

**Village of Ossining  
Local Waterfront Revitalization Program**

***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 Resource Management, June 8, 1993**

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this LWRP into the New York State Coastal Management Program as a Routine Program Implementation action has been obtained in accordance with the 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 LWRP 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 LWRPs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, Albany, New York 12231.



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER  
SECRETARY OF STATE

July 11, 1991

Honorable Joseph G. Caputo  
Mayor  
Village of Ossining  
Municipal Building  
16 Croton Avenue  
Ossining, NY 10562

Dear Mayor Caputo:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the Village of Ossining. The Village of Ossining is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

Again, I would like to commend the Village for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail S. Shaffer", written in a cursive style.

Gail S. Shaffer

GSS:gn



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**  
**OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**  
Washington, D.C. 20235

JAN 8 1993

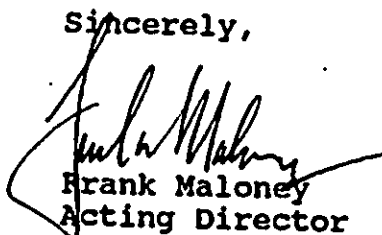
Mr. George Stafford  
Director  
Division of Coastal Resources  
and Waterfront Revitalization  
Department of State  
162 Washington Street  
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Village of Ossining Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from ten Federal agencies, none objecting to incorporating the LRWP as an RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal consistency will apply to the Village of Ossining after you publish notice of our approval.

Sincerely,

  
Frank Maloney  
Acting Director



10 b.

WHEREAS, the Village of Ossining entered into a contract with the New York State Department of State for the preparation of a Local Waterfront Revitalization Program (LWRP) which, upon its approval by the State, would become part of the State's Coastal Zone Management Plan; and

WHEREAS, a draft of the Local Waterfront Revitalization Program was prepared with input from the Waterfront Advisory Committee and a resolution authorizing its submission to the State for review was passed on May 19, 1987; and

WHEREAS, the State withheld their final approval of the LWRP pending the passage of the Village's Zoning Law, which was passed, following input from the State and the necessary public hearing and environmental review, on December 18, 1990; and

WHEREAS, a Draft Environmental Impact Statement (DEIS) was prepared concerning the (LWRP) in accord with the requirements of Part 617 of the implementing regulations of Article 8 of the Environmental Conservation Law and the DEIS was accepted as complete and released for distribution by resolution passed on May 19, 1987; and

WHEREAS, a Public Hearing on the DEIS and the LWRP was held on July 7, 1987 where comments from the public were encouraged and where no one spoke in opposition to the program; and

WHEREAS, the Draft LWRP has now been updated to bring it into conformance with the new Zoning Law;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Ossining that the revised LWRP has the approval of the Village and that the Village Manager is hereby directed to submit it to the NYS Department of State for their approval.

EXTRACT FROM THE MINUTES OF A REGULAR  
MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF OSSINING, WESTCHESTER COUNTY

The Board of Trustees of the Village of Ossining met in a regular session  
in the Court Room of the Municipal Building in the Village of Ossining at  
8:00 P.M. on July 2, 1991. The meeting was called to order  
by the Mayor and, upon roll call, those present and absent were  
as follows:

PRESENT:      MAYOR: Joseph G. Caputo  
                 TRUSTEES: Thomas G. Cambariere  
                              Penny Markowitz-Moses  
                              William G. Lent  
                              Mary Ann Roberts  
                 VILLAGE CLERK: Marion E. Stahl

ABSENT: \_\_\_\_\_  
                 \_\_\_\_\_

STATE OF NEW YORK :  
COUNTY OF WESTCHESTER: SS  
VILLAGE OF OSSINING :

I, Marion E. Stahl, Village Clerk of the Village of Ossining, Westchester County,  
New York, do hereby certify that the annexed are true copies of the original resolutions  
passed by the BOARD OF TRUSTEES, at a legally convened meeting held on the 2nd day  
of July, 1991, and are on file as part of the minutes of such meeting, and  
that the same are true copies thereof and the whole of such originals. I further certify  
that the full BOARD OF TRUSTEES consists of FIVE members, and that five (5) of such  
members were present at such meeting and that five (5) of such members voted in favor  
of the above resolutions.

IN WITNESS WHEREOF, I have hereunto set  
my hand and the seal of the

VILLAGE OF OSSINING  
on the 9th Day of July 1991  
Marion E. Stahl  
Village Clerk

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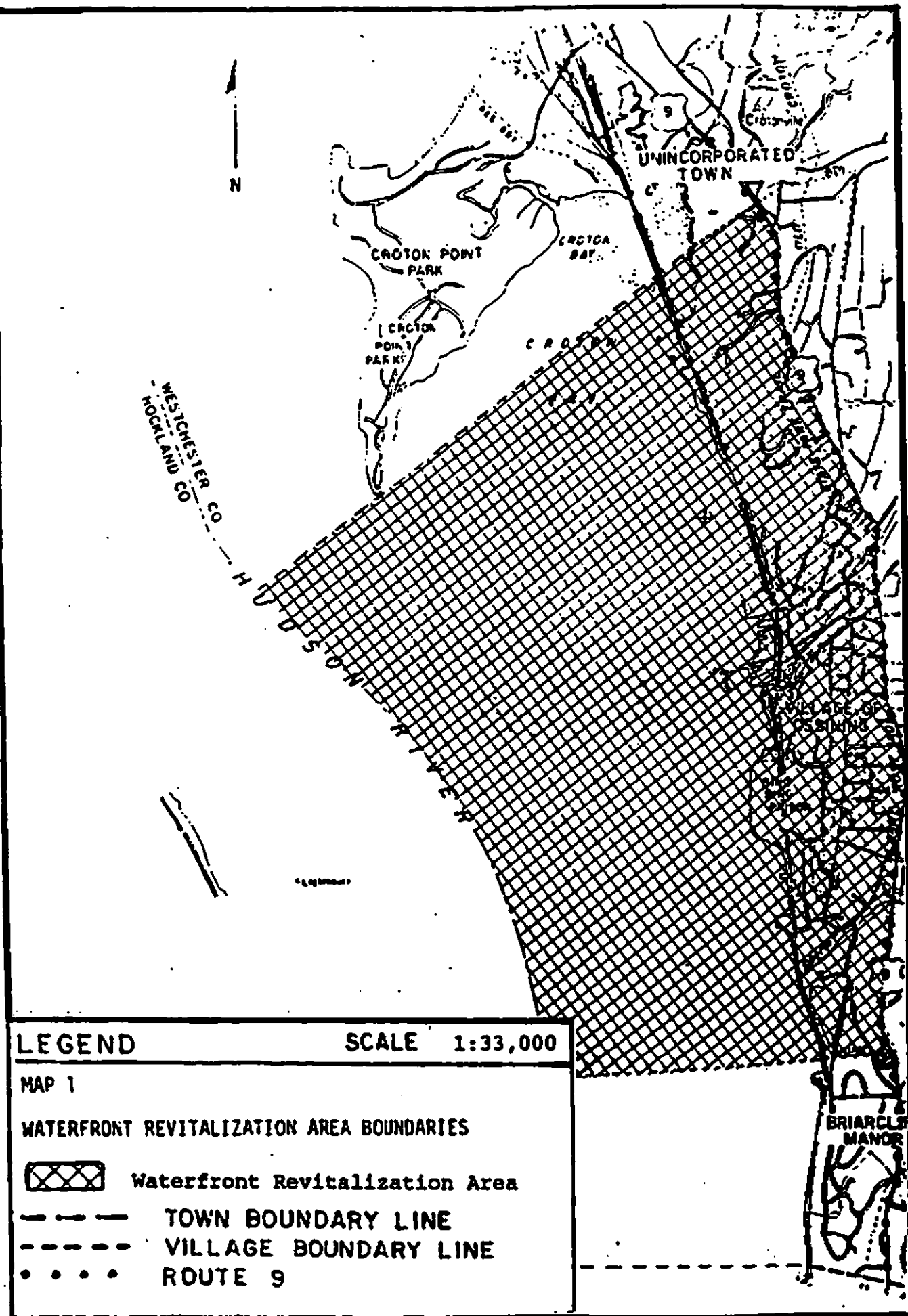
**SECTION I**

**WATERFRONT REVITALIZATION AREA BOUNDARY**

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**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 Mary Immaculate Incorporation, 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 of Nicholas Fioreta 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.



## 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. 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 (although this is not the case in the Ossining area). Air quality for the State as a whole has been given a classification of #2 on a scale of 1-3.

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 have 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 enlarged and rebuilt and is fed by both the Old Croton Aqueduct and the Indian Brook Reservoir; new water mains have been installed and other lines cement lined.

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 retention basins 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 the appendix 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, 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 have led to the selection of Ossining as part of a Statewide Urban Cultural Park (UCP) system. With the help of the State, they are being groomed to attract visitors, shoppers and economic development to Ossining.



As part of the UCP 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 Historic 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. **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 the generally public. The Village of Ossining feels that this land should be released by the State for appropriate redevelopment.

2. **Railroad Station Parking:** 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.
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 1987, the Village of Ossining developed a new land use map; and, 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.

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, erosion control is very important. The Louis Engel and Sparta Dock parks seem to be in special danger. Measures are currently being taken at the Louis Engel Park to assure its continued existence and funding for improvements at Sparta Park are being sought.

### **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. On the following pages, the different areas of Ossining's waterfront will be described in greater detail. The map on the next page shows the location of these areas.

#### **A. Unincorporated Town of Ossining Waterfront - not included in LWRP**

#### **B. Northern Waterfront**

This is an expansive area of open spaces and wooded hills running from the Town/Village boundary line south to the Crawbuckie Nature Area, and from the Hudson River east to Route 9. All the land is east of the railroad tracks, and many of the holdings are large parcels ranging from 10 - 57 acres. The northern-most parcel, consisting of 47 acres of open land, has been purchased along with some adjacent land in the Town of Ossining. A proposal for town houses at approximately 3 units per acre has been approved by the Planning Board. The other large parcel within this section of waterfront is owned by the Catholic Church. The Dominican Sisters of the Sick Poor 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.

The only lands remaining for any large scale development are the two parcels described above. The northernmost parcel has recently been rezoned for low-density residential use (2-6 units of housing per acre) while the other is now zoned for office research. These uses take advantage of the river views and reflect recent development in the area. A development of luxury condominiums known as Eagle Bay was completed in the mid-1980's between these two individual properties. Other recent development on the northern waterfront has been for a private conference center and a small corporate headquarters. Recent zoning changes limit the height of buildings in the northern waterfront to 2 1/2 stories.

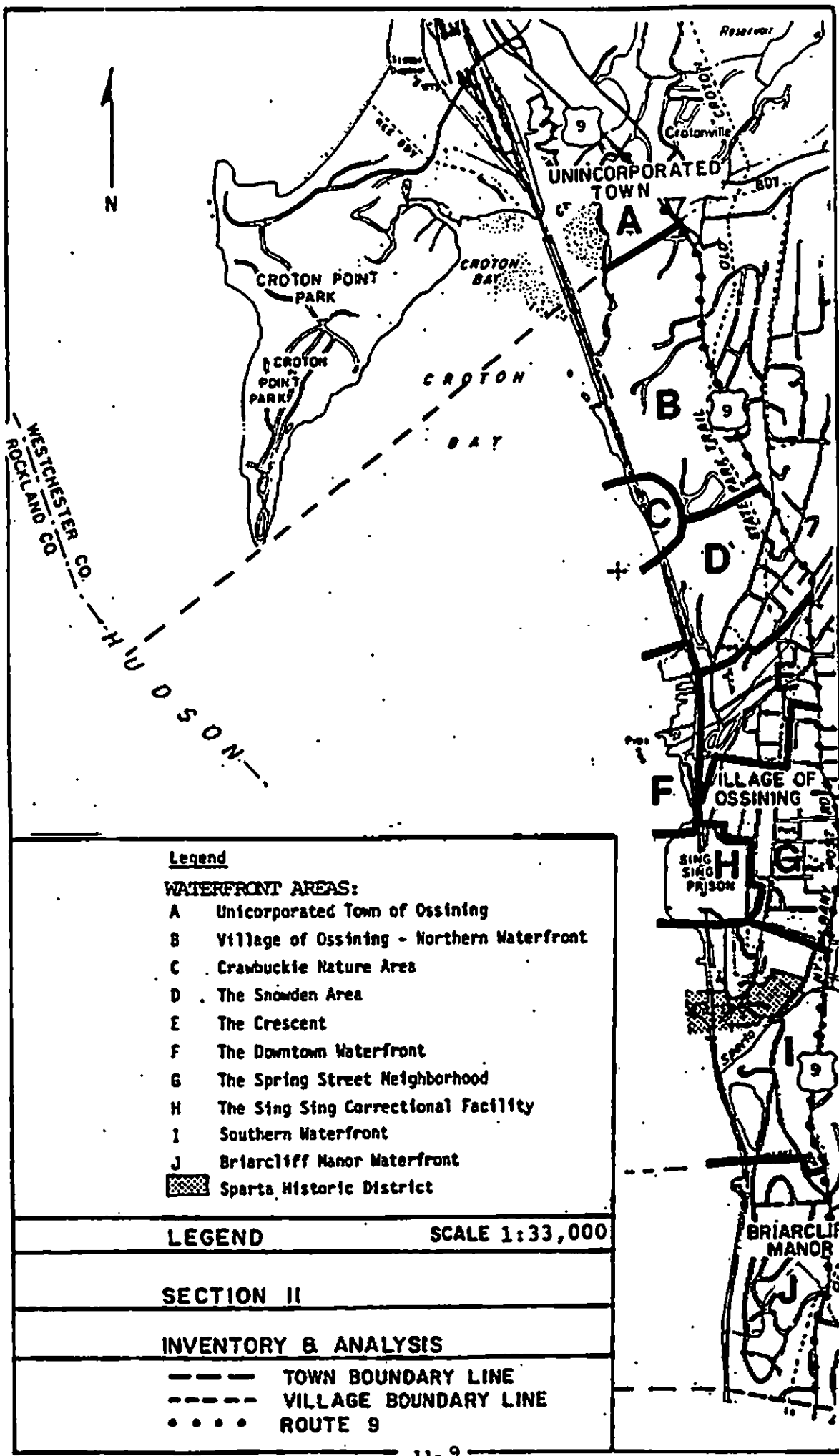
The water, sewer and other services needed for further development within the northern waterfront are in place along Route 9 and will be accessible to developers. Many parts of this area contain steep slopes down to the railroad tracks with occasional gullies and intermittent streams. Care would have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

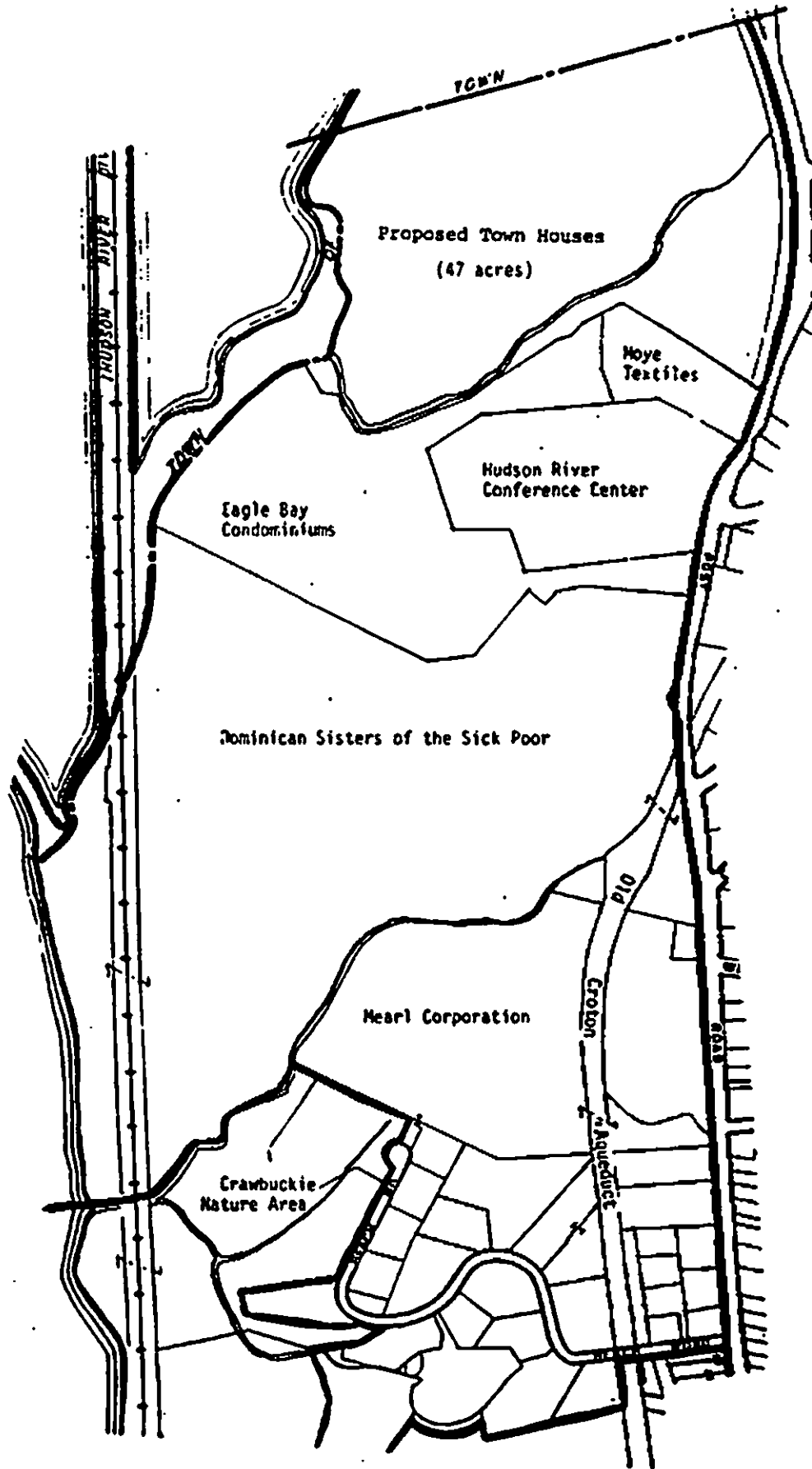
The right-of-way of the Old Croton Aqueduct runs through the south-east corner of this section of the waterfront. It crosses Route 9 from the east, enters the Dominican Sisters property and then bisects the Mearl Corporation land. This is a very lovely section of the aqueduct with views of the river and easy walking through wooded areas and across the broad lawn of the Mearl Corporation. A beautiful, two story stone house, built in 1843 and used by Mearl for offices lies adjacent to this public walkway. 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.

All of the properties in this northern waterfront area are accessible from Route 9 and Route 9A. The State has recently widened and realigned Route 9 just south of here and improved the access between Route 9 and Route 9A.

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 Ossining waterfront is the most accessible area from outside the Village, which may be an important factor in its future development.

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.





Section B

Village of Ossining - Northern Waterfront

Scale 1" = 550'

**Section C**  
**Crawbuckie Nature Area**  
**Scale 1" = 400'**

### C. Crawbuckie Nature Area

The Crawbuckie Nature Area is a magnificent and unique 17.7 acre parcel of dedicated park land located on the Hudson River and owned by the Village of Ossining. Railroad tracks, running along the westerly portion of the property, divide it into two very disparate sections. The area west of the tracks, along the river, is approximately 5 acres in size but is mostly underwater with only a small piece of flat, sandy land above the high water mark. The water off shore 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 (See the Appendix for the full description of the habitat). There is no vehicular or pedestrian crossing along this section of the railroad tracks and the western portion of Crawbuckie gets virtually no use.

Although Crawbuckie 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, about 10½ acres in size, 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 "mini-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 Crawbuckie is the largest of the Village-owned waterfront properties, it is little used and many Ossining residents are unaware of its existence. 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 a new car dealership which tend to obscure the entrance way, making the nature area difficult to locate. A person walking through the Crawbuckie Nature 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. This feeling, as well as the more physical aspects of the area, needs to be preserved if the Department of Transportation (DOT) land to the south or the Dominican Sisters land to the north becomes developed. Crawbuckie 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 which, according to the Village Building Department, is filled land and not suitable for building purposes.

To the south, after the land rises up within the nature area, it slopes back down into the DOT property. The DOT land is currently being considered for affordable housing; however, the housing would be located on the upper portion of the property near Snowden Avenue and that portion near Crawbuckie 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.

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**

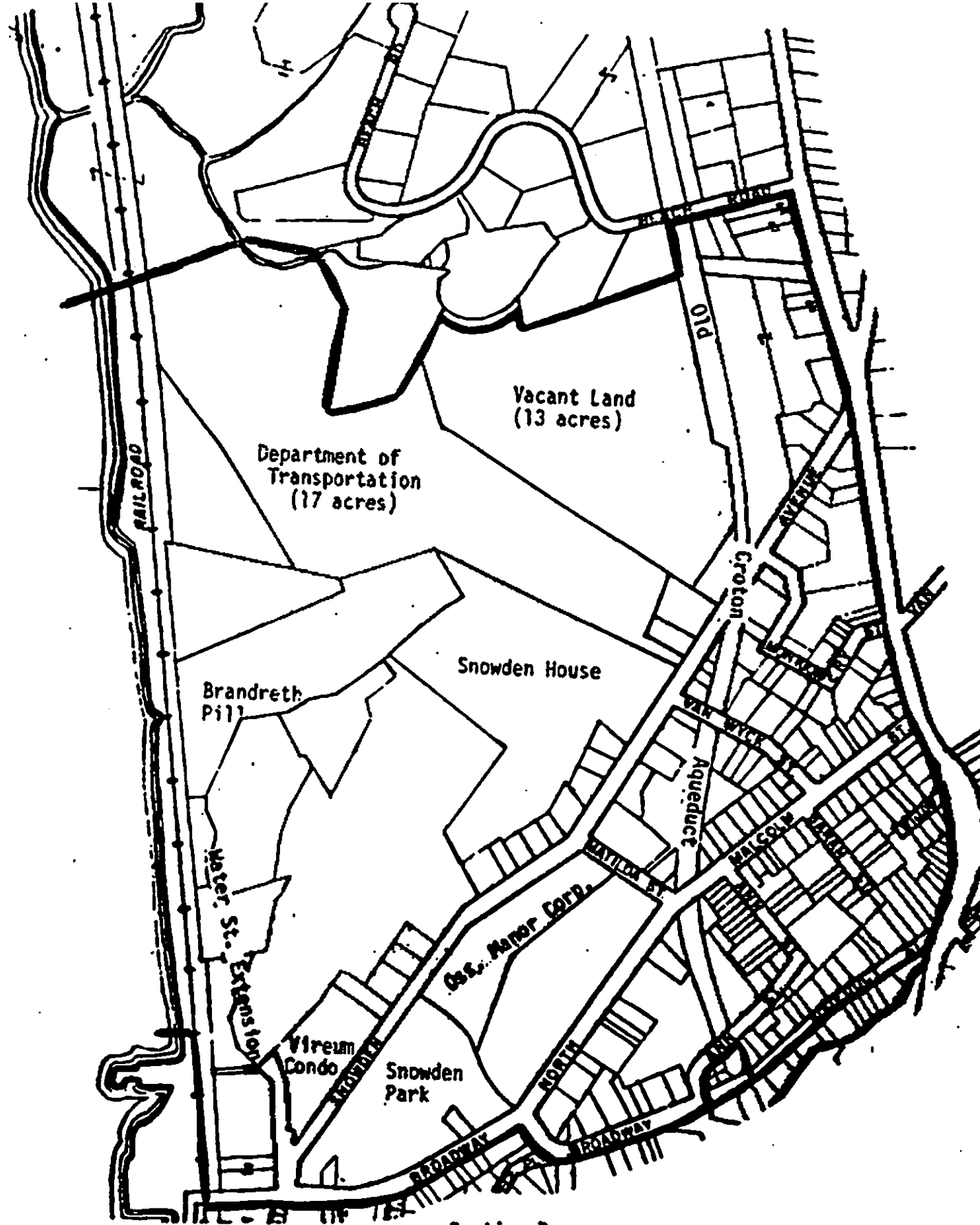
Estates, small private homes, retail businesses, subsidized housing, and open space co-exist on this multi-use section of the Ossining waterfront which runs from just south of Beach Road down to the Double Arch and Ossining's historic shopping area. There is virtually no land west of the tracks and that 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 30 contiguous acres of vacant land available for development including 17 acres owned by the Department of Transportation, the western portion of which adjoins the Crawbuckie Nature Area. The property will be fairly difficult to develop due to the steep grades; however, the DOT land is currently being considered for affordable housing with the units clustered on the upper six acres and the lower portion, near Crawbuckie and overlooking the Hudson River, left in its natural state. The remaining 13 acres were recently purchased and are also being considered for housing. The land is zoned PRD (Planned Residence District) which allows residential development with densities up to 6 units per acre.

This is compatible with the hilly site, with the single family homes along Beach Road to the north, with Snowden House, a Section 8 Rental Assisted Apartment to the south, and with the Crawbuckie Nature Area.

The Vireum property at the intersection of Snowden Avenue and Water Street is currently being developed as condominiums. The attractive, 1870 mansard roofed Vireum School building has been rehabilitated into twelve units. An additional twelve units are expected to be contained in a new structure of similar proportions, to be built behind the existing building. Zoning on this property has recently been changed to multi-family from industrial park. A 2.3 acre parcel on the south side of Snowden Avenue was recently developed for town-houses.





Section D  
The Snowden Area  
Scale 1" = 400'

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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 do not appear to be any threats to these historic properties. This area has recently been rezoned for Waterfront Development.

The southern portion of the Snowden Area primarily contains older homes on small pieces of land and is one of Ossining's Urban Renewal Target Neighborhoods. 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. At the north end it adjoins the recently purchased vacant parcel. 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. A sewage treatment plant on North Water Street has been phased out and is currently being used as Village office space. 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 link up between Crawbuckie and the waterfront parks to the south via a pathway along the railroad tracks.

#### **E. The "Crescent"**

The "Crescent" is the Village of Ossining's historic downtown shopping area, so called due to the curve Main Street makes at it approaches Route 9. 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.

Two former Urban Renewal parcels, zoned B-3 (Central Business District), remain to be developed on Main Street in the downtown area, a 1/2 acre piece of land on the southeast corner of Main and Spring Streets known as Parcel 10 and a larger parcel on the southwest corner known as Parcel 17. Parcel 10 is now owned by the Village and is used for parking. Approximately 2/3 of Parcel 17 is in private ownership and the remainder is owned by the Village. The private owner/developer has been working with the Village and Town of Ossining on a proposed building for municipal offices to be located at the Spring Street/Main Street corner of the property.

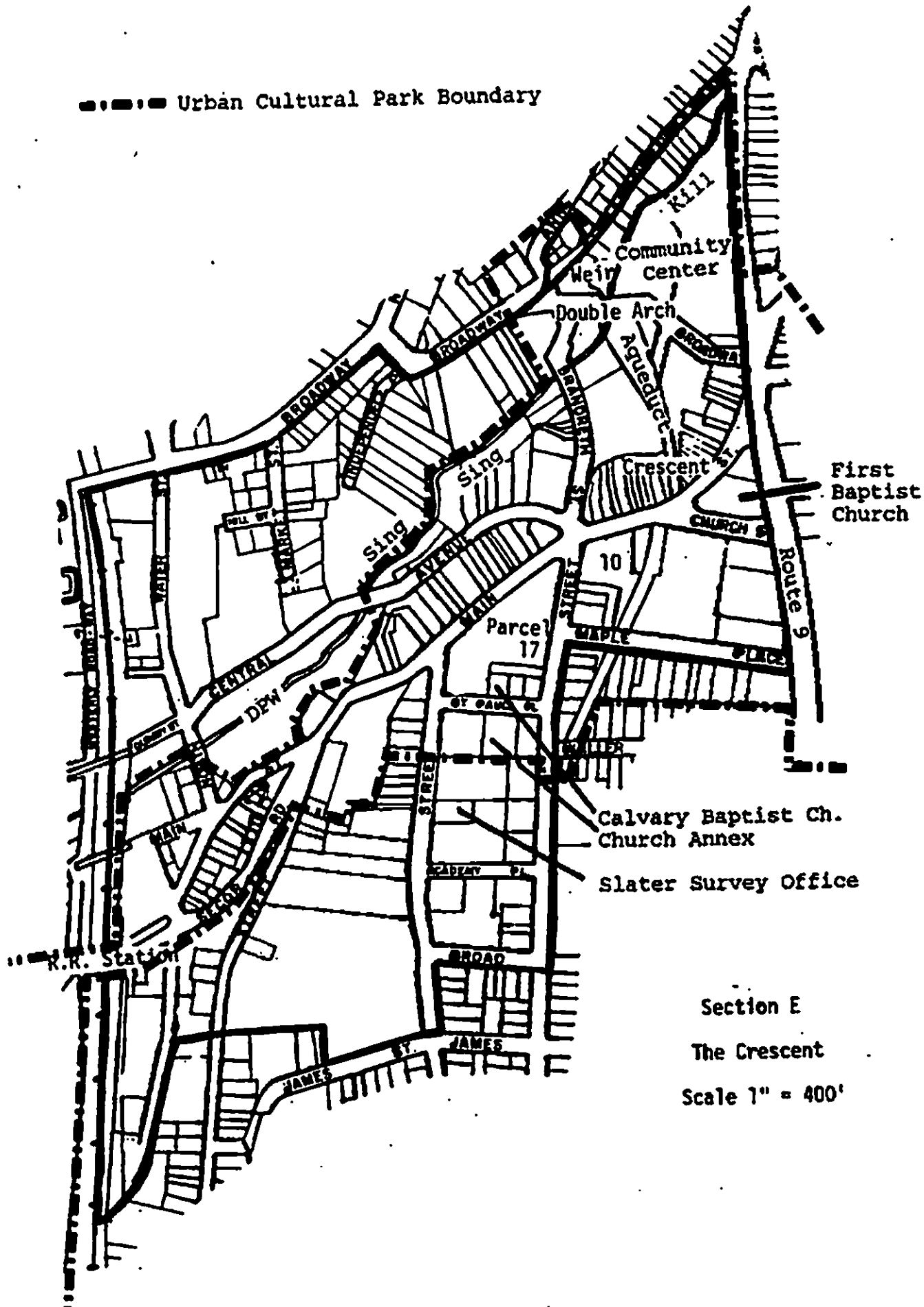
The owner/developer and Village have also been negotiating with the United States Postal Service on a postal facility to be located on the State Street/Main Street corner of the parcel. A parking structure would be built on the remainder of the land. It is felt that the location of a municipal complex on Parcel 17 would aid in the rejuvenation of the Main Street stores across the street and bring new life to the western part of the CBD.

Portions of the currently vacant land between Spring and State Streets south of St. Pauls Place are being considered for much needed parking. Two existing historic structures are located in the area: the Annex of the Calvary Baptist Church, 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. 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. In addition, the area around the weir chamber has been reconstructed. This National Register structure is one of two primary resources in Ossining's Urban Cultural Park (UCP), 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. An Urban Cultural Park 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.

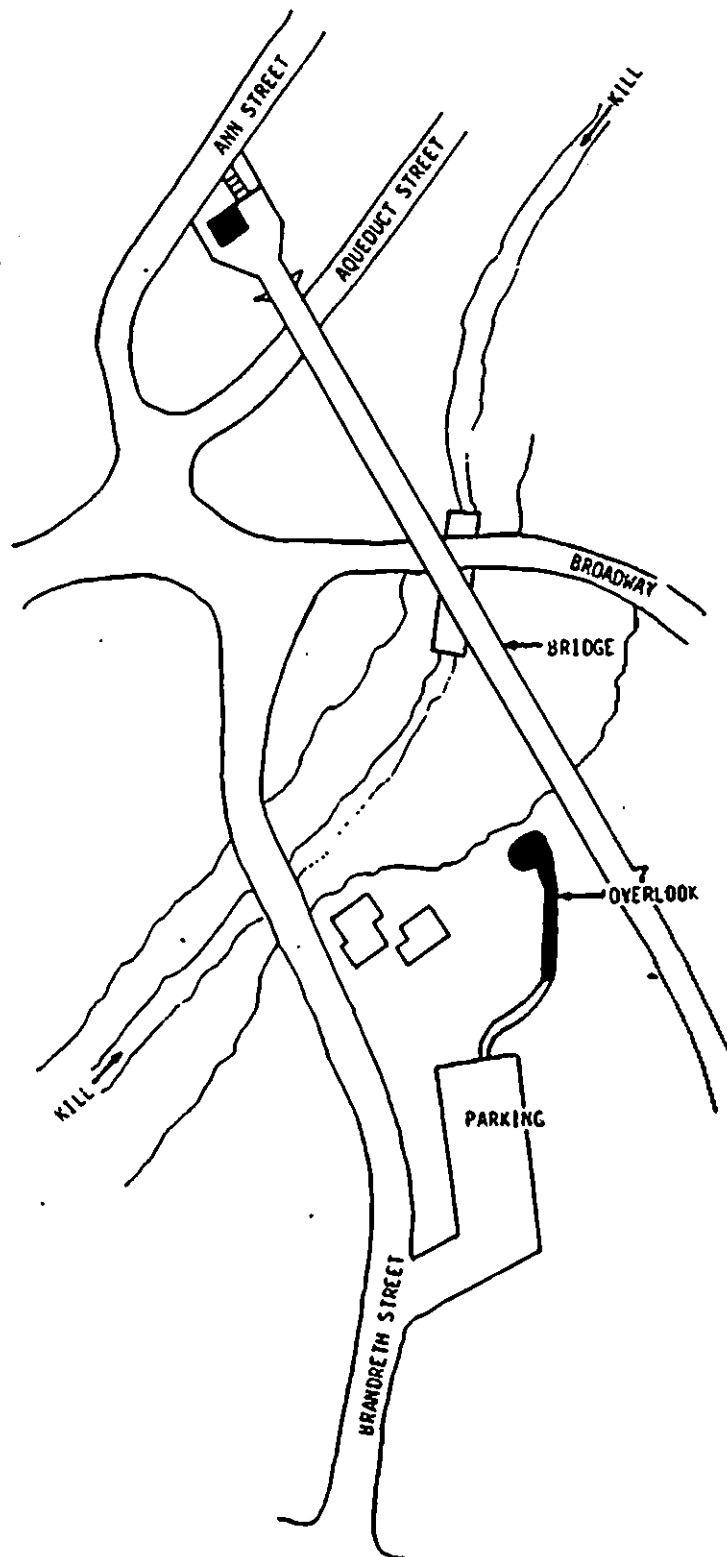
Urban Cultural Park Boundary



Section E

The Crescent

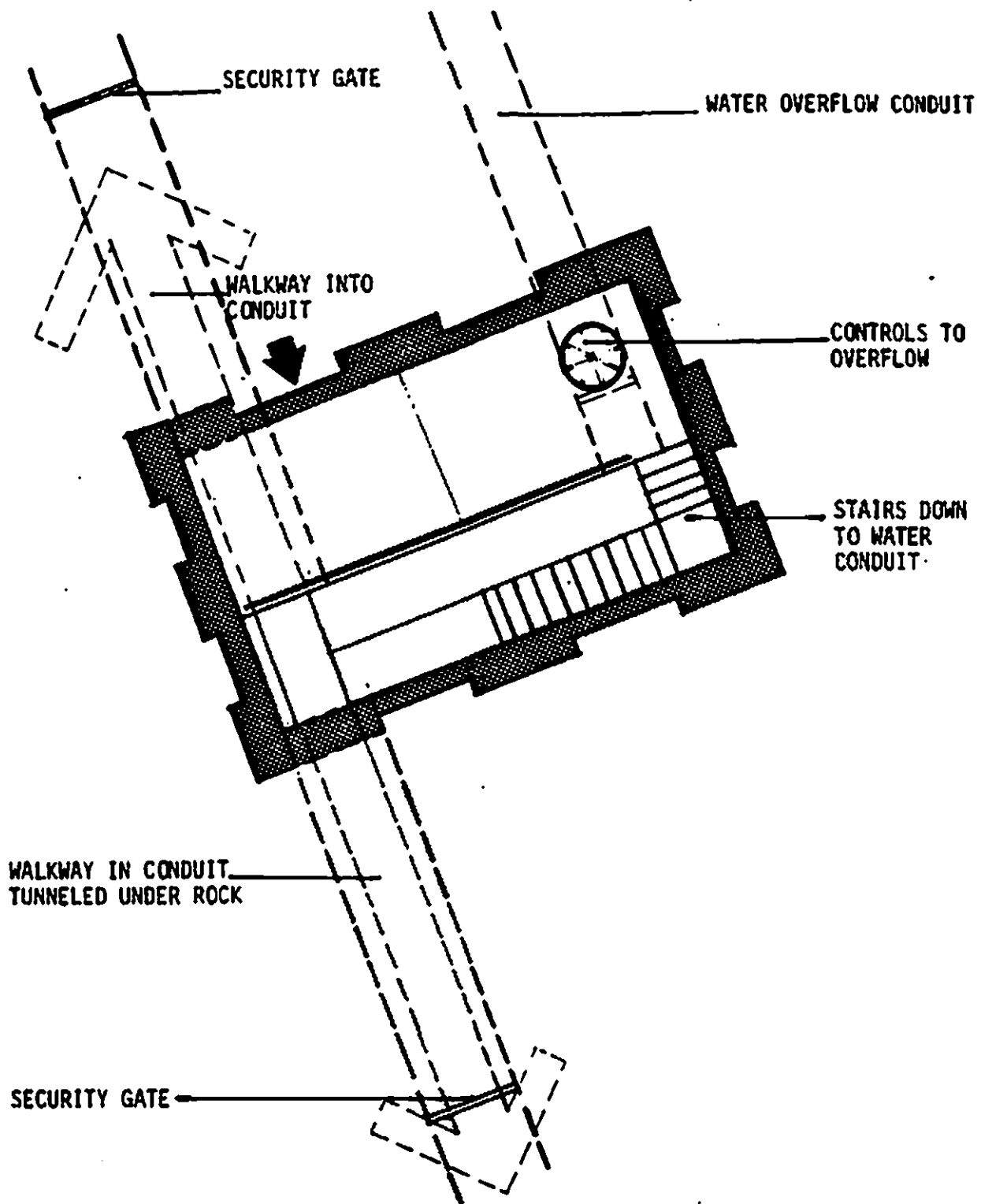
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Ossining Urban Cultural Park  
Village of Ossining, N.Y.

The Overlook Park

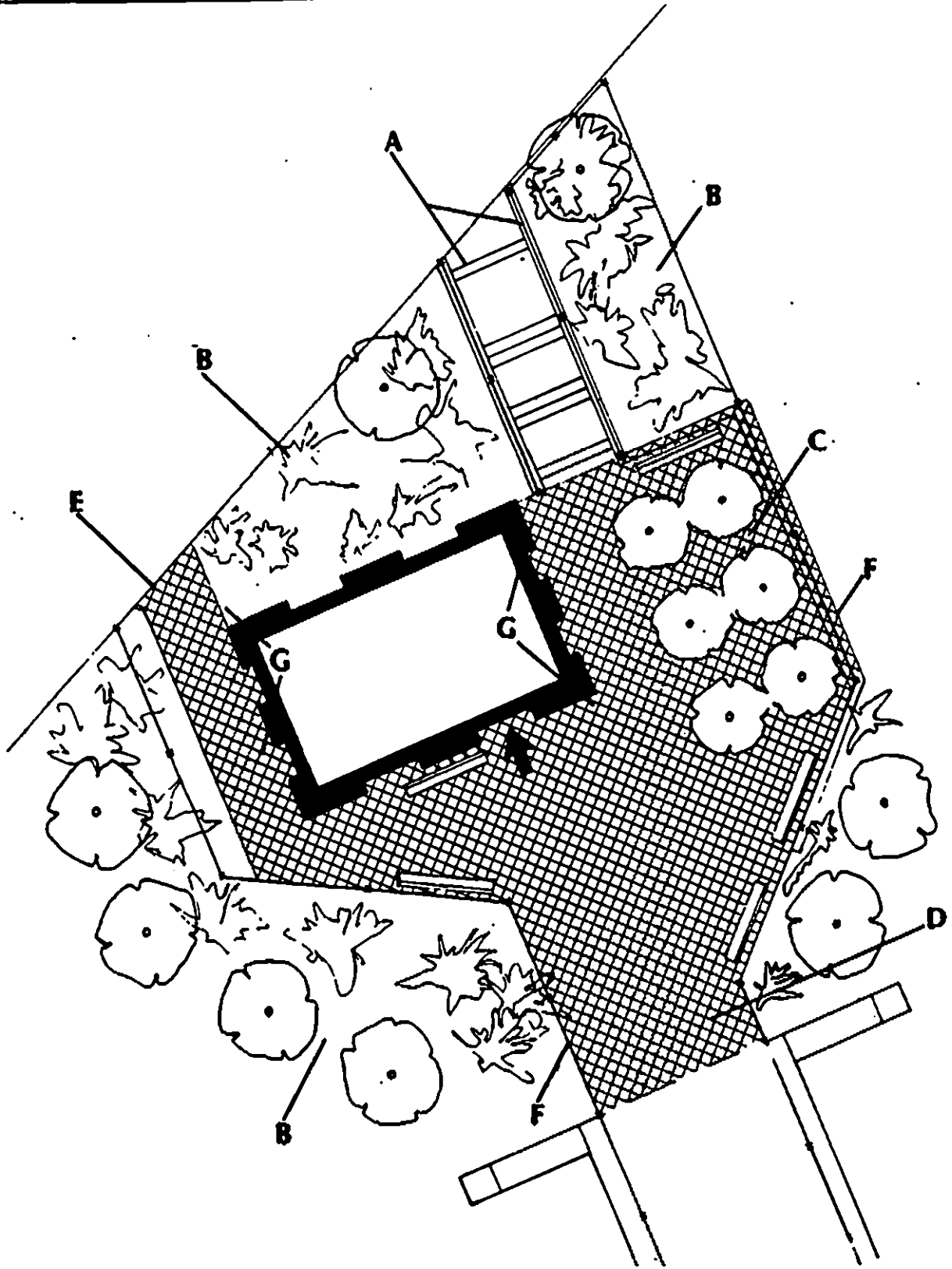
EW McGowan & Associates  
Landscape Architects



Ossining Urban Cultural Park  
Village of Ossining, N.Y.

Weir Chamber-Plan

Kissiloff Associates, Inc.  
Interpretation & Design



Ossining Urban Cultural Park  
Village of Ossining, N.Y.

FW McCowan & Associates  
Landscape Architects

### Weir Chamber-Site

- A. Repair steps, railing
- B. New planting
- C. New landscaped sitting area
- D. Repair sidewalk
- E. New access ramp
- F. New fence, railing
- G. Lighting

Two churches in this section of waterfront are on the National Register; the First Baptist Church, a semi-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 a former bank building 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 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 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 recent sewer work in the Village has eliminated contamination from this source. Future reconstruction may take advantage of the beauty of the gorge; however, for this to be possible, current structures would have to be demolished. 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 location of the Department of Public Works and the Building Department. The area is low-lying and tends to flood. It has recently been rezoned Waterfront Development-2.

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. A few years ago there was a bad landslide in this area which has led to new storm sewers, stabilization of the hill side, replacement of the sidewalks and repaving of the street. Hunter Street enjoys magnificent views of the river and is one of the areas most obvious from the river. Although primarily residential, until recently it was zoned partly Central Business District and partly Industrial and an auto repair business, a junk yard and a truck storage area have located here. It was recently rezoned Waterfront Development-2.



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.

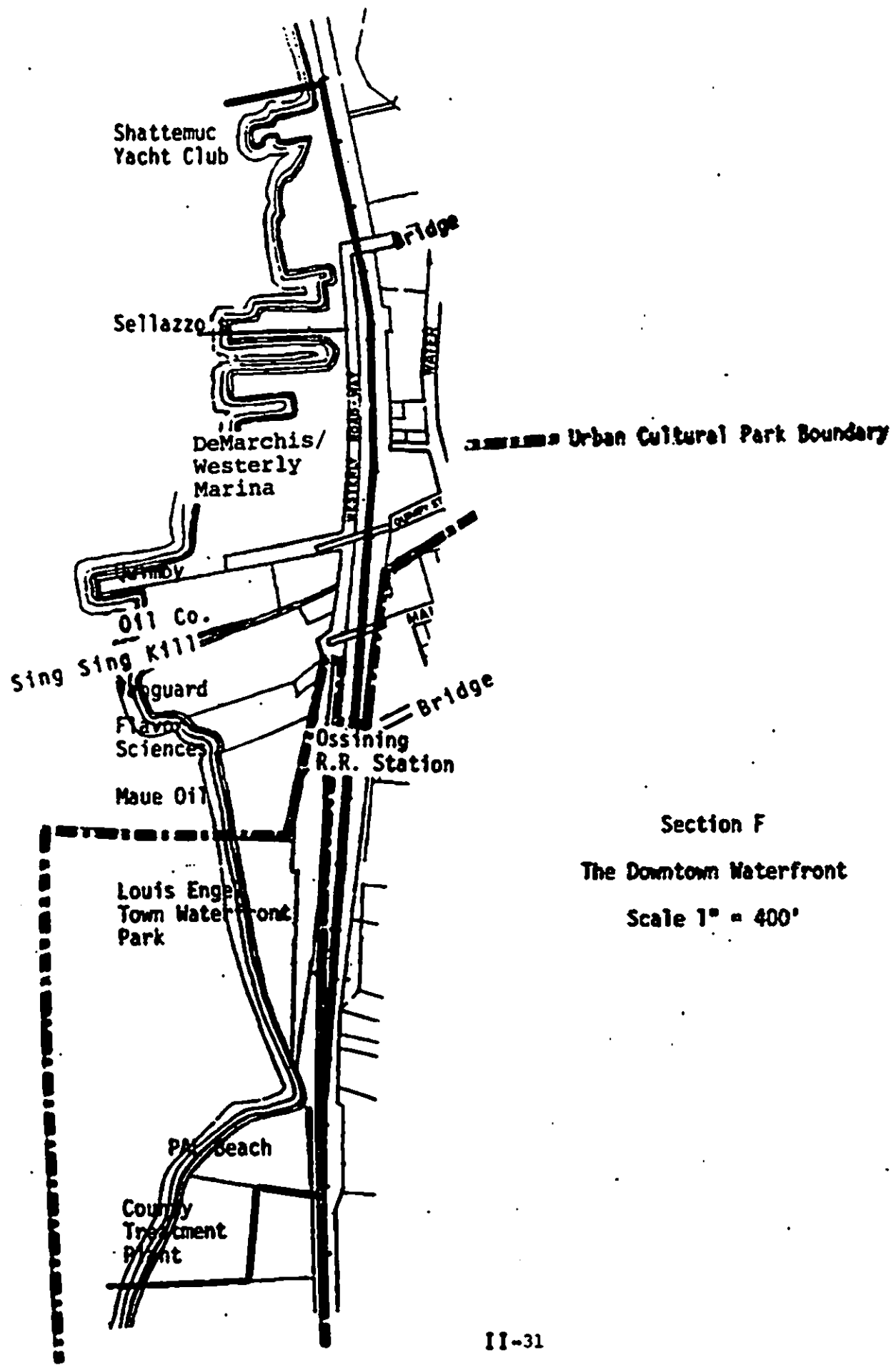
#### **F. The Downtown Waterfront**

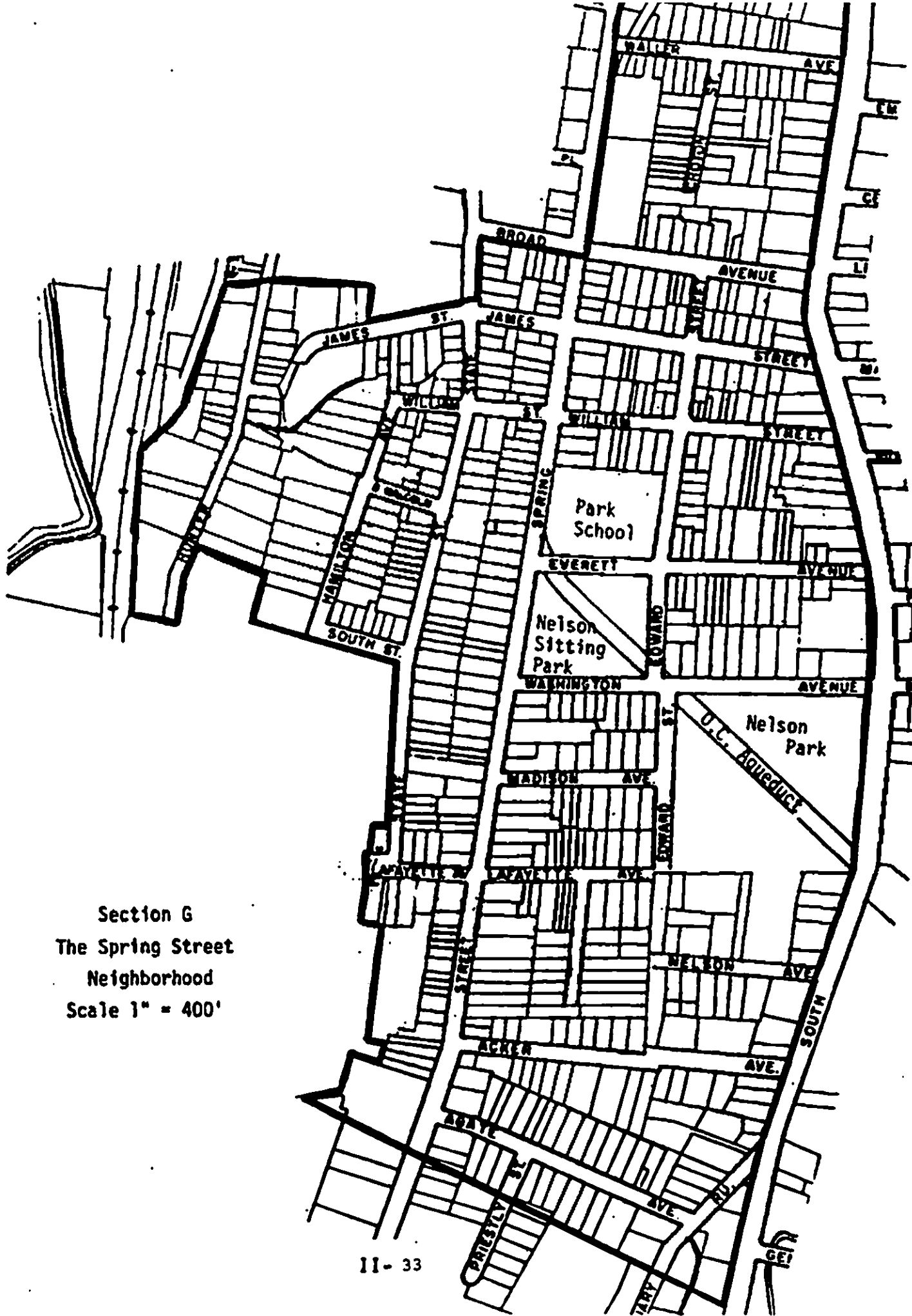
This is the most visible and by far, the most accessible part of the Village of Ossining shoreline. It is the keystone to both the development of waterfront recreation within the Village and to the redevelopment and revitalization of Ossining's entire waterfront.

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. It runs from the Shattamuc Yacht Club in the north, south to the County Treatment Plant, and from the Hudson River, east to the railroad tracks. This section of the waterfront is presently a potpourri of commercial uses with three marinas at the northern end followed by a welding company, a bus parking lot, a flavoring manufacturer, an oil company, and the Louis Engel Town Waterfront Park (which the Town has an option to purchase in 1994). 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. (PAL Beach, at the south end of the park, is owned by the Village but under lease to the Town.) 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. There are also two observation decks, a boat launching ramp, a boat club, a tot lot, 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 land is leased to the Town and included in the park. Future Town plans include the addition of picnic tables and barbecues at the park. 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 usage, while currently low, appears to be increasing with each improvement. The Louis Engel





Section G  
The Spring Street  
Neighborhood  
Scale 1" = 400'

Waterfront Park is also within the Urban Cultural Park 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. As mentioned above, the Louis Engel Town Waterfront Park is suffering from erosion which, if allowed to go unchecked, will result in the loss of valuable land. 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. Although not a visual asset, the plant is not unattractive. 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 which would be part of a larger circular waterfront-aqueduct trail. This does not appear feasible at the present time since a concern with security makes the owners of waterfront industries reluctant to provide easements along the western edges of their properties. There also does not seem to be sufficient demand at the present time to justify the construction of such a walkway. However, a waterfront walkway may be feasible in the future, once the prison is phased out, with an increase in interest in the waterfront and with the development of other uses along the downtown shoreline.

For a number of years, the downtown waterfront land has been either zoned Marina-Waterfront (M-W) or Industrial (I), with the marinas and the parks zoned the former and the remaining parcels all zoned for industrial usage. With the passage of the new zoning law in December 1990, this property was rezoned Waterfront Development -1.

This is a very important section of Ossining's waterfront. For the many people arriving by train, and the few by boat, 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. 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 liveable 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 northern ends of Spring and State Streets was designed to improve the approach to this neighborhood and connect it in a more pleasant way to the "Crescent" business area. The northern end of State Street is scheduled to be reconstructed in 1987. Improvements to Broad Avenue between Spring and State Streets are also scheduled for 1987.

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, but only one building 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. The Westchester Preservation League owns and has their offices in the building and is working to renovate the structure.

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 is 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. 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

60020  
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 Urban Cultural Park. 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. At the present time, the prison has 2,000 inmates and, during the 1980s, money was expended on the eastern portion to enable the reopening of previously closed cell blocks. It is impossible to tell what the future will bring.

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. "The school district alone would benefit by some \$750,000 of this total, compared with the current token payment of \$33,000," said Kenneth W. Ritchie, chairman of the former Jericho Committee of the Greater Ossining Chamber of Commerce. "It is equally important to note," continued Ritchie, "that more positive input of the community would result from the hundreds of jobs to come from on-site demolition and construction contracts, and the need to operate commercial establishments."

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 plan went on to say that, "the site is stepped in such a way that relatively tall buildings could be placed on the lower more westerly portions without cutting off river views from the more easterly portion. The topography would also make it possible to locate both housing and offices on the land with the steep slopes acting as natural buffers.

"Although, to some extent, the future of this eastern section of the prison property will, and should, depend on the type of development to be proposed, it would appear that a combination of medium and high density housing with office use would be most desirable. Housing on the eastern and southern portions would be compatible with the surrounding neighborhood, while office use could be located in the lower areas near the tracks with the slopes acting to divide the two land uses."

The 1977 in-house report went on to recommend that the western section of the prison property be developed for recreational use to include a public park area and commercial recreational facilities, as well as a river walkway. It suggested that the original stone cell block and the old

death house, located in this section, could be retained as a tourist center -- Sing Sing's notoriety could be put to use attracting people to Ossining. The cell block could be developed commercially in the manner of the "Cannery" in San Francisco with a variety of small shops and boutiques: the "death house" with small courtyards could be a place for refreshments and could contain a "Sing Sing Museum". A marina should be located in the protected waters to the south, off land currently owned by Slader Brothers. There should be a buffer on the northern part of the site to divide the public recreational areas from the county treatment plant, probably in the form of a private commercial or recreational facility, such as a theater and/or indoor tennis court.

In a 1985 report, planners hired by the Village to help with planning for the Urban Cultural Park, 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.

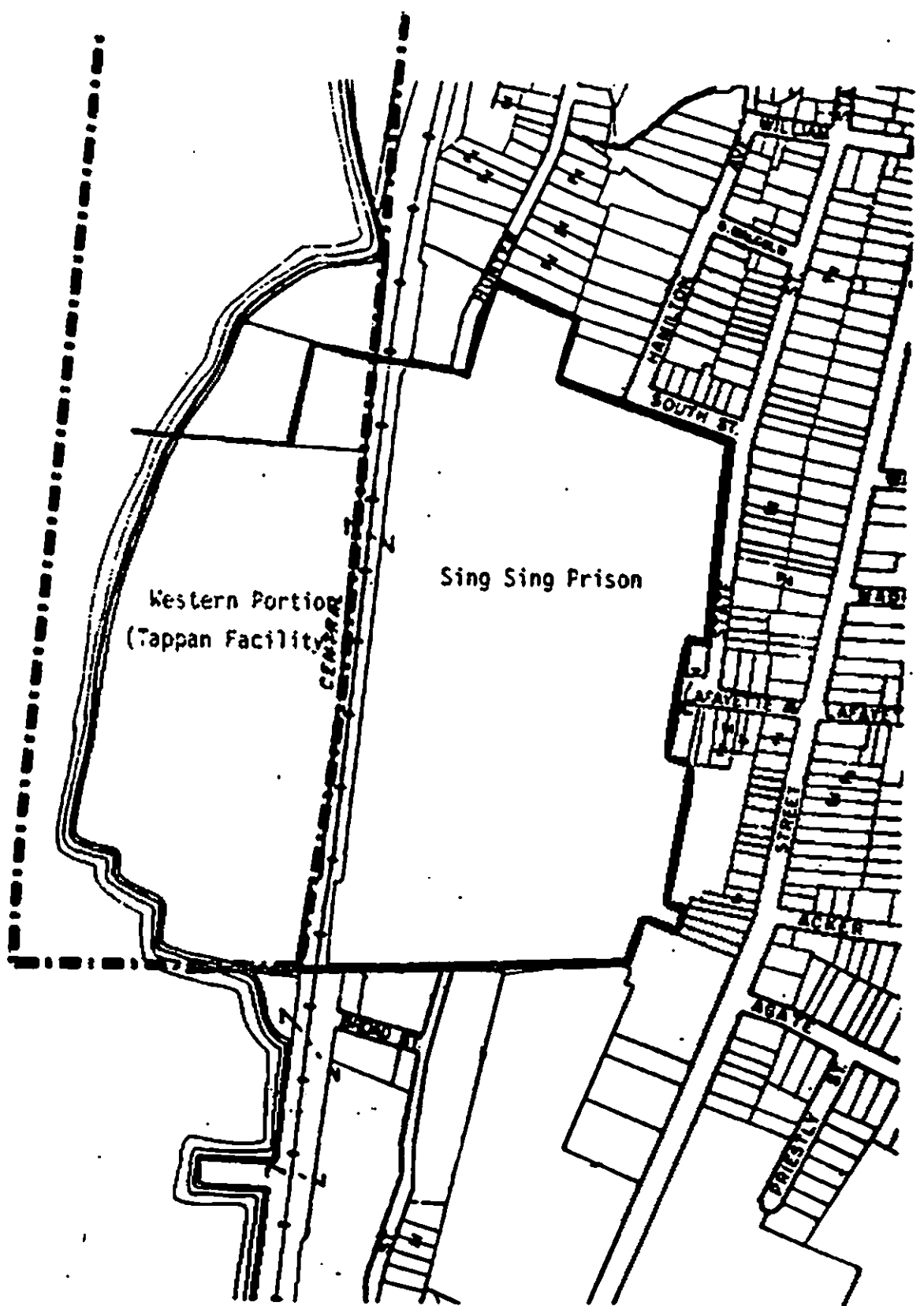
The existing road network serving the prison area is poor. No road presently goes straight through from Route 9 to the prison and the two main gates are off Hunter Street to the north and Hudson Street to the south. The relative seclusion of the site is beneficial to its present use and has thus been fostered in the past. In the redevelopment of this site, it may be necessary to provide direct access from Route 9. One way of doing this would be by extending Washington Avenue to the west for approximately 300 feet to connect with South Street, thereby creating a new main entrance to the eastern portion of the site.

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. We look forward to making more definite plans for its redevelopment as the phase out becomes more imminent and anticipate a revitalization of the entire community. With this in mind, zoning on the property has been changed from Industrial to Waterfront Development -1 on the western portion and Waterfront Development -2 on the eastern portion.

## **I. Southern Waterfront**

Sparta, Ossining's most historic neighborhood, is located in the southern waterfront along with much of the Village's newest development.

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Urban Cultural Park Boundary

Section H

The Sing Sing Correctional Facility

Scale 1" = 400'



Two parcels of land are currently being developed. 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 are being 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, under the new zoning law, are zoned PRD (Planned Residence District). The Liberty Knolls development is almost fully occupied while Hudson Point is expected to be completed during 1991. Just south of this, from Revolutionary Road down to the River, lies Sparta.

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. The Sparta Association has made application for its inclusion on the National Register but no definite decision has been handed down. Sparta is part of the Ossining Urban Cultural Park.

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). 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.

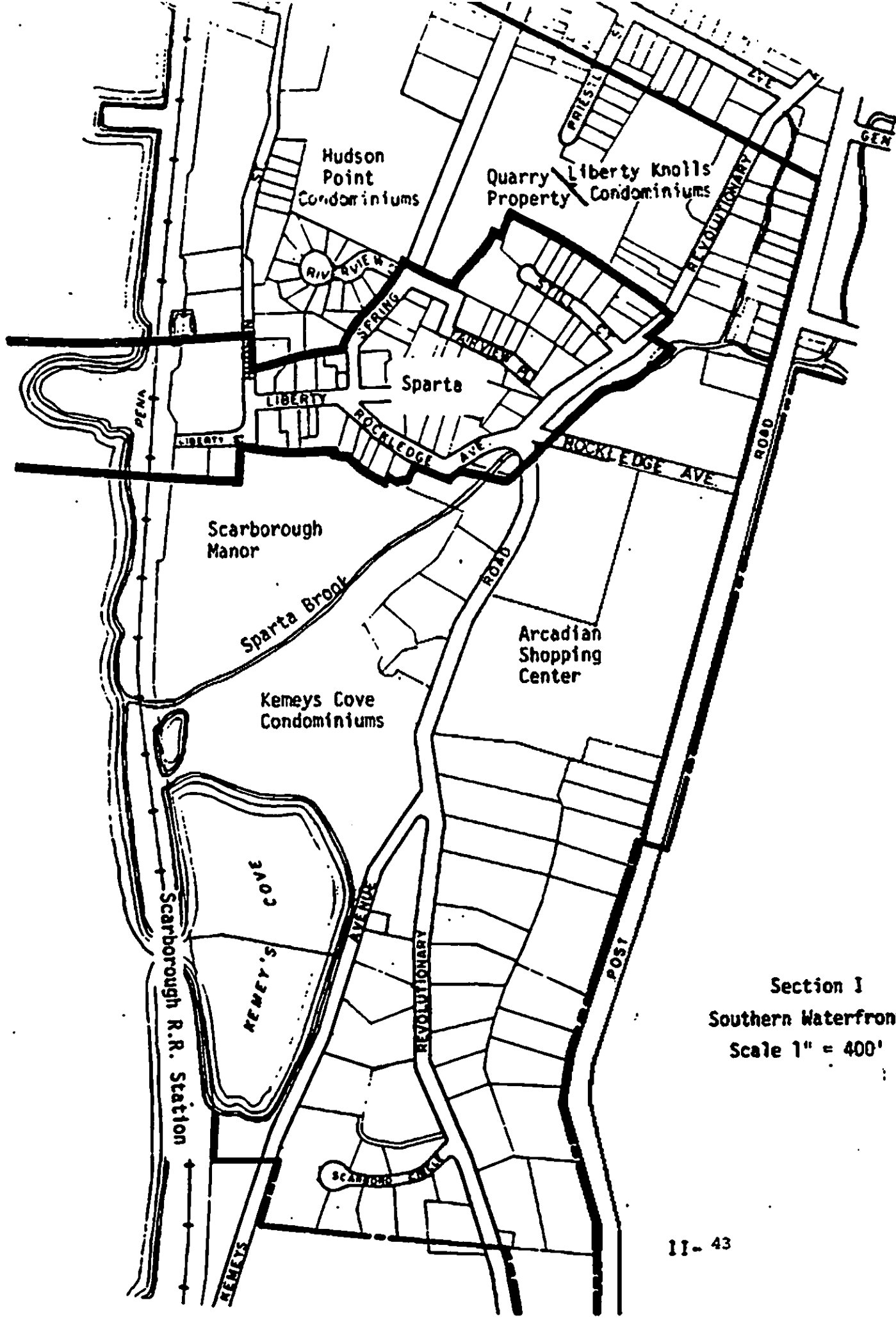
All of the Sparta historic area is residential with the exception of Sparta Park. One of the houses was converted a number of years ago into a restaurant and it stands out, due more to its purple color than to its usage. Just north of Sparta, Hudson Street was zoned industrial; however, this zoning has recently been changed to Waterfront Development-2. 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 which has been converted to office and storage use with a helipad in the area of the former dock.

The Sparta neighborhood is an interesting, quiet residential area whose residents are very proud of their heritage. They would like to see their neighborhood and its resources protected and appreciated and favored its inclusion in the Ossining Urban Cultural Park. 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.

000032



Section I  
Southern Waterfront  
Scale 1" = 400'

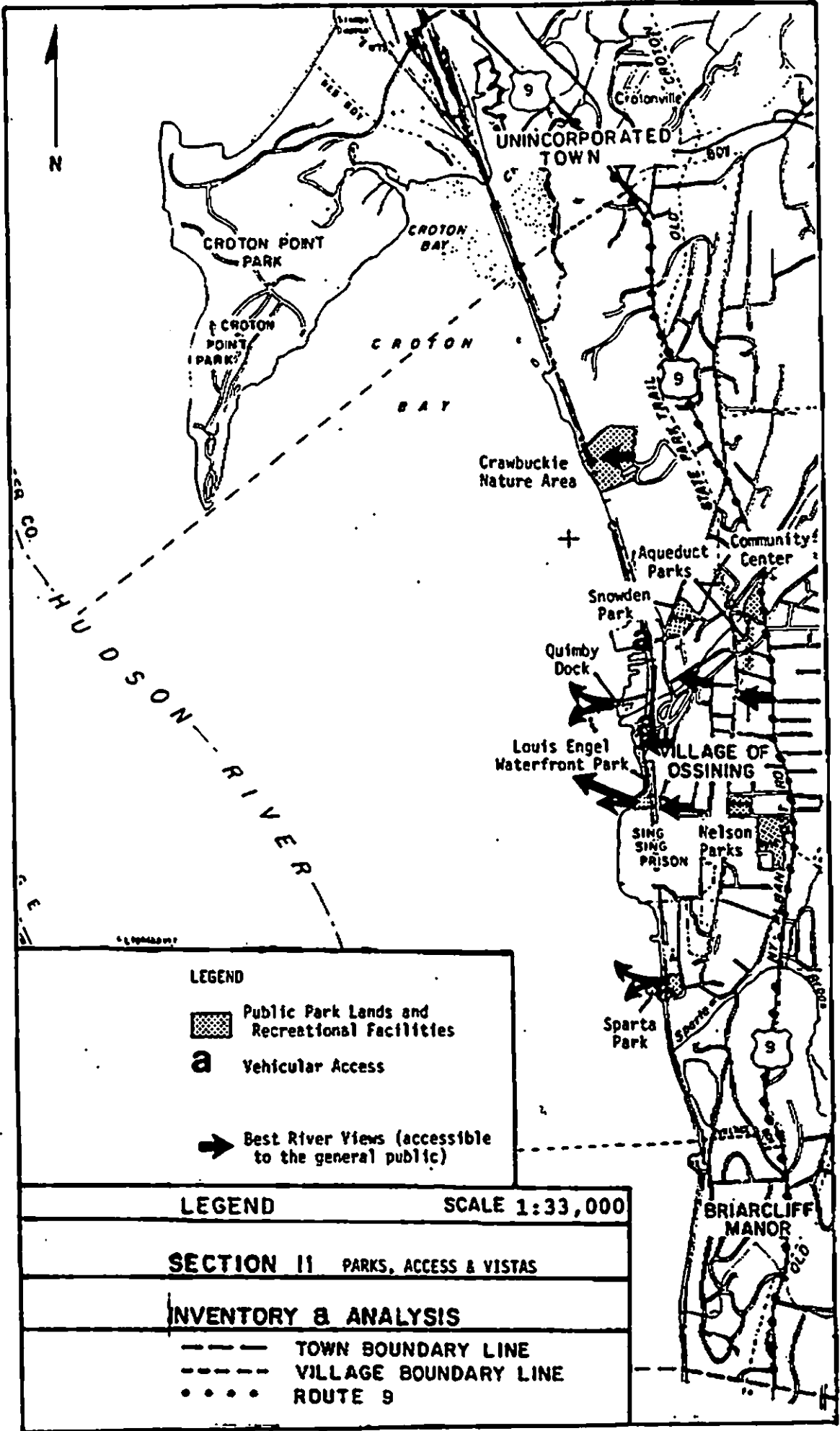
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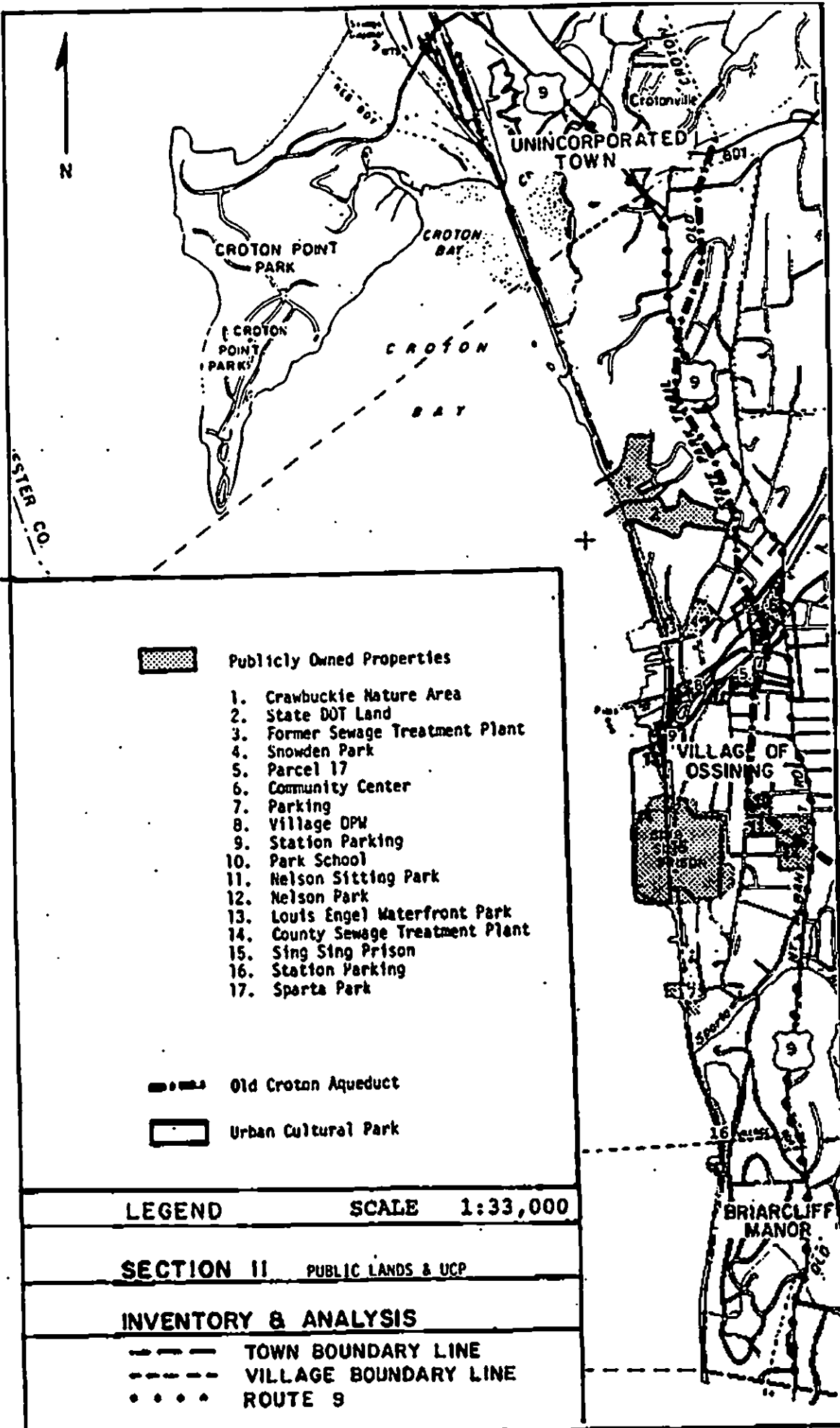
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**SECTION III**

**WATERFRONT REVITALIZATION PROGRAM POLICIES**

00037

## **DEVELOPMENT POLICIES**

- POLICY 1**            **RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.**
- 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, especially at the north and south ends of the Village, has recently 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 Waterfront Development District...WD-1...in the LWRP Appendix): retail and professional/personal service establishments; office buildings; member-ship clubs and fraternal lodges; motor inns, hotels and conference centers; new multiple dwellings. Residential use in existing buildings is also allowed.
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 Waterfront Development District-1 in the LWRP Appendix).
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 (including swimming at Pal Beach as soon as water quality permits); 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 the LWRP Appendix 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 CRAWBUCKIE NATURE AREA SHALL BE PROTECTED AND  
PRESERVED, SO AS TO MAINTAIN ITS VIABILITY AS A  
HABITAT.**

The Crawbuckie Nature Area is not likely to be designated as a habitat of statewide significance; however, the area is of local interest. The 17.7 acre parcel is dedicated parkland owned by the Village. It is located at the bottom of a quiet residential street north of the Village center and can be reached on foot from the old Croton Aqueduct. The area is divided by the railroad into two sections. The western section is mostly underwater with only about 1½ acres of flat, sandy land above the high water mark. The eastern section contains a 2-acre marsh adjacent to the tracks. 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.

Crawbuckie 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 Crawbuckie should remain passive in order to preserve the area as a quiet retreat for Ossining residents. Any development on the DOT or Dominican Sisters properties to the south and north respectively should be sited and screened so as to preserve the tranquility of Crawbuckie.

**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 CRAWBUCKIE NATURE 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 NON-RESIDENTIAL DEVELOPMENT IN THE WATERFRONT DEVELOPMENT DISTRICT (WD-1) 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 WATERFRONT DEVELOPMENT DISTRICT (WD-1) 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:
    - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

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

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

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

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

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

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

**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:

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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:
      - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
      - (2) Access is reduced or blocked completely by any public developments.
  3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, 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.

## **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.

## **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 a 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.**

#### **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

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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 Planned Residential District, 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 with at least ten (10) percent of the total open space area designed for active recreation activities.
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. Ossining's special Height Zone Overlay District which applies to the Waterfront Development District-2 is intended to accomplish this objective. It limits the height of buildings to 4 or 6 stories depending on their location.



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.**

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## **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.**

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 agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. 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.

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**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 overburden 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 sludges 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 Crawbuckie Nature 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**

**AND**

**PROPOSED PUBLIC AND PRIVATE PROJECTS**

**A. PROPOSED LAND AND WATER USES**

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

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

b. Section B. Village of Ossining - Northern Waterfront

Low-moderate density housing (2-6 units/acre) and office-research facilities are the recommended uses for the undeveloped and under developed parcels. These uses fit the rugged topography that characterizes much of the land. The residential development proposed for the most northern part will be compatible with the new condominium development in the northern Village and will take advantage of the river views. The office-research development 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. That portion of the Dominican Sisters' land which is a recent land fill site, should be preserved as open space due to soil instability and proximity to the Crawbuckie Nature Area.

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

c. Section C. Crawbuckie Nature Area

The Crawbuckie Nature Area should remain essentially as it is, a quiet area of nature trails.

d. Section D. The Snowden Area

Low-moderate density housing (2-6 units/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. There is currently a proposal to cluster owner-occupied affordable housing on six acres of this land next to existing subsidized housing. Affordable housing would provide a good transition between the rental subsidized housing and market rate housing proposed north of this and existing along Beach Road. As the land drops off to the west of this and lies adjacent to the Crawbuckie Nature 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. It is proposed that the former urban renewal and community development parcels located on Main Street between Spring and State Streets be developed as a municipal complex and parking garage with the Town and Village of Ossining offices housed in one building and a new, expanded postal facility in a separate structure next door. Since the Crescent has been included within the boundaries of the State Urban Cultural Park system, it is also proposed that it be developed as a tourist attraction in accord with the Urban Cultural Park Management Plan.

The more westerly portion of the Crescent area is now zoned for waterfront development and should be developed in ways which take advantage of the riverviews from Hunter Street and the proximity of the area to the railroad station.

f. Section F. The Downtown Waterfront

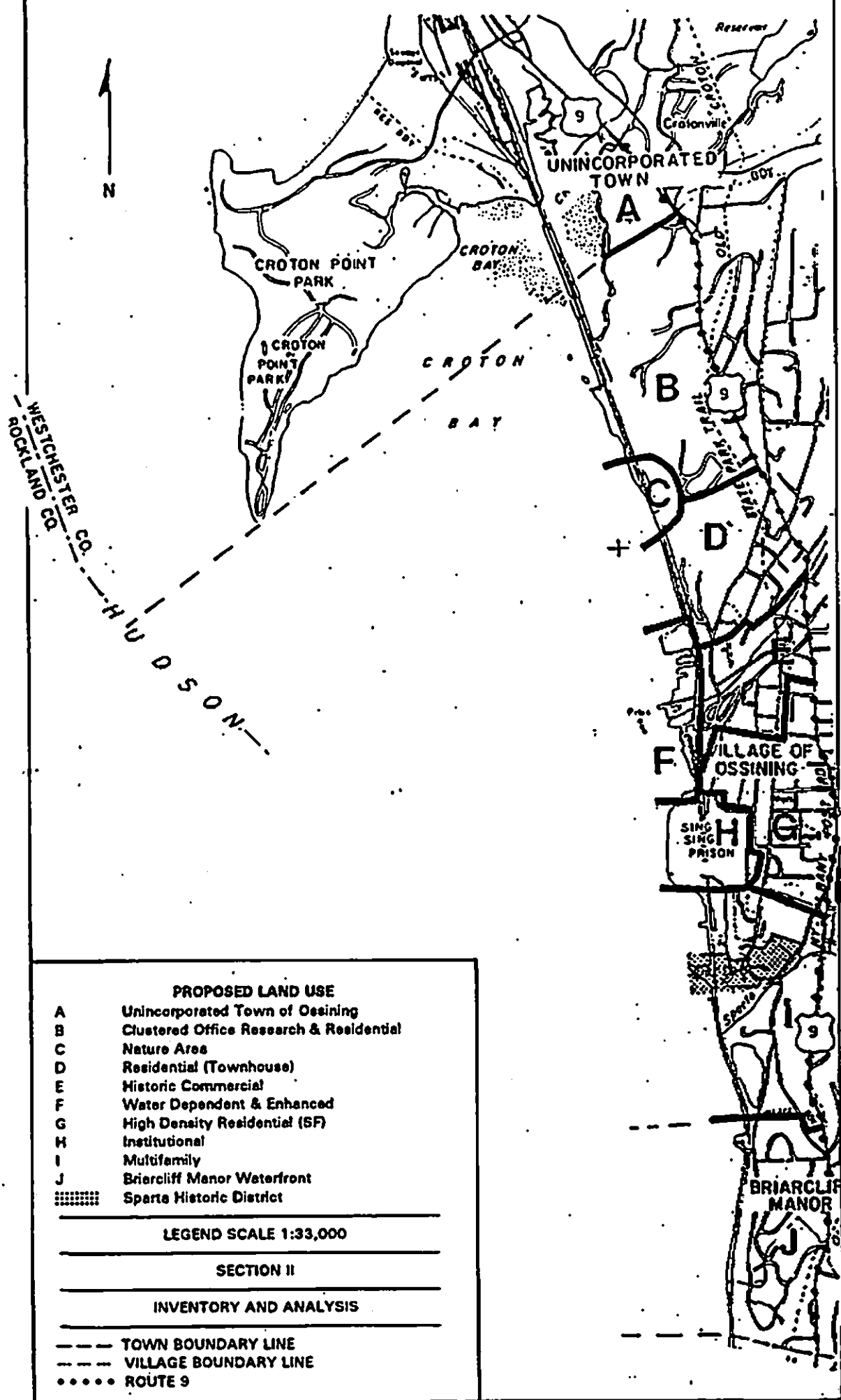
Planned mixed use development subject to special permit review is proposed for this section of the waterfront. Uses would include water-dependent uses, as well as certain non-water-dependent commercial, recreational and residential uses. Objectives for uses on the Downtown Waterfront would be: protecting existing water-dependent uses and providing for new water-dependent uses; 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 recreational, housing and commercial area. 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 and commercial recreational facilities. A marina could be located in the protected waters off the south side of the property.



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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 some local and State recognition and this section of the waterfront is being added to the Ossining Urban Cultural Park.

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. (B.2.a)

c. Section C. Crawbuckie Nature Area (B.2.b)

- \* 1) Clear and improve trails; remark trails to improve education aspects of the park; and locate a small rustic shelter/-bulletin board near the park entrance.

d. Section D. The Snowden Area

- \* 1) Careful development of the DOT property 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.)

e. Section E. The Crescent

- \* 1) Develop a municipal complex and parking structure on Parcel 17. (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.

- \* 4) Develop a concept plan for Hunter Street (see B.2.f).

f. Section E. The Downtown Waterfront

- \* 1) Encourage revitalization in the Waterfront Development Zones. (B.2.g.)
- \* 2) Continue improvements to Louis Engel Waterfront Park (see B.2.h).
- 3) Study the Vanguard property and develop a program for the use of the waterfront portion in line with the Town's option to purchase the property in 1994.
- 4) Screen the railroad tracks, improve the streetscape around the station.
- 5) Improve the parking situation (see B.2.b.).

g. Section G. The Spring Street Neighborhood

No Projects

h. Section H. The Sing Sing Correctional Facility

No Projects

i. Section I. The Southern Waterfront

- \* 1) Continue to apply for grants for a pedestrian crossing of the railroad tracks to make Sparta Dock area safely accessible. (See B.2.i.).
- 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.

(j. Section I. The Briarcliff Manor Waterfront - not included in LWRP)

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## 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 Urban Cultural Park 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 Urban Cultural Park Management Plan. Environmental Quality Bond Act funding has recently been received to enhance the aqueduct throughout Ossining, including work on the weir chamber off Snowden Avenue.

### b. Crawbuckie

Trail and signage improvements to the Crawbuckie Nature 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 Crawbuckie 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 Crawbuckie linked up with the area to be left in its natural state below the proposed affordable housing in the Snowden area (Section D). 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 make this area a more important educational and recreational resource. If the latter, it could be followed by an additional path down to the swamp area with a pontoon bridge into this important environmental resource. Long range plans might also include incorporating this park area into a waterfront walkway which would eventually link up with Ossining's Downtown Waterfront.

c. **DOT Property**

The careful development of the State-owned Department of Transportation property off Snowden Avenue is important to the Ossining waterfront. A proposal is currently being worked on which would cluster affordable housing on the eastern portion of the site and preserve the western two-thirds of the land overlooking the river in its natural state. The portion to be preserved lies adjacent to the Crawbuckie Nature Area and is also the site of unique plantings. Further plans call for a pedestrian trail from the housing site through the natural area and into Crawbuckie.

d. **Parcel 17**

The proposal to develop Parcel 17 on Main Street between Spring and State Streets as a municipal complex including Village and Town offices, a postal facility and a parking garage is important to the Crescent area of the waterfront. It 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.

e. **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 provision for station parking should to be addressed on a regional basis.

f. **Hunter Street Concept Plan**

An illustrated concept plan for the redevelopment of Hunter Street needs to be formulated. This street received special attention during the Village's recent zoning study. Zoning was changed from a split between Central Business District and Industrial to Waterfront Development-2 to encourage its redevelopment and revitalization. The time is now ripe for an in-depth look at this old area overlooking the Hudson. A design study illustrating the potential of the area to property owners, could have a dramatic impact on the Ossining Waterfront and be a giant step towards its redevelopment. The cost of the project is estimated to be \$36,000.

g. **Waterfront Development Zones**

Ossining has added two Waterfront Development Zones to its Zoning Law, one for the west side of the railroad tracks and one for the east side. The objectives of the waterfront development zones are to permit a variety of intensive 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.

h. **Louis Engel Waterfront Park Improvements**

The Town of Ossining has recently stabilized the shoreline through an Urban County Community Development Block Grant. Other improvements to the park are gradually taking place. These include a boating/fishing dock, swimming, increased picnicking facilities, further landscaping, 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.

i. **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. Approximately \$750,000 is now needed to fund the pedestrian crossing recommended.

**SECTION V**  
**TECHNIQUES FOR LOCAL IMPLEMENTATION**  
**OF THE PROGRAM**

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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 A: Subdivision Regulations**

- (1) 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.
- (2) 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**

- (1) The Village's Zoning Law controls the use of all parcels within the Village. All construction requires action by one or more of the following entities: the Building Department, the Planning Board, the Zoning Board, the Historic Review 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.
- (2) 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 3.7)

- (1) 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 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.
- (2) 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 3.12)

- (1) 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 which are "customarily known as pilot experimental facilities for processing or assembling units or products resulting from research and experimental work on the premises of such laboratories; or the assembly of other related units involving only light, small or microscopic parts".

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".

- (2) Similar to the PRD District, the OR 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.

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Waterfront Development (WD-1) (Section 3.13)

- (1) 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. For uses that are neither water-dependent or enhanced, at least 30 percent of the project site must be devoted to uses that are. No uses requiring special permits are allowed in or over the Hudson River. All uses are subject to site plan review. Those uses which are neither water-dependent or enhanced require a special permit. New or expanded marinas are to include pumpout facilities or ensure that their clients have access to such facilities. Developments are to be designed to maximize views of the river, and building heights are limited to 2.5 stories. Finally, all non-residential development is to provide pedestrian access along or through the site wherever practical and appropriate.

Waterfront Development (WD-2) (Section 3.14)

- (1) This district applies to those areas in the central part of Ossining's waterfront just east of the railroad tracks. This district encourages a mix of residential and certain non-residential uses at relatively high densities. Permitted uses include all those allowed in the WD-1 district plus certain manufacturing, research, and public utility uses. To further the goal of mixed use in this district, wherever a development site is over 5 acres, no one use can exceed 70 percent of the total site.

All uses are subject to site plan review. Extensive performance standards directed primarily at manufacturing and research uses are provided. Again, developments are to be designed to maximize views of the Hudson River. (See also the discussion about the Special Height Zone Overlay District.)

- (2) The provisions of this district support LWRP policies having to do with revitalization of deteriorated waterfronts, visual quality and water and air quality.

### Other Districts in the Waterfront Area

- (1) 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.
- (2) These districts reflect existing land use in the Village and will serve to retain the existing low-rise, but moderately dense development pattern.

### Special Height Zone Overlay District (SH) (Section 3.17)

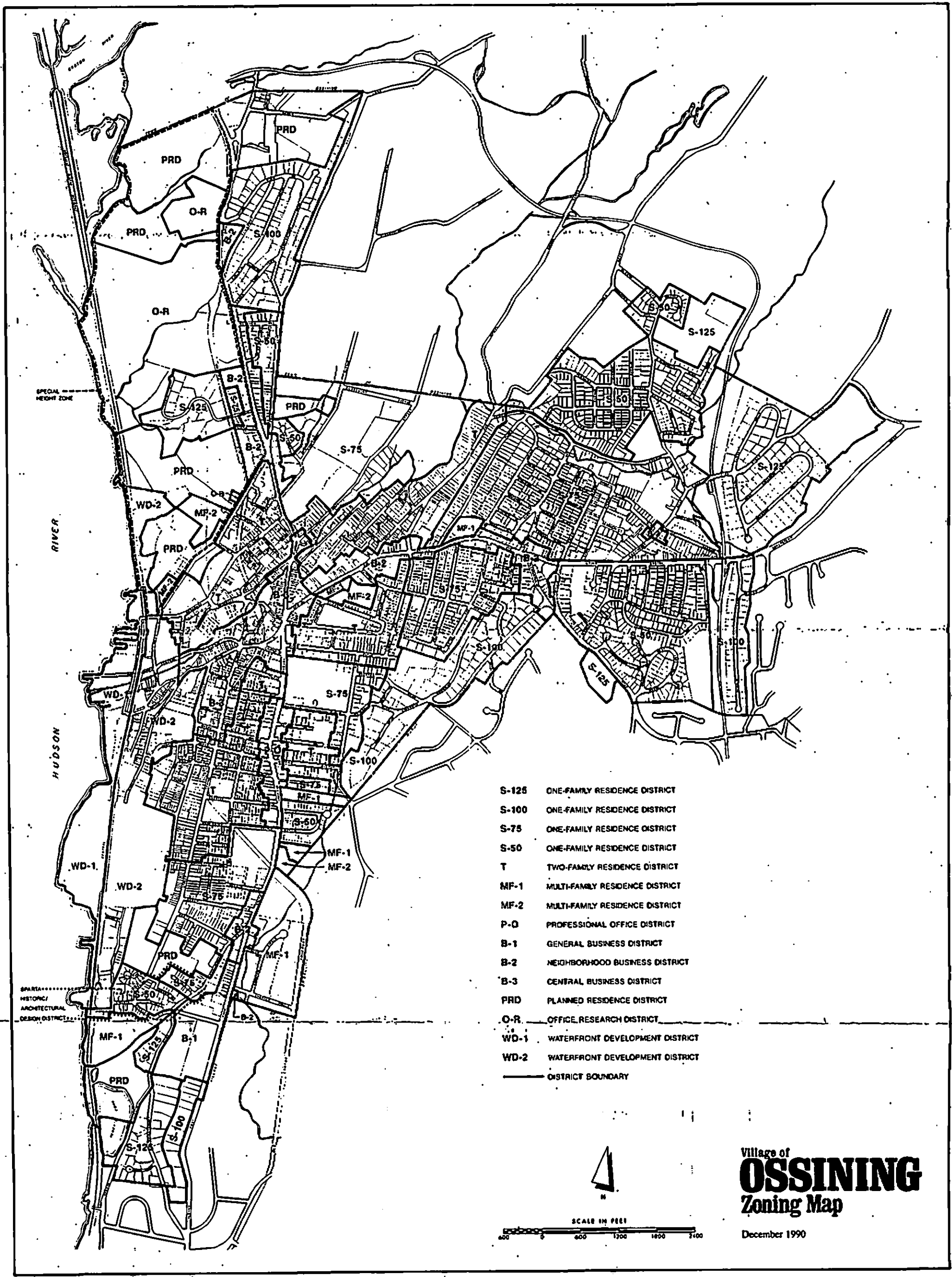
- (1) The SH District restricts the heights of buildings within the WD-2. Waterfront Development District in order to prevent, wherever possible, the blocking of views of the Hudson River from upland areas, and the obliteration of the natural profile of the Eastern Palisades when viewed from the western bank of the Hudson. This is one of the elements studied during site plan review.
- (2) This regulation protects the visual quality of the waterfront and its vistas.

### Historical and Architectural Design District (HAD) (Section 3.16)

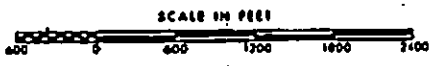
- (1) The HAD District restricts change and development within the Village's Historical Architectural Design Districts. It sets up an Historic Review Commission to advise the Planning Board in all matters relating to application for permits within historic districts or other places, buildings, or features of architectural or historic significance.

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. Section 3.16.2.7 states, "The historic review commission shall be empowered to develop a plan for the protection, preservation and enhancement of places and features of





- S-125 ONE-FAMILY RESIDENCE DISTRICT
- S-100 ONE-FAMILY RESIDENCE DISTRICT
- S-75 ONE-FAMILY RESIDENCE DISTRICT
- S-50 ONE-FAMILY RESIDENCE DISTRICT
- T TWO-FAMILY RESIDENCE DISTRICT
- MF-1 MULTI-FAMILY RESIDENCE DISTRICT
- MF-2 MULTI-FAMILY RESIDENCE DISTRICT
- P-O PROFESSIONAL OFFICE DISTRICT
- B-1 GENERAL BUSINESS DISTRICT
- B-2 NEIGHBORHOOD BUSINESS DISTRICT
- B-3 CENTRAL BUSINESS DISTRICT
- PRD PLANNED RESIDENCE DISTRICT
- O-R OFFICE, RESEARCH DISTRICT
- WD-1 WATERFRONT DEVELOPMENT DISTRICT
- WD-2 WATERFRONT DEVELOPMENT DISTRICT
- DISTRICT BOUNDARY



Village of  
**OSSINING**  
Zoning Map

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architectural or historic significance..." while Section 3.16.2.8 states, "in addition to the aforementioned powers, the historic review commission shall conduct surveys of buildings for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; formulate recommendations concerning the preparation of maps, brochures, and historical markers for selected historic and/or architectural sites and landmarks; cooperate with, and advise municipal agencies and officials in matters involving historical and/or architectural sites and landmarks pursuant, but not limited to, subsection 3.16.3 of this section."

- (2) These regulations enforce Policy 23 and to a lesser extent, Policy 25.

#### General Landscaping and Environmental Control Requirements (Section 5.8)

- (1) 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.
- (2) The provisions of this section enforce LWRP policies having to do with the prevention of erosion and the protection water quality.

#### Cluster Development (Section 5.10)

- (1) This section gives the Village Board the power to authorize the Planning Board to modify applicable bulk and area provisions of the Zoning Law.
- (2) 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 in the ways outlined above.

#### Old Croton Aqueduct (Section 5.12)

- (1) 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.

- (2) 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 VIII)

- (1) 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.
- (2) The ZBA will refer to the LWRP and will make its determinations in accordance with the program's policies.

#### Planning Board (Article IX)

- (1) 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 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.
- (2) 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 X)

- (1) 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's Board's decisions.
- (2) 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.

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Board of Architectural Review (Article XI)

- (1) 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 residences, separate application is made to the Board of Architectural Review and their approval is required prior to the issuance of a building permit.
- (2) The actions of the Board of Architectural Review apply to the development and scenic quality policies.

c. Building Construction Code (Code of Ordinances, Chapter 8)

- (1) The Village has adopted the State Building Code. This controls the quality of construction within the Village.
- (2) Gives a basic degree of control over new structures within the LWRP boundaries. Will support implementation of the development policies.

d. Housing Code (Local Law 3-1973, Article IX)

- (1) Sets minimum housing and property standards to prevent blight and decay and to protect public health and safety.
- (2) Gives control over the condition of existing structures within the LWRP boundaries. Will support implementation of Policies 1 and 25.

e. Environmental Advisory Council (Local Law #6-1973, Article XI)

- (1) 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.
- (2) The Council was reactivated in 1990 and can act as a watchdog to prevent actions contrary to the policies adopted in the LWRP.

f. Stream Maintenance Law (Local Law #6-1974, Article XV)

- (1) 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.
- (2) This law is relevant to implementation of the flooding policies, the water resource policies and the scenic policy.

g. Conservation of Freshwater Wetlands (Local Law #8-1976, Article XVI)

- (1) The local law adopts the procedures, concepts and definitions of Article 24 of the New York State Environmental Conservation Law, which regulates freshwater wetlands.
- (2) 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.

h. Environmental Quality Review (Code of Ordinances, Sec. 8-2)

- (1) 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.
- (2) Environmental Quality Review is relevant to implementation of most of the LWRP policies.

i. Excavations and Fill (Code of Ordinances; Section 10)

- (1) 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:

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- 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;
  - 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.

- (2) 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.

j. Garbage, Trash and Refuse

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

k. Smoke Control (Code of Ordinances; Sec. 13-34 through 13-40)

- (1) This ordinance prohibits the emission of certain air contaminants and particulate matter.
- (2) These regulations further Policy 41 which states that development within the coastal area will not violate air quality standards.

l. Sewers and Sewage Disposal (Code of Ord., Sec. 23-28 through 23-94)

- (1) Local Law No. 16-1978 controls the discharge of wastewater and requires sanitary facilities and connections with proper public sewers in all buildings situated within the Village.
- (2) These regulations will implement water quality policies, particularly Policies 30, 33 and 38.

m. Flood Hazard Areas and Flood Plain Management Guidelines

- (1) The Village of Ossining adopted Local Law #4 of 1982 to regulate development in flood hazard areas and has a "Flood Insurance Study" and maps. It also follows the federal Floodplain Management Guidelines for implementing Executive Order 11988.
- (2) Local Law #4 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.

n. Hazardous Chemicals

- (1) Until recently the Village had its own law controlling the storage and handling of hazardous chemicals within the Village. The Village is now enforcing State and federal regulations. In

emergency situations, county, State and Federal agencies are called in to work with the Village.

- (2) Although primarily designed for fire protection, these regulations contribute to enforcing the air and water quality policies.

o. Local Law to Ensure Consistency with LWRP

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. (See Section V.C. Management Structure which follows.)

**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

- (1) 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.
- (2) This action will increase the developmental and recreational potential of the property.

b. Urban Cultural Park Management Plan

- (1) 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; provide directional and interpretive signage at various points throughout the UCP.



- (2) This action will aid in implementing the development, recreation, historic resource and visual quality policies.

**c. Rehabilitation Loans and Grants**

- (1) 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.
- (2) 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**

- (1) 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.
- (2) This action will serve to implement development and water quality policies and could improve access to the waterfront.

**e. Public Service Crews**

- (1) 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.
- (2) 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**

- (1) 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.

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- (2) The easements would make it possible to develop a waterfront walkway and in this way increase public access to the riverfront.

**g. Urban County**

- (1) 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.
- (2) 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**

- (1) Continue to cooperate with the Sparta Association in their attempts to have the Sparta area listed on the National Register of Historic Places. Encourage the State to have the most historically important of the Sing Sing Prison buildings placed on the National Register.
- (2) 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**

- (1) Continue the program of improved maintenance of public areas including, but not limited to, the Crawbuckie Nature Area, the Aqueduct Linear Park, and 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.
- (2) These actions will improve the appearance of the waterfront area, increase recreational opportunities and aid the revitalization of Ossining.

## 2. Private Actions Necessary to Implement the LWRP

### a. Garden Club

- (1) The Village should encourage the Ossining Garden Club to become more involved with public plantings within the waterfront area.
- (2) This action would improve the appearance of the area and would increase residents' involvement and interest in the waterfront area.

## 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 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, or 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)

(1) 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 agency, 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 (see 3. a. (1) above); for actions to be directly undertaken by the local agency, that agency will prepare the CAF.

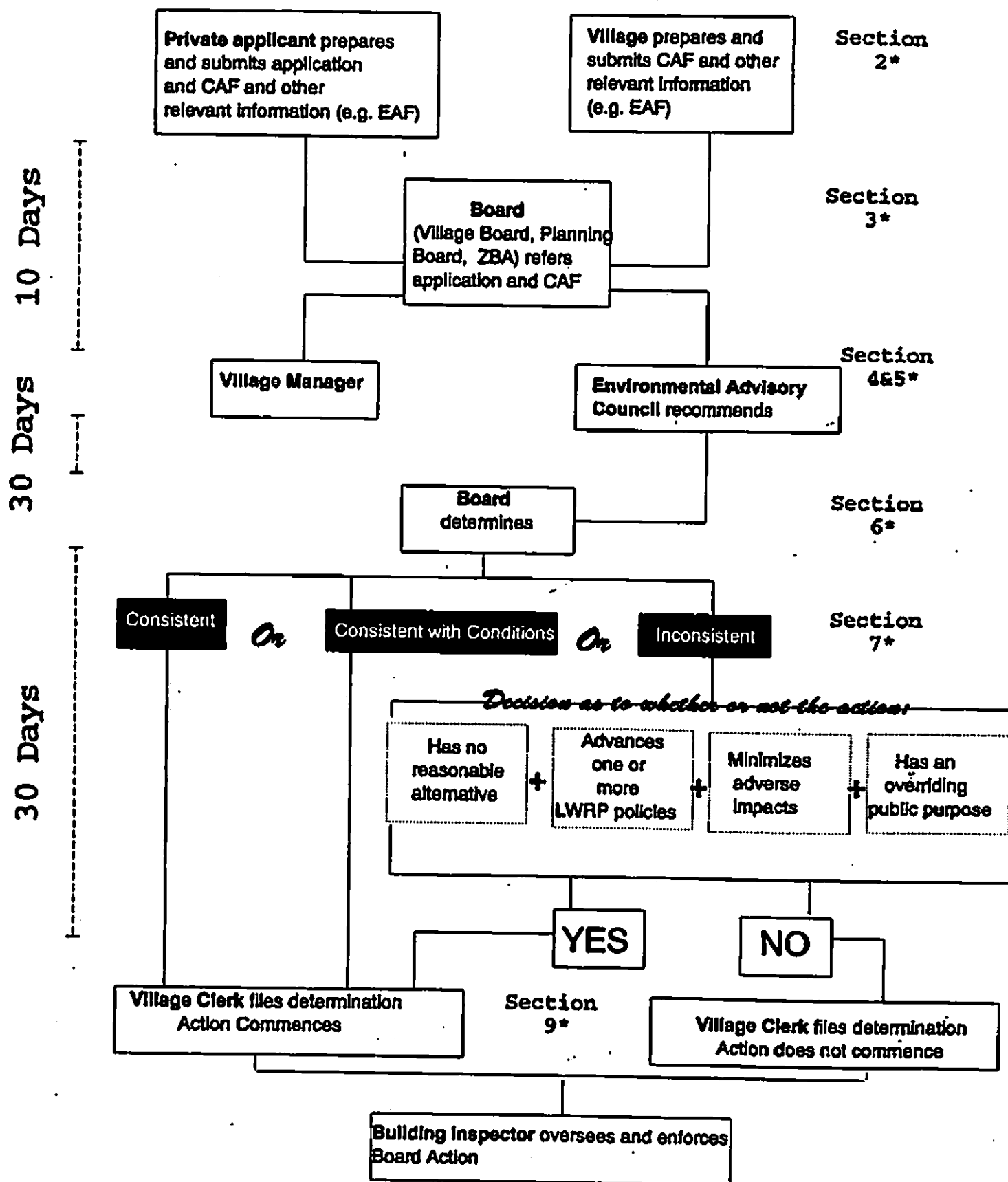
(2) Referral of a Coastal Assessment Form. The Board of Trustees, Planning Board, or the Zoning Board of Appeals shall refer a copy of the completed CAF to the Village Manager and the Environmental Advisory Council within ten days of its submission to or completion by the board. The board shall also forward any completed applications, EAFs, and any other information necessary to the consistency review.

(3) 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

# VILLAGE OF OSSINING

## LWRP CONSISTENCY REVIEW PROCESS



\* Consistency Law Section

time, the determining board shall make its decision without the benefit of the Council's recommendation.

- (4) 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.

- (5) 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:

- o The action will not substantially hinder the achievement of any of the policies and purposes of the LWRP; or
- o If the action will substantially hinder the achievement of any policy of the LWRP, the following three requirements are satisfied:
  - (i) 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; (ii) the action will minimize all adverse effects on such policy to the maximum extent practicable; and (iii) 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

- o 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 (2) just 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 pursuant to either (a) or (b) above.

**(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 could not 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**

- (1) **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.
- (2) **County Bureau of Land Records** - All subdivisions must be filed with the Bureau, which keeps records on all properties within Westchester County.
- (3) **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. **Procedures to Review State and Federal Actions for Consistency with the LWRP**

These procedures are contained in the Appendix to the LWRP Local consistency review chart.

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. **Crawbuckie**

It is hoped that the needed improvements at Crawbuckie can be made with the help of Sing Sing Prison Work Crews. The Village is trying to obtain money for a bridge over the ravine to connect Crawbuckie with the natural portion of the affordable housing land.

b. **CBD Infrastructure Improvements**

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

(2) Parking - The Village of Ossining anticipates a cooperative agreement between themselves and downtown developers to provide the structured parking needed within the Crescent area.

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. Hunter Street

It is anticipated that the new waterfront zoning will encourage redevelopment of Hunter Street.

e. Louis Engel Waterfront Park

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

f. 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.

g. Urban Cultural Park

Funding is available through the State Environmental Quality Bond Act II to finance a Visitors Center in each of the Urban Cultural Park communities. Ossining's UCP Visitors 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.

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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

<u>POLICY</u>	<u>IMPLEMENTED OR ENFORCED BY</u>
<u>Development Policies</u>	
Policy 1	Zoning (Waterfront Development Districts) 1 and 2) Subdivision Regulations Urban Cultural Park Program Rehab. Loan and Grant Program Plan for the Release of the Tappan Facility of Sing Sing Prison
Policy 2	Zoning (Waterfront Development Districts 1 and 2)
Policy 3	Not Applicable
Policy 4	Not Applicable
Policy 5	Zoning (Clustering provisions)
Policy 6	Local Consistency Law
<u>Fish and Wildlife Policies</u>	
Policy 7	State regulations
Policy 8	State regulations
Policy 9	Improvements to Louis Engel Waterfront Park

Policy 10	Code of Ordinances (Excavations and Fill)
	State regulations
	Code of Ordinances (Sanitary Sewers, Storm Sewers, and Water Mains)
	Building Code
Policy 11	Zoning
	Subdivision Regulations
	Flood Plan Management Guidelines
	Code of Ordinances (Environmental Quality Review )
Policy 12	Not Applicable
Policy 13	Not Applicable
Policy 14	Building Code
	Code of Ordinances (Excavation and Fill)
	Code of Ordinances (Environmental Quality Review)
	Zoning (General Landscaping and Environmental Control Requirements)
Policy 15	State and federal regulations
Policy 17	Building Code
	Subdivision Regulations
<u>General Policy</u>	
Policy 18	LWRP

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**Public Access Policies**

**Policy 19**

**Zoning (WD - 1)**

**Easements**

**Improvement of Trails and Signage at Crawbuckie**

**Improvements to Louis Engel Waterfront Park**

**Access to Sparta Dock**

**CBD Infrastructure Improvements**

**Policy 20**

**Zoning (WD -1)**

**Easements**

**Recreation Policies**

**Policy 21**

**Plan for Release of Prison Property**

**Urban Cultural Park Development**

**Urban County Funding**

**Improvements to Louis Engel Waterfront Park**

**Improvements to Old Croton Aqueduct Trail**

**Policy 22**

**Planning Board Review**

**Guidelines for Release of Prison Property**

**Urban Cultural Park Development**

**Easements**

**Policy 23**

**Historical and Architectural Design District**

**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

Urban Cultural Park Development

Rehab Loans and Grants

Scenic Quality Policies

Policy 24

Not applicable

Policy 25

Zoning (Site Plan Review)

Zoning (Historic and Architectural Design District)

Zoning (Special Height Zone Overlay)

Subdivision Regulations

Stream Maintenance Law

Zoning (Board of Architectural Review)

Rehab Loans and Grants

Garden Club

Scenic Roads Legislation

Sign Regulations

Architectural Lands Policy

Policy 26

Not applicable

Energy and Ice Management Policies

Policy 27

State regulations

Policy 28

Not applicable

Policy 29

Not applicable

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**Water and Air Resources Policies**

<b>Policy 30</b>	<b>State regulations</b>
<b>Policy 31</b>	<b>Planning Board Review</b>
<b>Policy 32</b>	<b>Not applicable</b>
<b>Policy 33</b>	<b>Code of Ordinances (Excavations and Fill)</b> <b>CBD Infrastructure Improvements</b>
<b>Policy 34</b>	<b>Environmental Advisory Council</b>
<b>Policy 35</b>	<b>Code of Ordinances (Excavations and Fill)</b>
<b>Policy 36</b>	<b>State regulations</b>
<b>Policy 37</b>	<b>Zoning (General Landscaping and Environmental Control Requirements)</b> <b>Zoning (Cluster Provisions)</b> <b>(Code of Ordinances)</b> <b>(Excavations and Fill)</b> <b>Subdivision Regulations</b>
<b>Policy 38</b>	<b>State regulations</b>
<b>Policy 39</b>	<b>Code of Ordinances (Sewers and Sewage Disposal)</b> <b>Code of Ordinances (Excavations and Fill)</b> <b>Garbage, Trash and Refuse Ordinance</b>
<b>Policy 40</b>	<b>State regulations</b>
<b>Policy 41</b>	<b>State regulations</b>
<b>Policy 42</b>	<b>State regulations</b>
<b>Policy 43</b>	<b>State regulations</b>
<b>Policy 44</b>	<b>Code of Ordinances (Excavations and Fill)</b>

**State regulations governing hazardous chemicals**

**Stream Maintenance Law**

**Conservation of Freshwater Wetlands Law**

**Environmental Advisory Council**

**Code of Ordinances (Environmental Quality Review)**

**Code of Ordinances (Sanitary Sewers, Storm Drains and  
Water Mains)**



**SECTION VI**

**STATE AND FEDERAL ACTIONS AND PROGRAMS  
LIKELY TO AFFECT IMPLEMENTATION**

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State and Federal actions will affect and be affected by implementation of the 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.

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

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 can not 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**

**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**

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- 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

## **OFFICE 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 programs:
  - 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

## **NEW YORK STATE BRIDGE AUTHORITY**

- 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.

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## **DEPARTMENT OF COMMERCE**

- 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.

## **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.

## **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-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

## **ENERGY PLANNING BOARD AND ENERGY OFFICE**

- 1.00 Preparation and revision of the State Energy Master Plan.

## **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 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 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.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

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### Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

### Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

### Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

### Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit



- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

#### Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

#### Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

**Solid Wastes**

- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

**Water Resources**

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 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 and grants of easement of land under water, 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.**

## **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 HOUSING 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

## **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 OF MENTAL RETARDATION AND DEVELOPMENT 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)**

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- 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.

#### **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 SOCIAL 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 STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 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.

**THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
- 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste
  - 3.03 Occupancy Permit
  - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

**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
- 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

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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.

### **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 Aviation Administration

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

### Federal Highway Administration

- 6.00 Highway construction.

### St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

## 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 USACE 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)).

### **Mineral Management Service**

- 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.

## **INTERSTATE COMMERCE COMMISSION**

- 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.

## **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.

## **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).

60157  
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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 Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

## **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

## **DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program

- 60153
- 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

#### **GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

#### **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)

#### **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

#### **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)

\* 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**

- (1) Permits for the erosion control necessary to prevent the loss of Ossining's precious riverfront park land.

**b. Department of Housing and Urban Development**

- (1) 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**

- (1) 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.
- (2) The removal of many of the prison structures in accordance with a plan to be developed during the LWRP implementation phase.
- (3) The preservation of the more historic structures within the prison, such as the original cell block and death house.
- (4) The creation of a prison museum in a portion of the old power plant in accordance with the Urban Cultural Park proposals.

**b. Department of Environmental Conservation**

- (1) A continuation of their water quality work leading to the reclassification of the Hudson River in Ossining area as an "A" stream and its approval for swimming.
- (2) Permits for bulkheads or other erosion control measures needed along the Ossining Waterfront.
- (3) Support of the Scenic Roads program.

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c. Office of Parks, Recreation and Historic Preservation

- (1) Provision of funding from the Land and Water Conservation Fund to continue the improvements to the Aqueduct Linear Park and Waterfront Parks.
- (2) Provision of funding under the Urban Cultural Parks 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.
- (3) 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.
- (4) Lease of State-owned aqueduct land to the Village.
- (5) 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

- (1) Maintenance of State-owned historic bridges, such as the Sing Sing Aqueduct Bridge in Ossining.
- (2) Support of the Scenic Roads Program
- (3) 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

- (1) 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

- (1) Accept a substantial share of the responsibility of providing parking for commuters using their facilities.
- (2) 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.
- (3) Maintain historic railroad stations in good repair.
- (4) 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**

- 00156
- 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.

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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



**SECTION VIII**  
**LOCAL COMMITMENT**

- 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. Following is a listing of these meetings:

#### a. Ossining Village Board:

- |                      |                   |
|----------------------|-------------------|
| 1) August 30, 1983   | 7) April 15, 1987 |
| 2) December 13, 1983 | 8) April 28, 1987 |
| 3) January 31, 1984  | 9) May 6, 1987    |
| 4) March 27, 1984    |                   |
| 5) May 22, 1984      |                   |
| 6) June 12, 1984     |                   |

- 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.

**APPENDIX A**

**CROTON RIVER AND BAY COASTAL  
FISH AND WILDLIFE HABITAT**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Croton River and Bay

Designated: November 15, 1987

County: Westchester

Town(s): Cortlandt, Ossining

7 1/2' Quadrangle(s): Haverstraw, NY; Ossining, NY

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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, along with its accompanying map, 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 the significant coastal habitats 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;

- 00163
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.

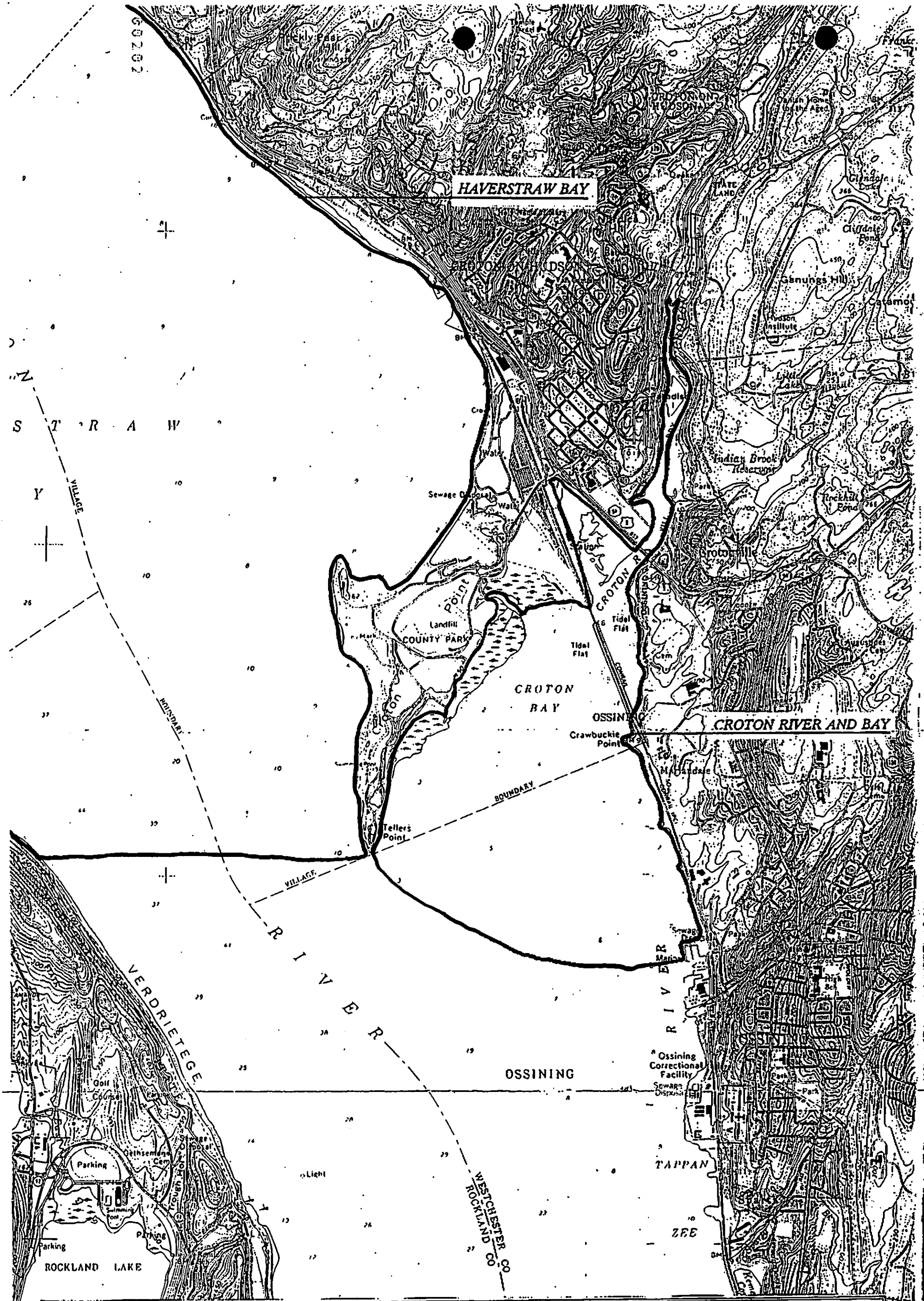
**KNOWLEDGEABLE CONTACTS:**

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N.Y.S. Department of State  
Division of Coastal Resources &  
Waterfront Revitalization  
162 Washington Avenue  
Albany, NY 12231  
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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  
Phone: (914)255-5453

Thomas D. Goodwin  
Environmental Planner  
Division of Environmental Planning  
County Environmental Management Council  
427 Michaelian Office Building  
White Plains, NY 10601  
Phone: (914) 285-4422

NYSDEC Information Services  
700 Troy-Schenectady Road  
Latham, NY 12110  
Phone: (518)783-3932

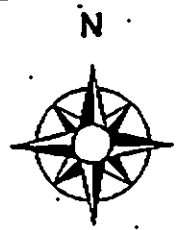
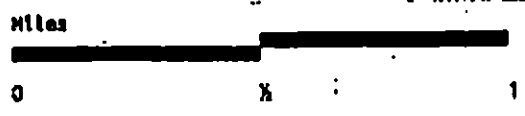


# SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Croton River and Bay / Haverstraw Bay (in part)

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Prepared by T. Hart and G. Capobianco September 1990



**APPENDIX B**  
**LWRP CONSISTENCY LAW**

00205

## **LOCAL LAW**

A Local Law to implement Consistency Review Regulations and Procedures for the Village of Ossining Local Waterfront Revitalization Program.

Be it enacted by the Village Board of the Village of Ossining as follows:

### **I. TITLE**

This Local Law will be known as the Village of Ossining Waterfront Consistency Review Law.

### **II. AUTHORITY AND PURPOSE**

1. This Local Law 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).
2. The purpose of this Local Law is to provide a framework for agencies of the Village of Ossining to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of Ossining that the preservation, enhancement, and utilization of the natural and manmade 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 local law 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.
4. The substantive provisions of this local law 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.

### **III. APPLICABILITY**

All boards, agencies, departments, offices, other bodies or officers of the Village of Ossining must comply with this law, to the extent applicable, prior to carrying out, approving, or funding any Type I or unlisted action as those terms are defined below. Type II, Excluded or Exempt Actions as defined in 6 NYCRR Section 617.2 (regulations which implement the State Environmental Quality Review Act) are hereby deemed consistent with the Local Waterfront Revitalization Program and do not require any further deliberation.

### **IV. DEFINITIONS**

1. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations ( 6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:
  - (1) 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:
    - (i) are directly undertaken by an agency; or
    - (ii) involve funding by an agency; or
    - (iii) require one or more new or modified approvals from an agency or agencies;
  - (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
  - (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
  - (4) any combinations of the above.
2. "Other local agency" means 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.
3. "Board" means the Board of Trustees, the Planning Board, or the Zoning Board of Appeals of the Village of Ossining.
4. "Coastal area" means that portion of New York State coastal waters and adjacent

- c. **Zoning Board of Appeals** -- determines consistency with the LWRP of those actions which require Zoning Board of Appeals approval, including use and area variances.
  - d. **Environmental Advisory Council** -- makes recommendations to the Board of Trustees, Planning Board, or Zoning Board of Appeals regarding the consistency with the LWRP of proposed actions.
  - e. **Other local agencies** -- refer actions to be reviewed for LWRP consistency, along with Coastal Assessment Forms, to the Board of Trustees.
2. **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 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
  - 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 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 2.a. - above); for actions to be directly undertaken by the local agency, that agency will prepare the CAF.
3. **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 ten (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.
4. **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 Section 7



shorelands as defined in Article 42 of the Executive Law which is 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.

5. "Coastal Assessment Form (CAF)" means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
6. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
7. "Direct Actions" means 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.
8. "Local Waterfront Revitalization Program (LWRP)" means 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.
9. "Environmental Advisory Council" or "Council" means the waterfront advisory council of the Village of Ossining, pursuant to this local law.
10. "Certificate of Consistency" (COC) means the form used by the appropriate Board to certify that the requested action is consistent with LWRP policy standards and conditions.

## **V. REVIEW OF ACTIONS**

1. Responsibility for determining the consistency of actions.
  - a. Board of Trustees -- determines consistency with the LWRP of: (1) those actions which require Board of Trustee approval, including special permits and zoning changes, and (2) any remaining local agency actions which are not the responsibility of the Planning Board or the Zoning Board of Appeals as described in b. and c. below.
  - b. Planning Board -- determines consistency with the LWRP of those actions which require Planning Board approval, including conditional use permits, site plans, and subdivision plats for proposed developments.

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herein. It shall base its determination on all completed applications, the CAF, and other information it deems to be necessary to its consistency review.

5. Council recommendations. The Council shall render its written recommendation to the responsible board within thirty (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.

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.

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.

6. 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 30-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.

- (a) 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 law. 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:

- (1) 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;
- (2) the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

- (3) the action will advance one or more of the other LWRP policy standards and conditions: and
- (4) the action will result in an overriding Village, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP policy standards and conditions.

7. **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:

- (a) 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 (Policies 1, 1A, 1B, 1C, 1D, 1E).
- (b) 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 (Policies 2, 21, 22, 22A).
- (c) Develop large acre parcels south of Snowden Avenue and at the prison site to preserve open space, protect natural features and minimize impacts, particularly traffic on Village streets (Policy 5).
- (d) Protect, preserve and where practicable, restore the Croton River and Bay habitat so as to maintain viability as a habitat (Policy 7, 7A,).
- (e) Protect fish and wildlife resources from contamination (Policy 8).

- (f) Prevent erosion of filled land west of the railroad tracks (Policy 13, 13A).
  - (g) 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 14).
  - (h) 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; link public water-related recreational facilities via a linear trail along the waterfront (Policies 9, 19, 19A, 19B, 19C, 19D, 20, 20D).
  - (i) Protect, enhance and restore historic and archeological resources (Policy 23).
  - (j) Protect, restore and enhance visual quality, including views from Route 9 and Revolutionary Road (Policies 25, and 25A).
  - (k) Protect water quality (Policies 30, 31, 32, 33, 34, 34A - pump-out facilities, 35, 36, 37, 38, 39, 40).
  - (l) Protect air quality (Policies 41, 42, 43).
  - (m) Preserve and protect freshwater wetlands (Policy 44).
8. 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.

## VI.

### COORDINATED REVIEW

The responsible board and Environmental Advisory Council shall coordinate the consistency determination process required by this local law with the environmental review process required by SEQRA and 6 NYCRR Part 617, to the extent possible.

**VII.**

**ENFORCEMENT**

The Village Building Inspector shall be responsible for enforcing this Law. No action in the Coastal Area which is subject to review under this Law 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 Section 6 of this Law. In the event that an activity is not being performed in accordance with this law 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.

**VIII.**

**VIOLATIONS**

1. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Law shall be guilty of a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars 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.
2. The Village attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

**IX.**

**LAWS TO GOVERN**

Where there is a conflict or discrepancy in the application, interpretation or effect of the provisions of this local law with any other law, ordinance, rule, regulation, or policy of the Village, the provisions of this law shall govern.

**X.**

**SEVERABILITY**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be valid.

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XI.

**EFFECTIVE DATE**

This local law shall take effect immediately upon filing of the local law in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF OSSINING, NEW YORK

Joseph G. Caputo  
Mayor

Marion E. Stahl  
Village Clerk

DATED:

**APPENDIX C**  
**GUIDELINES FOR REVIEW OF PROPOSED**  
**STATE AND FEDERAL ACTIONS**

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**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.

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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.

## **19. 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.