

Appendix A

Narrative for Proposed Haverstraw/Tappen Zee Scenic Area of Statewide Significance

NEW YORK STATE DEPARTMENT OF STATE

DIVISION OF COASTAL RESOURCES AND WATERFRONT REVITALIZATION

PROPOSED FOR DESIGNATION AS A SCENIC AREA OF STATEWIDE SIGNIFICANCE

HAVERSTRAW/TAPPAN ZEE SCENIC AREA

DRAFT

JUNE 1990

FOREWORD

This draft report presents the results of a three-year study effort undertaken by the Department of State, Division of Coastal Resources and Waterfront Revitalization to document the beauty of the coastal area of the Hudson River. The document provides the justification for recommending one of ten areas for designation as a Scenic Areas of Statewide Significance under the New York Coastal Management Program. Ten areas along the River are identified as having such a high level of scenic quality they are considered to be of Statewide importance and worthy of designation.

The purpose of this report is twofold. First, it is hoped that the information it contains on scenic resources and the detailed description on the Scenic Area will increase the reader's awareness and understanding of the important role scenic resources play in our every day lives. Second, the Department of State invites the people of the Hudson River Valley to review the information assembled and participate in the public review process established to solicit comments, make corrections, and provide additional information on scenic resources we may have overlooked.

Each area proposed for designation as a Scenic Area of Statewide Significance has a separate draft document. Each document has been written, to the greatest degree possible, so that it can be understood in plain language. However, as with any subject matter, the field of scenic assessment has it's own set of terminology. Every effort has been made to explain the meaning of the terms used.

A public process has been established to ensure that the public has the maximum opportunity to provide comments on the scenic areas proposed for designation. Public information centers will be held where information will be available on the scenic areas proposed for designation. The purpose of these informal information centers is to allow interested members of the public to discuss the areas proposed for designation with the Department staff.

The schedule for the public information centers as they correspond with the scenic areas proposed for designation is as follows:

Candidate Areas: Estates, Esopus/Lloyd, Ulster North

MAY 14, 1990

KINGSTON

Kingston County Office Building
244 Fair Street
6th floor
Kingston, New York

MAY 15, 1990

STAATSBURG

Norrie Point DCC Environmental Center
Mills - Norrie State Park
Staatsburg, New York

Candidate Areas: Highlands East/West, Haverstraw/Tappan Zee Bay

JUNE 11, 1990

PIERMONT

Piermont Village Hall
478 Piermont Avenue
Piermont, New York

JUNE 12, 1990

COLD SPRING

Philipstown Town Hall
238 Main Street
Cold Spring, New York

JUNE 13, 1990
BEAR MOUNTAIN STATE PARK
River Room, Main Inn
Bear Mountain, New York

Candidate Areas: New Baltimore/Coxsackie, Olana, Catskill,
Stockport/Styvesant

JUNE 25, 1990
COLUMBIA GREENE COMMUNITY COLLEGE
Room #208
Hudson, New York

JUNE 26, 1990
COXSACKIE
Coxsackie Village Board Room
38 Mansion Street
Coxsackie, New York

The Department encourages the public to attend these meetings.
Written comments on all of the ten draft reports will be accepted
through August 15, 1990. Comments can sent to:

Nancy Nugent
Coastal Resource Specialist
Division of Coastal Resources and Waterfront Revitalization
162 Washington Avenue
Albany, New York 12231.

Based on comments received from the public, the Department will make
appropriate changes to the draft documents. The final documents will
be made available to the public and a formal hearing process will take
place in the fall.

INTRODUCTION

The Hudson River Valley has long been considered a River of exceptional beauty which has been recognized in accounts of Henry Hudson's explorations, through the works of the Hudson River Valley School of Painters, in inspired works of literature, during the environmental movement of the 1960's, and in the Governor's appointment of a Hudson River Greenway Council. The River has served as an international tourist destination as well as a major transportation route to the Great Lakes. The River is rich in history as a working River which includes a heritage of water transport, railroads, and industrial growth.

In recognition of the inherent beauty of entire State's coastline and the need to recognize and protect scenic resources, the New York State Coastal Program includes public policies for the protection of these unique resources. In order to implement these policies, New York State's coastal agency, the Department of State, embarked on a scenic assessment program to identify, evaluate and recommend areas for designation as Scenic Areas of Statewide Significance (SASS). The methodology used to determine scenic values first defines and identifies coastal scenic components. These definitions of the qualities of the landscape provide the basis the inventory and evaluation process. The methodology is applicable to the entire coastal area in New York and has first been applied in the Hudson River coastal area. Based in part on the dramatic nature of the Hudson River, the geologic features of the uplands, the existence of numerous estates, and the large areas of undisturbed lands, ten areas have been recognized and recommended as being worthy of designation.

The coastal area of the Hudson River which was evaluated for its scenic qualities extends from the northern boundary of New York City to the Troy Dam on both the east and west bank of the River. This area covers some three hundred miles of shoreline and extends inland between a few thousand feet to approximately two miles.

Narrative descriptions of each scenic area provides documentation of each of the scenic areas qualities. The narratives also play an important part in scenic resource protection as they are available to regulators, local government officials and the general public to be used in planning and in reviewing development proposals.

ACKNOWLEDGEMENTS

Many individuals, including private citizens and representatives of local and State agencies, have contributed to the preparation of this document. The methodology and results as applied to the coastal area of the Hudson River would not have been possible without the professional guidance of the consultant team. Developing a methodology for scenic assessment which could satisfy the requirements of the regulations and meet expectations of Statewide and local concerns was not an easy assignment. The consultant team is to be commended for completing an impossible assignment.

The knowledge of Harry Dodson and Associates of the field of scenic resource protection was paramount in making this a successful project. The substantial work effort provided by Harry Dodson was well beyond the financial constraints of this project.

It is not possible to name here all the people who contributed to the identification of scenic areas. At a minimum recognition is extended to the members of the State and Regional Review Panels who devoted much time to attend meetings, review materials, and offer their insights throughout the study.

Consultant Team

Jackson & Kihn - Joanne Jackson and Cecily Kihn
Dodson Associates - Harry Dodson, Peter Flinker, and Jane Sorensen
Mary Lou Lutters
Laura Zeisel

State Review Panel

Dr. Richard Chenoweth Ph.D, Mr. Richard Smardon, Mr. James F. Palmer, Mr. John Graham, Mr. Michael Barylski, Mr. Arnold Putnam, Ms. Laura Chasin, Mr. David H. Fassner, Mr. Larry Kinney, Mr. David Gillespie, Mr. Bob Reinhardt, Mr. Richard White-Smith, Mr. John Osinski, Mr. Hooper L. Brooks, Ms. Carol Sondheimer, Ms. Teresa Mitchell, Ms. Marcia Reiss, Mr. Henry Tepper,

Regional Review Panel

Dr. Anthony Pascale, Mr. Peter Eschweiler, Mr. Rodger Akeley, Mr. Dominic Martorana, Jr., Mr. Don Stuart, Mr. Donald Nice, Mr. Glen King, Mr. Gordon A. Enk, Mr. Herbert Hekler, Mr. Jay Hogan, Mr. John Dodson, Mr. John Lynch, Mr. John Mylod, Mr. Lawrence Smith, Mr. Louis V. Mills, Mr. Martin Irwin, Mr. Peter Garrison, Mr. Richard Wiles, Mr. Roger Mable, Mr. Roland Vosburg, Mr. Ronald Roth, Mr. S. Hazard Gillespie, Mr. Steven Iachetta, Mr. Steven Ruelke, Mr. Toby Belcher, Mr. William Boyd, Mr. William Chase, Ms. Arlene Miller, Ms. Barbara Murphy, Ms. Sally Mazzarella,

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IMPACT ASSESSMENT

Whether within or outside a designated Scenic Area Statewide Significance all proposed actions subject to review under the federal and state coastal acts, or a Local Waterfront Revitalization Program must be assessed for their impact on a Scenic Area Statewide Significance. The New York Coastal Program policy 24 states "Prevent impairment of scenic resources of Statewide significance."

In order to prevent impairment of scenic resources of Statewide significance, an action shall not be undertaken if such actions would:

1. Cause the destruction or irreversible modification of geological forms; destruction or removal of vegetation; or the destruction or removal of structures, whenever the geological forms, vegetation, or structures are significant to the scenic beauty of a designated area.
2. Significantly impair the beauty of a scenic area or the value of views from or within a scenic area through the addition of structures which due to size (scale), shape (form), or materials negatively alters one or more of the scenic resource values of a designated scenic area.

The following scenic resource protection guidelines should be employed when assessing the scenic impact:

Physical character - The intrinsic scenic values of the original land forms, existing vegetation, natural shoreline, water features, and present land uses shall be maintained or restored.

Cultural character - The historic patterns of development; the architecture of communities both vernacular and designed; and the landscape patterns shall be maintained in new development. This shall be accomplished, in part,

by incorporating sound, existing structures (especially historic buildings) into the overall development scheme. The relationship of the build environment to the natural and cultural setting shall be strengthened through well-planned, designed, and maintained developments.

Views - All views within, toward, or from a scenic area shall not be destroyed by the obstruction of views due to the addition of vegetation or structures, or diminished by the addition of discordant features which would degrade the quality or composition of the viewed scene.

Open Space - Existing open space shall be maintained and preserved by clustering or orienting new structures to save open space, and retain views.

Siting - Structures and other discordant features such as large buildings, highways, power lines, and signs, shall be located back from the shoreline, in inconspicuous areas, and avoid being located in viewsheds. Appropriate materials will be used to blend new development with the character of the landscape in order to achieve visual enhancement of the scenic area.

Visual Accessibility - Public viewing locations within a scenic area or of a scenic area shall not be destroyed or diminished. Where appropriate, the creation of public viewing points of the coastal waters or other scenic areas by selective clearing of vegetation or structures shall be encouraged.

Visual Enhancement - Where deteriorated, degraded, or discordant features exist in the landscape they shall be removed or rehabilitated. Vegetation shall be maintained or added to provide interest to the landscape, encourage the presence of wildlife, blend structures into the landscape, and obscure unattractive elements, except when selective clearing removes unsightly, diseased, hazardous, or dead vegetation.

Visual Absorption - Appropriate scale, form, and materials shall be utilized to ensure new development is compatible with the surrounding landscape and does not distract from the landscape composition of a designated area. In addition, the effects associated with a proposed development such as lighting on plume discharge shall not diminish the quality of the landscape.

Examples of generic activities and impacts which could destroy or significantly impair a scenic area are listed in the Impact Assessment section of each SASS description.

GLOSSARY

The scenic methodology used five major scenic headings to determine the scenic quality of the landscape. These were broken down into 24 general scenic component categories and each subunit was evaluated by describing and assigning a value rating for each category. The composite score of all 24 categories determined the level of scenic quality - distinctive, noteworthy, or common, for each subunit. Brief explanations for each of the scenic component categories are provided below. The terminology used in the scenic area and subunit narratives is based on the definitions.

Physical Character of the landscape is comprised of the following landscape components:

- * **Landform** values are based on geological processes and includes relative relief and the existence of geological features;
- * **Vegetation** values are based on the soil's ability to support a biological process and the diversity, maturity and general health of the vegetation present;
- * **Shoreline Configuration** is the natural complexity or variability of the line formed where the water and land meet. The greater the shoreline complexity, the greater the scenic value;
- * **Water Features** are those geologic elements which contain water such as oceans, bays, rivers, and ponds and are valued for their contribution to an area as a scenic element; and,
- * **Land Use** is the alteration of the natural land by human transformation. The range of land uses can vary from a wilderness area to a city. When human alteration is harmonious or enhances scenic quality it is valued.

Cultural Character of the landscape is comprised of the following landscape components:

- * **Ephemeral Characteristics** are momentary occurrences in the landscape or scene of a view, such as those caused by the color or clarity due to lighting caused by the time of day, climatic manifestations, and activities of humans or wildlife;
- * **Cultural/Historic Characteristics** are those elements in the landscape which bond us with our heritage and are usually historic sites or other forms of cultural/historic recognition;
- * **Symbolic Value/Meaning** are characteristics of the landscape which influence the public perception of the visual quality of an area which can result from historic events, folklore, art, and literature;
- * **Architectural Character** is the character and design of the structures within the landscape and includes such qualities as the proportions, massing, and siting of buildings;
- * **Landscape Character** is the visual character of the greater landscape and includes large-scale patterns of development, quality of open spaces, and the position of the buildings and structures;
- * **State of Upkeep** refers to the state of maintenance, repair, and management of the buildings and landscape; and,
- * **Discordant Features** are those elements in the landscape which due to siting, scale, materials, or usage visually interrupt the overall scenic quality of an area or view.

Views are comprised of the following:

- * **Coastal Viewshed** is the land areas visible from the River or areas of the coastline providing views of the River;
- * **Length of a View** is the average distance of the view available from a subunit;
- * **Breadth of a View** is the width of the view from a subunit;
- * **Background** is the character of the views of the surrounding landscapes or of a distinct feature outside the subunit;
- * **Composition of the View** is the overall quality and quantity of views from a specific viewpoint within the viewshed of the coastline include those from and within an area; and,
- * **Focal Points** are objects which dominate a composition.

Landscape Composition is the combination of the elements, those character items which are either physical or cultural, by the following:

- * **Variety** is the degree of variety of major visual components or the diversity of the visual environment;
- * **Unity** is the degree of visual unity of major visual components or harmony of the visual landscape;
- * **Contrast** is the degree of contrast between form, line, color and texture in the visual environment. Line is the boundary between two elements. Form is the mass or shape of an object. Color is the hue and value of an object. Texture is the visual surface characteristics of an object; and,
- * **Uniqueness** is the relative scarcity or special quality of an area or visual feature, measured in the context of regional, State, or nation/international visual quality.

Public Value is the public's recognition of an area and/or the visual accessibility of the landscape to the public as defined by the following:

- * **Public Recognition** is the degree to which the area is widely recognized by the general public for its scenic quality as evidenced in such formats as publications, paintings, literature, photographs, public testimony; and
- * **Visual Accessibility** is the degree to which the area is visually and physically accessible to the general public.

HAVERSTRAW BAY/TAPPAN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Haverstraw Bay/Tappan Zee Scenic Area is composed of several separate land areas scattered around the Hudson River and surrounded by heavily developed industrialized and suburbanized landscape. The scenic subunits tend to be natural areas in the River viewshed protected by State or county park status and include Stony Point State Park, High Tor State Park, Hook Mountain State Park, Rockland Lake State Park, Tallman State Park, George Island Park, and Croton Point Park. Additional subunits contain significant historic features, such as Philipse Manor, Sleepy Hollow Manor, and Phelps Hospital, are included to complete the Haverstraw Bay/Tappan Zee Scenic Area.

The natural vegetation of the scenic subunits creates a unique contrast to the dramatic cliffs and narrows of the Highlands to the north and Palisades to the south. At Haverstraw Bay the Hudson River widens to three and one half miles. The Tappan Zee Bay averages two and a half miles in width. Croton Point, reaching halfway across the River provides a physical separation of the two bays. The eastern shore is gently rolling while the western shore tends to be largely steep banks and basaltic mountains reaching heights of 600 feet. The Haverstraw Bay Significant Coastal Fish and Wildlife Habitat incorporates the Bay from west bank to east bank and from Stony Point State Park and Verplank Point on the north to Hook Mountain State Park and Tellers Point on the south.

The Haverstraw Bay/Tappan Zee Scenic Area has a rich history including Indian camps, early Dutch settlements, Revolutionary War posts, historic estates, and industry. Numerous estates and mansions remain today such as the Van Cortlandt Manor House, Philipsburg Manor, Biddle/King House, Neiderhurst, and Cliffside.

Historically, several small settlements hugged the banks of the Hudson River. Industry, such as the grist mills which date to the 1680's, has been an important feature in this area. Brick manufacturing, ice harvesting, grain milling, and train/boat cargo transfer at the eastern end of the Erie Railroad; were also prevalent. Lime and stone quarrying and the aqueduct systems for New York City's water supply continue today in addition to modern pharmaceutical, automobile, and energy

production. Many historic structures remain from the discontinued industries. Today, the Haverstraw Bay/Tappan Zee Scenic area lies adjacent to a large railroad yard, General Motors manufacturing plant, IBM Corporate Headquarters, and the State Correctional Facility in Ossining.

The Tappan Zee Bridge, which opened in 1955, was built across this wide section of the River, taking advantage of its shallow waters. The bridge roadway is designated a scenic road under Article 49 of the Environmental Conservation Law.

Extensive views up and down the River of the Haverstraw Bay/Tappan Zee Scenic Area are visible and recognized by the public crossing the Tappan Zee Bridge. On a clear day, the skyline of Manhattan is visible to the far south. The subunits proposed for designated as part of the Scenic Area of State Significance generally offer extensive views of the broad Haverstraw Bay and Tappan Zee. Though the subunits maintain high scenic quality, many of the views of the surrounding landscape include sprawling residential and industrial development which detract significantly from the visual quality of the area. Much of the development is extensive and visible from the River and remains secondary to the immense scale of the River itself.

The Scenic Area is comprised of 12 distinct subunits, as follows:
HB-5 Hook Mountain State Park; DB-7 Rockland Lake State Park; HB-12 Piermont Waterfront; HB-13 Piermont Marsh; HB-14 Tallman Mountain State Park; HB-15 Sneden Landing; HB-23 Sleepy Hollow; HB-24 Philipse Manor; HB-25 Phelps Hospital; HB-30 Georges Island and Oscawana Island Parks; HB-30A Croton Point Park.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-1 Stony Point State Park

Location and Description of Subunit:

The Stony Point subunit, HB-1, is located on the western banks of the Hudson River, south of the quarries in Tomkins Cove and north of Stony Point Bay. It is a relatively small subunit consisting of a promontory extending approximately 1/2 mile into the Hudson River with 1 1/2 miles of coastline. The subunit is located in the Town of Stony Point, Rockland County (7.5 Quadrangle: Haverstraw, N.Y.).

This subunit is composed of a wooded, rocky, rounded hill which projects into the Hudson River forming the northern limit of Haverstraw Bay. The promontory is surrounded by the Hudson River on three sides, meeting the water with steep rocky banks. This landform proved to be a strategic lookout in the Revolutionary War as the British sought access to the interior land via the Hudson River. Mature woodlands cover the small landform creating a rugged setting for the historic lighthouse and a few cottages. The Conrail railroad transverses the subunit separating the promontory from the mainland. Its designation as a State park has protected this valued historic landform from private development.

Views from the subunit include extensive River vistas of up to five miles in any direction. To the south the Hudson River widens dramatically to form the Haverstraw Bay. Views to the north are of the dramatic Highlands but are dominated by negative focal points including an extensive quarry, Indian Point Nuclear Plant, and power lines. The Tappan Zee bridge is partially visible to the far south. The near views to the southwest also include negative focal points; a large boat yard, Bowline Point Power Plant, the US Gypsum Plant, and the sprawling Town of Stony Point with much recent suburban development. The Bay itself is a Significant Coastal Fish and Wildlife Habitat.

The Stony Point subunit, a State park and local landmark, is a highly scenic and historic landform. It is a public park and a local landmark which is visible and accessible to high numbers of the public.

Impact Assessment

The Stony Point subunit is a wooded historic promontory at the northern end of Haverstraw Bay. It offers full views of the Hudson Highlands and the Bay which are somewhat marred by the adjacent industry, mining, and residential development. The State park status will help to protect this subunit from inappropriate actions such as extensive clear-cutting, placement of large structures, or removal of existing historic features. Greatest future threats to the area are future expansion of large scale industrial developments and placement of communication towers and major transmission lines which are discordant features in the wide sweeping views from this scenic subunit.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-5 Hook Mountain State Park

Location and Description of Subunit:

The Hook Mountain State Park subunit, HB-5, is located along the western banks and inland of the Hudson River. It is a long narrow subunit measuring approximately 8 miles long by 1000-3000 feet wide. For nearly 5 miles the subunit borders the Hudson River then continues inland for three more miles. The subunit is located in the Towns of Stony Point and Clarkstown, Rockland County (7.5 Quadrangle: Nyack, N.Y.).

The Hook Mountain State Park subunit is an area of unusual physiology, dramatized by the contrast of sheer cliffs rising abruptly from the widest part of the Hudson River. It is a rare and valued section of wilderness located between the Hudson River and the suburbs of Rockland County. Hook and South Mountains together create an 8 mile long ridge along the western shore of the Hudson River. This subunit is composed of a long and narrow ridge reaching heights of 600 feet which arcs gently from the south to the northwest. The Hook Mountain section borders the Hudson River for 5 miles creating the Verdrietege Hook which together with Croton Point, across the River, separates Haverstraw Bay and the Tappan Zee. The South Mountain ridge begins at the northern end of Hook Mountain and continues the ridge line inland to the north and west providing a scenic backdrop for the Town of Haverstraw. Mature woodlands provide a consistent cover for the steep hillsides.

The peak of Hook Mountain and its sheer cliffs rising above the shoreline to the summit comprise the Hook Mountain Significant Coastal Fish and Wildlife Habitat. The area is an excellent site for observing migrating raptors and a variety of other birds. A portion of the shoreline in this subunit is adjacent to the designated Haverstraw Bay Habitat.

Few cultural features are present along the ridgeline. No traces remain of the historic ice slide at Rockland Landing where ice was cut from the inland Rockland Lake, hoisted over Hook Mountain, on to boats, and distributed via the Hudson River. The unique basaltic landform is now protected by its designation as Hook Mountain and High Tor State Parks.

The ridgeline provides extensive views of Haverstraw Bay and the Tappan Zee, Croton Point and Stony Point, and partial views of the Tappan Zee Bridge. The extensive industrial and suburban developments detract significantly from the overall scenic quality of the surrounding Landscape.

Impact Assessment

The Hook Mountain State Park subunit is of high scenic quality and moderate visual accessibility. Though the surrounding area is experiencing tremendous development pressure, the State park status as well as the undevelopable nature of steep slopes will protect the high scenic quality of the subunit. The greatest threats to the subunit include the addition of discordant features within views from the subunit. These discordant features include the construction of high-rise industrial or communication structures on land to the west. Structures placed on the hillsides within view of the River, Croton Point Park, Haverstraw, Nyack, and the Tappan Zee Bridge or extensive removal of the mature woodland within the subunit would significantly impact the scenic values

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-7 Rockland Lake State Park

Location and Description of Subunit:

The Rockland Lake State Park subunit, HB-7, is a valued recreational facility which includes a large lake, golf course, meadows, and woodlands. It is approximately 2 miles long by 1 mile wide. The subunit is located west of the Hook Mountain State Park Subunit HB-5, which is a physical barrier separating the subunit from the Hudson River. It is located in the Town of Clarkston, Rockland County (7.5 Quadrangle: Haverstraw, N.Y.).

The subunit is a popular State park which offers active recreational activities to the local and regional population. A large, 350 acre lake occupies much of the subunit, surrounded by a gently rolling golf course, meadows, and woodlands. Historically, ice was cut from the Rockland Lake, hoisted over Hook Mountain, and loaded onto boats at Rockland Landing to be marketed. Today, no traces remain of the ice cutting activities or Rockland Landing. Hook Mountain surrounds around three sides of the park forming a strong edge and blocking visibility of the Hudson River. Extensive suburban housing constructed in the woodlands along the western park boundary detracting somewhat from the overall scenic quality in the surrounding area.

Views from the Rockland Lake State Park are contained by Hook Mountain. Internal views include many positive, well composed features with the large lake providing a sense of expanse.

The Rockland Lake State Park is of high scenic quality and moderate visual accessibility provided by New York Route 9W and park visitation.

Impact Assessment

The Rockland Lake State Park subunit is a large recreational facility of great regional importance. Its 350 acre lake, meadows, golf course, and mature woodlands offer many opportunities for beautifully composed vistas. This highly scenic subunit, though designated a State park, is

threatened by pressure for development of additional recreational facilities. Any future facilities should be sited to blend with the topography and woodlands as these features can absorb some carefully sited structures. The number of new structures should be kept to a minimum. Removal of vegetation should be avoided. The surrounding landscape should be protected from further suburban development.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-12 Piermont Waterfront

Location and Description of Subunit:

The Piermont Waterfront subunit, HB-12, includes an historic mile-long earthen pier built into the Hudson River and the village center of Piermont, located on the rolling banks to the west. It is a relatively small subunit located in the Town of Orangetown, Rockland County (7.5 Quadrangle: Nyack, N.Y.).

This subunit includes a unique earthen pier which was built in 1839 as the eastern terminus of the Erie Railroad. It is at this location that cargo was transferred onto cargo vessels for delivery to New York City and beyond. The historic Village of Piermont developed around the cargo transfer industry. Today, the pier's large abandoned industrial complex is being redeveloped for commercial and residential use. The end of the pier is a public Village park. The Village itself largely maintains its pleasing historic pattern of tree-lined streets and closely placed houses.

The pier is primarily responsible for the formation of the large Piermont Marsh located just to the south. As the River flow was slowed by the pier, sediments deposited downstream. Piermont Marsh is a Significant Coastal Fish and Wildlife Habitat to which the southern shore of the pier provides opportunities for birdwatching, fishing, and informal nature study.

The Piermont Waterfront subunit offers extensive views up and down the River north to the Tappan Zee and Bridge and south to Yonkers. Mount Nebo provides a backdrop for the communities of Piermont and Grand View-on-Hudson as viewed to the northwest. The present condition of the pier and the large industrial plants across the River detract significantly from the views from the Pier.

The Piermont Waterfront subunit is of moderately high scenic quality and high visual accessibility provided by the pier itself and, from a distance, the Tappan Zee Bridge.

Impact Assessment

The Piermont Waterfront subunit is a unique historic landmark which is presently marred by derelict structures. Landscape restoration and enhancement would raise the scenic quality of the subunit. The historic village is intact and well-maintained. Views offered from the pier and Piermont are extensive, though somewhat disturbed by the large industrial plant across the River to the north. This subunit is of moderately high scenic quality and high visual accessibility to the public. Future structures placed on the pier should maintain a low profile, reflect the historic industrial heritage of the Village, and provide access to the public as the Pier offers panoramic views of the River and westerly ridge.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-13 Piermont Marsh

Location and Description of Subunit:

The Piermont Marsh subunit, HB-13 is a large wetland on the western shore of the Hudson River created largely by the mile long earthen pier built in 1839 to serve as the eastern terminus of the Erie Railroad. The marsh extends south from the pier approximately 1 3/4 miles along the River's edge and averages 2000 to 3000 feet wide. The marsh ends abruptly at the steep cliffs of Tallman Mountain to the west. The subunit is located in the Town of Orangetown, Rockland County (7.5 Quadrangle: Nyack, N.Y.).

The subunit is composed entirely of a large marsh which was formed largely by sediments depositing down-river of the mile-long pier. Today, the marsh is bisected by the meandering Crumkill and Sparkill Creeks. A variety of marsh grasses cover the wetland, offering a patina of colors with the changing seasons. The Piermont Marsh is one of the largest undeveloped wetland complexes on the Hudson River. It is designated as a Significant Coastal Fish and Wildlife Habitat and constitutes the southernmost portion of the Hudson River National Estuarine Sanctuary. The marsh is included in the Tallman Mountain State Park, and a northern portion is owned by the Department of Environmental Conservation.

Views from the Piermont Marsh are directed to the wide Tappan Zee, the Tappan Zee Bridge, Piermont Pier, and the Village of Irvington located directly across the River. The distant rolling hills and the near by Tallman Mountain provide continuous wooded backdrop. The marsh grasses and undulating creeks provide interesting patterns and colors.

The Piermont Marsh subunit is a highly scenic landscape. It is visible at a distance from the Tappan Zee Bridge but is most visually accessible from the pier or Tallman Mountain State Park roads.

Impact Assessment

The Piermont Marsh subunit is an important marsh located at the base of

Tallman Mountain. It is distinguished by its size, sweeping views over the Tappan Zee, and its isolation from incompatible land uses. The marsh should be protected from most threats under the wetlands regulations and State park designation. The relatively flat topography and low marsh grasses does not provide the ability to absorb new development. Care should be taken to avoid crossing the marsh with power lines and railroad beds, or placement of any large structures such as communication towers in its viewshed.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-14 Tallman Mountain State Park

Location and Description of Subunit:

The Tallman Mountain State Park subunit, HB-14, includes a steep bank which once was at the River's edge, a large upland wetland, and the relatively small Tallman Mountain. The subunit measures approximately 1 1/2 miles long by 1/2 mile wide. It is located on the western side of the Hudson River just inland from the Piermont Marsh, south of the Village of Piermont, in the Town of Orangetown, Rockland County (7.5 Quadrangle: Nyack, N.Y.).

This subunit is part of a diverse State park which also includes the Piermont Marsh to the east. This part of the Park includes a large wooded upland marsh; a steep hillside leading down to the Piermont Marsh; and the Tallman Mountain, a small, flat-top hill reaching elevations of 170 feet. A network of park roads traverses the Tallman Mountain, providing viewing spots over the Tappan Zee.

Views from the Tallman Mountain State Park subunit are largely internal with some viewing access to the Tappan Zee. Focal points from these spots include the Tappan Zee Bridge, the mile-long Piermont Pier, and the Village of Irvington located directly across the River. Dense woodlands and topography delineate most views.

The Tallman Mountain State Park is a highly scenic and visually accessible subunit provided by New York Route 9W passing along its western boundary. Partial views are available the Tappan Zee Bridge, Irvington and Piermont, and local park roads.

Impact Assessment

The Tallman Mountain State Park subunit is a dense forested hillside and upland wetland exhibiting varied internal views. Its proximity to a large population makes it highly valued and utilized. It is of high scenic quality and high visual accessibility. The mature trees and rolling topography provides some screening potential. Its status as a State park will protect it from inappropriate development. The subunit is most

valued for its wild character which should be preserved. No clear-cutting or placement of large or numerous scattered structures should be permitted.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-15 Sneden Landing

Location and Description of Subunit:

The Sneden Landing subunit, HB-15, is an historic River landing which grew into a community of estates and large homes including Cliffside and Niederhurst. The Lamont Observatory is also located here. The subunit measures approximately 3/4 of a mile by 3/4 of a mile and is located south of the Tallman Mountain State Park the Town of Orangetown, Rockland County (7.5 Quadrangle: Nyack, N.Y.).

This subunit is a gently rolling landscape of mature woodlands dotted with historic fine homes. Cliffside and Niederhurst, both still private residences, were built in the 1870's for two amateur horticulturalists who converted the former orchards of each site to well-landscaped estates. Both estates are visually accessible from the Hudson River. Many other historic homes are sited in the woodlands along the curving roads. The Lamont Observatory is located on top a large rounded hill at 370 feet elevation at the southern end of the subunit.

Views from the Sneden Landing subunit are varied. Many of the estates offer full views of the River. Focal points from viewing spots include the Tappan Zee Bridge, the Piermont Pier, and the Village of Hastings-on-Hudson located directly across the River.

The Sneden Landing subunit is of high scenic quality and moderate visual accessibility from local roads, Hastings-on-Hudson, and partially from the Tappan Zee Bridge.

Impact Assessment

The Sneden Landing subunit is a wooded rolling landscape graced with many historic estates located on winding roads. Many of these estates have grand sweeping views of the Hudson River and are visible from the River. The subunit has high scenic quality and moderate visual accessibility. The existence of these historic properties characterize the subunit and is the basis for it's scenic value. Most of theses properties are in private ownership. Protection of their historic and open space

values is warranted. The topography and woodlands can provide limited screening of some future development. However, all future development should respect the existing pattern and scale of the estates. No structures such as communication towers and utility lines should be placed on the ridgelines and summits of the hillsides. Construction of high-rise development to the west would be inconsistent with the scenic values of this area. Strong local controls should be encouraged to restrict construction of high-rise development to the west. Any clear-cutting or placement of inappropriate structures would severely detract from the existing high scenic quality.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-23 Sleepy Hollow

Location and Description of Subunit:

The Sleepy Hollow subunit, HB-23, includes the Kykuit and other estates in a setting of rolling hills, streams, woods, and large open meadows. The subunit is located north of North Tarrytown, bounded on the west by the New York Albany Post Road, the north by Route 117, and on the east by the aqueduct. It is in the Town of Mount Pleasant, Westchester County (7.5 Quadrangle: White Plains, N.Y.).

Given the suburban location and proximity to large populations, the subunit is remarkably undeveloped. It is comprised of a few dramatic estates with appropriate settings of large meadows and woodlands. The Kykuit Estate, built for John Rockefeller Jr. by his father in 1905, is a large Beaux-Arts mansion sited axially with a dramatic view of the Hudson River. The mansion and sculpture gardens are home to the art collection of the late Nelson Rockefeller. While living at the Kykuit estate, Nelson Rockefeller had commissioned further additions to the estate including a Japanese house and garden.

The landform of the Sleepy Hollow subunit is rolling wooded hills reaching elevations of 350 feet. Several brooks run through the hills including the Pocantico, Gory, Sleepy Hollow, and Rockefeller Brooks. The land cover is a dramatic mix of large clearings surrounded by mature woodlands.

Views from the subunit are quite varied depending upon the viewing location. Most of the estates are sited to offer sweeping River views. Views within the subunit are across meadows to mansions framed by woodlands and rolling topography. The composition of the landscape with its estates, lawns, woodlands, and classic gardens provides the setting for ephemeral effects, contributing a symbolic character of gracious living in compatibility with nature.

The Sleepy Hollow subunit is of high scenic quality and moderate visual accessibility. Most of the land is private and visible from secondary roads.

The area is highly recognized by the public for its historic and scenic value.

Impact Assessment

The Sleepy Hollow subunit, composed of a rolling landscape of woods and meadows with significant estates, offers far reaching views of the Tappan Zee and Hook Mountain. The subunit is of high scenic quality and moderate visual accessibility. Threats of future development are moderately high in this area of valuable property and large population centers. The varied topography and woodlands have the capacity to screen carefully sited structures. Placement of new structures should be sited to avoid competition with or be visible from the existing estates and Hudson River. This historic estate landscape could never be duplicated and should therefore be protected from incompatible development.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-24 Philipse Manor

Location and Description of Subunit:

The Philipse Manor subunit, HB-24, is a gently rolling landscape of shady suburban lanes lined with older homes. It is located along the eastern shore of the Tappan Zee of the Hudson River just north of North Tarrytown. It is approximately 1 1/2 miles long by 1/2 mile wide and is located in the Town of Mount Pleasant, Westchester County (7.5 Quadrangle: White Plains, N.Y.).

This subunit is composed of tree-lined suburban streets and several historic structures including the restored Philipsburg Manor which was originally built in the 1680's. The Manor was saved from destruction and restored through financing from John D. Rockefeller, Jr. and opened to the public in 1943. The Sleepy Hollow Restorations have completely restored the Manor to its original appearance. The structures include the old stone house, a grist mill, and remnants of the dam. The reconstructed Upper Mill, Philipsburg Manor, is a good example of the grist mills which were once common on many tributaries of the Hudson River.

Older suburban landscape occupies much of the subunit. The street trees lining the narrow roads are fully mature contributing to a sense of stability. A large pond, Freeman Pond, is located between two large suburban areas. The southern suburban pattern is a formal grid oriented to the River while the northern suburban pattern is winding roads. Both housing areas are characterized by an extensive tree canopy which screens most of the houses from view of the River.

Views from the subunit are somewhat contained by the vegetation and structures. Some sites offer extensive views of the broad Tappan Zee Bay and Bridge, as well as several negative focal points including the General Motors plant to the south, which extends nearly 1/2 mile into the Hudson River, and the recent high-rise structures built along the shore of Nyack across the River. Physical and visual access to the River is limited by the extensive tree cover, railroad, and moderate topography.

The Philipse Manor subunit is a moderately high scenic subunit with moderate visual accessibility provided by local roads. The Philipse Manor is open to the public and draws a number of visitors.

Impact Assessment

The Philipse Manor subunit is composed of tree-lined suburban streets and the restored Philipsburg Manor making it a subunit of high scenic quality. Physical and visual access to the River is limited by the extensive tree cover, railroad, and moderate topography. The tree cover and topography provides some screening from the River. The subunit is of moderately high scenic quality and moderate visual accessibility. The suburban pattern is well-established and stable, and unlikely to change. Threats to the subunit would include clearing street trees and destruction of the suburban pattern by introducing new patterns or large structures. The existing character of the subunit should be maintained.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-25 Phelps Hospital

Location and Description of Subunit:

The Phelps Hospital subunit, HB-25 is composed of the stately grounds and structures of the Phelps Memorial Hospital, IBM Headquarters, and a demolished mansion with extensive rock walls. The subunit measures approximately 1 mile by 3/4 of a mile and is located on the east shores of the Hudson River south of the Ossining Village Boundary. It is located in the Town of Mount Pleasant, Westchester County (7.5 Quadrangle: White Plains, N.Y.).

This subunit is a mix of open manicured lawns and woodlands. The large IBM Headquarters is set behind a hill and on the grounds of a demolished estate, remaining largely out of view from the Hudson River. Route 117, a divided highway, ends in a cloverleaf joining the New York Albany Post Road at the entrance to the Headquarters. The Phelps Memorial Hospital is likewise a large structure with a rolling landscape of lawns and woodlands. The Conrail railroad line passes along the River's shore and is not visible from the large structures located in the hills above.

Views from the Phelps Hospital subunit are largely across extensive park-like meadows to the broad Tappan Zee and Hook Mountain. The Tappan Zee Bridge is partially visible depending upon one's location within the subunit.

The Phelps Hospital subunit is of moderately high visual quality and moderate to low visual accessibility due to private ownership of the land. IBM has established some preserve areas on their grounds.

Impact Assessment

The Phelps Hospital subunit includes the IBM Headquarters and the Phelps Hospital. These two large structures are surrounded by a rolling landscape of meadows, lawns, and woodlands. The IBM building is sited in a manner that does not impact the visual environment of the River. The site design is a good example of how a large structure can have minimal impacts on the quality of the coastal area. Visual and

physical access to the subunit is limited. Views of the River are available only from the meadows and the buildings. The existing mix of open space woodland, and streams provides a variety of positive visual features which is important to the visual quality of the subunit. Care should be taken to ensure this balance. The rolling topography and mature woodlands can serve to screen the addition of some small structures. It would be difficult to replace the scenic quality of this subunit.

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit HB-30 Georges Island and Oscawana Island Parks

Location and Description of Subunit:

The Georges Island and Oscawana Island Parks, HB-30, are two separate parks, with similar landforms of rolling wooded hills reaching elevations of 150 feet. The southern portion, Oscawana Island, is bordered on the north by the Furnace Brook and the hamlet of Crugers. Montrose constitutes the northerly border of the northern portion, Georges Island Park. The subunit is located in the Town of Cortlandt, Westchester County (7.5 Quadrangle: Haverstraw, N.Y.).

This subunit is composed of two separate but similar parks. Both are rolling wooded landscapes laced with local roads. Mature woodlands are the dominate feature in the landscape. The shoreline of both parcels is highly complex with multiple undulations, points, and inlets. The varied shoreline which winds around the islands and bays, provides visual interest. Railroad tracks line the coast of the Oscawana Island park while the Georges Island parcel includes a scattering of suburban houses. These features are present but do not dominate the rustic parks.

The subunit has historical value as the this area was site of early brick kilns. The parks tend to be highly valued due to the use received from the relatively large population surrounding the area.

Views from the subunit are spectacular, cover a broad expanse and are oriented to the south, west, and east across Haverstraw Bay to Stony Point, Hook Mountain, South Mountain, and Croton Point. Some negative focal points are visible in the views but do not detract significantly from their quality.

The Georges Island/Oscawana Island Park subunit is highly scenic and moderately accessible. Visual accessibility is mainly from local roads and from the towns across the River.

Impact Assessment

The Georges Island/Oscawana Island Park subunit, located on the northern rim of Haverstraw Bay, possesses spectacular views across the River to several positive focal points including Stony Point, Hook Mountain, South Mountain, and Croton Point. The subunit is of high scenic quality and moderate visual accessibility. Much of the subunit is in park status and protected from development. The tree cover and varied topography provides some screening opportunities for future development. Clear-cutting of the vegetation or placement of large structures would impact the overall natural scenic quality of these two parks. Views from the parks should not be further degraded by the addition of tall structures

HAVERSTRAW BAY/TAPPEN ZEE AREA PROPOSED FOR SCENIC AREAS OF STATEWIDE SIGNIFICANCE DESIGNATION

Subunit: HB-30A Croton Point Park

Location and Description of Subunit:

The Croton Point subunit, 30A, is a large diverse promontory which projects 2 miles from the eastern mainland into the Hudson River. It is located just south of the Village of Croton-on-Hudson and north of the Croton River. The subunit measures approximately 2 miles by 1 mile. It is located in the Town of Cortlandt, Westchester County (7.5 Quadrangle: Haverstraw, N.Y.).

This subunit is a large relatively flat promontory composed of marshes, meadows, mature woodlands, and scrub. The coastline measures nearly 4 miles as it meanders around the park and out to Tellers Point, which is halfway across the River. The subunit partitions the Hudson River into Haverstraw Bay and the Tappan Zee.

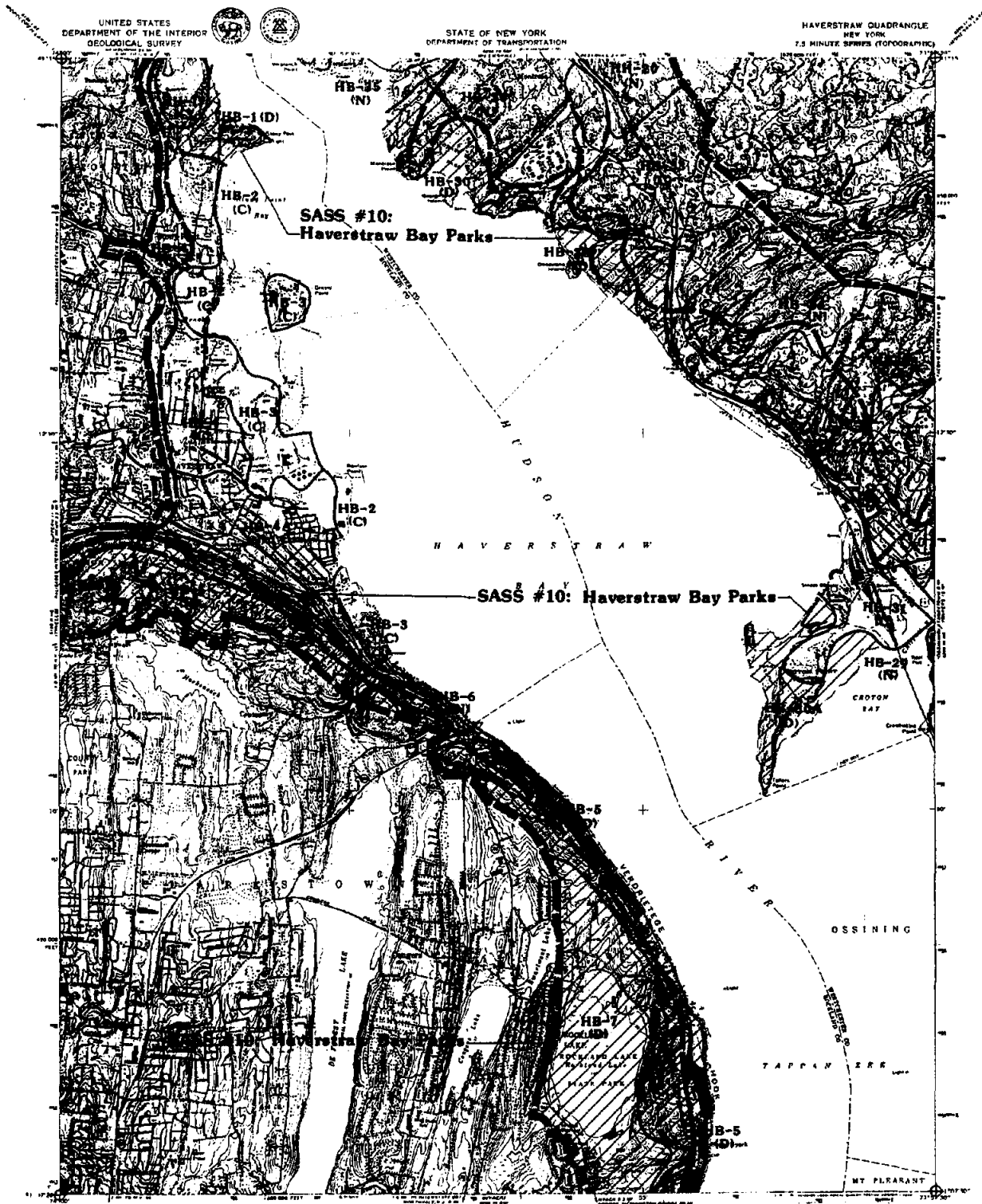
Much of the promontory, not included in the subunit, has been disturbed by past landfill activities, through the construction and operation of a large railroad yard, and sewage disposal plant on the point. Structures within the subunit are limited to a few roads and buildings. The Park is generally well maintained with simple park structures. A large beach extends along the northern coast terminating at a lawn used seasonally for parking. On the south, Croton Point is bordered by the Croton River and Bay Significant Coastal Fish and Wildlife Habitat.

Views from the Croton Point Park subunit are extensive and offer vistas in all directions. On clear days one can see north to the Hudson Highlands and south past the Tappan Zee Bridge to Yonkers and partially Manhattan Island. The middle ground views include Haverstraw Bay, Tappan Zee Island, Hook and South Mountains, Ossining, Haverstraw, and Croton-on Hudson. The near shore views of the immediate surrounding area are disturbed by extensive industrial development and inappropriate urban sprawl. The composition of internal views include marshes, woods, and meadows combining to make this a visually dynamic scenic area.

The Croton Point Park subunit is of high scenic quality and moderate visual accessibility provided by the Tappan Zee Bridge, the Town of Haverstraw, and Villages of Ossining and Croton-on-Hudson.

Impact Assessment

The Croton Point Park subunit is a unique promontory extending 2 miles into the Hudson River separating the Haverstraw Bay and Tappan Zee. Its position provides extensive views up and down the Hudson River. The views from the subunit over the River are what make this scenic area distinctive. Internal subunit views are across wetlands and meadows bordered by woodlands. Reclamation of the large land fill area in the center of the promontory, presently excluded from the subunit, would greatly enhance the scenic quality of the area and should be a priority. Once the land is reclaimed, the scenic boundaries of the subunit could be extended. Destructive activities such as clear-cutting, mining, and placement of large structures (industrial buildings or communication towers or lines) would impact the scenic qualities in this area. The woodlands provide some screening for placement of small park structures. Inappropriate development which would diminish the quality of the views from the scenic area should be discouraged.



Hudson River Visual Analysis Study

State of New York
Department of State
Coastal Management Program

Dodson Associates/Jackson & Kihn
Mary Lou Luiters
Laura Zeisel

Map Name: Haverstraw

Date: September, 1989
Revised:



Legend:

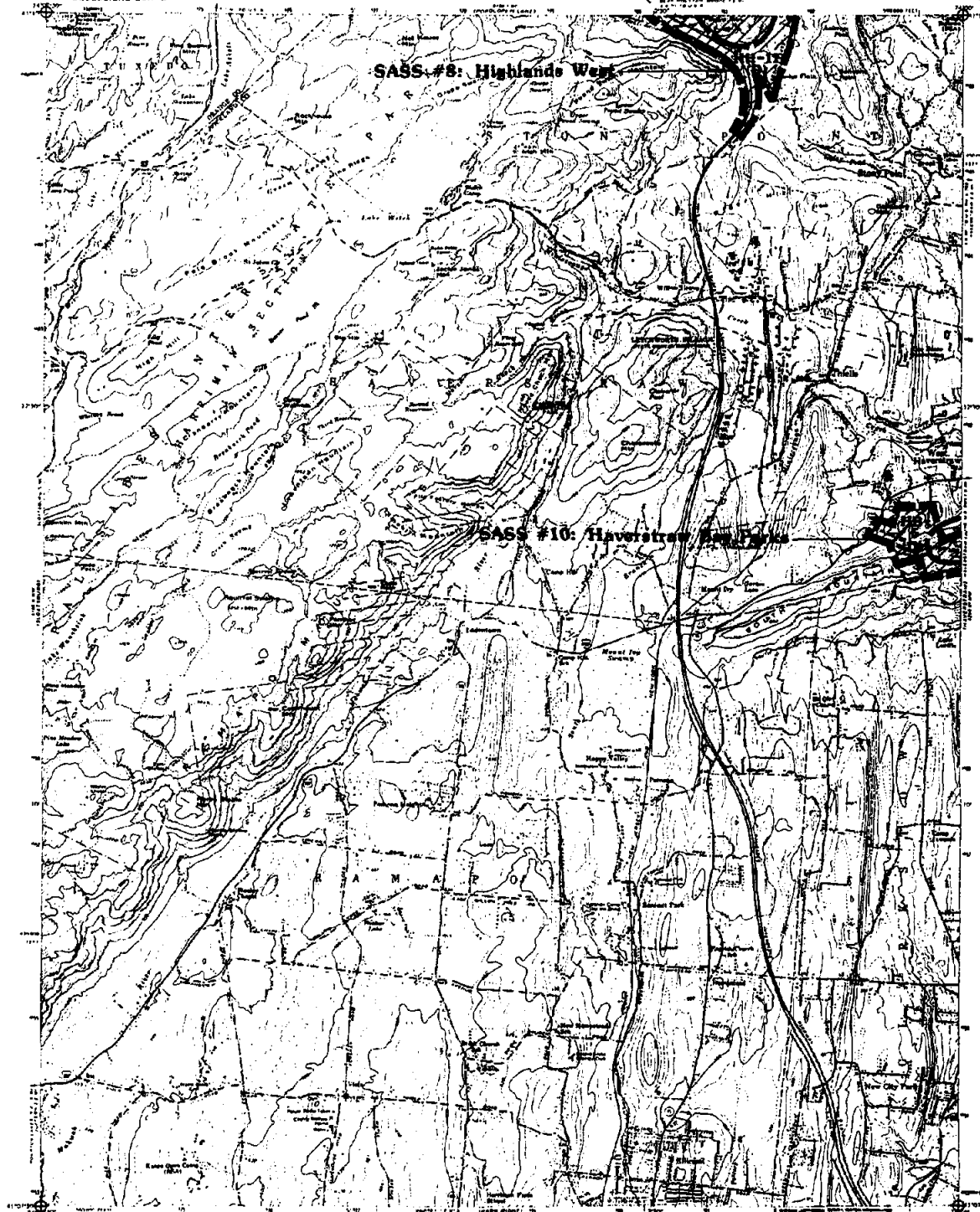
- Coastal Region Boundary
- Scenic Areas of Statewide Significance (SASS)
- Hudson River Viewshed
- Subarea Boundary
- Subarea Identification Code
- Subarea Visual Quality Rating:
- (D) Distinctive (N) Noteworthy (C) Common

CK-12
(D)



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

THIELS QUADRANGLE
NEW YORK
7.5 MINUTE SERIES (TOPOGRAPHIC)



Hudson River Visual Analysis Study

State of New York
Department of State
Coastal Management Program

Dodson Associates/Jackson & Kiha
Mary Lou Latters
Laura Zelsel

Map Name: Thiels

Date: September, 1989
Revised:

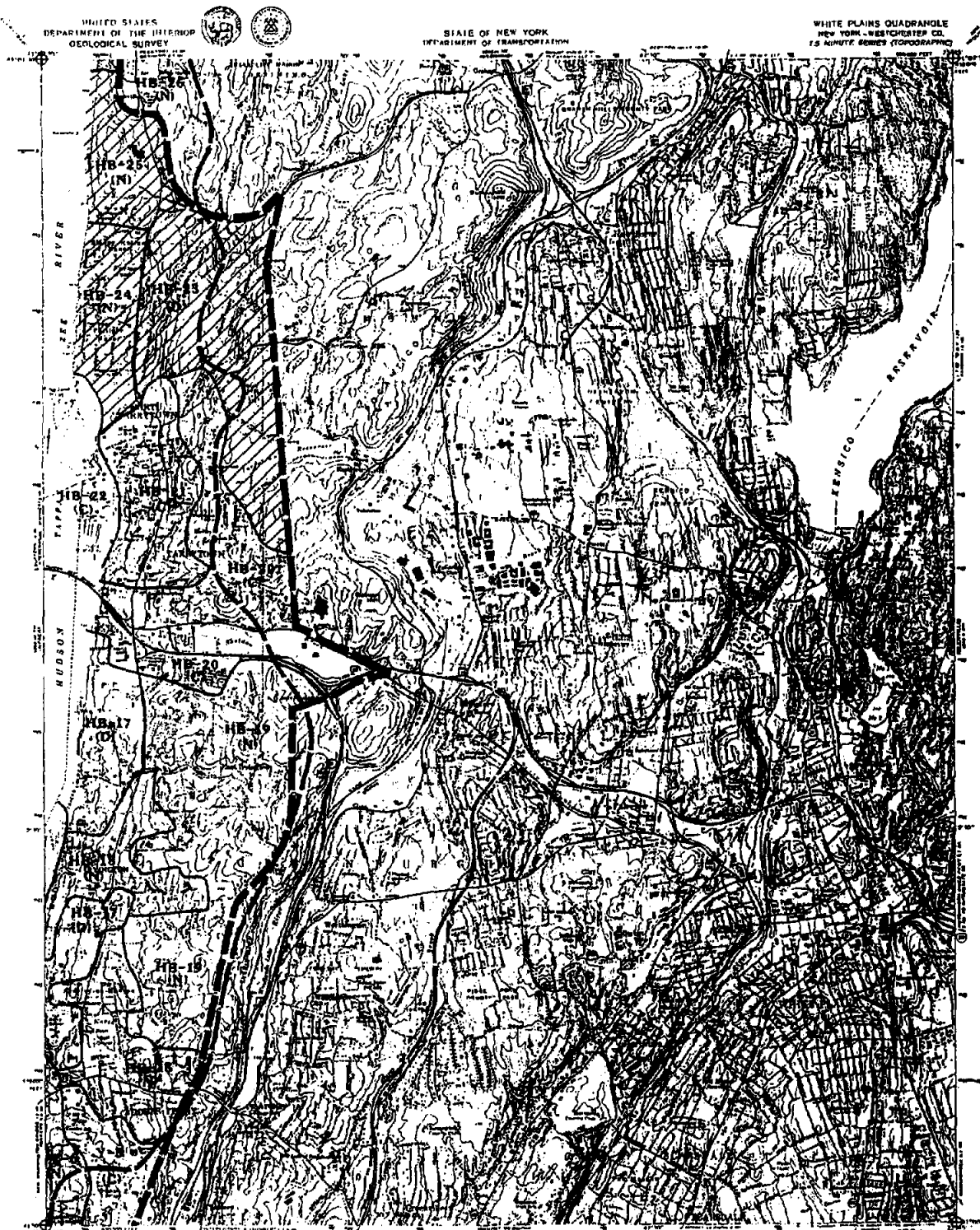


Legend:



(D) Distinctive (H) Noteworthy (C) Common





Hudson River Visual Analysis Study

State of New York
Department of State
Coastal Management Program

Dadeon Associates/Jackson & Kihn
Mary Lou Lutters
Laura Ziesel

Map Name: White Plains

Date: September, 1989

Revised:



Legend:



CK-12
(D)

Coastal Region Boundary
Scenic Areas of State-wide Significance (SASS)
Hudson River Viewshed
Subunit Boundary
Subunit Identification Code
Subunit Visual Quality Rating:
(D) Distinctive (N) Noteworthy (C) Common



VILLAGE OF SLEEPY HOLLOW

MAP 1

LOCAL WATERFRONT REVITALIZATION PLAN



Scale in Feet

SOURCE: 1988-1989 Tax map data.

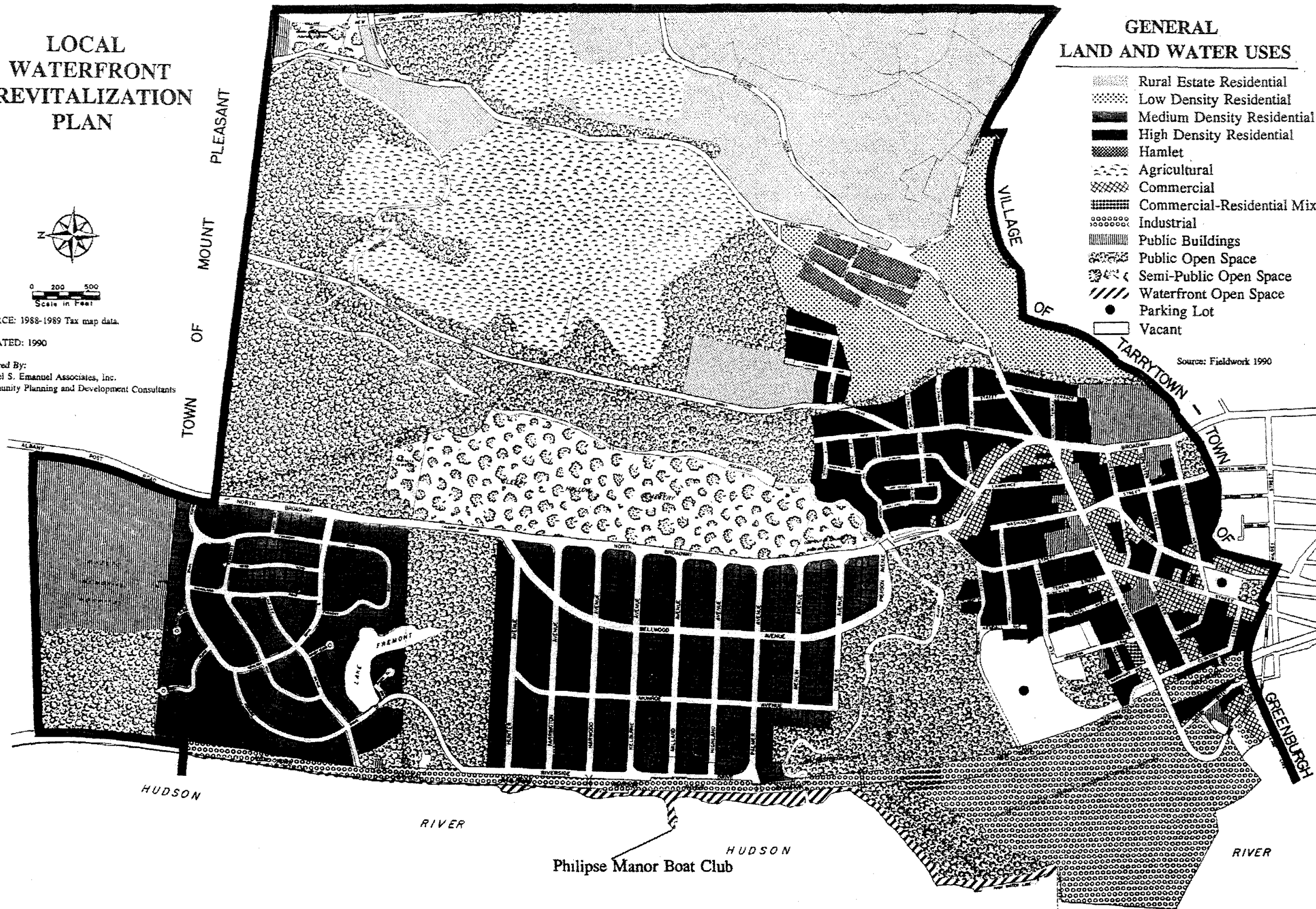
UPDATED: 1990

Prepared By:
Manuel S. Emanuel Associates, Inc.
Community Planning and Development Consultants

GENERAL LAND AND WATER USES

- Rural Estate Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Hamlet
- Agricultural
- Commercial
- Commercial-Residential Mix
- Industrial
- Public Buildings
- Public Open Space
- Semi-Public Open Space
- Waterfront Open Space
- Parking Lot
- Vacant

Source: Fieldwork 1990



VILLAGE OF SLEEPY HOLLOW

MAP 1A

LOCAL WATERFRONT REVITALIZATION PLAN



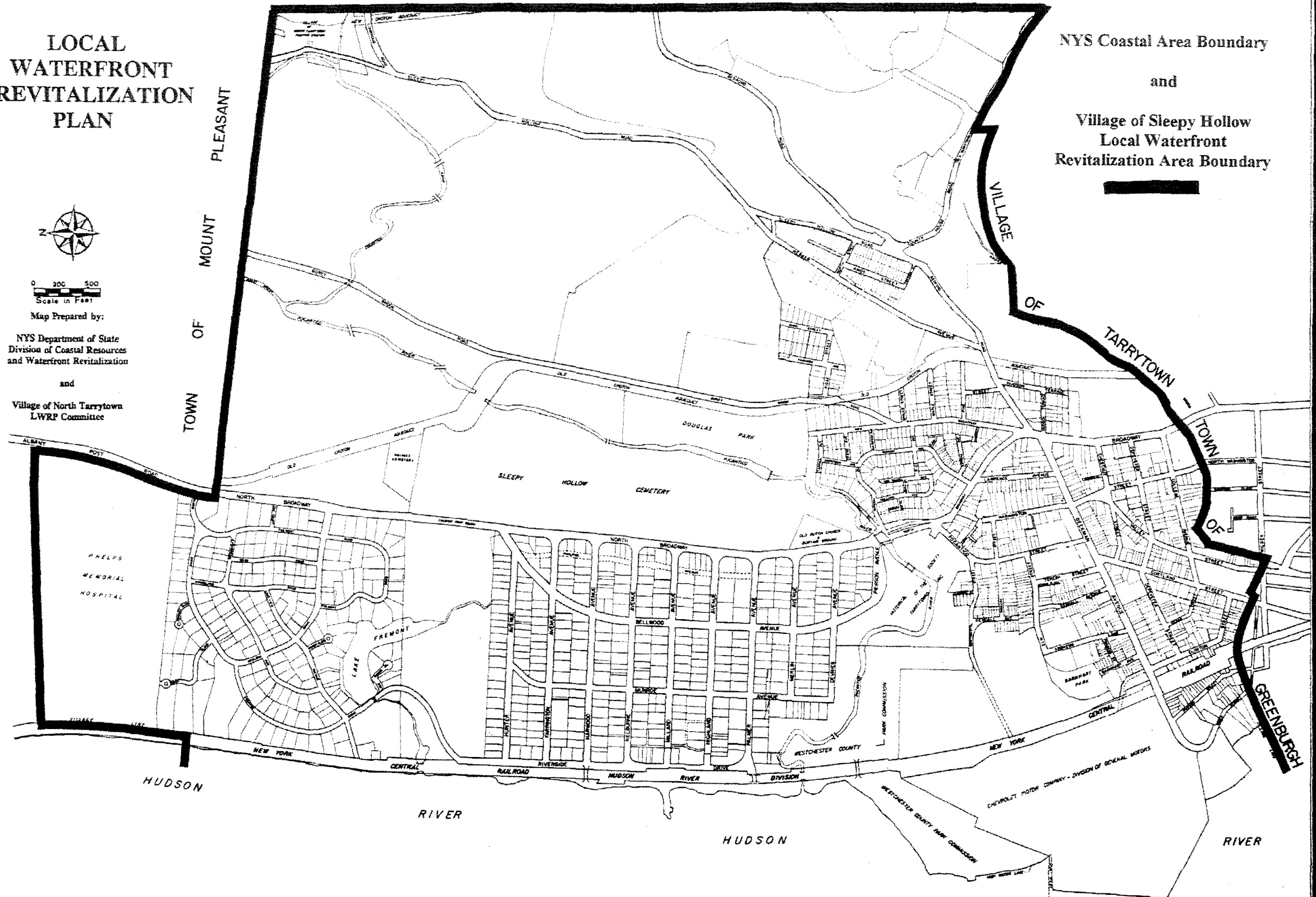
0 200 500
Scale in Feet

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

and

Village of North Tarrytown
LWRP Committee



VILLAGE OF SLEEPY HOLLOW

MAP 2

LOCAL WATERFRONT REVITALIZATION PLAN



Scale in Feet

SOURCE: 1988-1989 Tax map data.

UPDATED: 1990

Prepared By:
Manuel S. Emanuel Associates, Inc.
Community Planning and Development Consultants

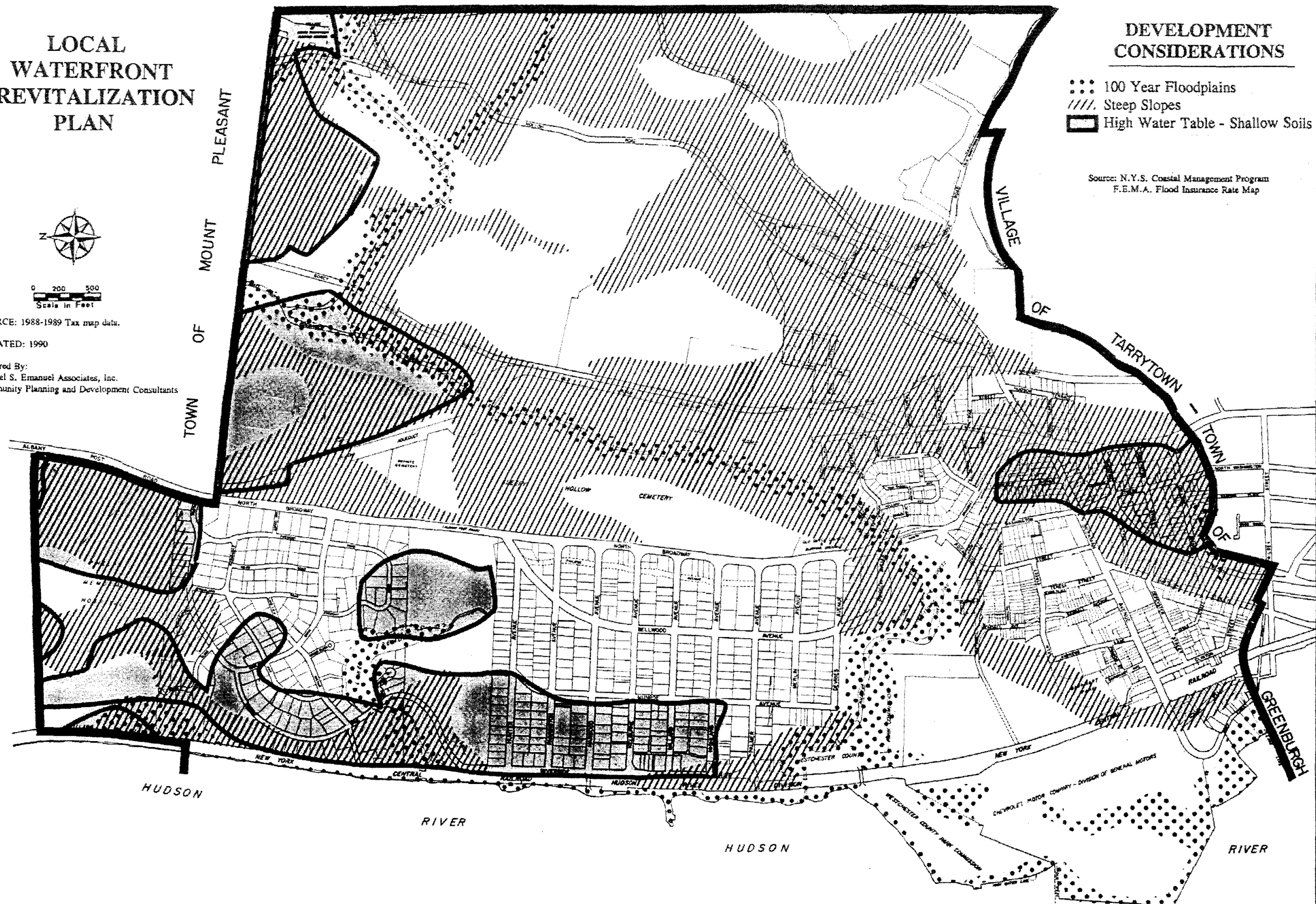
DEVELOPMENT CONSIDERATIONS

⋯ 100 Year Floodplains

//// Steep Slopes

▬ High Water Table - Shallow Soils

Source: N.Y.S. Coastal Management Program
F.E.M.A. Flood Insurance Rate Map



VILLAGE OF SLEEPY HOLLOW

MAP 3

LOCAL WATERFRONT REVITALIZATION PLAN



0 200 500
Scale in Feet

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

and

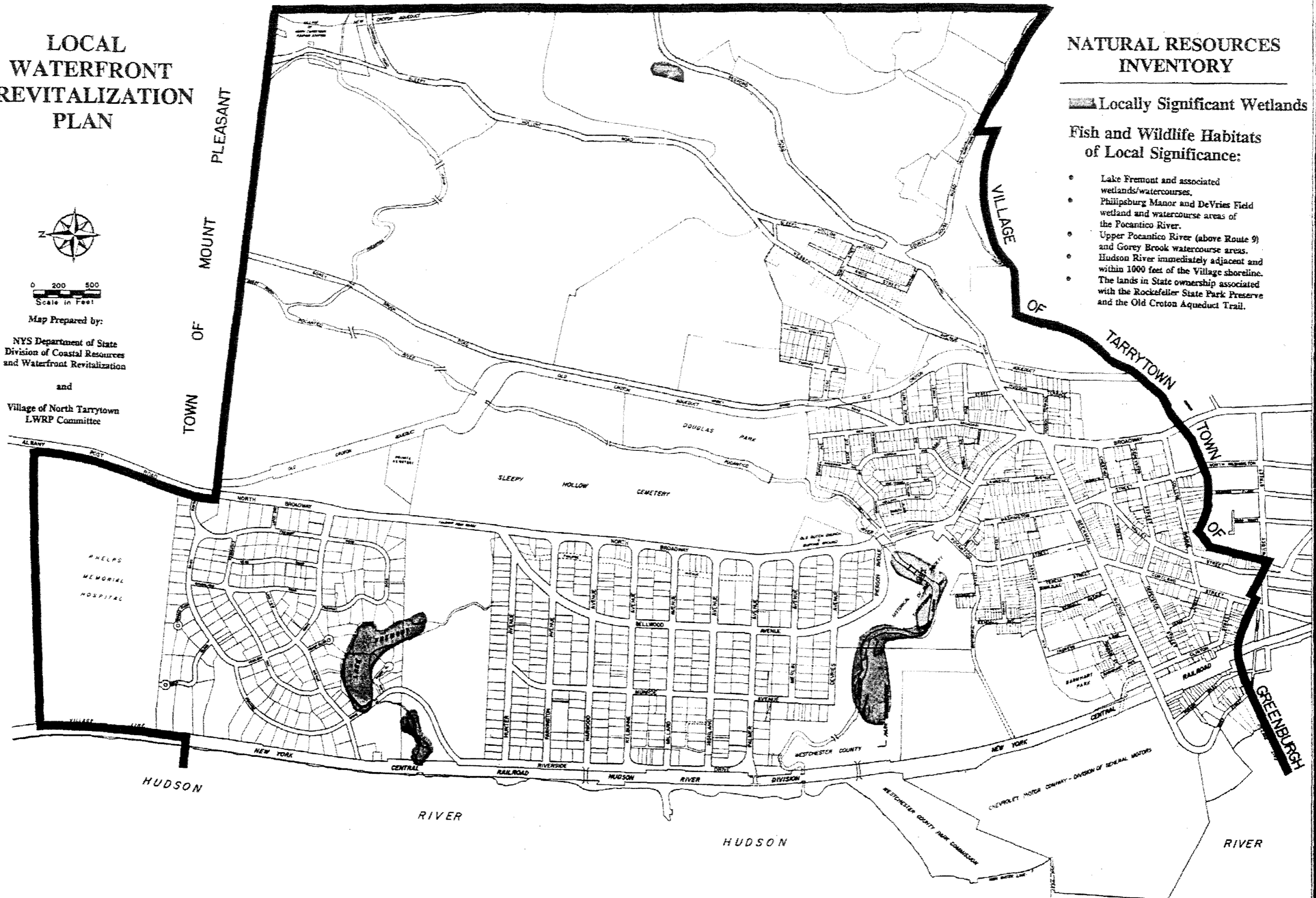
Village of North Tarrytown
LWRP Committee

NATURAL RESOURCES INVENTORY

Locally Significant Wetlands

Fish and Wildlife Habitats of Local Significance:

- Lake Fremont and associated wetlands/watercourses.
- Philipsburg Manor and DeVries Field wetland and watercourse areas of the Pocantico River.
- Upper Pocantico River (above Route 9) and Gorey Brook watercourse areas.
- Hudson River immediately adjacent and within 1000 feet of the Village shoreline.
- The lands in State ownership associated with the Rockefeller State Park Preserve and the Old Croton Aqueduct Trail.



VILLAGE OF SLEEPY HOLLOW

MAP 4

LOCAL WATERFRONT REVITALIZATION PLAN



0 200 500
Scale in Feet

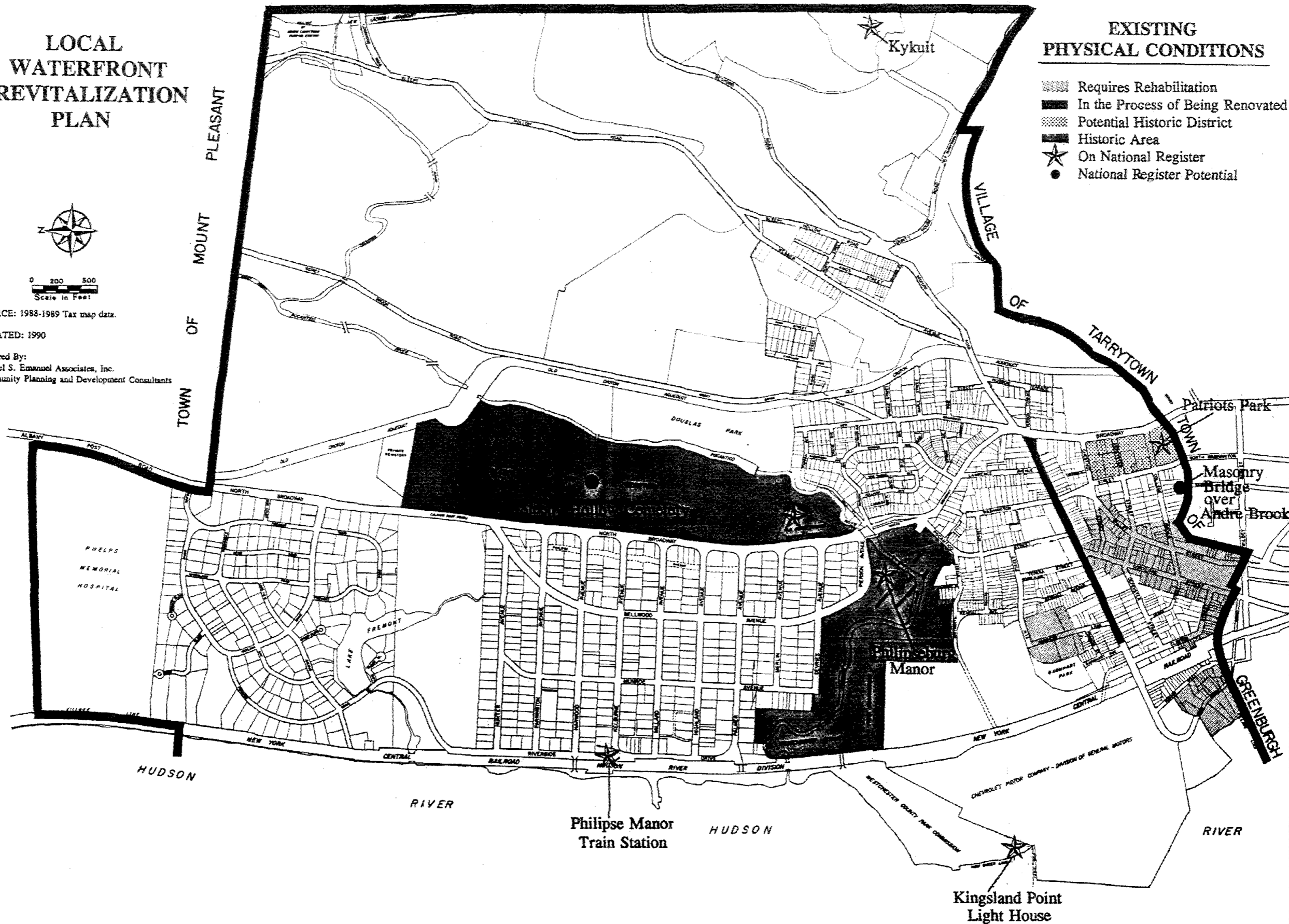
SOURCE: 1988-1989 Tax map data.

UPDATED: 1990

Prepared By:
Manuel S. Emanuel Associates, Inc.
Community Planning and Development Consultants

EXISTING PHYSICAL CONDITIONS

- Requires Rehabilitation
- In the Process of Being Renovated
- Potential Historic District
- Historic Area
- On National Register
- National Register Potential



VILLAGE OF SLEEPY HOLLOW

MAP 5

LOCAL WATERFRONT REVITALIZATION PLAN



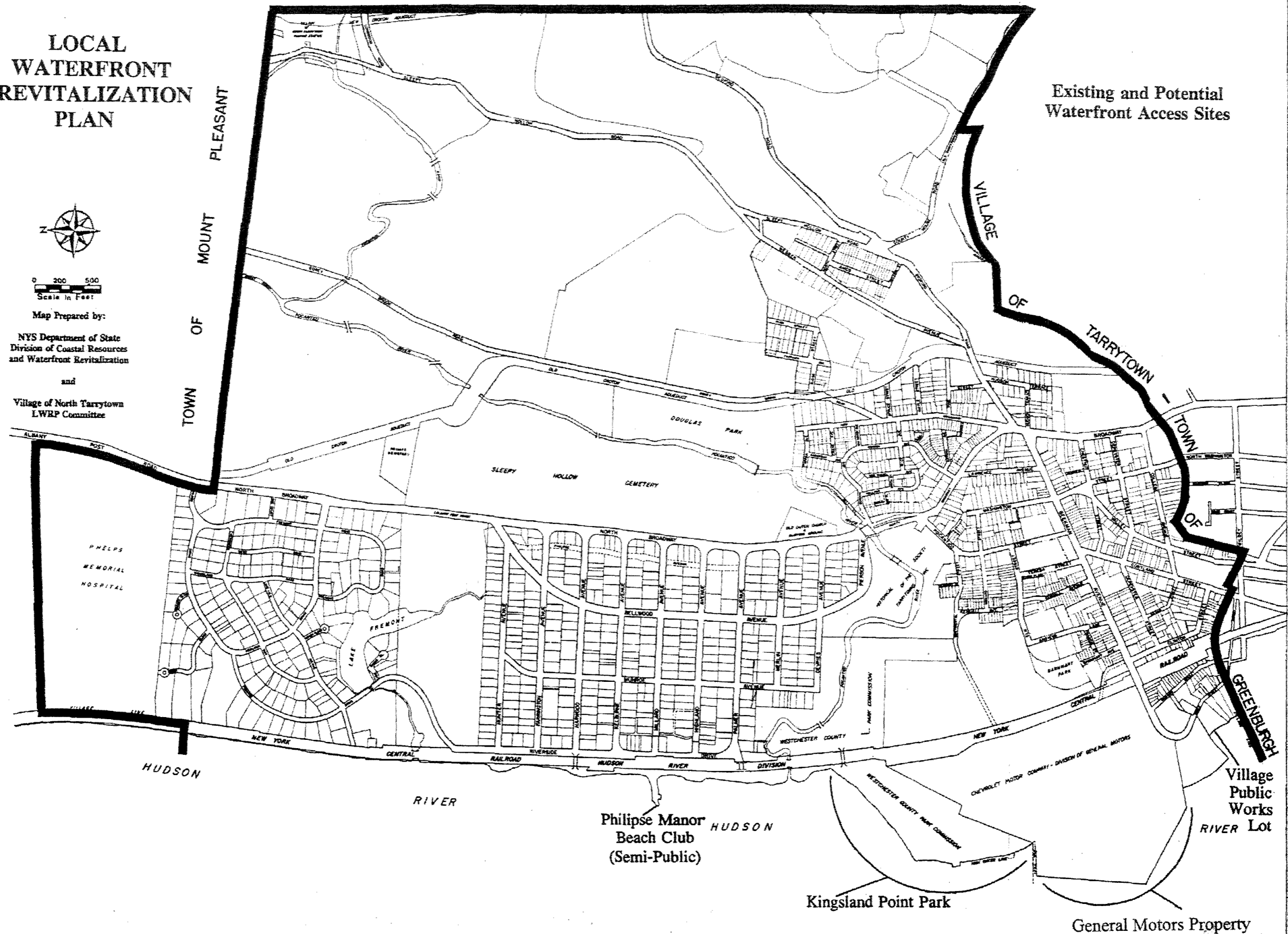
0 200 500
Scale in Feet

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

and

Village of North Tarrytown
LWRP Committee



VILLAGE OF SLEEPY HOLLOW

MAP 6

LOCAL WATERFRONT REVITALIZATION PLAN



0 200 500
Scale in Feet

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

and

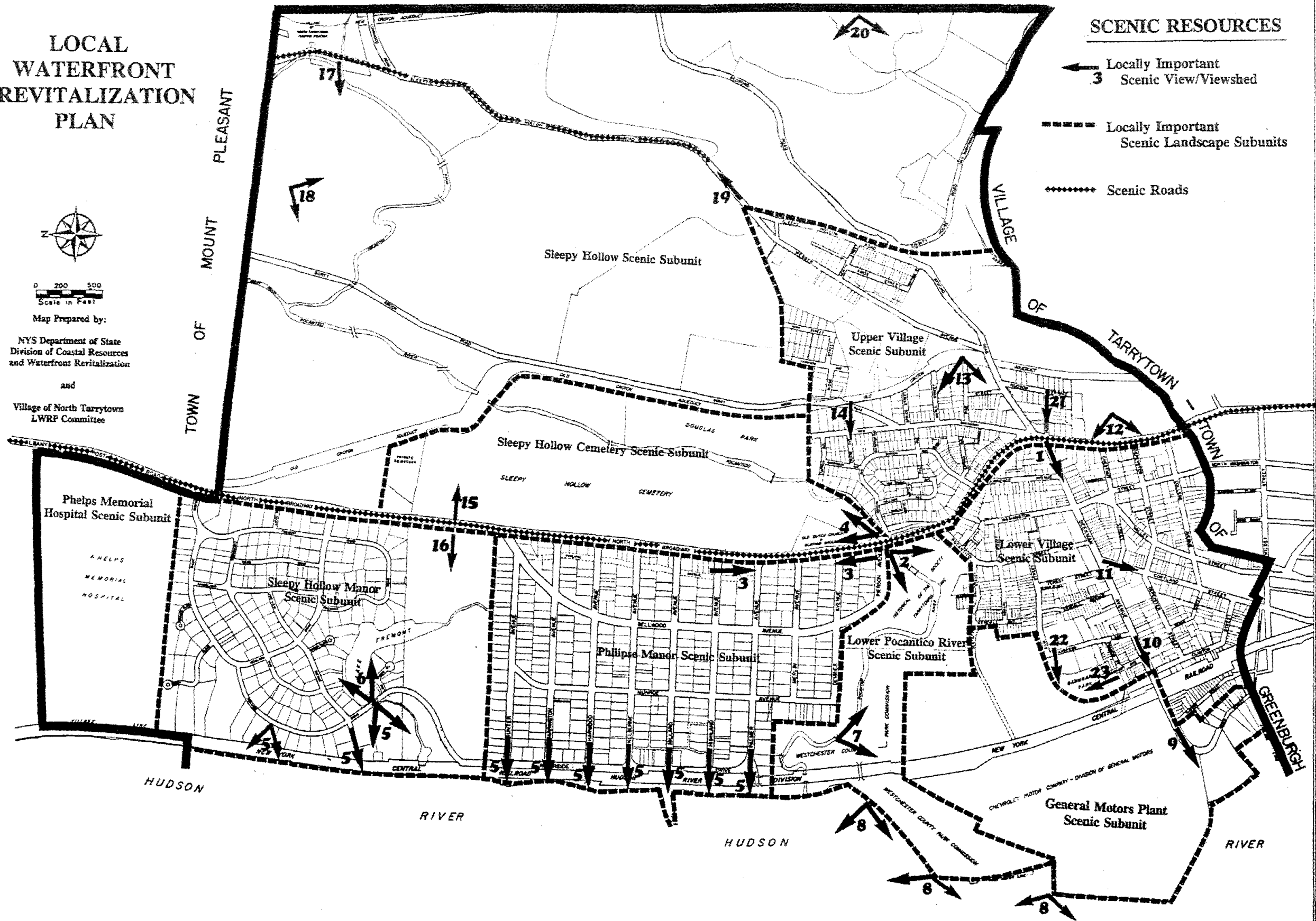
Village of North Tarrytown
LWRP Committee

SCENIC RESOURCES

← Locally Important
3 Scenic View/Viewshed

----- Locally Important
Scenic Landscape Subunits

+++++ Scenic Roads



VILLAGE OF SLEEPY HOLLOW

MAP 7

LOCAL WATERFRONT REVITALIZATION PLAN



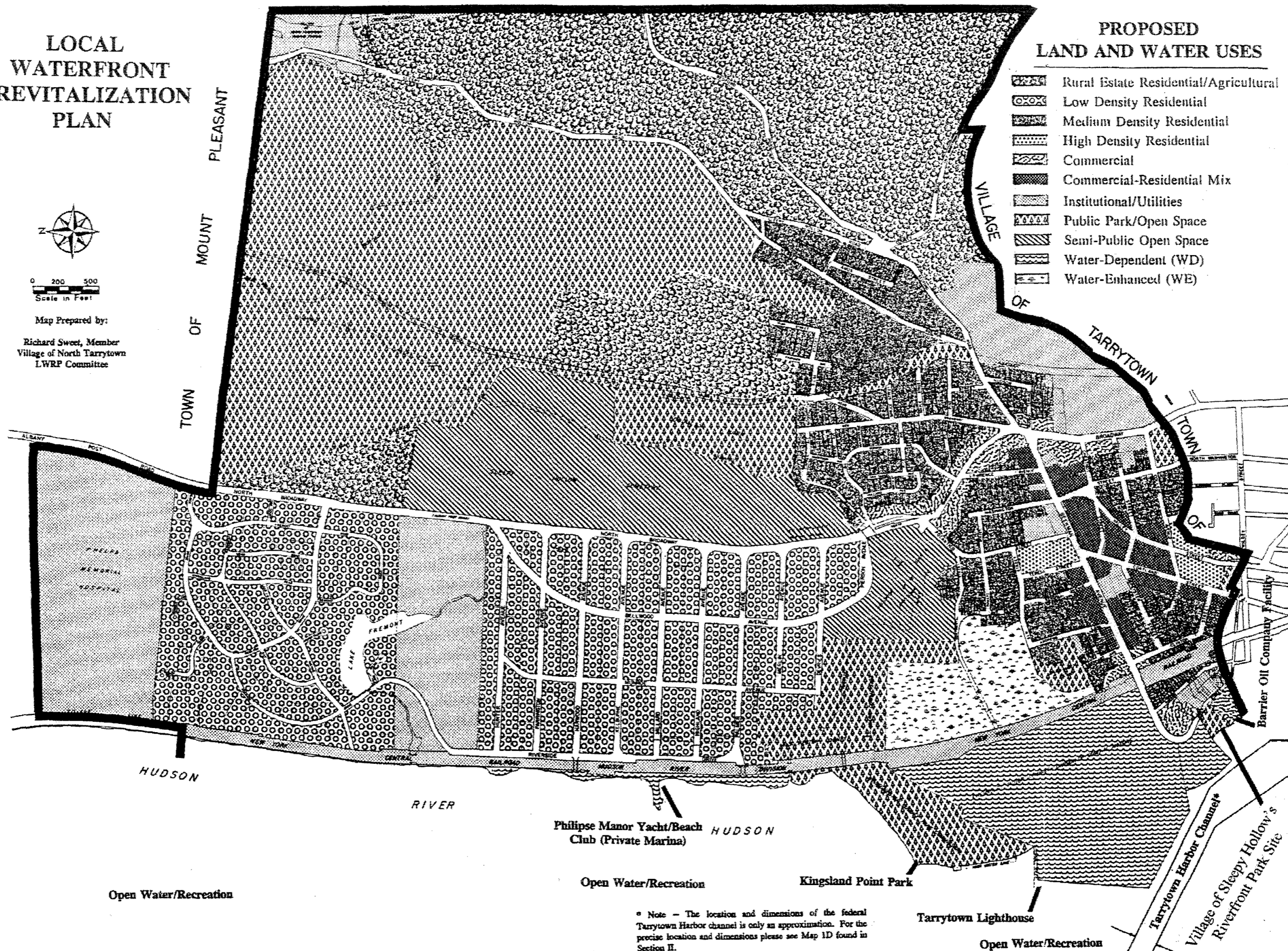
0 200 500
Scale in Feet

Map Prepared by:

Richard Sweet, Member
Village of North Tarrytown
LWRP Committee

PROPOSED LAND AND WATER USES

- Rural Estate Residential/Agricultural
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Commercial-Residential Mix
- Institutional/Utilities
- Public Park/Open Space
- Semi-Public Open Space
- Water-Dependent (WD)
- Water-Enhanced (WE)



* Note - The location and dimensions of the federal Tarrytown Harbor channel is only an approximation. For the precise location and dimensions please see Map 1D found in Section II.

Map 8

Zoning Map Village of Sleepy Hollow

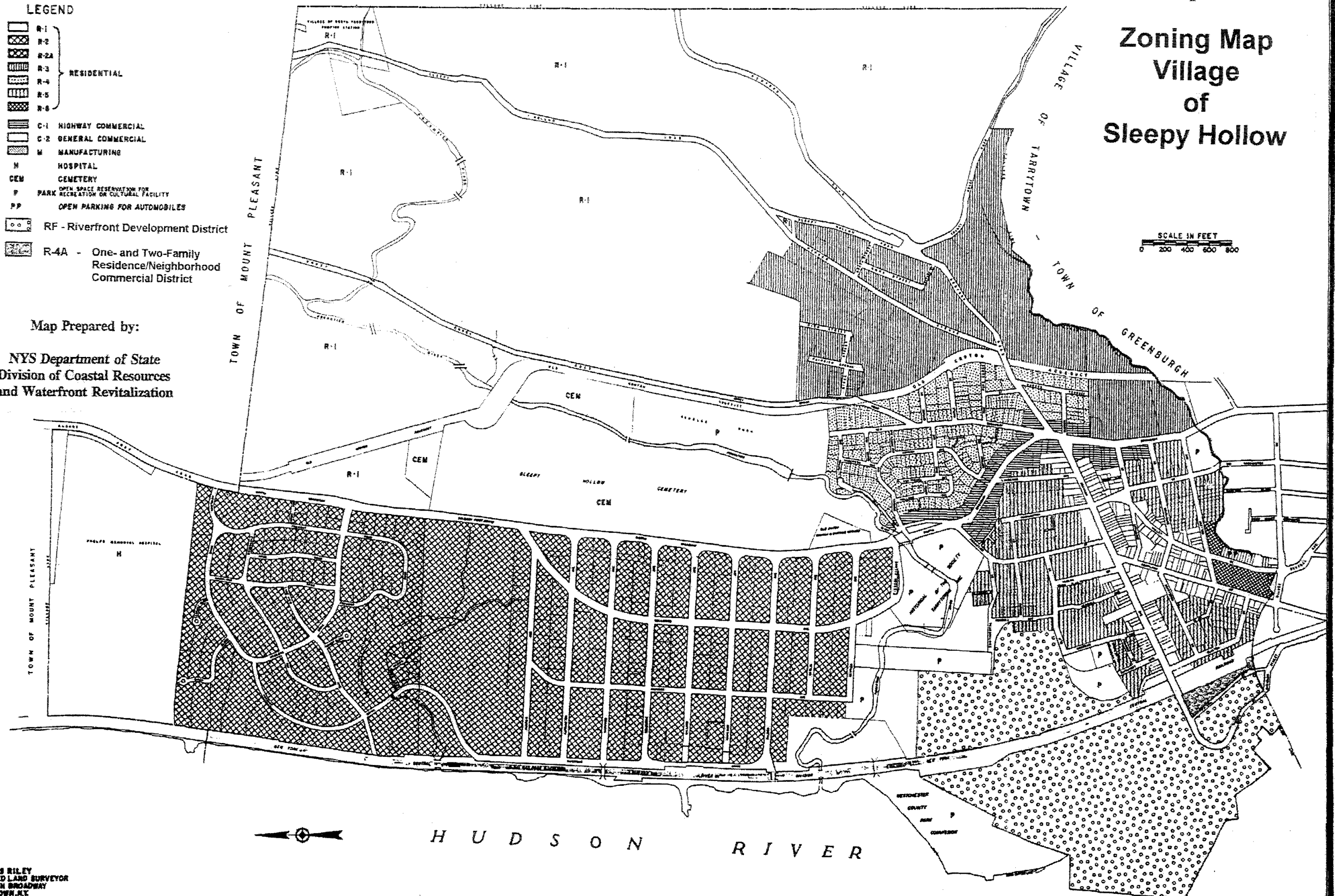
SCALE IN FEET
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LEGEND

- R-1
- R-2
- R-2A
- R-3
- R-4
- R-5
- R-6
- RESIDENTIAL
- C-1 HIGHWAY COMMERCIAL
- C-2 GENERAL COMMERCIAL
- M MANUFACTURING
- H HOSPITAL
- CEM CEMETERY
- P OPEN SPACE RESERVATION FOR PARK RECREATION OR CULTURAL FACILITY
- PP OPEN PARKING FOR AUTOMOBILES
- RF - Riverfront Development District
- R-4A - One- and Two-Family Residence/Neighborhood Commercial District

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization



VILLAGE OF SLEEPY HOLLOW

MAP 9

LOCAL WATERFRONT REVITALIZATION PLAN



0 200 500
Scale in Feet

Map Prepared by:

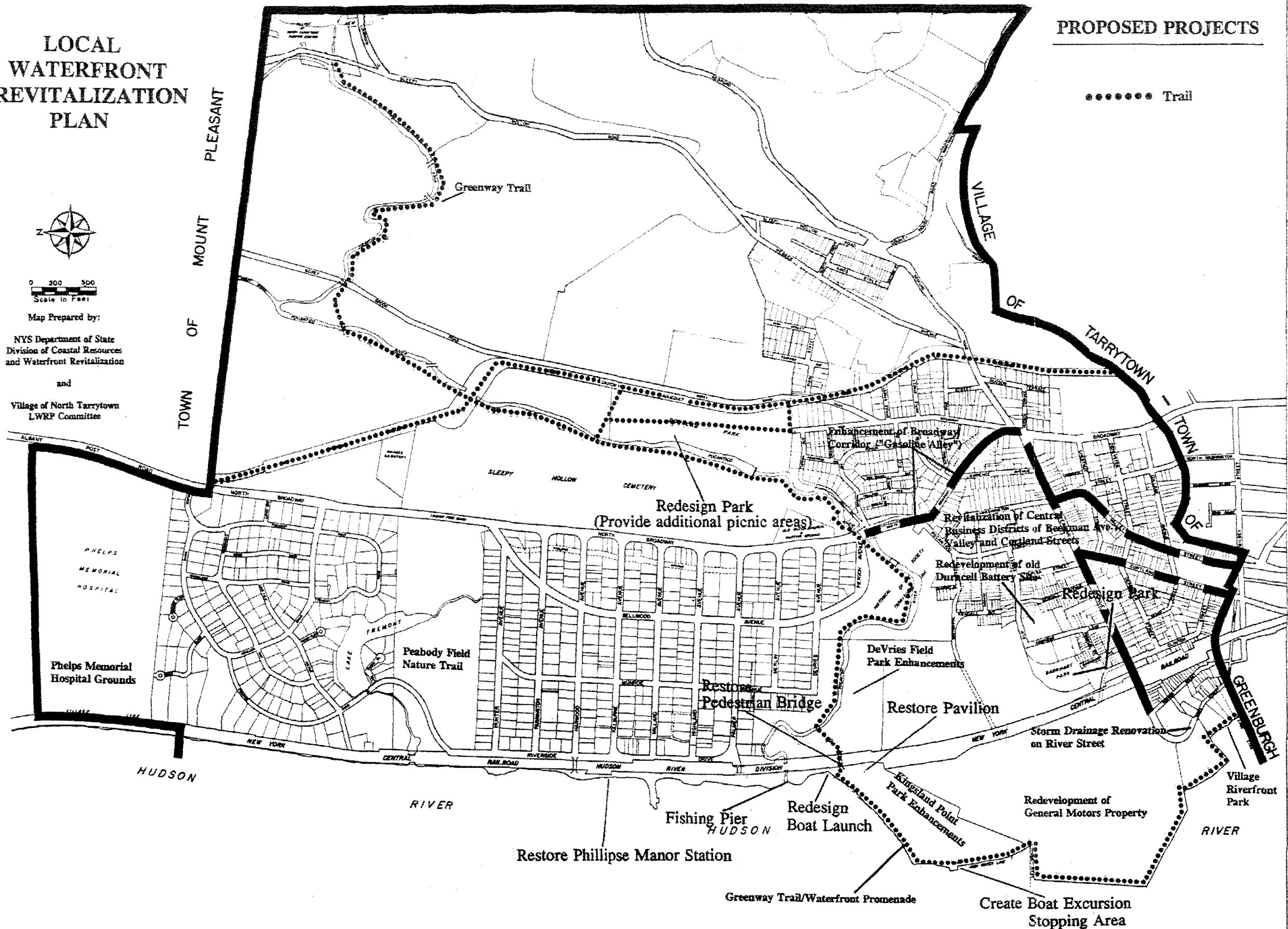
NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

and

Village of North Tarrytown
LWRP Committee

PROPOSED PROJECTS

..... Trail



Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town

Village

of Sleepy Hollow

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

Local Law No. 4 of the year 1997 FEB 13 1997

A local law

RF- Riverfront Development Zoning District for the

(Insert Title)

Village of Sleepy Hollow Hudson River Waterfront Area

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County

City

Town

Village

of Sleepy Hollow

as follows:

See Attached sheets.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**RF - Riverfront Development Zoning District
for the Village of Sleepy Hollow
Hudson River Waterfront Area**

§ 62.5.1 RF - Riverfront Development District.

- A. **Authority.** This local law is enacted under the authority of Section 10 of the Municipal Home Rule Law, and Article 42 of the Executive Law of New York State in order to protect and enhance the physical and visual environment of the Village of Sleepy Hollow and for the protection, control, order, safety, health, and well-being of people and property with the Village of Sleepy Hollow.
- B. **Purposes of District.** The land and water area of the Village of Sleepy Hollow's Hudson River waterfront represent a unique mix of natural and man-made resources. These resources have historically played an important role in the development, economy, and cultural heritage of the Village and the region. The general quality of the waterbodies within and adjacent to the Village, the visual, scenic, natural resources, cultural character, historic resources and structures, and the Tappan Zee East Scenic District (Article 49 of the NYS Environmental Conservation Law) are some of the primary elements comprising and documenting these important natural and man-made resources.

The overall purpose of this district is to promote the policies and purposes of the Village's Local Waterfront Revitalization Program including positive development and revitalization of the waterfront area, while ensuring that such revitalization takes place in a manner which is sensitive to the Village's coastal and community resources.

It is also the purpose of the RF - Riverfront Development District to afford a priority to waterfront-compatible well-designed uses, achieve public access to the coastal area, and provide standards for development in such a fashion so as to create a distinct waterfront district which is in the spirit of an old Hudson River waterfront community image. Further, it is the purpose of the District to provide opportunities for permanent public views and visual access to the Hudson River and to encourage the phasing out of land uses which are incompatible with, and detract from the Village's Hudson River waterfront area. It is also the purpose of this district to protect, preserve, and enhance sensitive environmental areas; prevent soil erosion, sedimentation, and slope failure; prevent, to the maximum extent possible, the loss, alteration or diminution of public views of the Hudson River and opposite shore; prevent activities which will cause water and air pollution; and ensure that the benefits provided by implementation of this local law and the Village's Local Waterfront Revitalization Program will provide future generations with a

continuation of those elements and resources of the Village that serve to create a distinct community character and strong sense of place for its residents.

It is also the purpose of this district to encourage an economic stimulus and revitalization of the Village and its Hudson River waterfront by establishing a well-designed, comprehensively planned central focus for the Village's waterfront area. Another purpose of this district is to provide for land uses which are consistent with the Village's Local Waterfront Revitalization Program, including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire Village core area. It is also the purpose of this district to encourage a mix of uses on the waterfront with a consistent set of design standards to ensure a unified and comprehensively planned development that will function effectively and achieve a high standard of site planning and architectural design.

It is also the purpose of this district to eliminate deteriorated structures and incompatible, visually unattractive or otherwise deleterious land uses. Further, it is the purpose of this district to provide for and increase pedestrian public access to and the potential for enjoyment of the waterfront, and to integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.

C. Definitions.

GROSS DEVELOPMENT AREA - All land and landfill areas inland of the Hudson River shoreline, including all easement areas.

PROPERTIES THAT HAVE DIRECT FRONTAGE ON THE HUDSON RIVER - Any lot, parcel, property, riverfront development or special permit use project which adjoins the Hudson River.

WATER DEPENDENT USE - Any use that requires for its primary purpose, location on submerged lands or that requires direct access to, or location in coastal waters and which therefore cannot be located away from these waters.

D. Permitted Principal Uses. A building may be erected, reconstructed, altered, arranged, designed, or used, and a lot or premises may be used for any of the following purposes and for no other purpose, subject to site plan review and conformance with the Riverfront Development Design Standards listed in Section 62.5.1.V herein:

- (1) Charter/excursion boat and fishing guide operations.
- (2) Mariculture and aquaculture activities.

- (3) Fishing/marine supply stores (not to include marinas).
- (4) Wholesale and retail fish/seafood stores.
- (5) Community centers when part of coastal public access or other public recreational access.
- (6) Municipal parks, playgrounds, trails, and beaches.
- (7) Scientific, historic, artistic, and educational activities and uses, which by their nature, require or are enhanced by a location on coastal waters; including museums, construction of historic boat replicas, or other river-related educational facilities or activities.
- (8) Structures needed for boat/vessel navigational purposes, such as lighthouses or other navigational aids.
- (9) Recreational activities which depend on or are enhanced by access to coastal waters, such as swimming, fishing, boating, wildlife viewing, walking, sitting, jogging, bicycling, and other forms of passive appreciation of scenic resources.
- (10) Boat rental facilities.
- (11) Specialty boat uses/facilities, such as tour, cruise and dinner boats.
- (12) Boat launch facilities.
- (13) Municipal public safety uses and facilities associated with other uses in this district.
- (14) Flood and erosion control structures, such as bulkheads, rip-rap, and breakwaters.
- (15) Mass transit facilities, including railroad tracks and appurtenant structures such as railroad stations; and historic and/or alternative modes of transportation.
- (16) Support facilities necessary for successful functioning of above uses (for example, parking areas, snack bars, first aid stations, information stations/services, and short-term storage facilities). To the extent possible, such facilities should be sited inland of the principal use.

E. Special Permit Uses for Properties that Have Direct Frontage on the Hudson River Waterfront. A building may be erected, reconstructed, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other purpose in the RF - Riverfront Development District subject to the issuance of a special permit by the Village Planning Board, in accordance with provisions of Section 62.16-1 of the Village Zoning Code. In addition, the following uses will be subject to site plan review and the requirements of other applicable portions of the RF Zoning District.

- (1) Riverfront Development Projects for Properties that Have Direct Frontage on the Hudson River.** In order to recognize that the Sleepy Hollow waterfront area is attractive for a variety of uses which are not water dependent, while at the same time achieving the goals of the Village's Local Waterfront Revitalization Program, the following uses, when proposed as part of a Riverfront Development, are allowed in the RF - Riverfront Development District subject to the issuance of a special permit by the Village Planning Board, in accordance with the provisions of Section 62.16-1 of the Village Zoning Code, whenever the owner dedicates meaningful, permanent public access (such determination shall be made by the Planning Board as part of concept or site plan approval) along, and where appropriate, across the property to the dry shore area. Further, any of the uses listed in paragraph D above, may be allowed in conjunction with any of the uses listed below. In addition, the following uses shall be subject to site plan review.

Meaningful, permanent public access is defined as safe and unobstructed access to and along the dry, non-tidal or submerged shore areas of the Hudson River for all members of the public, in order to provide a public access system to and along the waterfront and/or public rights-of-way. Such access shall be, at the option of the applicant, in the form of a permanent easement or the granting of fee title to the Village of Sleepy Hollow. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval. The access shall be at least fifteen (15) feet wide from a street to the shoreline, and at least twenty (20) feet wide along the shoreline for the entire width of the property in the RF - Riverfront Development District. A surface or material suitable for pedestrian use, at least ten (10) feet wide, shall be provided for the entire length of the access easement and to a standard approved by the Sleepy Hollow Village Engineer.

A Riverfront Development is a mixed use project which incorporates various permitted land use elements as part of a comprehensively planned development. The Village of Sleepy Hollow is looking for an attractive, well-planned, Riverfront Development which is in the spirit of an old Hudson River waterfront community image. Riverfront Development plans should

incorporate hamlet centers, following traditional patterns and layout of such centers. This may include provision for village squares, walking areas and alleyways. Building designs should visually complement, be harmonious with, and in the spirit of the architectural style that prevailed in Hudson River communities prior to 1900. The uses permitted in a Riverfront Development are as follows:

- (a) All uses listed in Section 62.5.1.D.
- (b) Marinas and related uses such as sale of marine supplies, services, fuel, equipment, etc.; marine-related retail and service businesses, including boat and marine engine sale and repair, and boat rental. The marina standards found below in Section 62.5.1.F (4) shall also apply here;
- (c) Enclosed dry rack storage for boats;
- (d) One-family, two-family and multi-family residential uses;
- (e) Commercial retail shops, designed primarily to serve the needs of pedestrian and marine visitors to the riverfront;
- (f) Retail and personal service shops with a maximum floor area per building of no greater than fifty thousand (50,000) square feet which are designed to serve the needs of area residents, commuters, and visitors, such as neighborhood grocery stores or delicatessens; pharmacies; audio/video, newspaper, candy and sundries; barber/beauty shops; retail cleaners; and other similar uses;
- (g) Restaurants, entertainment and bar facilities;
- (h) Inns, hotels, motels, bed and breakfast inns, boatels, conference centers, resort-type facilities, fitness centers, spas, day care centers;
- (i) Public or semi-public uses such as churches, live theaters, aquariums, concert halls, museums, or meeting rooms suitable for social, civic, cultural or educational activities;
- (j) Galleries, workshops, or retail shops associated with arts, crafts, or fine arts;
- (k) Charter/excursion boat businesses;
- (l) Ferry boat uses/facilities;
- (m) Banks and other personal service establishments;

- (n) Tennis courts and paddle tennis courts;
- (o) Commercial recreational facilities including interactive video, bowling and theaters;
- (p) Nursing homes, senior citizen housing and assisted care facilities;
- (q) Child or elderly day care facilities;
- (r) Catering establishments, offering catering services on or off the premises, and retail sales;
- (s) Consumer service establishments such as florists, photographers and formal wear clothing sales and rentals; and
- (t) The following light industrial and other uses, provided such uses in aggregate do not exceed thirty percent (30%) of the gross floor area of a Riverfront Development and provided that no individual building housing such a use has a footprint greater than twenty-five thousand (25,000) square feet and that the maximum floor area per said building does not exceed fifty thousand (50,000) square feet:
 - [1] Wholesale businesses and warehouses including non-processing storage and distribution, provided that such uses are water-dependent. These uses may include docks and piers necessary for the transfer of goods and materials from the Hudson River to land and/or from land to the Hudson River.
 - [2] Printing and publishing facilities;
 - [3] Research, experimental or testing laboratories;
 - [4] Service oriented uses such as electric motor repair, appliance repair, lawn mower repair, and radio and television repair;
 - [5] Cabinet shops, upholstery shops and fabric shops; and
 - [6] Home improvement suppliers and distributors, selling or distributing hardware, plumbing supplies, paint, wallpaper, lighting fixtures, carpet, garden supplies, plant nursery products and furniture.
- (u) Other uses similar to the above uses as determined by resolution of the Village Board. Examples of uses that may be, but are not necessarily similar to the above uses include, combining prepared materials such as bone, shell, fur, glass, leather, precious or semi-precious metals or stones, textiles or cloth products, wood or wood products; creation of ceramic products excluding building materials, using only previously

pulverized clay and kilns fired by electricity or gas; and putting together musical instruments, clocks, watches, toys, novelties, office equipment, telecommunications and electronic components from prepared material.

- (2) The manufacture, assembly or repair of marine products such as boats, vessels, sails, and hardware.
- (3) Ferry boat uses/facilities.
- (4) Marinas and related uses such as sale of marine supplies, services, fuel, equipment, etc.; marine-related retail and service businesses, including boat and marine engine sale and repair, and boat rental. The following standards shall apply to all new marina projects as well as proposals for the expansion of existing marinas:
 - (a) All new marina proposals or the expansion of existing marinas shall, as deemed appropriate by the Planning Board, include sufficient parking, park-like surroundings, toilet facilities, and marine pumpout facilities.
 - (b) The Planning Board may require a performance guarantee, such as a secured bond or money in escrow, that will be sufficient to hire an independent contractor to complete any conditions imposed, or to effect any limitations, or to restore the project area to its original condition in the event of a failure by the applicant to comply with the conditions or limitations of the special permit. The performance guarantee shall be in the amount of one hundred thousand dollars (\$100,000) plus one hundred dollars (\$100) per foot of wet slip.
 - (c) To the extent deemed feasible by the Planning Board, marina basins shall be designed for maximum tidal flushing and circulation due to river currents and the action of wind while maintaining safe levels of wave action within the protected basin. Minimum design criteria to promote flushing include:
 - (1) Basin and channel depths shall not be deeper than the prevailing depths in the waterbody to which they connect.
 - (2) Basin and channel depths shall gradually increase toward open water or basin entrances.
 - (3) Openings shall be provided at the opposite ends of enclosed basins to establish flow-through circulation. Only one (1) opening must be navigable. The other opening or openings shall be as large as practicable to promote circulation. Culverts or other enclosed conduits may be used in place of open channels.

- (4) The configuration chosen shall minimize or prevent the formation of stagnant water zones that tend to collect debris or cause shoaling or flushing problems.
- (d) Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport, and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five (5) years.
- (e) Applicants must demonstrate that there is an adequate water supply to serve all of the project needs.
- (f) Sewage pumpout facilities shall be provided at all new marinas and expansion of existing marinas at a minimum rate of one (1) pumpout station for every one hundred (100) wet slips, or fraction thereof.
- (g) Adequate restroom facilities for the exclusive use of marina patrons will be required to discourage any overboard discharge of sewage from boats and to protect water quality. The number of toilets required for any given marina shall be determined by the Planning Board for the nature and size of the marina and for its specific site location.
- (h) The applicant shall demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.
- (i) An ample number of signs shall be provided to identify the location of public restrooms and pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities. Pumpout facilities shall be available to all boaters, regardless of whether they are patrons of the marina.
- (j) Dedicated parking spaces shall be provided at a minimum rate of five tenths (0.5) spaces per slip plus whatever additional spaces are required for employees and required by this code for separate retail activities on premises.
- (k) Rainfall runoff becomes polluted with oils, greases, organic and inorganic wastes, and other potentially harmful substances. It is the intent of the Village of Sleepy Hollow to limit, to the extent feasible, the introduction of these contaminants into the waters surrounding the Village. Therefore, new parking areas shall utilize porous pavements

or other approved measures to reduce rainfall runoff. New marina projects must incorporate best management practices in their design, including but not limited to the following:

- (1) Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
- (2) Runoff from parking lots, maintenance, fueling, and wash-down areas must be treated in a manner that prevents oils, grease, and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
- (l) Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of one hundred (100) feet between receptacles shall be maintained on all piers and docks.
- (m) The underwater portions of piers and docks, including piles, shall not be constructed using creosote treated lumber.
- (n) All marinas must have and be able to institute spill prevention emergency response plans. Automatic cut-offs for fuel/oil and sewage hoses and lines in the event of an accident are mandatory.
- (5) Interim storage subject to the following standards:
 - (a) Interim storage may be permitted by the Village Board on parcels which are five (5) acres or less in size on the effective date of these regulations;
 - (b) No interim storage is permitted for noxious, hazardous, toxic or waste materials;
 - (c) Permits for interim storage uses shall be valid for one (1) year in duration and shall be subject to annual renewal by the Village Board;
 - (d) Interim storage may be allowed for a maximum of five (5) years unless extended by the Village Board of Trustees;
 - (e) Interim storage uses shall be subject to site plan review; and
 - (f) The approving agency may require appropriate screening of the proposed interim storage.

F. Permitted Uses for Properties that Do Not Have Direct Frontage on the Hudson River. A building may be erected, reconstructed, altered, arranged, designed, or used, and a lot or premises may be used for any of the following purposes and for no other purpose, subject to site plan review and issuance of a special permit, if applicable. (Issuance of a special permit by the Village Planning Board is necessary for those uses listed above in Section E):

- (1) All of the uses listed above in Section D and Section E. For those uses listed above in Section E(1) under "Riverfront Developments," all of the standards and procedures applicable to a Riverfront Development shall also apply here, except the provisions for public access to and along the Hudson River waterfront.

G. Accessory Uses.

- (1) Any accessory use customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.
- (2) Off-street parking in accordance with the requirements of the RF - Riverfront Development Zoning District. No parking shall be located within twenty-five (25) feet of the Hudson River waterfront (mean high water line).
- (3) Retail sales of products fabricated or assembled on the premises.
- (4) Living quarters for owners, caretakers or watchmen and their families;
- (5) Public or semi-public accessory uses, such as bandshells, kiosks, and gazebos.
- (6) Signs in accordance with the requirements of Section 62-15 of the Village's Zoning Code.
- (7) Fences, hedges, or walls in accordance with the requirements of Section 62-13.F of the Village's Zoning Code.

H. Procedure for Submission and Review of Special Permit Uses. Each special permit use, including Riverfront Development project proposals, shall require the following two (2) sequential review and approval phases:

Phase I: Special permit and Riverfront Development Concept Plan approval by the Village Planning Board, and

Phase II: Site plan approval by the Village Planning Board.

The Village Planning Board's review of a special permit use application, including a Riverfront Development shall also include review of a Riverfront Development Concept Plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of the subject site and its relationship to other lands within the RF - Riverfront Development District. The

purpose of this review is to assure that the lands within the RF district will be developed in accordance with an overall comprehensive plan, even though a total Riverfront Development may consist of several separate Riverfront Development projects, which might be constructed at different times. The Village of Sleepy Hollow shall comply with all requirements contained herein, including submission of a Riverfront Development concept plan, for all Village-owned property within the RF District, except that an application for subdivision approval may be granted prior to the submission of a Riverfront Development Concept Plan.

- I. Application Fees.** Applications to the Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the Village Board for such applications. Pursuant to the requirements of Chapter 19B, *Fees*, of the Village Code, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses associated with provision of technical assistance to the Village in reviewing the technical aspects of the application/project.

J. PHASE I: Procedure for Special Permit and Riverfront Development Concept Plan Review.

- (1) **Application.** The application for a Riverfront Development project for one (1) or more Riverfront Development projects or a Special Use project shall be submitted to the Village Planning Board. The application shall consist of narrative text, drawings, and/or illustrations describing the proposed Riverfront Development or Special Use project. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing, or a final site plan. The application shall include the following:

- (a) A written description of the Riverfront Development or Special Use Project and a description of the manner in which such proposal meets the purposes of the RF - Riverfront Development Zoning District; how it is consistent with the Village's Local Waterfront Revitalization Program; and a description of the manner in which the public interest would be served by the proposed Riverfront Development or Special Use project, including a description of the benefits to the Village as a whole and the waterfront neighborhood in particular.
- (b) A Riverfront Development Concept Plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community, and/or recreational facilities, utility and maintenance facilities and open space. The Riverfront Development Concept Plan shall include and provide all of the information required herein for all of the lands owned by the applicant within the RF District. The Concept Plan shall also show the relationship of the proposed project uses to existing and proposed land uses adjacent to the site, particularly those on the adjacent and nearby Village-owned and County-owned parcels, and any other lands within

the Riverfront Development zoning district that are not part of the application. If no such uses have been proposed for adjoining and nearby parcels, the application shall describe and generally show potential uses for such other parcels.

- (c) An indication of the approximate square footage of buildings and the approximate number of dwelling units (if applicable) of each housing type and size.
- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized, such as below building parking or parking incorporated into one (1) or more floors of the building.
- (e) An indication of the need for phasing of construction of the project.
- (f) The configuration of any interior road system and connection/access to the adjoining Village road systems.
- (g) The general configuration of pedestrian circulation systems, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
- (h) The proposed overall design treatments of views and viewing points from the site to the Hudson River; to the site from the Hudson River; and from important viewshed protection points (those that are applicable) identified in the Village's Local Waterfront Revitalization Program.
- (i) Descriptions, sketches, and elevations, if available during the Concept Plan review and approval process, showing the general architectural treatment and design scheme contemplated for the entire development and specifically for any public spaces or major elements of the site plan.
- (j) Incentives offered and bulk increases sought.
- (k) Such additional information as the Village Planning Board may deem necessary in order to properly evaluate the application.

K. Village Planning Board Review of Special Permit and Riverfront Development Concept Plan Application.

(1) Environmental Compliance.

- (a) The approval of a Special Permit or Riverfront Development project is an action under the State Environmental Quality Review Act

(SEQRA) and all proceedings to such project shall comply with applicable requirements of SEQRA.

- (b) Upon receipt of an application for a special permit and Riverfront Development Concept Plan the Village Planning Board shall commence a coordinated review under SEQRA and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.
- (c) Because any waterfront development will constitute an important element in the implementation of the Village's Local Waterfront Revitalization Program, the preparation of a Draft Environmental Impact Statement (DEIS) shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible, in accordance with law, the DEIS submitted in connection with the special permit and Riverfront Development Concept Plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEISs during the site plan review stage of the approval process.
- (d) To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and shall occur at the same time as the other agency reviews, including the special permit and Riverfront Development Concept Plan review. When a SEQRA hearing is to be held, it shall be conducted jointly with other public hearings on the proposed action, whenever practical.

L. Village Planning Board Referrals. The Village Planning Board shall comply with the applicable provisions of General Municipal Law 239-l and 239-m. Where the Planning Board is serving as lead agency under SEQRA it shall also circulate the DEIS and Final Environmental Impact Statement (FEIS) as provided by law. In addition to any referrals required by law, the Planning Board may refer the application to any other Village Board, department, organization, consultant or professional it deems appropriate.

M. Village Planning Board Public Hearing. The Village Planning Board shall hold at least one (1) public hearing, with the same notice required by law for zoning amendments, on the application for a special permit and Riverfront Development Concept Plan approval. Where the Planning Board is serving as lead agency under SEQRA, and determines to hold a SEQRA hearing, the SEQRA hearing shall be conducted jointly with this public hearing if practical.

N. Village Planning Board Decision on Special Permit and Riverfront Development Concept Plan.

- (1) **Concept Plan Approval Process.** Prior to granting any special permit for a Riverfront Development project, the Village Planning Board shall review a Riverfront Development Concept Plan, which contains a proposed designation

of appropriate land uses, or a range of land uses, for the overall development of the area within the Riverfront Development Zoning District. The Planning Board shall render a decision on the application for Riverfront Development Concept Plan approval and for a special permit after it has held the required public hearing, completed the SEQRA process and made the requisite SEQRA Findings, and made the consistency determination as required under the Village's Local Waterfront Consistency Review Law.

- (2) **Concept Plan Approval.** The Planning Board shall approve the Concept Plan upon a finding that it:
 - (a) Will substantially fulfill all of the purposes of the Riverfront Development Zoning District;
 - (b) Will be in harmony with the appropriate and orderly development of the Village's waterfront area; and
 - (c) Will be consistent with the policies and purposes of the Village's Local Waterfront Revitalization Program.
- (3) **Special Permit Approval.** The Village Planning Board may authorize the issuance of a special permit for a Riverfront Development project or Special Use project, provided that it shall find that the following conditions and standards have been met:
 - (a) The proposed Riverfront Development or Special Use project will fulfill all of the purposes of the Riverfront Development Zoning District.
 - (b) The proposed Riverfront Development or Special Use project meets the "Riverfront Development Design Standards" set forth in Section 62.5.1.V, to the extent applicable at the special permit stage.
 - (c) The proposed Riverfront Development or Special Use project will be in harmony with the appropriate and orderly development of the Village's Waterfront area.
 - (d) The proposed Riverfront Development or Special Use project will not hinder or discourage the appropriate development and use of adjacent lands.
 - (e) The proposed land uses of the project will be in accordance with the approved Riverfront Development Concept Plan.
 - (f) The proposed Riverfront Development or Special Use project is consistent with the policies and purposes of the Village's Local Waterfront Revitalization Program.

- (h) The proposed project is otherwise in the public interest.
- (4) **Conditions.** In approving any Riverfront Development Concept Plan and special permit, the Village Planning Board may attach such conditions, safeguards, and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of the Riverfront Development Zoning District.
- O. **Time Periods for Concept Plan and Special Permit Approval.** The Approval of a Riverfront Development Concept Plan or Special Permit shall remain valid for a time period specified by the Village Planning Board. In addition, at the time of approving a special permit, the Village Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- P. **Revisions to Riverfront Development Concept Plan and Special Permit.** After approval of a Riverfront Development Concept Plan or special permit, any proposed revisions shall be submitted to the Village Planning Board. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
- Q. **PHASE II: Site Development Plan Review.** After approval of the Riverfront Development Concept Plan or special permit, the Village Planning Board may grant site plan approval to a Riverfront Development project or any portion thereof.
 - (1) **Application for Site Plan Approval.** The application for site development plan approval shall contain all the material set forth in Article VIII - Site Plan Review of the Village's Zoning Regulations. In addition, the applicant shall submit the following, where deemed applicable by the Planning Board:
 - (a) Information to establish that the proposed site plan meets the Riverfront Development Design Standards set forth in Section 62.5.1.V;
 - (b) Information to establish that the proposed site plan is in substantial conformance with the approved Riverfront Development Concept Plan and Special Permit;
 - (c) Elevations showing the architectural and design treatment of all buildings, public and open spaces, and other site plan elements;

- (d) Information to establish the relationship of the proposed project to later elements of the development of the other applicable portions of the land area within the Riverfront Development Zoning District, including any other adjacent and nearby lands that are not part of the applicant's planned Riverfront Development Project(s);
- (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application; and
- (f) Application fees as may be required pursuant to Chapter 19B, *Fees*, of the Village of Sleepy Hollow Code.

R. Planning Board Review of Site Plan.

- (1) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design, and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the land within the Riverfront Development Zoning District (e.g. stormwater management, fire and police protection, sanitary sewer, all other utilities, streets, etc.) shall be adequate to suit the purposes and needs of the Riverfront Development Zoning District, as it is finally developed.
- (2) In acting on any site development plan application, the Planning Board shall take into consideration any approved or pending Riverfront Development Concept Plans, and the proposed design and layout of the entire waterfront area, including the proposed location, height, and buffer of buildings, traffic circulation within and outside of the site, provision for off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street systems.

In particular, the Planning Board shall assure that the proposed site plan meets all of the Riverfront Development Design Standards set forth in Section 62.5.1.V.

- (3) The proposed site development plan shall be in general conformance with the approved Riverfront Development Concept Plan. While the Riverfront Development Concept Plan approval will constitute approval of a general layout of the land areas within the Riverfront Development Zoning District, the individual site plans for particular Riverfront Development Projects will provide detailed building envelopes, elevations, and site design details regarding proposals for various projects with the RF Zoning District. The Planning Board may exercise its discretion in allowing minor variations from

the Riverfront Development Concept Plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the approved Riverfront Development Concept Plan.

- S. **Time Period for Construction.** At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- T. **Adjustments to Site Plan During Construction.** During the construction of an approved site plan, the Village Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules, or regulations made applicable to the subject property. The Village Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Section 62-29.B of the Village of Sleepy Hollow Zoning Code, and shall have discretion to determine the extent of further environmental analysis and project review that may be required. After appropriate review, and where it deems the amendment appropriate, the Planning Board shall approve the site plan amendment by resolution.
- U. **Subdivision Within a Riverfront Development.** Notwithstanding the exemption for Village-owned properties as specified in Section 62.5.1.H herein, the Planning Board may review any proposed subdivision application within a Riverfront Development at any time after the approval of a special use permit and/or Riverfront Development Concept Plan. Subsequent to the approval of a special use permit and/or Riverfront Development Concept Plan, apportionment of the property solely for leasing, mortgaging, taxing or other similar purposes may occur without the benefit of subdivision approval; however, subdivision approval shall be required prior to all conveyances of property ownership. Any requests for subdivision approval shall follow the procedures set forth in the Village's Subdivision Regulations, where applicable. The bulk standards, setbacks, and other dimensional requirements of the Riverfront Development Zoning District, shall apply to the gross land area of the total Riverfront Development project, whether or not the gross land area is or will remain in one (1) ownership, and shall not apply to individual or subdivided parcels.
- V. **Riverfront Development Design Standards.** Because of the location of the Riverfront Development Zoning District, any new development or redevelopment within the District will be a central and key point of activity for the Village's waterfront and a central and integral part of revitalization of the Village. Therefore, it is essential that any development within this District meet the following standards:

- (1) **Comprehensive Design.** The RF - Riverfront Development Zoning District allows the flexibility of design to encourage innovative site planning and creative use of the District. While various land use elements (e.g. commercial, residential, recreational, water-dependent, etc.) are expected to comprise the land area within the District, the District must be planned as a cohesive unit, with a comprehensive development plan for ingress, egress, circulation, and utility service. Additionally, the land uses proposed must be complementary. The architectural styles must be compatible and must attain high standards of design.

Development proposed within the RF - Riverfront Development Zoning District must afford a priority to waterfront-compatible well-designed uses, achieve public access to the coastal area, and create a distinct waterfront district which is in the spirit of an old Hudson River waterfront community. Further, development proposed within the RF must provide opportunities for permanent public views and visual access to the Hudson River. Development must also be designed to protect, preserve, and enhance sensitive environmental areas; prevent soil erosion, sedimentation, and slope failure; prevent, to the maximum extent possible, the loss, alteration or diminution of public views of the Hudson River and opposite shore; prevent activities which will cause water and air pollution; and ensure that the proposed development within this District will provide future generations with a continuation of those elements and resources of the Village that serve to create a distinct community character and strong sense of place for its residents.

Development within this district must also serve to encourage an economic stimulus and revitalization of the Village and its Hudson River waterfront by establishing a well-designed, comprehensively planned central focus for the Village's waterfront area and to provide for land uses consistent with the Village's Local Waterfront Revitalization Program, including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire Village core area.

Further, any proposed development within this District must provide for and increase pedestrian public access to, and the potential for enjoyment of, the waterfront and must integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.

- (2) **Relationship to Uses on Surrounding Public Property.** The land uses proposed in the Riverfront Development District shall relate, visually and functionally, with surrounding land areas, including Kingsland Point Park, Kingsland Point Lighthouse, Devries Field, Barnhart Park, and the Village's Riverfront Property on River Street. Elements of the site plan, particularly those at the entrance(s), shall relate compatibly with other elements of the Village. Any future development within the District shall function as a way of linking waterfront properties and continuing the concept of a linear public waterfront trail extending from the Village property on River Street to Kingsland Point Lighthouse and Kingsland Point Park. Additionally, proposed

development within the District shall also be designed to link public access to Devries Field, Philipsburg Manor, and Barnhart Park.

- (3) **Relationship to the Hudson River.** All elements of proposed projects within the RF Zone shall also be sensitive to the site's unique and important relationship to the Hudson River and shall be designed accordingly.
- (4) **Provision of View Corridors and Protecting Views to the Hudson River.** The land within the RF Zone shall be developed in such a way as to maximize views to the Hudson River, with design elements such as taller building heights further away from the Hudson River, view opportunities at the River's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the Village's Local Waterfront Revitalization Program (LWRP) and shall also consider the importance of views of the Village from the Hudson River toward the shore. Important views shall be protected and enhanced to the maximum extent practical.
- (5) **Architectural Design Standards.** It is the purpose of the RF-Riverfront Development District to afford a priority to waterfront-compatible well-designed uses, achieve public access to the coastal area, and provide standards for development in such a fashion so as to create a distinct waterfront district which is in the spirit of an old Hudson River waterfront community. Further, it is the purpose of the District to provide opportunities for permanent public views and visual access to the Hudson River. It is also the purpose of this district to prevent, to the maximum extent possible, the loss, alteration or diminution of public views of the Hudson River and opposite shore, and to provide future generations with a continuation of those elements and resources of the Village that serve to create a distinct community character and strong sense of place for its residents.
 - (a) Attractive, well-planned development is envisioned as creating an old Hudson River waterfront community image. Development plans should incorporate hamlet centers, following traditional patterns and layout of such centers with strong provisions for pedestrian uses. This may include provision for village squares, walking areas and alleyways. Building designs should visually complement, be harmonious with, and in the spirit of the architectural style that prevailed in Hudson River communities prior to 1900.
 - (b) Appropriate architectural scale, form, and material shall be utilized to ensure that buildings and structures are compatible with and add interest to the landscape. More specifically, the design of all structures is to be compatible with that of the surrounding structures and neighborhoods. Compatibility shall be determined by a review of proposed: (1) use of materials; (2) scale; (3) mass; (4) height; (5) color; (6) texture; and (7) location of the structures on the site.

- (c) The various elements of the project shall be integrated by cohesive architectural treatment and compatible design.
 - (d) Buildings shall be designed in consideration of appearance from all vantage points; both within and outside of the Riverfront Development Zoning District.
 - (e) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development, and promote integration of the various design elements in the project.
 - (f) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style.
 - (g) Building lines shall be varied to the extent practical in order to provide an interesting interplay of buildings and open spaces.
 - (h) Appurtenances on buildings and auxiliary structures, such as mechanical equipment, water towers, carports, garages, or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
- (6) **Energy Conservation and Efficiency.** The plan for development shall be designed in such a way as to promote energy conservation and efficiency to the maximum extent practical for all buildings.
- (7) **Landscaping, Screening, and Buffering.**
- (a) All sidewalks, open spaces, parking areas, boat storage areas, and other similar service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained, and compatible with the exterior of adjacent buildings.
 - (b) The Planning Board may require buffer landscaping, fencing or screening, to separate different types of land uses and to screen utility buildings, refuse collection areas, cooling systems, and other similar installations and features.
 - (c) All plants, trees, and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the environment of the Riverfront Development Zoning District, this climatic zone, and native species.
- (8) **Lighting.** Streets, drives, walkways, and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded

and designed to minimize excessive light. It shall have an attractive appearance, compatible with the overall project design and waterfront character. Lighting type, number, and locations shall be subject to Planning Board review and approval as part of the site plan review.

(9) **Signage.**

- (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
- (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose. At a minimum, proposed signage shall comply with the standards for different types of land uses identified in Section 62-15 of the Village's Zoning Code.

(10) **Vehicular Circulation System and Traffic Access.** The rights-of-way and pavement widths for all internal streets, drives, walks, and other access-ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, shall be planned and built so as to promote safety and efficiency of movement, shall accommodate projected demand, and shall minimize impervious surfaces and paving materials to the maximum extent possible.

(11) **Public Access.** While a Riverfront Development will require certain private elements for the security and benefit of its residents and property owners, it should provide pedestrian waterfront public access in a manner which:

- (a) Enhances existing public access opportunities at the riverfront, in furtherance of the Village's LWRP and the State's Coastal Policies;
- (b) Coordinates such public access with existing or anticipated opportunities for public access on adjacent public lands to facilitate future linkages in a continuous pedestrian path system; and
- (c) Provides meaningful, permanent public access to the Hudson River in the form of safe and unobstructed access to and along the dry, non-tidal or submerged shore areas of the Hudson River for all members of the public for purposes of providing a public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or the granting to the Village of Sleepy Hollow fee title. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval. The access shall be at least fifteen (15) feet wide from the street to the shoreline, and at least twenty (20) feet wide along the shoreline for the entire width of the property in the RF - Riverfront Development Zoning District. A surface or material suitable for pedestrian use, at

least ten (10) feet wide, shall be provided for the entire length of the access easement and shall meet a standard approved by the Sleepy Hollow Village Engineer.

(12) **Off-Street Parking and Loading.**

- (a) Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. The areas shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks. In addition, all parking areas shall be designed to include provisions for handicapped parking.
- (b) Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.
- (c) Required Parking Spaces. The number of off-street parking spaces required shall be as set forth below and shall be applicable only to those uses in the RF Zoning District:

<u>Use</u>	<u>Minimum Off-Street Parking Requirement</u>
One-family, two-family Multi-family dwelling	One (1) space per unit plus one-half (1/2) space per bedroom.
Marina	One-half (1/2) space per slip or dry rack storage facility.
Retail or service business	One (1) space for each 200 square feet of gross floor area, excluding basement storage utility areas.
Restaurant	One (1) space for each three (3) patron seats or one (1) space for each 75 square feet of gross floor area, whichever is greater.
Office for business or professional use	One (1) space for each 250 square feet of gross floor area.
Theater, auditorium, community building, club, social hall, lodge and fraternal	One (1) for each 200 square feet of area occupied by all principal uses or structures.

organization, including
boat, swim and country club

Hotel, motel, bed and
breakfast facility

One (1) for each guest room.

Place of worship

One (1) for each 8 permanent seats or
one (1) for each 150 square feet of
floor area, whichever may be appropriate.

- (d) With respect to any building, structure, or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule. In addition, all parking areas shall be designed to include provisions for handicapped parking.
- (e) Up to thirty percent (30%) of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards determined by the Planning Board.
- (f) Recognizing that rainfall becomes polluted with oils, greases, organic and inorganic wastes, and other potentially harmful substances, it is the intent of the Village of Sleepy Hollow to limit, to the extent feasible, the introduction of these contaminants into the waters surrounding the Village. Therefore, new parking areas shall utilize porous pavements or other approved measures to reduce rainfall runoff. New marina projects must incorporate best management practices in their design, including but not limited to the following:
 - [1] Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
 - [2] Treat runoff from parking lots, maintenance, fueling, and wash-down areas in a manner that prevents oils, grease, and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
- (g) Alternative Methods of Meeting Off-Street Parking Requirements.
 - [1] The RF - Riverfront Development Zoning District encourages a mix of land uses, wherein the cumulative parking demand is

less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.

Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as parking incorporated into buildings, valet parking, off-site parking, etc. may, in certain situations, also be appropriate.

- [2] **Planning Board Authority.** The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Riverfront Development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the RF Development project. If an applicant wishes to use alternative parking methods, the applicant must submit a complete analysis to the Planning Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It shall also define strategies intended to incorporate alternative parking methods and the advantages of such strategies. The Planning Board shall consult with the Village of Sleepy Hollow Parking Authority to gain their recommendations concerning alternative methods of meeting off-street parking requirements.
- [3] **Alternative Parking Methods.** Acceptable alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:
 - [a] Parking shared among various use elements within the Riverfront Development project;
 - [b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made;
 - [c] Provision for parking to be incorporated within buildings; and
 - [d] Valet parking.
- [4] **Off-Street Loading.** Off-street loading shall be provided as the Planning Board may find appropriate and necessary.

- (h) **On-Site Utilities and Services.** All development shall be served by public water supply and sewage systems, provided adequate capacity is available.
- [1] **Underground Lines.** All on-site television, power and communication lines, as well as on-site water, sewer, and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment which will necessarily be located above ground shall be adequately screened from view in an attractive manner.
 - [2] **Approval of Appropriate Jurisdiction.** All buildings within Riverfront Development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and non-point source discharge of salted areas, and any other pollutants. Best management practices shall be required.
 - [3] **Television Hook-ups.** Television hook-ups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
 - [4] **Refuse Collection.** The Riverfront Development project shall be designed, and provision shall be made, for adequate means of separation and storing of refuse and recyclables between collections. Such storage systems shall be designed to minimize adverse aesthetic impact and shall comply with all applicable Village and County requirements.
 - [5] **Cooling Systems.** Cooling systems shall be designed so as to minimize adverse aesthetic impact.
 - [6] **Placement of Underground Utilities.** Where possible, all utilities required to be placed underground shall be placed within the rights-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement in order to assure ease of future maintenance.
 - [i] **Floodplain Requirements.** The Riverfront Development project plans shall comply with the applicable provisions of the Village's Flood Damage Prevention Law.

W. Development Incentives for the RF - Riverfront Development Zoning District.

- (1) **Purposes.** It is recognized that the Riverfront Development Zoning District encompasses a unique resource within the Village of Sleepy Hollow,

containing both a significant opportunity for achievement of public amenities and a major potential for water-related development. To provide an incentive which will further encourage the most appropriate use and development of the Village's waterfront in a manner designed to achieve adopted planning objectives and to further the policies and purposes of the Village's Local Waterfront Revitalization Program, the Village of Sleepy Hollow may allow, only by application for a special permit and following a public hearing held on notice duly given in the same manner as required by law for zoning amendments, an increased building bulk (i.e., Floor Area Ratio and/or building height), as set forth in subparagraph (c) below, upon acceptance of an incentive package under the guidelines set forth in subparagraphs (a) and (b) below. Such public hearing shall be held by the Village Planning Board. A decision on whether or not to accept or reject an offer for a development incentive shall be made by the Planning Board following such public hearing. Planning Board approval shall be in a form acceptable to the Sleepy Hollow Village Attorney.

The incentive features, and the general guidelines for Planning Board consideration and action are described as follows:

- (a) The specific public benefit feature, for which an incentive bulk increase is being sought must be closely associated with the impact of the development and, to the extent possible, adjacent or near to the project site. Further, the Village Planning Board shall make the decision on whether to accept any particular incentive feature being proposed and shall have the authority to impose any and all conditions on the acceptance of the incentive feature as deemed appropriate and in the best interest of the Village of Sleepy Hollow.

The specific public benefit features for which incentive bulk increases may be granted include the provision of funds, services or goods, toward the following objectives:

- (1) For all uses other than a Riverfront Development Project (in which case a broad array of uses are permitted in exchange for the provision of access along and to the Hudson River shoreline), provision of improved public access to persons other than occupants of the project, to waterfront properties along the water's edge, including pedestrian walkways, open space areas, and promenades which are all designed to form a continuous public right-of-way through the entire RF - Riverfront Development zoning district.

Where public access is provided, the following guidelines shall be used: Access should be in the form of a permanent easement or the granting of fee title ownership to the Village of Sleepy Hollow. The access shall be at least fifteen (15) feet wide from the street to the shoreline, and at least twenty (20)

feet wide along the shoreline for the entire width of the property in the RF - Riverfront Development zoning district. A surface or material suitable for pedestrian use at least ten (10) feet wide shall be provided for the entire length of the access easement and to a standard approved by the Sleepy Hollow Village Engineer.

- (2) New construction or restoration of deteriorated bulkheading, rip-rap or other forms of shoreline erosion protection, not associated with the project being proposed, where the need is identified by the Village of Sleepy Hollow.
 - (3) Rehabilitation of the Old Pedestrian Bridge over the railroad tracks, connecting Kingsland Point Park with Devries Field.
 - (4) Provision of improvements to Devries Field, Barnhart Park, and the Village Riverfront Property along River Street, as identified by the Village.
 - (5) Provision of improvements, including street lighting, plantings, and reconstruction.
 - (6) Provision of public fishing areas with fully equipped fish cleaning stations.
- (b) Funds may be provided by the applicant to a Riverfront Trust Fund. The Riverfront Trust Fund shall be administered by the Village of Sleepy Hollow. This Trust Fund shall be restricted to the use of such funds only for the specific purpose for which they are provided, for one (1) or more of the following:
- (1) Improvements to Devries Field, Barnhart Park, and the Village Riverfront Property along River Street, as identified by the Village.
 - (2) National Register of Historic Places nomination work for properties within the Village of Sleepy Hollow.
 - (3) Rehabilitation of the Old Pedestrian Bridge over the railroad tracks, connecting Kingsland Point Park with Devries Field.
 - (4) Streetscape/landscape improvements in the form of street lighting, plantings, sidewalk improvements, benches, and other similar streetscape/landscape amenities for the Village's downtown commercial/residential areas.
 - (5) Construction of facilities associated with a Riverfront aquarium, museum, or similar facility.

- (6) Construction of erosion control structures, such as bulkheading and rip-rap along the Hudson River shoreline, as needed.
 - (7) Maintenance and enhancement of existing public properties, including public access easements.
 - (8) Improvements to the "inner Village area" (namely census tract 116), which area has been found to have acute needs.
- (c) In determining the specific amount of building bulk incentive increase that may be granted, if any, the Planning Board, in each case, shall take into consideration the following:
- (1) The maximum Floor Area Ratio and/or building height increase shall not exceed ten (10%) percent as compared to that otherwise permitted in the Riverfront Development Zoning District.
 - (2) Consideration shall be given to the number, extent, and combination of incentive features to be provided.
 - (3) The need for such incentive features in the Village at the time of the application.
 - (4) The degree of compatibility of such incentive features with the neighborhood in which they are located, taking into consideration the potential effects of noise, traffic, fumes, vibrations, or other such characteristics on surrounding streets and properties; the visual impact of the resultant building bulk increase and/or incentive feature applied for, and the impact of the proposed development upon access to light, air, and vistas known to be important to the Village.
 - (5) The quality of design of the proposed development as determined by the Planning Board in accordance with its review under the provisions of the RF - Riverfront Development Zoning District. In considering the quality of design of projects, the Planning Board will include consideration of the following factors:
 - (a) The quality and extent of view from the adjacent streets through the property to the Hudson River.
 - (b) The design and relationship of the development to the waterfront as viewed from the water.

- (c) The design and function of any public access easement or other access provided to the shoreline, including new bulkheading or docking facilities.
- (6) To assist the Planning Board in determining the appropriate amount of building bulk increase, if any, to grant as an incentive for the applicant's provision of the proposed public benefit feature(s), the applicant shall submit an estimate of the cost of providing the proposed feature(s) and the value of the building bulk increase requested. The Planning Board may also engage its own independent experts to either separately prepare such analysis or to review those prepared by the applicant. The reasonable cost of such expert assistance shall be reimbursed to the Village by the applicant.
- (7) No incentive building bulk increase will be granted for construction of any improvement or provision of funds to the Village Riverfront Trust Fund, which would otherwise be provided or required by any law other than a local law enacted by the Village subsequent to the enactment of these regulations.

Notwithstanding the foregoing, in the event a law which is other than a local law, requires a public improvement or provision for funds to any public trust fund which the Board of Trustees, in its sole discretion, determines makes a substantial negative impact on a development such that the financial feasibility of the project becomes seriously compromised, then an incentive building bulk increase will be granted for the construction of any improvement or provision of funds to such public trust fund.

- (8) In addition to the foregoing guidelines, the Planning Board may take into account other considerations bearing upon the purposes and objectives of any building bulk increase being sought.

X. Regulations Applicable to the RF - Riverfront Development Zoning District.

- (1) **Building Height and Setback for Land Area South of Beekman Avenue:** (For purposes here, the definition of Beekman Avenue shall be the centerline of Beekman Avenue extended in a westerly direction from its intersection with the railroad right-of-way to the Hudson River shoreline (mean high tide)).
 - (a) No portion of a building or structure shall be erected within twenty-five (25) feet of the Hudson River except for a marina building, marine fuel service building or dock, a marina service building requiring direct connection to the waterfront to service boats, or other

similar water-dependent uses as listed in Sections 62.5.1.D and E. Such buildings shall not exceed fifteen (15) feet in height.

- (b) Beyond twenty-five (25) feet from the Hudson River, no portion of a building or structure shall be erected to a height in excess of thirty-five (35) feet. For buildings with structural parking provided within the building, building height may be increased to a height of forty-two (42) feet above grade.

(2) **Building Height and Setback for Land Area North of Beekman Avenue:** (For purposes here, the definition of Beekman Avenue shall be the centerline of Beekman Avenue extended in a westerly direction from its intersection with the railroad right-of-way to the Hudson River shoreline (mean high tide)).

- (a) No portion of a building or structure shall be erected within twenty-five (25) feet of the Hudson River except for a marina building, marine fuel service building or dock, a marina service building requiring direct connection to the waterfront to service boats, or other similar water-dependent uses as listed in Sections 62.5.1.D and E. Such buildings shall not exceed fifteen (15) feet in height.
- (b) No portion of a building or structure shall be erected from twenty-five (25) to one-hundred (100) feet of the Hudson River except for a marina building requiring direct connection to the waterfront to service boats, or other similar water-dependent uses as listed in Sections 62.5.1.D, and E. Such building shall not exceed twenty-five (25) feet in height.
- (c) No portion of a building or structure shall be erected to a height in excess of forty-five (45) feet from one-hundred (100) feet to two-hundred (200) feet of the Hudson River.
- (d) No portion of a building or structure shall be erected to a height in excess of sixty-five (65) feet from two-hundred (200) feet of the Hudson River to three-hundred (300) feet west of the west side of the Metro-North Railroad property.
- (e) No portion of a building or structure shall be erected to a height in excess of forty-two (42) feet between the west side of the Metro-North Railroad property and 300 feet west of same.
- (f) No portion of a building or structure shall be erected to a height in excess of sixty-five (65) feet to the east of the east side of the Metro-North Railroad property.
- (g) With respect to the areas to which subsections (d) and (f) immediately above apply, and notwithstanding the provision of said sections, the Village Board of Trustees during the concept plan review process, may

grant an increase in building height in excess of sixty-five (65) feet where said Board finds that such increase would be consistent with the intent and purposes of the Village's Local Waterfront Revitalization Program and would not result in adverse impacts to view corridors, nearby landmarks or adjacent land uses.

Y. General Development Requirements.¹

Minimum Lot Size	20 acres ²
Maximum Building Coverage of Gross Development Area	35%
Maximum Floor Area Ratio ³ (of Gross Development Area, including residential and all other uses)	0.8
Maximum Impervious Surface Coverage of Gross Development Area	70%
Maximum Height	35 feet (except as provided in Section 62.5.1.X(1) and Section 62.5.1.X(2) ⁴

¹ A lot or parcel situated in the RF District existing prior to the date of the adoption of this section and which does not meet the general development requirements set forth in this section, shall be subject to the general development requirements established by the Village Planning Board. As part of its review, the Planning Board shall consider the proposed application and its appropriateness and compatibility with surrounding land uses and neighborhood character.

² The owner of less than 20 acres of Gross Development Area within the RF - Riverfront Development Zoning District may apply for approval of a Riverfront Development project as part of the overall Riverfront Development where such land is adjacent to a proposed, approved or constructed Riverfront Development project. Similarly, the owner of a RF - Riverfront Development Zoning District acreage which adjoins such adjacent land may also apply for approval of a Riverfront Development project as part of the overall Riverfront Development. The minimum lot size of 20 acres does not apply to Riverfront Development projects, but rather applies to the other permitted principal uses and special permit uses.

³ When an FAR applies to construction within this district, the area devoted to structured parking within a building shall not be regarded as contributing to total floor area.

⁴ Building height shall be measured from the final grade. All habitable stories must be elevated above the 100-year floodplain level. The area below the elevated first habitable story of the building may, but need not, be used for parking.

Minimum Gross Development Area per Dwelling Unit	2,200 square feet ⁵
Minimum Frontage on a public right-of-way	100 feet
Minimum Perimeter Buffer	75 feet ⁶
Minimum Open Space ⁷ of Gross Development Area	15%

Z. Effective Date. This local law shall take effect immediately upon its filing with the Secretary of State.

AA. Separability. The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

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⁵This shall be calculated by dividing the Gross Development Area by the number of residential dwelling units in the particular Waterfront Development project.

⁶Such buffer area shall not apply to areas along Beekman Avenue, River Street and the Hudson River and shall be vegetated and/or landscaped to the satisfaction of the Planning Board, except for permanent entrances/exits, signage, and, where deemed necessary, utilities.

⁷Open space shall be exclusive of all areas devoted to perimeter buffer, buildings, parking, streets, utilities and wetland/watercourse areas (but not wetland or watercourse buffers) as defined by Chapter 61, *Wetland/Watercourse Protection*, of the Village Code.

**R-4A One- and Two-Family
Residence/Neighborhood Commercial
Zoning District for the
Village of Sleepy Hollow**

Add the following to the list of zoning districts found in

§ 62.5. Establishment.:

R-4A One- and Two-Family Residence/Neighborhood Commercial

Amend the Village's Zoning Map to include the proposed R-4A One- and Two-Family Residence/Neighborhood Commercial Zoning District as called for in § 62.6. District Map.

Add the following to the Schedule of Regulations as provided for in § 62.8. Schedule of Regulations.:

B. Schedule.

District

R-4A
.....
.....

Permitted Principal Uses

As in R-4

Stores and shops for retail business and personal and business services which principally serve the needs of the immediate residential neighborhood.

Restaurant, delicatessen, or other similar food service establishment.

Permitted Accessory Uses

As in R-4

Business sign

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1997 of the (County)(City)(Town)(Village) of Sleepy Hollow was duly passed by the Board of Trustees on 1/28 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

MEMORANDUM

TO : The President
FROM : The Vice President
SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Angela Earth Deputy Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: January 30, 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Westchester
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Village Attorney
Title

County _____
City _____ of Sleepy Hollow
Town _____
Village _____

Date: 1/30/97

Village of Sleepy Hollow

Local Law No. 7 of the year 1997

Be it enacted by the Village Board of Trustees of the Village of Sleepy Hollow follows:

GENERAL PROVISIONS

I. Title

This Local Law will be known as the Village of Sleepy Hollow 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 of Coastal Areas and Inland Waterways 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 Sleepy Hollow to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for action or direct agency action 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 Sleepy Hollow that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the Village ~~this 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 estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shorelines; impairment to 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. 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 and 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 resolution that may affect the environment; and
 - (4) any combinations of the above.

This law does not apply to Type II, excluded or exempt actions as defined in the S.E.Q.R.A. regulations 6 N.Y.C.R.R. Part 617.

2. "Agency" means any board, agency, department, office, other body, or officer of the Village of Sleepy Hollow.
3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Sleepy Hollow as shown on the Coastal Area map on file in the office of the secretary of State and as delineated in the Village of Sleepy Hollow Local Waterfront Revitalization Program.
4. "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.
5. "Consistent" means that the action will fully comply with the LWPR policy standard and conditions and, whenever practicable, will advance one or more of them.
6. "Direct Actions" mean action planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedure making and policy making.

7. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Village of Sleepy Hollow, 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 Sleepy Hollow.
8. "Waterfront Advisory Committee" or "Committee" means the Waterfront Advisory Committee of the Village of Sleepy Hollow, as created by Local Law No. ___ of the Village of Sleepy Hollow.

IV. Waterfront Advisory Committee

1. The Committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the Sleepy Hollow Local Waterfront Revitalization Program policy standards and conditions.
2. The Committee will provide general oversight for the administration of the Village's LWRP and technical assistance in the form of advise. Such Committee will function as the Village entity that is primarily responsible, in an advisory capacity, for implementing the policies, purposes, and projects contained within the Village's LWRP. The committee will also function as the Village agency that makes recommendations for consistency of actions with the Village's LWRP as prescribed by the Village's Waterfront Consistency Review Law herein.
3. The Committee shall consist of seven (7) members, who shall serve without compensation. All members of the Committee shall be residents of the Village of Sleepy Hollow and shall be appointed by the mayor, with the approval of the majority of the Trustees present and voting, for terms of three (3) years, except that the members first appointed, one (1) shall hold office for a term of one (1) year, two (2) for terms of two (2) years, two (2) for terms of three (3) years, and two (2) for terms of four (4) years from and after their appointments. Members of the Committee shall continue to hold office until their successor have been appointed an qualified. The Mayor shall appoint form among the members of the Committee a Chair and Acting Chair. The Village Clerk or Deputy Clerk shall act as the Clerk of the Committee. If a vacancy on the Committee shall occur otherwise than by unexpired term it shall be filled by the mayor for the unexpired term.. The Board of Trustees shall have power to removed an members of the Committee for cause and after a public hearing. Members of the Committee shall be required to recuse themselves from voting on any project in which their own financial interests are directly involved.

4. Meetings of the Committee shall be open to the public and shall be held at the call of the Chair and at such times as the Committee may determine. Four (4) members of the Committee shall constitute a quorum for the transaction of business. Action of the Committee may be taken by a vote of the majority of the members present and voting. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. The Committee shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this local law, governing its procedure and the transaction of this business and for the purpose of carrying in to effect the standard outlined herein. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Committee shall immediately be filed in the offices of the Village Clerk and shall be a public record. The committee shall have the power to employ consultants and to pay for their services and such other expenses and maybe necessary and proper, not exceeding in all the appropriations that may be provided for such purposes by the Board of Trustees.

V. Review of Actions:

1. When ever a proposed action is located in the Village's Coastal Area, and agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWPR policy standards and conditions set forth in Paragraph 7 herein.
2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direction action to be located in the Coastal Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist and the consistency review of the proposed action.
3. The agency shall refer a copy of the completed CAF to the Committee within ten (10) days of its submission and prior to making its determination , shall consider the recommendation of the Committee with reference to the consistency of the proposed action.
4. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and condition set forth in Paragraph 7 herein. The Committee shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendation.

5. The Committee shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Committee and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, 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 Committee shall, along with its consistency recommendation, make any suggestions to the agency 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 Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.

6. The agency shall make the determination of consistency based on the CAF, the Committee recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within thirty (30) days following receipt of the Committee's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Local Law.
7. Actions to be undertaken within the Sleepy Hollow Coastal Area 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 Sleepy Hollow LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
 1. Revitalize the deteriorated and underutilized waterfront area of (Policies 1, 1A, 1B, 1C, 1E, 1F, 1G, 1H, 1J, and 1K).
 2. Retain and promote commercial and recreational water-dependent uses (Policies 2, and 2A).
 3. Strengthen the economic base of Sleepy Hollow smaller harbor areas by encouraging traditional uses and activities (Policy 4).

4. Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5, 5A, and 5B).
5. Expedite local permit procedures and use performance standards for development within the waterfront area (Policy 6).
6. Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies, 7, 7A, 7B, 7C, 8, 8A, and 8B).
7. Encourage and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 10).
8. Minimize flooding and erosion hazards through non-structural means, carefully-selected, long-term structural measures, and appropriate siting of structures (Policies 11, 13, 13A, 13B, 14, 15, 16, 16A, 16B, 17, and 17A).
9. Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18, 18A, 18B, and 18C).
10. Maintain and improve public access to the shoreline and the water-related recreational facilities while protecting the environment (Policies 1, 1A, 1B, 1D, 1E 1F, 1H, 2, 2A, 4, 9, 19, 19A, 19B, 19C, 19D, 19E, 19F, 20, 20A, 20B, 21, 21A, 21B, 21C, 22 and 22A).
11. Protect and restore historic and archeological resources (Policies 23, 23A, 23B, and 23C).
12. Protect and upgrade scenic resources (Policies 25, 25A, and 25B).
13. Site and construct energy facilities in a manner in which will be compatible with the environmental and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 33, 35, 35A, 35B, 35 C, 35 D, 35 E, 36, 37,38, 39, 39A, 40, 40A, 41A, 42, 43 and 44).
14. Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 33,35,35A,35B, 35C, 35D, 35E, 36,37,38,39A, 40, 40A, 41, 42, 43, and 44).

15. Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, and 35, 35A, 35B, 35C, 35D, and 35E.).
 16. handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policies 34, 34A, 35, 35A, 35B, 35C, 35D, 35E, 36, 39, and 39A).
 17. Protect air quality (Policies 41, 41A, 42, and 43).
 18. Protect freshwater wetlands (Policy 44).
8. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency 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 with the LWRP policy standards and conditions.

9. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

VI. Enforcement:

The Village Building Inspector shall be responsible for enforcing this Local Law. No work or activity on a project in the Coastal Area which is subject to review under this Local Law shall be commenced or undertaken until The Village Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this Local Law or any conditions imposed thereunder, the Village 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.

VII. Violations:

1. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this Local Law shall have committed 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 offense.
2. The Village Attorney is authorized and directed to institute any all actions and proceedings necessary to enforce this Local Law. Upon the approval of the Board of Trustees any civil penalty shall be in addition to an not in lieu of any criminal prosecution and penalty. The Village may also enforce this Local Law by injunction or other civil proceeding.

VIII. 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 invalid.

IX. Effective Date:

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