height: 15 feet.

(5)

Driveways.

(a)

Maximum width of curb cut: 20 feet.

(b)

Minimum distance from intersection or other driveway: 25 feet.

(c)

Minimum distance from adjoining property line: 10 feet.

(d)

Outdoor storage shall be subject to all of the requirements of this chapter for outdoor storage.

(6)

Car washes.

(a)

Adequate off-street stacking space shall be provided for at least four vehicles per wash station.

(b)

Vehicles shall not be stored on the premises overnight unless the Planning Board grants approval for outdoor storage as an accessory use.

(7)

Vehicle repairs.

(a)

All repairs shall take place in a fully enclosed building or in a yard which is fully screened from all adjoining properties and public streets. Outdoor repairs shall not be permitted in a front yard or within 25 feet of a residential district.

(b)

No vehicle repairs or storage shall take place within a public right-of-way. Vehicles that are stored for any length of time before or after repairs are done shall be subject to the screening requirements for outdoor storage.

(c)

Vehicle repair garage doors should face toward the side yard or, on a corner lot, the street with the lower traffic impact.

(d)

Repair buildings shall comply with the setback requirements for buildings in the district.

(8)

Vehicle sales.

(a)

A landscaped area at least three feet in width shall be provided between the public sidewalk and any outdoor vehicle display area. The area shall be landscaped with shrubs and shall not be used for the display of vehicles.

(b)

Sales buildings shall comply with the setback requirements for buildings in the district.

(c)

The site plan shall indicate how maneuvering and access will be handled. Vehicles shall be arranged neatly on the site and shall not be stored or displayed in areas needed for maneuvering and access.

D.

Civic and institutional uses.

(1)

Permitted buildings, structures and outdoor uses on facility property. All uses shall be subject to approval of the Planning Board and all accessory structures and outdoor uses shall be listed in the resolution of approval, including any of the following:

(a)

Athletic and recreation facilities.

(b)

Maintenance facilities.

(2)

A steeple or other religious design feature shall be clearly related to the religious purpose, shall not expand the capacity of the facility to accommodate people and shall not exceed the actual building height by more than 20 feet.

(3)

All interior spaces within school buildings to be utilized for potentially noise-generating activities shall be sufficiently sound insulated and separated from adjacent residential structures so as to avoid any noise nuisance.

(4)

A screened buffer of a minimum of 15 feet shall be required adjacent to any residential district or, if the subject property is within a residential district, any residential use.

(5)

Additional standards for facilities with more than 5,000 square feet of floor area are as follows:

(a)

An off-street dropoff and pickup area and loading berth shall be provided.

(b)

The minimum setback to any residential use or district shall be 35 feet, and no parking or loading shall be located within the thirty-five-foot setback.

(6)

Intensive infrastructure and utilities shall meet all applicable county, state, and federal regulations and be adequately screened and subject to the performance standards listed in the industrial use group.

E.

Industrial use group.

(1)

All industrial uses shall have a screened buffer of a minimum of 15 feet.

(2)

The minimum setback shall be 35 feet, and no parking or loading shall be located within the thirty-five-foot setback.

(3)

All industrial uses shall be subject to the performance standards below:

(a)

An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements. The applicant shall also file with such plans an affidavit acknowledging his/her understanding of the applicable performance standards and stating his/her agreement to conform with same at all times. During the course of site development plan review, the Planning Board will determine if the applicant's proposal falls within the performance standards.

(b)

The Planning Board may require a report by one or more expert consultants retained by the Board, or retained by the applicant and approved by the Board, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within one month, and a copy of his/her report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.

(c)

Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of federal, state and local laws and regulations shall also apply.

(d)

Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibration produced exceed 0.002g peak at up to 50 CPS frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 CPS frequency or a periodic vibration shall not induce accelerations exceeding 0.001g at the lot line. Single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g at the lot line. In addition, please see Chapter 123, Explosives and Blasting.

(e)

Noise. The maximum sound level radiated by any use or facility at any lot line shall not exceed the values designated in Chapter 178, Noise.

(f)

Smoke, dust and other atmospheric pollutants.

[1]

The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public health, safety, welfare or comfort or a source of damage to the property. Emissions must also conform to all requirements of local, state and federal air quality regulations.

[2]

Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or less than an hour, until the total smoke units emitted exceeds the number allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.

[3]

Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

[4]

Maximum permitted emission of dust. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to 50% excess air for combustion. There shall be no measurable emission of dust or particulate matter not related to combustion for indirect heating. All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

[5]

Odorous matter. No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.

[6]

Toxic or noxious matter. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

(g)

Radiation and electromagnetic interference.

[1]

Radiation. The handling, storage or disposal of radioactive materials or waste byproducts, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.

[2]

Electromagnetic interference. No operation shall be permitted which produces any detrimental electromagnetic interference with normal radio or television reception or computer operations in any area within or without the Village.

(h)

Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in accordance with all standards, laws and regulations of the Westchester County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

(i)

Direct glare. "Direct glare" is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high temperature processes as welding, or petroleum or metallurgical refining. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60°, drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet aboveground. Such luminaries shall be placed not more than 16 feet above ground level, and the maximum illumination at ground level shall not be in excess of three footcandles.

(j)

Indirect glare. "Indirect glare" is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination at the property line of one footcandle at ground level. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

F.

Accessory use group.

(1)

Outdoor dining.

(a)

Outdoor dining areas shall only be permitted in conjunction with a permitted restaurant.

(b)

Applicants seeking to have outdoor dining on public sidewalk property must obtain a sidewalk cafe permit as per Chapter 216, Sidewalk Cafes.

(c)

The outdoor dining area located on sidewalks shall be sited so as to preserve a width of at least four feet for pedestrian movement. The Planning Board shall require a wider clear area in areas with heavy pedestrian traffic.

(d)

The outdoor dining area may be located in the front yard or on the sidewalk of a public street, but where located in any side or rear yard adjacent to a residential zone boundary or residential use shall maintain an evergreen screen and fence to a height of no less than six feet.

(e)

No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area between the hours of 10:00 p.m. and 8:00 a.m.

(f)

Outdoor dining shall cease operations by 10:00 p.m., Sunday through Wednesday, and 11:00 p.m., Thursday through Saturday.

(g)

All other requirements concerning outdoor dining on public sidewalk property must meet the standards outlined in Chapter 216, Sidewalk Cafes.

(2)

Outdoor storage.

(a)

No flammable or explosive liquids, solids or gases shall be stored aboveground. No more fuel than is necessarily required for the principal use shall be stored on the premises.

(b)

All outdoor storage facilities shall be enclosed by a fence, wall or screening adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required setbacks and buffers for the district in which they are located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of automobile sales or automobile rental establishments.

(c)

No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces, such as wind or rain.

(d)

All materials or wastes which might cause fumes or dust, or which constitute a fire hazard or which may be edible by, or otherwise attractive to, rodents or insects, shall be stored outdoors only in enclosed containers.

(e)

No material or equipment stored outdoors shall exceed a height of 10 feet above grade within 20 feet of a property line adjacent to residential districts. In no case shall material or equipment stored exceed the height of the principal building on the property.

(f)

Outdoor displays. Incidental outdoor displays such as seasonal items shall be permitted, provided the requirements for outdoor retail sales establishments are met.

(3)

Drive-through facilities.

(a)

If the principal use is a drive-through associated with a food establishment such as a restaurant or fast-food chain, the facility shall comply with Chapter 145, Food Establishments.

(b)

Adequate receptacles shall be provided for the deposit of all waste material. There shall be adequate provisions for disposal of trash and refuse left on the premises.

(c)

Adequate space shall be provided on the site for all the elements of the associated primary use to be incorporated on the site, including provisions for off-street parking for the maximum number of motor vehicles and off-street loading and unloading. Adequate access and egress with appropriate turning radii to the site shall be provided, as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of vehicles on the street or shoulder waiting to enter the site shall not be permitted.

(d)

Curbs shall be constructed so as to channel all traffic to permitted curb cuts. There shall be no more than two curb cuts as a result of the drive-through on any street frontage.

(e)

When located adjacent to a residential district or use, a fence, in addition to dense planting of evergreen bushes or trees to a width of at least 10 feet, shall be provided to block headlight glare and muffle noise from motor vehicles. The evergreen screening should be located to the benefit of the neighbors.

(f)

Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighbors.

(g)

The hours of operation for lighting and outdoor public address systems for a drive-through shall be limited to 8:00 a.m. to 10:00 p.m. unless otherwise negotiated by the Planning Board during site plan approval.

(4)

Home-based business.

(a)

No display of goods shall be visible from the exterior of the building.

(b)

Such occupation is incidental to the residential use of the premises and is carried on in the main building.

(5)

Home occupations.

(a)

Such occupation is incidental to the residential use of the premises and is carried on in the main building.

(b)

Off-street parking shall be provided in addition to the required residential parking and is set forth in Appendix C, Parking Requirements.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

**ARTICLE VI Supplementary Regulations (§ 270-27 — § 270-37)**

**§ 270-27 Residence districts (S-50, S-75, S-100, S-125, T, MF-1, MF-2 and PRD).**

A.

Accessory buildings.



(1)

An accessory building may be located in any required side or rear yard, provided that:

(a)

Such buildings shall not exceed 15 feet in height from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between eave and ridge for other types of roofs.

(b)

Such buildings shall be set back five feet from any lot line.

(c)

All such buildings in the aggregate shall not have a building area greater than 750 square feet and shall not occupy more than 30% of the area of the required rear or side yard.

(2)

An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings, and all such buildings in the aggregate shall not have a building area greater than 950 square feet and shall be set back 10 feet from any lot line.

(3)

No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

B.

Corner lots.

(1)

Obstruction to vision at street intersections. At all street intersections in all residence districts and in all other districts requiring a front yard of 15 feet or more, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection.

(2)

Yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others side yards.

C.

Through lots. On a through lot, front yards are required on all street lines.

D.

Lot widths.

(1)

Any other requirement notwithstanding, no lot width shall be less than 35 feet, measured along the street line.

(2)

Flag lots must have the following minimum frontage on a street in the following districts:

(a)

S-50: 20 feet.

(b)

S-75: 30 feet.

(c)

S-100: 40 feet.

(d)

S-125: 50 feet.

(3)

All flag lots will require, in addition to subdivision approval, site plan approval. All flag lot setbacks are to be figured from the rear lot line of the on-street property in front of them. In order for the Planning Board to approve a flag lot site plan they must make a finding that:

(a)

The flag lot will be suitable for the property on which it is proposed, considering the property's size, location, topography and natural resources; and

(b)

The flag lot will not result in an undesirable change that will be produced in the character of the neighborhood or a detriment to nearby properties.

E.

Exceptions to yard requirements.

(1)

Permitted obstructions. Chimneys, cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls under 6.5 feet in height may be erected anywhere on the lot, except as set forth in Subsections B and E(2). Fences or walls with a height in excess of 6.5 feet shall conform to the requirements set forth herein for buildings. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of any lot line.

(2)

Restrictions on permitted front yard walls and fences in residential districts. Except as otherwise provided in Subsection B(1), no wall or solid fence in excess of three feet in height shall be erected in the front yard of any residential district.

(3)

Entries and porticoes. A roofed-over but completely unenclosed projection in the nature of an entry or portico, not more than eight feet wide and extending not more than six feet out from the wall of the building, shall be exempt from front yard or rear yard requirements when the building otherwise complies with all other yard restrictions of this chapter.

(4)

Front yards on narrow streets. On streets with a right-of-way of less than 50 feet, the front yard setback shall be measured from the center line of the existing right-of-way, and 25 feet shall be added to the front yard setback.

(5)

Structures permitted in yards. The placing of ornamental fountains, gatehouses and other structures for security or traffic control purposes of a nonhabitable type may be permitted in any yard upon approval of the Planning Board and Board of Architectural Review.

F.

Height exceptions. The height limitations of this chapter shall not apply to bell towers and steeples, and, in addition, rooftop bulkheads, elevator penthouses, water towers, fire towers, hose towers, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All mechanical equipment located on the tops of buildings shall be visually screened, subject to Planning Board approval.

G.

All properties that are adjacent to or contain a watercourse shall provide a buffer of 25 feet on each side of the watercourse.

H.

Courts. The minimum dimension of an inner court shall not be less than twice the height of all surrounding walls. However, in no case shall an inner court have a dimension of less than 30 feet. The height of walls surrounding an inner court shall be measured from finished grade at the base thereof to the top of such wall, except that, in the case of roofs with a slope exceeding five inches vertical to 12 inches horizontal, the height shall be measured to the mean point



between the top of said wall and the highest point of the roof. The minimum dimension of an outer court shall be 20 feet, and its depth shall not exceed its width.

**§ 270-28 Nonresidential districts (CDD, O-R, PW-a, PW-b, PW-c, SP-N, SP-S, VC, PC, NC-1, NC-2, GB and P-O).**

**A.**

Height exceptions. The height limitations of this chapter shall not apply to bell towers and steeples, and, in addition, rooftop bulkheads, elevator penthouses, water towers, fire towers, hose towers, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All mechanical equipment located on the tops of buildings shall be visually screened, subject to Planning Board approval.

**B.**

Waiver of yards. No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

**C.**

Access. Whenever feasible, access to lots having frontage on more than one street shall be from a nonresidential street.

**D.**

Obstruction to vision at street intersection. At all street intersections in all districts requiring a front yard of 15 feet or more, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and the line drawn between points along such street lines 30 feet distant from their point of intersection.

**E.**

Through lots. On a through lot, front yards are required on all street lines.

**F.**

All properties that are adjacent to or contain a watercourse shall provide a buffer of 25 feet on each side of the watercourse.

**§ 270-29 Signs.**

**A.**

No sign, billboard, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this chapter.

**B.**

Signs for uses in the residential use group.

**(1)**

For a home-based business or live-work unit, one nameplate or professional sign no larger than two square feet in area which shall be fixed flat to the main wall of the building and shall not project more than six inches. Illumination shall be shielded from neighboring uses, shall be permitted only during regular professional hours and, in no case, later than 9:00 p.m. and shall be restricted to white light.

**(2)**

One real estate sign, either single- or double-faced, freestanding or attached to a building, not larger than four square feet in area, on any one or more adjacent lots in single ownership, advertising the sale or lease of only the premises on which it is maintained. Such sign shall not be illuminated.

**(3)**

For a multifamily residence, not more than one building identification sign, of an area not greater than 14 square feet and located in the front or side yard or on the building facade. Such sign shall not be illuminated unless approved by the Planning Board. All approved illumination shall be shielded from neighboring properties.

**C.**

Signs for uses in the civic and institutional use group.

(1)

In residential and nonresidential districts, uses in the civic and institutional use group shall be permitted one bulletin board or other announcement sign with an area of not more than 12 square feet.

(2)

In districts other than residential districts, uses in the civic and institutional use group shall also be permitted the signs allowed for commercial and industrial uses.

(3)

In residential districts, not more than one building identification sign, of an area not greater than 14 square feet and located in the front or side yard or on the building facade. Such sign shall not be illuminated unless approved by the Planning Board. All approved illumination shall be shielded from neighboring properties.

D.

Signs for uses in the commercial and industrial use group. All uses in the commercial and industrial groups should be awarded the opportunity of being able to promote their business through signage. In districts other than residential districts, uses in the commercial and industrial use group shall be permitted the following signs:

(1)

Wall-mounted signs. There shall be permitted one or more wall-mounted signs identifying one or more businesses within the building, subject to the following:

(a)

The signs shall be affixed to the principal facade of the building or in the window.

(b)

There shall not be more than one sign for each tenant in the building on the principle facade, and for corner lots or freestanding buildings a sign for each tenant may be placed on two facades.

(c)

The area encompassing the outer limits of all signs on the principal facade, measured on the wall of the building, shall not be greater than two square feet for each one-foot width of building facade. On buildings having signs on two faces, the area of the sign on the second facade shall be 1/2 the allowable sign area in front or 40 square feet, whichever is less.

(d)

An awning sign shall be permitted as an alternative to the wall-mounted sign, provided that no tenant in a building shall have both an awning sign and a wall-mounted sign on the same facade. Awning signs shall be permitted above the first floor, but all awnings on the building must match in color and material and all windows on the same floor must be covered with an awning.

(e)

Awning signs on the first floor may project up to four feet from the facade. Awnings projecting four feet or more must have lighting provided under the canopy. Awnings projecting less than four feet are not required to be lighted.

(f)

A building shall be permitted additional wall-mounted signs in the rear only if the rear yard faces a property in a zone district other than a residential district and there is a rear public entrance, and further provided that the number of rear wall-mounted signs shall not be greater than the number of tenants in the building. The maximum size of all rear wall-mounted signs shall not be greater than one square foot for each two feet of rear building width. No more than two faces of the building shall have signs.

(2)

Flag. There shall be permitted one flag per building identifying one or more businesses in the building, subject to the following:

(a)

The flag shall be affixed to brackets that project from the upper part of the first story or the second story of the building.

(b)

All flags shall be installed at least 10 feet above ground level.

(c)

Flags shall be installed and maintained so as not to create a safety hazard for pedestrians or vehicular traffic and shall be subject to the approval of the building inspector.

(d)

The maximum surface area of the flag shall be 30 square feet on each side.

(e)

No flag or brackets shall project more than five feet from the building facade.

(f)

The horizontal dimension of the flag shall not be greater than the vertical dimension.

(g)

All flags shall be made of nylon, polyester or rayon.

(3)

Projecting sign. There shall be permitted one projecting sign per building identifying one or more businesses in the building, subject to the following:

(a)

Projecting signs shall be installed at least 10 feet above ground level, shall be installed and maintained so as not to create a safety hazard for pedestrians or vehicular traffic and shall be subject to the approval of the building inspector.

(b)

No projecting sign shall project more than four feet from the facade of the building or shall measure more than 12 square feet in surface area on each side.

(4)

Hanging sign. A small hanging sign, double faced and not more than three square feet per side, shall be permitted to be attached to the underside of a canopy or gallery over a sidewalk in shopping centers for each first-floor tenant.

(5)

Door lettering. Lettering shall be permitted on glass doors at the entrances to commercial establishments, provided that no background other than glass shall be permitted.

(6)

Freestanding signs.

(a)

For a building set back at least 15 feet from the street, there shall be permitted a single freestanding sign of not greater than 25 square feet identifying the business or businesses located therein, located in the front or side yard, set back at least 10 feet and not more than 30 feet in height.

(b)

For a building with more than one frontage, where both frontages are set back at least 15 feet from the street, a second freestanding sign shall be permitted. The second sign shall not be greater than 16 square feet in area and no more than 20 feet in height.

(c)

Shopping centers.

[1]

For a shopping center set back more than 15 feet from the street, a single freestanding sign shall be permitted.

[a]

The sign shall measure not more than 400 square feet on each side in the PC District or 100 square feet on each side in

any other district.

[b]

The sign shall be set back at least 10 feet and shall not be more than 30 feet in height.

[c]

The sign shall advertise the name of the shopping center and not more than eight tenants therein.

[2]

A shopping center with more than one frontage, set back at least 15 feet on both frontages, shall be permitted two freestanding signs.

[a]

The second freestanding sign shall measure not more than 100 square feet on each side in the PC District nor more than 25 square feet on each side in any other district.

[b]

The sign shall not create visual obstruction of vehicular traffic and shall not be more than 20 feet in height.

[c]

The sign shall advertise the name of the shopping center and not more than six additional tenants therein.

(7)

For a gasoline station, one sign embedded in each face of the gas station canopy shall be permitted, provided that each such sign shall not be more than two feet in height by five feet in width and shall not be internally illuminated. The maximum size of signage on gas pumps shall be four square feet in area on each side of each pump.

(8)

Directional signs for vehicles. Within parking lot and driveway areas, signs may be erected, as needed, to direct patrons to specific businesses and to control traffic. Each such sign shall measure no greater than six square feet in area and shall be no more than four feet in height. Signs may include the names of businesses, directional words such as "in" and "out," and similar information, but no other advertising shall be permitted. The directional signage within each property should be designed with a uniform theme, and the signs should be placed in a manner that avoids clutter and does not distract drivers.

(9)

Directional signs for pedestrians. For a building with a front setback measuring 10 feet or greater, one freestanding sign to guide pedestrians to the entrance shall be permitted for each 100 feet of frontage. Each such sign shall measure no greater than four square feet in area and shall be no more than five feet in height. Signs may include the names of businesses and directional information, but no other advertising shall be permitted.

E.

General requirements.

(1)

Except in residential districts, signs inside a window, whether permanent or impermanent, are permitted in addition to any signs otherwise permitted. A window sign shall not exceed 25% of the exposed window area or not more than 16 square feet per window.

(2)

Illuminated signs, where permitted, shall not remain lit later than the closing hour of business or 9:00 p.m., whichever is later. In no event shall such a sign remain illuminated later than 11:30 p.m., except by approval from the Planning Board upon a finding that it is in the public interest or necessary for the safety of the Village to remain illuminated beyond that time. Illuminated signs may be turned back on at dusk the following day, except when an establishment is closed.

(3)

The following types of signs or artificial lighting are prohibited:

(a)

Billboards.

(b)

Neon signs as the primary freestanding, wall-mounted, projected or hanging sign on a facade, as defined in Subsection D, but may be used as a hanging sign in a window and must meet the requirements of Subsection E.

(c)

Moving, rotating or flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(d)

Signs which compete for attention with or may be mistaken for traffic signals.

(e)

The outlining by direct illumination of all or any part of a building, such as gable, roof, side, wall or corner.

(f)

Exterior signs made of cardboard, paper, canvas or similar impermanent material, used for commercial promotional purposes or otherwise for more than 30 days.

(g)

No sign that is part of or supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building.

F.

Sign permits.

(1)

No sign other than a professional sign, announcement or real estate sign, but including temporary signs for promotional use, shall be erected, moved, enlarged, altered or reconstructed without first obtaining a sign permit from the Building Inspector.

(2)

A permit for a temporary sign for promotional use shall not be issued more than twice within a twelve-month period per establishment.

### **§ 270-30 Parking and loading regulations.**

A.

Off-street parking. Off-street parking spaces, open or enclosed, are subject to the following provisions:

(1)

Off-street parking requirements for each District shall be as provided in Appendix C.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

For uses which do not fall within the categories listed in Appendix C, the Planning Board will determine the necessary parking needed to prevent frequent parking on the street by persons visiting or connected with each such use.

(2)

Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street. Each space shall be independently accessible with the exception that one space behind each garage or carport space may be counted as a parking space to meet parking requirements. Otherwise, tandem parking with access from only one direction shall be computed as one space.

(3)

All driveways, blacktop or loading docks must be at least four feet away from the property line in residential districts (S-50, S-75, S-100, S-125, T, MF-1, MF-2, PRD), and all driveways, blacktop or loading docks must be at least two feet away from the property line in nonresidential districts (PW-a, PW-b, PW-c, SP-N, SP-S, CDD, RDD, IR, O-R, VC, PC, NC-1, NC-2, GB and P-O).

(4)

Size of spaces. Each parking space shall be a minimum of nine feet wide by 18 feet deep. The minimum parking aisle width shall be 24 feet for spaces at a ninety-degree angle, 18 feet for spaces at a sixty-degree angle, 13 feet for spaces at a forty-five-degree angle and 12 feet for spaces at a thirty-degree angle. Where parking is arranged back-to-back, each parking space may share a common backup space. Entrance and exit lanes shall not be computed as parking space, except for driveways in one- and two-family residences, as set forth in Subsection A(1).

(5)

Prohibited parking areas. Except in the PC District, parking shall not be permitted in the required front yard except as set forth in Subsection A(1). In addition, except as provided in Subsection A(1), parking shall not be permitted anywhere in the front yard of any single- or two-family dwelling, except that where the Building Inspector finds that, due to unique conditions, compliance with this limitation will cause practical difficulties and tend to increase on-street parking by residents, he may authorize parking anywhere in the front yard of such dwellings, except for that portion thereof which is directly in front of the principal building, exclusive of garage structures.

(6)

Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve-foot-wide lane for parking areas with less than 20 spaces and at least two twelve-foot-wide lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection, nor exceed a grade in excess of 6% within 25 feet of any street line, nor 10% at any other point.

(7)

Drainage and surfacing. All parking areas shall be properly drained and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a dustless surface in accordance with specifications of the Village of Ossining. The maximum slope of a parking area shall not exceed 5%.

(8)

Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required by up to 100% of the parking spaces required for that use with the least requirement.

(9)

Enclosed facilities.

(a)

Required parking areas may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of 10%. Access driveways should be placed to intersect streets with lower pedestrian traffic and less retail frontage so as to avoid disrupting the streetscape on principal pedestrian streets.

(b)

Except for one- or two-family dwellings, parking is not permitted in the portion of the first floor (or of any basement or cellar not entirely below ground) extending a minimum of 40 feet back from the front building line. Such area shall be utilized for a permitted main use, other than parking, in the zoning district in which the building is located. This requirement applies to buildings in which parking is a main use.

(c)

Notwithstanding the above, in a building on a corner lot, parking is permitted in the front portion of the first floor (or basement or cellar not entirely below ground) facing the street with the lower pedestrian traffic function. Along the street frontage, such parking shall be concealed with facade materials comparable to those used on the remainder of the building. To the extent practical, eye-level fenestration with translucent, but not transparent, glass shall be provided, or the portion of the building devoted to parking shall be screened with landscaping subject to approval by the Planning Board.

(d)

All buildings with enclosed parking shall provide horizontal and vertical articulation across the entire facade of the building on all streets to provide for visual interest. To fulfill this requirement, an articulation element shall be required at

least every 10 feet, measured both horizontally and vertically.

(10)

Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that no required spaces are located farther than 200 feet in walking distance from such lot, or 700 feet in the VC Zone. In all such cases, the parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residence district unless either the use to which the spaces are accessory is located in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available, either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.

(11)

On lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to the entire lot. Parking spaces on such lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residence district, unless either the use to which they are accessory is located in such district or upon approval by the Planning Board.

(12)

Waiver for changes of use in existing buildings in the VC, SP-N and NC-2 Districts. The parking space requirements shall be waived in the VC, SP-N, and NC-2 districts where all of the following conditions are met:

(a)

The change is from one permitted or conditional use in the district to another permitted or conditional use in the district.

(b)

The proposal does not involve construction of a new building or alterations or additions to an existing building which will result in an increase in gross floor area that will take away already existing off-street parking spaces and the Planning Board shall make a finding that the proposed new construction or addition will not be able to provide any additional off-street parking due to the existing conditions of the site.

(c)

The proposal does not result in the loss of existing off-street parking spaces.

(d)

The new use shall continue to have access to any parking spaces to which the existing use in the same location was granted access.

B.

Off-street loading. Off-street loading berths, open or enclosed, are permitted as accessory to any use (except one- or two-family dwellings), subject to the following provisions:

(1)

Loading requirements. Accessory off-street loading berths shall be provided for any use specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements. Reasonable and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use.

(a)

For a public library, museum or similar quasi-public institution or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged or school:

[1]

If the floor area does not exceed 10,000 square feet: one berth.

[2]

For each additional 25,000 square feet or fraction thereof: one additional berth.

(b)

For buildings with professional, governmental or business offices or laboratory establishments:

[1]

If the floor area is less than 8,000 square feet: none.

[2]

If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3]

For each additional 25,000 square feet or major fraction thereof up to 100,000 square feet: one additional berth.

[4]

For each additional 50,000 square feet or major fraction thereof: one additional berth.

(c)

For retail sales and service establishments:

[1]

If the floor area is less than 8,000 square feet: none.

[2]

If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3]

If the floor area exceeds 25,000 square feet: one additional berth for each additional 25,000 square feet of floor area or major fraction thereof.

(d)

For undertakers and funeral homes: one berth for each chapel. Such berths shall be at least 10 feet wide, 20 feet long and 14 feet high.

(e)

For hotels or similar establishments: one berth for each 25,000 square feet, or major fraction thereof, of floor area.

(f)

For manufacturing, wholesale and storage uses and for dry-cleaning and rug-cleaning establishments and laundries: one berth for each 10,000 square feet of floor area or less; and one additional berth for each additional 20,000 square feet of floor area, or major fraction thereof, so used.

(g)

For multiple dwellings in structures with a height of over 2.5 stories: one berth for each structure or for each 150 dwelling units, or major fraction thereof, whichever results in the lesser number.

(2)

Size of spaces. Except as provided hereinbefore, each required loading berth shall be at least 12 feet wide, 35 feet long and 15 feet high.

(3)

Location and access. Unobstructed access, at least 12 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Subsection B(4). No entrance or exit for any loading area shall be located within 50 feet of any street intersection. No loading berths shall be located in any required yard and shall be screened where visible from any residential district boundary.

(4)

Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to jointly



serve two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the aggregate of all such requirements.

(5)

On lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to the entire lot. Loading berths on such lot may be located without regard to district lines, provided that no such berths shall be located in any residence district, unless either the use to which they are accessory is permitted in such district or upon approval by the Planning Board.

C.

Parking regulations in multiple dwellings. Whenever space is provided for the parking of five or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. The parking of motor vehicles is prohibited within 15 feet of any wall, or portion thereof, of a dwelling for two or more families, which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than eight feet above the level of said parking space. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease or other supplies shall be stored or sold in any such lot or in any garage on such lot. Parking areas shall be thoroughly screened, subject to approval by the Planning Board. Generally, such screening shall be at least six feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching at least eight feet in height at maturity.

D.

Regulations for parking spaces adjacent to lots in any residence district.

(1)

Wherever a parking area of over five spaces is within 15 feet of the side or rear lot lines of a lot in any residence district, said parking lot shall be thoroughly screened from such adjoining lot, subject to approval by the Planning Board. Generally, such screening shall be eight feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching eight feet in height at maturity.

(2)

Whenever a parking area of over five spaces is located across the street from any land in a residence district or abuts a lot in a residence district, it shall be thoroughly screened, subject to approval by the Planning Board.

E.

Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located. No driveway shall provide access to a lot located in a nonresidential district across land in a residential district.

(1)

The maximum slope of a driveway shall not exceed 10%.

(2)

A driveway serving a commercial use or more than two residences shall be not less than 20 feet wide for two-way operation or 10 feet wide for one-way operation and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles.

F.

Trailers and boats.

(1)

The storage or parking and use of a trailer by any person or persons is hereby prohibited in all districts, except that:

(a)

One camping trailer not over 20 feet in length may be stored, but not used for any purpose, on an occupied lot in any residence district, provided that such trailer is not stored within any required yard, nor between the street line and the principal building.

(b)

Where a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit for one trailer for a period not to exceed six months. Said trailer may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued.

(2)

Not more than one boat per dwelling unit may be stored on an occupied lot in any residence district, provided that such boat is not stored within any required yard nor between the street line and the principal building nor in a required parking space nor blocking a required parking space.

G.

Commercial vehicles in a residential district.

(1)

Parking of commercial vehicles in a residential district shall not be permitted, except for cars, vans and pickups not exceeding 20 feet in length and eight feet in width.

(2)

Not more than one such commercial vehicle may be parked on a developed lot or in a private garage or carport in any residence district, but not within the required yards of such lot and in no case between the street line and the principal building.

(3)

No vehicle, or part(s) thereof, shall be parked or stored on any unimproved lot.

H.

Commercial vehicles in a nonresidential district.

(1)

Commercial vehicles are permitted as accessory to a nonresidential use (in a nonresidential district) and can be stored on an improved parking lot, but shall not be stored or parked within the front setback or any required yard.

(2)

No commercial vehicle, or parts thereof, shall be parked or stored on any unimproved lot.

**§ 270-31 Prohibited uses in all districts.**A.

Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution; or by reason of the deposit, discharge or dispersal of liquid or solid wastes, in any form, in a manner or amount so as to cause permanent damage to the soil and stream or to adversely affect the surrounding area; or by reason of the creation of noise, vibration, electromagnetic or other disturbance; or by reason of illumination by artificial light or light reflection beyond the limits of the lot on, or from which, such light or light reflection emanates; or which involves any dangerous fire, explosive, radioactive or other hazard or which can cause injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or the general welfare is prohibited.

B.

Any use not permitted by this chapter shall be deemed to be prohibited.

C.

Artificial lighting facilities of any kind with light sources visible beyond the lot lines are prohibited.

**§ 270-32 In-ground noncommercial swimming pools.**

Editor's Note: See also Ch. 237, Swimming Pools.

An in-ground swimming pool shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:

A.

Such pool shall be located in a rear yard only.

B.

The entire portion of the premises upon which such pool is located shall be entirely enclosed with a good quality fence of not less than four feet in height.

C.

Every gate or other opening in the fence enclosing such pool shall be kept securely closed and shall be locked at all times when said pool is not in use.

D.

Such pool, measuring from the edge of the water, shall be located no less than 15 feet from the side and rear lot lines and not less than five feet from the main building.

E.

Such pool shall not occupy more than 25% of the rear yard area, excluding all private garages or other accessory buildings or structures.

F.

If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

G.

If the water for such pool is supplied from the public water supply system, the inlet shall be six inches above the overflow level of said pool.

H.

Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York Sanitary Code relating to public swimming pools.

I.

No permit shall be granted for the installation or construction of said swimming pool unless the plan thereof shall meet the minimum construction requirements of the Building Department of the Village of Ossining and unless the Village's Engineer, or a licensed professional engineer of New York State, shall have certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

J.

No loudspeaker or amplifying device shall be permitted which can be heard beyond the lot lines of the lot on which said pool is located.

K.

No lighting or spotlighting shall be permitted which will project light rays beyond the lot lines of the lot on which said pool is located.

L.

Adjacent to every side and rear lot line within the rear yard area, there shall be an effective screening consisting of either a wooden fence of not less than six feet in height or a dense, evergreen hedge of suitable plant material capable of growing to a six-foot height. Such hedge, at the time of planting the plants, shall not be less than four feet high.

M.

The slope around a pool that abuts the side or rear lot lines shall not be in excess of 35% and shall meet the existing grade at least two feet inside the property line.

**§ 270-33 Aboveground noncommercial swimming pools.**

Editor's Note: See also Ch. 237, Swimming Pools.

A.

Aboveground pools shall be located in a rear yard only.

B.

Such pool, measuring from the outside edge of any elevated, accessory walkway or deck, shall be located not less than



10 feet from the side and rear lot lines. No setback shall be required for the deck or walkway from the main building, except that the base of the pool shall not be less than five feet from the main building.

C.

Such pool shall not occupy more than 45% of the rear yard area, excluding all private garages and other accessory building structures.

D.

If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

E.

If the water for such pool is supplied from the public water supply system, the inlet shall be six inches above the overflow level of said pool.

F.

Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York Sanitary Code relating to public swimming pools.

G.

No permit shall be granted for the installation or construction of said swimming pool unless the plan thereof shall meet the minimum construction requirements of the Building Department of the Village of Ossining and unless the Village's Engineer, or a licensed professional engineer of New York State, shall have certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

H.

The entire portion of the premises upon which such pool is located shall be completely enclosed with a good quality fence of not less than four feet in height.

I.

Where the proposed pool is of such height or design that protective fencing is not required or is impractical, the Building Inspector shall, at his discretion, issue a permit for the erection of said pool without such fencing. The Building Inspector shall, however, first make a finding to the effect that, in his opinion, said pool has equal protection from entry as would be afforded by the erection of a fence as provided for in Subsection H of this section.

**§ 270-34 General landscaping and environmental requirements; steep slopes.**

A.

General landscaping and environmental requirements.

(1)

The Planning Board is authorized to adopt conditions in connection with its approvals of applications, including, but not limited to, requirements to post bonds, pertaining to the incorporation, maintenance and replacement of landscape materials in any project requiring site development plan approval and for the environmental control of such projects.

(2)

Proposed developments subject to site plan approval shall be designed to the greatest extent reasonably practicable to preserve the natural features of the site, including, but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value; to utilize such features in a harmonious fashion; and to enhance the visual appearance of the development. Such developments shall be in compliance with Chapter 248, Trees, and Chapter 227, Stormwater Management and Erosion and Sediment Control, and all other applicable laws and regulations.

(3)

As identified in the Comprehensive Plan, energy and water conservation are important to the health, safety and welfare of the residents of the Village of Ossining. Proposed site plans shall be designed to the greatest extent reasonably practicable to incorporate energy and water conservation measures. Examples of such measures include ENERGY STAR-rated products and practices.

B.

Steep slopes.

(1)

A steep slope is defined as any geographical area having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), whether man-made or natural, and whether created by a retaining structure or not.

(2)

In connection with development that is subject to site plan review, the following shall apply: Construction on or regrading of steeply sloped areas greater than 15% but less than 25% should be minimized to the greatest extent reasonably practicable in areas measuring over 500 square feet. There shall be no construction on or regrading of areas measuring over 500 square feet with steep slopes equal to or greater than 25% unless the Planning Board makes a specific finding that such construction or regrading is warranted by considerations that make alternative approaches impracticable in view of overall planning considerations (including the overall objectives of the Comprehensive Plan and the LWRP, if applicable) and will be carried out in a manner consistent with best management and engineering practices for such construction or regrading.

(3)

Where development pursuant to an approved site plan is to take place on steep slopes, the following construction practices shall be followed, in addition to compliance with applicable provisions of the Stormwater Management and Erosion and Sediment Control Law, Chapter 227:

(a)

Grading and development shall preserve salient natural features, keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and rate of velocity of surface water runoff.

(b)

Disturbed soils shall be stabilized as soon as practicable.

(c)

Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.

(d)

The permanent (final) vegetation and mechanical erosion control measures shall both be installed within a specified time.

(e)

Provisions shall be made to dispose of the increased runoff caused by changed soil and surface conditions during and after development in a manner which minimizes danger of flooding; where necessary, the rate of surface water runoff shall be mechanically retarded.

(f)

Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.

(g)

Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(h)

Cut and fills shall not endanger adjoining property, nor divert water onto the property of others.

(i)

All fills shall be compacted to provide stability of material and to prevent undesirable settlement.

(j)

Fills shall not significantly negatively impact natural watercourses, constructed channels or areas prone to flooding.

(k)

Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or floodplains shall have suitable protection against erosion during periods of flooding.

(l)  
During grading operations, appropriate measures for dust control shall be exercised.

(m)  
Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with the Westchester County Best Management Practices Manual.

**§ 270-35 Environmental quality review.**

It is the responsibility of the applicant to see that all requirements of the New York State Environmental Quality Review Act (SEQRA),

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

as amended, are met. To ensure this, the applicant shall deposit with the Village Clerk an amount set from time to time by resolution of the Village Board of Trustees,

Editor's Note: The Schedule of Fees is on file in the Village offices.

which will be used by the Zoning Board of Appeals, Planning Board or Village Board, as the case may be, to retain a consultant who will work with the applicant in identifying the applicable SEQRA requirements. Any excess money will be returned to the applicant, and any deficiency must be made up by the applicant within 30 days of receipt of an invoice from the Village Clerk. Failure to make up such deficiency will result in review of the application being suspended.

**§ 270-36 Cluster development.**

A.  
The Village Board may authorize the Planning Board, in accordance with § 7-738 of the Village Law, to modify the applicable bulk and area provisions of this chapter. This procedure may be followed by the Planning Board upon written application by the owner or subdivider or at the initiation of the Planning Board. The Planning Board may modify the minimum lot area requirements, lot width and front, side and rear yards. These modifications are subject to any guidelines or limitations specified by the Village Board. This procedure shall not be used to modify the requirements of building height, floor area ratio or development coverage.

B.  
In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space or other municipal purposes, then the Planning Board, as a condition of final plat approval, may establish such conditions as to the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. All conditions shall be approved by the Village Board prior to final plat approval by the Planning Board.

C.  
Open space land created as part of the application of average density to a subdivision plat, and which is not required or permitted to be accepted for dedication to the Village of Ossining, shall be in a form of common ownership, which form and content shall be subject to the approval of the Village Board and which shall meet at least one of the following conditions:

(1)  
That each owner or owners of every subdivision lot shall be an owner in common with the other owners of the subdivision of the land intended to be held as open space.

(2)  
That each subdivided lot shall carry with it a covenant underwriting its proportionate share of the payment of taxes on the open space land, which covenant shall bind the owner thereof and every successive owner thereof.

(3)  
A homeowners' or cooperative association or corporation may be formed to hold ownership of the open space, provided that each and every subdivided lot owner shall remain liable for the taxes, operation and maintenance of the open space land.

(4)

That such other mechanism or form, as shall be approved by the Village Board, shall be established which shall satisfy the requirements of the payment of taxes and the operation and maintenance of the property so created.

D.

The maximum number of units in a cluster subdivision shall be determined by the number of units the applicant can obtain in a noncluster subdivision plan, meeting all of the requirements of the zone in which the parcel is located, or a lesser number as approved by the Planning Board. The maximum number of attached units shall be six.

E.

All cluster subdivisions must follow the procedures to ensure that local actions comply with LWRP policies, as specified in the site development plan rules and regulations.

F.

The net density shall be within the range of one to six dwelling units per acre. In no case shall the net density exceed six dwelling units per acre.

**§ 270-37 Old Croton Aqueduct.**

Within all zoning districts, the fifty-foot-wide strips of land immediately adjacent to and on both sides of the Old Croton Aqueduct property shall be regulated by the appropriate reviewing authority as follows:

A.

The twenty-five-foot strips of land immediately adjacent to and on both sides of the Old Croton Aqueduct property shall be considered buffers, as defined in this chapter. Further, no construction, grading, excavation or buildings shall be permitted within these twenty-five-foot-wide areas.

B.

The portions of the fifty-foot-wide regulated areas not described in Subsection A above may be utilized for activities which comply with this chapter if, at the discretion of the reviewing authority, it has been demonstrated by the applicant that such activities will not adversely impact the Old Croton Aqueduct property.

C.

Where there is an inconsistency between Subsections A and B above and any other sections of this chapter, Subsections A and B shall govern. Notwithstanding the above, Subsections A and B shall not supersede any of the setbacks required elsewhere in this chapter.

**ARTICLE VII Nonconforming Uses, Nonconforming Lots and Noncomplying Buildings (§ 270-38 — § 270-42)**

**§ 270-38 Applicability.**

A.

This article shall apply to:

(1)

All buildings, structures and uses existing on the effective date of this chapter that do not conform to the requirements set forth in this chapter;

(2)

All buildings, structures and uses that were legally nonconforming uses or legally noncomplying buildings or lots under the Zoning Code in effect immediately prior to the effective date of this chapter; and

(3)

All buildings and uses that become noncomplying and/or nonconforming by reason of any subsequent amendment to this chapter.

B.

Continuance.

(1)

Any building, structure or use lawfully existing under the provisions of this chapter in effect at the time of the creation of said building or structure or the establishment of said use, or prior to the establishment of any zoning regulation in the Village of Ossining, although not conforming or complying with the provisions of this chapter for the district in which it is

situated, may be continued subject to compliance with the conditions set forth in this article.

(2)

Any legal use in existence that by this chapter is made a use that requires a special permit in the district in which it is located shall be presumed to have a special permit to the extent such use is legally conforming as of the date immediately prior to the effective date of this chapter or any amendment thereto.

**§ 270-39 Nonconforming uses.**

A.

Repairs, maintenance and incidental alterations. Upon the issuance of a building permit, nonstructural incidental alterations, as well as repairs to and maintenance of both structural and nonstructural parts, may be made to any portion of a building or structure occupied, in whole or in part, by a nonconforming use.

B.

Structural alterations.

(1)

No alterations involving structural integrity shall be made to or in a building or structure occupied, in whole or in part, by a nonconforming use, except when, upon the issuance of a building permit, such alterations are made:

(a)

In order to accommodate a conforming use; or

(b)

Wholly within the interior of the building or structure so that the alteration is not evident from the exterior of the building or structure, and so long as the alteration does not result in an enlargement, extension or increase in intensity prohibited pursuant to this article; or

(c)

In the course of an enlargement or extension permitted under the provisions of this article; or

(d)

In the course of a reconstruction or restoration permitted under the provisions of this article.

(2)

Nothing in this section shall be construed to allow any increase in noncompliance of dimensional regulations applicable to any building or structure, except as expressly permitted under this article.

C.

Change of location. Nonconforming uses shall not be moved, in whole or in part, to another location on the same lot or parcel of land unoccupied by such use on the date by which the use was rendered nonconforming on the effective date of this chapter or any amendment thereto. Nonconforming uses shall not be moved to any other lot or parcel where such use would be nonconforming.

D.

Change to another nonconforming use. No nonconforming use shall be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use that the Zoning Board of Appeals has found:

(1)

Is of the same or of a more restricted nature;

(2)

Will not alter the essential character of the neighborhood; and

(3)

Will not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas or otherwise be injurious to the neighborhood or detrimental to the public welfare.

E.

Improvement of nonconforming uses. So that nonconforming uses may gradually be brought into greater conformance



with this chapter and the adverse external effects of such nonconforming uses may be reduced, the owner of the land, building or structure so used may be permitted to make limited changes to such building or structure or nonconforming use in conjunction with a site plan whereby, through the use of landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of parking lots and access drives, or any other appropriate means, these purposes may be achieved. Such plan shall be presented to the Planning Board which may grant approval or approval with modifications, provided said agency finds that the purposes of this section will be achieved. For purposes of such site plan review, the Planning Board may seek recommendations from any other Village Board, committee or commission the Planning Board determines is appropriate.

F.

Enlargements and extensions. No nonconforming use shall be enlarged or extended, nor shall the intensity of the use be increased, except pursuant to the following:

(1)

Any nonconforming use of a building or structure may be extended throughout any parts of the building or structure that were obviously or manifestly arranged or designed only for such use at the time said use was rendered nonconforming.

(2)

A nonconforming single-family, two-family, or multifamily dwelling may be enlarged or extended in accordance with the dimensional regulations specified for the district in which it is located so long as such enlarged or extended portion shall not exceed more than 10% of the livable residential floor area in the dwelling unit in existence on the date on which the use became nonconforming. Notwithstanding the foregoing, there shall be no increase in the number of dwelling units beyond the lawful number in existence on the date on which the use became nonconforming.

G.

Discontinuance. If a nonconforming use or a portion thereof, substantially ceases for any reason for a total of six months during any twelve-month period, or is changed to a conforming use for any period of time, any future use of the land, building, structure or land shall be in conformity with this chapter. Substantial cessation of activities consistent with or required for the operation of such nonconforming use and/or substantial vacancy of the building or structure in which the nonconforming use was conducted shall be deemed to constitute discontinuance thereof within the meaning of this chapter.

H.

Removal of building or structure housing nonconforming use. If any building or structure in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building or structure was located and the subsequent use of any building or structure thereon shall be in conformity with the standards specified by this chapter for the district in which such land is located.

**§ 270-40 Undersized lots.**

A.

Merger. Adjacent lots under the same ownership are required to be combined and considered as one lot where such merger is necessary to cause the lot(s) and/or improvements thereon to comply or be more in compliance with the area and/or dimensional regulations for the district(s) in which they are located. Any conflict in designation or identification by the Village Assessor's Office shall have no effect on this provision for the purpose of application of this chapter.

B.

A lot having an area and/or dimensions that are less than required for the district in which it is located shall be deemed to be complying, provided that all of the following conditions are met:

(1)

The lot met the minimum area and dimensional requirements immediately prior to the effective date of this chapter or any amendment thereto.

(2)

All applicable district regulations other than minimum lot area, lot width and lot depth are complied with, except that the Zoning Board of Appeals shall have the authority to modify lot yard requirements insofar as deemed appropriate and justifiable in the public interest.

(3)

There were not lots that were both contiguous to and in the same ownership as the undersized lot on the effective date of this chapter or any amendment thereto.

#### **§ 270-41 Noncomplying buildings.**

A.

Noncomplying buildings. A building or structure that is conforming in use, but does not conform to any dimensional regulation/area requirement of this chapter applicable to the district in which such building or structure is located, shall be deemed to be a noncomplying building.

B.

No permit shall be issued that will result in the increase of any such noncompliance, but any noncomplying building, or portion thereof, may be altered to decrease its dimensional noncompliance.

C.

Removal of noncomplying building. Except as otherwise specifically provided in this article, if any noncomplying building, or part thereof, is removed, the subsequent use of the land for any building or structure shall be in conformity with the standards specified by this chapter for the district in which such land is located.

D.

Reconstruction and/or restoration. Reconstruction or restoration of a noncomplying building may occur only pursuant to the provisions of this article.

#### **§ 270-42 Reconstruction and/or restoration.**

A.

Any noncomplying building or building or structure housing a nonconforming use destroyed or damaged by any means by the greater of either to an extent of more than 75% of the market value of such building or structure above the foundation at the time of such destruction or damage, as determined by the Building Inspector in consultation with the Village Assessor and any Village consultant, or to an extent of more than 50% of its total floor area shall not be reconstructed, restored or used except in conformity and compliance with the provisions of this chapter. In the event that any destruction or damage of an existing building or structure produces an unsafe condition for which the Building Inspector orders or permits further demolition or removal of floor area or an action that further decreases the market value of the building or structure, such demolition or removal shall not be included in the calculations of this subsection.

B.

Any noncomplying building or building or structure housing a nonconforming use destroyed or damaged by any means to an extent of less than the greater of § 270-42A may be reconstructed and/or restored and any nonconforming continued, provided that the reconstruction and/or restoration is commenced within one year of the date of such destruction or damage and completed within two years of said date, provided that the building, structure or use is not enlarged or extended. Such reconstruction or restoration shall occur in accordance with a plan approved by the Planning Board so as to result, where reasonable, in greater conformity with this chapter. Notwithstanding the foregoing, the Building Inspector shall permit for good cause the extension of the dates by which reconstruction and/or restoration must be commenced and/or completed.

C.

No building permit shall be issued for reconstruction and/or restoration pursuant to this section without submission to the Building Inspector of a certified statement by the owner's architect or engineer describing, in detail, the extent of the damage or destruction, an accurate calculation or good faith estimate of the floor area damaged or destroyed and any other information reasonably requested by the Building Inspector and related to his/her analysis under this article.

### **ARTICLE VIII Enforcement (§ 270-43 — § 270-46)**

#### **§ 270-43 Building permits.**

No building in any district shall be erected, reconstructed or restored or structurally altered without a building permit duly issued upon application to the Building Inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of the law. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, without the necessity for any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any permit shall be unlawful.

A.

Every application for a building permit shall contain the following information and be accompanied by the required fee and

by a plot plan drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey, prepared by a licensed engineer or land surveyor, is required.

(1)

The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated, if an existing building.

(2)

The section, block and lot numbers as they appear on the latest tax records.

(3)

The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot, including driveways and walks.

(4)

The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.

(5)

The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.

(6)

Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

B.

No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway as stipulated in § 7-736 of the Village Law.

C.

No building permit shall be issued for any building subject to site plan approval by the Planning Board or subject to review by the Board of Architectural Review, except in conformity with the plans approved by either or both of said boards, as appropriate.

D.

No building permit shall be issued for a building to be used for any conditional use in any district where such use is subject to approval by the Planning Board, unless and until such approval has been duly granted by the Planning Board.

E.

No building permit shall be issued for a building to be used for any special permit in any district where such use is subject to approval by the Village Board, unless and until such approval has been duly granted by the Village Board.

F.

No building permit shall be issued for a building permitted subject to a variance granted by the Zoning Board of Appeals, except in accordance with all conditions which may have been prescribed by such Board.

G.

The building permit application and all supporting documentation shall be made in such number of copies as may be required by the Building Inspector. Upon issuance of a building permit, the Building Inspector shall return one copy of all filed documents to the applicant.

H.

The Building Inspector shall, after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Building Inspector shall state, in writing, to the applicant the reasons for such denial.

I.

Every building permit shall expire if the work authorized has not commenced within three months after the date of issuance, or has not been completed 12 months from such date for construction costing less than \$1,000,000 and has

not been completed within 18 months from such date for construction costing in excess of such amount. If no amendments to this chapter or to other codes or regulations affecting subject property have been enacted in the interim, the Building Inspector may authorize, in writing, the extension of either of the above periods for an additional six months, following which no further work is to be undertaken without a new building permit.

J.

As soon as the foundation of a building or of any addition to an existing building is completed, and before first-story framing or wall construction is begun, there shall be filed with the Building Inspector an accurate survey, signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.

K.

Application for a building permit shall be accompanied by a fee, as set forth in the fee schedule of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

**§ 270-44 Certificates of occupancy.**

A.

The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector.

(1)

Occupancy and use of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building.

(2)

Occupancy, use or any change in use of land.

(3)

Any change in use of a nonconforming use.

(4)

Occupancy and use of any enlargement to an existing structure.

B.

No certificate of occupancy shall be issued for any conditional use of a building or of land requiring conditional use approval by the Planning Board or for any land or use requiring site plan approval by the Planning Board unless and until such conditional use or site plan approval has been duly granted by the Planning Board. Every certificate of occupancy for which conditional use or site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition to which the same is subject.

C.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made on forms furnished by the Building Inspector after erection of such building, or part thereof, has been completed in conformity with the provisions of this chapter. In the case of a new building, such application shall be accompanied by an accurate plot plan or, if not available, by a survey prepared by a licensed land surveyor or engineer showing the location of all buildings as-built. Such certificate shall be issued within 10 days after receipt of the properly completed application, but only provided the application states that all requirements of all other applicable codes or laws in effect are complied with.

D.

If the proposed use is in conformity with the provisions of this chapter and of all other applicable codes, ordinances and laws, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the Building Inspector within 10 days after receipt of a properly completed application. If a certificate of occupancy is denied, the Building Inspector shall state the reasons, in writing, to the applicant.

E.

In regard to those uses which are subject to the performance standards procedure, the following requirements shall also apply:

(1)

Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.

(2)

After occupancy, if there occur frequent or continuous, even though intermittent, violations of the performance standards and other provisions for a period of five days, without bona fide and immediate corrective work, the Building Inspector shall suspend or revoke the occupancy permit of the use, and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.

(3)

The Building Inspector shall investigate any alleged violation of the performance standards, and if there are reasonable grounds to believe that a violation exists, he may employ qualified experts. A copy of the findings of the Building Inspector and, where applicable, said experts shall be forwarded to the Village Board. The services of any qualified experts employed by the Village to advise in establishing a violation shall be paid for by the violator, if a violation is proved, and otherwise by the Village. No new certificate of occupancy shall be issued unless such charges have been paid to the Village.

F.

Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee as set forth in the fee schedule of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

G.

A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continued occupancy and use of the building or land to which it applies.

H.

Upon written request by the owner, and upon payment of a fee as provided in the building code, the Building Inspector shall, after inspection, issue a certificate of occupancy for any building or use thereof, or of land, existing at the time of the adoption of this chapter, certifying such use and whether or not the same and the building conforms to the provisions of this chapter.

I.

A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies shall be furnished, on request, to any agency of the Village or to any persons having a proprietary or tenancy interest in the building or land affected.

**§ 270-45 Duties of Building Inspector.**

A.

It shall be the duty of the Building Inspector to enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto.

B.

The Building Inspector, or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at any reasonable hour, as necessary, in the execution of their duties.

**§ 270-46 Penalties for offenses.**

A.

Any person or corporation, whether as owner, lessee, architect, contractor or builder, or the agent or employee of any of them, who violates or who knowingly assists in the violation of any provision of this chapter or any rule or regulation made under the authority conferred by this chapter or who shall build, erect, construct, alter, enlarge, convert or move any building or structure, or any part thereof, without a building permit, or in violation of this chapter, or in violation of any statement or plans submitted and approved under the provisions of this chapter, or who shall use any land, building or structure in violation of this chapter or any rule or regulation made under the authority conferred by this chapter or any

statement or plan submitted and approved thereunder or in violation of the provisions of any building permit or change of occupancy permit or certificate of occupancy or without a permit or certificate required by this chapter and who fails to abate said violation within the time period specified on the violation notice issued by the Building Inspector, or his designee, and after written notice has been served upon him either by mail or personal service shall be liable to a minimum fine of \$100 and a maximum fine of \$5,000 or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each and every day that any such violation continues after the specified time to abate shall constitute a separate offense.

B.

The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises.

**ARTICLE IX Zoning Board of Appeals (§ 270-47 — § 270-49)**

**§ 270-47 Creation, appointment and organization.**

A.

Establishment and membership. There shall be a Zoning Board of Appeals of five members, pursuant to the provisions of Article 7, § 7-712 of the Village Law, each to be appointed for a term of five years, running from February 3 of the year appointed. Vacancies shall be filled by appointment for the unexpired term. The Village Manager shall designate the Chairperson of the Board of Appeals.

B.

Upon the expiration of the terms of current members of the Board, the appointment of new members to the Board shall be as follows: one member shall be appointed for a term of one year; one member for a term of two years; one member for a term of three years; one member for a term of four years; and one member for a term of five years. Thereafter, each replacement member shall be appointed by the Village Manager for a term of five years.

**§ 270-48 Powers and duties.**

The Zoning Board of Appeals shall have all the powers and duties prescribed by Article 7, § 7-712 of the Village Law and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Board that is conferred by law.

A.

Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official, or on request by any official, board or agency of the Village, to decide any of the following questions:

(1)

The meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.

(2)

The exact location of any district boundary shown on the Zoning Map.

Editor's Note: The Zoning Map is on file in the offices of the Building Inspector.

B.

Variances.

(1)

On appeal from an order, requirement, decision or determination made by the Building Inspector or on referral of an applicant to the Board by an approving agency acting pursuant to this chapter, the Zoning Board of Appeals is authorized to vary or modify the strict letter of this chapter where its literal interpretation would cause practical difficulties or unnecessary hardships, as defined in this section, in such manner as to observe the spirit of the chapter, to secure public safety and welfare and to do substantial justice.

(2)

Area variances. Where an applicant requests a variance of the area requirements of this chapter, the Board may grant a variance in the application of the provisions of this chapter in the specific case. In making its determination, the Board

shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community of such grant. In making its determination the Board shall consider whether:

(a)

An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b)

The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(c)

The requested area variance is substantial;

(d)

The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(e)

The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(3)

The Zoning Board of Appeals, in granting area variances, shall grant the minimum variance that it deems necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4)

Use variances. Where, because of unnecessary hardship relating to the land for a use not allowed in the district in which the land is located, an applicant requests a variance of the use requirements of this chapter, the Board may grant a variance in the application of the provisions of this chapter in the specific case, provided that no use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship to the applicant. In order to prove unnecessary hardship, the applicant shall demonstrate that for each and every permitted use under this chapter for the district in which the applicant's property is located:

(a)

The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b)

The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

(c)

The requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d)

The alleged hardship has not been self-created.

(5)

The Zoning Board of Appeals, in granting use variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(6)

The needs or desires of a particular owner or tenant, or of a particular prospective owner or tenant, shall not, either alone or in conjunction with other factors, afford any basis for the granting of a variance. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is

then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto.

(7)

Where said Board finds the zoning classification of a particular property to be conducive to the deprivation of the reasonable use of the land or buildings and where said Board finds the same condition to apply generally to other land or buildings in the same neighborhood or zoning district, said Board shall call this condition to the attention of the Village Board.

(8)

In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this chapter, it shall be the duty of such Board to attach such conditions and safeguards as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this chapter.

(9)

Appeals. Any person aggrieved by any decision of the Zoning Board of Appeals hereunder may, within 30 days of the filing of the decision with the office of the Village Clerk, appeal pursuant to Article 78 of the New York State Civil Practice Laws and Rules.

**§ 270-49 Procedure.**

The powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the following procedure and as required by Article 7, § 7-712 of the Village Law:

A.

The Zoning Board of Appeals shall not decide upon any appeal for a variance or interpretation of this chapter without first holding a public hearing, notice of which hearing, including the substance of the appeal or application, shall be given by publication in the official newspaper of the Village at least 10 days before the date of such hearing. In addition to such published notice, the Board of Appeals shall cause such notice to be mailed at least five days before the hearing to all owners of property which lies adjacent to the property for which relief is sought and to such other owners as the Board of Appeals may deem advisable.

(1)

The names of said owners shall be taken as they appear on the last completed tax roll of the Village.

(2)

Provided that due notice shall have been published and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance.

B.

All appeals and applications made to the Zoning Board of Appeals shall be in writing and shall be accompanied by the required fee payable to the Village of Ossining. Such submission shall be submitted to the Zoning Board of Appeals Secretary by the designated deadline as prescribed by the Zoning Board of Appeals. The fee filed in connection with applications shall not be returnable regardless of disposition of the case by the Board.

C.

Each appeal or application shall fully set forth the circumstances of the case, shall refer to the specific provision of the law involved and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

D.

Transmission of copy of official notice of public hearing.

(1)

Should any appeal involve any of the following conditions, the Secretary of the Zoning Board of Appeals shall transmit to the designated office or official a copy of the official notice of the public hearing not later than 10 days prior to the date of the hearing.

(a)

Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of



any village or town.

(b)

Any change in the regulations or application for a use variance prescribed for any district, any portion of which is located within 500 feet of the boundary of any village or town.

(2)

The designated official for counties shall be the clerk of the county legislature. In villages and towns, the designated official shall be the clerk of the municipality.

E.

Prior to the date of any public hearing, the Secretary of the Zoning Board of Appeals may transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Zoning Board of Appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision by the Board of Appeals.

F.

Prior to final action, the Zoning Board of Appeals shall refer any matter involving any of the areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

G.

Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case, shall contain a full record of the findings on which the decision is based and, if such decision is not in accordance with the recommendation of the Planning Board, the reasons therefor. Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the Village.

H.

The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

I.

All provisions of this chapter relating to the Zoning Board of Appeals shall be strictly construed. Said Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in compliance with all limitations contained therein.

J.

Unless construction is commenced and diligently pursued within six months of the date of the granting of a variance, such variance shall become null and void, unless renewed upon application to the Zoning Board of Appeals.

## **ARTICLE X Planning Board; Conditional Uses; Site Plan Review (§ 270-50 — § 270-52)**

### **§ 270-50 Creation, appointment, organization and membership of Planning Board.**

There shall be a Planning Board of seven members pursuant to Article VII, § 7-718 of the Village Law, each to be appointed for a term of five years. Vacancies shall be filled by appointment for the unexpired term. Members and the Chairperson of such Planning Board shall be appointed by the Village Manager. At least two of the members of the Planning Board shall have practical experience in the fields of architecture, civil engineering, planning, real estate or land development.

### **§ 270-51 Conditional uses.**

A.

On application, and after public notice and hearing, the Planning Board may authorize the issuance by the Building Inspector of permits for any of the conditional uses for which this chapter requires such permits in the district in which such use is proposed to be located. In approving any such use, the Planning Board shall take into consideration and make any necessary modifications to the site plan to ensure the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following

objectives, in particular:

(1)

That all proposed structures, equipment or material shall be readily accessible for fire, ambulance and police protection.

(2)

That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(3)

That the proposed use will be consistent with the requirements of this chapter, the Code of the Village of Ossining, the Village of Ossining Comprehensive Plan and other applicable plans and regulations.

(4)

That the proposed use will not overload any public water, drainage or sewer system or any other municipal facility.

(5)

That the proposed use will not result in excessive off-premises noise, dust, odors, solid waste or glare.

(6)

That the use will be suitable for the property on which it is proposed, considering the property's size, location, topography and natural resources.

(7)

That, in addition to the above, in the case of any use located in, or directly adjacent to, a residence district:

(a)

The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood.

(b)

The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(c)

The subject property is adequately sized and suitably configured to provide screening needed to the adjacent residential district.

B.

Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot and the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot.

C.

In addition to publication of notice of all public hearings as required by law, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the applications and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

D.

Prior to final action, the Planning Board shall refer any matter involving any of the areas specified in §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General

## Municipal Law to the Westchester County Planning Board.

E.

Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall affect only the lot, or portion thereof, for which such permit shall have been granted.

F.

The Planning Board may require that conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Planning Board to the effect that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of 60 days shall be granted to the applicant for full compliance prior to the revocation of said permit. The sixty-day time period for full compliance only applies for the first violation. If any subsequent violation occurs, the conditional use permit will be revoked.

**§ 270-52 Site development plan rules and regulations.**A.

No site development plan approval shall be required for single-family or two-family detached residential uses that are requesting additions, alterations or structures accessory thereto. All other principal uses, including the construction of single-family or two-family detached residential uses that are part of a proposed subdivision, and all conditional or special permit uses shall require a site development plan approval prior to the issuance of a building permit or certificate of occupancy. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required.

B.

**Objectives.** In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood, in particular, and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and to accomplish the following objectives, in particular:

(1)

**Traffic access.** All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; located on a roadway capable of adequately and safely handling the additional traffic; and will provide for other similar safety considerations.

(2)

**Circulation and parking.** Adequate off-street parking and loading spaces are provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.

(3)

**Landscaping and screening.** All recreation areas, parking and service areas will be reasonably screened from the view of adjacent residential lots and streets at all seasons of the year. As approved by the Planning Board or the Building Inspector, a bond shall be posted for the maintenance and/or replacement of the screening.

(4)

**Compatibility.** Signs and lights will be compatible and in scale with building elements and will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest possible extent, development will be in harmony with the natural environment, and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project. Signs shall conform to size, shape, color, materials and location as called for by the Planning Board and/or Building Department.

(5)

**Development.** The site development plan elements, including buildings, parking, drainage, utility services, circulation, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use and will not exceed the capabilities of existing municipal roads or utility services, including, but not limited to, water and sewer.

C.

Procedure. The Planning Board shall follow procedures as prescribed by Article 7, § 7-725, of the Village Law and by this chapter.

(1)

Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be secured from the Planning Board. The applicant has the option of choosing between a formal application for approval and an informal submission for review. For purposes of an informal submission, the applicant should provide as much information as required by the Planning Board. The preapplication review by the Planning Board shall not constitute a formal review, and no approval can be granted based on it. At this time, the applicant should outline any modifications he/she is requesting from the requirements specified herein.

(2)

Submissions for site development plan review shall be made on forms prescribed by the Planning Board and accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

Such submission shall be submitted to the Planning Board Secretary by the designated deadline as prescribed by the Planning Board.

(3)

Prior to final action, the Planning Board may refer any matter involving any of the areas specified in Article XIII, § 270-59D, and §§ 277.61 and 277.71 of the Westchester County Administrative Code, and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

(4)

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(a)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(b)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(c)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

(d)

After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

D.

Site plan elements. The applicant shall cause a site plan map to be prepared, at a scale sufficient in size to permit an adequate review, by an architect, civil engineer, surveyor, landscape architect or allied field. The site plan shall include those of the elements listed herein which are appropriate to the proposed development or use as indicated by the Planning Board in the presubmission conference. This information, in total, shall constitute the site plan and shall be the same information, drawings and supplementary material normally understood to be completed working drawings.

(1)

Legal data.

(a)

Section, block and lot number of the property taken from the latest tax records.

(b)  
Name and address of applicant and notarized authorization of owner if different from applicant.

(c)  
Name and address of owners(s) of record, if different from applicant.

(d)  
Name and address of person or firm preparing the plan and map.

(e)  
Ownership intentions, such as purchase options.

(f)  
Current zoning classification of property, including exact zoning boundary if in more than one district.

(g)  
Property boundary line plotted to scale. Distances, angles and area should be shown.

(h)  
North arrow, scale and date.

(i)  
Locations, widths, elevations and names of existing and proposed adjacent streets.

(j)  
Property lines and names of owners of adjoining parcels.

(k)  
Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property.

(l)  
Description of all existing deed restrictions or covenants applying to the property.

(m)  
Record of the application and approval status of all necessary state and county permits must be received before issuance of a building permit.

(2)  
Natural features.

(a)  
Geologic features, such as depth to bedrock and the location of rock outcrops.

(b)  
Topographic features, including a map showing existing contour intervals of no more than five feet. Two-foot contour intervals should be required if the topography is relatively flat. Areas of steep slopes should be delineated as necessary.

(c)  
Vegetative cover, including existing wooded areas, significant isolated trees and similar features.

(d)  
Soil characteristics, such as load-bearing capacity and drainage capacity.

(e)  
Hydrologic features should include drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater.

(3)  
Existing structures and utilities.

(a)

Location and dimensions of major buildings and structures.

(b)

Location and width of roads and paths, including site access.

(c)

Location, size and flow direction of sewers, water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.

(d)

Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

(4)

Proposed development.

(a)

Grading and drainage plan showing proposed topography at appropriate contour intervals. This information can be combined with the map of existing topography if it can be clearly depicted.

(b)

Location, proposed use and height of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.

(c)

Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.

(d)

Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross-sections of roadways and sidewalks showing grades, widths and location and size of utility lines.

(e)

Location and size of water and sewer lines, hydrants and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.

(f)

Location, design and construction materials of all energy distribution facilities, including electric, gas and solar energy.

(g)

Location, size and design of all outdoor lighting facilities and public address systems.

(h)

Location, size, design and construction materials of all outdoor signs.

(i)

General landscaping plan and planting schedule, including the treatment of buffer areas and the location and types of trees to be planted.

(j)

Additional specifications for materials.

(k)

Location of all stormwater drainage and best management practices in accordance with Chapter 227, Stormwater Management and Erosion and Sediment Control.

(l)

An outline of any proposed easements, deed restrictions or covenants.

(m)

Any contemplated public improvements on or adjoining the property.

(n)

Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties on the street.

(o)

If the site plan only indicates a first stage, a supplementary plan shall schematically indicate the theoretically possible ultimate development by means of showing the approximate location of all structures, vehicular circulation and parking. The supplementary plan shall include all contiguous lots in the same ownership as the lot(s) contained on the site plan.

(p)

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Waterfront Consistency Review of this Code, and 6 NYCRR Part 617 State Environmental Quality Review (SEQR).

E.

Informal review and pre-submission conference. An applicant, at his/her discretion, may submit, prior to a formal application for final site development plan approval, an application for informal site development plan review. The applicant shall submit all application materials in as much detail as the Planning Board shall determine it requires to come to a preliminary conclusion as to the merits of the proposal. Should variances from the requirements of this chapter be contemplated, their nature and degree should be specified. In the event an applicant needs both Planning Board approval and a use or area variance from the Zoning Board of Appeals, the applicant should apply to the Planning Board first. In such case, the Planning Board shall promptly refer the matter to the Zoning Board of Appeals. The Planning Board shall not approve the application until any required variances have been approved by the Zoning Board of Appeals.

F.

Procedures to ensure that local actions comply with the Local Waterfront Revitalization Program (LWRP) policies.

(1)

Planning Board. The Planning Board shall notify the Village Manager and Waterfront Commission of pending actions using a coastal assessment form. It shall then find and certify, in writing, that:

(a)

The action will not substantially hinder the achievement of any of the policies and purposes of the LWRP;

(b)

If the action will substantially hinder the achievement of any policy of the LWRP, the following three requirements are satisfied: no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy; the action will minimize all adverse effects on such policy to the maximum extent practicable; and the action will result in an overriding regional or statewide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

(c)

The action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified in Subsection F(1)(b) above.

(2)

The Planning Board shall prepare its written findings and certification according to the same schedule required for approval/disapproval of conditional use requests, site plans and subdivision plats. The written findings and certification of consistency shall be filed with the Village Clerk before an action is undertaken. No action under the Planning Board's jurisdiction shall occur without the Board having certified that the action is consistent with the policies and purposes of the LWRP.

(3)

Village Board.

(a)

The Village Board or a Village agency, when proposing to undertake, approve or fund a Type I or unlisted action in the waterfront area, shall prepare or cause to be prepared a coastal assessment form for the proposed action.

(b)

Following the preparation of an environmental impact statement (EIS) or the issuance of a negative declaration pursuant to SEQRA, a Village agency shall refer the coastal assessment form (CAF), any EIS or other pertinent information for that action to the Village Manager and to the Village Board which reviews and determines whether the action is consistent with the policies and purposes of the LWRP.

(c)

Prior to its undertaking, approving or funding a proposed Type I or unlisted action in the waterfront area, and for each action referred by a Village agency, the Village Board shall find and certify that the action is or is not inconsistent with the LWRP. [See findings above under the Planning Board procedures, Subsection F(2).]

(d)

The Village Board shall complete its review of the proposed action's consistency and prepare a written finding to the referring Village agency within 30 days of the referral date. The Village Board may refer such actions for review to any municipal agency, including, but not limited to, the Planning Board, Village Manager's Office, Building Department, Zoning Board of Appeals, Village Engineer, Historic Review Commission, Environmental Advisory Council and Waterfront Commission.

(e)

The written findings and certification of the Village Board shall be filed with the Village Clerk before the action is undertaken, approved or funded.

(f)

No action shall be undertaken, approved or funded unless the Village Board certifies its consistency with the policies and purposes of the LWRP.

G.

Final review and approval.

(1)

An applicant, at his/her discretion, may submit, for final site development plan approval, an application. The applicant shall submit all application materials as required by § 270-52D. Should variances from the requirements of this chapter be contemplated, their nature and degree should be specified. In the event an applicant needs both Planning Board approval and a use or area variance from the Zoning Board of Appeals, the applicant should apply to the Planning Board first. In such case, the Planning Board shall promptly refer the matter to the Zoning Board of Appeals. The Planning Board shall not approve the application until any required variances have been approved by the Zoning Board of Appeals.

(2)

The Planning Board will review the proposed plan with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Ossining, state or county. The Planning Board shall authorize the setting of a public hearing for consideration of final site development plan approval. In addition to publication of notice of such public hearing as required by law, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application. In the event that a conditional use approval is required, the Planning Board shall simultaneously consider both applications. In reviewing a site development plan application which has been granted a special permit by the Village Board, the Planning Board shall ensure conformity with any special permit requirements. The final site development plan and all supporting materials shall be subject to review and consultation. The Board shall make a determination on the application within 62 days of the close of the public hearing. In the event that no determination is made within 62 days and the applicant has not waived the time requirements, the application shall be deemed approved. The Board shall include such conditions of approval as were required and in



addition:

(a)

The Planning Board shall require that on- or off-site improvements be installed, including, but not limited to, on- or off-site drainage systems to ensure that all drainage, storm runoff and subsurface waters are carried into approved watercourses and drainage systems shown on the Official Map. The Planning Board shall further require that all such off-site improvements and/or drainage systems be installed on property granted to the Village by fee, easement or otherwise, as determined by the Planning Board.

(b)

No certificate of occupancy or use shall be issued for the site until all the improvement shown on the site development plan, including off-site requirements required by the site development plan, have been duly installed and all easements and property interests granted or dedicated to the Village.

(c)

A partial certificate of occupancy or use for periods of 90 days, but not more than one year in the aggregate, for a building, structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit to ensure and guarantee the completion of the on-site improvements. The Building Inspector shall determine the sum of such cash deposit.

(d)

The site shall be developed in strict conformity with the approved site development plan, except as provided for below. When the approval of a change based on unexpected or unanticipated conditions is requested of the Building Inspector or other appropriate Village agency, such request shall be submitted to the appropriate inspecting agency in writing. No field change shall be valid unless a copy of the requested change is filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five days of such approval. Such change shall be deemed acceptable if not acted upon by the Planning Board within 62 days.

H.

Reservation of parkland on site plans containing residential units.

(1)

Before such authorized board may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.

(2)

Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute.

(3)

In the event the authorized board makes a finding pursuant to Subsection H(2) that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirements cannot be properly located on such site plan, the authorized board may require a sum of money in lieu thereof to be established by the Village Board of Trustees or alternatively, land and/or improvements may be provided off site at another location mutually agreeable to the developer and the Village. The amount of land and/or improvements shall be equal in value to money offered in lieu thereof and in accordance with the schedule set forth herein. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the authorized board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

(4)

Notwithstanding the foregoing provisions of this subsection, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved, the authorized board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

I.

Performance bond. A performance bond may be required by the Planning Board to be posted by the applicant to guarantee to the Village that he or she will faithfully construct, or cause to be constructed, the required public improvements and utilities which were an integral part of his or her approved site plan; and further, that the construction shall be complete within a reasonable period of time. The performance bond will be prepared by the Village Engineer. Performance bond amount, completion schedule, public improvements covered, inspection and bond approval must be received before issuance of a building permit.

J.

Signing and referral of plan. Upon submission of the final site development plan with modifications required by the Planning Board in its final approval and upon satisfaction of any conditions imposed by such approval, the Chairperson of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector, who may thereafter issue a building permit, certificate of occupancy and certificate of use in reliance thereon, in accordance with Article VII.

K.

Amendment of plan. An application for an amendment of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the preceding provisions. However, only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes have a material and substantial impact on the balance of the site development plan and functioning of the site. Any change constituting an overall site plan change of more than 10%, as determined by the Planning Board, will require a new site plan submission. The applicant's licensed design professional shall submit a letter, and a drawing when necessary, indicating the scope of the proposed change no later than 20 days before a Planning Board meeting for a determination by the Planning Board as to whether the proposed amendment shall require a public hearing. Fees for an amended site development plan approval shall be in accordance with the Standard Schedule of Fees of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

L.

Approval of a site development plan shall be valid for one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this time period shall cause the site plan approval to become null and void. Upon the request of the applicant, the Planning Board may grant an extension for a period not to exceed one year. There shall be up to two extensions that may be granted, for a total time period of all the extensions, taken together, of no more than two years.

M.

Maintenance. It shall be the duty of every property owner to maintain his/her property in conformity with the approved site development plan. Failure to do so may constitute a violation of this chapter, resulting in civil or criminal penalties, forfeiture of bonds, suspension of consideration of all applications before the Planning Board relating to the same property and other remedies deemed necessary by the appropriate authorities.

N.

Appeal. Any person aggrieved by any decision of the Planning Board hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules.

**ARTICLE XI Special Permits (§ 270-53 — § 270-55)**

**§ 270-53 General provisions.**

A.

Pursuant to the provisions of the Municipal Home Rule Law, the Village Board reserves the approval authority for special permits for certain uses identified in Article III of this chapter. Such uses represent such diverse benefits and impacts on local land uses as to preclude specific descriptions and standards for their approval. The Village board, in considering any application for a special permit hereunder, shall exercise such discretion reserved for legislative matters so as to



ensure that the public health, welfare and safety are protected and the environmental and land resources of the Village are most efficiently utilized.

B.

Applications for special permits pursuant to this article shall be upon forms prescribed by the Village Board and shall contain the information required in the rules and regulations adopted pursuant to this chapter.

C.

Fees for special permit applications and for appeals before the Village Board shall be in accordance with the Standard Schedule of Fees of the Village.

Editor's Note: The Schedule of Fees is on file in the Village offices.

**§ 270-54 Application procedure.**

A.

An applicant for a special permit shall, simultaneously with the filing of an application with the Village Board, file an application for site development plan approval with the Planning Board, together with appropriate plans, drawings and fee for site development plan review. Thereafter, and before the Village Board shall give any consideration to review the application for such special permit, the Planning Board shall review the application for the purpose of preliminary site development plan review and in light of the general considerations herein and specific standards herein for special permits. Thereafter, the Planning Board shall transmit its recommendations to the Village Board within 90 days of the receipt of a complete application for site development plan.

B.

The Village Board, upon receipt of the report by the Planning Board, shall, within 62 days of such receipt, conduct a public hearing and, within 62 days thereafter, render its decision, unless the applicant waives the time requirements of this section.

C.

The Village Board, in approving any special permit thereunder, shall require conformance to any supplementary requirements applying to such uses generally and may establish such other conditions or limitations upon the use, or characteristics of the use, which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter.

D.

The decision of the Village Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Thereafter, the applicant will proceed with site development plan approval before the Planning Board.

E.

Unless specifically authorized in the decision of the Village Board, no requirement or conditions of such special permit shall be subject to appeal before the Zoning Board of Appeals.

F.

Requirements or conditions imposed by this chapter for any special permit use shall not be waived or reduced by the Village Board and shall be considered to be the minimum requirements for any authorization hereunder, except that the Village Board may authorize further application and action by the Zoning Board of Appeals. Special permits shall be deemed to be indefinite authorization, unless otherwise specified in the approval thereof, but in any case shall expire within 18 months of the date of approval, unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Village Board.

G.

The grant of special permits for the uses indicated may be conditioned on periodic renewal, which renewal shall be granted following application, public notice and hearing, and may be withheld upon determination that conditions as may have been identified in the original grant requiring that the use be of temporary duration now necessitate cessation of such use or imposition of additional or supplemental safeguards or conditions or that the original conditions as may have been prescribed for such special permit have not been or are not being complied with, wholly or in part. Notices of violation shall be prima facie evidence of lack of conformity to such standards or conditions.

H.

Notice to applicant and county planning board or agency or regional planning council. At least 10 days before such hearing, the authorized board shall mail notices thereof to the applicant and to the county planning board or agency or regional planning council, as required by §§ 239-l, 239-m and 239-n of the New York State General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

#### **§ 270-55 Appeals from Village Board determinations.**

Any person aggrieved by any decision of the Village Board hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules.

### **ARTICLE XII Board of Architectural Review (§ 270-56 — § 270-58)**

#### **§ 270-56 Findings; purpose.**

The Board of Trustees hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential, business or other purposes and by so doing, impairs the benefits of occupancy of existing property in such areas; impairs the stability and value of both improved and unimproved real property in such areas; prevents the most appropriate development and use of such areas; contributes to the degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the community; and contributes to the diminution of the taxable value of real property in such areas and its ability to support the municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such exterior appearance of buildings erected or altered in any neighborhood and thus to promote the health, safety and general welfare of the community, conserve the value of buildings and encourage the most appropriate use of land within the Village of Ossining.

#### **§ 270-57 Creation, appointment and organization.**

##### A.

There is hereby created a Board of Architectural Review which shall consist of each member of the Planning Board who shall serve without compensation. The terms of each member shall run concurrently with his corresponding time on the Planning Board, and appointments of new members shall be automatic as new members are appointed to the Planning Board.

##### B.

The Chairman and Secretary of the Board of Architectural Review shall be the same Chairman and Secretary serving on the Planning Board. The Board of Architectural Review shall meet concurrently as does the Planning Board. Special meetings, as required, may be held by the Board at its discretion. All minutes, records, decisions or other official actions will be recorded as part of the Planning Board's records under the heading of architectural review and shall be filed with the Village Clerk and become a public record.

#### **§ 270-58 Powers and duties.**

##### A.

In all cases where site plan approval is required, as stated in other sections of this chapter, the review by the Board of Architectural Review for similarity, dissimilarity or inappropriateness shall be given concurrently or prior to the Planning Board's review for site plan approval. In all cases where site plan approval is not required by the Planning Board, such as for one- and two-family residences not part of a proposed subdivision, separate application shall be made to the Board of Architectural Review, and approval is required prior to the issuance of a building permit. In addition to any notice as may be required by law, the Board of Architectural Review shall cause notice of such application to be mailed at least 10 days before the date scheduled for the review of such application by the Board to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Board of Architectural Review may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been given as otherwise required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Architectural Review in connection with such application.

##### B.

The Building Inspector shall promptly refer to the Board of Architectural Review every application for a building permit. Such Board may approve, or conditionally approve, subject to specified modifications, or disapprove any application for a

building permit, provided that such Board finds the structure or building, if erected or altered as proposed in the application for building permit, would be so detrimental to the desirability, property values or development of the surrounding areas as to be the cause of one of the harmful effects set forth in § 270-56 hereof by reason of:

(1)

Excessive similarity to any other existing structure or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed site as measured along center lines of streets in a Single-Family Residence District, and within 250 feet of the proposed site in any district other than a Single-Family Residence District, with respect to one or more of the following features:

(a)

Apparently identical front or side elevations;

(b)

Substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the elevation facing the street, including reverse arrangement; or

(c)

Other significant identical features of design, such as, but not limited to, materials, rooflines and height or other design elements.

(2)

Excessive dissimilarity in relation to any other existing structures, or for which a permit has been issued, or to any other structures included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed site as measured along center lines of streets in a Single-Family Residence District, and within 250 feet of the proposed site in any district other than a Single-Family Residence District, in respect to one or more of the following features, provided that the finding is not based on personal preference as to taste or choice of architectural style:

(a)

Cubicle contents.

(b)

Gross floor area.

(c)

Height of building or height of roof.

(d)

Other significant design features, such as types of materials used, the durability of materials and the texture of the buildings.

(3)

Inappropriateness in relation to the established character of other structures in the immediate area or neighboring areas with respect to significant design features, such as material or quality of architectural design, provided that the Board shall find that the inappropriateness which exists is of such a nature as to be reasonably expected to be the cause of one or more of the harmful effects set forth in § 270-56 hereof and that the finding is not based on personal preference as to taste or choice of architectural style.

(4)

The Building Inspector shall refuse any building permit application which is disapproved as provided in this section. If the Board of Architectural Review shall fail to disapprove, or conditionally approve, subject to specified modifications, any such application referred to it within 45 days of the receipt of a complete application if such Board shall approve any such application, the Building Inspector shall forthwith issue the building permit, provided that it conforms in all respects to all other applicable laws and regulations.

**ARTICLE XIII Amendments (§ 270-59)**

**§ 270-59 Procedure for amending chapter.**

This chapter, or any part thereof, may be amended, supplemented or repealed from time to time by the Village Board on its own motion or upon recommendation by the Planning Board. Prior to the public hearing specified in Subsection C,



every proposed amendment shall be referred by the Village Board to the Planning Board for a report which shall be rendered within 62 days of such referral.

A.

Report of the Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

(1)

Concerning a proposed amendment to or change in the text of this chapter:

(a)

Whether such change is consistent with the aims and principles embodied in the law as to the particular districts concerned.

(b)

Which areas, land uses, buildings and establishments in the Village will be directly affected by such change and in what way they will be affected.

(c)

The indirect implications of such change in its effect on other regulations.

(d)

Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village and the LWRP.

(2)

Concerning a proposed amendment involving a change in the Zoning Map:

(a)

Whether the uses permitted by the proposed change would be appropriate in the area concerned.

(b)

Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

(c)

Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

(d)

The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan and the LWRP.

B.

Each petition for a zoning amendment shall be accompanied by a fee, adequate to cover the cost of processing said petition, payable to the Village Clerk upon the filing thereof. No fee shall be required for petitions filed in favor of or against any application.

C.

By resolution adopted at a meeting of the Village Board, the Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of § 7-706 of Article VII of the Village Law. All notices of public hearing shall specify the nature of any proposed amendment; the land or district affected; and the date when and the place where the public hearing will be held. At least 15 days' notice of the time and place of such hearing shall be published in the official newspaper of the Village. When such proposed amendment reflects a change to the Zoning Map, the Village Clerk shall cause notice to be mailed at least 15 days before the hearing to all owners of properties which lie within 300 feet of the map change and to such other owners as the Village Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village.

D.

Transmission of copy of official notice of public hearing.

(1)

Should any proposed amendment consist of or include either of the two following conditions, the Village Clerk shall transmit to the designated office or official a copy of the official notice of the public hearing not later than 15 days prior to the date of hearing.

(a)

Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any village or town.

(b)

Any application for change in the regulations, a use variance, special use permit, site plan review or subdivision review as prescribed for any district, any portion of which is located within 500 feet of the boundary of any village or town.

(2)

The designated official for counties shall be the clerk of the county legislature. In villages and towns, the designated official shall be the clerk of the municipality.

E.

Should any proposed amendment consist of or include any conditions in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law, the Village Clerk shall, prior to final action, refer the proposed amendment to the Westchester County Planning Board.

F.

In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 7-708 of Article VII of the Village Law.

#### **ARTICLE XIV Miscellaneous Provisions (§ 270-60 — § 270-62)**

##### **§ 270-60 Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health and safety, specifically provided to the contrary that it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelters or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, law, rule, regulation or permit or by any easement or agreement, the provisions of this chapter shall control.

##### **§ 270-61 Applicability.**

Notwithstanding the repeal of prior ordinances, certain applications, building permits, buildings and approvals shall, in recognition of their particular circumstances and in the interest of fairness, have the status defined below:

A.

Subdivision.

(1)

Subdivision that, before the effective date of Local Law No. 4-2009, have either been granted preliminary or final subdivision approval by the Planning Board shall be governed by the 1990 Zoning Law of the Village of Ossining, New York, and all amendments thereto, and the Village's Subdivision Law, Chapter 233, as it existed on the day immediately prior to the effective date of Local Law No. 4-2009.

(2)

All other subdivision applications shall be governed by the 2009 Zoning Law of the Village of Ossining, New York, and the Village's Subdivision Law, Chapter 233, as they are amended from time to time.

B.

Special permit, conditional use permit, site plan and zoning variance applications.

(1)

Special permit, conditional use permit, site plan and zoning variance applications that have received approval from the Planning Board, Zoning Board of Appeals or Board of Trustees before the effective date of Local Law No. 3-2009 shall be governed by the 1990 Zoning Law of the Village of Ossining, New York, and all amendments thereto. All permits, site plans and variances given this status, if approved, shall subsequently be processed in accordance with normal building permit and construction procedures with the following conditions:

(a)

Special permit, conditional use, site plan or zoning variance approvals granted before the effective date of Local Law No. 3-2009 shall be valid for one year from the effective date of Local Law No. 3-2009 for the purpose of obtaining a building permit. Failure to secure a building permit during this time period shall cause the approval to become null and void.

(b)

Upon the request of the holder of such approval, the Planning Board may grant an extension of such expiration for a period not to exceed one year. There shall be no limit to the number of extensions that may be granted, but the total time period of all extensions requested shall not exceed two years.

(2)

All other special permits, conditional use permits, site plans and variances shall conform to the 2009 Zoning Law of the Village of Ossining, New York, as amended.

C.

Building permits. Building permits issued before the effective date of Local Law No. 3-2009 for construction but which do not conform to the 2009 Zoning Law of the Village of Ossining, New York, as amended, shall nonetheless be valid in accordance with the following schedule:

(1)

The building permit shall be valid during the normal one-year building permit time period;

(2)

The building permit shall be valid during the normal one-year extension time period, if an extension is granted by the Village of Ossining Building Department; and

(3)

For good cause shown, the Village of Ossining Building Department may grant one additional extension for a time period of one year.

**§ 270-62 Severability.**

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this chapter.

270a Table A-1 270b Table A-2 270c Table A-3 270d Table A-4 270e Table B-1 270f Table B-2 270g Table B-3 270h Table B-4 270i Table B-5 270j Table B-6 270k Table B-7 270l Table B-8 270m Table B-9 270n Table B-10 270o Table C-1 270p Table C-2 270q Table C-3 270r Table C-4



## APPENDIX C

### CHAPTER 233 – SUBDIVISION OF LAND

**CHAPTER 233 SUBDIVISION OF LAND**

[HISTORY: Adopted by the Board of Trustees of the Village of Ossining 2-5-1974 as Appendix A of the 1974 Code. Amendments noted where applicable.]

**GENERAL REFERENCES**

Affordable housing — See Ch. 62.

Building construction — See Ch. 91.

Environmental quality review — See Ch. 118.

Excavations — See Ch. 122.

Flood damage prevention — See Ch. 141.

Freshwater wetlands — See Ch. 149.

Sewers — See Ch. 212.

Stormwater management and erosion and sediment control — See Ch. 227.

Street construction standards — See Ch. 229.

Waterfront consistency review — See Ch. 262.

Zoning — See Ch. 270.

**ARTICLE I General Provisions (§ 233-1 — § 233-2)****§ 233-1 Purpose and intent.**

The Planning Board of the Village of Ossining declares that these regulations for the subdivision of land for various purposes have been promulgated to provide for the orderly growth and coordinated development of the Village of Ossining and to assure the comfort, convenience, safety, health and welfare of its people, and further that the approval of such subdivisions shall be based on the following considerations:

**A.**

Conformance with the various parts of the Comprehensive Plan and Chapter 270, Zoning.

[Amended 10-6-2009 by L.L. No. 4-2009]

**B.**

Recognition of a desirable relationship to the general land form, its topographic and geologic character, to natural drainage and surface water runoff, and to the groundwater table.

**C.**

Recognition of desirable standards of subdivision design including adequate provision for pedestrian and vehicle traffic, for surface water runoff and for suitable building sites for the land use contemplated.

**D.**

Provision for such facilities as are desirable adjuncts to the contemplated use such as parks, recreation areas, school sites, firehouses and off-street parking.

**E.**

Preservation of such natural assets as ponds, streams, shrubs and trees.

**F.**

Provision of adequate utility services.

**§ 233-2 Declaration of authority.**

[Amended 8-3-1999 by L.L. No. 2-1999]

Through the authority granted by Chapter 64 of the Consolidated Laws of the State of New York, as amended, and Chapter 270, Zoning, all subdivision of land is required to receive the approval of the Ossining Planning Board, and further the Board is authorized to recommend, for review and adoption by the Village Board of Trustees, regulations controlling



the subdivision of land within the boundaries of the Village of Ossining.

## **ARTICLE II Terminology (§ 233-3)**

### **§ 233-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **COMPREHENSIVE PLAN**

A plan for the future growth, protection, and development of the Village of Ossining, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare for its population.

[Amended 10-6-2009 by L.L. No. 4-2009]

#### **CROSSWALK OR WALKWAY**

A right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision.

#### **CUL-DE-SAC**

A short dead-end street terminating in a vehicular turnaround area.

#### **EASEMENT**

A restriction established in a real estate deed to permit the use of land by the public, a corporation or particular persons for specified uses.

#### **FINAL PLAT**

A drawing prepared in a manner prescribed by local regulation that shows a proposed subdivision, containing in such additional detail all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

[Added 10-6-2009 by L.L. No. 4-2009]

#### **LOT**

A portion or parcel of land considered as a unit.

[Amended 10-6-2009 by L.L. No. 4-2009]

#### **MASTER PLAN**

A plan for the future growth, protection, and development of the Village of Ossining, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare for its population.

#### **PRELIMINARY PLAT**

A drawing prepared in a manner prescribed in this chapter showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

[Added 10-6-2009 by L.L. No. 4-2009]

#### **SUBDIVISION**

The division of land of real property into two or more lots, plots, blocks or sites, with or without streets or highways, for the purpose of offering such lots, plots, blocks, or sites for sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

[Amended 10-6-2009 by L.L. No. 4-2009]

#### **VILLAGE ENGINEER**

The official engineer of the Village of Ossining.

## **ARTICLE III Preliminary Plat (§ 233-4 — § 233-8)**

### **§ 233-4 Purpose.**

#### **A.**

The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board and later one copy shall become the official record of the Village Clerk. The preliminary



plat and the supporting documents shall show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat nor should it be considered a valid basis for the construction of site improvements or for other commitments which depend upon its design characteristics.

B.

When revision of the proposed subdivision is required, the preliminary plat shall be revised accordingly so that the files of the Planning Board and other Village officials will be current.

C.

The preliminary plat shall serve as a key map to subdivisions subsequently laid out in sections on final plats.

**§ 233-5 Review procedure.**

[Amended 10-6-2009 by L.L. No. 4-2009]

The Planning Board shall follow procedures as prescribed by Article 7, § 7-728, of the Village Law and by this chapter.

A.

The submission of a preliminary plat shall consist of the following items:

(1)

Application for the subdivision of land as prescribed by the Planning Board.

B.

A proposed submission which does not include all the required drawings and documents will not be accepted for filing. A submission shall be filed by the deadline as prescribed by the Planning Board.

C.

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Local Waterfront Consistency, of this Code, and 6 NYCRR Part 617, State Environmental Quality Review (SEQR).

D.

The Planning Board shall refer any matter involving any areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

E.

The Planning Board shall take formal action either approving or disapproving the preliminary plat submission, and a copy of such action will be forwarded to the subdivider or his representative who appeared on his behalf to the Village Clerk and to the Village Engineer.

F.

If the approved preliminary subdivision of land occurs within 500 feet of the Village boundary, a copy of the preliminary plat shall be sent by the Planning Board Secretary to the appropriate municipal official of the adjoining community.

G.

A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

H.

Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act,

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.  
as follows:

(1)

If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the clerk of the Planning Board; or

(2)

If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

I.

The Village will advertise a public hearing at least 10 days prior to the hearing date. In addition to such published notice, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lie within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

J.

The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

K.

Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(1)

If the preparation of an environmental impact statement on the preliminary plat is not required, such board shall make its decision within 62 days after the close of the public hearing; or

(2)

If an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(3)

If the Planning Board is not the lead agency and an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4)

Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, any modifications it deems necessary for submission of the plat in final form.

L.

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(1)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(2)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(3)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

(4)

After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

**§ 233-6 Filing fee.**

[Amended 8-3-1999 by L.L. No. 2-1999]

The filing fee shall be set from time to time by resolution of the Village Board of Trustees

Editor's Note: The Schedule of Fees is on file in the Village offices.

for each acre or part thereof covered by the proposed subdivision, including all reserved parcels.

**§ 233-7 Filing of decision; expiration of approval.**

[Amended 10-6-2009 by L.L. No. 4-2009]

Within five business days from the date of the adoption of the resolution stating the decision of the Board of the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board. No Planning Board action will be taken after such expiration until a new application and filing fee are submitted.

**§ 233-8 Preliminary plat requirements.**

The preliminary plat shall be prepared by a licensed professional engineer and land surveyor and shall provide the information noted in this section as follows:

A.

Drawing sheet.

(1)

The size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

If more than one sheet is required, a clearly drawn cut line shall be shown on both sheets and on the key map.

B.

Title block. The title block shall include the following:

(1)

Name of the subdivision and the municipality within which it is situated.

(2)

Name and address of the subdivider.

(3)

Name, address, license number and seal of the professional engineer and land surveyor who prepared the drawings.

(4)

Total acreage for the entire tract and for each zone district within the tract.

(5)

Total number of proposed lots.

C.

Other notations.

(1)

Date of original submission and of each subsequent revised submission.

(2)

Graphic scale. The subdivider shall be guided by the Village Engineer in fixing the appropriate scale for the preliminary plat.

(3)

True and magnetic North point and the date taken.

(4)

Certification by the licensed land surveyor that the topography shown resulted from an actual survey and the date of that survey.

(5)

Offers of dedication, statements establishing easements and similar statements should be indicated on the drawing (see Appendix B-200

Editor's Note: Appendix B-200 is on file in the Village offices.

).

D.

Key map. The key map shall include the following:

(1)

Scale: one inch equals 50 feet or other appropriate scale depending on the size of the lot to be subdivided.

[Amended 10-6-2009 by L.L. No. 4-2009]

(2)

Information:

(a)

Relationship to the existing highway system, main intersections and Master Plan of streets and highway.

(b)

Boundary lines for building zone districts, special districts and Village properties and boundaries.

(c)

Subdivision streets and blocks in scale.

(d)

Cut lines as needed when there are two or more drawings to show the complete subdivision.

E.

Subdivision boundary line and survey date (heavy solid line).

F.

Boundaries of adjacent properties and property owners' names. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

G.

Other boundary lines.

(1)

Building zone district.

(2)

Special districts.

H.

Topographic contours at five-foot intervals referred to the United States Coast and Geodetic Survey datum of mean sea level.

(1)

Smaller or larger intervals when advisable due to the terrain may be used after approval by the Planning Board.

(2)

Contours shall extend 200 feet beyond the subdivision boundary line, unless specifically waived by the Planning Board.

I.

Existing site conditions:

(1)

Street rights-of-way on the subdivision and within 200 feet of its boundaries, which shall include:

(a)

Name.

(b)

Location and width.

(c)

Center line elevations at intersections and other critical points.

(d)

Typical cross section.

(2)

Other rights-of-way and easements on the subdivision and within 200 feet of its boundaries, which shall include:

(a)

Identification.

(b)

Location and width.

(c)

Restrictions of use, if any.

(3)

Drainage structures on the subdivision and within 200 feet of its boundaries, which shall include:

(a)



Type of structure.

(b)

Location, invert elevations, gradients and sizes of all pipe and of all other structures where applicable.

(4)

Other utility structures, such as water and gas mains and power lines on the subdivision and within 200 feet of its boundaries, including location and size or capacity.

(5)

Marshes, ponds, streams, land subject to periodic or occasional flooding and similar conditions on the subdivision and within 200 feet of its boundaries, including:

(a)

The location and area covered indicating, apparent high-water levels.

(b)

The waterline on date of survey and survey date.

(c)

The maximum depth of water at critical points.

(6)

Test hole data, including:

(a)

Date, location and graphic representation of findings for all test holes, including groundwater levels. One test hole shall be required for each acre of land to be subdivided.

(b)

Locations shall include critical conditions and areas where drainage structures requiring seepage are to be constructed.

(7)

Village or other public lands, lands designated as parks, open spaces or for some other public use.

(8)

Buildings and other structures located on the subdivision and within 200 feet of its boundaries.

J.

Proposed site conditions (See Article VI, Design Standards.)

(1)

Streets.

(a)

Name (to be checked prior to submission with the Building Department).

[Amended 10-6-2009 by L.L. No. 4-2009]

(b)

Right-of-way width.

(c)

Tentative center-line elevations at intersections and at principal changes in gradient.

(d)

Tentative center-line gradient shown in percent of slope.

(2)

Lot layout.

(a)

Lot lines and dimensions to the nearest foot.

(b)

Building setback line (dashed) and dimension.

(c)

Easements and restricted areas with notation as to purpose or restriction.

(d)

Identification of lots or parcels for special uses, whether they are to be offered for dedication or not.

(e)

Layout for all reserved parcels in conformance with existing zoning regulations shown in a broken line.

(3)

Preliminary stormwater drainage system and sewer plan in accordance to Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

Stormwater and sewer drainage structures shall be shown on the preliminary plat.

#### **ARTICLE IV Final Plat (§ 233-9 — § 233-13)**

##### **§ 233-9 Purpose.**

A.

The final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and include the recommendations resulting from the Planning Board review of the preliminary plat, as well as the detailed layout drawings for the public improvements and utilities. After public hearing and approval by the Planning Board, this complete submission, along with the performance bond and the provision of the liability insurance policy, as approved by the Village Board of Trustees, becomes the basis for the construction of the subdivision and the inspection service by the Village Engineer and Planning Board. The plat itself must be recorded at the county register's office to have legal status. An unrecorded plat is not valid basis for site improvements or other commitments which depend on its design characteristics.

B.

The plat itself shall be an accurate survey record of the properties resulting from the subdivision.

##### **§ 233-10 Review procedure.**

[Amended 12-21-2004 by L.L. No. 13-2004; 10-6-2009 by L.L. No. 4-2009]

The Planning Board shall follow procedures as prescribed by Article 7, § 7-728, of the Village Law and by this chapter.

A.

The submission of a final plat (before Planning Board review) shall consist of the following items:

(1)

Application for the subdivision of land, as prescribed by the Planning Board.

(2)

The final plat, three paper prints, including signed approval from the Westchester County Department of Health.

B.

If the subdivision of land occurs within 500 feet of the Village boundary, a copy of the preliminary plat shall be sent by the Planning Board Secretary to the appropriate municipal official of the adjoining community.

C.

Prior to final action, the Planning Board shall refer any matter involving any of the areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.



D.

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Local Waterfront Consistency, of this Code and 6 NYCRR Part 617, State Environmental Quality Review (SEQR).

E.

When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

F.

The Village will advertise a public hearing at least 10 days prior to the hearing date. In addition to such published notice, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lay within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

G.

Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on the final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act,

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

as follows:

(1)

If such board determines that the preparation of an environmental impact statement on the final plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or

(2)

If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days of filing the notice of completion.

H.

The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

I.

Decision. The Planning Board shall approve, with or without modification, or disapprove such final plat as follows:

(1)

If the preparation of an environmental impact statement on the final plat is not required, such board shall make its decision within 62 days after the close of the public hearing; or

(2)

If an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the final plat.

(3)

If the Planning Board is not the lead agency and an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4)

Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(5)

A letter, in appropriate cases, directed to the Chairman of the Planning Board, signed by a responsible official of the New York State Department of Public Works or the Westchester County Superintendent of Highways, approving proposed construction on state or county rights-of-way.

(6)

Deeds of dedication, (standard law form) three copies each for all properties, including street rights-of-way, to be offered to the Village for dedication.

(7)

Lot areas for each lot measured accurately to the nearest square foot, which shall be shown on the final plat drawing.

J.

The Village shall retain one complete set of the final plat submission for the municipal records.

K.

The Village Engineer may prepare a report of findings for planning consideration and action.

L.

The Village Engineer shall prepare a performance bond estimate before issuance of a building permit for any approved final plat subdivision.

M.

After public hearing, the Planning Board will take formal action. If the plat is approved, the subdivider shall carry out the following steps prior to obtaining the Chairman's signature of approval:

(1)

Make all required corrections or meet all required conditions to the satisfaction of the Planning Board and/or the Village Engineer.

(2)

Agree to obtain a performance bond in the amount of the bond estimate and a general liability insurance policy and submit them to the Corporation Counsel for approval as to form. (See Article V.)

(3)

Pay the required inspection fee.

N.

If authorized by the Planning Board, the Chairman will sign his approval on the final plat, the approved road profiles and the public improvement and utility plan.

O.

The subdivider shall prepare and submit, to the Building Department, prints of the signed final plat drawings as follows:

(1)

Two copies on linen paper or Mylar transparency and two paper prints.

P.

The Building Department shall retain one copy of the signed final plat for the municipal records and one paper copy and distribute the remaining prints as follows:

(1)

Planning Department: one paper print.

(2)

Tax Assessor: one Mylar print.

Q.

The subdivider shall file a signed, original approved plat (not including the supporting drawings and documents) in the Westchester County Register's Office, within 90 days of signed approval, unless granted an extension according to the provisions of § 233-11.

R.

Planning Board approval of a final plat shall not be deemed an acceptance by the Village of any street or other land shown as offered for dedication to public use.

S.

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(1)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(2)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(3)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

**§ 233-11 Filing of decision; expiration of approval.**

[Amended 10-6-2009 by L.L. No. 4-2009]

Within five business days from the date of the adoption of the resolution stating the decision of the Board of the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk. Planning Board approval of a final plat shall expire 90 days after the date of the Planning Board resolution authorizing the Chairman to sign the drawings, unless the subdivider has fulfilled the requirements of § 233-10P.

A.

Upon application by the subdivider the Planning Board may grant up to two ninety-day extensions of the date of the original approval; provided, however, that the plat shall be revised according to any change in regulations or ordinance applicable to the plat which may have occurred subsequent to the first resolution.

B.

Expiration of an approval shall mean that any further action will require a new filing fee as well as a review of all previous findings.

**§ 233-12 Final plat requirements.**

The final plat shall be prepared by a licensed professional engineer and land surveyor and shall provide the information

noted in this section as follows:

A.

The drawing sheet

(1)

The size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

If more than one sheet is required, a clearly drawn cut line shall be shown on both sheets and on the key map.

B.

Title block. The title block shall be the same as that required for the preliminary plat (see § 233-8B).

C.

Other notations shall be the same as those required for the preliminary plat, except that the certification that the topography shown resulted from an actual field survey shall be omitted [see § 233-8C(1), (2), (3) and (4)].

D.

The key map of the entire subdivision shall be the same as that required on the preliminary plat (see 233-8D) with the following additions:

(1)

The final plat area being submitted for approval shall be shaded if it is only one section of the entire subdivision.

E.

Boundary lines.

(1)

Building zone districts.

(2)

Special districts.

F.

General information required.

(1)

Street rights-of-way and widening of street rights-of-way.

(a)

Name.

(b)

Location.

(c)

Width.

(d)

Notation on widenings where an offer of dedication is being made.

(2)

Other rights-of-way and easements.

(a)

Identification and description (see Appendix B-200).

Editor's Note: Appendix B-200 is on file in the Village offices.

(b)

Location.

(c)

Width and other dimensions necessary for description.

(3)

Lot layout.

(a)

Number identification by a suitable system of consecutive numbers, and numbers shall be circled.

(b)

Lot lines with accurate dimensions to the nearest hundredth of a foot.

(c)

Building setback lines with dimensions.

(4)

Special parcels.

(a)

Descriptions of proposed actions and uses, including a note where an offer of dedication is being made.

(b)

Boundary lines with accurate dimensions to the nearest one hundredth of a foot.

G.

Survey data.

(1)

Accurate traverses of subdivision boundaries with true bearings and distances.

(2)

Survey tie-ins with true bearings and distances to the three nearest established street monuments or official monuments.

(3)

Village, town, county and special district boundaries referenced to the subdivision survey by true bearings and distances.

(4)

Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(5)

Accurate dimensions to the nearest hundredths of a foot.

(6)

Monuments.

(a)

Accurate locations of all monuments.

(b)

Existing monuments shall be shown.

[Amended 10-6-2009 by L.L. No. 4-2009]

(c)

Proposed new monuments or monuments to be reset.

[Amended 10-6-2009 by L.L. No. 4-2009]

(d)

One monument shall be located at each corner of the boundary survey and at each general change in direction of the boundary.

(e)

Two monuments shall be located at each street intersection.

(f)

Monuments shall be located at the beginning and end of each curve along one side of the street right-of-way.

**§ 233-13 Public improvements and utilities plan and profiles.**



A.

This plan and profile are declared to be an integral part of the final plat submission.

B.

The performance bond and the inspection service shall be based on this drawing, the final plat itself, these subdivision regulations and the Village specifications for such public improvements and utilities.

C.

Unless a specific waiver is requested in writing, the proposed public improvements and utilities shall be considered to comply specifically with these subdivision regulations and the Village specifications.

D.

Basic plan requirements:

(1)

Sheet size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

The area covered, the scale and the title block shall be the same as the preliminary plat (see § 233-8).

(3)

The plan shall show the outline of all rights-of-way easements and similar conditions.

(4)

Street center-line gradients in percent indicated with arrows to establish the direction of flow.

(5)

Critical street center-line grade elevations.

E.

Drainage system requirements:

(1)



A complete drainage system for the entire subdivision, with appropriate development stages for each of the final plat sections, shall be shown graphically with all existing drainage features to be incorporated properly identified as "existing."

(2)  
Boundaries of stormwater runoff watersheds for each drainage structure and their area in acres.

(3)  
All proposed surface drainage structures (e.g., valley gutters).

(4)  
All appropriate details and dimensions necessary to explain clearly the proposed construction, including type of construction, material, size, pitch and invert elevations among other things, in accordance with good engineering practice.

(5)  
Location of all test pits and description of soil conditions and water table.

F.  
Utility systems requirements:

(1)  
Water supply and distribution.

(a)  
Location of sources on property or, where piped in, the size of the supply main.

(b)  
Location and size of all distribution mains.

(c)  
Location of fire hydrants.

(d)  
Location of all control valves.

(2)  
Electric and telephone systems.

(a)  
Location of all service routes, for both aerial and underground cables, and of all poles.

(b)  
Location of all special facilities.

(c)  
Sanitary waste disposal system.

[1]  
Sanitary sewer system design shall be indicated in all cases where public sewer connections exist or are proposed.

[2]  
Typical lot layout indicating location of the system with reference to house and water supplies and detailed drawings of proposed sanitary waste disposal units shall be provided.

G.  
Profile drawing requirements:

(1)  
Drawings shall be made on standard profile paper with the following scales:

(a)

Horizontal scale: one inch equals 40 feet.

(b)

Vertical scale: one inch equals four feet.

(2)

All profiles shall show the existing natural grades, the typical cross sections of existing and proposed roads, the center lines of intersecting roads and a system of survey stations.

(3)

The center-line profile of all proposed roads with dimensioning on vertical curves and notation as to gradient and critical elevations shall be shown.

(4)

The invert profile and location of all drainage structures in street rights-of-way and in drainage easements shall be shown.

## **ARTICLE V Bonds and Insurance (§ 233-14 — § 233-15)**

### **§ 233-14 Performance bond.**

A.

Purpose. A performance bond is posted by the subdivider to guarantee to the Village that he or she will faithfully construct, or cause to be constructed, the required public improvements and utilities which were an integral part of his or her approved final plat; and further, that the construction shall be complete within a reasonable period of time.

B.

Procedure.

[Amended 10-6-2009 by L.L. No. 4-2009]

(1)

A performance bond estimate will be prepared by the Village Engineer. (See § 233-10E.)

(2)

The Planning Board may pass a resolution requiring a performance bond.

(3)

The subdivider shall present his or her performance bond executed on the standard performance bond, with signed copies of the performance bond estimate attached, to the Corporation Counsel at least one week prior to any Village Board of Trustees meeting for approval as to form and sufficiency by the Board of Trustees at such meeting.

(4)

The Board of Trustees shall approve or disapprove the performance bond as presented by the Corporation Counsel. If the performance bond is approved, one copy will be forwarded to the Village Clerk and Building Department for their records and one copy will be forwarded with a copy of the Board of Trustees' resolution to the Planning Board.

(5)

After completing the construction of the public improvements covered by the performance bond, and prior to the termination of the bond period, the subdivider shall prepare a set of the approved public improvements and utilities plans and profiles amended to indicate as-constructed information and shall apply to the Village Engineer for a final inspection of the work. The Village Engineer shall report to the Planning Board on the condition of the work and recommend that the performance bond be released, extended or declared in default. The Village Engineer shall also report on the desirability of the Village accepting offers of cession for streets and other lands to be dedicated for public use.

(6)

The Planning Board shall, by resolution, advise the Village Board of Trustees of its recommendation for release of or declaring in default each performance bond. The Planning Board can act to extend the term of the bond in appropriate cases where such action would not be contrary to the intent of these regulations.

(7)



The Village Board of Trustees shall act on the release of or declaration of default on the performance bond.

C.

Terms of performance bonds. Performance bonds shall run until the completion of the agreed-upon improvements.

[Amended 10-6-2009 by L.L. No. 4-2009]

**§ 233-15 General liability insurance.**

A.

Procedure. The subdivider shall file with the Corporation Counsel a general liability insurance policy at the same time as he or she files his or her performance bond. The Board of Trustees shall approve the policy for form. The policy shall be of the same term as the performance bond and shall be extended in conformance with any extension of the performance bond.

B.

Coverage. The policy shall insure the Village of Ossining and the subdivider and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature, including all public improvements. Said policy shall have limits of liability of \$100,000 for bodily injury to each person and \$300,000 liability on the aggregate for each accident and property damage liability of \$5,000 for each accident and \$25,000 aggregate property damage liability.

**ARTICLE VI Design Standards (§ 233-16 — § 233-21)**

**§ 233-16 Purpose.**

These design standards are a guide to development so that the Village of Ossining will, in the future, be a coordinated, well planned community of good quality, with provision for desirable services and facilities.

**§ 233-17 Land use standards.**

A.

Proposed land uses shall conform to Chapter 270, Zoning, the Comprehensive Plan and the provisions of this chapter.

[Amended 10-6-2009 by L.L. No. 4-2009]

B.

Land reserved from subdivision shall be of a useful dimension for development in the future in accordance with current zoning requirements.

C.

Subdivision designs shall indicate consideration for suitable protection of different types of land uses and the segregation of vehicular and pedestrian traffic incompatible with particular uses.

D.

Desirable sites shall be provided for public and semipublic land uses such as schools, firehouses and churches.

E.

Parks and playgrounds. Where deemed essential by the Planning Board of the Village of Ossining and upon consideration of the particular type of development proposed in the subdivision (whether high-, low- or medium-density or in apartment-type developments), the Board may require reservation and/or dedication in compliance with § 7-730 of the Village Law of land for the suitable development of a park or parks for playgrounds or recreational purposes. The Board shall not require that more than 15% of the gross area of the subdivision be so dedicated or reserved. The minimum area of contiguous open space for dedication shall not be less than two acres. Open spaces of less area may be accepted whenever the Board deems it advisable to accept such land in lieu of the following provision.

[Amended 8-3-1999 by L.L. No. 2-1999]

F.

In cases where the Planning Board finds that, due to size, topography or location of the subdivision or for other reasons, land for parks, playgrounds or other recreation purposes cannot be properly located therein or is not otherwise practicable to require the same as a condition of approval, the Board shall waive the requirement that such land be reserved and/or dedicated, provided that a cash payment in lieu thereof for each dwelling unit, of a sum set from time to

time by resolution of the Village Board of Trustees,

Editor's Note: The Schedule of Fees is on file in the Village offices.

be paid into a special Village Recreation Site Acquisition and Improvement Fund for providing recreational facilities in the vicinity of the subdivision.

[Amended 8-3-1999 by L.L. No. 2-1999]

### **§ 233-18 Street and highway standards.**

#### **A.**

Any proposed sidewalk, street and highway layout shall conform to the Village standards of sidewalks, streets and highways. This includes incorporating any streetscaping to promote pedestrian-friendly development.

[Amended 10-6-2009 by L.L. No. 4-2009]

#### **B.**

The street pattern within a subdivision shall be orderly. Where appropriate, a major street shall be indicated for more direct access to minor streets.

#### **C.**

Minor streets shall be laid out so that their use for through traffic will be discouraged. Particular attention should be given to eliminating possible bypasses around traffic signals and major intersections.

#### **D.**

Duplication of street names. There shall be no duplicate street names within the Village.

#### **E.**

Block dimensions:

##### **(1)**

Maximum length shall be 1,200 feet. Minimum length shall be 400 feet.

##### **(2)**

Minimum width shall relate to the zoning district requirements for lot sizes and yards, and generally shall provide for two tiers of lots.

##### **(3)**

Special attention shall be given to blocks in industrial and business districts to provide for access to the lots and areas for parking and truck delivery.

#### **F.**

Culs-de-sac:

##### **(1)**

Maximum length may be determined by the Planning Board after report from the Village Engineer. Such determination shall be based on the existence of severe topographic conditions and adequate accessibility for fire and police protection.

##### **(2)**

Minimum radius for the right-of-way at the turnaround shall be 60 feet and the outside curb radius shall be 50 feet.

#### **G.**

Intersections:

##### **(1)**

No more than two streets shall intersect or meet at any one point.

##### **(2)**

No street shall intersect or meet at an angle of less than 60° or more than 120°.

##### **(3)**



The center lines of all streets entering an intersection shall pass through a single point.

(4)

Intersections of minor and major streets shall be spaced a minimum of 150 feet apart measured from the points of intersection of the center lines.

(5)

Intersections on a main highway shall be spaced a minimum of 800 feet apart measured from the points of intersection of the center lines.

H.

Horizontal alignment shall have:

(1)

A minimum radius of 150 feet.

(2)

A minimum tangent between reverse curves of 50 feet.

I.

Vertical alignment shall have:

(1)

A minimum grade of 1.0%.

(2)

A maximum grade of 6.0% (8.0% on minor streets); or a maximum grade for less than 200 feet of 10.0%; or a maximum grade within 100 feet of a right-of-way intersection of 4.0%.

J.

Sight distances shall be at least:

(1)

One thousand feet for main highways.

(2)

Five hundred feet for major streets.

(3)

Three hundred feet for minor streets.

K.

Standards for all streets and highways shall be determined by the appropriate authorities. Generally, standards for streets to be dedicated in the Village shall be a thirty-foot width with a ten-foot right-of-way on each side of the street.

[Amended 10-6-2009 by L.L. No. 4-2009]

L.

Planting strips. All planting strips within the street rights-of-way shall be finish graded, properly prepared and seeded or sodded with lawn grass in conformance with good nursery and landscape practice.

M.

Monuments. Monuments shall be of reinforced concrete or stone and shall be four inches square at the top, with a length of at least 36 inches and shall be embedded the full depth.

N.

Subgrade:

(1)

The entire right-of-way shall be cleared of brush and trees except those which will be an asset to the subdivision

(2)

All boulders, organic material, soft clay, spongy soil and other objectionable material shall be removed and replaced by material approved by the Village Engineer.

(3)

The subgrade shall be properly stabilized, shaped, rolled and uniformly compacted with a ten-ton roller to conform with the lines, grades and typical cross sections of this specification and the approved final plat and profile drawings. The process of shaping, rolling and filling shall be repeated until no depressions develop.

(4)

All rutting, displacement or soft spots after the subgrade has been completed shall be properly repaired with new material, regraded and compacted.

(5)

When existing materials in the road are to be used for road base material, that material shall be removed to the surface of the subgrade so that the subgrade may be properly prepared before the base is constructed.

(6)

Cuts and fills shall have a maximum slope of 1 on 2 from the edge of the right-of-way, except when specifically waived by the Planning Board and the Engineer, for the purpose of saving trees or some particular terrain feature at the given place.

**§ 233-19 Drainage standards.**

A.

Land subject to periodic or occasional flooding shall not be platted for residential occupancy nor for any other use which may endanger life or property or aggravate the flood hazard, and further, such land within a plat shall be set aside for park purposes in addition to that area which is required in § 233-17E.

B.

Manholes shall be provided in drain lines not more than 350 feet apart and wherever branches are connected or sizes are changed and wherever there is a change in alignment or grade.

C.

Alignment of pipes shall be in a straight line between manholes.

D.

Drain lines shall be placed between the center line of the road and the curbline and shall, as far as practical, parallel the center line of the road.

E.

Not more than two catch basins shall be interconnected before being connected to a manhole.

F.

Surface drainage in gutters shall be limited to the equivalent of that flowing from 1.5 impervious acres; however, where the tributary impervious area exceeds the runoff from 1.0 impervious acres, a double inlet catch basin shall be used.

G.

Drainage structures which are located on state or county highway rights-of-way shall be approved by the state or county highway engineer's office, and a letter from that office indicating such approval shall be directed to the Village of Ossining Planning Board.

H.

All drainage standards must be in accordance with Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Added 10-6-2009 by L.L. No. 4-2009]

**§ 233-20 Preservation of natural environment.**

A.

Subdivision design shall preserve, insofar as is possible, the natural terrain and natural drainage lines.

B.

A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. Such features are particularly important in park or playground areas. On individual lots or parcels care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

C.

Natural fertility of the soil shall be preserved by disturbing it as little as is possible.

D.

Open watercourses shall be recognized as community assets. Subdivision design may well be enhanced by featuring streams and brooks.

**§ 233-21 Required public improvements.**

The following improvements will be required except when the Planning Board waives the requirement by specific resolution:

A.

Paved streets.

B.

Curbs or gutters.

C.

Sidewalks.

D.

Water mains and fire hydrants.

E.

Sanitary sewers.

F.

Storm drainage that must be in accordance to Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Amended 10-6-2009 by L.L. No. 4-2009]

G.

Street signs.

H.

Streetlighting.

I.

Street trees.

J.

Seeding or sodding of planning strips with lawn grass.

**ARTICLE VII Inspections and Variances (§ 233-22 — § 233-23)**

**§ 233-22 Inspections.**

A.

Routine inspections.

(1)

All improvements and utilities will be inspected by the Village Engineer's office to ensure satisfactory completion.



(2)

In no case shall any paving work be done (including prime and seal coats) without permission from the Village Engineer's office. At least three days' notice shall be given to the Village Engineer's office prior to any such construction, so that a representative of the Village may be present at the time the work is to be done.

(3)

The Village Engineer's office shall be notified after each of the following phases of the work has been completed so that he or she or his or her representative may inspect the work:

(a)

Road subgrade.

(b)

Curb and gutter forms.

(c)

Road paving (after each coat in the case of priming and sealing).

(d)

Sidewalk forms.

(e)

Drainage pipe and other drainage structures, before backfilling.

B.

Final inspection. A final inspection of all improvements and utilities will be made to determine whether the work is satisfactory and in substantial agreement with the approved final plat drawings and the Village specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release the performance bond covering such improvements and utilities.

C.

Inspection fee. An inspection fee of 4% of the amount of the performance bond shall be paid to the Village Clerk prior to the time that the Chairman of the Planning Board signs the final plat.

Editor's Note: Former Section 1000, Modification of zoning requirements, was deleted 8-3-1999 by L.L. No. 2-1999.

### **§ 233-23 Variances.**

[Amended 10-6-2009 by L.L. No. 4-2009]

Where the Planning Board finds that strict compliance is not requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured, provided that such violation will not have the effect of nullifying the intent and purpose of the Official Map, Chapter 270, Zoning, the Comprehensive Plan or this chapter. Any such waiver may be subject to appropriate conditions imposed by the Planning Board in the resolution of approval.





## APPENDIX D

### CHAPTER 262 – WATERFRONT CONSISTENCY

**CHAPTER 262 WATERFRONT CONSISTENCY REVIEW**

[HISTORY: Adopted by the Board of Trustees of the Village of Ossining 11-16-1993 by L.L. No. 5-1993. Amendments noted where applicable.]

**GENERAL REFERENCES**

Environmental quality review — See Ch. 118.

Environmental advisory council — See Ch. 119.

Flood damage prevention — See Ch. 141.

Freshwater wetlands — See Ch. 149.

Stormwater management and erosion and sediment control — See Ch. 227.

Water — See Ch. 259.

**§ 262-1 Title.**

This chapter will be known as the "Village of Ossining Waterfront Consistency Review Law."

**§ 262-2 Authority and purpose.****A.**

This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).

**B.**

The purpose of this chapter is to:

**(1)**

Implement consistency review regulations and procedures for the Village of Ossining's Local Waterfront Revitalization Program (LWRP).

**(2)**

Provide agencies of the Village of Ossining with a framework to consider the policies and purposes contained in the LWRP when reviewing private applications for actions or direct agency actions located within the LWRP boundaries which extend from Route 9 west to the middle of the Hudson River.

**(3)**

Assure that proposed private and direct actions are consistent with said policies and purposes of the LWRP.

**C.**

It is the intention of the Village of Ossining that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of living coastal resources; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

**D.**

The substantive provisions of this chapter shall only apply while there is in existence a Village Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

**§ 262-3 Applicability.**

All private applicants and all boards, agencies, departments, offices, other bodies or officers of the Village of Ossining must comply with this chapter to the extent applicable, prior to carrying out, approving or funding any Type I or unlisted actions, as those terms are defined below (since the Ossining LWRP area is also a designated Critical Environmental Area, all unlisted actions become Type I actions). Type II, excluded or exempt actions, as defined in 6 NYCRR 617.2 (regulations which implement the State Environmental Quality Review Act), are hereby deemed consistent with the LWRP and do not require any further deliberation.





## **§ 262-4 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

### ACTIONS

Either Type I or unlisted actions as defined in SEQRA regulations (6 NYCRR 617.2) which are undertaken by an agency and which include:

#### A.

Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

##### (1)

Are directly undertaken by an agency;

##### (2)

Involve funding by an agency; or

##### (3)

Require one or more new or modified approvals from an agency or agencies.

#### B.

Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions.

#### C.

Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

#### D.

Any combinations of the above.

### BOARD

The Board of Trustees, the Planning Board or the Zoning Board of Appeals of the Village of Ossining.

### CERTIFICATE OF CONSISTENCY (COC)

The form used by the appropriate Board to certify that the requested action is consistent with LWRP policy standards and conditions.

### COASTAL AREA

That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law, which are located within boundaries of the Village of Ossining, as shown on the Coastal Area map on file in the Office of the Secretary of State and as delineated in the Village of Ossining Local Waterfront Revitalization Program.

### COASTAL ASSESSMENT FORM (CAF)

The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

### CONSISTENT

The action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

### DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

### ENVIRONMENTAL ADVISORY COUNCIL or COUNCIL

The Waterfront Advisory Council of the Village of Ossining, pursuant to this chapter.

#### LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the Village of Ossining, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Ossining.

#### OTHER LOCAL AGENCY

Any board, agency, department, office, other body or any officer of the Village of Ossining, with the exception of the Board of Trustees, the Planning Board and the Zoning Board of Appeals.

#### PRIVATE APPLICANTS

Any applicants, other than a board, agency, department, office, other body or officer of the Village of Ossining.

### **§ 262-5 Review of actions.**

#### A.

Responsibility for determining the consistency of actions.

#### (1)

The Board of Trustees shall determine consistency with the LWRP of:

#### (a)

Those actions which require Board of Trustee approval, including special permits and zoning changes; and

#### (b)

Any remaining local agency actions which are not the responsibility of the Planning Board or the Zoning Board of Appeals as described in Subsections A(1) and (2) below.

#### (2)

The Planning Board shall determine consistency with the LWRP of those actions which require Planning Board approval, including conditional use permits, site plans and subdivision plats for proposed developments.

#### (3)

The Zoning Board of Appeals shall determine consistency with the LWRP of those actions which require Zoning Board of Appeals approval, including use and area variances.

#### (4)

The Environmental Advisory Council shall make recommendations to the Board of Trustees, Planning Board or Zoning Board of Appeals regarding the consistency with the LWRP of proposed actions.

#### (5)

Other local agencies shall refer actions to be reviewed for LWRP consistency, along with coastal assessment forms, to the Board of Trustees.

#### B.

Commencement of review. The consistency review process shall commence as follows:

#### (1)

When a private applicant is seeking Village approval or funding for an action, the applicant shall prepare a CAF and submit it, along with any other material relevant to the action (applications, environmental assessment forms and other information necessary to the review) to the Board of Trustees, Planning Board, Zoning Board of Appeals or other local agency, as appropriate; or

#### (2)

When the Board of Trustees, Planning Board or Zoning Board of Appeals is planning to undertake a direct action, it shall prepare a CAF.

#### (3)

When the proposed action (Village approval or funding or direct agency action) involves a local agency other than the Board of Trustees, Planning Board or Zoning Board of Appeals, that agency shall submit a CAF, along with other



relevant material, to the Board of Trustees. For actions requiring Village approval or funding, the CAF will have been prepared by a private applicant (see Subsection B(1) above); for actions to be directly undertaken by the local agency, that agency will prepare the CAF.

C.

Referral of the coastal assessment form. The Board of Trustees, Planning Board or Zoning Board of Appeals shall refer a copy of the completed CAF to the Village Manager and the Environmental Advisory Council within 10 days of its submission to or completion by the responsible board. The Board shall also forward any completed applications, EAFs and any other information necessary to the consistency review.

D.

Review by the Environmental Advisory Council. After receiving the CAF from the responsible board, the Council shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in § 262-7 herein. It shall base its determination on all completed applications, the CAF and other information it deems to be necessary to its consistency review.

E.

Council recommendations.

(1)

The Council shall render its written recommendation to the responsible board within 30 days following referral of the CAF from the responsible board, unless extended by mutual agreement of the Council and the Board. The recommendation shall indicate whether, in the opinion of the Council, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate, in writing, the basis for its opinion.

(2)

The Council shall, along with its consistency recommendation, make any suggestions concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

(3)

In the event that the Council's recommendation is not forthcoming within the specified time, the responsible board shall make its decision without the benefit of the Council's recommendation.

F.

Determination of consistency. The Board of Trustees, the Planning Board or the Zoning Board of Appeals shall make a determination of consistency following its next regularly scheduled meeting after receiving the Council's recommendation, or, if no recommendation is forthcoming, the date of the conclusion of the thirty-day review period. The responsible board shall make and issue its determination of consistency based on the CAF, the Council's recommendation and such other information as is deemed to be necessary in its determination.

(1)

An action may be determined to be consistent, consistent with conditions or inconsistent. If determined to be consistent with conditions, these conditions must be practicable and reasonable measures for carrying out the action in accordance with the policy standards and conditions of this chapter. If determined not to be consistent with one or more of the LWRP policy standards and conditions, the action shall not be undertaken unless the responsible board makes a written finding with respect to the proposed action that:

(a)

No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;

(b)

The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

(c)

The action will advance one or more of the other LWRP policy standards and conditions; and

(d)

The action will result in an overriding Village, regional or state-wide public benefit.

(2)

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP policy standards and conditions.

G.

Policy standards and conditions. Actions to be undertaken shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Ossining LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. In the case of direct actions, the responsible board shall also consult with Section IV of the LWRP in making its consistency determination. The action shall be consistent with the policy to:

(1)

Redevelop the Sing Sing Prison property; continue to revitalize the Crescent Business District and surrounding areas, including Main Street between the Crescent and the Hudson River; revitalize the downtown waterfront and lower Snowden area by encouraging new water-dependent and enhanced uses and protecting such existing uses; develop the upland Snowden area for moderately low-density development; improve the Old Croton Aqueduct so as to encourage associated commercial activities in the Crescent (Policy Nos. 1, 1A, 1B, 1C, 1D and 1E).

(2)

Protect existing water-dependent uses in the downtown waterfront and facilitate siting of new water-dependent uses on the downtown waterfront and in the lower Snowden area, on the prison land and at Sparta Dock (Policy Nos. 2, 21, 22 and 22A).

(3)

Develop large acre parcels north of Snowden Avenue and at the prison site to preserve open space, protect natural features and minimize impacts, particularly traffic on Village streets (Policy No. 5).

(4)

Protect, preserve and, where practicable, restore the Croton River and Bay habitat so as to maintain viability as a habitat (Policy Nos. 7 and 7A).

(5)

Protect fish and wildlife resources from contamination (Policy No. 8).

(6)

Prevent erosion of filled land west of the railroad tracks (Policy Nos. 13 and 13A).

(7)

Undertake activities or development in the upland portions of the Snowden area and other areas to be developed so that there will be no increase in erosion or flooding at the site of such activities or at other locations (Policy No. 14).

(8)

Maintain the existing level of access to existing public water-related recreational facilities and Crawbuckie Nature Preserve and improve access to Sparta Dock, retain the possibility of increasing public access to the waterfront at the prison property and maintain and improve bridges and streets which serve as links to Ossining's waterfront; public water-related recreational facilities via a linear trail along the waterfront (Policy Nos. 9, 19, 19A, 19B, 19C, 19D, 20 and 20D).

(9)

Protect, enhance and restore historic and archaeological resources (Policy No. 23).

(10)

Protect, restore and enhance visual quality, including views from Route 9 and Revolutionary Road (Policy Nos. 25 and 25A).

(11)

Protect water quality (Policy Nos. 30, 31, 32, 33, 34 and 34A) and pump-out facilities (Policy Nos. 35, 36, 37, 38, 39 and 40).

(12)

Protect air quality (Policy Nos. 41, 42 and 43).

(13)

Preserve and protect freshwater wetlands (Policy No. 44).

H.

Filing and transmitting the consistency determination. The Village Clerk shall maintain a file of each action, including a consistency determination and any recommendations received from the Environmental Advisory Council. Such files shall be made available for public inspection upon request. The determination shall also be transmitted to the Building Inspector and the applicant.

**§ 262-6 Coordinated review.**

The responsible board and Environmental Advisory Council shall coordinate the consistency determination process required by this chapter with the environmental review process required by SEQRA and 6 NYCRR Part 617, to the extent possible.

**§ 262-7 Enforcement.**

The Village Building Inspector shall be responsible for enforcing this chapter. No action in the coastal area which is subject to review under this chapter shall be commenced or undertaken until the Building Inspector has been presented with a written certificate of consistency from the responsible board. Such certificate must state that the action is consistent with the Village's LWRP policy standards and conditions in accordance with § 262-6 of this chapter. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

**§ 262-8 Penalties for offenses; civil penalties.**

A.

A person who violates any of the provisions of or who fails to comply with any conditions imposed by this chapter shall be guilty of a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

B.

The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

C.

The Village of Ossining shall have the power to seek relief by injunction and to impose civil penalties equal to the cost of enforcement and any damages caused by noncompliance.

**§ 262-9 Construal of provisions.**

Where there is a conflict or discrepancy in the application, interpretation or effect of the provisions of this chapter with any other law, ordinance, rule, regulation or policy of the Village, the provisions of this chapter shall govern.

## APPENDIX E

# GUIDELINES FOR REVIEW OF PROPOSED STATE AND FEDERAL ACTIONS



**PROCEDURAL GUIDELINES FOR COORDINATING  
NYS DEPARTMENT OF STATE (DOS) & LWRP  
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

**DIRECT ACTIONS**

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

**PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period,

DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

### **FINANCIAL ASSISTANCE ACTIONS**

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

**NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM**

**Guidelines for Notification and Review of State Agency Actions  
Where Local Waterfront Revitalization Programs are in Effect**

**I. PURPOSES OF GUIDELINES**

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

**II. DEFINITIONS**

- A. Action means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
  - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  - 3. That will result in an overriding regional or statewide public benefit.

- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### **III. NOTIFICATION PROCEDURE**

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

### **IV. LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.

- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

## **V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
  4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
  5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
  6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.